

Warrant, hath not been seen in *England*: To indict him, arraign him, bring him to the Scaffold, and to publish his Offence, can do no good: To hope that he hath more to discover than is confessed, or that at his Execution he will unsay any thing he hath written, is in vain: To conclude, that it is impossible for him in time to make some part of amends, were very hard, and against former Experiences. The Question then is, Whether it is better to kill him, or (lest the matter be mistaken) upon hope of his Amendment to pardon him. For mine own Opinion (though partial) I will deliver you my Conscience. The Case is good Queen *Elizabeth's*, the Offence is committed against her Sacred Person, and she may (of her Mercy) pardon it without prejudice to any. Then this I say, in few words, as a Man more desirous to discharge his troubled Conscience, than to live. Pardon poor *Parry*, and relieve him; for Life without living is not fit for him. If this may not be, or be thought dangerous, or dishonourable to the Queen's Majesty (as by your favours, I think it full of Honour and Mercy) then I beseech your Lordships (and no other) once to hear me before I be indicted, and afterwards (if I must die) humbly to intreat the Queen's Majesty to hasten my Trial and Execution, which I pray God (with all my heart) may prove as honourable to her, as I hope it shall be happy to me; who while I live (as I have done always) pray to Jesus Christ for her Majesty's long and prosperous Reign. From the *Tower*, the 18th of *February*, 1584.

*W. Parry.*

These Matters being read openly, for manifestation of the matter, *Parry* prayed leave to speak: Whereunto Mr. Vice-Chamberlain said, If you will say any thing for the better opening to the World of those your foul and horrible Facts, speak on; but if you mean to make any excuse of that which you have confessed, which else would have been and do stand proved against you, for my part, I will not sit to hear you.

Then her Majesty's Attorney-General *Popham* stood up and said, It appeareth before you, my Lords, that this Man hath been indicted and arraigned of several most heinous and horrible Treasons, and hath confessed them, which is before you of Record; wherefore there resteth no more to be done, but for the Court to give Judgment accordingly, which here I require in the behalf of the Queen's Majesty.

Then said *Parry*, I pray you hear me for discharging of my Conscience. I will not go about to excuse my self, nor to seek to save my Life, I care not for it; you have my Confession of Record, that is enough for my Life: And I mean to utter more, for which I were worthy to die. And said, I pray you hear me, in that I am to speak to discharge my Conscience.

Then said Mr. Vice-Chamberlain, *Parry*, then do thy Duty according to Conscience, and utter all that thou canst say concerning those thy most wicked Facts.

Then said *Parry*, My Cause is rare, singular, and unnatural; conceived at *Venice*, presented in general words to the Pope, undertaken at *Paris*, commended and allowed of by his Holiness, and was to have been executed in *England*, if it had not been prevented. Yea, I have committed many

Treasons, for I have committed Treason in being reconcil'd, and Treason in taking Absolution.

There hath been no Treason sithens the first year of the Queen's Reign touching Religion, but that I am guilty of, (except for receiving of *Agnus Dei's*, and persuading, as I have said, and yet never intending, to kill Queen *Elizabeth*) I appeal to her own knowledge, and to my Lord Treasurer's, and Master Secretary's.

Then said my Lord *Hunsdon*, Hast thou acknowledged it so often, and so plainly in Writing under thy Hand, and here of Record; and now, when thou shouldest have thy Judgment according to that which thou hast confessed thy self guilty of, dost thou go back again, and deny the Effect of all? How can we believe that thou now saist?

Then said Master Vice-Chamberlain, This is absurd; thou hast not only confessed generally, that thou wert Guilty, according to the Indictment, which summarily, and yet in express words, doth contain, that thou hadst traitorously compassed and intended the Death and Destruction of her Majesty; but thou also saidst particularly, that thou wert guilty of every of the Treasons contained therein, whereof the same was one, in plain and express Letter set down, and read unto thee. Yea, thou saidst that thou wert Guilty of more Treasons too besides these. And didst thou not, upon thy Examination, voluntarily confess, how thou wast mov'd first thereunto by Mislike of thy State after thy Departure out of the Realm, and that thou didst mislike her Majesty, for that she had done nothing for thee; how by wicked Papists and Popish Books thou wert persuaded that it was lawful to kill her Majesty; how thou wert by Reconciliation become one of that wicked sort, that held her Majesty for neither lawful Queen nor Christian, and that it was meritorious to kill her? And didst thou not signify that thy Purpose to the Pope by Letters, and receivedst Letters from the Cardinal, how he allow'd of thine Intent, and excited thee to perform it, and thereupon didst receive Absolution? And didst thou not conceive it, promise it, vow it, swear it, and receive the Sacrament that thou wouldst do it? And didst not thou thereupon affirm, that thy Vows were in Heaven, and thy Letters and Promises on Earth to bind thee to do it? And that whatsoever her Majesty would have done for thee, could not have removed thee from that Intention or Purpose, unless she would have desisted from dealing, as she hath done, with the Catholicks, as thou callest them? All this thou hast plainly confessed; and I protest before this Great Assembly, thou hast confessed it more plainly and in better sort than my Memory will serve me to utter: and saist thou now, that thou never meant'st it?

Ah, said *Parry*, your Honours know how my Confession, upon mine Examination, was extorted.

Then both the Lord *Hunsdon* and Master Vice-Chamberlain affirm'd that there was no Torture or threatening Words offer'd him.

