

A
Complete Collection
OF
STATE-TRIALS,
AND
PROCEEDINGS
FOR
HIGH-TREASON,
AND OTHER
CRIMES and MISDEMEANOURS;
FROM
The Reign of King RICHARD II.
TO
The Reign of King GEORGE II.

IN SIX VOLUMES.

With two Alphabetical Tables to the Whole.

The THIRD EDITION, with ADDITIONS.

L O N D O N :

Printed for the Undertakers,

JOHN WALTHOE Sen. and Jun. THOMAS WOTTON, CHARLES BATHURST, JACOB and RICHARD
TONSON, and the Representatives of JOHN DARBY, Deceased.

And also for

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J. STAGG, and the Executors of S. BUCKLEY.

M.DCC.XLII.



THE
P R E F A C E.

THE favourable Reception which the First Impression of this WORK has met with from the Public, is a sufficient Recommendation of it in general; but perhaps it may not be unacceptable to the Reader to point out some of the particular Uses and Advantages of it.

COLLECTIONS are chiefly intended for the Preservation of The Usefulness of the Work to the Study of the Law. separate Pieces, which by being scatter'd up and down, are often in length of Time either quite lost, or hard to be come at: this indeed

is a Care not worth bestowing on those which are of little or no Use; but the Pieces here preserv'd are evidently such, as a Collection of them must appear at first sight very beneficial to all studious Inquirers into the Laws of this Nation, especially into that principal Branch of them, which concerns the Life and Liberty of the Subject: for since the Laws of *England* are in a great measure grounded upon immemorial Customs and Usages, the Precedents and Examples of former Times must be singularly useful, if not absolutely necessary to a right understanding of them. And tho' Criminal Cases do very much depend upon *Statute Law*, either the Crimes themselves, or the Punishments of them, being for the most part declar'd by Act of Parliament; yet the Method of Practice in the Trials of those Crimes is in the main govern'd by *Common Law* Rules, and consequently not to be known, but by the Usage in former Cases: and even in those Instances, which fall under the Direction of the Statute Law, the best Expositor of those Statutes is the constant received Practice, ever since they were made, *optima legum interpres consuetudo*^a.

THE Professors and Students of the Law will not be the only Persons, who History, may receive Benefit from this WORK: here will be Matter also of Instruction and Entertainment to all, who are delighted with History, or inquisitive after the Transactions of the former or present Times; many Parts of History will here be illustrated and set in a true Light; the Reader may here see, as it were, with his own Eyes, not needing to trust to the Representations of others, which are often full of Partiality or Prejudice, according to the Party and Disposition of the Historians. But the Nature of this Work admits not of such Turns and Disguises, as other general Accounts are but too justly chargeable with; the following TRIALS being plain Narrations of Sayings and Facts, for the most part published by Authority of the respective Courts, or by indifferent Hands; where it happens to be otherwise, the Reader is inform'd of it in the Title at the Head of the Trial.

SUCH as are taken with fluency of Style, or luxuriancy of Fancy, may here be And Elo- entertain'd with a variety of eloquent Speeches and learned Arguments on many very quence. important Subjects; tho' it must be own'd, intermix'd with some others, which do not altogether deserve that Character.

^a 4 Co. Justit. 75.

AND since *Scotland* is now become a Part of this Kingdom, it has been thought proper to insert some of the Proceedings in that Country, in which (to do that Nation Right) are discover'd great Learning and Eloquence: and it must be admitted, that very considerable Advantages are there allowed to the Prisoner, which we in *England* do not enjoy; he has what Counsel he thinks fit, and a Copy of the Charge in his own Language; his Counsel are permitted to inspect the Depositions against him before he is brought to his Trial; and they are so little in haste to dispatch a State-Prisoner, that the Trial often lasts some Months.

To form a
right Charac-
ter of the
Judges,

ANOTHER Use of this Work, will be the doing Justice to those JUDGES and COUNSEL, who respectively presid'd or practis'd at these Trials: the Names of such as behav'd impartially on the Bench, without prejudicing the rightful Prerogatives of the Crown on the one hand, or betraying the legal Privileges of the Subject on the other; without bearing hard upon the Innocent, or shewing any unallowable Favour to the Guilty, will by this means be remember'd with Honour, and left upon Record to their lasting Praise and Commendation.

BUT it has not always been the good Fortune of *England* to have the Bench adorn'd with such excellent Persons; the Reader will in the Course of these TRIALS light upon certain Periods, wherein the Judges, who ought by the Duty of their Place to be the great Barrier^b, and to act impartially between Prince and People, have notwithstanding deliver'd Opinions in direct contradiction to the known fundamental Laws of the Nation, and as far as in them lay, sacrific'd the Constitution and Liberties of the Kingdom to the Pride and Ambition of an arbitrary Monarch. This generally ended in the Downfall of such Judges, and the Ministers, whose Tools they were; the Politics of those Times not being arriv'd at that Height, to know how to influence the representative Body of the Nation: for what need could Ministers have to corrupt the *Interpreters* of the Law, if the *Makers* of it were intirely at their Devotion?

OTHERS there have been, (as the Reader will have too frequent occasion to remark) who, regardless of Right and Wrong, and all the solemn Oaths they had sworn, have under colour of Law, but yet in open defiance of natural Justice, made no scruple to murder the Innocent, and by foul unwarrantable Practices to acquit the Guilty, just as they receiv'd their Directions from, or thought it would be best pleasing to those above them: to such a monstrous Pitch of bare-fac'd Iniquity were they arriv'd, that they stuck not to determine the same Point different ways at different times, making the Law a mere Nose of Wax, but usually turning it to the Destruction of the Person tried before them^c. These Volumes will impartially transmit their Memory to Posterity, with that Reproach and Infamy, so deservedly attendant upon TRAITORS and MURDERERS; and this not by general Characters, which are scarce to be rely'd on, being oft according to the Inclinations of the Writer, but by real Facts; their Behaviour will here appear just as it was, in its own true Colours: by which the Reader, without the help of Names, will easily distinguish the calm and sedate Judge, willing to hear and receive right Information, and desirous to determine according to Truth and Justice, from the hectoring Bully, who, without any regard to the decency of his Character, uses his Authority to no other End, than to silence Reason and Truth, and by Blustering and Clamour to worry the Innocent to death.

And Counsel: THE like Distinction will readily occur with respect to those, whose Office was at the Bar.

SOME he will find, pressing nothing illegal against the Prisoner, nothing hard and unreasonable (however in strictness legal) using no Artifices to deprive him of his just Defence, treating his Witnesses with Decency and Candour; being not so intent upon convicting the Prisoner, as upon discovering Truth, and bringing real Offenders to Justice; looking upon themselves, according to that famous Saying of Queen *Elizabeth*, not so much retained *pro Domina Regina*, as *pro Domina Veritate*^d.

THESE will appear in a different Light from others, who with rude and boisterous Language abuse and revile the unfortunate Prisoner, who stick not to take all Advantages of him, however hard and unjust, which either his Ignorance, or the strict Rigour of Law may give them; who by Force or Stratagem endeavour to disable him from making his Defence; who brow-beat his Witnesses as soon as

^b See Sir Francis Winnington's Speech, *Trials*, Vol. III. p. 222.

^c Sir John Hawles's Remarks. See *Trials*, Vol. IV. p. 206.
^d 3. Co. Inst. 79. *Trials*, Vol. IV. p. 176.

they appear, tho' ever so willing to declare the whole Truth; and do all they can to put them out of countenance, and confound them in delivering their Evidence: as if it were the Duty of their Place to convict all who are brought to Trial, right or wrong, guilty or not guilty; and as if they, above all others, had a peculiar Dispensation from the Obligations of Truth and Justice. Such Methods as these should be below Men of Honour, not to say Men of Conscience: yet in the Perusal of this Work, such Persons will too often arise to view; and I could wish for the credit of the Law, that that great Oracle of it, the Lord Chief Justice *Coke*^e, had given less reason to be number'd among this sort.

THE Gentlemen of that Profession, whether employ'd in criminal Prosecutions or civil Actions, are not to blame for doing their best in sifting out the Truth, and making all just Observations in favour of their Clients; yet if after having done so, they should at last find the Merits of the Cause to lie on the other side, I am sure it would be no Disparagement to them to desist from attempting any thing to the prejudice of Truth and Justice: for how just and reasonable soever it may be to undertake the Defence of a Cause while nothing appears but that it may be right; yet when in the Course of the Evidence it proves manifestly otherwise, it is then high time to desert it; for they must needs think, that no Fees or Retainers will be a just Excuse, either in this World or another, for being wilfully instrumental in promoting Injustice and Wrong: and tho' it be no part of their Province to determine either the Law or the Fact, the former of which belongs to the Court, and the latter generally to the Jury; yet if either the one or the other be misled by the artful Turns and Insinuations of the Pleader, or any material Truth suppress'd or misunderstood by his baffling of the Witnesses, the Guilt will, and ought to lie at his door.

A FURTHER Advantage of this Collection is, that it will afford frequent Opportunities to the careful Reader of observing the Excellency of our Laws, and the Advantage an *Englishman* thereby enjoys above his Neighbours. When I meet with an Author extolling our Laws above those of other Countries, and representing us upon that, as well as other accounts, as the Envy of all around us, I presume it is meant chiefly with regard to criminal Procedures: for as to CIVIL SUITS, when I consider the Tedioufness and Delays of such Suits, necessarily arising from our Methods and Forms of Law; the various Offices, and sometimes Courts they must pass thro', before they are finally decided; the exorbitant Fees to Counsel, whereto the Costs recovered bear no proportion; the Duties arising to the Crown from many Incidents in every Cause; and above all, the Nicety of special Pleadings, whereby the justest Cause in the World, after having with great Trouble and Expence been conducted almost to a Period, may thro' the mistake of a Letter (often occasion'd by an Attorney's Clerk) be irretrievably lost, or at least turn'd round to begin again, and that not without payment of Costs to him, who has all the while been the unjust Invader and Detainer of another's Property: when these things, I say, are consider'd, it is hard to imagine, that any one can in good earnest believe, we have in this respect any great matter to boast of.

NOR can I suppose they are our ECCLESIASTICAL COURTS, which make us the Envy of our Neighbours: the petty but chargeable Suits, which are there often instituted to the no small Damage of both sides, only to indulge the private Passions of those who institute them; the constant Practice of denouncing Excommunication for the minutest Contempts^f, (a Punishment originally design'd only for such flagrant Vices, as render'd a Man unfit for Christian Communion, which formerly was greatly dreaded, but is now by these means slighted and despis'd;) and the pecuniary Commutations avowedly permitted for Penances^g, are things, which will not allow me to make any such Supposal.

THE Excellency therefore of our Laws above others, I take chiefly to consist in that part of them, which regards CRIMINAL PROSECUTIONS: here indeed it may with great Truth and Justice be said, That we have by far the better of our Neighbours, and are deservedly their Admiration and Envy.

THIS might be made to appear in many particulars. In *other* Countries the Courts of Justice are held *in secret*; *with us publicly*^h and in open view: *there* the Witnesses are examin'd in private, and in the Prisoner's *Absence*; *with us* they are produced face to face, and deliver their Evidence in open Court, the Prisoner him-

^e See the Trial of Sir Walter Raleigh, N^o 18. Vol. I. p. 213.
^f Cr. Car. 196, 199. Mo. Rep. 540. Latch. 174. 204.

^g 2 Co. Inst. 489. 620. 2 Rol. rep. 584. Gough. Abridg. p. 89.
^h 2 Co. Inst. 103.

To show the Excellency of the English Laws.

(Civil Suits.)

Ecclesiastical Courts.)

As to Criminal Prosecutions.

self being *present*, and at liberty to cross-examine them: *there* the Judges determine both Law and Fact; *with us*, if the Fact be denied by the Prisoner, it must be tried by twelve Men of his own Rank and Condition, ¹ who are *sworn* to go according to Truth and Evidence, and are therefore call'd a *jury*; to any of these the Prisoner may except for just Cause, and in capital Cases to a large Number without Cause: and unless this Jury declare him guilty of the Charge, the Judges can proceed no further against him. If the Prisoner be a Peer of the Land, his Trial on all Indictments for Treason, Felony, or Misprision of either, must be by other Peers not fewer than twelve. In *other* Countries, *Racks and Instruments of Torture* ² are applied to force from the Prisoner a Confession, sometimes of more than is true; but this is a Practice which *Englishmen* are happily unacquainted with, enjoying the benefit of that just and reasonable Maxim, *Nemo tenetur accusare seipsum*: in *other* Countries the Criminals are often executed *in private*; *with us* always openly and *in public*, it being necessary to answer the end of Justice, that a public Example be made of Offenders in order to deter others from the like Crimes; but where the Trial and Execution are in private, it not only defeats the end of Justice, but affords an Opportunity of secretly destroying innocent Men, which must needs expose the Subject to a variety of Fears and Dangers inconsistent with the Liberties of a free People.

THESE are great and noble Privileges, which we may justly value ourselves upon, and should be very unworthy of, if we did not highly prize them.

Particularly in cases of High-Treason.

IN Cases of HIGH-TREASON the *English* Subject has peculiar Advantages: This is a Charge of a general nature, and therefore more difficult to make a Defence to ³; it subjects the Offender to a severer Punishment, than other Crimes; the Crown is more nearly concerned, by reason whereof the Prisoner has a more powerful Adversary to contend with: this is the fatal Engine so often employ'd by corrupt and wicked Ministers against the noblest and bravest Patriots, whose laudable Opposition to their pernicious Schemes those Ministers are very ready to construe into Treason and Rebellion against the Prince; thereby confounding their own and the Prince's Interest together, as if the one could not be oppos'd without the other. Our Ancestors therefore thought this a Case, wherein the Subject needed more than ordinary Assistance; lest therefore too great a Latitude should be left to the arbitrary Determinations of a Judge, who is the Creature of the Crown, they took care to particularize the several Species of Treasons by an express Law ⁴: and to guard against all forc'd Constructions and Innuendos, it was by the same Law farther provided, that all Treason should be prov'd by some manifest plain Act or Deed; and that no innocent Person might be in danger of suffering thro' the Perjury of a single Witness, it was afterwards provided ⁵, that none should be convicted without two positive Witnesses.

NOR does our Law excel others only in defending the *Life* of the Subject against any injurious Attacks, but also in its care and concern for the *Liberty* and Freedom of his Person.

And in the Provisions for the Liberty of the Subject.

HOW absolute soever the Sovereigns of other Nations may be, the King of *England* cannot take up or detain the meanest Subject at his mere will and pleasure ⁶: it is one of the Privileges confirm'd by *Magna Charta* ⁷, that no Man shall be restrain'd of his Liberty, but by the Law of the Land; that is, says Lord Coke ⁸, by Indictment or Presentment of good and lawful Men, or by the King's Writs out of his

¹ Fortescue de Laud. Leg. Angl. cap. 27 & 28.

² Ibid. cap. 22. *This was the Practice of the ancient Civil Law. See the Fragments of Julius Paulus, lib. 5. Sentent. recept. Tit. 14. de questionibus habendis: Si suspicione aliqua reus urgeatur, adhibitis tormentis de sociis & sceleribus suis confiteri compellitur: — Reus evidentioribus argumentis oppressus repeti in questionem potest, maxime, si in tormenta animum corpusque duraverit.*

See also a whole Title in the Digests de questionibus, Lib. 49. tit. 18. See Instances of those who endured these Tortures in Valer. Max. lib. 3. cap. 3. & lib. 8. cap. 4. But so absurd and unreasonable a Practice was this, that even the ancients, among whom it was in use, had no good Opinion of it, as appears from l. 1. §. 23. of the said Title de questionibus: Res est fragilis, & periculosa, & quæ veritatem fallit; nam plerique patientiâ, sive duriâ tormentorum ita tormentum contemnant, ut exprimi eis veritas nullo modo possit; alii tantâ sunt impatientiâ, ut in quovis mentiri, quam pari tormenta, velint; ita fit, ut etiam vario modo fateantur, ut non tantum se, verum etiam alios committentur.

Quintilian. declam. 18. Omnium quidem in rectorum

suspiciones pessimè semper a corporibus incipiunt; nec bene de cujusquam moribus illam partem corporis ininterrogas, quæ non animo, sed dolore responderet.

See more to this purpose in Montagne's Essays, Book 2. cap. 5. and Grovius's Letters, Lev. 693 wherein he approves the Omission of this Practice in England.

³ Trials Vol. IV. p. 177.

How great a Latitude was taken in this Matter may appear from the ancient Law-Books, where the lying with the Nurses of the King's Children, or the killing a Man sent on an Errand by the King were adjudged Treason. 1 Assiz. 22 Ed. 3. pl. 49. Briton. p. 45.

⁴ 25 Edw. 3. Stat. 5. cap. 2. That this was the Occasion of this Law appears from the Petition of the Commons in which it was founded, when in they complain the Justices did adjudge several to be Traytors, for Causes which they did not own to be Treason. This Petition is enter'd in the Parliament Rolls of that Year. N^o. 171.

⁵ 5 & 6 Edw. 6. cap. 11. Deut. cap. 19. ver. 15.

⁶ 2 Co. Instit. 156.

⁷ Cap. 29.

⁸ 3 Instit. 45. 50.

his ordinary Courts of Justice^r, or by lawful Warrant. Now every lawful Warrant^s must be grounded upon Oath, must plainly and specially express the cause of Commitment^t; must be under the Hand and Seal of one, who is authorized to do it, expressing his Office, Place and Authority^u, whereby he committeth, and must conclude, *until he be delivered by due course of Law*, and not *until further Order*, or with such like Conclusions. Nor has the Law only prescribed what shall be necessary to a legal Commitment, but it has also provided divers Remedies^x in case any one should be illegally committed, or detained; the Party injured may have an Action or Indictment founded on *Magna Charta*, an Action of false Imprisonment, a Writ *de homine replegiando*, and a Writ *de odio & atia*^y.

BUT so precious is the Liberty of a Man's Person in the eye of the Law, that none of these Remedies was thought sufficient, not giving so speedy a Relief as the urgency of the Case requires; another Remedy is therefore provided, *viz.* the Writ of *Habeas Corpus*^z, which is called *festinum remedium*^a. By this Writ the Gaoler is obliged immediately to bring the Body of his Prisoner before the Lord Chancellor, or one of the twelve Judges, and to certify by whom and for what Cause he stands committed; whereupon the Lord Chancellor or Judge is requir'd (unless he be legally committed for an Offence not bailable by Law) to discharge or bail him, except in case of Treason or Felony plainly and specially expressed in the Warrant^b; and even in those Cases, that the Innocent may not be worn and wasted with long Imprisonment^c, the Prisoner must be brought to his Trial within a reasonable time; for if he be not indicted the next Term or Sessions after his Commitment, having duly enter'd his Prayer, he shall on the last Day of the Term or Sessions be admitted to Bail, unless it appear to the Court upon Oath, that the Witnesses for the King could not then be produced: and then, if he be not indicted and tried the second Term or Sessions after his Commitment, he shall be quite discharged^d.

BUT because all these Precautions in favour of Liberty may be rendered useless by sending the Subject to remote or private Prisons^e, whereby he may lose the Benefit of the King's Commission of Gaol Delivery^f, and the King's Writs be rendered ineffectual for want of knowing whom to direct them to^g; to prevent this Inconvenience, the Law has further provided, that no Subject of *England* shall be sent Prisoner into any Part beyond the Seas, either within or without the King's Dominions^h: nor shall any be compelled against his Will to serve the King out of the Realm, lest under pretence of Service, as Ambassador or the like, he should be sent into real Banishmentⁱ: nor can any be regularly imprisoned within the Realm in any other Place than the common County Gaol or other public accustomed Gaol^k; for which reason a Gaoler cannot be authorized by any Warrant to deliver his Prisoner into the Custody of an unknown Person^l: Nor can any new Gaol, according to the Opinion of Lord Coke^m be erected, but by Act of Parliament; one Statuteⁿ ordains, that none shall be imprisoned by Justices of the Peace (some say this extends to all other Judges and Justices^o) but in the common [County^p] Gaol, saving to Lords and others, who have Gaols, their Franchises.

SOME will be ready to object, if these Laws were in force, that a Subject shall not be compell'd to serve the King out of the Realm, how comes it to pass that divers Subjects [not only Mariners, but others] have been taken up by virtue of Preſs-Warrants^q, and by Force put aboard a Ship and carried beyond Sea? If it be not lawful to commit to any but antient accustomed Gaols, how comes it about that so many Persons have been taken up by Messengers^r, who have imprisoned them in their own Houses, detaining them there not for two or three days only, (the Time allowed by Law to take their Examinations^s) but for Weeks and Months; thereby making Gaols of their Houses, tho' they have neither the Grant of such a Franchise, nor any Act of Parliament to make them so? These are Questions to which I will not undertake to give a satisfactory Answer; but shall leave that to others, who are more

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^r 2 Co. Instit. 187.
^s 2 Co. Instit. 52.
^t 3 Car. 1. cap. 1. § 5. 2 Co. Inst. 616.
^u 2 Co. Inst. 591.
^x 2 Co. Inst. 55.
^y *This Writ is now quite disused; what the nature of it was, see 2 Co. Instit. 42.*
^z 2 Co. Inst. 55.
^a See *Trials*, Vol. IV. p. 561.
^b 31 Car. 2. cap. 2. § 2 & 3.
^c 2 Co. Inst. 315.
^d 31 Car. 2. cap. 2. § 7.
^e *This was complained of by the Judges in the 34 of Eliz. 1 Ander. Rep. 297.*

a nearly
^f 2 Co. Instit. 43. 315. Cro. Eliz. 830.
^g 2 Co. Instit. 53.
^h 31 Car. 2. cap. 2. § 12.
ⁱ 2 Co. Instit. 47.
^k 9 Co. Rep. 119. b.
^l 2 Co. Instit. 53. *How a Prisoner may lawfully be removed, see 31 Car. 2. cap. 2. § 9.*
^m 2 Instit. 705.
ⁿ 5 Hen. 4. cap. 10.
^o 2 Co. Instit. 43.
^p See *Trials*, Vol. IV. p. 561.
^q See 16 Car. 1.
^r See *Trials*, Vol. IV. p. 554. 5 Mod. Rep. 79.
^s Cro. Eliz. 830.

nearly concern'd and better able to do it: I can only say, that whatever may in fact have been practis'd, I do not know that such Practices have ever had the Sanction of one judicial Determination, and for my part must confess myself unable to reconcile them to the Laws of the Land.

IT must be owned that the Guards and Fences of the Law have not always proved an effectual Security for the Subject; the Reader will in the Course of these TRIALS find many Instances, wherein they, who held the Sword of Justice, did not employ it, as they ought, to the Punishment of Evil-doers, but to the Oppression and Destruction of Men more righteous than themselves. Indeed it is scarce possible to frame a Body of Laws, which a tyrannical Prince, influenced by wicked Counsellors and corrupt Judges may not be able to break thro; they may sometimes *check*; but will never be able to *stop* the Career of violent and furious Men. The Law itself is a dead Letter, Judges are the Interpreters of it, and if they prove Men of no Conscience nor Integrity, will give what Sense they will to it, however different from the true one; and when they are supported by superior Authority, will for a while prevail, till by repeated Iniquities they grow intolerable, and throw the State into those Convulsions, which may at last end in their own Ruin. This shews how valuable a Blessing an upright and learned Judge is, and of what great Concern it is to the Public, that none be prefer'd to that Office, but such whose Ability and Integrity may be safely depended on: *Ignorantia judicis est calamitas innocentis*.

Further Provisions in cases of Treason.

HOWEVER, amidst all the Mischiefs caused by the arbitrary Proceedings of these wicked and unjust Judges, there is one good Effect has follow'd from them; it is to them we owe those additional Provisions, which have been since made for the Security of the Subject: *Ex malis moribus bonæ oriuntur leges*^u; *Leges egregiæ apud bonos ex delictis aliorum gignuntur*^x. In all Cases of Treason, wherein the Crown is more immediately interested, the Party accused may now demand a Copy of the whole Indictment^y, five days at least, and of the Names of the Jurors^z two days at least before his Trial; he has a right to the assistance of Counsel^a, not only in matters of Law, but in matters of Fact; he may now have the benefit of the usual Process^b to compel the Appearance of his Witnesses; who, when produced, are to be examined on Oath^c, as well as those on the part of the Crown; (this last Privilege has been since^d extended to all Treasons and Felonies) Each Species of Treason must be prov'd by some Overt-act^e, and there must be at least two Witnesses to each Species^f. If the Accused be a Peer, not only *some* pick'd out of the whole Body, but *all* the Peers must be summoned to the Trial at least twenty days before^g.

THERE are other Alterations^h made in favour of the Subject, which the Legislature has not thought fit should take place during the Life of the present Pretender.

AFTER his Decease no Attainder for Treason will work a Disinheritance of the Heir, or affect any other Right, than only that of the Offender during his Life: the Prisoner will then be entitled to have a List, not only of the Jury, but of the Witnesses to be produced against him at the Trial, with the addition of their respective Professions and Places of Abode, delivered to him along with the Copy of the Indictment, in the Presence of two Witnesses, ten days before his Trial.

THE first of these Alterations being to mitigate the Punishment of those, who shall by the Law be adjudged guilty, might be thought an unreasonable Relaxation, while there should be any Apprehensions of immediate Danger: But why the others should be defer'd so long, which are intended only as the proper guards of Innocence against violent Prosecutions, I will not pretend to guess; for the heinousness or mischief of the Crime charged is so far from being a Reason, why the Prisoner should want Assurances, that it is a very strong Reason to the contrary; it being as easy a matter to impose a false Charge of a great, as of a small Crime.

THESE are some of the Privileges of a *British* Subject, which no other Subject in the World can boast of. But after all, it must not be said, that our Laws will admit of no Alterations for the better.

Observations on Juries.

I. EVEN in that darling and deservedly esteem'd Privilege of being tried by JURIES, some Change might, I was going to say ought to be made: The Law requires, that the twelve Men, of which a Jury consists, shall all agree before they give in a Verdict;

^u 2 Co. Instit. 30.

^x 2 Co. Instit. 161.

^y Tacit. Annal. Lib 25 § 20. *Some Instances of this kind are there mentioned.*

^z 7 Gul. 3. cap. 3. § 1.

^a Ibid. § 7.

^b Ibid. § 1.

^c Ibid. § 7.

^e Ibid. § 1. *Thus it ought always to have been.* See 3 Co. Instit. p. 79. *State Trials* Vol. IV. p. 178.

^d 1 Ann. cap. 9. § 3.

^e 7 Gul. 3. cap. 3. § 2.

^f Ibid. § 4.

^g Ibid. § 11.

^h 7 Ann. cap. 21.

dict; if they don't, they must undergo a greater Punishment than the Criminal himself; they are to be confin'd in one Room without Meat, Drink, Fire or Candle, till they are starv'd. It would be pretty hard to assign any tolerable Reason for this Usage: If it has seldom or never happen'd, I'm afraid it has sometimes been prevented only by the unjust Compliance of some of the Jurors against their own Consciences. For however plain some Cases may be, others there are, wherein they cannot avoid differing in their Judgments; nor do they deserve any Censure for so doing; many Men, many Minds; all can't see Things in the same Light. To what end therefore are they to be restrained in this manner? It may indeed force them to an outward seeming Agreement against the Dictates of their Consciences; but can never be a Means of informing their Judgment, or convincing their Understanding. I have known, when a Juror being afterwards asked, how he could join in such an unjust Verdict, could give no better Reason for it, than that the others were of that Opinion; which, I fear, is the best Reason a great many are able to give.

IF it be said, that otherwise one stubborn Fellow may stand it out against all the rest, even contrary to the Convictions of his own Mind, it is very true he may do so; and if his Body be as stubborn as his Mind, starve them out too. But why then is his Voice regarded? Why can't the others give a sufficient Verdict without him? Or, if a Man must not be convicted without the Agreement of all, why then is not the Prisoner acquitted, when they can't all agree? But why must the Jurors be compell'd to an Agreement one way or other? After all, a forc'd Agreement (as all Agreements procur'd by Restraint are) is no better than none. If the Consent of him, who stands it out against the rest, be of any regard, it ought to be free; if of none, then why can't a Verdict be given without it? If twelve must agree, the better way would be to have twenty three on a Jury, and the Verdict be given by the Majority; for sure 'tis an odd way of deciding a Cause, that it should be left to the Determination of him, who can fast the longest. But suppose it should be thought requisite, that two thirds should be of a mind, and if so many could agree to find the Prisoner guilty, he should be convicted; and if they did not, he should be acquitted: Would not this be a sufficient Security for Innocence? Sure it would be much better to make a Provision in case of Non-Agreement, than by forcible Methods to extort the Appearance of one; for it is the same thing to the Prisoner, whether he be convicted without the Concurrence of all, or by a Concurrence which is not sincere, but forced.

2. ANOTHER thing not to be counted among the Excellencies of our Law is, the Indictments and other Proceedings being in the Latin Tongue. Every body knows, that not one Prisoner in a great many understands that Language; and tho' the Indictment is generally explained to him in the vulgar Tongue, yet it is to the Original he must take his Exceptions, and upon that the Arguments must be founded. In the days of *Oliver Cromwell* all Proceedings were in the vulgar Tongue; and tho' it has not been thought proper to continue a Practice introduced by an Usurper, yet if the thing be really fit and right, it matters not, who introduced it: *fas est & ab hoste doceri*. The same might be said with respect to the writing it in a peculiar hand, not generally understood.

On the Proceedings being in Latin.

It is a Maxim in Law, *Ignorantia juris non excusat*¹; ignorance of the Law is no good Plea; it is indeed necessary that it should not, for if it were, the Laws would always be evaded by a pretended Ignorance; but then it must be very unreasonable to use any Methods, which tend to conceal that Law, and keep the People in ignorance of it: *Misera servitus est, ubi jus est vagum aut incognitum*². The Inconvenience of this will appear more plainly, if we consider that every Indictment must be assented to by a Grand-Jury; and another Jury must afterwards declare whether the Charge therein contained be true or not. Now how can it be expected they should declare their Consent to what they cannot understand? So that I verily believe, the greater part may very safely return *Ignoramus* to every Bill that comes before them.

3. HERE it may not be amiss to take notice of one thing relating to the Form of our Indictments. It is very common to insert Words, which are never intended to be proved: as for instance, the Words *vi & armis*¹ in Indictments for writing or publishing Libels, and in many other Cases, where there is no pretence or colour of Truth in them: c. g. *Juratores presentant, quod J. S. VI ET ARMIS falso & malitiose scripsit quendam libellum*^m; which not only is an Absurdity in the nature of the thing, but

On the Form of Indictments.

¹ Digest. Lib. 22. tit. 6. De juris & facti ignorantia, l. 9. Plowd. Com. 343.

² 4 Co. Instit. 246. 332. This Grievance is since remitted by the 4. Geo. 2. cap. 26. by which it is enacted, That all Proceedings shall be in English, and wrote in a common legible Hand and Character, and in Words at length. See also 6 Geo. 2. cap. 14.

¹ These Words are not necessary in these Cases. See 37 H. 8. c. 8. it is therefore the more inexcusable to insert them, when they are not true.

^m See the Indictments of Francis Smith, and of Laurence Braddon, in the Appendix. 2 Lev. 221.

but tends to insnare the Consciences of Jurymen; who in giving a general Verdict against the Defendant, do not always consider whether that part of the Indictment be prov'd. When a Jurymen gives a general Verdict against the Defendant, he does in effect declare upon Oath, that he believes the entire Charge, as laid in the Indictment, to be true; how therefore can he find a Man guilty generally, when there is one part of the Charge, which he either believes to be false, or at least has no reason to believe to be true? It is said that these are Words of course; if they be, yet still they have a natural and proper meaning (else why are they inserted?) and if they are not true, I don't see how any one can upon Oath honestly declare they are, unless it can be thought an Excuse for giving a rash (not to say a false) Verdict, that it is a thing of course. The Words of course are generally the most material Words in an Indictment; *proditorie* is a Word of course in an Indictment for Treason, *burglariter* in Burglary, and *felonice* in Felony; but if any of those Words be omitted in their respective Cases, the Indictment will be naught.