But *Parry* then said, that they told him, that if he would not confess willingly, he should have Torture: Whereunto their Honours answered, That they used not any Speech or Word of Torture to him.

You said, said *Parry*, that you would proceed with Rigour against me, if I would not confess it of my self.

But their Honours expressly affirm'd, that they used no such words. But I will tell thee, said Master Vice-Chamberlain, what we said. I spake these

words:



words: If you will willingly utter the Truth of your self, it may do you good, I wish you to do so; if you will not, we must then proceed in ordinary Course to take your Examination. Whereunto you answer'd, that you would tell the Truth of your self. Was not this true? Which then he yielded unto.

And hereunto her Majesty's \* Attorney-General put *Parry* in remembrance what Speeches <sup>\* Sir John Popham.</sup> he used to the Lieutenant of the *Tower*, the Queen's Majesty's Serjeant at Law, Master *Gawdie*, and the same Attorney, on Saturday the 20th of *February* last, at the *Tower*, upon what he was by them then examined by Order from the Lords; which was, that he acknowledged he was most mildly and favourably dealt with in all his Examinations: which he also at the Bar then acknowledged to be true.

Then Mr. Vice-Chamberlain said, That it was a wonder to see the Magnanimity of her Majesty, which after that thou hadst opened those traitorous Practices in sort as thou hast laid it down in thy Confession, was nevertheless such, and so far from all fear, as that she would not so much as acquaint any one of her Highness's Privy-Council with it, to his knowledge, no not until after this thine Enterprize discovered and made manifest. And besides that which thou hast set down under thine own hand, thou didst confess, that thou hadst prepared two *Scottish* Daggers, fit for such a purpose; and those being disposed away by thee, thou didst say, that another would serve thy turn. And withal, *Parry*, didst thou not also confess before us, how wonderfully thou wert appalled and perplexed upon a sudden, at the Presence of her Majesty at *Hampton-Court* this last Summer, saying, that thou didst think, thou then sawest in her the very Likeness and Image of King *Henry VIII*? And that therewith, and upon some Speeches used by her Majesty, thou didst turn about and weep bitterly to thy self? And yet didst still call to mind that thy Vows were in Heaven, thy Letters and Promises on Earth; and that therefore thou didst say with thy self, that there was no remedy but to do it? Didst thou not confess this? The which he acknowledged.

Then said the Lord *Hunsdon*, Sayest thou now, that thou didst never mean to kill the Queen? Didst thou not confess, that when thou didst utter this practice of Treachery to her Majesty, that thou didst cover it with all the Skill thou hadst, and that it was done by thee, rather to get Credit and Access thereby, than for any regard thou hadst of her Person? But in truth thou didst it; that thereby thou mightest have better Opportunity to perform thy wicked Enterprize. And wouldst thou have run into such fear as thou didst confess that thou wert in, when thou didst utter it, if thou hadst never meant it? What reason canst thou shew for thy self?

With that he cried out in a furious manner, I never meant to kill her: I will lay my Blood upon Queen *Elizabeth* and you, before God and the World. And thereupon fell into a Rage and evil Words with the Queen's Majesty's Attorney-General.

Then said the Lord *Hunsdon*, This is but thy Popish Pride and Ostentation, which thou wouldst have to be told to thy Fellows of that Faction, to make them believe that thou diest for Popery, when thou diest for most horrible and dangerous Treasons against her Majesty; and thy whole Country.

For thy laying of thy Blood, it must lie on thine own head, as a just Reward of thy Wickedness. The Laws of the Realm most justly condemn thee to die, out of thine own Mouth, for the conspiring the Destruction both of her Majesty, and of us all: Therefore thy Blood be upon thee; neither her Majesty nor we at any time sought it, thy self hast spilt it.

Then he was asked, What he could say, why Judgment of Death ought not to be awarded against him?

Whereunto he said, he did see that he must die, because he was not settled.

What meanest thou by that? said Mr. Vice-Chamberlain. Said he, Look into your Study, and into your new Books, and you shall find what I mean.

I protest (said his Honour) I know not what thou meanest: thou dost not well to use such dark Speeches, unless thou wouldst plainly utter what thou meanest thereby. But he said, he cared not for Death, and that he would lay his Blood amongst them.

Then spake the Lord Chief Justice of *England*; being required to give the Judgment; and said, *Parry*, you have been much heard, and what you mean by being settled, I know not; but I see you are so settled in Popery, that you cannot settle your self to be a good Subject. But touching that you should say, to stay Judgment from being given against you, your Speeches must be of one of these kinds; either to prove the Indictment, (which you have confess'd to be true) to be insufficient in Law; or else to plead somewhat touching her Majesty's Mercy, why Justice should not be done of you. All other Speeches, wherein you have used great liberty, is more than by Law you can ask. These be the Matters you must look to, what say you to them? Whereto he said nothing.

Then said the Lord Chief Justice: *Parry*, thou hast been before this time indicted of divers most horrible and hateful Treasons, committed against thy most gracious Sovereign and native Country: The Matter most detestable, the Manner most subtle and dangerous, and the Occasions and Means that led thee thereunto most ungodly and villainous. That thou didst intend it, it is most evident by thy self. The Matter was the Destruction of a most sacred and an anointed Queen, thy Sovereign and Mistress, who hath shew'd thee such Favour, as some thy Betters have not obtained; yea, the Overthrow of thy Country wherein thou wert born, and of a most happy Commonwealth whereof thou art a Member, and of such a Queen, as hath bestow'd on thee the Benefit of all Benefits in this World, that is, thy Life, heretofore granted thee by her Mercy; when thou hadst lost it by Justice and Desert. Yet thou her Servant, sworn to defend her, meant'st with thy bloody hand to have taken away her Life, that mercifully gave thee thine when it was yielded into her hands: This is the Matter wherein thou hast offended. The Manner was most subtle and dangerous, beyond all that before thee have committed any Wickedness against her Majesty: For thou making shew as if thou would'st simply have uttered for her Safety the Evil that others had contrived, didst but seek thereby Credit and Access; that thou mightest take the apter Opportunity for her Destruction. And for the Occasions and Means that drew thee on, they were most ungodly and villainous, as the Persuasions of the Pope,

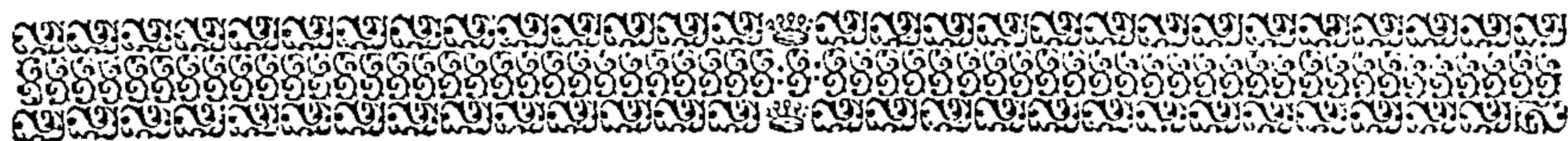


of Papists, and Popish Books. The Pope pretendeth that he is a Pastor, when as in truth he is far from feeding of the Flock of Christ, but rather as a Wolf, seeketh but to feed on, and to suck out the Blood of true Christians, and as it were thirsteth after the Blood of our most gracious and Christian Queen. And these Papists and Popish Books, while they pretend to set forth Divinity, they do indeed most ungodly teach and persuade that which is quite contrary both to God and his Word: for the Word teaches Obedience of Subjects towards Princes, and forbiddeth any private Man to kill; but they teach Subjects to disobey Princes, and that a private wicked Person may kill; yea, and whom? A most godly Queen, and their own natural and most gracious Sovereign. Let all Men therefore take heed how they receive any thing from him, hear or read any of their Books, and how they confer with any Papists. God grant her Majesty, that she may know by thee, how ever she trust such like to come so near her Person. But see the end, and why thou didst it, and it will appear to be a most miserable, fearful, and foolish thing; for thou didst imagine that it was to relieve those that thou callest Catholics; who were most likely amongst all others to have felt the worst of it, if thy devilish Practice had taken effect. But sith thou hast been indicted of the Treasons comprised in the Indictment, and thereupon arraigned, and hast confessed thy self guilty of them, the Court doth award, that thou shalt be had from hence to the

Place whence thou didst come, and so drawn thro' the open City of *London*, upon an Hurdle, to the Place of Execution, and there to be hanged and let down alive, and thy Privy Parts cut off, and thy Entrails taken out and burnt in thy sight; then thy Head to be cut off, and thy Body to be divided in four Parts, and to be disposed of at her Majesty's Pleasure: And God have Mercy on thy Soul.

*Parry* (persisting still in his Rage and Passion) said, I here summon Queen *Elizabeth* to answer for my Blood before God.

Whereupon the Lieutenant of the *Tower* was commanded to take him from the Bar, and so he did; and as he was going away the People cried out, *Away with the Traitor, away with him*: whereupon he was conveyed in a Barge to the *Tower* again by Water. Upon the 2d of *March* ensuing he was delivered by the Lieutenant of the *Tower*, early in the morning, to the Sheriffs of *London* and *Middlesex*, who received him at *Tower-Hill*; and according to the Judgment caused him to be forthwith set on an Hurdle, on the which he was drawn thro' the midst of the City of *London* unto the place for his Execution in *Palace-Yard Westminster*, where having long time of stay permitted him before his Execution, he impudently denied that he was ever guilty of any intention to kill Queen *Elizabeth*; and so (without any request to the People to pray for him, or using any outward Prayer himself) he was turn'd off, and executed according to the Sentence.



## X. *Proceedings against Anthony Babington, Chidiock Titchburne, Thomas Salisbury, Robert Barnewell, John Savage, Henry Donn, and John Ballard, at Westminster for High-Treason, the 13th and 14th of September, 1586. 28 Eliz.*