In blasphemous

IT is greatly to be feared, that Jurymen do sometimes over-look the most essential Words of an Indictment, under the notion of their being Words of course. Thus in the Case of a *blasphemous Libel*, it is customary to insert the Words *falsò & malitiosè scripsit*, &c. and indeed they are the very *Gist* of the Indictment, and absolutely necessary to constitute the Offence: for as no Words can be *Blasphemy* (i. e. a reproachful Reflexion upon God or Religion) which are true, for Truth can be no Reflexion on the God of Truth; so no Opinions, however erroneous, can merit that Denomination, unless utter'd with a wicked malicious design of reviling God or Religion. And yet how often have Persons been found guilty upon these Indictments, without any Proof either of the Falshood of the Positions, or of the Malice of him who wrote them? nay sometimes, when there is a great deal of reason to think they were published from no other Principle, but a sincere love and regard for Truth? These are things not always sufficiently attended to by Juries; it often satisfies them, if the Defendant be prov'd to have done the Fact (i. e. wrote the Book) whether with the Circumstances *falsò & malitiosè*, as charged in the Indictment, or not: and yet when the Defendant comes to move in Arrest of Judgment, that what he has done cannot amount to *Blasphemy*, because it was not done with an evil Intent; he is then told, that that is found by the Verdict, and must be taken to be true; and so indeed it must: but then this should be a Caution to Juries, how they find a Man guilty of an Indictment generally without due Proof of every part of it; since every thing, which was proper for their Consideration, will after Verdict be suppos'd to have been consider'd by them, whether in reality it was so or not.

And defamatory Libels.

THUS in the Case of *defamatory Libels*, or of *Scandalum Magnatum*, when the word *falsò* is inserted, the Defendant ought not to be found guilty, if the Assertion be true. Whether it be necessary to insert the word *falsò*, is another Question, (tho' I believe it would be difficult to maintain an Indictment without it;) yet certainly where the Indictment charges a Man with *falsly* writing a Libel, he cannot justly be found guilty of that Indictment so laid, if the Words be *true*.

On Trials for Felony.

4. HITHERTO the Law allows not a Copy of the Indictment, nor of the Names of the Jurors, nor the Assistance of Counsel * as to matter of Fact on any Indictments for FELONY, yet it is the Opinion of many it would be never the worse if it did; for it seems very strange to allow a Man these Assistances in defence of his Property, and deny them to him, when his Life lies at stake. Perhaps it will be said, that the Prisoner would by these means be enabled to make captious Exceptions to the Proceedings, whereby public Justice might be either protracted or evaded; but this Objection would be remov'd, if the Law did not allow of such Exceptions: for either they relate to the Merits of the Cause, or they do not; if they do, they are not captious, but he ought to have the Benefit of them; if they do not, there will be no Wrong done in disallowing them.

BUT still there is one Reason why, as the Law now stands, the Prisoner ought not to be wholly deprived of the means of making even these captious Exceptions; and that is, because otherwise he may be brought into jeopardy of his Life divers times for one and the same Offence, a thing very unreasonable in it self, and contrary to the Maxims of Common Law: for if he be found not guilty on a faulty Indictment, his Acquittal shall avail him nothing, but he may still be indicted again for the same Fact. This is founded on a Supposition, that his Life was in no danger on the first Indictment, because of the Exceptions which might be taken to it; and yet it is apparent, that

* 3 Co. Inst. 15. H. P. C. 11.

† 4 Co. 39 b. Cr. Eliz. 920.

‡ 5 Co. 121 b. Cro Eliz. 193.

§ See Reformat. leg. Ecclesiast de Blasphemia, cap. 1. Blasphemia contemptu contumelias in deum project, &

incaundia. See also Whitlock's Speech in behalf of James Nayler, Vol. II. p. 273. Blasphemy is crimen malitie.

* See Whitlock's Mem. p. 453.

† 4 Co. 40. a. 47. a.

‡ Ibid 45. a.

that the generality of Prisoners, unless they may be inform'd by Counsel of such Exceptions, and advised how to make them, are like to be but little the better for them.

5. THERE is one thing in our Laws which is very singular, and comes the nearest of any thing to the Tortures used in other Countries, *viz.* LE PEINE FORT ET DURE, Le Peine fort et dure. or pressing to death: 'Tis true, this is not used to force the Prisoner to confess, but to plead one way or other; but yet even this seems a needless piece of Severity. In High-Treason, if the Party refuse to plead, the Charge is taken *pro confesso*; nor would it be any Inconvenience if it were so in other Cases, or rather if it amounted to a Plea of *not guilty*, and the Court thereupon proceeded to hear the Proofs of the Fact; for it is as unreasonable to press a Man to death without a Trial, as it would be to hang him without one: Nor can a Plea extorted by such Methods give any Credit to the Proceeding of the Court more than if they had proceeded without one, which yet would be no Injustice to the Prisoner, who will not plead, when he may: Nor, on the other hand, is it reasonable, that the hardness of a Criminal, if he should be able to endure such a lingering Death, should exempt him from the Forfeitures the Law has thought his Crime to deserve: If this Advantage were taken away, the only Temptation of standing mute would be taken away too.

6. IT has been esteemed an Advantage of our Law, that it does not inflict various and cruel Deaths; that which is inflicted for Treason is the only one, which has any appearance of Severity; and even there in the Execution it is generally the same with other capital Cases: but yet it must be also observed, that our Laws are very liberal of the Lives of Offenders, making no distinction between the most atrocious and heinous Felonies, and those of a less degree. If a Man commit a single *Robbery*, On the Punishment of Crimes, Hanging is the Punishment inflicted by Law; if he commit Robbery and Murder with never so many cruel Circumstances, the Punishment is still the same, and no more: So little regard is had in proportioning the Punishment to the Offence, that the Letter of the Law makes no difference between picking a Man's Pocket, Theft, and cutting his Throat; between stealing his Horse, and firing his House about his Ears.

HOW far this is either just or prudent, is left to every one's own Reason to determine; it is certainly a strong Temptation to an Highway-man to add Murder to Robbery, when by that means he runs less danger of a Discovery, and no danger of a severer Punishment.

THE Law of God to the *Israelites* required, that a Person convicted of Theft should restore two-fold, and in some Cases four or five-fold; (thus it was also by the Civil Law) and in Cases where personal Violence was offered, the Punishment was Retaliation, *Eye for Eye, Tooth for Tooth, Hand for Hand, Foot for Foot, Burning for Burning, Wound for Wound, and Stripe for Stripe*: and tho' this Law may not in strictness be binding on other Nations, yet undoubtedly where the Reason holds the same, it is the best Pattern for our Imitation.

MURDER is indeed a Crime, which even by the Law of Retaliation calls for a capital Punishment; it is so peremptorily enjoined by the Law given to *Noah*, (and therefore binding on all his Posterity) *Whosoever sheds Man's Blood, by Man shall his Blood be shed*, that some have questioned, whether any Prince or Power on Earth can lawfully dispense with it in any Case of a plain notorious Murder: most certainly they ought not without some very important and peculiar Reasons, and not merely for Favour or Interest. The Law of God forbids, *that any Satisfaction shall be taken for the Life of a Murderer, but he shall surely be put to death*.

AS to other less Offenders, it would be a more equitable and effectual Punishment to confine them to hard Labour at home; or, if they deserve it, to sell them to the *Moors* or *Spaniards* abroad: it is Idleness which is the Source of their Guilt, and generally draws them into the commission of their Crimes, and therefore nothing more proper to reclaim and deter them, than hard Work and Labour: however, they have by their Guilt incurr'd a Forfeiture of their natural Liberty, so that no Wrong will be done them in disposing of them in that manner. I am sure it is a much more lawful Method of making Slaves than the practice of kidnapping and stealing innocent Men from off the *African* Shore, and forcibly carrying them away from all their Friends and Relations into a miserable Slavery in *America*, without any better Title, than what arises from the difference of Complexions.

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* See Spelman's *Life of K. Alfred*, p. 101.

† 8 Eliz. cap. 4 § 2.

‡ 1 Edw. 6 cap. 12 § 10. 2 & 3 Edw. 6. cap. 33.

§ Exod. cap. 22. ver. 4 & 7.

¶ Ibid. cap. 22. ver. 1.

‡ Instit. lib. 4. tit. 1. de obligation. quæ ex delicto, &c.

§ 5.

‡ Exod. cap. 21. ver. 24, 25. Levit. cap. 24. ver. 19.

20 Deut. cap. 19. ver. 21.

‡ Grot. de jur. bel. lib. 2. cap. 20. § 32.

b Gen. cap. 9. ver. 6. Grot. de jur. bel. Lib. 1. cap. 2.

§ 5.

‡ See this Question discuss'd in Bishop Barlow's *Cases of Conscience*.

* By divers old Statutes no Charter of Pardon ought to be granted in case of Murder. Dal. cap. 145.

‡ Numb. cap. 35. ver. 31.

‡ Puf. *Law of Nat.* lib. 8. cap. 3. § 26. *Mori Utopia*, lib. 1.

HOWEVER not to enter into a Discussion of the Lawfulness or Justice of taking away Life for every kind of Offence, a Consideration which the learned *Spelman* observes has not had its due Weight in later Ages^f, yet methinks so long Experience might have taught us how ineffectual it is to answer the Purposes for which it is designed. Death is *ultimum supplicium*, and is therefore intended only for crimes of the highest Rank; but when it is indiscriminately inflicted, it leaves no room to difference the punishments of Crimes widely different in their own Nature. The lower part of Mankind are apt in dubious Cases to judge of the heinousness of the Offence by the Severity of the Punishments; but yet, when they see the same Punishment annexed, where the difference of Guilt is manifest and apparent, they soon lose the Sense of that extraordinary Guilt, and instead of conceiving worse of the Crime, they only blame the Cruelty of the Law. Further, when such Numbers are continually ordered for Execution, (as must be the Case where Death is made the common Punishment for ordinary Crimes) the frequency of the Example destroys the Terror of it, and makes it less dreaded than going to the Gallies or any Place of hard Labour. Besides, when the Punishments are so very disproportionate to the Offence, it defeats the End of them, forasmuch as those, who have any Tenderness or Humanity in their Temper, will much rather forbear wholly to prosecute, than be made the Instruments of putting such severe Laws in execution; instead therefore of being a means of bringing the Offenders to Punishment, it is oftentimes the very reason, why they escape with Impunity.

THIS Severity of our Law in inflicting capital Punishments upon the lighter Crimes of Pilfering and Thieving seems the more extraordinary, when one considers the great Indulgence shewn to one of the first Magnitude, and which is productive of much more mischievous Consequences, I mean ADULTERY, which it is holden^g, *And Adultery*; does not by our Law admit of any Prosecution in a criminal way; yet whether we consider the Guilt of the Offender, or the Mischief done to the injured Party, there is no Comparison between the one and the other. What proportion is there between a private Theft, perhaps of some Trifle, which may soon be repaired, and the Invasion of our Neighbour's Bed^h, irreparably robbing him of all the Satisfaction and Comfort of his Family, confounding Relations, and imposing upon him the charge of maintaining a spurious Issue as his own? the one is often done only to allay the Violence of a pressing Hunger, but the other always to gratify an irregular and ungovern'd Lust. Nor can it with reason be pretended, that the one is a Crime of a *public*, the other of a *private* nature: if the Public be concern'd in the Preservation of the Property of Goods, it cannot be less so in the Preservation of the more valuable Rights, which affect the Peace and Quiet of Families. Is private stealing an Offence against the Community? The other is much more so, having a greater tendency to promote Frays and Quarrels, public Disturbances and Breaches of the Peace, from whence Bloodshed and Murders often ensueⁱ.

WHAT may be the reason why our Laws make so light of this enormous Crime, whether it be the Countenance it receives from great Examples and the Commonness of the Fault, or some other reason, I will not take upon me to say; but most certain it is, that the Laws of other Nations^k had a different Sense of it, and treated it in a severer manner: By the *Mosaic* Law it was always punished with Death^l; and long before that Law it was esteem'd *an Iniquity to be punished by the Judges*^m.

BY an old Law of *Romulus*ⁿ the Adulterers was to be put to death; *Adulterii convictam vir & cognati, uti volent, necanto*: and tho' afterwards the Civil Law (*Lex Julia*

^f Spelm. in verbo *Lanicinium*. See also Hales Hist. P. C. in notis p. 12.

^g 2 Co. Instit. 488. 2 Salk. Rep. 552. Galizard & Rigault: This is the general Opinion, tho' I must confess, I see not, but that Adultery is indictable by our Law. Godolphin in his Repertorium cap. 34. § 10. admits it to be a temporal Offence against the Peace of the Realm, for which Swarities of the Peace may be required. And Lord Coke says, That in ancient Times it was punishable in the Tans or Lects by Fines or Imprisonment by the name of Letherwite. 2 Inst. 488. 3 Inst. 206. It is allowed on all hands that an Indictment lies for seducing a Servant away from his Master's Service; and that the same reason extends to the seducing a Wife away from her Husband: of this there is a Precedent in Tremain's Entries, p. 209. 213. & 214. The King against Mountague, 1 Jac. II. and another in Offic. Cler. Pac. p. 311. Tho' these were Cases where the Wife went away with the Adulterer, yet the reason holds proportionably, where she is seduc'd to a breach of her Fidelity and Trust, tho' it be without going away. If a Man debauch his Wife's Sister, this has been held a Misdemeanor punishable by Indictment or Information; this was the Case of Ford Lord Grey, for debauching the Earl of

Berkley's Daughter; see Trials, Vol. III. p. 519. N^o. 112. and of the King against Heathcote, for debauching Sir Holworthy's Daughter, Trin. 7 Geo. I. (1720.) B. R. Rot. 46. Sure it is not less injurious to debauch another Man's Wife; but still it is punishable only as a Misdemeanor, and not with that Severity as the Guilt of the Offence requires, and the Laws of other Nations have thought it to deserve: so that the injured Party is in a manner obliged to betake himself to a civil Action for Damages; tho' as Mr. Wollaston says in the place cited below, the Offence is of such a nature that no Satisfaction can be made for it, if the injured Man thinks so, as he generally does. If this be so, the Law should be so framed, as rather to deter from committing the Crime, than to aim at making amends for it, after it is committed.

^h See Wollaston's Religion of Nature, § 6. par. 19.

ⁱ See 1 H. 7. c. 6.

^k See Godolph. Abridgm. cap. 34.

^l Levit. cap. 20. ver. 10. Deuter. cap. 22. ver. 22. Ezek. cap. 18. ver. 11. Susanna ver. 41. John cap. 8 ver. 5.

^m Job cap. 31. ver. 11.

ⁿ See Bodinus in methodo historica, cap. 4.

Julia de adulteriis) punish'd it only (*per relegationem*^o) with Banishment; or (*per deportationem*^p) with Transportation into some remote Island; yet the Father of the Adulterers was permitted to kill both his Daughter and the Adulterer^q, and in some Instances the Husband had the same Power^r; and if he chanced to use that Power in a Case not allow'd, even then he was not to be punished with Severity, but only to undergo a milder sort of Punishment^s: But at length when the Empire became Christian, under the Reign of *Constantine*, Adultery was made capital, *Sacrilegos nuptiarum gladio puniri oportet*^t, and so it continued to *Justinian's*^u Time and long after. Some are of opinion that it was so even while the Empire was Hea-then, under the Reign of *Diocletian* and *Maximian*, it being enumerated in one of their Laws^x among the capital Crimes.

AS to smaller Crimes and Misdemeanors, they are differenc'd with such a variety of extenuating or aggravating Circumstances, that the Law has not, nor indeed could affix to each a certain and determinate Penalty; this is left to the Discretion and Prudence of the Judge, who may punish it either with Fine or Imprisonment^y, Pil- lory or Whipping, as he shall think the nature of the Crime deserves: but tho' he be intrusted with so great Power, yet he is not at liberty to do as he lists, and inflict what arbitrary Punishments he pleases; due regard is to be had to the Quality and Degree, to the Estate and Circumstances of the Offender, and to the greatness or smallness of the Offence; that Fine, which would be a mere Trifle to one Man, may be the utter Ruin and Undoing of another; and those Marks of Ignominy and Disgrace, which would be shocking and grievous to a Person of a liberal Education, would be slighted and despised by one of the vulgar sort^z. A Judge therefore who uses this dis- cretionary Power to gratify a private Revenge, or the Rage of a Party, by inflicting indefinite and perpetual Imprisonment, excessive and exorbitant Fines, unusual and cruel Punishments, is equally guilty of perverting Justice and acting against Law, as he, who in a Case, where the Law has ascertained the Penalty, wilfully and know- ingly varies from it. If no Measures were to be observed in these discretionary Pu- nishments, a Man who is guilty of a Misdemeanor might be in a worse Condition than if he had committed a capital Crime; he might be expos'd to an indefinite^a and perpetual Imprisonment, a Punishment not at all favour'd by Law, as being worse than Death itself^b: nor does an extravagant Fine, which is beyond the Power of the Of- fender ever to pay or raise, differ much from it; for if his Imprisonment depend upon a Condition, which will never be in his power to perform, it is the same as if it were ab- solute and unconditional; if the Offender be not able to pay such a Fine as his Offence deserves, he must then submit to a corporal Punishment in lieu of it, according to the old Rule, *Qui non habet in crumena, luat in cute*^c. It is true, that Clause of *Magna Charta*^d, which requires the saving every Man's Contencment, (*viz.* his means of Live- lihood) extends only to Amerciaments, which are ascertained by a Jury, and not to Fines, which are imposed by the Court; but nevertheless those Fines ought to be mode- rate and within Bounds; where a Court has a Power of setting Fines, that must be un- derstood of setting *reasonable* Fines^e: *an excessive Fine*, says Lord Coke^f, is *against Law*^g, and so it is declared to be by the *Act^h for declaring the Rights and Liber- ties of the Subject*, &c. The same Statute declares the Illegality of unusual and cruel Punishments.

IT was the non-observance of these Rules, which occasioned the dissolution of the *Star-Chamber*ⁱ, a Court, which Lord Coke^k calls the most honourable in the Chri- stian World, consisting of the chief Officers of the Kingdom, but as he observes^l was of such a nature as most of all needed to be kept within its proper Bounds; it might indeed have served to very good Purposes, if rightly managed, being chiefly intended for the correction of scandalous Indecencies and Immoralities, which did not fall un- der the Cognizance of ordinary Jurisdictions^m, but when once its Authority was a- bus'd to wreak the Malice of particular Persons, and prostituted to the base Ends of a Court-

^o Digest. de divortiis & repudiis, lib. 24. tit. 2. l. 8.
^p Digest. de quaestionibus, lib. 48. tit. 18. l. 5.
^q Digest. ad leg. Jul. de adulter. lib. 48. tit. 5. l. 20.
^r Ibid. l. 24.
^s Digest. ad leg. Cornel. de sicariis, lib. 48. tit. 8. l. 1.
^t § 5. Digest. ad leg. Jul. de adulter. l. 38. § 8.
^u Cod. ad leg. Jul. de adulter. lib. 9. tit. 9. l. 30. § 1.
^x Institut. de publicis judiciis, Lib. 4. tit. 18. § 4.
^y Cod. de transact. lib. 2. tit. 5. l. 18.
^z 8 Co. Rep. fo. 59. b.
^a Wollast. Relig. of Nat. § 2. Obs. 5. Puf. Law of Nat. B. 8. cap. 3. § 25. Grot. de jur. bel. Lib. II. c. 20. § 33.
^b Trials, Vol. II. p. 621, 750.

^b Vita peior morte, *Trials*, Vol. II. p. 746.
^c 2 Co. Instir. 173.
^d Cap. 14.
^e 8 Co. Rep. fo. 38. b.
^f 11 Rep. 4. 44. a.
^g See Sir John Hawles's *Remarks*, *Trials*, Vol. IV. p. 165.
^h 1 Gul. & Mar. Sess. 2. cap. 2. § 1.
ⁱ This was a Court by common Law confirmed by 3 Henr. 7. cap. 1. and dissolved by 16 Car. 1. cap. 10.
^k 4 Instir. 65.
^l Ibid. 60.
^m Ibid. 61. 63.

Of smaller Crimes and Misdemeanors.

By Imprisonment,

Fine,

Court-Faction, when no Limits were observed in the Exercise of its Jurisdiction, nor Humanity in its Sentences, when the Judges thereof, however dignified by their Posts, became a Disgrace to human Nature by their barbarous and cruel butcherings, punishing pretended Libels not only with perpetual Imprisonments, but with brandings in the Face and mutilation of Members, when the Case was thus (as it appears to have been from some Instancesⁿ in this Collection) it was then high time to tear it up by the Roots, as a Grievance no longer to be borne with. A Judge therefore ought to be strictly careful that he conform to the Rules of Law not only as to the nature of the Punishment, but likewise as to the degrees thereof.

IT is indeed no easy matter to settle the precise Limits, how far a Court of Justice may go; every Case must depend upon its own particular Circumstances. But *some* Fines and *some* Punishments are so monstrously extravagant, that no body can doubt their being so; such were the Fines of Sir *Samuel Barnardiston*^o and Mr. *Hampden*^p, such were the repeated Pilloryings and barbarous Whippings of *Oates*^q, *Dangerfield*^r, and *Johnson*^s.

Whipping,

THESE Punishments may no doubt be properly inflicted, where they are in a moderate degree and proportioned to the Offence; only it were to be wish'd, that some better care were taken in the Execution of them. How unreasonable is it that a Criminal sentenc'd to be *Whipt* should lie at the Mercy of a vile Executioner, and that it should be left in the Power of a common Hangman to make that Whipping as severe or as favourable as he pleases? In this respect it must be own'd we are excell'd by foreign Countries, where the Magistrate, who is the best Judge of the Offender's Guilt, is present at the Execution of the Sentence, and gives the proper Directions about it.

And Pillory:

AS to the *Pillory*, that is intended only to expose the Offender to Shame and Infamy, and to mark him out to the Public, as a Person not fit to be trust-ed, but to be shunn'd and avoided by all creditable and honest Men: never did the Law design that he should be expos'd to the Peltings of a Mob, or the Assaults and Injuries of a furious Rabble, whereby the Prisoner is so disguised as to defeat one main design of setting him there, which was, that he might be publickly known and observ'd.

IT is indeed a surprizing Neglect, that no effectual Care has hitherto been taken to suppress these Practices, especially considering the fatal Consequences which have sometimes ensued from them, even to the loss of the poor Man's Life. It is not sufficient that whoever injures him in this manner may be punish'd for so doing; for how is it possible that a Man in his Condition should observe who it is that does him the Injury, or secure him if he did? he is at that time in the hands of Justice, and Justice ought to protect him: when a Man is at liberty, he is in many Cases able to defend himself; but when he is in the Custody of the Law, and is thereby disabled from being his own Defender, the Law ought to be his Security and Defence against any injurious Treatment.

IT cannot be pretended that this is altogether impracticable; Experience shows us, how effectually it may be done, when the Officers find an Advantage by it; nor would there be any harm in it, if the Officers were oblig'd by proper Penalties to take the same care without Money, which they are so well able to do with it.

On Gaolers,

7. ANOTHER thing in which our Law seems defective is the want of some further guard against the Packing of JURIES, and the Oppressions and Extortions of GAOLERS; but these are now under the Consideration of the Legislature, who, it is hoped, will apply proper Remedies to these growing Evils^t. As to the latter of these, I fear no Remedy will be effectual while they are suffer'd to buy and sell their Places; for while that is permitted, they will be under stronger Temptations than Men of their Character and Function usually resist, to exact more than is their due; the thing it self has an appearance of Hardship, to force a Man into Gaol against his Will, and yet oblige him to pay for his Admission into it: if he be guilty, the Punishment of the Law should be deem'd sufficient, but if innocent, the Hardship is still the greater, especially where it falls upon the Indigent and Necessitous. It is chiefly owing to this that our Gaols swarm with Multitudes of miserable Objects, who lie there year after year without any hope of Redemption; so that when they have suffer'd the Penalty of the Law, they have a severer Punishment still to undergo for the Non-payment of

And their Fees.

ⁿ See Proceedings against Prynne, N^o. 34. Vol. I. p. 418. and Proceedings against Baltwick, Burton, and Prynne, N^o. 36. Vol. I. p. 481.

^o Trials, Vol. III. p. 942.

^p Trials, Vol. III. p. 855.

^q 1685. Trials, Vol. IV. p. 105.

^r 1685. Burnet's Hist. own Times, p. 637.

^s 1686. See Memoirs of his Life, prefixt to his Works.

^t Both these Grievances have been since remedied in some measure, the former by the 3 Geo. 2. cap. 25. and the latter by 2 Geo. 2. cap. 22.

of Fees^a, a Debt which is forc'd upon them against their Consent, and is often out of their Power ever to discharge, whereby the poor Wretches are in effect condemned to perpetual Imprisonment; a thing very odious in the eye of the Law, even for great and heinous Crimes.

HOW much better would it be for the Public to allow the Gaoler a reasonable Salary, instead of these Perquisites, which arise from the Miseries of the Unfortunate, who are thereby often necessitated to take dishonest and unlawful Methods to enable themselves to pay them?

BY the common Law^x, to avoid all Extortion and Grievance of the Subject, no Sheriff, Coroner, Gaoler or other of the King's Ministers ought to take any Fee or Reward for any Matter touching their Offices, but of the King only. This extended to all whose Offices did any ways concern the Administration or Execution of Justice, or the common good of the Subject or the King's Service^y.

FORTESCUE^z relates it as part of the Sheriff's Oath upon entering into his Office, *That he shall receive or take nothing of any other Man than the King by colour or means of his Office.* Divers Acts of Parliament^a have been made in affirmance of this, which Lord Coke^b calls a *fundamental Maxim of the Common Law*; he adds further, that *while Officers could take no Fee at all for doing their Office, but of the King, then had they no Colour to exact any thing of the Subject, who knew that they ought to take nothing of them; but after this Rule of the Common Law was alter'd by some Acts of Parliament, which gave to the said Ministers of the King Fees in some particular Cases to be taken of the Subject, it is not credible what Extortions and Oppressions have thereupon ensued; whereas before without any taking at all their Office was done, now no Office at all was done without taking, the Officers being fetter'd with golden Fees, as Fetters to the Suppresson or Subversion of Justice^c.*

WHILE Prisoners are thus long detained, the true Design of *Gaol-Deliveries* can never be answer'd: This is a Commission, says Lord Coke^d, instituted by the Law of the Land, *ne homines diu detineantur in prisona*, but that they might receive *plenam & celerem justitiam*: he adds, that Gaols ought to be delivered thrice a Year, or oftner, if need be. Of so much Consequence does the Law esteem it to be, that the Abbot of *St. Albans*^e, who had a Grant of a Gaol and Gaol-delivery, was adjudged to have forfeited his Franchise for an unreasonable Delay in making Delivery of his Gaol. But what are the Prisoners benefited by Gaol-deliveries, if after the Law has done with them, they may still be detained for Fees, which they will never be able to pay?

The true Design of Gaol-deliveries:

ANOTHER Design of Gaol-deliveries was by clearing the Prisons to make room for new Comers; but the Discharge of the old Prisoners being by these means prevented, the continual addition of new ones renders the Croud so great, that the Place becomes too strait for its Inhabitants: This, together with the Filth and Nastiness occasion'd by their miserable Poverty and want of Conveniencies, is the cause of those contagious Distempers which are wont so violently to rage in many of our Prisons, not confining themselves within the Prison-Walls, but sometimes spreading their Infection in the very Court where the Prisoners are brought to Trial, to the no small hazard of Judges, Juries, Counsel, and all who attend there. A dreadful Instance of this is recorded in History^f to have happen'd in the twentieth Year of Queen *Elizabeth* at *Oxford Assizes*, when the Prisoners brought such a Stench with them into Court, that the Lord Chief Baron *Bell*, the Sheriff, several Counsel, almost all the Jurors, and near three hundred others, died within the space of forty Hours after it. I could wish our own Times had not furnished us with a fresher Instance of this kind.

A FURTHER Mischiefe arising from this long Detention of Prisoners is, that it defeats the principal End of all Law and Justice. All Punishments below Capital are intended to reform the Criminal, and deter him from offending again: but as our Gaols are commonly managed, it is to be fear'd, they breed up and harden more Rogues, than the Law either reclaims or removes. The Prisoners are indulged so great a Liberty in Rioting and Debauchery, which the Keepers, who have the Advantage arising from the Sale of the Liquors, find their account in promoting; the young Novices are permitted to contract so intimate an Acquaintance and Familiarity with the old Offenders, that our Gaols are rather the Schools and

The ill Consequences of the common Management of Gaols.

V O L. I.

c

Nurseries

^a Mirror of Justices, c. 5. § 1. n. 53. says, it is an Abuse that Prisoners, or any for them, should pay any thing for their entrance into or coming out of Gaol.

^x See 2 Co. Instit. 74. and the Authorities there cited.

^y 2 Co. Instit. 209.

^z De laud. Leg. Angl. cap. 24.

^a Mag. Chart. cap. 35. West. 1. cap. 10. & cap. 26.

^b 2 Instit. 210.

^c 2 Instit. 74 & 176.

^d 4 Instit. p. 168.

^e 2 Co. Instit. 43.

^f See Baker's Chronicle, p. 353.

Nurseries of all manner of Roguery and Wickedness, than proper places for Correction and Amendment. It is generally observed, that they who enter in raw and unexperient'd Offenders, with some sense of Shame and Modesty, soon grow to be impudent and harden'd Villains, entring themselves Members of a Gang, wherein they are not only instructed in the Theory, but experient'd in the Practice of their wicked Arts. This may seem strange to some, who think they are restrained, (at least while they are Prisoners,) from doing Mischief without doors; yet it is not without reason apprehended by others, that they sometimes find means to make Excursions, which is hard to be accounted for without the Connivance or Permission of their Keepers, who no doubt take care to be no Losers by it: and tho' this may be a Favour not usually shown to any but inferior Rogues, who are detained for smaller Crimes; yet I could mention an Instance (attested by a Person of undoubted Credit) of one who was committed to *Newgate* for breaking open an House in the Night-time, and while he was in suppos'd Custody for that Offence, was apprehended committing a Fact of the like kind in a remote part of the Town.

*The Use of
Chains and
Fetters in
Gaols.*

ANOTHER matter of Complaint is, that intolerable and inhuman Practice of many Gaolers, who to extort from their unhappy Guests such Sums as they shall think fit to exact, thrust them, as soon as they arrive within their Dominions, into stinking Dungeons, loading them with Fetters and Irons till they can bring them to a Compliance with their unjust Demands^s: the Pretence indeed is, that they are answerable for their Prisoners, and therefore ought to be allowed the use of *proper* means to secure them. That this is nothing but Pretence is sufficiently plain, Money being generally able to procure a Release from these Shackles, which do then become no longer necessary for the Safeguard of the Prisoner, having already answer'd their real Design.

THO' Gaolers are indeed answerable for their Prisoners, yet neither the Law of *England* nor common Humanity esteems such Means as *proper* in ordinary Cases; *Severos quidem facit justitia, inhumanos non facit*^s: they may make their Prisons as strong as they can, may set what Guards and Keepers they will to watch them, but must use no Force or Violence to their Persons, no Tortures or Pains, while the Prisoners quietly submit themselves to the Process of the Law; *Carcer ad continendos homines, non ad puniendos haberi debet*^t. Prisons are designed only for the Custody of the Prisoners, not for their Punishment, unless when it becomes part of the Sentence; and even then it is no otherwise intended as a Punishment, than by way of Confinement to the Prison, not as a Justification of any ill Usage in it. *Custodes gaolarum pœnam sibi commissis non augeant, nec eos torqueant, vel redimant, sed omni severitiâ remotâ pietateque adhibitiâ judicia debitè exequantur*^k.

IF a Prisoner is boisterous and unruly, or makes any Attempt to escape, or perhaps if he only threatens to do so; in such case it may be allowable to use a stricter Discipline.

Lord Chief Justice *Coke* says^l, *That Shackles about the Feet ought not to be, but for fear of Escape.* If these words have any meaning, they must import, that unless a Prisoner has given just Cause to apprehend an Escape, he ought not to be fetter'd: otherwise it may be pretended of all Prisoners, let them behave never so peaceably and civilly, who will by these means lie at the Mercy of Gaolers, whose very Mercies often are Cruelties^m. The same Author says in another placeⁿ, *Where the Law requireth, that the Prisoner should be kept in salva & arcta custodia, yet that must be without Pain or Torment to the Prisoner,* which Chains and Fetters undoubtedly are. And again in his Comment^o on the Statute of *Westm.* 2. cap. 11. by which Statute the Gaoler is permitted in a particular Case there mentioned to lay his Prisoner in Irons, he makes this Observation, *That by the Common Law it might not be done.* There is one great Absurdity in this Practice, that by these means the Prisoner often suffers more before he is tried, than the Law inflicts on him when he is found guilty; but yet I know not how it comes to pass, it is too generally and too notoriously practis'd to be either conceal'd or deny'd. This Method of Proceeding is resembled by Lord *Coke*^p to that of *Rhadamanthus* the Judge of Hell, who first punisheth and then heareth; like as the chief Captain did by *St. Paul*^q, first ordering him to be bound with Chains, and then demanding of him who he was, and what he had done.