**T**HE Commission of Oyer and Determiner of all manner of Treasons, Rebellions, Felonies, Offences, Routs, Riots, &c. was directed to *William Lord Cobham*, Lord-Warden of the Cinque-Ports; *Thomas Lord Buckhurst*; *Sir Francis Knowles*; *Sir James a Croft*; *Sir Christopher Hatton*; *Sir Francis Walsingham*; *Sir Christopher Wray*, Lord Chief Justice of *England*; *Sir Edmund Anderson*, Lord Chief Justice of the Common-Pleas; *Sir Roger Manwood*, Lord Chief Baron of the Exchequer; *Mr. Doctor Dale*; *Mr. Rugby*, Master of the Requests; *Serjeant Fleetwood*, Recorder of *London*; *Mr. Brograve* Attorney of the Dutchy; *Mr. Randall*; *Mr. Cooke*; *Mr. Wrathe*. By force whereof was a Precept directed to the Lieutenant of the *Tower*, commanding him to have the Bodies of *Anthony Babington Esq*; *Chidiock Titchburne Esq*; *Thomas Salisbury Esq*; *Robert Barnewell Gent*; *John Savage Gent*; *Henry Donn Gent*; and *John Ballard Clerk*, before the said Commissioners, the Day and Year aforesaid. At which Day, before the Commissioners abovesaid, (excepting *Sir Francis Knowles*, *Sir Francis Walsingham*, and *Sir Christopher Wray*) *Sir Owen Hopton*, Lieutenant of the *Tower*,

return'd his Precept in effect, That the said Prisoners were committed to his Custody by Commandment of the Privy-Council, there to be safely kept. Whereupon Mr. Vice-Chamberlain demanded of the Queen's learned Counsel, what Order they would take in arraigning the Prisoners; and Answer was by them given, that they would proceed to the Arraignment of *Savage* first, forasmuch as he meddled first in these Matters.

### *Savage's Arraignment, Indictment and Confession.*

Then *Savage* being brought to the Bar, and the other Prisoners removed, the Clerk of the Crown said;

*Sands, Clerk of the Crown.* *John Savage* Gent. hold up thy Hand: Thou hast been before this time indicted by virtue of Commission, directed to *Sir Edmund Anderson* Knight, &c. (and so read his Indictment) which in effect was, That *William Gifford*, Doctor of Divinity, maliciously moved him at *Rhemes* in the Country of *Champaigne*, traitorously and wickedly to kill and murder the Queen's most excellent Majesty, his liege Sovereign and natural Prince; affirming to the said

*Savage,*



*Savage*, that the killing of her Majesty was an Action lawful, honourable and meritorious: and that thereupon the said *John Savage* did traitorously agree, conspire and swear to murder the Queen's most excellent Majesty, his own natural Prince. And afterwards, that is to say, the first day of *April 1586*, at *St. Giles's in the Fields*, in the County of *Middlesex*, did falsely conspire to murder her said Majesty, to disinherit her of her Kingdom, to stir up Sedition in the Realm, and to subvert the true Christian Religion: and that to perform this malicious Practice, devised with *John Ballard* how to bring the same to pass; and afterwards, the last day of *May*, did receive Letters from *Morgan*, *William Gifford*, and *Gilbert Gifford*, whereby they did persuade and provoke the said *Savage* to execute and fulfil his said Purpose and Determination. How sayest thou, *Savage*, art thou Guilty, or Not Guilty?

*Savage*. For conspiring at *St. Giles's*, I am Guilty; that I received Letters, whereby they did provoke me to kill her Majesty, I am Guilty; that I did assent to kill her Majesty, I am not Guilty.

*C. J. Anderson*. Whether thou didst conspire at *St. Giles's*, or not, is not the substance of the Indictment; but, whether thou didst conspire or no, is the Matter, and the rest is but Circumstance: Moreover thou must say either, that thou art Guilty or not Guilty, for so hath the Law ordained every one to answer; and if thou answer not so, thou refuseth to be tried by the Law, and so shalt be Caufer of thy own Death.

*C. B. Manwood*. Whosoever refuseth to answer directly, the Law pronounceth grievous Punishment to such, and they are Murderers of themselves, which is abominable before God.

*Hatton*. To say, that thou art Guilty to that, and not to this, is no Plea; for thou must either confess it generally, or deny it generally: Wherefore delay not the time, but say either Guilty, or not; and if thou say Guilty, then shalt thou hear further; if not Guilty, her Majesty's learned Counsel is ready to give Evidence against thee.

*Savage*. Then, Sir, I am Guilty.

Then her Majesty's Counsel said, Albeit there were nothing now further to be done, but to proceed to Judgment upon his own Confession; yet forasmuch as they desired that the Hearers should be satisfied, and all the World know, how justly he was to be condemned, they crave licence to give such Evidence as would sufficiently and fully prove the Indictment. Which being granted, the Clerk of the Crown did read *Savage's* own Confession, taken before the Lord Chancellor, Lord Treasurer, Mr. Vice-Chamberlain, and Mr. Secretary; which particularly in substance was,

That the said *John Savage* served in the Camp of the Prince of *Parma*, and from thence he departed towards *Rhemes*, where falling acquainted with one *Hodgson*, and talking with him about Exploits of Services, it chanced Doctor *Gifford* over-heard them, and coming to them, said, But a better Service could I tell you than all this (moving the Murder of the Queen of *England*;) But *Savage* seemed to object how dangerous and difficult it was. So they went to Supper, and after Supper ended, *Gifford* declaring unto them, how necessary, how just and meritorious, the committing of the Murder should be, said, That peradventure he sticket to do the Fact, forasmuch as he, percase, was not resolved whether the killing of