8. THERE

^s See *the Reports of the Committee of the House of Commons appointed to inquire into the State of the Gaols 1725-9, relating to the Fleet and Marshalsea Prisons.*

^t 2 Co. Instit. 315.

^u Digest. lib. 48. tit. 19. de pœnis, l. 8, §. 9. Bract. l. 3. fol. 105. a. 2 Co. Instit. 45.

^v Fleta, lib. 1. cap. 26.

^w 3 Instit. p. 34. in the Margin.

^m 'Tis on this presumption of Gaolers ill-treating their Prisoners, that whenever any die in Prison, the Law requires the Coroner should sit on their Bedes, to inquire into the manner of their Death, before they can be buried. Flet. lib. 1. cap. 26.

ⁿ 3 Co. Instit. 35.

^o 2 Instit. p. 381.

^p 2 Instit. 55.

^q Acts cap. 21. ver. 33.

8. THERE is one thing more which ought not to be wholly pass'd over, and that is the *Multiplicity and Voluminousness* of our Laws: If what lies scatter'd in so many various (some obsolete) Acts, were (so much of them as should be judged fit to be continued) collected under their several Heads into so many distinct Acts, the Law would be much more plain and easy; whereas now, considering the variety of Subjects, which are often thrown together into one Act, and the various Acts relating to one and the same Subject, it is no easy matter to find out the whole relating to one particular Head; and when it is found, many Difficulties arise from the Clashings and Inconsistencies of the several Acts, the old ones not being always sufficiently consulted when the new ones are made; so that it is to be wish'd we may never feel the Inconvenience which *Tacitus*^r complains of in his time, *Ante-hac flagitiis laborabatur, nunc legibus.*

And on the Illuminateness of the Laws.

I THOUGHT these short Observations upon the Laws of *England*, so far as they relate to public Crimes and the Incidents thereto, would not be altogether unsuitable to a Work consisting chiefly of the Histories of criminal Prosecutions.

THE Conclusion naturally resulting from the whole is, That as our Laws have many Excellencies and Advantages which we have just reason to value them for, so they have also their Defects and Blemishes: such a blind Veneration for them as will not allow this, does not only suppose a Perfection which all human Contrivances are incapable of, but is the greatest Obstruction to all Attempts for an Amendment: That some Things need to be mended, no experienc'd Lawyer can deny; and that they should be so, every honest one will heartily desire.

WHETHER the Particulars here mentioned be of that number, is submitted to the Judgment of all true Lovers of their Country, who it is hoped will be so far from being offended hereat, that they will use their utmost Endeavours to promote the Amendment of whatever shall appear to need it. I pretend not to have taken notice of every Particular in our Crown Law which may deserve it; my Design was only to give a few Hints, wherein I might evince the necessity of a Reformation; and if I can be any way instrumental in bringing it about by stirring up others of more Capacity and Influence to undertake the Task, I shall answer my End.

THE Reader will by this time expect some Account of the Improvements and Alterations in this second Edition.

WHEN the first Edition was preparing for the Press, the Undertakers were at great Pains and Expence, and offer'd large Encouragements to procure whatever was proper and suitable to their Design; but as they were sensible there must needs be many Defects and Omissions in the first Attempt of a Work of this nature, so they have continued their Pains to supply those Defects, and have offer'd the same Encouragements to any who should furnish them with such material Trials as were then omitted.

An Account of this Edition.

HOW they have succeeded in their Endeavours may be seen from the large number of *Additional Trials*: These, together with the Additions interspersed thro' the other Trials, have swell'd the Work to five Volumes; to which there is added a Sixth, containing the most remarkable Trials from the Reign of Queen *Anne*, where the first Edition ended, to the end of the Reign of King *George I.*

THE larger Trial of the Earl of *Strafford* is here purposely omitted, as being an entire Volume in *Rushworth's* Collections, which is to be had by itself.

TO make this Collection more generally acceptable, the Reader is informed at the end of each Trial, where the Prisoner was convicted of a capital Crime, whether he was executed or not; and (where it could be had) an Account also is added of his Behaviour and Speech at the Place of Execution.

AND whereas in the former Edition some Trials were inserted out of the Order of Time, and Parts of others transpos'd, they are here reduced to their proper Places; the Names of the Judges, Attorney-General, &c. are here generally, if not always inserted; several Notes are added to explain and illustrate the Text, and divers References made to the Books of Reports and Historians of the Times: and for the Ease and Conveniency of referring, each Trial is distinctly number'd, the several Titles are render'd uniform, containing the Date when, the Crime for which, and the Court before whom the Prisoner was try'd; all which are continued where there was room for them thro'out the Running Title; the Omission whereof in some Places 'tis hoped the candid Reader will excuse, since in a Work of this nature, where such a variety of Printers are employ'd, it can scarce be expected that all Parts of it should be perform'd with equal Care and Exactness.

TO

^r *Annal. lib. 3. §. 25.*

TO render this Work the more useful, especially to the Gentlemen of the Law, there is subjoin'd by way of *Appendix* a Collection of Records relating to the said Trials. The Undertakers wish they could say they had had the same Success in this part of the Work as in the other; but hope the Fault will not be imputed to them, who have inserted all they could procure, and done their Endeavours to procure the rest.

THAT the whole might be the better fitted for Use, there are added two *Alphabetical Tables*; the one containing the Names of the Persons tried or proceeded against, together with the Times and Places of their Trial, and also their Crimes and Punishments; the other of the several Matters contained in all the Six Volumes.

March 27.
1730.

S. Emlyn.

Abbreviations used in the Table, and the Running Titles.

H. L. ——— *House of Lords.*
B. R. ——— *The King's Bench.*
Scacc. ——— *Exchequer.*
C. S. ——— *The Star Chamber.*
G. H. ——— *Guild-Hall.*
O. B. ——— *The Old Baily.*
H. C. J. ——— *High Court of Justice.*
Mich. ——— *Michaelmas Term.*
Hil. ——— *Hilary Term.*
Pasch. ——— *Easter Term.*
Trin. ——— *Trinity Term.*



A N

ALPHABETICAL TABLE

OF THE

NAMES of the Persons tried or proceeded against, the *Crimes* for which they were tried, the *Places* where, and the *Punishments* of such as were convicted.

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o .	Trials.
A.							
1586	Sept. 15	Abington	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	10	Vol. I. 128
1679	Jan. 17	Anderfon	<i>A Romish Priest</i>	O. B.	<i>Repriev'd</i>	90	II. 993
1668	April 4	Appletree	<i>High-Treason</i>	O. B.	<i>Pardon'd</i>	68	II. 585
1661	Jan. 23	Argyle (<i>Marquiss</i>)	<i>High-Treason</i>	Scotl.	<i>Beheaded</i>	58	II. 417
1681	Nov.	Argyle (<i>Earl</i>)	<i>High-Treason</i>	Scotl.	<i>Beheaded</i>	110	III. 441
1684	June 14	Armstrong (<i>Sir Tho.</i>)	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	128	III. 983
1589	Apr. 18	Arundel (<i>Earl</i>)	<i>High-Treason</i>	H. L.	<i>Died in Prison</i>	13	I. 164
1690	Jan. 17	Ashton	<i>High-Treason</i>	O. B.	<i>Hang'd</i>	148	IV. 455
1678	Feb. 11	Atkins (<i>Samuel</i>)	<i>Murder of Sir E. B. G.</i>	B. R.	<i>Acquitted</i>	80	II. 792
1679	Aug. 13	Atkins (<i>William</i>)	<i>A Romish Priest</i>	Affizes	<i>Guilty</i>	88	II. 968
1723	May	Atterbury (<i>Bishop</i>)	<i>A Treasonable Conspiracy</i>	Parl.	<i>Banish'd</i>	194	VI. 335
1631	Apr. 25	Audley (<i>Lord</i>)	<i>A Rape and Sodomy</i>	H. L.	<i>Beheaded</i>	31	I. 388
1660	Oct. 15	Axtel	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	56	II. 369
B.							
1586	Sept. 14	Babington	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	10	I. 128
1620	Mar. 19	Bacon (<i>Lord</i>)	<i>Bribery and Corruption</i>	H. L.	<i>Fin'd and imprison'd</i>	30	I. 375
1684	Dec. 3	Baillie	<i>High-Treason</i>	Scotl.	<i>Hang'd, &c.</i>	123	III. 1095
1586	Sept. 14	Ballard	<i>High-Treason.</i>	Westm.	<i>Hang'd, &c.</i>	10	I. 128
1634	Dec. 3	Balmerino (<i>Lord</i>)	<i>A Treasonable Libel</i>	Scotl.	<i>Pardon'd</i>	35	I. 429
1683	Feb. 14	Barnardiston (<i>Sir Sam.</i>)	<i>A Misdemeanour</i>	G. H.	<i>Fin'd 10000 l.</i>	125	III. 933
1586	Sept. 14	Barnewell	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	10	I. 128
1637	June 14	Bastwick	<i>A Libel</i>	C. S.	<i>Pillory'd, Ears cut off, and imprison'd</i>	36	I. 481
1685	Dec. 9	Bateman	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	137	IV. 162
1605	Jan. 27	Bates	<i>Gunpowder Plot</i>	Westm.	<i>Hang'd, &c.</i>	19	I. 232
1701	Feb. 19	Bayard (<i>Col.</i>)	<i>High-Treason</i>	N. York	<i>Repriev'd</i>	172	V. 419
1702	Nov. 25	Baynton	<i>A forcible Marriage</i>	B. R.	<i>Repriev'd</i>	176	V. 465
1668	April 4	Beadle	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	68	II. 585
1668	April 4	Beasley	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	63	II. 585
1586	Sept. 15	Bellamy	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	11	I. 134
1678	Feb. 10	Berry	<i>Murder of Sir E. B. G.</i>	B. R.	<i>Hang'd</i>	79	II. 760
1681	Oct. 5	Bethel	<i>Affault and Battery</i>	Southw.	<i>Fin'd</i>	108	III. 413
1688	June 29	<i>Bishops (seven)</i>	<i>A Libel</i>	B. R.	<i>Acquitted</i>	144	IV. 305
1683	July 13	Blague	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	121	III. 739
1600	Mar. 5	Blunt (<i>Sir Christopher</i>)	<i>High-Treason</i>		<i>Beheaded</i>	17	I. 209
1662	June 25	Bolton	<i>Refusing to take the Oaths</i>	O. B.	<i>Imprison'd</i>	60	II. 463
1718	Oct. 13	Bonnet (<i>Maj.</i>) and others	<i>Piracy</i>	Carolina	<i>Hang'd</i>	189	VI. 156
1681	Feb. 28	Borosky	<i>Murder of Mr. Thynn</i>	O. B.	<i>Hang'd</i>	111	III. 466
1567	Apr. 12	Bothwell (<i>Earl</i>)	<i>Murder of King of Scots</i>	Scotl.	<i>Acquitted</i>	6	I. 78
1703	Feb. 28	Bouchier	<i>High-Treason</i>	B. R.	<i>Repriev'd</i>	178	V. 507
1683	Feb. 7	Braddon	<i>A Misdemeanour</i>	B. R.	<i>Fin'd 2000 l.</i>	124	III. 855
1388	Feb. 3	Brambre (<i>May. of Lon.</i>)	<i>High-Treason</i>	H. L.	<i>Hang'd, &c.</i>	1	I. 1
1663	Feb. 22	Brewster	<i>A Libel</i>	O. B.	<i>Pillory'd, fin'd, and imprison'd</i>	65	II. 538
1679	Aug. 13	Brommich	<i>A Romish Priest</i>	Affizes	<i>Guilty</i>	87	II. 965
1663	Feb. 22	Brooks	<i>A Libel</i>	O. B.	<i>Pillory'd, fin'd, and imprison'd</i>	65	II. 528

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o .	Trials.
1631	June 27	Brodway	<i>A Rape and Sodomy</i>	B. R.	<i>Hang'd</i>	32	Vol. I. 396
1633	Feb. 7	Buckner	<i>A Libel</i>	C. S.	<i>Censur'd</i>	34	I. 418
1637	June 14	Burton	<i>A Libel</i>	C. S.	<i>Pillory'd, Ears cut off, and imprison'd</i>	36	I. 481
1681	July 25	Busby	<i>A Romish Priest</i>	Affizes	<i>Repriev'd</i>	106	III. 328
1699	Oct. 12	Butler	<i>Forgery</i>	O. B.	<i>Fin'd</i>	167	V. 232
C							
1687	April	Cambridge (<i>University</i>)	<i>A Contempt</i>		<i>Vice Chanc. depriv'd</i>	141	IV. 254
1680	July 2	Carr	<i>A Libel</i>	G. H.	<i>Guilty</i>	98	III. 57
1660	Oct. 12	Carew	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 330
1715	Feb. 9	Carnwath (<i>Earl</i>)	<i>High-Treason</i>	H. L.	<i>Pardon'd</i>	185	VI. 1
1688	Mar. 7	Cavenagh and others	<i>Cow-stealing</i>	Ireland	<i>Hang'd</i>	147	IV. 408
1680	June 11	Cellier	<i>High-Treason</i>	B. R.	<i>Acquitted</i>	96	III. 32
1680	Septemb.	<i>The same</i>	<i>A Libel</i>	O. B.	<i>Pillory'd and fin'd</i>	101	III. 89
1648	Jan. 20	Charles (<i>King</i>)	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	43	I. 986
1695	Mar. 11	Charnock (<i>Robert</i>)	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	153	IV. 562
1586	Sept. 15	Charnock (<i>John</i>)	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	11	I. 134
1663 & 1667		Clarendon (<i>Earl</i>)	<i>H. Treason and H. Crimes</i>	Parl.	<i>Banish'd</i>	67	II. 554
1660	Oct. 12	Clement	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 338
1721	Mar. 13	Coke (<i>Arundel</i>)	<i>Slitting Mr. Crispe's Nose</i>	Affizes	<i>Hang'd</i>	192	VI. 212
1692	Sept. 2	Cole	<i>Murder of Dr. Clench</i>	O. B.	<i>Acquitted</i>	150	IV. 506
1678	Nov. 27	Coleman	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	75	II. 660
1681	Aug. 17	Colledge	<i>High-Treason</i>	Oxon	<i>Hang'd, &c.</i>	107	III. 341
1660	Oct. 13	Cook (<i>John</i>)	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 341
1696	May 9	Cook (<i>Peter</i>)	<i>High-Treason</i>	O. B.	<i>Pardon'd</i>	159	IV. 738
1681	Feb. 28	Conningsmark (<i>Count</i>)	<i>Murder of Mr. Thynn</i>	O. B.	<i>Acquitted</i>	111	III. 406
1679	July 18	Corker	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	85	II. 917
1679	Jan. 17	<i>The same</i>	<i>A Romish Priest</i>	O. B.	<i>Repriev'd</i>	90	II. 993
1678		Cornwallis (<i>Lord</i>)	<i>Murder of Clerk</i>	H. L.	<i>Acquitted</i>	77	II. 725
1683	May 8	Cornish and others	<i>A Riot</i>	G. H.	<i>Fin'd</i>	115	III. 630
1685	Oct. 19	<i>The same</i>	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	136	IV. 130
1668	April 4	Cotton	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	68	II. 585
1699	July 16	Cowper and others	<i>Murder of S. Stout</i>	Affizes	<i>Acquitted</i>	166	V. 194
1696	Apr. 21	Cranburne	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	157	IV. 698
1662	June 25	Croke	<i>Refusing to take the Oaths</i>	O. B.	<i>Imprison'd</i>	60	II. 463
1600	Mar. 5	Cuffe	<i>High-Treason</i>		<i>Hang'd, &c.</i>	17	I. 209
1679		Curtis	<i>A Libel</i>	G. H.	<i>Guilty</i>	94	II. 1042
D							
1678	Decemb.	Danby (<i>Earl</i>)	<i>High-Treason</i>	Parl.	<i>Pardon'd</i>	78	II. 731
1600	Mar. 5	Davers (<i>Sir Charles</i>)	<i>High-Treason</i>		<i>Beheaded</i>	17	I. 209
1600	Mar. 5	Davis	<i>High-Treason</i>		<i>Hang'd, &c.</i>	17	I. 209
1696	Oct. 19	Dawson and others	<i>Piracy</i>	O. B.	<i>Hang'd</i>	161	V. 1
1685	Jan. 14	Delamere (<i>Lord</i>)	<i>High-Treason</i>	H. L.	<i>Acquitted</i>	139	IV. 210
1715	Feb. 9	Derwentwater (<i>Earl</i>)	<i>High-Treason</i>	H. L.	<i>Beheaded</i>	185	VI. 1
1605	Jan. 27	Digby (<i>Sir Everard</i>)	<i>Gunpowder Plot</i>	Westm.	<i>Hang'd, &c.</i>	19	I. 232
1586	Sept. 14	Donn	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	10	I. 128
1663	Feb. 22	Dover	<i>A Libel</i>	O. B.	<i>Pillory'd, fin'd, and imprison'd</i>	65	II. 545
1660	Oct. 16	Downes	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 396
E.							
1668	April 4	Earles	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	68	II. 585
1690	Jan. 17	Elliot	<i>High-Treason</i>	O. B.	<i>Not tried</i>	148	IV. 410
1615	Nov. 16	Elwes (<i>Sir Jervis</i>)	<i>Murder of Sir T. Overb.</i>	G. H.	<i>Hang'd</i>	25	I. 341
1603	Feb. 19	Effex (<i>Earl</i>)	<i>High-Treason</i>	H. L.	<i>Beheaded</i>	16	I. 197
1613		Effex (<i>E. and Countess</i>)	<i>Impotency</i>	Delegates	<i>Divorc'd</i>	22	I. 315
F.							
1668	April 4	Farrel	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	63	II. 585
1682	June 20	Farewell	<i>Libels</i>	G. H.	<i>Pillory'd and fin'd</i>	112	III. 505
1605	Jan. 27	Fawkes	<i>Gunpowder Plot</i>	Westm.	<i>Hang'd, &c.</i>	19	I. 232
1679	June 13	Fenwick	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	83	II. 829
1696	Novem.	Fenwick (<i>Sir John</i>)	<i>High-Treason</i>	Parl.	<i>Beheaded</i>	163	V. 40
1685	Oct. 19	Fernley	<i>High-Treason</i>	O. B.	<i>Repriev'd</i>	136	IV. 130
1706	Dec. 4	Fielding	<i>Bigamy</i>	O. B.	<i>Pardon'd</i>	182	V. 610
1707	June 25	<i>The same</i>	<i>Marriage with the Duchesse of Cleveland annull'd</i>				V. 632
1643	Dec. 14	Fiennes (<i>Col.</i>)	<i>Cowardice</i>	C. of War	<i>Pardon'd</i>	40	I. 766
1681	Mar. 25	Fitz-Harris	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	103	III. 224
1631	June 27	Fitz-Patrick	<i>A Rape and Sodomy</i>	B. R.	<i>Hang'd</i>	32	I. 396

T A B L E of the Persons tried, their Crimes, &c.

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o	Trials.
1660	Oct. 10	Fleetwood	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	Vol. II. 311
1668	April 4	Ford	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	68	II. 585
1654	June 30	Fox	<i>High-Treason</i>	H. C. J.	<i>Pardon'd</i>	50	II. 212
1716	Jan. 22	Francia	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	187	VI. 58
1615	Nov. 27	Franklin	<i>Murder of Sir T. Overb.</i>	B. R.	<i>Hang'd</i>	26	I. 346
1695	Mar. 23	Friend (Sir John)	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	154	IV. 599
1702	May 20	Fuller	<i>An Impostor</i>	G. H.	<i>Pillory'd, &c.</i>	173	V. 441
G.							
1586	Sept. 15	Gage	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	11	I. 134
1660	Oct. 16	Garland	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 398
1606	Mar. 28	Garnet	<i>Gunpowder Plot</i>	G. H.	<i>Hang'd, &c.</i>	20	I. 248
1679	Feb. 11	Gascoigne (Sir Tho.)	<i>High-Treason</i>	B. R.	<i>Acquitted</i>	95	III. 1
1679	June 13	Gavan	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	83	II. 829
1685	Oct. 19	Gaunt	<i>High-Treason</i>	O. B.	<i>Burnt</i>	136	IV. 130
1654	June 30	Gerhard	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	50	II. 212
1662	Dec. 11	Gibbs	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	62	II. 478
1651	July 18	Gibbons	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	48	II. 183
1719	July 28	Gilbert (C. Baron) &c.	<i>A Contempt</i>	Ireland	<i>Imprison'd</i>	190	VI. 188
1680	July 14	Giles	<i>Attempt to murder Mr. Arnold</i>	O. B.	<i>Pillory'd and fin'd</i>	99	III. 65
1740	Mar. 17	Goodere	<i>Murder of his Brother Sir Dinely Goodere</i>	Bristol	<i>Hang'd</i>	197	VI. 795
1605	Jan. 27	Grant	<i>Gunpowder Plot</i>	Westm.	<i>Hang'd, &c.</i>	19	I. 232
1704	Mar. 14	Green (Capt.) and his Crew	<i>Piracy</i>	Scotland	<i>Hang'd</i>	181	V. 573
1678	Feb. 10	Green (Robert)	<i>Murder of Sir E. B. G.</i>	B. R.	<i>Hang'd</i>	79	II. 760
1668	April 4	Green (William)	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	68	II. 585
1662	June 25	Grey	<i>Refusing to take the Oaths</i>	O. B.	<i>Imprison'd</i>	60	II. 463
1678	Dec. 17	Grove	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	76	II. 696
1682	Nov. 23	Grey (Lord) and others	<i>A Misdemeanour</i>	B. R.	<i>No Judgment</i>	113	III. 519
H							
1701		Halifax (Lord)	<i>High Misdemeanours</i>	H. L.	<i>Acquitted</i>	170	V. 339
1660	Oct. 15	Hacker	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 382
1637		Hampden (John)	<i>Ship-Money</i>	Scac'	<i>Judgm. against him</i>	37	I. 505
1683	Feb. 6	Hampden (John)	<i>High Misdemeanours</i>	B. R.	<i>Fin'd 40000 l.</i>	123	III. 824
1685	Dec. 30	The same	<i>High-Treason</i>	O. B.	<i>Pardon'd</i>	138	IV. 207
1648	Feb. 9	Hamilton (Duke)	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	45	II. 1
1679	Feb. 5	Harris	<i>A Libel</i>	G. H.	<i>Pillory'd, fin'd and imprison'd</i>	92	II. 1037
1638	Trin. T.	Harrison (Tho.)	<i>Misdemeanour</i>	B. R.	<i>Fin'd and imprison'd</i>	38	I. 720
1660	Oct. 11	Harrison (Tho.)	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 313
1692	April 6	Harrison (Henry)	<i>Murder of Dr. Clench</i>	O. B.	<i>Hang'd</i>	149	IV. 488
1679	June 13	Harcourt	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	83	II. 829
1702	Nov. 25	Hartwell	<i>A forcible Marriage</i>	B. R.	<i>Acquitted</i>	176	V. 465
1660	Oct. 16	Harvey	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 390
1702	Mar. 24	Hathaway	<i>An Impostor</i>	Affizes	<i>Pillory'd, &c.</i>	177	V. 483
1701		Haversham (Lord)		H. L.	<i>Acquitted</i>	167	V. 339
1668	Mar. 11	Hawkins	<i>Felony</i>	Affize	<i>Acquitted</i>	69	II. 595
1684	Nov. 21	Hayes	<i>High-Treason</i>	B. R.	<i>Acquitted</i>	131	III. 1067
1660	Oct. 16	Heveningham	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 400
1658	June 1	Hewet (Dr.)	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	55	II. 281
1571	Feb. 9	Hlickford	<i>High-Treason</i>	B. R.	<i>Guilty</i>	8	I. 117
1678	Feb. 10	Hill	<i>Murder of Sir E. B. G.</i>	B. R.	<i>Hang'd</i>	79	II. 760
1662	Dec. 11	Hind	<i>High-Treason</i>	O. B.	<i>Repriev'd</i>	62	II. 478
1615	Nov. 10	Hollis (Sir John)	<i>Misdemeanour</i>	C. S.	<i>Fin'd</i>		I. 333
1684	Apr. 21	Holloway	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	126	III. 943
1683	July 12	Hone	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	118	III. 702
1660	Oct. 15	Hulet	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 385
1701	May 31	Hurly	<i>Perjury and Cheat</i>	Ireland.	<i>Fin'd</i>	171	V. 384
I.							
1662	Nov. 14	James	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	61	II. 470
1586	Sept. 15	Jones (Edward)	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	11	I. 134
1660	Oct. 12	Jones (John)	<i>A Regicide</i>	O. B.	<i>Hang'd, &c.</i>	57	II. 338
1388	Feb. 3	Ireland (Duke)	<i>High-Treason</i>	H. L.	<i>Escap'd</i>	1	I. 1
1678	Dec. 17	Ireland	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	76	II. 696
K.							
1664	Oct. 8	Keach	<i>A Libel</i>	Affizes	<i>Pillory'd, fin'd, and imprison'd</i>	66	II. 550
1723	May	Kelly	<i>A Treasonable Conspiracy</i>	Parl.	<i>Imprison'd for Life</i>	194	VI. 335
1695	Oct. 31	Kendal and Roe	<i>Habeas Corpus</i>	B. R.	<i>Bail'd</i>	152	IV. 554

TABLE of the Persons tried, their Crimes, &c.

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o	Trials.
1715	Feb. 9	Kenmure (<i>Viscount</i>)	<i>High Treason</i>	H. L.	<i>Beheaded</i>	183	Vol. VI. 1
1679	Jan. 17	Kemish	<i>A Romish Priest</i>	O. B.	<i>Arraign'd only</i>	90	II. 993
1679	Aug. 4	Kerne	<i>High-Treason</i>	Affizes	<i>Acquitted</i>	86	II. 961
1605	Jan. 27	Keys (Robert)	<i>Gunpowder Plot</i>	Westm.	<i>Hang'd, &c.</i>	19	I. 232
1695	Mar. 11	Keys (Thomas)	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	153	IV. 562
1701	May 8	Kidd (<i>Capt.</i>) and others	<i>Murder and Piracy</i>	O. B.	<i>Hang'd</i>	169	V. 287
1695	Mar. 11	King	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	153	IV. 562
1702	Oct. 8	Kirkby and others	<i>Desertion</i>		<i>Shot to death</i>	174	V. 445
1696	May 20	Knightley	<i>High Treason</i>	B. R.	<i>Pardon'd</i>	160	IV. 777
1679	Nov. 25	Knox	<i>A Misdemeanour</i>	B. R.	<i>Fin'd and imprison'd</i>	89	II. 970
L.							
1679	Nov. 25	Lane	<i>A Misdemeanour</i>	B. R.	<i>Pillory, fin'd, and } imprison'd</i>	89	II. 970
1679	June 14	Langhorne	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	84	II. 878
1668	Apr. 4	Latimer	<i>High-Treason</i>	O. B.	<i>Pardon'd</i>	68	II. 585
1643	Mar. 12	Laud (<i>Archbishop</i>)	<i>High-Treason</i>	H. L.	<i>Beheaded</i>	41	I. 824
1722	Nov. 21	Layer	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	193	VI. 229
1679	Mar. 28	Lewis	<i>High-Treason</i>	Affizes	<i>Hang'd, &c.</i>	81	II. 801
1649	Oct. 24	Lilburne (<i>Col.</i>)	<i>High-Treason</i>	G. H.	<i>Acquitted</i>	46	II. 19
1653	Aug. 20	<i>His Jury</i>			<i>Examined</i>		II. 81
1660	Oct. 16	Lilburne (Robert)	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 394
1668	April 4	Limerick	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	68	II. 585
1704	Apr. 19	Lindsay	<i>High-Treason</i>		<i>Repriev'd</i>	179	V. 508
1685	Aug. 27	Lisle (<i>Lady</i>)	<i>High-Treason</i>	Winton	<i>Beheaded</i>	135	IV. 105
1686	August.	London (<i>Bishop</i>)	<i>A Contempt</i>		<i>Suspended</i>	140	IV. 247
1683	Hil. 7.	London (<i>City</i>)	<i>Quo Warranto</i>	B. R.	<i>Charter forfeited</i>		IV. 769
1651	June 20	Love	<i>High-Treason</i>	H. C. J.	<i>Beheaded</i>	47	II. 83
1696	Apr. 22	Lowick	<i>High-Treason</i>	Westm.	<i>Hang'd, &c.</i>	158	IV. 718
1615	Nov. 10	Lumsden	<i>Misdemeanour</i>	C. S.	<i>Fin'd</i>		I. 333
1679	Jan. 17	Lumsden	<i>A Romish Priest</i>	O. B.	<i>Repriev'd</i>	90	II. 993
M							
1644	Feb. 10	Macguire (<i>Lord</i>)	<i>High-Treason</i>	B. R.	<i>Hang'd, &c.</i>	42	I. 949
1725	May 6	Macclesfield (<i>Earl</i>)	<i>High Misdemeanours</i>	H. L.	<i>Fin'd 30000 l.</i>	195	VI. 477
1687	June	Magdalen College	<i>A Contempt</i>		<i>Fellows expell'd</i>	142	IV. 262
1679	July 18	Marshal (William)	<i>High-Treason</i>	O. B.	<i>Acquitted</i>	85	II. 917
1679	Jan. 17	<i>The same</i>	<i>A Romish Priest</i>	O. B.	<i>Repriev'd</i>	90	II. 993
1660	Oct. 16	Marten (Harry)	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 392
1670	Sept. 1	Mead. (Will.)	<i>A Tumult</i>	O. B.	<i>Acquitted</i>	70	II. 610
1600	Mar. 5	Merrick (<i>Sir Gilly</i>)	<i>High-Treason</i>		<i>Hang'd, &c.</i>	17	I. 209
1668	April 4	Messenger	<i>High-Treason</i>	O. B.	<i>Hang'd, &c.</i>	68	II. 585
1660	Oct. 16	Meyne	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 399
1660	Oct. 16	Millington	<i>A Regicide</i>	O. B.	<i>Repriev'd</i>	57	II. 393
1677	Jan. 7	Mitchel	<i>Attempt to murder the } ABp of St. Andrews }</i>	Scotland	<i>Hang'd</i>	72	II. 623
1663	June 3	Moders (<i>Germ. Princess</i>)	<i>Bigamy</i>	O. B.	<i>Acquitted</i>	63	II. 498
1692	Jan. 31	Mohun (<i>Lord</i>)	<i>Murder of Mountford</i>	H. L.	<i>Acquitted</i>	151	IV. 510
1699	Mar. 29	<i>The same</i>	<i>Murder of Coote</i>	H. L.	<i>Acquitted</i>	165	V. 180
1615	Dec. 1	Monson (<i>Sir Tho.</i>)	<i>Murder of Sir T. Overb.</i>	G. H.	<i>Not tried</i>	27	I. 347
1658	June 1	Mordaunt	<i>High-Treason</i>	H. C. J.	<i>Acquitted</i>	56	II. 292
1535	May 7	More (<i>Lord Chancellor</i>)	<i>High-Treason</i>		<i>Beheaded</i>	4	I. 59
N							
1715	Feb. 9	Nairn (<i>Lord</i>)	<i>High-Treason</i>	H. L.	<i>Pardon'd</i>	185	VI. 1
1656	Decemb.	Naylor	<i>Blasphemy</i>	H. Com.	<i>Whipt, Pillory'd } Branded, &c. }</i>	53	II. 265
1388	Feb. 3	Nevil (<i>ABp of York</i>)	<i>High-Treason</i>	H. L.	<i>Escap'd</i>	1	I. 1
1715	Feb. 9	Nithisdale (<i>Earl</i>)	<i>High-Treason</i>	H. L.	<i>Escap'd</i>	185	VI. 1
1571	Jan. 16	Norfolk (<i>Duke</i>)	<i>High-Treason</i>	H. L.	<i>Beheaded</i>	7	I. 82
1699	Febr.	Norfolk (<i>D. and Duch.</i>)	<i>Adultery</i>	Parl.	<i>Discre'd</i>	168	V. 239
O.							
1413	Sept. 23	Oldcastle (<i>Ld Cobham</i>)	<i>Herefy</i>	AB. Cant.	<i>Hang'd and Burnt</i>	3	I. 36
1684	June 18	Oates	<i>Scand' Mag'</i>	B. R.	<i>Damages 100000 l.</i>	129	III. 987
1685	May 8	<i>The same</i>	<i>Perjury</i>	B. R.	<i>Pillory'd, whipt, } fin'd, &c. }</i>	134	IV. 1
1685	May 9	<i>The same</i>	<i>Perjury</i>	B. R.	<i>Pillory'd, whipt, } fin'd, &c. }</i>		IV. 66
1701		Orford (<i>Earl</i>)	<i>High Misdemeanours</i>	H. L.	<i>Acquitted</i>	170	V. 339
1717	June 24	Oxford (<i>Earl</i>)	<i>High-Treason, &c.</i>	H. L.	<i>Acquitted</i>	188	VI. 102

T A B L E of the Persons tried, their Crimes, &c.

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o .	Trials.
P.							
1680	June 23	Palmer (Earl Castle- maine)	High-Treason	B. R.	Acquitted	97	Vol. III. 36
1689	Oct. 26	The same	High-Treason	H. Com.	Bail'd	145	IV. 397
1682	June 20	Pain	Libels	G. H.	Fin'd	112	III. 505
1584	Feb. 25	Parry	High-Treason		Hang'd, &c.	9	I. 121
1679	Jan. 17	Parris	A Romish Priest	O. B.	Repriev'd	90	II. 993
1678	April 4	Pembroke (Earl)	Murder of Cony	H. L.	Manslaughter	73	II. 641
1670	Sept. 1	Penn (William)	A Tumult	O. B.	Acquitted	70	II. 610
1660	Oct. 16	Pennington	A Regicide	O. B.	Repriev'd	57	II. 391
1655	Apr. 19	Penruddock (Col.)	High-Treason		Beheaded	52	II. 259
1695	Mar. 24	Perkins (Sir William)	High-Treason	O. B.	Hang'd, &c.	155	IV. 627
1592	Apr. 27	Perrot (Sir John)	High-Treason	Westm.	Died in Prison	15	I. 188
1660	Oct. 13	Peters (Hugh)	A Regicide	O. B.	Hang'd, &c.	57	II. 357
1678	Dec. 17	Pickering	High-Treason	O. B.	Hang'd, &c.	76	II. 696
1683	May 8	Pilkington and others	A Riot	G. H.	Fin'd	115	III. 630
1662	Dec. 11	Phillips	High-Treason	O. B.	Hang'd, &c.	62	II. 478
1681	June 8	Plunket (Oliver)	High-Treason	B. R.	Hang'd, &c.	104	III. 293
1723	May	Plunket (John)	A Treasonable Conspir.	Parl.	Imprison'd for Life	194	VI. 335
1654	Sept. 18	Prdage (Dr.)	Insufficiency		Ejected	51	II. 217
1736	July 5	Porteous (Capt.)	Murder	Scotland	Hang'd	196	VI. 763
1701		Portland (Earl)	High Misdemeanors	H. L.	Acquitted	170	V. 339
1660	Oct. 16	Potter	A Regicide	O. B.	Repriev'd	57	II. 398
1680	July 24	Preficks	High-Treason	Affizes	Acquitted	100	III. 79
1690	Jan. 17	Preston (Viscount)	High-Treason	O. B.	Pardon'd	148	IV. 410
1688	Mar. 6	Price (John) and others	High-Treason	Irel.	Not try'd	146	IV. 401
1679	Feb. 3	Price (Anne)	Subornation of Perjury	B. R.	Fin'd	91	II. 1017
1684	Nov. 6	Pritchard and Papillon	A false Arrest	G. H.	Guilty	132	III. 1072
1633	Feb. 7	Prynn	A Libel	C. S.	Fin'd, Mutilated, &c.	34	I. 418
1637	June 14	The same	A Libel	C. S.	Pillory'd, Ears cut off, and imprison'd	36	I. 481
R.							
1603	Nov. 17	Raleigh (Sir Walter)	High-Treason	Winton	Beheaded	18	I. 212
1679	Apr. 24	Reading	A Misdemeanor		Pillory'd, fin'd, and imprison'd	82	II. 806
1721	Febr. 3	Reason	Murd. of Capt. Lutterel	B. R.	Manslaughter	191	VI. 195
1668	Apr. 4	Richardson	High-Treason	O. B.	Acquitted	68	II. 585
1685	Oct. 19	Ring	High-Treason	O. B.	Repriev'd	136	IV. 130
1660	Oct. 16	Roe (Owen)	A Regicide	O. B.	Repriev'd	57	II. 394
1605	Jan. 27	Rookwood (Ambrose)	Gunpowder Plot	Westm.	Hang'd, &c.	19	I. 232
1696	April 2	Rookwood (Ambrose)	High-Treason	Westm.	Hang'd, &c.	156	IV. 661
1684	Nov. 18	Roswell	High-Treason	B. R.	Pardon'd	130	III. 997
1683	July 12	Rouse	High-Treason	O. B.	Hang'd, &c.	120	III. 731
1679	July 18	Rumley	High-Treason	O. B.	Acquitted	85	II. 917
1679	Jan. 17	Ruffel	A Romish Priest	O. B.	Repriev'd	90	II. 993
1683	July 13	Ruffel (Lord)	High-Treason	O. B.	Beheaded	119	III. 706
S.							
1684	May 2	Sacheverell (Wil.) &c.	A Riot at Nottingham	B. R.	Fin'd	127	III. 949
1709	Feb. 27	Sacheverell (Dr.)	A Misdemeanor	H. L.	Silenc'd for 3 Years	184	V. 641
1586	Sept. 14	Salisbury	High-Treason	Westm.	Hang'd, &c.	10	I. 128
	Sept. 13	Savage	High-Treason	Westm.	Hang'd, &c.	10	I. 128
	Oct. 12	Scots (Queen)	A Conspir. against Q. El.		Beheaded	12	I. 143
1660	Oct. 12	Scot	A Regicide	O. B.	Hang'd, &c.	57	II. 334
1600	Oct. 12	Scroop	A Regicide	O. B.	Hang'd, &c.	57	II. 324
1677	June 29	Shaftesbury (Earl)	Habeas Corpus	B. R.	Remanded	71	II. 616
1681	Nov. 24	The same	High-Treason	O. B.	Ignoramus	109	III. 418
1662	Dec. 11	Sellers	High-Treason	O. B.	Repriev'd	62	II. 478
1632	Feb. 6	Sherfield	A Misdemeanor	C. S.	Fin'd	33	I. 399
1683	May 6	Shute, and others	A Riot	G. H.	Fin'd	115	III. 630
1683	Nov. 21	Sidney (Col.)	High-Treason	B. R.	Beheaded	122	III. 794
1658	May 25	Slingsby (Sir Henry)	High-Treason	H. C. J.	Beheaded	54	II. 277
1660	Oct. 16	Smith (Henry)	A Regicide	O. B.	Repriev'd	57	II. 395
1679	Feb. 7	Smith (Francis)	A Libel	G. H.	Fin'd	93	II. 1040
1701		Somers (Lord)	High Misdemeanors	H. L.	Acquitted	170	V. 339
1616	May 25	Somerset (Earl)	Murder of Sir T. Overb.	H. L.	Pardon'd	29	I. 351
1616	May 24	Somerset (Countess)	Murder of Sir T. Overb.	H. L.	Pardon'd	28	I. 348
1600	Feb. 19	Southampton (Earl)	High-Treason	H. L.	Repriev'd	16	I. 197
1633	Feb. 7	Sparkes	A Libel	C. S.	Censur'd	34	I. 418
1683	Feb. 7	Speke	A Misdemeanor	B. R.	Fin'd 1000 l.	124	III. 855


xxii TABLE of the Persons tried, their Crimes, &c.

Year.	Month.	Names.	Crimes.	Where try'd.	Punishments.	N ^o .	Trials.
1608	Aug. 12	Sprot	High-Treason	Scotl.	Hang'd	21	I. 312
1702	Nov. 25	Spurr	A forcible Marriage	B. R.	Acquitted	176	V. 465
1687	Feb. 6	Standfield	Parricide	Scotl.	Hang'd, &c.	143	IV. 283
1681	June 18	Stapleton (Sir Miles)	High-Treason	Affizes	Acquitted	105	III. 317
1679	Jan. 17	Starkey	A Romish Priest	O. B.	Repriev'd	90	II. 993
1680	Nov. 30	Stafford (Viscount)	High-Treason	H. L.	Beheaded	102	III. 101
1678	Nov. 21	Stayley	High-Treason	B. R.	Hang'd, &c.	74	II. 656
1681	Feb. 28	Sterne	Murder of Mr. Thynn	O. B.	Hang'd	111	III. 466
1708	Nov. 15	Sirling, and others	High-Treason	Scotl.	Acquitted	183	V. 630
1640	Mar. 22	Strafford (Earl)	High-Treason	H. L.	Beheaded	39	I. 723
1653	Novem.	Streater (Capt.)	Habeas Corpus	Up. B.	Discharg'd	49	II. 195
1662	Dec. 11	Stubbs	High-Treason	O. B.	Hang'd, &c.	64	II. 478
1388	Feb. 3	Suffolk (Earl)	H. Treason and H. Misdemeanors	H. L.	Escap'd	1	I. 1
1702	Nov. 25	Swendsen	A forcible Marriage	B. R.	Hang'd	175	V. 449
T.							
1679	Feb. 3	Tasborough	Subornation of Perjury	B. R.	Fin'd	91	II. 1017
1660	Oct. 16	Temple (James)	A Regicide	O. B.	Repriev'd	57	II. 398
1660	Oct. 16	Temple (Peter)	A Regicide	O. B.	Repriev'd	57	II. 398
1682	June 20	Thompson	Libels	G. H.	Pillory'd and fin'd	112	III. 505
1407	July 3	Thorpe	Herefy	ABp.	Imprison'd	2	I. 16
1554	Apr. 17	Throckmorton	High-Treason	G. H.	Acquitted	5	I. 63
	Nov. 10	His Jury		C. S.	Fin'd		I. 78
1680	July. 24	Thwing	High-Treason	Affizes	Hang'd, &c.	100	III. 79
1586	Sept. 15	Tilney	High-Treason	Westm.	Hang'd, &c.	11	I. 134
1586	Sept. 14	Titchburne	High-Treason	Westm.	Hang'd, &c.	10	I. 128
1660	Oct. 16	Titchburne (Robt.)	A Regicide	O. B.	Repriev'd	57	II. 394
1662	Dec. 11	Tonge	High-Treason	O. B.	Hang'd, &c.	62	II. 478
1721	Feb. 3	Tranter	Murd. of Capt. Lutterel	B. R.	Manlaughter	191	VI. 195
1586	Sept. 15	Travers	High-Treason	Westm.	Hang'd, &c.	11	I. 134
1388	Feb. 3	Trefilian (L. C. J.)	High-Treason	H. L.	Hang'd, &c.	1	I. 1
1615	Nov. 7	Turner (Anne)	Murder of Sir T. Overb.	B. R.	Hang'd,	24	I. 339
1663	Jan. 15	Turner (Col.) and others	Burglary	O. B.	Hang'd	64	II. 502
1679	June 13	Turner (Anthony)	High-Treason	O. B.	Hang'd, &c.	83	II. 829
1704	Nov. 4	Tutchin	A Libel	G. H.	No Judgment	180	V. 528
1663	Feb. 20	Twyn	High-Treason	O. B.	Hang'd, &c.	65	II. 528
V.							
1662	June 2	Vane (Sir Henry)	High-Treason	B. R.	Beheaded	59	II. 435
1696	Nov. 6	Vaughan (Capt.)	High-Treason	O. B.	Hang'd, &c.	162	V. 17
1590	July 24	Udal	Felony	Affizes	Pardon'd	14	I. 168
1654	June 30	Vowel	High-Treason	H. C. J.	Hang'd, &c.	50	II. 212
1681	Feb. 28	Vratz	Murder of Mr. Thynn	O. B.	Hang'd	111	III. 466
W.							
1660	Oct. 16	Waite	A Regicide	O. B.	Repriev'd	57	II. 398
1679	July 18	Wakeman (Sir Geo.)	High-Treason	O. B.	Acquitted	85	II. 917
1683	July 12	Walcot	High-Treason	O. B.	Hang'd, &c.	117	III. 684
1660	Oct. 10	Waller (Sir Hardres)	A Regicide	O. B.	Repriev'd	57	II. 308
1683	May 19	Ward (Sir Patience)	Perjury	B. R.	Fled	116	III. 661
1699	Mar. 28	Warwick (Earl)	Murder of Coote	H. L.	Manlaughter	164	V. 137
1615	Nov. 10	Wentworth (Sir John)	Misdemeanor	C. S.	Fin'd		I. 333
1615	Oct. 19	Weston	Murd. of Sir T. Overb.	G. H.	Hang'd	23	I. 324
1679	June 13	Whitebread	High-Treason	O. B.	Hang'd, &c.	83	II. 829
1715	Feb. 9	Widdrington (Lord)	High-Treason	H. L.	Pardon'd	185	VI. 1
1668	April 4	Wilks	High-Treason	O. B.	Acquitted	68	II. 585
1605	Jan. 27	Winter (Robert)	Gunpowder Plot	Westm.	Hang'd, &c.	19	I. 232
	Jan. 27	Winter (Thomas)	Gunpowder Plot	Westm.	Hang'd, &c.	19	I. 232
1715	Mar. 15	Wintoun (Earl)	High-Treason	H. L.	Escap'd	186	VI. 17
1721	Mar. 13	Woodburn	Slitting Mr. Crispe's Nose	Affizes	Hang'd	192	VI. 212
1668	Apr. 14	Woodward	High-Treason.	O. B.	Acquitted	68	II. 585



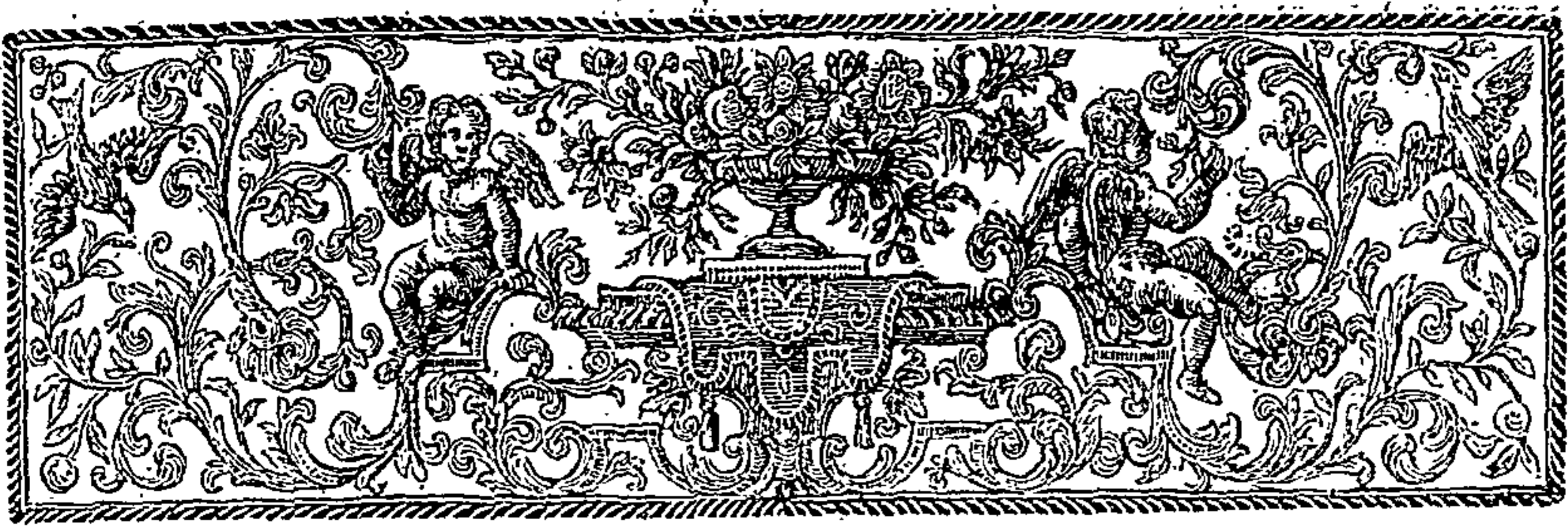


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A Complete

COLLECTION

OF

TRIALS, &c.

I.

Proceedings in PARLIAMENT against *Alexander Nevil* Archbishop of *York*, *Robert Vere* Duke of *Ireland*, *Michael de la Pole* Earl of *Suffolk*, *Robert Tresilian* Lord Chief Justice of *England*, and *Nicholas Brambre* sometime Mayor of *London*, and others, for High-Treason, *Feb. 3. 1388.*
11th of *Rich. II.*



THESE Men being raised from mean Estates by the favour of the King, and advanced to the degree of Privy-Counsellors, were the Men who had the only Rule of the Commonwealth, which under the King they govern'd for some small space with careful Diligence, acquiring thereby deserv'd Commendations: but not long did they thus steer the Ship of the Kingdom, for many of them being of inferior Rank by Birth, not having their Veins dignified with noble Blood, they were the sooner enticed with the libidinous baits of Voluptuousness, and infected with the insatiable itch of Avarice; insomuch that despising the Authority of the King, and neglecting the Commodity of the Realm, and only desiring to keep up the Revenues of the Kingdom, they so wrought by their Policy, that the King is impoverish'd, and the Treasury exhausted: upon which the Commons murmur at the multiplicity

of Tenths, Levies and Subsidies; the Peers repine to see themselves disgraced and their Inferiors honoured; and in a word, the whole Kingdom endures an universal Misery.

The Nobility seeing the miserable estate, wherein the whole Kingdom lay, bleeding as it were to death, urged the King to summon a Parliament, to the end the Grievances of the Nation might be inquir'd into and redress'd*. Accordingly a Parliament was shortly after held *Octob. 1. 1386.* in which among many other Acts, *John Fortham* Bishop of *Durham* was discharg'd of his Office of Treasurer, and *John Gilbert* Bishop of *Hereford* appointed in his place; and *Michael de la Pole* † Earl of *Suffolk*, and Chancellor of *England*, was dismiss'd from his Chancellorship, and immediately after was impeached of high Crimes and Misdemeanors by the Commons, as follows.

1. That the said Earl being Chancellor, and sworn to act for the just Profit of the King, hath purchas'd of our Lord the King, Lands, Tene-

*Rot. Par. 10
Rich. 2. N^o
1, &c.*

* *Hist. Chron. Vol. 3. p. 453, &c. Grafton, p. 377, &c. Walsingh. p. 334 Tyr. Hist. of Engl. Vol. 3. Part. 2. p. 895, &c.*
† *H. was son to a Merchant in London*

ments and Rents to a great Value, as appears by the Record in the Rolls of Chancery; and that against his Oath, not regarding the great Necessity of the King and Realm, being Chancellor at the time of such Purchase made, did cause the said Lands and Tenements to be set at a much smaller Value than really they were worth by the Year, in deceit of the King.

To this first Article the Earl answered to this Effect: That while he was Chancellor, he neither purchased any Lands of the King, nor did he give any to him, unless when he made him an Earl, he had four hundred Marks *per Ann.* from the King by way of Exchange, for so much as he had by Inheritance out of the Customs of *Kingston upon Hull*, whereof some part was assigned to him by one *Tydeman* of *Limburgh* and others before he was Chancellor, and some part since that time; which exchange was for the King's annual Advantage: as also because of the Sum of one thousand Marks paid by the Earl upon that Consideration. And he further endeavour'd to prove, that the Oath he had taken, when he was made Chancellor, had another intent than what they (*the Commons*) would put upon it; and yet notwithstanding that Oath, he might lawfully take, or purchase from the King.

But the Commons not being satisfied with this Answer, reply'd thereto, and shewed the Lords the Copy of his (*the Chancellor's*) Oath, when he took the Great Seal into his Custody, being in manner following, *viz.*

You shall swear that you will well and truly serve our Lord the King and his People, in the Office of Chancellor, and will do Right to all Persons both Poor and Rich, according to the Laws and Customs of the Realm, and shall faithfully advise the King, and conceal his Counsels; and you shall not know of, nor permit any Damage or Disberison to the King, nor that the Rights of his Crown shall by any ways be destroyed, if you can hinder it; and if you cannot hinder it, you shall then clearly and expressly make it known to the King, together with your faithful Advice and Counsel thereupon: and you shall always act for, and procure the Profit of the King, in all things where you may reasonably do it. So help you God and the Holy Gospels.

Wherefore the Commons prayed, that this being read, and well understood, and the Circumstances of his said Answer consider'd, to wit, that he had not denied to have receiv'd of the Gift of the King, since he was made an Earl, and being then in the Office of Chancellor, divers Lands and Tenements, as is contain'd in the Impeachment, and it is openly known that he had receiv'd from the King other Lands and Tenements, that are certain and sure, to the Value of four hundred Marks *per Annum*, in exchange for four hundred Marks yearly, which he had upon the Customs of *Kingston upon Hull*, that are casual, and not so sure, without informing the King of his Damage in that particular. And whereas he the said Chancellor has alledged, that he received part of the said Lands and Tenements so taken in Exchange before he was Chancellor; the Commons reply, that he was then sworn of the King's Privy Council, and that afterwards at his being made Chancellor, was again obliged by Oath; and that being in the said Office, he had agreed to the Exchanges by him before desired, and had received from the

King the Remainder of the said Lands and Tenements in full performance of the said Exchanges; and therefore they demand Judgment of the Parliament upon his aforesaid Answer: which being thought insufficient by the Lords, the following Judgment was given, being to this Effect: That since the said Earl had not alledg'd in his Answer, that he had observ'd his Oath, when he swore *that he would not know of, or suffer any Damage or Disberison of the King, nor that the Right of his Crown should any ways be destroy'd if he could hinder it*, with the rest of the Clause in the said Oath, as is above recited; yet that he being the principal Minister of the King, and knowing his Estate, and the necessity of the Realm, had taken such Lands and Tenements as are laid in the said Impeachment, and are recited in the first Article; and tho' he hath alledged in his Answer, that the Gifts so bestowed upon him, were confirm'd in full Parliament; yet since he hath produced no such Record enroll'd in Parliament, therefore it was adjudged, *that all Mannors, Lands, Tenements, and their Appurtenances, so received by him from the King, should be seized and taken into his hands, to have and to hold them to him, and his Heirs, as fully as ever they had been before the Gift so made of them to the said Earl, with the Issues and mesne Profits of the same from the time of the said Grant, and which were to be levied out of the rest of the said Earl's Lands elsewhere*; yet that it was not the Intention of the King, nor of the Lords, that this Judgment so given should make him lose the Title of *Earl*, nor yet the twenty Marks yearly, which he was to receive out of the Issues and Profits of the County of *Suffolk*, by reason of the said Title.

2. *The second Article is*, That whereas nine Lords were assign'd by the last Parliament to view and examine the State of the King and Realm, and to deliver their Advice how the same might be improved and amended, and put into better Order and Governance; and thereupon such Examination to be deliver'd to the King, as well by word of Mouth as in Writing; and altho' the said late Chancellor did say in full Parliament, that the said Advice and Ordinances should be put in due execution, yet it was not done, and that by the default of him who was the principal Officer or Minister. *The Earl's Answer to this being not very material, is omitted.*

3. *Item*, Whereas a Tax was granted by the Commons in the last Parliament, to be expended according to a certain Form demanded by the said Commons, and assented to by the King and Lords, and not otherwise; yet the Monies thence arising, were expended in another manner, so that the Sea was not guarded as it was order'd to have been; whence many Mischiefs have already happen'd, and more are like to ensue to the Realm, and all this by the default of the said Lord Chancellor. *This Article the Earl denied, and it does not appear that it was proved.*

4. *Item*, Whereas one *Tydeman* of *Limburgh* having had granted to him and his Heirs a Gift of fifty Pounds *per Annum* by the King's Grandfather, out of the Customs of *Kingston upon Hull*, which the said *Tydeman* had forfeited to the King, so that the Payment of the said fifty Pounds *per Annum* was discontinued for five and thirty Years and upwards; yet the said Chancellor knowing the Premises, purchased to him and his Heirs of the said *Tydeman*, the said fifty Pounds *per Annum*, and

and prevail'd with the King to confirm the said Purchase, whereas the King ought to have had the whole Profit.

For this Purchase the said Earl was adjudged to make Fine and Ransom, and the said fifty Pounds were to go to the King, and his Heirs, with the Mannor of *Floxstete*, and ten Marks of Rent, which were exchanged for the fifty Pounds *per Annum* out of the Customs or Profits, with the lites aforesaid.

5. And whereas the Master of *St. Anthony* is a Schismatick, and for that Cause the King ought to have the Revenues (being to the value of four hundred Marks yearly) which appertain to him in *England*; the said late Chancellor, who ought to advance and procure the Profit of the King, took to Farm the said Profits at twenty Marks *per Annum*, and so got to his own use above three hundred Marks; and afterwards when the true Master nominated by the Pope, ought to have had the Possession and Livery of the said Profits, he could not obtain the same, till he and two Persons with him became bound by Recognizance in Chancery of three thousand Pounds to pay yearly to the said Chancellor, and his Son *John*, one hundred Pounds *per Annum* for the Term of their two Lives.

As to this, it is adjudged, that the King shall have all the Profits belonging to the said Master of *St. Anthony's* at the time of the Purchase; and that for the Recognizance so made, the said Earl shall be awarded to Prison, and fined and ransomed at the Pleasure of the King.

6. *Item*, That in the time of the late Chancellor, there were granted and made divers Charters, and Patents of Pardon for Murders, Treasons, Felonies, &c. against the Laws of the Land; and that before the Commencement of this present Parliament, there was made and sealed a Charter of certain Franchises granted to the Castle of *Dover*, in disinherison of the Crown, and to the subversion of the Pleas and Courts of the King, and of his Laws.

To this the Judgment was, the King awards that those Charters be repealed.

7. *Item*, Whereas by an Ordinance made in the last Parliament, that ten thousand Marks should be raised for the Relief of the City of *Gaunt*, yet by the default of the said late Chancellor, the said City of *Gaunt* was lost, and also a thousand Marks of the said Money*. The Sum of the Earl's Answers to the rest of these Articles, were either by denying some of them, or

confessing and excusing others; but for all that he was soon after cast into the Castle of *Windsor*, and all his Lands, which were of no small Revenue, confiscated.

Neither did the Parliament stop here, but to provide further for the whole State, they did by the unanimous Consent of the King, Prelates, Barons, and Commons, constitute and give plenary and absolute Power to certain Commissioners as well of the Spirituality as of the Temporality for the ordering and disposing of the publick Affairs, according as to them should seem best and most necessary for the desperate estate of the Commonwealth, to depress civil Dissensions, and to pacify and appease the grudgings of the People.

These † Commissioners were 13 in number, and were as follows;

Of the Spirituality.

1. *William* Archbishop of *Canterbury*.
2. *Alexander Nevil* Archbishop of *York*.
3. *Thomas Arundel* Bishop of *Ely*, lately made Chancellor of *England*.
4. *William Wickham* Bishop of *Winchester*.
5. *John Gilbert* Bishop of *Hereford*, Lord Treasurer.
6. *Thomas* Bishop of *Exeter*.
7. *Nicholas* Abbot of *Waltham*, Lord Keeper of the Privy Seal.

Of the Laity.

8. *Edmond Langley* Duke of *York*.
9. *Thomas* of *Woodstock* Duke of *Glocester*.
10. *Richard* Earl of *Arundel*.
11. *John* Lord *Cobham*.
12. *Richard* Lord *Scrope*.
13. *John Devereux*, Knight.

These, as Men eminent in Virtue, were chosen by the general Suffrage, and confirm'd by the King under the Great Seal; and sworn to carry themselves as dutiful and obedient Subjects in all their Actions: And it was farther enacted, "That if any should refuse or disobey the Ordinances so made for the publick good, the Punishment for the first Offence should be the Confiscation of all his Goods, and for the second the Loss of his Life."

Thus all Things being dispos'd for the best, the Parliament was dissolv'd, and every Man return'd to his own Home. 20 Nov. 1386.

Soon after the said *Michael de la Pole*, with others of his Confederates, being mov'd with implacable Fury against the late Statute, buzz'd into the King's

* *Walsingham* relates, that all these Articles above mention'd were so fully prov'd, that the Earl could not deny them; insomuch that when he stood upon his Defence, he had nothing to say for himself: Whereupon the King blushing for him, shook his Head and said, Alas, alas *Michael*, see what thou hast done.

† The Commission which is among the Parliament Rolls 10 Richard II. Part 1. M. 7. mentions but eleven Commissioners; omitting the Bishops of *Ely* and *Hereford*, and was in Substance as follows:

That the King of his own Free-will, and at the Request of his Lords and Commons, had chang'd the Great Officers of the Crown abovemention'd, for the good Government of the Kingdom, the good and due Execution of the Laws, and in relief of his own Estate, and ease of his People; and had appointed eleven Commissioners, viz. *William* Archbishop of *Canterbury*, *Alexander* Archbishop of *York*, *Edmond* Duke of *York*, and *Thomas* Duke of *Glocester* (the King's Uncle) *William* Bishop of *Winchester*, *Thomas* Bishop of *Exeter*, *Nicholas* Abbot of *Waltham*, *Richard* Earl of *Arundel*, *John* Lord *Cobham*, *Richard* Le *Scrope* and *John* *Devereux*, to be his great and counsellor Council for one Year next coming, after the Date of these Letters Patent; by which he gave them Power to survey and examine all his Officers, Courts, Household, and the Government of the whole Kingdom, to receive all his Revenue, as also all Subsidies, Taxes, and other Payments; to do what they would in the Kingdom, and to amend all things according to their Discretions. And these Powers were given to any six of them, with his three great Officers, willing, that if any Difference in Opinion should happen between his Counsellors and those Officers, that the matter should be determined by the Major part of them; commanding and charging all Prelates, Dukes, Earls, Barons, the Steward, Treasurer, and Comptroller of his Household, the Justices of one Bench or the other, and other his Justices whatsoever, Barons and Chamberlains of the Exchequer, Sheriffs, Escheators, Mayors, Bayliffs, and all other his Officers, Ministers, and Lieges whatsoever, that they should be attending, obedient, counselling and assisting to the said Counsellors and Officers, so often and in what manner they should direct. Dated at Westminster the 19th Day of November. Upon this Commission a Statute was made, and the whole recited in it, which may be seen in the Statute Book 10 Rich. II. Cap. 1.

Ears, that the Statutes lately enacted were very prejudicial to the Honour of his Crown, and derogatory to his princely Prerogative; that if they were in force he was no King, but rather resembled the Shadow of one; and earnestly moved the King against the other Lords, and to disannul all that was done in the late Parliament. The King gave credit to these Tales, and therefore had the Lords in great jealousy; but he released *Michael de la Pole* Earl of *Suffolk* out of the Castle of *Windsor*, and suffer'd him to go at large: notwithstanding which, the said Earl of *Suffolk*, the Duke of *Ireland*, and *Robert Tresilian* Lord Chief Justice, doubtful of their own Safeguards, did what they could to move the King forward to the Destruction of the Duke of *Gloucester*, the Earls of *Arundel*, *Warwick*, *Derby*, and *Nottingham*, with others of that Party; and accordingly they conspir'd together with *Alexander* Archbishop of *York*, and *Sir Nicholas Brambre*, to devise means how they might dispatch the said Lords; and for that purpose wrote Letters to the King of *France* to aid and assist them in seizing on the said Lords, and further prevail'd with the Judges to declare the said Lords guilty of High-Treason for procuring the said late Statutes.