a Prince were lawful or not. Whereupon he desired him to advise himself, and to ask Opinions of others: And *Savage* having heard others affirm, that the Murder was lawful, forasmuch as in their pretence she was an Heretick, an Enemy to true Religion, and a Schismatick Person; at last, after three weeks, wherein he had not seen *Gifford*, he answered, That he was contented to do any thing for his Country's Good. Then said *Gifford*, assure yourself you cannot do a greater Good unto your Country, nor whereby the Country should be more beholden, especially all the *Throckmortons* and *Giffords*. At last *Savage*, overcome with their Persuasions, gave his Assent and Oath, that he would put the same in practice. When he had given his Oath to murder her, *Gifford* declared unto him how, and in what Place her Majesty might be slain: And therefore *Gifford* charged him to forbear no Time nor Place, but to murder her; and therefore, as her Majesty should go into her Chapel to hear divine Service, *Savage* might lurk in the Gallery, and stab her with his Dagger: or if her Majesty should walk into her Garden, he might then shoot her through with his Dagg; or if her Majesty did walk abroad to take the Air, as she would often do, rather (as *Gifford* said) accompanied with Women than Men, and those few Men but slenderly weapon'd, *Savage* might then assault her with his arming Sword, and so make sure Work; albeit in all these Cases *Savage* should be in extreme Hazard of his own Life, forasmuch as the Thing itself was so lawful, honourable and meritorious, and he sure to gain Heaven thereby. Thereupon came *Savage* over into *England* with this Intent and Purpose, for to kill the Queen: But not doing the same so soon as was looked for, he received Letters from *Morgan* and *Gifford* from beyond the Seas, persuading him to execute the same. But then he fell acquainted with the most notorious Conspiracy of *Babington*, whereby was another Plot devised, That there should be Six which should kill the Queen: *Savage* would not assent thereto, forasmuch as he thought, except he did it himself, his Conscience could not be satisfied, because he had promised and vowed to do that himself. But *Babington* told him, he should be one. In the mean season was *Ballard* the Priest apprehended, the 4th of *August* last. Then came *Babington* to *Savage*, saying, *Ballard* is taken, all will be bewrayed, what Remedy now? Then said *Savage*, no Remedy now, but to kill her presently. Very well, said *Babington*; then go you unto the Court to-morrow, and there execute the Fact. Nay, said *Savage*, I cannot go to-morrow, for my Apparel is not ready, and in this Apparel shall I never come near the Queen. Go to, quoth *Babington*, here is my Ring, and all the Money I have, get thee Apparel and dispatch it. But the same Night, *Babington* fearing lest *Savage* alone should fail to do it, continued his other Plot, that Six should ride to the Court and do it: but the next day, *Babington* suspecting somewhat, fled, and all was discovered. Also it appeared by *Savage's* own Confession, how, between *Midsummer* and *Alballontide*, 1585, he was sollicit by *Gifford* to kill the Queen and the Earl of *Leicester*. Furthermore, divers other Proofs were shewed forth by Confession of others, all agreeing to *Savage's* Confession.

\* *Attorney*. Now I hope, is *Savage's* Indictment sufficiently and fully proved.

\* *Sir John Popham*.



*Hatton. Savage*, I must ask thee one Question: Was not all this willingly and voluntarily confessed by thy self, without Menacing, without Torture, or without Offer of any Torture?

*Savage*. Yes.

Then spake her Majesty's learned Counsel, desiring to adjourn the Court until the morrow.

*Hatton*. Forasmuch as if we should now proceed with the other Prisoners which be here put, it would ask time till three of the Clock in the Morning, and the Day is already far spent; also her Majesty's Council having prayed that *Savage's* Judgment be deferred till to-morrow by seven of the Clock: Therefore it is necessary that the Court should be adjourned. Whereupon the Cryer made an O yes, that all should keep their Day to-morrow Morning by seven of the Clock, and so the Court arose.

Wednesday 14 Septembris, 1586.

The next Day being *Wednesday*, the same Prisoners were brought unto the Bar, and the Commissioners being set, the Cryer commanded every Man to hold his peace, and keep silence; and then spake *Sandes* the Clerk of the Crown, in sort ensuing.

Clerk of the Crown.

*John Ballard, Anthony Babington, John Savage, Robert Barnewell, Chidioc Titchbourne, Thomas Salisbury, and Henry Donn*, hold up your Hands; which being done, he said, Before this time you were indicted before Sir *Edmund Anderson* Knight and others, &c. by virtue of her Majesty's Commission, &c. That where *Bernardino de Mendoza* a Spaniard, and *Charles Pagget*, the 26th Day of *April*, 1586. at *Paris* in *France*, did maliciously and wickedly devise, by what ways and means this Realm of *England* might be invaded, and by what ways and means *Mary Queen of Scots* might be delivered: it was concluded then, that thou the said *John Ballard* should go into this Realm of *England*, to understand and know what Ports and Landings might be procured and provided for the Enemies Invasion, and for to learn by what means and ways the said *Mary Queen of Scots* might be delivered from the Custody wherein she was. And that thou the said *John Ballard*, coming into this Realm of *England*; you the said *Anthony Babington, John Savage, Robert Barnewell, Chidioc Titchburne, Thomas Salisbury, and Henry Donn*, as false Traitors against the Crown, and the Queen's most excellent Majesty, your true and natural Sovereign; intending to put away the Love of her Majesty's most loving Subjects, the 5th Day of *June*, in the 28th Year of the Reign of our Sovereign Lady Queen *Elizabeth*, by the Grace of God, &c. at *St. Giles's in the Fields*, within the County of *Middlesex*, did falsely, horribly, traitorously and devilishly, conspire, conclude and agree, the Queen's most excellent Majesty not only from her Royal Crown and Dignity to depose, but also her to kill and slay; and Sedition, Infurrection and Rebellion to stir up and procure, and the Government of this Realm, and the true and Christian Religion therein planted to subvert, and the whole State thereof for to destroy; and for to raise and levy War within the Realm. And thou the said *John Ballard*, the 17th Day of *June*, in the 28th Year afore said, at *St. Giles's* afore said in the County of *Middlesex* afore said, didst go to have Speech, and confer with thee the said *Anthony Babington*, by what means and ways your