But the said Duke of *Gloucester*, and the Earls of *Arundel* and *Warwick*, seeing the heap of Ills that daily did arise by the Practices of those Conspirators, set almost in every part of the Kingdom Intelligencers, who should apprehend all Messengers, and intercept all Letters, which went under the King's Name, and send them to the Commissioners. And thus did they come to have Intelligence of the whole Plot of the Conspirators, all their Letters being indors'd, *Glory be to God on High, on Earth Peace, and Good-will towards Men*: and by coming to the Knowledge of each Circumstance they found that the Kingdom was at the point of Destruction, wherefore they sought for a Remedy, for by the Law of Nature 'tis lawful to repel Violence by Violence; every Man according to his Ability levied a Power for the preservation of the King and Kingdom; part of which Forces being committed to the Earl of *Arundel*, he march'd away by Night, and pitch'd his Tents near *London*: and in the mean time he used such Discipline in his Camp, that he lacked nothing, but all things were sold at reasonable Rates as if it had been a Market.

On the other side, the Conspirators intending to prevent their Purposes, caused it to be proclaim'd thro'out the City of *London*, "That none should upon pain of the Forfeiture of all their Goods, either sell, give, or communicate any Necessaries to the Army of the Earl of *Arundel*, but should treat them as Rebels to the King and Country." Further, they counsell'd the King to absent himself from the Parliament (which was to begin on *Candlemas* next, according as the King and Commissioners had appointed it) unless the Duke of *Gloucester*, the Earls of *Arundel* and *Warwick*, and the rest of the Commissioners would swear, "That neither they nor any in their Name should accuse them, or urge any Accusation against them." In the mean time the three

1388. Noblemen, viz. Duke of *Gloucester*, and the Earls of *Arundel* and *Warwick*, having muster'd their Troops on the 14th of *November* in the same Year at *Waltham-Cross* in the County of *Hertford*, sent for the Commissioners

that were at *Westminster* in Parliament, and sent the Archbishop of *Canterbury*, the Lord *John Lovel*, Lord *Cobham*, and *Sir John Dacres*, with an Accusation in Writing against the aforesaid Conspirators, viz. the Archbishop of *York*, the Duke of *Ireland*, the Earl of *Suffolk*, *Robert Tresilian* and *Nicholas Brambre*, wherein they accus'd them of High-Treason; which their Appellation they did offer to maintain, and that they were willing to prosecute the same, and to prove it to be true: they caus'd also the rest of the Commissioners to subscribe as Parties to their Appellation. When these things came to the Ears of the King, he sent unto them requiring to know what their Request was, and what they wished to have done: They return'd answer thus, "That they did desire, that the Traitors which were always about him filling his Ears with false Reports, and daily committed insufferable Crimes and Injuries, might be rewarded with condign Punishment; for it were better some few should die for the People, than the whole Nation should perish." The King being advis'd by the Archbishop of *Canterbury*, and the Bishop of *Ely* Lord Chancellor, sent to them, willing them to come to him to *Westminster* on the Sunday then next following; which the Lords would not agree to, till the Lord Chancellor with divers other Noblemen of good Credit had undertaken upon their Oaths on the King's behalf, that no Fraud, Deceit, Peril or evil Pretence should be put in practice against them, whereby they might come to loss of Life, Limbs, Goods, or otherwise, thro' the King's means.

When therefore the Lords were ready according to Covenant to come to *Westminster*, they were secretly advertis'd that there was an Ambush laid in a place call'd the *Mews*, and so they staid and came not at the appointed Hour: whereupon when the King demanded how it fortun'd that the Lords kept not Promise; the Bishop of *Ely* made answer, *because there is an Ambush of a thousand armed Men or more laid in such a place (and named it) contrary to Covenant, and therefore they neither come, nor hold you for faithful to your word.* The King hearing this was astonish'd, and said with an Oath, *that he knew of no such thing*; and withal sent to the Sheriffs of *London*, commanding them to go to the *Mews*, and if upon search made they found any Force of Men there assembled, to take and kill all such as they could lay hands on: but *Sir Thomas Trivet* and *Sir Nicholas Brambre*, who had indeed assembled such a number of Men, when they understood what Order the King had given therein, sent their Men back to *London*.

* He was afterwards kill'd by a fall from his Horse.

The Lords after this receiving a safe Conduct from the King, and perceiving all to be safe and clear, came to *Westminster* with a gallant Troop of Gentlemen; and entering the Hall, as soon as they had sight of the King (who was seated on a Throne apparel'd in his kingly Robes, with his Scepter in his Hand) made to him their humble Obedience, and went on till they came to the nether Steps going up to the King's Seat of State, where they made their second Obedience, and then the King gave them Countenance to come nearer to him; and they so did, kneeling down before him: and forthwith he rose from his place, and lovingly welcoming

welcoming them, took each of them by the Hand, and then sat him down again; when the aforefaid Lords again appeal'd * the Archbishop, the Duke of Ireland, the Earl of Suffolk, Robert Tresilian that false Justice, and Nicholas Brambre that disloyal Knight (for so they term'd them) of High-Treason, according as they had done before at *Waltham-Cross*; and to prove their Accusations to be true, they threw down their Gloves, protesting by their Oaths to prosecute it to Battle: Nay, saith the King, *Not so, but in the next Parliament, which we do appoint beforehand to begin the morrow after the Purification of our Lady, both they and you appearing shall receive according to Law all that which Reason doth appoint.* And finally, it was concluded they should all meet together at the next Parliament, and each one receive according to Justice; and in the mean time the King commanded them upon their Honours, not any Party to molest the other until the next Parliament.

In the mean time the Earl of Suffolk fled to *Calais*, and the Archbishop of † *York* fled along with the Bishop of *Durham*, it was not known whither; and the Duke of Ireland going into *Cheshire, Lancashire* and *Wales*, rais'd Forces to withstand the Appellants, (to whom were now join'd the Earls of *Derby* and *Nottingham*) with which Forces he march'd towards *London*; but meeting with the Appellants Forces at *Ratcote-bridge* near *Chipping-Norton* in *Oxfordshire*, he was stop't in his march, and his Men revolting from him, was constrain'd to save himself by flight in swimming cross the River *Thames* ‡.

On the other side, *Nicholas Brambre* in the King's Name caused all the Gates of the City of *London* to be shut against the Appellants, and to be guarded with a sufficient Watch: nevertheless the Lords Appellants marched towards *London* to confer with the King; but when they heard that *Nicholas Brambre* had caused the Gates of the City to be shut against them, they encamp'd themselves on the 27th of *December* in *Clerkenwell*, and sent two Knights and two Esquires to the Mayor and Aldermen of *London* to desire Entrance: then came the † Mayor of *London* and certain of the chief Citizens, and brought the Keys of the City with them, and submitted themselves to the Lords, and offer'd them entrance into their City with all their People at their pleasures.

The next day there happen'd an Interview between the King and the Appellants so far, that they open'd their Minds one to another: but because the King was loth to speak to them before such a rabble of Men, and on the other side refused to go out of the *Tower* to speak with them, and the Appellants feared some Violence or Wrong to be offer'd them, they would not go into the *Tower* without a strong Guard of valiant Warriors; therefore the most wise of the Appellants

after divers Consultations resolv'd to go and confer with the King; but first they sent a strong Troop well arm'd to search all the Corners and Caves of the *Tower*, and relation being made of the Safety of the place, with a selected band of valiant Cavaliers they entered the *Tower*, and seizing the Gates, and placing a Guard, they appear'd before the King, who was set in a Pavilion richly array'd; and after their humble Salutations done, they a third time appeal'd the aforefaid Conspirators in the same Sort and Form as afore: which Appellation being ended, the King swore that he would do Justice so far as the Rule of Law, Reason and Equity did require.

These things being accomplish'd, they departed from the *Tower* to their own Homes; and then it was publish'd in the Presence of the King, and thro'out his Dominions, That on the morrow after *Candlemas-Day*, a § Parliament should be held, and the aforefaid Conspirators should personally appear there to answer the Appellation whereby they were charg'd with so many Treasons.

In the mean while the King, by Consent of the said Commissioners and Appellants, issued out several ** Orders for the apprehending and seizing all suspected Folks, and for keeping them in safe Custody till the Parliament should assemble: accordingly divers Officers of the Household were expell'd their Office, and together with several others apprehended and committed to Prison viz. *Sir Simon Burleigh, Sir William Elman, Sir John Beauchamp, Sir Thomas Trivet, Sir John Salisbury*, and divers others; and there was also taken *Sir Nicholas Brambre*, but he found Surety for his forth-coming; but the Duke of Ireland, Archbishop of *York*, Earl of *Suffolk*, and *Robert Tresilian* were no where to be found.

Shortly after, that is to say, the morrow after *Candlemas-Day*, the Parliament began; and the first Day, by the joint Consent of all the Commissioners, were arrested sitting in their places †††, all the Justices (except *Sir William Skipworth*, who had been hinder'd by Sickness from being along with the other Judges when the Commissioners were declar'd guilty of High-Treason, and *Tresilian*, who was fled) who were all immediately displac'd from their Offices, and sent Prisoners to the *Tower*, and there kept in separate Places.

All the Peers as well of the Spirituality as the Temporality being assembled in the great Hall at *Westminster*, the King soon after came and sat down on his Throne; and after him the five Noblemen Appellants (the fame of whose admired Worth echo'd thro' all the Land) entered the House in their costly Robes, leading one another hand in hand, with an innumerable Company following them; and beholding where the King sat, they all at once with submissive Gestures revered the King. The Hall was so full of

* All Appeals of Treason in Parliament are since taken away by 1 H. 4. c. 14. Bra3 119. a. 3. Co. Instit. 132. See Proceedings against E. of Clarendon, Vol. II.

† See a Proclamation by the King to this purpose, Holin. Vol. 3. p. 450.

‡ He afterwards was translated by Pope Urban V. to the See of St. Andrews in Scotland; but that Kingdom being under Obedience to the Anti-Pope, the Translation was of no Service to him, so that he was constrain'd to be a Parish Priest at Lovain, where he continued three Years, till the time of his Death.

§ He afterwards got into Holland, from whence he went to Lovain, where in 1393, he was slain in hunting a wild Boar.

¶ See the King's Order to the Sheriff of Kent for proclaiming it, and summoning the Conspirators to appear at it, dated 4 Jan. 1388. Rym. Ford. Tom. 7. p. 567. The like Order to all the Sheriffs thro'out England, of the same Date. Ibid.

** See a Warrant directed to the Constable of Gloucester Castle, for Taking into Custody Robert Tresilian and Nicholas Brambre, dated 4 Jan. 1388. Rym. Ford. Tom. 7. p. 566. See likewise another Warrant of the same Date, directed to the Constable of Dover Castle, and the Warden of the Cinque Ports, for keeping in Custody and apart several others accused by the Lords. Ibid.

††† Sir Roger Fulthorp, Sir Robert Belknap, Sir John Carey, Sir John Holt, Sir William Burleigh, and John Locton, the King's Serjeant at Law.

Spectators, that the very Roofs were cover'd with them; but amongst this infinite multitude there could not be found any of the Conspirators; *Brambre*, who had attempted to flee away, had been taken a little before, and was cast into *Glocester Gaol*.

The Clergy then placing themselves on the Right-hand, and the Nobility on the Left-hand of the King, according to the ancient Custom of the high Court of Parliament, the Lord Chancellor standing with his Back towards the King, by the King's Command declar'd the Cause of their Summons to Parliament; which was to consider by what means the Distraction of the Realm, thro' evil Management, might for the future be compos'd, the King better advis'd, the Nation better govern'd, Misdemeanors more severely punish'd, and good Men more encourag'd; how the Kingdom also might be best defended, the Sea best kept, the Marches of *Scotland* securely guarded, *Guyenne* preserv'd, and lastly how the Charges of these things may most easily be borne; and then gave notice that whoever would complain in Parliament of such things as could not well be redress'd by the common Law, might carry their Petitions to the Clerk in Chancery, there named and appointed to receive them. Which being ended, the aforesaid five Appellants arising, declar'd their Appellation by the Mouth of *Robert Pleasington*, their Speaker, who thus spoke:

Behold the Duke of *Glocester* comes to purge himself of Treasons which are laid to his charge by the Conspirators. To whom the Lord Chancellor by the King's Commandment answer'd: My Lord Duke, the King conceiveth so honourably of you, that he cannot be induced to believe that you who are of Affinity to him in a collateral Line, should attempt any Treason against his Majesty.

The Duke, with his four Companions upon their Knees, humbly gave Thanks to the King for his gracious Opinion of their Fidelity.

The Lords Spiritual and Temporal there present then claim'd as their Liberty and Franchise, that all great Matters moved in that Parliament, and to be moved in other Parliaments in time to come, touching the Peers of the Land, should be discuss'd and judged by the Course of Parliament, and not by the Law civil, or by the common Law of the Land used in the inferior Courts of the Kingdom; which Claim, Liberty and Franchise, the King allow'd and granted in full Parliament.

Then after Silence proclaim'd, the Appellants arose, and accus'd the aforesaid Conspirators of High Treason, and deliver'd in certain Articles in writing, wherein were contain'd the Particularities of their Treasons; which were as follow.

1. That as false Traitors and Enemies to the King and Kingdom, taking advantage of his tender Age, and the Innocency of his Person, they inform'd and put upon him for Truth divers false things of their own Invention, against all Loyalty and good Faith, and made him intirely their own; so that they had his Love, firm Faith and Credit, while he hated and suspected his loyal Lords and Lieges, by whom he ought to have been govern'd: That these false Traitors had encroach'd to themselves Royal Power, by enslaving the King, blemishing his Sovereignty, and lessening his Prerogative and Royalty; and made him so obedient to their Will, that he was sworn to be govern'd, counsell'd and conducted by them: by virtue of which

Oath they kept him in obedience to their false Imaginations and mischievous Deeds contain'd in the following Articles.

2. Also whereas the King is not bound to take any Oath, but on the Day of his Coronation, or for the common Profit of himself and Kingdom, the aforesaid *Alexander, Robert* and *Michael*, as false Traitors and Enemies to the King and Realm, made him to swear, and assure them, that he would maintain, support, and live and die with them: and also whereas the King ought to be of more free Condition than any other of his Kingdom, they have put him more in Servitude than any one, against his Honour, Estate and Royalty, against their Ligeance, as Traitors to him.

3. Also the said *Robert, Michael* and *Alexander*, by the Assent and Counsel of *Robert Tresilian* that false Justice, and *Nicholas Brambre* that false Knight of *London*, by their wicked contrivance would not permit the great Men of the Kingdom, nor good Counsellors to come near the King, nor would suffer him to speak to them, unless in their Presence and Hearing, encroaching to themselves Royal Power, Lordship and Sovereignty over the Person of the King, to the great Dishonour and Peril of the King, the Crown and his Realm.

4. Also the aforesaid *Alexander, Robert Vere, Michael de la Pole, Robert Tresilian*, and *Nicholas de Brambre*, by their false Wickedness evilly advis'd the King, so that his personal Presence which he ought to make to the great Lords, and his Liege People, and the Favours and Rights to which they requested his Answer, were not to be obtain'd but at their Pleasure and Allowance, in staying the King from his Duty, and against his Oath, and turning the Hearts of the great Lords from him, with design to estrange his Heart from the Peers of the Land, to have amongst them the sole Government of the Kingdom.

5. Also by the said Encroachment of *Robert de Vere*, Duke of *Ireland*, and *Michael de la Pole*, with the Advice and Counsel of *Alexander* Archbishop of *York*, they caused the King without Assent of the Kingdom, by their Abetments, without any Deserts of the Persons, to give divers Lordships, Castles, Towns and Mannors, as well annexed to his Crown as others, as the whole Realm of *Ireland*, the Town of *Okeham*, and the Forest thereof, and the Lands which were the Lord *Audley's* and other great Estates, to the said *Robert de Vere*, and others, whereby they were mightily enrich'd, and the King became so poor, that he had not wherewith to support and bear the Charges of the Kingdom, unless by Impositions, Taxes, and Tributes put upon his People, in disherison of his Crown, and to the undoing of the Realm.

6. Also by the Encroachment of the said *Alexander, Robert*, and *Michael*, by the Assent and Advice of the aforesaid *Robert Tresilian* and *Nicholas Brambre*, they caused the King to give divers Lands, Mannors, Tenements, Rents, Offices and Bailiwicks to People of their Kindred, and other Persons of whom they receiv'd great Bribes; and also to make them of their Party, in their false Quarrels and Purposes, as in the Case of *Sir Robert Mansel* Clerk, *John Blake*, *Thomas Uske*, and others, to the Destruction of the King and Kingdom.

7. Also *Robert de Vere, Michael de la Pole, Alexander* Archbishop of *York*, with the rest of the Persons above-named, by Assent and Counsel of the

the said *Nicholas Brambre*, &c. encroaching to themselves Royal Power, caused the King to give very great Sums of Gold and Silver, as well of his own Goods and Jewels as the Treasure of the Kingdom, besides Tenths, Fifteenths, and other Taxes granted by divers Parliaments to be expended in defence and safeguard of the Kingdom, and otherwise, which amounted to the Sum of one hundred thousand Marks and more, to the said *Robert*, and others. And further, they caused many good Ordinances and Purposes made and ordained in Parliaments, as well for the Wars as Defence of the Kingdom, to be interrupted, to the great Injury of the King and Kingdom.

8. Also by the said Encroachment and great Bribes taken by the said *Robert*, *Michael*, and *Alexander*, divers not sufficient nor fit had the Guard and Government of divers Lordships, Castles and Countries, as in *Guyenne* and elsewhere, as well on this side as beyond the Sea; whereby the People and Countries of those Territories being loyal to the King, for the most part were destroy'd, and great Dominions of late render'd into the Hands and Possession of the Enemy, without assent of the Realm, which were never in the hands of the Enemy since the Conquest of them; as also in the Marches of *Scotland*, and elsewhere, in disherison of the Crown, and great Injury to the Realm; as in the Case of *Harpeden*, *Craddock*, and others.

9. Also by the Encroachment of the aforesaid *Alexander*, *Robert*, *Michael*, *Robert* and *Nicholas*, divers People have been hinder'd of the Benefit of the common Law of *England*, and put to great Delays, Losses and Costs; while Statutes and Judgments justly made upon necessary Causes in Parliament have been reversed and annulled by the Procurement of the said Misdoers, and Traitors, and this by reason of the large Bribes by them extorted, to the great Prejudice of the Kingdom.

10. Also the five aforesaid encroaching to themselves Royal Power, as false Traitors to the King and Kingdom, caus'd and counsell'd the King to grant Charters of Pardon for horrible Felonies and Treasons, as well against the State of the King, as of the Party, against the Law and Oath of the King.

11. Also, Whereas the great Lordship and Land of *Ireland* hath been beyond Memory parcel of the Crown of *England*, and the People thereof for all that time have been the King's Lieges without any Mesne Lord, to him and his Royal Progenitors, and our Lord and his noble Progenitors Kings of *England* have in all their Charters, Writs, Letters and Patents, and also under their Seals, in augmentation of their Names and Royalty, styled themselves Lords of *Ireland*; the aforesaid *Robert*, Duke of *Ireland*, *Alexander* and *Michael*, &c. as false Traitors to the King by the said Encroachment, gave Advice that the King, as much as was in him, had granted that *Robert de Vere* should be King of *Ireland*; and to accomplish this wicked Purpose, the aforesaid Traitors counsell'd and excited the King to send Letters to the Pope to ratify and confirm their traitorous Intention, without the Knowledge and Assent of the Kingdom of *England*, or Land of *Ireland*, in parting the King's Ligeance in respect to both Nations, in decrease of the honourable Name of the KING, and in open Disherison of his Crown of *England*, and full Destruction of his loyal Lieges and the Nation of *Ireland*.

12. Also, Whereas by the great Charter and other good Laws and Usages of the Kingdom, no Man ought to be taken, put in Prison, or to Death without due Process of Law, the aforesaid *Nicholas Brambre*, false Knight of *London*, took by Night certain Persons out of the Prison of *Newgate*, Chaplains, and others, to the Number of twenty two; some Debtors and others accus'd of Felony, and some Approvers in the Case of Felony; and some taken and imprison'd there upon suspicion of Felony; and led them into *Kent* to a Place called the *Foul Oak*, and there encroaching to himself Royal Power, as a Traitor to the King, and without Warrant, or Process of Law, caused all their Heads to be cut off but one, who was appealed of Felony by an Approver, and him he suffer'd to go at large at the same time.

13. Also, The aforesaid *Alexander*, *Robert*, *Michael*, *Nicholas*, &c. Traitors to the King and Kingdom, took great Bribes in many Cases in the Name of the King for maintenance of Quarrels, of Suits; and once took Bribes of both Sides or Parties.

14. Also, These five caused some Lords and others, loyal Lieges, to be put out of the King's Council; so as they dar'd not to speak in Parliament about the good Government of the King's Person or Kingdom.

15. Also, Whereas in the last Parliament all the Lords, Sages and Commons there assembled, seeing the imminent Ruin of the King and Kingdom by the Perils and Mischiefs aforesaid; and for that the King had forsaken the Council of the Kingdom and holden himself altogether to the Council of the said five Evil-doers and Traitors; and also for that the King of *France*, with his Royal Power, was then shipp'd ready to have landed in *England*, to have destroy'd the Kingdom and Language thereof, and there was no Ordinance then made, or Care taken for the Safety of the King and Kingdom; they knew no other Remedy than to shew the King fully how he was ill govern'd; led and counsell'd by the Traitors and ill Doers aforesaid; requiring him most humbly, as his loyal Lieges, for the Safety of him and his whole Realm, and for avoiding the Perils aforesaid, to remove from his Presence the said Evil-doers and Traitors; and not to do any thing after their Advice, but according to the Counsel of the loyal and discreet Sages of the Realm: And hereupon the said Traitors and Evil-doers, seeing the good and honourable Opinion of the Parliament, to undo this good Purpose by their false Counsel, caused the King to command the Mayor of *London* to kill and put to death all the said Lords and Commons, except such as were of their Party; to the doing whereof, these great Traitors and Evil-doers should have been Parties, and present; to the undoing of the King and the Kingdom.

16. Also, That those five Traitors above-mention'd, when the Mayor and good People of *London* utterly refus'd in the Presence of the King to murder the Lords and Commons; they by their said traitorous Accroachment falsely counsell'd the King, and prevail'd with him to leave the Parliament for many Days, and caused him to certify that he would not come to the Parliament, nor treat with the Lords and Commons concerning the Business of the Kingdom, for any Peril, Ruin or Mischief whatsoever that might happen any ways to him, or the Realm, if he were not first assur'd

by the Lords and Commons, that they would not speak nor do in that Parliament any thing against any of the Misdoers, saving that they might proceed on in the Process, which was then commenced against *Michael de la Pole*, to the great Ruin of the King and Kingdom, and against the antient Ordinances and Liberties of Parliaments.

17. Also, The said Lords and Commons, after they understood that the King's Mind (thro' the wicked Excitation and Counsel of the said five, &c. above-mention'd) was such, that he would not suffer any thing to be commenced, pursued or done against the said Evil-doers, so that they durst not speak or proceed against the King's Will; upon consideration of the former Counsel and Advice of the Lords and Justices, with other Sages and Commons of Parliament, how the Estate of the King and his Royalty might be best saved against the Perils and Mischiefs aforesaid, knew not how to find out any other Remedy than to ordain, That * twelve loyal Lords of the Land should be the King's Council for one Year, and that there should be made such a Commission and Statute, by which they should have full and sufficient Power to ordain, &c. according to the Effect of the said Commission and Statute; by both which no Man was to advise the King against them, under Forfeiture, for the first Offence, of his Goods and Chattels; and for the second Offence, of Life and Member: Which Ordinance, Statute, and Commission being made by the Assent of the King, the Lords, Judges, and other Sages and Commons, assembled in the said Parliament to preserve to the King his Royalty and Realm, the said Traitors and Misdoers, by their evil, false and traitorous Informations, insinuated to the King, that the said Ordinance, Statute and Commission were made to defeat his Royalty; and that all those who procur'd and counsell'd the making of them, and those who excited the King to consent to them, were worthy to be put to death as Traitors to the King.

18. Also, after this, the aforesaid five Misdoers and Traitors caused the King to assemble a Council of certain Lords Justices and others, many times without the Assent and Presence of the Lords of the said great Council; and made divers Demands of them very suspicious, concerning divers Matters, by which the King, Lords and common People were in great trouble, with the whole Realm.

19. Also, to accomplish the said High-Treason, the said Misdoers and Traitors, *Alexander, Robert, Michael, &c.* by the Assent and Counsel of *Robert Tresilian* and *Nicholas Brambre*, caused the King to ride thro' the Kingdom with some of them into *Wales*, and caused him to make come before him, the Lords, Knights, and Esquires, and other good People of those Parts, as well of Cities and Burghs, as other Places, and made some to enter into Bond; and obliged others by their Oaths to stand by him, against all People, and to effect his Purpose, which at that time was the Will and Purpose of the said Misdoers and Traitors, by their false Imaginations, Deceits and Accroach-

ments above-said; which Securities and Oaths were against the good Laws and Usages of the Land, and against the Oath of the King, to the great Ruin and Dishonour of the King and Kingdom.

20. Also, by force of such Bonds and Oaths, all the Realm was put into great Trouble by the said Evil-doers and Traitors; and in peril, to have suffer'd many intolerable Mischiefs.

21. Also, to bring about their traitorous Purposes, the said five caused the King to go into several other Parts of the Kingdom for some time; whereby the Lords assigned by the said Ordinances, Statute and Commission, could not advise with him about the Business of the Kingdom; so as the Purport and Effect of the Ordinances, Statute and Commission were defeated, to the great Ruin of the King and Kingdom.

22. Also, the said *Robert de Vere*, Duke of *Ireland*, by the Counsel and Abetment of the other four Traitors, accroaching to himself Royal Power, without the King's Commission, or other sufficient or usual Warrant, made himself Chief Justice of *Chester*, and by himself and Deputies held all manner of Pleas, as well common as of the Crown, and gave Judgments upon them, and made Execution thereof; and also caused many original and judicial Writs to be sealed with the Great Seal used in those Parts; and also by such Accroachment of Royal Power, he caused to rise with him great part of the People of that Country; some by Threats, others by Imprisonments of their Bodies; some by seizing of their Lands, others by many dishonest Ways, by colour of the said Office; and all this to make War upon and destroy the loyal Lords and others the King's Liege Subjects, to the undoing of the King and the whole Realm.

23. Also, the said Traitors, *Robert de Vere, Alexander, Michael, &c.* by the Counsel and Abetment of *Robert Tresilian* and *Nicholas Brambre*, accroaching to themselves Royal Power, caused to be deliver'd *John de Blois*, Heir of *Bretagne*, who was Prisoner, and Security to the King and Kingdom, without assent of Parliament, or the King's Great Council, and without any due Warrant, to the great strengthening the Adversary of *France*, the ruin of the King and Realm, and against the Statutes and Ordinances aforesaid made in the last Parliament.

24. Also, the said five Traitors caused the King to have a great Retinue of late of divers People, to whom he gave Badges, which was not done in antient time by any King his Progenitor, that they might have Power to perform their false Treasons aforesaid.

25. Also, the aforesaid five Misdoers and Traitors, in full Accomplishment of all their Treasons aforesaid, and to make the King give Credit to them and their Counsel, and hold them more loyal and greater Sages than others of the Kingdom; and the more to colour their false Treasons, caused the King to make come before him to the Castle of *Nottingham*, divers Justices and Lawyers, on the Morrow after *St. Bartholomew's-Day* last past, and there † constrained the said Justices to set their Hands to the Answers to certain Questions

* There were thirteen Commissioners, but only twelve of them were Peers.

† Divers of the Justices refused to subscribe, but yet they were obliged to do as the rest did; among whom was Robert Belknap, who utterly refused, till the Duke of Ireland and the Earl of Suffolk compell'd him thereto; for if he had persisted in his Refusal he had not escaped their Hands: and yet when he had set to his Seal, he burst out into these Words: Now here lacketh nothing but a Rope, that I may receive a Reward worthy my Desert; and I know if I had not done this I should not have escaped your Hands; so that for your Pleasures and the King's I have done it, and thereby deserve Death at the hands of the Lords. *Holin.* Vol 3. p. 456.

then propounded and delivered to them, that by means thereof those Persons who were about the King might have colour to put to death the Duke of Gloucester and other Lords, who in the last Parliament were ordained to have the Governance of the Realm.

Which Questions and Answers were as follow :

(1.) *First*, it was ask'd of them, whether the new Statute, Ordinance and Commission, made in the last Parliament held at *Westminster*, be hurtful to the King's Prerogative?

Whereunto all of one mind answer'd, That they were hurtful, and especially because they be against the King's Will.

(2.) *Item*, It was inquir'd of them how they ought to be punish'd that procur'd the said Statute, Ordinance and Commission to be made?

Whereunto with one Assent they answer'd, That they deserv'd Death, except the King of his Grace would pardon them.

(3.) *Item*, It was inquir'd how they ought to be punish'd, which mov'd the King to consent to the making of the said Statute, Ordinance and Commission? Whereunto they answer'd, That unless the King would give them his Pardon they ought to lose their Lives.

(4.) *Item*, It was inquir'd of them what Punishment they deserv'd that compell'd the King to the making of that Statute, Ordinance and Commission? Whereunto they gave Answer, That they ought to suffer as Traitors.

(5.) *Item*, It was demanded of them how they ought to be punish'd that interrupted the King, so that he might not exercise those Things that appertain'd to his Regality and Prerogative?

Whereunto Answer was made, that they ought to be punish'd as Traitors.

(6.) *Item*, it was enquir'd of them, whether, that after the Affairs of the Realm, and the Cause of the calling together of the States of the Parliament, were once by the King's Commandment declar'd and open'd, and other Articles on the King's behalf limited, upon which the Lords and Commons of the Realm ought to treat and proceed; if the Lords nevertheless would proceed upon other Articles, and not meddle with those Articles which the King had limited, till the time the King had answer'd the Articles proponed by them, notwithstanding the King injoined them to the contrary: Whether in this Case the King might rule the Parliament, and cause them to proceed upon the Articles by him limited before they proceeded any further?

To which Question it was answer'd, That the King should have in this Part the Rule for Order of all such Articles to be prosecuted until the end of the Parliament; and if any presum'd to go contrary to this Rule, he was to be punish'd as a Traitor.

(7.) *Item*, It was ask'd, whether the King, whensoever it pleased him, might not dissolve the Parliament, and command the Lords and Commons to depart from thence, or not?

Whereunto it was answer'd, that he might.

(8.) *Item*, It was inquir'd, that for so much as it was in the King to remove such Justices and Officers as offended, and to punish them for their Offences, whether the Lords and Commons might

without the King's Will impeach the same Officers and Justices upon their Offences in Parliament, or not? To this answer was made, That they might not; and he that attempted contrary was to suffer as a Traitor.

(9.) *Item*, It was inquir'd how he is to be punish'd that mov'd in the Parliament, that the Statute wherein *Edward*, the Son of King *Edward*, Great Grandfather to the King that now is, was indicted in Parliament, might be sent for? by Inspection of which Statute, the said new Statute or Ordinance and Commission, were conceived and devised in the Parliament.

To which Question, with one accord, as in all the Residue, they answer'd, that as well he that so summon'd, as the other, which by force of the said Motion brought the said Statute into the Parliament House, be as publick Offenders and Traitors to be punish'd.

(10.) *Item*, It was inquir'd of them, whether the Judgment given in the Parliament against *Michael de la Pole*, Earl of *Suffolk*, were erroneous, and revocable or not?

To which Question likewise with one Assent they said, that if the same Judgment were now to be given, the Justices and Serjeants aforesaid would not give the same, because it seemeth to them that the said Judgment is erroneous and revocable in every Part. In witness of the Premises, the Justices and Serjeant aforesaid to these Presents have set their Seals; these being Witnesses, *Alexander* Archbishop of *York*, *Robert* Archbishop of *Dublin*, *John* Bishop of *Durham*, *Thomas* Bishop of *Chesster*, *John* Bishop of *Bangor*, *Robert* Duke of *Ireland*, *Michael* Earl of *Suffolk*, *John* Rippon Clerk, and *John* Blake.

26. These five Evil-doers and Traitors are also further accused, that they drew away the Heart and Good-will of the King from the said Lords and others, who had agreed to make the said Commission and Ordinances in the last Parliament, and he thereupon accounted them Enemies and Traitors; and being sure the said Justices favour'd their Designs, contriv'd that those Lords and others should be arrested, indicted, and attainted by false Inquests of Treason, and put to death, and they and their Issue disherited: and these false Arrests, Indictments, and Attainders were to be made in *London* or *Middlesex*; and for that purpose they had procur'd a false and wicked Person called *Thomas Husk*, to be Under-Sheriff of *Middlesex*; who by their Assent, Procurement and Command, undertook the said false Indictments and Attainders should be made and accomplish'd: And for the more complete effecting of their Treason, they caused the King to send his Letters of Credence by one *John Rippon*, a false Clerk, and one of their Crew, to the Mayor of *London* to arrest the Duke of *Gloucester*, and others therein named; and by force of those Letters one *John Blake* carry'd to the Mayor a Bill of Information against them, by which they were to be indicted and attainted. The Effect of which Bill was, " That it seem'd for the better that
 " certain of the Lords, Knights, and Commons of
 " the last Parliament which were notoriously im-
 " peachable, should be privately indicted in *Lon-*
 " *don* and *Middlesex* of Conspiracy and Confede-
 " racy, for that they at a certain Day mention'd,
 " falsely and traitorously had conspired and confe-
 " derated between themselves to make in the same
 " Parliament

“ Parliament a Statute and Commission against the
 “ Royalty of our Lord the King, and in deroga-
 “ tion of his Crown, and procur’d the same Sta-
 “ tute there afterwards at a certain Day to be pas-
 “ sed; and also had procur’d, nay constrain’d our
 “ Lord the King to assent against his Will to have
 “ it made; and they traitorously against their Al-
 “ legiance hinder’d the King from using his Roy-
 “ alty, to the great Dishonour of him, and Deroga-
 “ tion to his Crown, against their Allegiance,
 “ swearing to maintain each other in this Matter.”

And further, The said Evil-doers and Traitors set a Watch to give notice of the Duke of *Lancaster’s* landing in *England*, that he might be arrested upon his Arrival.

27. Also the above-named five Evil-doers and Traitors, after having inform’d the King that he should believe that the said Statute, Ordinance and Commission were made in derogation of his Royalty and Prerogative, they strongly possessed him that all those who made, or caused to be made the said Statute, Ordinance and Commission, had thereby a Purpose to degrade, and finally to oppose him, and that they would not give over that Purpose until they had perfected it; for which Cause the King held them as Enemies and Traitors.

28. Also, after this false and traitorous information, when the Five aforesaid had procured the King to hold the loyal Lords as Enemies and Traitors; the said Misdoers and Traitors advised him by every way possible, as well by the Power of his own People, as by the Power of his Enemies of *France* and others, to destroy and put to death the said Lords, and all others who assented to the making of the said Statute, Ordinance and Commission; and that it might be done so privately, as none might know of it till it was done.

29. Also, to accomplish the High-Treason aforesaid, *Alexander*, &c. *Robert de Vere*, &c. and *Michael*, &c. by their Advice, caused the King to send his Letters of Credence to his Adversary the King of *France*; some by one *Nicholas Southwell*, a Groom of his Chamber, and others by other Persons of small Account, as well Strangers as *English*, requesting and praying the King of *France* that he would with all his Power and Advice be aiding and assisting him to destroy and put to death the said Lords and other *English* which the King held to be his Enemies and Traitors as above, to the great Disturbance and Dissatisfaction of the whole Realm.

30. Also the three last named Persons encroaching to themselves Royal Power, caused the King to promise the King of *France*, by his Letters Patent and Messages, that for such his Aid and Power to accomplish the same, he would grant and surrender unto him the Town and Castle of *Calais*, and all other Castles and Fortresses in the Marches and Confines of *Picardy* and *Artois*, with the Castles and Towns of *Cherburgh* and *Brest*; to the great Dishonour, Trouble, and Ruin of the King and Kingdom.

31. Also, after the last named three were sure of having Aid and Assistance from the King of *France*, by Instigation and Contrivance of the said Traitors, a Conference was to have been in the Marches of *Calais* about a Truce for five Years between the two Nations; at which Conference both Kings were to be present, as likewise the *English* Lords whom the King then held to be his Traitors; and there *Thomas Duke of Gloucester*,

Constable of *England*, *Richard Earl of Arundel* and *Surrey*, and *Thomas Earl of Warwick*, and divers others, were to have been put to death by Treachery.

32. Also for performance of this High-Treason, the last named Three caused the King to lead for Safe-Conducts to the King of *France*; some for himself and for the Duke of *Ireland*. and others for *John Salisbury* and *John Lancaster* Knights, with other People with them, who were to go into *France*, to put in execution this wicked Purpose and Treason; which Safe-Conducts were ready to be produc’d.

33. Also the aforesaid *Nicholas Brambre*, false Knight of *London*, by the Assent and Advice of the said *Alexander*, &c. *Robert de Vere*, &c. *Michael*, &c. and *Robert Tresilian* false Justice, encroaching to themselves Royal Power (as before) some of them went personally into *London*, and without the Assent and Knowledge of the King, there openly in his Name made all the Crafts or Trades of that City to be sworn, to hold and perform divers Matters not lawful, as is contained in the said Oath upon record in Chancery: And amongst other Things, that they should keep and maintain the King’s Will and Purpose to their power, against all such as were, or should be Rebels against the King’s Person or his Royalty, and that they should be ready to live and die with him in destruction of all such who did or should design Treason against the King in any manner; and that they should be ready and come speedily to their Mayor for the time being, or that afterwards should be, when and at what Hour they should be requir’d, to resist, so long as they lived, all such as did or should design any thing against the King in any of the Points aforesaid: at which time the King, by evil Information of the said Misdoers and Traitors, and by the false Answers of the Justices, firmly held the said Lords and others who contrived the said Statute, Ordinance and Commission, to be Rebels, Enemies, and Traitors, which false Information was then unknown to the People of *London*; and also by obscure Words contained in the said Oath, the Intent of the Misdoers and Traitors being to engage the People of *London* to raise their Power to destroy the said loyal Lords and others.

34. Also the said *Nicholas*, *Alexander*, *Robert de Vere*, and *Michael*, as Traitors to the King and Kingdom, encroaching to themselves Royal Power, did of their own Authority, without Warrant from the King, or his great Council, cause to be proclaimed thro’ the City of *London*, that none of the King’s Lieges should aid or comfort *Richard Earl of Arundel* and *Surrey*, a Peer of the Land, and one of the Lords of the King’s Great Council during the Commission; nor should sell him Armour, Victuals, or other things necessary, but should avoid all of his Party as Rebels, upon pain of being proceeded against as Rebels, and on forfeiture of all they were worth; shewing Letters Patent from the King for making such Proclamation, being to the Destruction of the King’s Liege Subjects.

35. Also the said *Nicholas Brambre*, by Assent and Counsel of the said *Alexander*, *Robert de Vere*, and *Michael*, caused it to be proclaimed in the City of *London*, That no Person should be so hardy as to presume to speak any Ill of the said Misdoers and Traitors, upon pain of forfeiting to the King whatever they were worth.

36. Also the said five Traitors to the King and Kingdom, caused the King to make certain Persons to be Sheriffs thro' the Kingdom, named and recommended to him by the said Evil-doers and Traitors, to the Intent that they might get such Persons as they should name return'd for Knights of the Shire to serve in Parliament; to the undoing of the loyal Lords and Commons, and also the good Laws and Customs of the Kingdom.

37. Also the said five Misdoers and Traitors, during the time of Protection, to hinder the Appeal against them, falsly counsell'd and prevail'd with the King to command by his Letters divers Knights and Esquires, Sheriffs, and other Ministers of several Counties, to levy and assemble all the Power they could to join with the Duke of *Ireland* against the Lords Appellants, to make sudden War upon and destroy them.

38. Also during the time of the said Protection of the said *Robert de Vere, Michael, &c. Alexander, Nicholas, &c.* they caused the King by his Letters, to signify to the Duke of *Ireland*, that they were all appealed of Treason by *Thomas Duke of Gloucester, Constable of England, Richard Earl of Arundel and Surrey, and Thomas Earl of Warwick*, and how he had given them Day until the next Parliament, and how he had taken into his special Protection both Parties, with all their Goods and Chattels: And it was further contain'd in the King's Letters, That if the Duke of *Ireland* should have sufficient Power, he should not cease to march on with all his Force to come to him. And soon after they caused the King to write to the said Duke that he should take the Field with all the Force he could get together; and that he would meet him with all his Troops, and that he would adventure his Royal Person with him, and that he was in great danger, as also the whole Nation, if he was not relieved by him: and this the Duke ought to declare to all the People with him, and that the King would pay the Wages and Costs of the said Duke, and all the People assembled with him. By virtue of which Letters, and the wicked and traitorous Instigations, as well of the Duke and his Adherents, as of all the other Misdoers and Traitors, he raised a great number of Men at Arms, and Archers, as well in the Counties of *Lancaster and Chester*, as in *Wales* and other Places of the Kingdom, to destroy and put to death the said loyal Lords, and all others who had assented to the making of the said Statute, Ordinance and Commission, in defence of the King and his Kingdom.

39. Also the said *Robert de Vere, Duke of Ireland*, as a false Traitor to the King and Kingdom, assembled a great Power of Men at Arms and Archers in *Lancashire, Cheshire, Wales*, and many other Places, to the Intent to have traitorously destroy'd with all his Power the said Lords, *Thomas Duke of Gloucester, Constable of England, Henry Earl of Derby, Richard Earl of Arundel and Surrey, Thomas Earl of Warwick*, and *Thomas Earl Marshal*, with divers others the King's Lieges, to the undoing and ruin of the King and the whole Kingdom; and so rode and march'd with a great Force of Men at Arms, and Archers, from the County of *Chester* to *Ratcot Bridge*, accroaching to himself Royal Power, and displaying the King's Banner in his Army, against the State of the King and his Crown.

Parliament; when the Lords Appellants also affirm'd they were ready to prove every Article of it as should be awarded in Parliament, to the Honour of God, and the Advantage and Profit of the King and the whole Realm.

Whereupon all the Persons appealed, were by command of the King and Lords solemnly summon'd in the great Hall at *Westminster*, as also at the Gate of the said Palace, to come and answer the said Appellants; but upon their Non-appearance, the said Duke and Lords Appellants pray'd, that their Default might be recorded. Then upon the said Appellants alledging, that the Accused had full Notice of the said Appeal, and the King and Lords being satisfy'd it was so, by reason they did not appear, their Default was recorded accordingly: Whereupon the said Duke and Earls Appellants pray'd the King and Lords, that they might be adjudged and convicted of the Treasons contained in the said Appeal. Then the King and Lords took time to consider and examine the Articles, after which they would give such Judgment in this Case, as should be to the Honour of God, the Advantage and Profit of the King and the whole Kingdom. Then the King commanded the said Lords to examine the Articles severally, which they did with great Labour and Diligence, until *Thursday* the 13th of *February*.

During this Interval, the Justices, Serjeants, and other Sages of the Law, both of the Realm and Law Civil, were charg'd by the King to give their faithful Advice to the Lords of Parliament how they ought to proceed in the above-said Appeal. Then the said Justices, Serjeants, and Sages of both Laws having taken these Matters into their Deliberation, answer'd the said Lords of Parliament, that they had seen and well understood the Tenor of the said Appeal, and affirm'd that it was not made nor brought according as the one Law or other requir'd. Upon which the said Lords of Parliament having taken Deliberation and Advice, it was by the Assent of the King with their common Accord declared, That in so high a Crime as is laid in this Appeal, and which touches the Person of the King and the Estates of this Realm, and is perpetrated by Persons who are Peers thereof, together with others, the Cause cannot be try'd elsewhere but in Parliament, nor by any other Law or Court, except that of Parliament; and that it belongs to the Lords of Parliament, and to their free Choice and Liberty, by antient Custom of Parliament, to be Judges in such Cases, and to judge of them by the Assent of the King; and thus it shall be done in this Case by Award of Parliament, because the Realm of *England* is not, nor ever was (neither is it the Intent of the King and Lords of Parliament that it shall ever be) ruled and govern'd by the Civil Law; and therefore it is not their Intent otherwise to proceed in so high a Case as this Appeal, which cannot be try'd or determin'd any where else than in Parliament, since the Process or Order used in inferior Courts is only as they are intrusted with the Execution of the antient Laws and Customs of the Realm, and the Ordinances and Establishments of Parliament: And it was the Judgment of the Lords of Parliament, by assent of the King, that this Appeal was well and duly brought, and the Process upon the same was good and effectual, according to the Laws and Course of Parliament, and by which they will award and judge

This Impeachment was exhibited on *Monday* the third of *February*, being the first Day of the

judge it. Upon this the Appellants again moved the King and Lords to record their Default; and that *Nicholas Brambre* (who was the only Person in Custody) might be brought to answer.

Then the other Persons appealed were again summon'd to come in and make Answer, but they did not appear; nevertheless the King and Lords took time to deliberate till the next Day, being the 5th of *February*; at which time the said Appellants again prayed that the Default of the Appealed might be recorded, which was done accordingly. After which the Lord * Chancellor, in the Name of the Clergy, in open Parliament, made an Oration, shewing, *That they could not by any means be present at Proceedings where any Censure of Death is to be passed*; for the Confirmation whereof the Clergy deliver'd in a Protestation, which being read, they declar'd, "That neither in respect of
" any Favour, nor for fear of any Man's Hate,
" nor in hope of any Reward, they did desire to
" absent themselves; but only that they were
" bound by the Canon not to be present at any
" Man's Arraignment or Condemnation." They likewise sent their Protestation to the Chapel of the Abbey where the Commons sat, which was allow'd of.

And then, on the 13th of *February*, the King and Lords of Parliament being met again in the *Whitehall*, the said Appellants pray'd that the last Default of the said Archbishop, Duke, and Earl, and *Robert Tresilian*, should be recorded. Then the Persons accused being again summon'd (*the third time*) and not appearing, the Lords proceeded to Judgment, and declared, that divers of the Articles therein contain'd were Treason; as the *First, Second, Eleventh, Twelfth, Fifteenth, and Seventeenth*, as also the *Eighteenth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-seventh, Thirty-eighth, and Thirty-ninth* Articles: and then upon due Information of their Consciences, they pronounced the said Archbishop, Duke, and Earl, with *Robert Tresilian*, to be notoriously guilty of each of the said Articles that concern'd them, and that they were also culpable of all the rest of the Articles contain'd in the said Appeal, not yet declar'd Treason.

Then in presence of the King, and Lords assembled at the Day and Place aforesaid the said Duke and Earls Appellants pray'd the King, and the Lords there present, that the Persons so appeal'd as aforesaid should be adjudged convicted of the High-Treasons contain'd in the said Appeals. Wherefore the said Lords of Parliament there present, as Judges in Parliament in this Case, by assent of the King pronounced their Sentence; and did adjudge the said Archbishop, Duke, and Earl, with *Robert Tresilian*, so appeal'd as aforesaid, to be Guilty and convicted of Treason, and to be *drawn and hang'd as Traitors and Enemies to the King and Kingdom*; and that their Heirs should be disinherited for ever, and their Lands and Tenements, Goods and Chattels forfeited to the King, and that the Temporalities of the Archbishop of *York* should be taken into the King's hands.

On this Day Sir *Nicholas Brambre*
Feb. 17. was brought by the Constable of the *Tower* into Parliament; and being

charged with the aforesaid Articles of Treason, he desired longer time, that he might advise with Counsel Learned in the Law, and might make a more full Answer to his Accusation, but he was refus'd, in that he requir'd a thing not usual, nor allowable by Law in a Case of this Nature; whereupon the Judges requir'd him then to answer severally and distinctly to every Point in the Articles of Treason contain'd. Whereunto *Brambre* answer'd, "Whosoever hath branded me with
" this ignominious Mark, with him I am ready
" to fight in the Lists to maintain my Innocency
" whenever the King shall appoint." And this he spake with such a Fury, that his Eyes sparkled with Rage, and he breath'd as if an *Ætna* lay hid in his Breast, chusing rather to die gloriously in the Field, than disgracefully on a Gibbet.

The Appellants hearing this courageous Challenge, with resolute Countenance answer'd, that they would readily accept of the Combat, and thereupon flung down their Gages before the King; and on a sudden the whole Company of Lords, Knights, Esquires, and Commons flung down their Gages so thick, that they seem'd like Snow in a Winter's Day, crying out, "We also
" will accept of the Combat, and will prove these
" Articles to be true to thy Head, most damna-
" ble Traitor." But the Lords resolv'd that Battle † did not lie in that Case, and that they would examine the Articles touching the said *Nicholas*, and take due Information by all true, necessary and convenient Ways, that their Consciences might be truly directed what Judgment to give in this Case, to the honour of God, the advantage and profit of the King and his Kingdom, and as they would answer it before God, according to the Course and Law of Parliament.

This Day, to aggravate the Appellation against the Conspirators, there. Feb. 19. came divers Companies of the City of *London*, complaining of the manifold Injuries they had suffer'd from *Brambre*, and other Extortions and Exactions wherewith they had been daily charg'd; and yet they protested, that they did not accuse him either for hate to his Person, or for love; fear or hope of Reward from his Enemies, but they charg'd him only with the Truth. Before they could proceed with his Trial, they were interrupted by unfortunate *Tresilian*, who being got upon the top of an Apothecary's House adjoining to the Palace, and descended into a Gutter to look about him and observe who went into the Palace, was discover'd by certain of the Peers, who presently sent some of the Guard to apprehend him; who entering into the House where he was, and having spent long time in vain in looking for him, at length one of the Guard stept to the Master of the House, and taking him by the Shoulder with his Dagger drawn, said thus, *Show us where thou hast hid Tresilian, or else resolve thy Days are accomplish'd.* The Master trembling, and ready to yield up the Ghost for fear, answer'd, *Tonder is the place where he lies*; and show'd him a round Table cover'd with branches of Bays, under which *Tresilian* lay close cover'd. When they had found him, they drew him out by the Heels, wondering to see him wear his Hair and

* The Bishop of Ely. Tyrrel says, the Archbishop of Canterbury.

† In Appeals of Treason, Battle don't lie, if it can be proved by Witnesses. (See Proceedings against the Earl of Clarendon, N^o 66. Vol. II. p. 553.)

Beard overgrown, with old clouted Shoes and patch'd Hose, more like a miserable poor Beggar than a Judge.

When this came to the Ears of the Peers, the five Appellants suddenly rose up, and going to the Gate of the Hall, they met the Guard leading *Tresilian* bound, crying as they came, *We have him, we have him* *.

Tresilian being come into the Hall, was ask'd what he could say for himself, why Execution should not be done according to the Judgment pass'd upon him for his Treasons so often committed: but he became as one struck dumb, he had nothing to say, and his Heart was harden'd to the very last, so that he would not confess himself Guilty of any thing. Whereupon he was without delay led to the *Tower*, that he might suffer the Sentence pass'd against him: his Wife and his Children did with many Tears accompany him to the *Tower*; but his Wife was so overcome with Grief, that she fell down in a swoon as if she had been dead.

Immediately *Tresilian* is put upon an Hurdle, and drawn thro' the Streets of the City, with a wonderful Concourse of People following him. At every Furlong's end he was suffer'd to stop, that he might rest himself, and to see if he would confess or acknowledge any thing; but what he said to the Frier his Confessor, is not known. When he came to the place of Execution, he would not climb the Ladder, until such time as being sound-

ly beaten with Bats and Staves, he was forc'd to go up; and when he was up, he said, so long as I do wear any thing upon me, I shall not die; wherefore the Executioner stript him, and found certain Images painted like to the Signs of the Heavens, and the Head of a Devil painted, and the Names of many of the Devils wrote in Parchment; these being taken away, he was hang'd up naked, and after he had hang'd some time, that the Spectators should be sure he was dead, they cut his Throat, and because the Night approached, they let him hang till the next Morning, and then his Wife having obtain'd a License of the King, took down his Body, and carried it to the *Gray-Friers*, where it was buried,

On this Day *Brambre* was brought again before the Parliament; but not *Feb. 20.* being able to make any Answer to the Articles wherewith he was charg'd, the like Sentence was pronounc'd against him, as had been before against the other Conspirators. After which he was drawn upon an Hurdle from the *Tower* to *Tyburn*, thro' the City, when he shewed himself very penitent, humbly craving Mercy and Forgiveness at the hands of God and Men, whom he had so grievously offended, and so injuriously wrong'd in Times past, earnestly desiring all Persons to pray for him: When the Rope was about his Neck, and he was ready to be turn'd off, a certain young Man, the Son of one *Northampton*, ask'd him if he had done Justice to his Father or

* Froissart's Chron. Part 2. fol. 110. relates the manner of his Discovery thus; "Understanding that the King's Uncles and the new Council at England would keep a secret Parliament at Westminster, he (*Tresilian*) thought to go and lie there to learn what should be done; and so he came and lodg'd at Westminster the same Day their Council began, and lodg'd in an Ale-house right over against the Palace-Gate, and there he was in a Chamber looking out at a Window down into the Court, and there he might see them that went in and out to the Council, but none knew him because of his Apparel. At last on a Day, a Squire of the Duke of Gloucester's knew him, for he had oftentimes been in his Company; and as soon as Sir Robert *Tresilian* saw him, he knew him well, and withdrew himself out of the Window. The Squire had suspicion thereof, and said to himself, Methinks I see yonder Sir Robert *Tresilian*; and to the intent to know the Truth, he enter'd into the Lodging and said to the Wife, Dame, who is that, that is above in the Chamber? is he alone or with Company? Sir, quoth she, I cannot shew you, but he has been here a long space. Therewith the Squire went up the better to advise him, and saluted him, and saw well it was true; but he feign'd himself, and turned his Tale and said, God save you good Man, I pray you be not discontented, for I took you for a Farmer of mine in Essex, for you are like him. Sir, quoth he, I am of Kent, and a Farmer of Sir John of Hollands, and there be Men of the Bishop of Canterbury's that would do me wrong; and I am come hither to complain to the Council. Well, quoth the Squire, if you come into the Palace, I will help to make your way, that you shall speak with the Lords of the Council. Sir, I thank you, quoth he, and I shall not refuse your Aid. Then the Squire call'd for a Pot of Ale, and drank with him, and paid for it, and bad him farewell and departed; and never ceas'd till he came to the Council Chamber-door, and call'd the Usher to open the Door. Then the Usher demanded what he would, because the Lords were in Council: he answer'd and said, I would speak with my Lord and Master the Duke of Gloucester, for a matter that right near toucheth him and all the Council. Then the Usher let him in, and when he came before his Master, he said, Sir, I have brought you great Tidings. What be they, quoth the Duke? Sir, quoth the Squire, I will speak aloud, for it toucheth you and all my Lords here present. I have seen Sir Robert *Tresilian* disguised in a Villain's Habit, in an Alehouse here without the Gate. *Tresilian!* quoth the Duke. Yea truly Sir, quoth the Squire, you shall have him ere you go to Dinner, if you please. I am content, quoth the Duke, and he shall show us some News of his Master the Duke of Ireland; go thy way and fetch him, but look that thou be strong enough so to do, that thou fail not. The Squire went forth and took four Serjents with him, and said, Sirs, follow me afar off; and as soon as I make to you a Sign, and that I lay my Hand on a Man, that I go for, take him and let him not escape. Therewith the Squire enter'd into the House where *Tresilian* was, and went up into the Chamber; and as soon as he saw him, he said, *Tresilian*, you are come into this Country for no Goodness; my Lord the Duke of Gloucester commandeth, that you come and speak with him. The Knight would have excus'd himself, and said, I am not *Tresilian*, I am a Farmer of Sir John of Hollands. Nay, nay, quoth the Squire, your Body is *Tresilian*, but your Habit is not; and therewith he made Tokens to the Serjents, that they should take him. Then they went up into the Chamber, and took him, and so brought him to the Palace." Of his taking, the Duke of Gloucester was right joyful, and would see him, and when he was in his Presence, the Duke said, *Tresilian*, what thing makes you here in this Country? where is the King? where left you him? *Tresilian*, when he saw that he was so well known, and that none excusation could avail him, said, Sir, the King sent me hither to learn Tidings, and he is at Bristol, and hunteth along the River Severn. What, quoth the Duke, you are not come like a wise Man, but rather like a Spy; if you would have come to have learnt Tidings, you should have come in the State of a Knight. Sir, quoth *Tresilian*, if I have trespassed, I ask Pardon, for I was caus'd this to do. Well, Sir, quoth the Duke, and where is your Master the Duke of Ireland? Sir, quoth he, of a truth he is with the King. It is shewed us here, quoth the Duke, that he assembleth much People, and the King for him; whither will he lead that People? Sir, quoth he, it is to go into Ireland. Into Ireland, quoth the Duke of Gloucester! Yea, Sir, truly, quoth *Tresilian*: and then the Duke studied a little, and said, Ah, *Tresilian!* *Tresilian!* your Business is neither fair nor good; you have done great Folly to come into this Country: for you are not beloved here, and that shall well be seen; you and such other of your Affinity have done great Displeasure to my Brother and me, and you have troubled to your Power, and with your Counsel, the King, and divers others, Nobles of the Realm; also you have moved certain good Towns against us. Now is the Day come, that you shall have your Payment; for he that doth well, by Reason should find it. Think on your Business, for I will neither eat nor drink till you be dead. That word greatly abash'd *Tresilian*; he would fain have excus'd himself with fair Language, in lowly humbling himself; but he could do nothing to appease the Duke. So Sir Robert *Tresilian* was deliver'd to the Hangman, and so led out of Westminster, and there beheaded, and after hang'd on a Gibbet.

not [for *Northampton* was some time Mayor of the City of *London*, more wealthy and substantial, than any else in the City; him did *Brambre* and *Tresilian* accuse of Treason and Conspiracy against the State, and condemn'd him to die, being despoil'd of his Estate, he himself at length hardly escap'd] To whom *Brambre* answer'd, and confess'd with bitter Tears, that what he did was most vile and wicked, and with an intent only to murder and overthrow the said *Northampton*; for which craving Pardon of the young Man, he was suddenly turn'd off, and the Executioner cutting his Throat, he died *.

Robert Belknap, John Holt, Roger Fulthorpe, William Burleigh, John Carey, and John Lockton, being impeach'd by the Commons, were call'd to answer for their Conspiracy against the Commissioners at *Nottingham*. They could not gainsay, but that the Questions were such as were then asked them, but denied the Answers to be so: and Sir *Robert Belknap* pleaded in particular, that the Archbishop of *York*, in his Chamber at *Windsor*, told him that he had devised and drawn up the Commission and Statute, whereby the Government was wholly taken out of the King's Hands, and that he therefore hated him above all Men; and that if he found not some way to make void the said Statute and Commission, he should be slain as a Traitor. He answer'd, that the Intention of the Lords, and such as assisted at the making of them, was, that they should be for the Honour and good Government of the State of the King and Kingdom: that he twice parted from the King dissatisfied, and was in doubt of his Life; and said these Answers proceeded not from his Good-will, but were made against his Mind, and were the Effects of the Threats of the Archbishop of *York*, Duke of *Ireland*, and Earl of *Suffolk*; and that he was sworn, and commanded in the Presence of the King, upon pain of Death, to conceal this Matter, as the Counsel of the King; and prayed for the Love of God that he might have a gracious and merciful Judgment.

Sir *John Holt* alledged the same Matter of Excuse, and made the same Prayer, so did Sir *William Burgb*, and Sir *John Cary*; who all made the same Excuse, and made the same Requests, as did also Sir *Roger Fulthorpe*, and *John Lockton* Serjeant at Law.

To all which the Commons answer'd, that they were taken and holden for Sages in the Law; and the King's Will was, that they should have answer'd the Question as the Law was, and not otherwise, as they did, with Design, and under Colour of Law, to murder and destroy the Lords, and Loyal Lieges, who were aiding and assisting in making the Commission and Statute in the last Parliament, for the good Government of the State of the King, and Kingdom; and therefore the Commons pray'd they might be adjudg'd, convicted, and attainted as Traitors. Upon which the Lords Temporal took time by good Deliberation

to examine the Matter and Circumstances of it; and for that they were present at the making of the said Statute and Commission, which they knew were contrived for the Honour of God, and for the good Government of the State of the King and whole Kingdom, and that it was the King's Will, that they should not have otherwise answer'd them, than according to Law, and had answer'd as before, they were by the Lords Temporal, by the Assent of the King, adjudg'd to be *Drawn and Hang'd as Traitors*, their Heirs disinherited, and their Lands and Tenements, Goods and Chattels to be forfeited to the King.

Whilst the Peers were trying them, the Clergy were retir'd into the King's Chamber; but when word was brought to them of the Condemnation of the Judges, the Archbishop of *Canterbury*, the Bishop of *Winchester*, the Chancellor, the Treasurer, the Lord Keeper of the Privy-Seal, arose hastily and went into the Parliament House, pouring forth their Complaints before the King and Peers, humbly upon their Knees beseeching them, that for the Love of God, the Virgin *Mary*, and all the Saints, even as they hoped to have Mercy at the Day of Judgment, they should shew Favour, and not put to death the said Judges then present.

The Duke of *Glocester* likewise, with the Earls of *Arundel, Warwick, Derby, and Nottingham*, whose Hearts began to be mollified, joined with them in their Petition. At length thro' their Intercession, the Execution upon their Persons was spar'd, and their Lives granted them; but they were sent back to the *Tower* to be kept close Prisoners, and afterwards were sent into *Ireland*, there to remain for Term of Life †.

On *Tuesday, March 3.* *John Blake*, and *Thomas Uske* were brought into Parliament: and first *John Blake* was impeached by the Commons, That being retained of Council for the King, he drew up the Questions, to which the Justices made Answer, and contrived with the Persons appealed, that the Lords, and other the King's Loyal Lieges that caused the said Commission and Statute to be made in the last Parliament, should be indicted in *London* and *Middlesex* for Treason, and that they should be arrested, and traitorously and wickedly murdered: and that he was aiding and advising in the Treasons aforesaid, with the appealed already executed.

Then *Thomas Uske* was accused for procuring himself to be made Under-Sheriff of *Middlesex*, to the end to cause the said Lords, and Loyal Lieges, to be arrested and indicted, as had been said before; and was aiding and counselling the Appealed in the Treasons aforesaid.

John Blake answer'd, That he was retain'd of Council for the King, by his Command, and sworn to keep secret his Advice, and whatever he did, it was by the King's Command, whom he ought to obey. And *Thomas Uske* gave the same Answer. Whereupon the Lords Temporal took Deliberation till the morrow, being the 4th of

* Grafton, p. 379. and from him, Holinshed, Vol. 3. p. 453. say, that in his Mayoralty he caused great and monstrous Stocks to be made to imprison Men in, as also a common Axe to strike off the Heads of such as should resist his Will and Pleasure; and that he was sentenc'd by the Parliament to be beheaded with his own Axe. Froissart's Chron. Part. 2. fol. 113. But it appears by the Parliament-Rolls, 11 Rich. II. Par. 3. N^o 15. that both he and Tresilian were drawn and hang'd.

† They were thus distributed; Robert Belknap and John Holt in the Village of Dromore in Ireland; not to live as Justices, but as banish'd Offenders, nor to go out of Town above the space of two Miles upon pain of Death. But the King out of his Bounty was pleas'd to give a yearly Annuity of 40 Pounds to Robert Belknap, and of 20 Marks to John Holt, during their Lives.

Roger Fulthorpe, and William Burleigh in the City of Dublin, with the yearly Allowance of forty Pounds to each during Life, with the Liberty of going two Miles to Burleigh, and of three to Fulthorpe, for their Recreation.

John Carey, and John Lockton in Waterford, with the yearly Allowance of twenty Pounds to each during Life, with the like Liberty, and like Penalty.

March, when the said *John* and *Thomas* were again brought into Parliament; and good Advice and Deliberation having been taken by the Lords, they pronounced them Guilty of the Things whereof they were accused. And whereas they alledged for their Excuse the King's Command, it made the Crime the greater, for that they knew well the Persons appealed and condemned, had encroached to themselves Royal Power, as is said before, and it was their Command, and not the King's. Then the Lords awarded, by Assent of the King, that they should both be *Hanged and Drawn as Traitors*, as open Enemies to the King and Kingdom, and their Heirs disinherited for ever, and their Lands and Tenements, Goods and Chatties forfeited to the King: and they were executed the same Day.