false traitorous imagined Practices might be brought to pass. And that thou the said *John Ballard* didst oftentimes declare of an Army of the Pope, and the King of *Spain*, for to invade this Realm; and didst also declare that *Pagget* and *Mendoza* required them the said *Babington, Savage, &c.* to procure means how this Realm of *England* might be invaded. And that there thou the said *Anthony Babington* didst say the same could not be brought to pass, without the Murder of the Queen's most excellent Majesty; and afterwards, that is to say, the 7th Day of *June*, at *St. Giles's* afore said, in the County of *Middlesex* afore said, thou the said *Anthony Babington* didst falsely, horribly, traitorously, and devilishly conspire to kill the Queen's most excellent Majesty, and for to deliver the said *Mary Queen of Scots* out of the Custody wherein she was, and how to bring foreign Enemies for to invade this Realm. And that thou *Thomas Salisbury* went to *St. Giles's* afore said, in the County of *Middlesex* afore said, traitorously to confer by what means and ways thy traitorous imagined Practices might be brought to pass; and that thou didst there conclude falsely and traitorously to go into thy Country, in the County of *Denbigh*, there to move and stir up Sedition and Rebellion; and for to persuade the Subjects to conjoin with thee, for the delivery of the said *Mary Queen of Scots* from the Custody wherein she was, and for to aid and assist the foreign Enemies which should invade this Realm. And afterwards the 9th Day of *June*, that you the said *Anthony Babington, and John Savage*, went to *St. Giles's* afore said, in the County of *Middlesex* afore said, traitorously to confer how, and by what means your traitorous imagined Practices might be brought to pass; and afterwards, the 10th of *June*, you the said *Anthony Babington, and John Savage*, maliciously between your selves, did appoint and conclude that thou the said *John Savage* traitorously the Queen's most excellent Majesty shouldst kill and slay, and her to final Destruction for to bring. And that thou the said *Babington and Savage* should join and assist the foreign Enemies which should invade this Realm. And that thou the said *Anthony Babington, Chidioc Titchburne, and Robert Barnewell*, afterwards, that is to say, the 11th day of *June*, in the Year afore said, went to *St. Giles's* afore said, in the County of *Middlesex* afore said, to confer by what ways and means your Treasons might be fulfilled and brought to pass. And thereupon the 12th Day of *June*, you the said *Babington, Titchburne and Barnewell*, with divers other false Traitors, most horribly, devilishly, wickedly and traitorously did conclude and agree, that you the said *Robert Barnewell, Chidioc Titchburne*, with divers other horrible Traitors, the Queen's most excellent Majesty would kill and slay, and the foreign Invaders would aid and assist. And furthermore, that thou the said *Thomas Salisbury*, together with *Edward Jones* Esq; and other false Traitors, to bring to pass your traitorous imagined Practices the 13th Day of *June*, in the Year afore said, did go to *St. Giles's-Fields* afore said, in the County of *Middlesex* afore said, to confer how your Treasons might be brought to pass: And the same 13th Day did confer, and had Speech by what means your traitorous compassed Imaginations might be performed. And afterwards, that is to say, the 15th Day of *June*, at *St. Giles's-Field* afore said, in the County of *Middlesex* afore said, thou the said *Thomas Salisbury*, and the said *Edward Jones*, did



conclude and agree, that the said *Edward Jones* should conjoin with thee for the delivery of the said *Mary Queen of Scots*, and for to aid and assist the foreign Enemies which should invade this Realm. And furthermore, that *John Travers* Gent. another false Traitor in this Conspiracy, went to *Clerkenwell* in the County of *Middlesex* aforesaid, traitorously to confer with thee the said *Thomas Salisbury*, how your traitorous compassed Imagination might be brought to pass. And the same 15th Day of *June*, at *Clerkenwell* aforesaid, in the County of *Middlesex* aforesaid, the said *John Travers* did traitorously conspire, and agree, for the delivery of *Mary Queen of Scots*, and to assist the foreign Invaders of this Realm. And furthermore, that thou the said *Henry Donn*, for the compassing of thy traitorous Practices, the 22d of *June*, in the Year aforesaid, traitorously didst repair, and go to have Speech, and confer with the said *Anthony Babington*, and *John Ballard*, how your traitorous compassed Imagination might be brought to pass. And the same 22d of *June*, as well in *St. Giles's* aforesaid, as in other places, didst confer, and had Speech how your Treasons might be brought to pass. And that thou the said *Henry Donn*, the 24th Day of *June*, at *St. Giles's-Fields* aforesaid, didst conclude, and agree with the said *Ballard* and *Babington*, to perform the best they could for the compassing of your Treasons. And furthermore, that thou the said *Anthony Babington*, the 8th Day of *July*, in the Year aforesaid, received Letters dated the 25th of *June*, from *Mary Queen of Scots*, by which she signified unto thee, that she would not be un-mindful of thy Affection towards her; and required thee to send her Letters from Friends in *France* and *Scotland*. And the same Day, thou the said *Anthony Babington* didst write unto the said *Mary Queen of Scots* declaring the Plot of thy Treasons, and requiring from her, as from thy Sovereign and Prince, Authority and Commission to proceed in thy Practices; and the 25th of *July* received Letters of answer, by which the said *Mary Queen of Scots* willingly allowed of these Treasons; and also by her said Letters, did animate, comfort and provoke thee to fulfill the same effectually. And furthermore, that *Sir Thomas Gerrard*, another false Traitor, and thou the said *John Ballard* as false Traitors, not having the Fear of God before your Eyes, the 27th of *July*, in the 28th Year aforesaid, at *St. Giles's* aforesaid, in the County aforesaid, did conspire traitorously to deprive and depose the Queen's most excellent Majesty from her Royal Crown and Dignity, and her to final Death and Destruction for to bring; and Sedition and Rebellion to stir up and procure, and to alter the Government of the Realm, and the true Religion to subvert. And that thou the said *Anthony Babington*, and the said *Sir Thomas Gerrard*, the 29th of *July*, in the Year aforesaid, went to *St. Giles's* aforesaid, in the County aforesaid, traitorously to conspire how and by what means your traitorous compassed Imagination might be brought to pass. And there-upon the last Day of *July*, at *St. Giles's* aforesaid, in the County aforesaid, you the said *Anthony Babington*, and the said *Sir Thomas Gerrard* did agree, that thou the said *Sir Thomas Gerrard* should join with thee the said *Anthony Babington*, for the delivery of the said *Mary Queen of Scots* from the Custody wherein she was, and for the aiding and assisting of the foreign Enemies which should in-