On the 6th of *March*, *Thomas* Bishop of *Chichester* was impeached and accused by the Commons, that he was present at the Places and Times when the said Questions were put to the Justices, &c. and the Answers made; and excited them by Threats to answer as they did, and knew the false Purposes and Treasons design'd by the Traitors adjudged, and aided and assisted them, and would not make Discovery to any of the Lords, that caused the said Commission to be made last Parliament, whereby Remedy might have been had for the Safety of the King and Kingdom. To which the Bishop answer'd, That of his own Freewill, he had not excited them to do or say any thing; and further said, they were not excited or charged to say any thing but what the Law was: and touching the Concealment of the Treason, he had made such Assurance as he could not discover: and said further, that the Traitors were about the King, and had such Power over him before, that he had not so great Interest in the King as to prevent those Mischiefs, that now came upon him. The Commons reply'd, He had upon the Matter confess'd himself Guilty, and pray'd he might be attainted. Upon this Answer of the Bishop, the Replication of the Commons, and all Circumstances of the Accusation, the Lords took time to give such Judgment, as might be for the Honour of God, and Profit of the King and Kingdom.

Simon de Burleigh, *John de Beauchamp* 12. *champ*, *James Baroverse*, and *John Salisbury*, were brought into the Parliament House, where they were impeach'd at the Instance of the Commons. The Articles exhibited against them were sixteen; the first Article was the first Article in the former Impeachment; in the second Article they were accused as Traitors and Enemies of the Kingdom, for that they knew of all the Treasons in the Appeal mentioned, and that they were aiding, assisting, counselling and assenting to all the Traitors attainted; and that *Simon Burleigh*, and *John Beauchamp* were principal Actors in all the said Treasons. In the eighth Article they were accused for conspiring and designing with the five Persons appealed, to destroy

and put to death those who were assenting to the making of the said Commission and Statute in the last Parliament. Another Article was, That the said *Simon Burleigh* being King's Chamberlain, and being oblig'd to counsel the King for the best, to the Advantage of him and his Realm, he the said *Simon* by his wicked Contrivance and Procurement, advised the King to entertain in his Household great Numbers of Aliens, *Bobemians* and others, and to give them large Gifts out of the Revenues and Profits of the Realm, whereby the King was greatly impoverish'd, and the People otherwise oppress'd. The other Articles are of less moment, but all relating to the Articles of the Appeal, to which they all pleaded *Not Guilty*.

The Commons replied they were Guilty, and the Lords took time to examine and consider the Impeachment. Upon this and the Bishop of *Chichester's* Impeachment, the Lords adjourn'd until the 20th of *March*, on which Day the whole Parliament was adjourn'd until the 13th of *April*, on which Day the Lords further adjourned till the 5th of *May*; the time between was taken up with the Affair of Sir *Simon Burleigh*: for three Appellants, viz, the Duke of *Glocester*, the Earls of *Arundel* and *Warwick*, with the whole House of Commons, urg'd that Execution should be perform'd according to the Law: On the other side the King and Queen, the Earls of *Derby* and *Nottingham*, and the Prior of *St. John* his Uncle, with the major part of the House of Lords, did labour to have him sav'd.

There was also some muttering among the common People, and it was reported to the Parliament, that the Commons did rise in divers parts of the Realm, but especially about *Kent*, in favour of Sir *Simon Burleigh*; which when they heard, those that before spake and stood for him, now clean left him.

By joint Consent of the King and the Lords, Sentence was pronounc'd *May 5.* against the said Sir *Simon Burleigh*, That he should be drawn from the *Tower* to *Tyburn*, and there be hang'd till he be dead, and then have his Head struck from his Body: but because he was a Knight of the Garter, a gallant Courtier, powerful, and once a * Favourite of the King's, and much respected of all the Court, the King was pleas'd to mitigate his Doom, that he should only be led to *Tower-Hill*, and there be beheaded.

John Beauchamp, Steward of the Household to the King, *James Baroverse*, and *John Salisbury* Knights, *May 12.* Gentlemen of the Privy-Chamber, were in like manner condemn'd; the two first were beheaded on *Tower-Hill*, but *John Salisbury* was drawn from *Tower-Hill* to *Tyburn*, and there hang'd. On the same Day also was condemn'd the Bishop of *Chichester*, the King's Confessor; but because of his great Dignity he was pardon'd, but was banish'd to *Cork* in *Ireland* †.

* See a particular account of his Advancement and Greatness, Holin. Vol 3. p. 464.

† The Judgments were afterwards revers'd in the Parliament held the 21 Ric. 2. but that Parliament is declar'd to be held by Force in the Parliament Rolls, 1 Hen. 4. N^o. 21, 22. and N^o. 48. and is therefore entirely repeal'd by 1 Hen. 4. cap. 3. and the Parliament of 11 Ric. 2. confirm'd and approv'd of, as for the honour and profit of the Realm, 1 Hen. 4. cap. 4.

II. *The Trial and Examination of Master WILLIAM THORPE**, *Preste, for HERESYE, before Thomas Arundel, Archebishop of Canterbury, the 3d of July, 1407. the 8th of Henry IV. Written by himself.*

KNOWEN be yt to all Men that rede or here thys Wrytyng benethe, That on the Sondaye next after the Feste of Seynt *Peter*, that we call *Lammesse*, in the yeare of our Lord a M.CCCC. and vii. yeare, I *William Thorpe*, being in Prison in the Castell of *Saltwoode*, was brought before *Thomas Arundell* Archebyshope of *Canterbury*, and Chauncellor than of *England*: And when that I came to hym, he stode in a great Chamber, and moch People aboute hym; and when that he sawe me, he went faste into a Clofett, bydding all seculer Men that folowed him to go forth from hym sone; so that no Man was left than in that Clofett but the Archebyshop hymselfe, and a Physician that was callyd *Malueren*, Person of Seynt *Dunstanys* in *London*, and other two Personys unknowen to me, whych ware Minystrys of the Lawe. And I standyng before them, by-and-by the Archebyshop seyde to me, *William*, I know well that thou hast thys twenty Wynter and more trauelyd about besyly in the *North* Contre, and in other diverse Contres of *England*, sowyng about false Doctrine, hauyng great Busynesse yf thou myght wyth thyne untrew Teachyng, and shrewyd Will for to infecte and poyson all this Lande: But through the Grace of God thou art now wythstoded and brought in to my Warde, so that I shall now sequester the from thyne euill purpose, and lett the to enuename the Shepe of my Provynce. Never the lesse Seynt *Paul* seythe, *If it may be as ferre as in us is, we owe to have Peace wyth all Men*: Therefore *William*, yf thou wyll now mekely, and of good Harte, without onye feynyng, knele downe and leye thy Hande upon a Booke and kyffe yt, promysyng feythfully, as I shall here charge the, that thou wilt submyt the to my Correccyon, and stande to myne Ordinance, and fulfill yt dewly by all thy Connyng and Power, thou shall yet fynde me gracyouse unto the. Then seyde I to the Archebyshop, Syr, fyns ye deme me an Heretyke out of Beleue, wyll ye gyue me here Audience to tell my Beleue; and he seyde, ye tell on. And I seyde, I beleue that there is not but one God Almyghty, and in thys Godhede, and of thys Godhede ar thre Persones; that is, the Fader, the Sonne, and the sothe faste Holy Goste: And I beleue that all thes thre Persones ar euen in Power, and in Connyng, and in Myght, full of Grace and of all Goodnesse; for whatsoever that the Father dothe,

or can, or wyll, that thyng also the Sonne dothe, and can, and wyll; and in all their Power, Connyng and Wyll, the Holy Goste is equall to the Father and to the Sonne.ouer thys I beleue, that through Counsell of thys moste bleffyd Trinite, in a moste conuenient tyme before ordenyd for the Salvacyon of Man kynde, the seconde Person of thys Trinite was ordeynd to take the Fourme of Man, that is the kynde of Man. And I beleue that thys seconde Person, our Lorde *Jesu Christe*, was conceiuyd thorough the Holy Goste into the Wombe of the moste bleffyd *Virgyn Marye*, wythout Manys Seede: And I beleue that after nyne monthys *Christe* was borne of thys moste bleffyd *Virgyn*, without one Peyne, or brekyng of the Closter of hyr Wombe, and wythout Fylthe of hyr *Virginite*: And I beleue that *Christe* our Sauyours was circuncisyd in the eyghte daye after hys Byrthe in fulfillyng of the Lawe, and hys Name was callyd *Jesu*, which was callyd of the Angell before that he was conceiuyd in the Wombe of *Marie* hys Moder: And I beleue that *Christe*, as he was about thyrty yeare old, was baptyzed in the Fludde of *Jordane* of *John Baptist*; and, in lykenes of a Dove, the Holy Goste descendyd there upon hym, and a Voyce was herde from Heuen, seying, *Thou art my welbelouyd Sonne, in the I am full pleasyd*. And I beleue that *Christe* was moeuyd than by the Holy Goste for to go into Desert, and there he fastyd fourty dayes and fourty nyghtes wythout bodely Meate and Drynk: And I beleue that by and by, after hys Fastyng, when the Manhode of *Christe* hongeryd, the Feende came to hym and temptyd hym in Glotony, in veyn Glory, and in Couetyse; but in all thoes Temptacyons *Christe* concludyd the Fende, and withstode hym; and than wythout taryng, *Jesu* began to preache and to seye unto the People, *Doe ye Penatnce, for the Relme of Heven ys now at hande*. And I beleue that *Christe*, in all hys tyme here, lyued moste holyly, and taught the Wyll of hys Fader moste trewly; and I beleue that he sufferyd therefore moste wrongfully greatyft Repreuis and Despyfynges. And after thys whan *Christe* wolde make an ende here of hys temporall Lyfe, I beleue that in the daye next before that he wolde suffer Passyon in the Morne, in fourme of Brede and of Wyne he ordenyd the Sacramente of hys Flesh and his Blood, that ys, hys owne precyous Body, and gave it to hys Apostles for to eate, com-

* Fox, Acts & Mon. Vol. 1. p. 622. Coll. Eccl. Hist. 625.

maundyng them, and by them all their Aftercomers, that they sholde doo it in thys fourme that he shewyd to them, use them self, and teache and commone forthe to other Men and Woomen thys moste worshypful holiest Sacrament, in myndefulnesse of hys holyest Lyuyng, and of hys moste trew Teachyng, and of hys wilfull and pacient Sufferyng of the moste peynful Passion: And I beleue that thus Christe our Savyour, after that he had ordenid thys most woorthy Sacrament of hys owne precioufe Body, he went forthe wyllfully agenth hys Enemyes, and he sufferyd them most patiently to ley their Handys moste violently uppon hym, and to bynde hym, and to leade hym forthe as a Thefe, and to skorne hym, and buffet, and all to blow or fyle him with their Spittings. Over this I beleue that Christe suffered most mekely and patiently his Enemyes for to dinge out with sharpe Scourges the Bloude that was betwene his Skyn and his Flesh; yee without grudginge Christe suffered the cruell *Jewes* to crown him with most sharp Thomes, and to strike him with a Rede: And after Christe suffered wicked *Jewes* to draw him out upon the Crosse, and for to nayle hym there upon Fote and Hande; and so, thorow this pitiefull Naylinge, Christe shed out wilfully for Man's Lyfe the Bloude that was in his Vaynes: And then Christe gave wilfully his Spirite in to the Handes or Power of his Father, and so as he wolde, and when he wold, Christ deid wilfully for Man's sake upon the Crosse. And notwithstandinge that Christe was wilfully, paynfully, and most shamefully put to deeth as to the Worlde, there was left Bloude and Water in his Herte, as he before ordened, that he wolde shede out this Bloude and this Water for Man's Saluacion: And therefore he suffered the *Jewes* to make a blinde Knight to thrust him in to the Herte with a Spere, and this the Bloude and Water that was in his Herte Christe wolde shede out for Man's Love. And after this I beleue that Christe was taken downe from the Crosse, and buried; and I beleue that on the third daye, by power of his Godheed, Christ rose again from Deth to Life; and the xlth day ther after, I beleue that Christe ascended up into Heaven, and that he there sitteth on the right Hande of God the Father Almyghty; and the tenth daye after this up goinge, he sente to his Apostles the Holy Goost that he had promysed them before; and I beleue that Christe shall come and judge all Mankinde, some to euerlastinge Peace, and some to euerlastinge Paynes. And as I beleue in the Father and in the Sonne, that they are one God Almyghty; so I beleue in the Holy Goost, that is also with them the same God Almyghty. And I beleue an holy Chirche, that is, all thei that haue byn, and that now are, and alwayes to the end of the Worlde shal be a People, the which shall endeuer them to knowe and to kepe the Commaundments of God, dredinge over all thyng to offende God, and lovyng and sekyng most to please hym. And I beleue that all they that haue had, and yet haue, and all they that yet shall haue the foresayde vertuous surely standyng in the Belefe of God, hopying stedfastly in hys mercifull Doynge, continuyng to their ende in perfect Charitie, wilfully, patiently, and gladly soferyng Persecutions, by the example of Christ chiefly and his Apostles, all these haue their Names wrytten in the Boke of Life: Therefore I beleue that the gaderyng together of this Peo-

ple, lyuyng now here in this Lyfe, ys the holye Chyrche of God, feyghtyng here on Erth agaynst the Fende, the Prosperyte of the Worlde, and their fleshely Lustes. Wherefore seyng that all the gadering together of this Church before said, and euery parte therof, nother coueteth, nor willeth, nor loveth, nor seketh any thinge but to eschew the Offence of God, and to do his pleasing Will; mekely, gladly, and wilfully of all myne Herte I submitt my selfe unto thys holye Church of Christe, to be ever buxom and obedient to the Ordinaunce of it, and of euery Member thereof, after my Knowlege and Power by the helpe of God. Therefore I knowlege now and euermore shall, if God will, that of all my Harte, and of all my Might, I will submyt me only to the Rule and Gouvernaunce of them whome after my Knowlege, I may perceave, by the havynge and usyng of the beforefayd Vertues, to be Membres of the holy Church. Wherefore these Articles of Belefe, and all other bothe of the olde Lawe and of the newe, which after the Commaundment of God any Man oughte to beleue, I beleue verely in my Soule, as synnefull deedly Wretche, of my Cunnyng and Power oughte to beleue, prayenge the Lorde God, for his holye Name, for to encrease my Belefe, and help my Unbelefe.

And forbycause to the prayfynge of Goddes Name, I desyre above all thyng to be a faythfull Membre of holy Church, I make this Protestacyon before you all foure that are now here presente, covetyng that all Men and Women that now absente knewe the same, that what thyng soever before this tyme I have sayde or done, or what thyng here I shall doo or saye at any tyme here after; I beleue that all the olde Lawe and the newe Lawe, geuen and ordened by the Councell of these thre Persones of the Trynite, were geuen and wrytten to the Saluacyon of Mankynde: And I beleue that these Lawes are sufficient for Man's Saluacyon: And I beleue every Article of these Lawes, to the entente that these Articles were ordened and commaunded of these thre Persones of the moste blessed Trynyte to be beleued. And therefore to the Rule and the Ordynance of these Goddes Lawes, mekely, gladly, and wilfully I submytte me with all myne Harte, that who ever can or wyll by auctoryte of Goddes Lawe, or by open Reason, tell me that I haue erred, or now erre or any tyme here after shall erre in any Article of Belefe (fro whyche Inconuenience God kepe me for his Goodnesse) I submytte me to be reconcyled, and to be buxom and obedyente unto these Lawes of God, and to every Article of them. For by Auctoryte, specially of these Lawes, I will, thorowe the Grace of God, be vnyed charytably unto these Lawes. Yee, Syr, and ouer thys I beleue and admytte all the Sentences, Auctorytes, and Reasons of the Saynctes and Doctoures, accordyng unto Holy Scripture, and declaryng it truely.

I submytte me wyllfully and mekely to be ever obedyente after my connyng and power to all these Saynctes and Doctoures, as they are obedyente in Worke and in Worde to God and to his Lawe, and forther not to my Knowlege, not for any erthly Power, Dignity or State, thorowe the help of God. But Syr, I praye you tell me if after youre bidding I shall laye my Hande upon the Boke to the entente to swere thereby?

And the Archebifhopsaid to me, ye, wherefore els? And I fayde to him, Syr, a Boke is nothyng els but a thyng coupled together of dyuerfe Creatures, and to fwere by any Creature both Gods Lawe and Mans Lawe is agaynst.

But Syr, this thinge I faye here to you before thefe your Clerckes, with my forfayd Proteftacion, that how, where, when and to whom Men are bounden to fwere or to obey in ony wyfe after Gods Lawe, and Sayntes and trewe Doctours according with Gods Lawe: I will thorow Gods Grace be ever redy thereto with all my conning and power. But I pray you Syr, for the Charity of God, that ye will before I fwere as I have here reherfed to you, tell me how or whereto that I shall fubmytt me; and fhewe me whereof that ye will correct me, and what is the Ordinaunce that ye will thus oblige me to fulfyll.

And the Archebifhop feid unto me, I will fhortely that nowe thou fwere here to me that thou shalt forfakc all the Opinions which the Secte of *Lollards* holde, and is flaudred with; fo that after this tyme nother pryuely nor apertly thou holde any Opinion which I shall after that thou hafte fworne reherfe to the here. Nor thou shalt fauer no Man nor Woman, young nor old, that holdeth any of thefe forefeid Opinions; but after thi Knowledge and Power thou shalt enforthe the to withftand all foche diftrobbers of Holye Chyrche in euery Diocefe that thou comest in: and them that will not leaue their falfe and dampnable Opinions, thou shalt put them up, publefhing them and their Names, and make them knowen to the Bifhop of the Diocefe that they are in, or to the Bifhops Ministres. And ouer this I will that thou preach no more unto the tyme that I know by good Witneffe and trewe, that thy Conuerfacion be foche that thy Hart and thy Mouth accorde treuly in one contrariyng all the leude Learning that thou haft taught here before.

And I hearyng thefe Wordes, thought in my Harte, that this was an vnlefull asking; and I demyed myfelf curfed of God, yf I consented hereto, and I thought howe *Susan* feid, *Anguyfch is to me on euery fyde*. And in that I ftode ftill, and fpake not, the Archebifhop feid to me, Anfwere one wyfe or a nother: and I feid, Syr, if I consented to you thus, as ye haue here reherfed to me, I fhould become an Appealer, or euery Bifhops efpie, fomonour of all *Englond*. For, and I fhoulde thus put up, and publethe the Names of Men and Women, I fhoulde herein deceiue full many Perfons; ye Syr, as it is likely by the dome of my Confcience I fhoulde herein, becaufe of the dethe of both Men and Women, ye both bodely and goftely. For many Men and Women that ftand now in the Treuthe, and are in the waye of Salvation; yf I fhoulde for the Learning and Reding of their Beleue publethe them, and put them therfor up to Bifhops, or to their unpituoufe Ministers, I knowe fome dele by Experience, that they fhoulde be fo diftrobled and difeafed with Perfecution or otherwise, that many of them (I thinke) would rather chofe to forfakc the waye of Treuthe, than to be traveled, fkornd and flaudred, or punished as Bifhops and their Ministers now ufe for to confreyne Men and Women to consent to them. But I fynde in no place in Holy Scripture, that this Office that ye wolde now enfeffe me with accordith to ony Prieste of Chriftes Secte, nor to any other Chrif-

ten Man. And therefore to do thus wer to me a full'noycous bonde to be bounden with, and over grevoufe Charge. For I fuppofe, that yf I thus dede many Men and Women would, ye Syr, might iuftly unto my Confufion fey to me, that I wer a Traitor to God and to them; fyns (as I thinke in myne Herte) many Men and Women truste fo mekle in me in this cafe, that I wold not for favyng of my Lyfe do thus to them. For yf I thus fhoulde do, full many Men and Women wolde (as they might full truly fey) that I hadde falfly and cowerdly forfaken the Truthe, and flaudred shamefully the Word of God. For yf I consented to you to do hereafter your Will for bon chefe or mifchefe that may befall to me in this Lyfe, I deme in my Confcience that I were worthy herefore to be curfed of God, and alfo of all his Seyntes, fro which inconuenience kepe me, and all Chriften People Almighty God now and ever for his Holy Name. And than the Archebifhop feid unto me, O thine Hart is full hard endured as was the Herte of *Pharao*, and the Deuell hath ouercomen the and perverted the; and he hath fo blynded the in all thy Wittes, that thou haft no Grace to know the Treuthe, nor the mefure of Mercy that I have profered to the. Therefor, as I perceyue now by thy folifh Anfwere, thou haft no will to leaue thine olde Errours. But I fey to the leude *Lofell*, other thou quickly consente to myne Ordinaunce, and fubmit the to ftand to my Decrees, or by Seynt *Thomas* thou shalt be difgraded, and followe thy Felowe in *Smithfelde*. And at this feying I ftode ftill and fpake not, but I thought in myne Harte that God did to me a greate Grace, if he wolde of his great Mercy bringe me to foche an ende. And in myne Harte I was nothing frayde with this menafing of the Archebifhop. And I confidered there two things in him: one, that he was not yet forowfull for that he had made *William Soutre* wrongfully to be burnt; and as I confydered that the Archebifhop thyrted yet after more fheding out of innocent Bloode. And faft therefore I was moved in all my Wittes, for to hold the Archebifhop nother for Prelate nor for Preift of God; and for that myne inward Man was thus altogether departed from the Archebifhop, methought I fhould not haue ony dread of him. But I was right heuy and forouful, for that ther was none Audience of Seculer Men by: but in myne Hart I praid the Lord God for to comforte me and ftrengh me ageinfte them that there ware agaynfte the fothefteneffe. And I purpofed to fpake no more to the Archebifhop and his Clerckes than me nede behoved: and all thus I praid God for his Goodneffe to geue me than and alwaye Grace to fpake with a meke and an eafy Spyrit; and whatfoeuer thinge that I fhulde fpake, that I might haue true Authorities of Scripture, or open Reason. And for that I ftode thus ftill, and nothing fpake, one of the Archebifhops Clerkes feid vnto me,

What thinge muft thou? Do thou as my Lord hath now commanded to the here.

And yet I ftode ftill, and answered him not; and than fone after the Archebifhopsaid to me, Art thou not yet bethought, whether thou wilt do, as I haue here feid to the? And I feid then to hym;

Syr, my Father and my Mother, on whose Soules God haue Mercy (if it be his will) spent mekyll Money in diuerfe Places about my Learning,

ing, for the entent to haue made me a Prieste to God: but when I came to Yeares of Discretion I had no will to be Prieste, and therefore my Friends were right heuy to me: and than me thought their grudging agenst me was so peynfull to me, that I purposed therfor to haue left their Company: and when they perceiued this in me, they spake some tyme full feire and pleasaunt Wordes to me; but for that they might not make me to consent of good Harte to be a Prieste, thei spake to me full ofte tymes very greuous Wordes, and manassed me in diuerse manners, shewing to me full heuy chere. And thus one while in feire manner, a nother while in greuous they were long tyme as me thought full besy about me, or I consented to them to be a Prieste: but at the laste, whan in this matter they wold no longer suffer myne Excusacions, but other I should consent to them, or I sholde ever bear their Indignation, ye, their Curse, (as they seide) than I seing this, praid them that they wold gyue me licence for to go to them that wer named wyse Priestis and of vertuous Conuersacion, to haue their Counsell, and to know of them the Office and the Charge of Priesthode. And hereto my Father and my Mother consented full gladly, and gaue me their Blissing and goode leaue to go, and also Money to spende in this Journey. And so than I went to tho Priests, whom I herde to be of beste Name, and of moste holy lyving, and beste learnid, and moste wyse of heauenly Wisdome; and so I communed with them vnto the tyme that I perceiuyd by their vertuous and continuall Occupacions that their honeste and charitable werks passed their fame wich I herde before of them. Wherefore, Syr, by the example of the Doctrines of them, and specially for the godly and innocent Workis wich I perceiued than of them and in them; after my Conning and Power I have exercised me than and in this tyme to knowe perfectly Goddis Lawe, hauing a will and a desyre to lyve ther after, willing that all Men and Women exercised them self feithfully therabout. Yf than, Syr, other for Pleasure or Displeasure of them that ar nother so wise, nor of so verteuouse Conuersation to my Knowledge; nor by comone Fame to ony other Mannis Knowledge in this Land, as thes Men wer of whome I toke my Counsell and Information; I sholde now forsake thus sodenly and shortely, and unwarnid, all the Learning that I exercised my self in this thirty Winter and more; my Conscience shulde ever be herewith out of mesure vnquieted: and as, Syr, I knowe well that many Men and Women should be thertrowe greatly troublid and sclauderid, and as I said Syr to you before, for myne untrewthe and false Cowardness many a one sholde be put into full great represe: ye Syr I drede, that many a one, as thei might then iustely, wolde curse me full bitterly, and Syr I feare not but the Curse of God, which I sholde deserue herein, wolde bring me to a full euill end, yf I continewid thus. And if thorow remorse of Conscience I repentid me any tyme retourning into the way, which you doo your diligence to constreine me now to forsake ye Syr, all the Bishopis of this Lande with full many other Priestis wolde defame, and pursue me as a Relapse, and thei that now have (though I be unworthy) some Confidence in me, hereafter wolde neuer truste to me though I cowlde teache and liue neuer so verteu-

ously more than I can or may. For if after your Counsell I leste vtterly all my Learning, I sholde hereby firste wounde and desyle myne owne soule; and also I sholde here through geue occasion to many Men and Women of full fore hurting: ye Syr, as it is likely to me, if I consented to your will I sholde herein by myne euil Example in it, as ferre as in me wer, see many Folke ghostely, that I sholde neuer deserue for to haue Grace of God to the edifying of his Chirche nother of my self, nor of none other Mannes Lyfe, and undone bothe before God and Man. But Syr, by Example chiefly of some whos Names I will not now reherse, *H. of J. P. and B.* and also by the present doying of *Philip of Rampenton* that is now becomen Bishop of *Lincoln*, I am now learnid, as many more hereafter thorow Goddis Grace shall be learned, to hate and to fle all soche sclauder, that thes foresaid Men chiefly hathe desyled principally themselves with. And in it that in them is they have enuenemid all the Chirche of God for that sclauderous reuoking at the Crosse of *Paulis of H. P. and of B.* and how now *Philip Rampenton* persewith Cristis People. And that feining, that thes Men dissemble by worldly Prudence keping them cowerdly in their Preaching and Communing within the Bondis and Termis (wich without blame may be spokyn and shewid out to the moste worldly lyuers) will not be unponishid of God. For to the point of Trewthe that thes Men shewid out some tyme, they will not now streche forth their Lyues. But by Example eche one of them, as their Wordis and their Works shewe, they besy them thorow their feinyng, for to sclauder and to persewe Christe in his Members, rather than they will be persewed.

And the Archebishop seid to me, Thes Men the which thou spekest of now wer Foolis and Heretiques, whan they were countid wyse Men of the and other soche loselles. But now they ar wyse Men, though thou and soche other deme them vnwyse. Neuerthelesse I wiste neuer none, that right seide, that any while were enuenymed with your contagiousnesse, that is, contaminate and spottid Doctrines.

And I seid to the Archebishop, Syr, I think well that thes Men and such other ar now wyse as to this Worlde; but as their Wordis foundid sometyme, and their Workis shewid outwardly, it was likely to move me that they had carreste of the Wisdome of God; and that they sholde haue deserued mickell Grace of God to haue sauyd their own Soules, and meny other Mennis, if they had continewid feithfully in wilfull pouerte, and in other symple vertuous lyving; and specially if they hadde with thes foresaid vertues continewid in their besy fruteful sowing of Goddis Word: as to many Mennys Knowledge they occupied them a Season in all their Wittes full besyly to know the pleasaunt Will of God, traueylng all their Membres full besyly for to doo thereafter, purely and chiefly to the praising of the most Holy Name of God, and for Grace of Edification and Saluacion of Christen People; but worthe false Couetise, and euill Counsell, and Tyranny, by wiche they and many Men and Women are ledde blyndely into an euill ende.

Than the Archebishop seide to me, Thou and soche other losellis of thy Secte wolde shauue your Headis full nere for to haue a Benefice. For by Jesu I know none more couetouse shrewis than ye ar, when that ye haue a Benefice. For lo I gave

to *John Puruay* a Benefice but a Myle out of this Castell, and I herde more Compleintis aboute his Covetousnesse for Tythes and other Mysdoynngys, than I didde of all Men that wer auancid within my Dioceffe.

And I seid to the Archebishop, Syr, *Puruay* is nother with you now for the Benefice that ye gaue him, nor he holdith feithfully with the Learning that he tawght and writ before tyme, and thus he sheweth hymself nother to be hote nor cold; and therefore he and his Felaws may fore drede, that if they torne not hastily to the waye that they have forsaken, perauenture they be put out of the nombre of Cristis chofyn People.

And the Archebishop said, Though *Puruay* be now a false Harlot, I quyte me to him; but come he more for soche Cause before me or we depart, I shall knowe with whom he holdith. But I sey to the, Whiche are thes holy Men and Wyse of whom thou haste takyn thyne Informacion?

And I seid, Sir, Master *John Wickliff* was holden of full many Men the greatiste Clerke that they knewe than lvyng; and therwith he was namid a passing ruely Man, and an ynnocent in his luyng, and herefore greate Men commonyd ofte with him, and they louyd so his Learning that they writ it, and besily enforfid them to rule themself there after. Therefore Syr, this foresaid Learning of Master *John Wickliff* is yet holden of full many Men and Women, the most agreeable Learning unto the luyng and teachyng of Criste and of his Apostles, and mooste openly shewing and declaring how the Chirche of Christe hath ben, and yet shulde be rewld and gouern'd. Therefore so many Men and Women couet this Learning, and purpose through Goddis Grace to conforme their luyng Life to this Learning of *Wickliff*. Master *John Aiston* tawght and writ accordingly, and full besily wher and whan, and to whome that he might; and he vsid it hymself right perfity unto his Lifes ende. And also *Philip of Rampenton* while he was a Chanone of *Lacester*, *Nicholas Herforde*, *Dauy Gotray* of *Pakring*, Monk of *Bylande*, and a Master of Diuinitie, and *John Puruay* and many other wich wer holden right wise Men and prudent, tawght and writ besily this foresaid Learning, and conformid them thereto. And with all thes Men I was ofte right homely, and communyd with them long tyme and ofte; and so before all other Men I choes wilfully to be informid of them and by them, and specially of *Wickliff* himself, as of the most vertuous and godly wise Men that I herde of or knewe. And therefore of him specially, and of thes Men, I tooke the Learning that I haue taucht, and purpose to liue there after (if God will) to my Liues end. For though some of thes Men be contrary to the Learning that they taucht, before I wote well that their Learning was trewe which they taucht; and therefore with the helpe of Gode I purpose to holde and to use the Learning which I harde of them, while they sat on *Moses* Chaire, and specially while they sat on the Chaire of Criste. But after the Werkis that they now do, I will not doo with Goddis helpe. For they feine and hide, and contrary the Trewthe wich before they taucht out plenily and trewly. For as I know well when some of thes Men hath been blamid for their sclauderous doing, they graunte not that they haue tauchte a misse, or erryd before time; but that they were constrained by peine to leaue

to tell out the sothe, and thus they choese now rather to blaspheme God than to suffer a while here Persecution bodely for sothefastnesse that Christe shed out his Harte Bloode for.

And the Archebishop seid, that Learning that thou callist Trewthe and Sothefastnesse, is open sclauder to Holy Chirche, as it is prouid of Holy Chirche. For all be it, that *Wickliff*, your Autour was a great Clerke, and though that many Men held him a perfit liuer, yet his Doctrine is not approuid of Holy Chirche, but many Sentences of his Learning are dampnid as they well woorthy ar. But as touching *Philip of Rampenton* that was first Chanone, and after Abbot of *Lacester*, which is now Bishop of *Lincoln*; I tell the that the Day is comen for which he fastid the euene. For nother he holdeth now, nor will hold the Learning that he thought when he was a Chanon of *Lacester*: For no Bishop of this Land perfeweth now more sharply them that holde thy way than he doeth.

And I said, Syr, full many Men and Women wonderith upon him, and speakith him mekill Shame, and holdeth him for a cursid Enemy of the Trewthe.

And the Archebishop seid to me, Wherefore tariest thou me thus here with soche Fables, wilt thou shortely (as I have seid to the) submit the to me or no?

And I seid, Syr, I tell you at one word, I dare not for the drede of God submit me to you, after the Tenour and Sentence that ye have aboue rehersed to me.

And than as if he hadde been wrothe he seid to one of his Clerkis, fetch hider quikely the Certification that came to me fro *Sbrewisbury* under the Bailiues Seal, witnesssing the Errours and Heresies which this losell hath venemously sowed there.

Then hastily the Clerke tooke out, and leid forth on a Cupborde diverse Rollis and Writings, among which there was a little one, which the Clerke delivered to the Archebishop. And by and by the Archebishop redde this Rolle, containyng this Sentence.

¶ The thirde *Sunday* after *Easter*, the Yere of our Lorde M. CCCC. and Seuen, *William Thorpe* came vnto the Towne of *Sbrewisbury*, and thorow leaue graunted unto him to preache:

He said openly in Synt *Chaddis* Chirche in his Sermon, that the Sacrament of the Altare after the Consecration was material Brede.

And that Ymages shulde in no wise be worshipped.

And that Men shulde not go on Pilgremages.

And that Priestes have no Titles to Tythes.

And that it is not lesfull for to swere in any wise.

And when the Archebishop had red thus this Rolle, he rolled it up agein, and seid to me, Ys this holesome Learninge to be among the People?

And I said to him, Syr, I am both ashamed on their behalfe, and right soroufull for them that have certified you thes things thus vntrewly: for I preached never nor taucht thus priuely nor apertly.

And the Archebishop said to me, I will give Credence to thes worshipfull Men which haue written to me, and witnessed vnder their Sealis there among them. Though thou now deniest this, wenist thou that I will give Credence to the? Thou losell haste trobled the worshipful Cominalte of *Sbrewisbury*; so that the Bailiues and Cominalte of that Town haue written to me, praynge me that am Archbishop of *Canterbury*,
Primate

Primate and Chaunceler of *Englond*, that I will vouchsafe to graunte them, that if thou shalt be made (as thou art worthy) to suffer open Jouresse for thine Heresys, that thou maye haue thi youresse openly ther among them: so that all they whome thou and soche other loselles haue ther peruerted, may thorow feare of thy Dede be reconfyled ageyn to the vnite of Holy Chirche. And also they that stand in true Faithe of Holy Chirche may thorowe thy Dede be more stablished therein. And as yf thys askyng hadde pleased the Archebishop, he said, By my thrifte this hartye Prayoure and feruente Requeste shall be thought on.

But certeynly nother the Prayer of the Men of *Sbrewisbury*, nor the manassynge of the Archebishop made me any thing a frayde. But in reherlyng of this malice, and in the hearynge of of it, my herte greatly rejoyced and yet dothe. I thanke God for the Grace that I than thought and yet thinke shall come to all the Chirche of God here thorowe, by the speciall mercifull doynge of the Lord. And as hauynge no dreade of the Malice of Tyrauntes, by trustynge stedfastly in the helpe of the Lorde with full purpose for to knowlege the sothefastnesse, and to stande thereby after my connyng and power, I said to the Archebishop; Syr, yf the Truthe of Gods Worde might now be accepted as it sholde be, I doute not to proue by lykely evidence, that they that are famed to be out of the Faythe of Holy Chirche in *Sbrewisbury*, and in other Places also, are in the true Faithe of Holy Chirche. For as their Wordes founde, and their Workes shewe to Mannis Judgment, dreading and louing faithfully God, their Will, their Desyre, their Loue, and their Besynesse are mooste sett to dreade to offend God, and to loue for to please him in true and faithfull keping of his Commandments. And agene, they that are said to be in the Faithe of Holy Chirche in *Sbrewisbury* and in other places, by open euidence of their proude, enuiousse, maliciousse, couetousse, lecherousse and other foule Wordes and Workes, nother knowe nor haue will to knowe, nor to occupye their Wittes truly and effectuously in the right Faith of Holy Chirche. Wherefore all these, nor none that followe their maners, shall ony time come verely in the Faith of Holy Chirche, except they enforce them more trulye to come in the waye whiche nowe they despise. For these Men and Women that are now called feithfull and holden iuste, nother knowe nor will exercise themselfe to know of Faithfulnesse one Commaundment of God. And thus full many Men and Women now, and especially Men that are named to be principall Lymmes of Holy Chirche, stiere God to greate Wrathe, and deserue his Curse, for that they call or holde them unjoste Men, which are full vnjoste, as their viciousse Wordes, their great customable Sweringe, and their slaunderousse and shamefull Workes shew openly and witnessse. And herefore soche viciousse Men and unjoste in their owne Confusion call them unjoste Men and Women, which after their power and conning besy them self to liue justly after the Commaundment of God. And where Syr ye say, that I haue distrobled the Cominaltie of *Sbrewisbury*, and many other Men and Women with my teaching, if it thus be, it is not to be wondred of wise Men, sins all the Cominalte of the Cite of *Jerusalem* was destrobled of Christes awne Person that was very God

and Man, and most prudent Precher that ever was or shall be. And also all the Synagogue of *Nazareth* was moued againte Christe, and so fulfilled with ire towardes him for his preaching, that the Men of the Synagogue rose up and cast Christe out of their Cyte, and ledde him vppe to the top of a Mountaine for to cast him doune ther hedeling. Also accordingly hereto the Lord witnessyth by *Moses*, that he shall put Dissention betwixt his People and the People that contrarieth and persewith his People. Who, Syr, is he that shall preche the Treuthe of Goddes Worde to the vnfeithful People, and shall lett the sothefastnesse of the Gospell, and the Prophecye of God Almightye to be fulfilled?

And the Archebishop said to me, It foloweth of thes thy Words, that thou and soche other thinkest that ye do right well for to preach and teach as ye do without Authoritie of any Bishop. For ye presume, that the Lord hath chosen you only for to preache as faithful Disciples and speciall Folowers of Christe.

And I said, Syr, by Authoritie of Gods Lawe, and also of Seintes and Doctours, I am learned to deme, that it is euery Priests Office and Dutie for to preache besyly frely and trulye the Worde of God. For no doute euery Priest should purpose first in his Soule, and couett to take the Order of Priesthode chesly for to make knowen to the People the Worde of God after his conning and power, approuing his Wordes euer to be true by his vertuous Workes: and for this entent we suppose that Bishops and other Prelates of Holy Chirch shold chesly take and use ther Prelacie. And for the same cause Bishops sholde giue to Priestes their Orders. For Bishops sholde accept no Man to Priesthode, except that he had good Will and full purpose, and were well disposed, and well learned to preache. Wherefore, Syr, by the bidding of Christ, and by Example of his mooste holy liuing, and also by the witnessyng of his holy Apostles and Prophets, we are bounde under full great Peine to exercise vs after our conning and power (as euery Prieste is likewise charged of God) to fulfill dewly the Office of Priesthode. We presume not here of oure selues for to be esteemed (nother in our owne Reputacion, nor in none other Mannes) feithful Disciples, and speciall Folowers of Christe: but Syr, as I said to you before, we deme this by Authoritie chesly of Goddes Worde, that it is the chesfe deutie of euery Prieste to besy them feithfully to make the Law of God knowen to his People, and so to comune the Commaundment of God charitably, howe that we may beste, where, whan, and to whom that euer we may, is our very deutie. And for the will and busynesse that we owe of our dewe dette to do justly our Office thorow the steiring and special helpe (as we truste) of God, hoping stedfastly in his mercie, we desire to be the feithfull Disciples of Christe; and we pray this gracious Lorde for his holy Name, that he make us able so to please him with deuout Prayers, and charitable Priestly workes, that we may obtaine of him to folowe him thankfully.

And the Archebishop said to me, Lewde Lofell, whereto makist thou soche veyne Reasons to me? Asketh not Seynt Paul, *Howe sholde Priestes preche, except they be sent?* but I sent the neuer to preche; for thy venemous Doctryne is so knowen thorow out *Englond*, that no Bishop will admitt the for to preach by witnessyng of their Letters.

Why than, lewde Ydiot, willest thou presume to preach, syns thou art not sent, nor licensed of thy Souereyn to preach? Saith not Seynt *Paul*, *That Subjectes owe to obey their Souereyns*, and not only good and vertuous, but also Tyrauntis that are vicious?

And I said to the Archebishop, Syr, As touching your Letter of Licence or other Bishopes, which ye say we sholde haue to witnesse that we wer able to be sent for to preache; we knowe well that nother you, Syr, nor any other Bishop of this Lande will graunte to us ony soche Letters of Licence, but we sholde oblige us to you and to other Bishopes, by unlesfull Oathes, for to passe not the Bondes and Termes which ye, Syr, or other Bishopes will limyt to us. And sins in this Matter your Term is to be some to large, and some to streite, we dare not oblige vs thus to be bounden to you for to kepe the Termes, which you will lymitt to us, as ye do to Friere and soch other Prechers: and therfor though we haue not your Letter, Sir, nor Letters of other Bishopes written with Ynke upon Perchement, we dare not herfor leaue the Office of Preching; to which Preching all Priestes, after there Connyng and Power, are bounde by diuerse Testimonies of God's Lawe, and of great Doctours, without ony mencion making of Bishopes Letters. For as mekell as we haue taken upon vs the Office of Priesthode (though we are vnworthy thereto) we come and purpose to fulfill it with the helpe of God, by Authoritie of his owne Lawe, and by witnesse of great Doctours and Seintes accordingly, hereto trusing stedfastly in the mercye of God: For that he commaundeth vs to do the Office of Priesthode, he will be our sufficient Letters and Witnesse, if we by example of his holy lyuing and teaching specially occupye vs feithfully to do our Office justly, ye the People to whom we preache, be they feithfull or unfeithfull, shall be our Letters, that is, our Witnesseberers; for the Treuthe, where it is sown, maye not be unwitnessed: For all that are conuerted and saued by learninge of Goddes Worde, and by working thrafter, are Witnesseberers, that the Trewith and Sothfastnesse which they harde and dyd after, is cause of their Saluacion. And ageyn, all unfeythfull Men and Women, which herde the Treuthe, tolde out to them, and wolde not do there after; also all they that might haue herde the Truthe, and wolde not heare it because that they wolde not do thereafter: all thes shall beare witnesse against themselves, and the Treuth which they wold not heare, or else harden and despised to do thereafter thorow their Unfeythfulnessse, is and shall be cause of their Dampnacion. Therefore, Syr, syns this forseide witnessing of God, and of diuerse Seintes and Doctours, and of all the People good and evyll, sufficeth to all true Prechers; we thinke that we do not the Office of Priesthode, if that we leaue our Preching, because that we haue not, or maye not, haue dewly Bishopes Letters to witnesse that we are sent of them to preache. This Sentence approueth Seynt *Paul*, wher he speaketh of himselfe, and of feithfull Apostles and Disciples, saing thus: *We neede no Letters of Commendacion, as some other Prechers do, whiche preache for Couctousness of temporal Goodes, and for Mennes praifing.* And where ye say, Syr, that *Paul* biddeth Subjectes obey their Souereyns; this is soth, and may not be denied: But ther is ij. maner of So-

uereyns, vertuous Sufferenys, and vicious Tyrauntis; therefore to thes last Souereyns nother Men nor Women that be subiecte owe to obey in ij. manners. To vertuous Sufferens and charitable, Subjectes owe to obey wilfully and gladly, in hearing of their good Counsell, in consenting to their charitable Biddinges, and in werkyng after their frutefull Works. This Sentence *Paul* approueth, wher he saith thus to Subjectis: *Be ye mindfull of your Souereyns that speke to you the Worde of God, and folow you the Feithe of them whos Conuersacion you know to be vertuous.* For as *Paul* saith after, *The Souereyns, to whome Subjectis owe to obeye in following of their Maners, worke bestly in holy studying, how they may withstande and destroy Vices firste in themself, and after in all their Subjectis, and how they may beste plante in them Vertues.* Also thes Souereyns make deuoute and feruent Prayers for to purchase Grace of God, that they and their Subjectis may ouer all things dreade to offende him, and to loue for to please hym. Also thes Souereyns to whom *Paul* biddeth vs obey, as it is seid before, lyue so vertuously, that all they that will lyue well may take of them goode Example to knowe and to kepe the Commaundmentis of God. But in this foresaid wyse, Subjectis owe not to obey, nor to be obedient to Tyrauntis, while they ar vicious Tyrauntis; syns their Will, their Counsell, their Biddings, and their Workis ar so vicious, that they owe to be hatid and leste. And though soche Tyrauntis be masterfull and cruell in Boslyng, and manasing in Oppressions and diuerse Punyshyngis; Seynt *Peter* biddeth the Seruauntis of soche Tyrauntis to obey mekely to soche Tyrauntis, suffering patiently their malicious Cruelnes: But *Peter* counsellith not ony Seruant or Subjecte to obey to ony Lorde, or Prince, or Souereyn in ony thyng that is not pleasing to God.

And the Archebishop said vnto me, Yf a Souereyn bidde his Subject doo that thing that is vicious, this Souereyn herein is to blame; but the Subjecte for his Obedience deserueth mede of God, for Obedience pleasith more to God than ony Sacrifice.

And I said, *Samuel* the Prophete said to *Saul* the wycked King, *That God was more pleased with the Obedience of his Commaundment, than with ony Sacrifice of Bestis:* But *David* saith, and Seynt *Paul*, and Seynt *Gregory* accordingly to gither, *That not onely they that do Euyll is worthy of Dethe and Dampnacion, but also all they that consente to euyll Doers.* And, Syr, the Law of holy Chirche teacheth in the Decrees, That no Seruant to his Lorde, nor Childe to the Father or Mother, nor Wyfe to hyr Husband, nor Monke to his Abot, ought to obey except in lesfull thingis and lawfull.

And the Archebishop said to me, All these Allegingis that thou bringest forth ar not els but proude Presumptuousness; for hereby thou enforcist the to prove, that thou and soche other ar so juste, that ye owe not to obeye to Prelatis. And thus agentst the Learning of Seynt *Paul*, that teachith you not to preache but if ye wer sent, of your own Authorite ye will go forthe, and preache, and doo what ye list.

And I said, Sir, presentith not every Prieste the Office of the Apostles, or the Office of the Disciples of Christe? And the Archebishop said ye. ¶ And I said, Syr, as the tenth Chapter of *Matthew*, and the laste Chapter of *Marke* witnesseth

nesseth, Christe sent his Apostles for to preache: And the tenth Chaptre of *Luke* witnesseth, that Christe sent his two and seuentie Disciples for to preache in every place that Christe was to come to. And Seynt *Gregory* in the common Lawe faith, That every Man that goth to Priesthode, takith upon hym the Office of Preaching; for as he faith, that Prieste steirith God to great Wrathe, of whos Mouthe is not herde the Voice of Preaching. And as other more gloses upon *Ezechiel* witnesseth, that the Prieste that prechith not besily to the People, shall be Partetaker of their Dampnacion that perishe thorow his Defaute; and though the People be sauyn by other speciall Grace of God than by the Priestis Preaching, yet the Priestis, in that they ar ordenyd to preache and preache not, as before God they ar Mansleas, for as ferre as in them is; soche Priestes as preache not besily and trewly fleeth all the People gostely, in that they withhold from them the Worde of God, that is Lyfe and Sustenance of Menes Soules. And Seynt *Isidore* faith, Priestis shall be dampnid for Wickednesse of the People, if they teache not them that ar ignorant, or blame not them that are Synners: For all the Worke or Besinesse of Priestis standith in preaching and teaching, that they edifye all Men as well by Connyng of Feithe, as by Discipline of Workes, that is vertuous teaching. And as the Gospell witnessith, Christe said in his teaching, *I am borne and comen into this Worlde to beare witness to the Trewthe, and he that is of the Trewthe hearith my Voice.* ¶ Than, Syr, syns by the Word of Christe specially, that is, his Voice, Priestis ar commaundid to preache, whatsoever Prieste that it be that hath not Goodwill and full Purpose to doo thus, and ableth not hymself, after his Connyng and Power, to doo his Office by the Example of Christe and of his Apostles, whatsoever other thing that he dothe displeasith God. For lo Seynt *Gregory* faith, that thing leste that a Man is bounde chesely to doo, whatsoever other thing that a Man dothe, it is unthankfull to the Holy Goste: And therefore saithe *Lincoln*, That Prieste that preachith not the Worde of God, though he be siene to have none other Defaute, he is Antichriste and Sathanas, a Night-thefe and a Day-thefe, a Slear of Soules, and an Angell of Light tournid into Derkenesse. Wherefore, Syr, thes Authorites and other well considered, I deme my self dampnable if I, other for Pleasure or Displeasure of ony Creature, applye me not diligently to preache the Worde of God. And in the same Dampnacion I deme all those Priestis, which of goode Purpose and Will enforse them not besily to doo thus; and also all them that have Purpose or Will to lett ony Prieste of this Businesse.

And the Archebishop said to those three Clerkis that stode before hym, Lo, Syrs, this is the Manner and Businesse of this Lofell and soche other, to pike out soche sharp Sentencis of holy Scripture, and of Doctoris, to mainteine their Secte and Lore againste the Ordinaunce of Holy Chirche. And therefore, Lofell, it is that thou couetist to have ageyn the Psalter that I made to be takyn from the at *Canterbury*, to recorde sharpe Versys against vs; but thou shalt neuer haue that Psalter, nor none other Boke, tyll that I know that thy Harte and thy Mouthe accorde fully to be gouernid by holy Chirche.

And I said, Syr, all my Will and Power is and euer shall be (I truste to God) to be gouernyd by holy Chirche.

And the Archebishop asked me, What was holy Chirche?

And I said, Sir, I tolde you before what was holy Chirche; but syns ye aske me this Demaunde, I call Christe and his Seyntes holy Chirche.

And the Archebishop said unto me, I wote well that Christe and his Seyntes ar holy Chirche in Heuene; but what is holy Chirche in Erthe?

And I said, Syr, though holy Chirche be eue-ry one in Charite, yet it hath two Partis: The firste and principall Parte hath ouercomen perfytely all the Wretchednesse of this Lyfe, and reigneth joyfully in Heuene with Christe; and the tother Parte is here yet in Erth, besily and continually fighting day and night ageinst Temptacions of the Fende, forsakyng and hatyng the Prosperite of this Worlde, despising and withstanding their flesschely Lustis; which only ar the Pilgrimes of Chrille, wandering toward Heuene by stedfast Feith, and grounded Hope, and by perfite Charite: For thes heuently Pilgremis may not, nor will not be lettid of their goode purpos, by the reason of eny Doctours discording fro holy Scripture, nor by the Fluddis of any Tribulacion temporall, nor by the winde of any Pride of Bosse, or of manasing of ony Creature; for they ar all faste grounded upon the suer Stone Christe, hearing his Worde, and louing it, exercising them feithfully, and continually in all their Wittes to doo thereafter.

And the Archebishop said to his Clerkis, Se ye not how his Harte is endured, and how he is traueled with the Deuill, occupying him thus besily to allege soche Sentencis to mainteyne hys Errours and Heresies? Certeyn thus he wold occupie vs here all day, if we wold suffer hym.

One of the Clerkes answered; Syr, he said right now, that this Certificacion that came to you fro *Shrewisbery* is antrewly forged against hym; therefore, Syr, appose you hym now here in all the Pointis which ar certified ageinst hym, and so we shall heare of his owne Mouthe his Answers, and witnesseth them.

And the Archebishop tooke the Certificacion in his Honde, and looked theron a while, and than he said to me:

Lo here it is certified ageinst the by worthy Men and feithfull of *Shrewisbury*, that thou preachedst there openly in Seynt *Chaddis* Chirche, that the Sacramente of the Altare was materiall Brede after the Consecracion: What saist thou? Was this trewly preached?

And I said, Syr, I tell you trewly that I touchid nothing there of the Sacrament of the Altare, but in this wyse, as I will with Goddis Grace tell you here. As I stood ther in the Pulpit, besyng me to teache the Commaundement of God, ther knylded a sacring Bell, and therefore mekill People toornid awaye hastely, and with great noyse ran fro towardis me. And I seing this, said to them thus: Goode Men, ye wer better to stand here still, and to heare Goddis Worde; for certis the Vertue and the Mede of the moste holy Sacrament of the Altare standith mekill more in the Beleue thereof that ye ought to haue in your Soule, than it dothe in the outward Sichte thereof. And therfor ye were better to stande

still quietly to hear Goddis Worde, because that thorow the hearing thereof Men come to very trewe Belefe. And otherwyse, Syr, I am certein I spake not there of the woorthy Sacrament of the Altare.

And the Archebishop said to me, I beleue the not what so euer thou saist, syns so worshipfull Men haue witnessed thus ageinst the; but syns thou denyest that thou saidist thus there, what saist thou now? Restith there, after the Consecration, in the oste materiall Brede or no?

And I said, Sir, I knowe in no place in holy Scripture where this Terme materiall Brede is written; and therefore, Sir, when I speake of this matter, I vse not to speake of materiall Brede.

Than the Archebishop said to me, How teachest thou Men to beleue in this Sacrament?

And I said, Sir, as I beleue myself, so I teache other Men.

He said, Tell out plainly thy Beleue hereof.

And I said with my Protestacion, Sir, I beleue that the Nyght before that Christe Jesu wold suffer wilfully Passion for Mankynde on the Morne after, he toke Brede in his holy and moste worshipfull Handis, lifting vp his Eyes, and gyuyng Thankis to God his Father, blessed this Brede and brake it, and gaue it to his Disciples, saying to them, *Take and eate of this all you, this is my Body*; and tho this is and ought to be all Mennis Belefe, *Matthew, Mark, Luke, and Paul* witness: other Beleue, Sir, haue I none, nor will have none else; for I beleue that this sufficeth in this matter: For in this Beleue, with Goddis Grace, I purpose to lyue and dye, knoleging as I beleue and teache other Men to beleue, that the worshipfull Sacrament of the Altare ys the Sacramente of Christis Flesche and his Bloode, in fourme of Brede and of Wine.

And the Archebishop said to me, It is sothe that this Sacrament is very Christis Body in fourme of Brede; but thou and thy Secte techist it to be Substaunce of Brede: Thynke you this true Teachinge?

And I said, Nother I nor any other of the Secte that ye dampne, teach any other wyse than I haue told you, nor beleue otherwise to my knowynge. Neuerthelesse, Syr, I aske of you for Charyte, that ye will tell me here pleyntly, how ye shall vnderstonde this Text of Saynt Paule, wher he sayth thus: *This thinge feale you in youre self, that is in Christe Jesu, while he was in the fourme of God.* Sir, calleth not Paule here the Fourme of God, the Substaunce or Kynde of God? Also, Sir, saith not the Chirche in the houres of the most blessed Virgine accordingly hereto, wher it is written thus: *Thou Auctour of Health remembre, that sometyme thou toke of the undefyled Vyrgyne the Fourme of oure Bodye?* Tell me for Charyte therefore, whether the Fourme of our Bodye be called here the Kynde of our Bodye or no?

And the Archebishop said to me, Wouldest thou make me to declare this Texte after thy Purpose, syns the Chirche hathe nowe determyned, that there abideth no Substaunce of Brede after the Consecration in the Sacrament of the Altare? Beleuest thou not on this Ordinaunce of the Chirche?

And I said, Syr, What soeuer Prelates haue ordened in the Chirche, our beleue standith euer hoil. I haue not herde that the Ordinaunce of Men under Beleue shulde be putt in to Beleue.

And the Archebishop saide to me, Yf thou hast

not learned this before, learne now to knowe that thou art out of Beleue, if in this matter and other thou beleuest not as holy Chirche beleueth. What saye Doctours treatinge of this Sacrament?

And I said, Syr, Seint Paule that was a greate Doctour of holy Chirche, speakyng to the People, and teaching them the right Beleue of this moste holy Sacrament, calleth it Brede that we breake. And also in the Canon of the Masse after the Consecration, this most worthy Sacrament is called holy Brede; and euery Prieste in this Lande, after that he hathe receyued this Sacrament, saythe in thys wyse: That thyng that we haue taken with oure Mouthe, we praye God that we may take it with a pure and clene Mynde; that is, as I vnderstonde, we praye God that we may receyue, thorowe very Beleue, this holy Sacrament worthely. And, Syr, Seynt Augustine saith, That thing that is sene is Brede; but that Menneys Feithe asketh to be informed of, is verye Christes Body. And also Fulgence, an ententyfe Doctour, saith, As it were an Errour to saye that Christe was but a Substaunce, that is, very Man, and not very God, or to say, that Christe was very God, and not very Man; so is it (this Doctour sayth) an Errour to say, that the Sacrament of the Altar is but a Substaunce. And also, Syr, accordingly hereto in the Secrete of the middle Masse on *Christmaffe* Day, it is written thus: *Idem refulsit Deus, sic terrena substantia nobis conferat quod diuinum est*; which Sentence, Syr, with the Secrete of the forthe ferye, *quatuor temporum Septembris*; I pray you, Syr, declare here openly in English.

And the Archebishop seid to me, I perceiue well ynough wher about thou art, and how the Deuell blyndeth the, that thou may not vnderstonde the Ordinaunce of holy Chirche, nor consent thereto: But I commaunde the now answere me shortly; Beleuest thou that, after the Consecration of this forsaide Sacrament, there abideth Substaunce of Brede or not?

And I said, Sir, as I vnderstonde, it is all one to graunte or to beleue, that there dwelleth Substaunce of Brede, and to graunte and to beleue that this most worthy Sacrament of Christes owne Body is one Accident withoute Subjecte. But, Syr, for as mekell as your asking passeth myne vnderstanding, I dare nother denye it nor graunte it; for it is Skole-Mater aboute which I besyed me neuer for to know it: and therefore I commit this Terme, *Accidens sine Subiecto*, to those Clerkes which delyte them so in curiouse and fittill Sophistrie, because they determine oft so difficulte and straunge Maters, and wade and wander so in them, from Argument to Argument with *pro & contra*, till that they wote not wher they are, nor vnderstonde notthemselve: But the Shame that thes proude Sophistres haue to yelde them to Men and before Men, maketh them ofte Foolis, and to be concluded shamefully before God.

And the Archebishop said to me, I purpose not to oblige the to the fittyll Argumentes of Clerkes, syns thou art vnable therto; but I purpose to make the obeye to the Determinacion of holy Chirche.

And I said, Syr, by open Evidence and great Witnesse a thousand yere after the Incarnation of Christe, the Determinacion which I haue here before you rehearsed was accepte of holy Church, as sufficient to the Saluacion of all them that wolde beleue it faithfully, and worke thereafter charitably.

charitably. But, Syr, the Determinacion of this Mater, which was brought in fyns the Fende was lofed by Frier *Thomas* agayn, especially calling the moft worshipfull Sacrament of Chriftes owne Body an Accident without Subjecte, which Terme fyns I knowe not that Goddes Lawe approueth it in this mater, I dare not graunte; but vtterly I denye to make this Frier's Sentence or ony foche other my Beleue, do with me God what thou wilt.

And the Archebifhop faide to me, Well, well, thou shalt fay otherwise or that I leaue the.

But what faift thou to this feconde Poynte that is recorded ageinft the by woorthy Men of *Shrewsbury*, faing, that thou preacheft openly there, that Ymages oughte not to be worshipped in ony wife?

And I faid, Sir, I preached neuer thus, nor thorow Gods Grace I will not any tyme consent to thinke nor to fay thus nother pryuely nor apertly: For, lo! the Lorde witneffeth by *Mofes*, that the thinges which he made were righte good, and fo then they were, and yet they are and fhall be good, and worshipfull in their kynde; and therefore to the ende that God made them to, they are all preifable and worshipfull, and specially Man, that was made after the Ymage and Likeneffe of God, is full worshipfull in his kynde: ye this holy Ymage, that is Man, God worshippe; and herefore euery Man fhuld worshippe other in kynde, and alfo for heuenly Vertues that Men use charitably. Also I faye, *Woode*, *Tynne*, *Gold*, *Syluer*, or any other Mater that Ymages are made of, all thefe Creatures are worshipfull in their kynde, and to the ende that God made them for; but the keruyng, caftyng, nor peynting of ony Ymagery made with Mannes Hande, all behit that this doing be accepte of Man of hiest State and Dignitie, and ordered of them to be a Kalendar to leude Men, that nother can nor will be learned to know God in his Worde, nother by his Creatures, nor by hys wonderfull and diuerse Workinges; yet this Ymagery ought not to be worshipped in the Forme nor in the Likeneffe of Mannes Crafte; neuertheless that euery Matter that Peinters peynte with, fyns it is Gods Creature, ought to be worshipped in the kynde, and to the ende that God made and ordered it to ferue Man.

Than the Archebifhop faid to me, I graunte well that no body oweth to do worshippe to any foche Ymages for them felfe; but a Crucifyxe ought to be worshipped for the Passion of Chrifte that is peynted therein, and fo brought ther thorow to Mannes Mynde: And thus the Ymages of the blessed Trinitie, and of Virgin *Mary*, Chriftes Mother, and other Ymages of Sayntes ought to be worshipped. For lo earthely Kynges and Lordes, which use to fend their Letters enfealid with their Armes, or with their preuy Signet, to Men that are with them, are worshipped of thes Men: For whan thes Men receiue their Lordes Letters, in which they fe and knowe the Willes and Biddings of their Lordes, in worshippe of their Lordes they do offer their Cappes to thes Lettres. Why not than, fins in Ymages made with Mannes Hande, we may rede and knowe many diuerse thinges of God, and of his Sayntes, shall we not worshippe their Ymages?

And I fayde with my foresaid Protestacyon, I fay that thes worldly Visages of temporal Lordes

that he speake now of, maye be done in case without Synne; but thys is no Similitude to worship Ymages made by Mannes Hande, fyns that *Mofes*, *Dauid*, *Solomon*, *Baruch*, and other Seyntes in the Bible, forbidde so pleyntyly the worshiping of all foche Ymages.

Than the Archebifhop faid to me, Lewde Lofell, in the olde Lawe, before that Chrifte toke Mankind, was no Likeneffe of any Perfone of the Trinitie, nother shewed to Man nor knowen of Man; but nowe fyns Chrifte became Man, it is lesfull to haue Ymages to shewe his Manhode: ye though many Men, which are right greate Clerkes, and other also helde it an Errour to peynte the Trinitie, I fay it is well done to make and to peynte the Trinitie in Ymages: For it is great mouing of Deuocion to Men, to haue and to behold the Trinitie and other Ymages of Seyntes caruyd, caste, and peynted; for beyonde the Sea are the beste Peynters that euer I saw. And, Syrs, I tell you this is their Maner, and it is a goode Maner. Whan that an Ymagemaker shall kerue, caste in Moulde, or peynte ony Images, he shall go to a Prieste, and shryue him as clene as if he sholde than dye and take Penance, and make some certeyn Vowe of Fastyng or of Praiyng, or of Pilgrimages doinge, praiyng the Prieste specially to praye for hym, that he may haue Grace to make a faire and deuoutc Ymage.

And I faid, Syr, I doute not yf thes Peynters that ye speake of, or ony other Peynters, vnderftode truely the Texte of *Mofes*, of *Dauid*, of the wise Man, of *Baruch*, and of other Seyntes and Doctours, thes Peynters should be moued to shryue them to God wyth full inwarde Sorowe of Harte, takyng vpon them to doo right sharpe Penance for the synfull and vayne Crafte of Peyntinge, Karuyng or Castinge that they had vsed, promysing God feithfully neuer to do so after, knowleging openly before all Men theyr reprouable Earning. And also, Syr, thes Priestes that shriue (as ye do say) Peinters, and inioine them to do Penance, and praye for their spede, promysing to them helpe of their Prayers for to be curious in their synfull Crafte, synne herein more greuouly than the Peynters: For thes Priestes do comforte and gyue them Counsell to do that thyng, which of great Peyne, ye under the Peyne of Goddes Curse, they sholde vtterly forbydde them. For certis, Syr, yf the wonderfull werking of God, and the holy lyuyng and teachyng, of Chrifte, and of his Apostles and Prophetes, were made knowen to the People by holy lyuyng, and true and besy teachyng of Priestes; thes thynges (Syr) were sufficient Bokes and Kalendares to knowe God by and his Sayntes, without ony Ymages made with Mannes Hōnd: but certis the vicious lyuyng of Priestes, and their Couetoufneffe, are chefe Cause of this Errour, and all other Vieiousnesse that reigneth among the People.

Than the Archebifhop faid unto me, I holde the a vicious Priest and acurste, and all them that are of thy Secte; for all Priestes of holy Chirche, and all Ymages that moue Men to Deuocion, thou and foche other go about to destroy. Lofell, ware it a feire thing to come in to a Chirch, and see therein none Ymage?

And I faid, Syr, they that come to the Chyrch for to pray deuoutly to the Lorde God, may in their inwarde Wittes be the more feruent, that