vade this Realm. And furthermore, that thou the said *John Ballard* didst traitorously go to *Southampton-House* in *Holborne*, within the County of *Middlesex*, traitorously to confer with *John Charnock* Gent. and other false Traitors in this Conspiracy, how your traitorous compassed Imagination might be brought to pass; and there didst confer and had Speech by what means your Treasons might be performed: and afterwards the 2d Day of *August* at *Southampton-House* aforesaid, the said *John Charnock* did traitorously assent to perform the best he could in fulfilling of your Treasons, contrary to your Allegiances you owe to the Queen's most excellent Majesty, her Crown and Dignity, and contrary to divers Statutes in such Case provided.

*Sandes.* How sayst thou *John Ballard*, art thou Guilty of these Treasons whereof thou standest indicted, or not?

*Ballard.* That I practised the delivery of the Queen of *Scots*, I am Guilty; and that I went about to alter the Religion, I am Guilty; but that I intended to slay her Majesty, I am not Guilty.

*Sandes.* Answer directly, art thou Guilty according to the Purport of the Indictment?

*Ballard.* I answer as my Case is.

*C. J. Anderson.* Either deny the Indictment generally, or confess it generally.

*Hatton.* *Ballard*, under thine own Hand are all things confessed; therefore now it is much vanity to stand vain-gloriously in denying it.

*Ballard.* Then Sir, I confess I am Guilty.

*Sandes.* How say'st thou, *Anthony Babington*, art thou Guilty of the Treasons contained in the Indictment?

*Babington.* Then began *Babington* with a mild Countenance, a sober Gesture, and a wonderful good Grace, to declare the Beginnings and Proceedings of his Treasons, which was according as he was indicted, and according to *Savage's* Confession, and *Ballard's* Indictment. In the end he laid all the blame upon *Ballard*, for bringing him to his Destruction.

*Hatton.* A very fit Author for so bad a Fact!

*Babington.* Very true, Sir, for from so bad a Ground never proceeds any better Fruits; he was he that persuaded me to kill the Queen, and to commit the other Treasons, whereof now I confess my self Guilty.

*Sandes.* How sayst thou, *John Savage*, art thou Guilty of the Treasons contained in the Indictment?

*Savage.* I am Guilty.

*Sandes.* How sayst thou *Robert Barnwell*, art thou Guilty? &c.

*Barnwell.* I never intended harm to her Majesty's Person, but I confess I knew thereof, and I held it not lawful to kill the Queen: Howbeit, for my other Actions, forasmuch as I know I am within the danger of the Law, I plead Guilty.

*Sandes.* How sayst thou, *Chidock Titchborne*, art thou Guilty of the Treasons contained in the Indictment?

*Titchborne.* That I knew of these Treasons and concealed them, I must confess that I am Guilty; but unto the rest, I am not Guilty.

*Sandes.* You must either answer Guilty, or not Guilty.

*Titchborne.* What I am Guilty of, I plead Guilty, and I will confess no more.

*Hatton.* Then you may plead not Guilty.







hast pleaded Guilty; what hast thou to say for thy self, wherefore Judgment and Execution of Death should not be given against thee?

*Ballard.* *Ballard* spake something, but not to any effect.

*Sandes.* Then *Sandes* demanded of *Babington* in like manner.

*Babington.* Who said he was Guilty of the Treasons, according to his Confession, for killing of the Queen, and the rest by *Ballard's* Persuasion.

*Hatton.* O *Ballard, Ballard*, what hast thou done? A sort of brave Youths otherwise endued with good Gifts, by thy inducement hast thou brought to their utter Destruction and Confusion.

*Babington.* Yea, I protest before I met with this *Ballard*, I never meant nor intended for to kill the Queen; but by his Persuasions I was induced to believe that she was excommunicate, and therefore lawful to murder her.

*Ballard.* Yea, Mr. *Babington*, lay all the blame upon me, but I wish the shedding of my Blood might be the saving of your Life: Howbeit, say what you will, I will say no more.

*Hatton.* Nay, *Ballard*, you must say more, and shall say more, for you must not commit High-Treasons and then huddle them up: but is this thy *Religio Catholica*? Nay rather, it is *Diabolica*.

*Sandes.* *John Savage*, thou hast been indicted of High-Treason, &c. (*ut supra*, to *Ballard*.)

*Savage and Titchburne.* *Savage* answered nothing, neither did *Titchburne*, being demanded in like sort also.

*Sandes.* So *Sandes* demanded of *Robert Barnewell* in like manner.

*Barnewell.* Forasmuch as I have offended against the Law, I am contented to suffer Punishment according to the Law; howbeit, I here protest what I have done, was only for my Conscience sake, neither did I ever intend Violence to her Majesty's Person.

*Hatton.* O *Barnewell, Barnewell*, didst not thou come to *Richmond*, and when her Majesty walked abroad, didst not thou there view her and all her Company, what Weapons they had, how she walked alone? and didst traverse the Ground, and thereupon coming back to *London*, didst make relation to *Babington*, how it was a most easy matter to kill her Majesty, and what thou hadst seen and done at the Court; yes, I know thou didst so: How canst thou then say, that thou never didst intend to lay violent hands on her Majesty? Nay, I can assure thee moreover, and it is most true which I say, that her Majesty did know that thou didst come to that end, and she did see and mark thee how thou didst view her and her Company; but had it been known to some there, as well as unto her, thou hadst never brought news to *Babington*. Such is the Magnanimity of our Sovereign, which God grant be not overmuch, in not fearing such Traitors as thou art.

*Barnewell.* What I did was only for my Conscience sake, and not for any Malice or Hatred to her Majesty's Person.

*Hatton.* Then wouldst thou have killed the Queen for Conscience. Fie on such a devilish Conscience!

*Sandes.* *Henry Donn*, thou hast been indicted of High-Treason, &c. *ut supra* to *Ballard*; What canst thou say for thy self wherefore Judg-

ment and Execution of Death should not be pronounced against thee?

*Donn.* What I have done herein, was for my Religion and Conscience sake; and since it is counted Treason, I must abide the Punishment, and therefore *Fiat voluntas Dei*.

*Sandes.* *Salisbury*, What canst thou say wherefore Judgment, &c. (*ut supra* to *Ballard*.)

*Salisbury.* I beseech her Majesty's most merciful Pardon for my Offence.


Then Mr. Attorney began to declare at large the Sum of their Treasons: How they had conspired her Majesty's Death, and to make the Queen of *Scots* Queen of *England*; and if peradventure she miscarried in these Hurliburlies as to be slain, then would they set up the King of *Scots*, if he were a Catholick; if he were not a Catholick, then would they enforce the King of *Spain* to take the Crown and set it on his Head, and derive him a Title from the House of *Clarence*. But because that Title would be but slender, the Pope should dispense, and so make it clear without question. Furthermore he declared, how Priests continually had been the beginning of all the Treasons committed against her Majesty; he began at the Rebellion in the North, and so proceeded till the Treasons of *Throckmorton* and *Parry*, and so ended.

Then began Sir *Christopher Hatton*, and made an excellent good Speech, in opening and stating forth their Treasons, and how they all proceeded from the wicked Priests the Ministers of the Pope. And first he shewed; How these wicked and devilish Youths had conspired to murder the Queen's most excellent Majesty; Secondly, To bring in foreign Invasion; Thirdly, To deliver the Queen of *Scots*, and make her Queen; Fourthly, To sack the City of *London*; Fifthly, To rob and destroy all the wealthy Subjects of this Realm; Sixthly, To kill divers of the Privy-Council, as the Earl of *Leicester*, the Lord Treasurer, Mr. Secretary, Sir *Ralph Sadler*, Sir *Amias Paulet*; Seventhly, To set fire on all the Queen's Ships; Eighthly, To cloy all the great Ordnance; Ninthly and lastly, To subvert Religion, and the whole State of Government. The Inventers and Beginners whereof, were these devilish Priests and Seminaries, against whom he doubted the Parliament had not yet sufficiently provided, who, now-a-days, do not go about to seduce the antient and discreet Men, for they (as the Priests say) be too cold; but they assail, with their Persuasions, the younger Sort, and of those, the most ripe Wits, whose high Hearts and ambitious Minds do carry them headlong to all Wickedness. In the end, he concluded with Remorse for the Youth of some of these unhappy Men, and with Detestation of the Facts of *Ballard*; and also shewed forth a notable Proof of the Falshood of these lying Papists, which was a Book printed at *Rome*, and made by the Papists, wherein they affirm, That the *English* Catholicks which suffer for Religion, be lapped in Bear-Skins, and baited to death with Dogs; a most monstrous Lye, and manifest Falshood.

Then spake my Lord *Anderfon* to the like effect, almost in every Point, in abhorring the Abomination of the Jesuits and Seminaries; and in the end concluded with an Exhortation for the Health of their Souls; and last of all pronounced the terrible Sentence of their Condemnation.



XI. *The Trial of Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy, and Robert Gage, at Westminster for High-Treason, 15th of September, 1568. 28 Eliz.*

N *Thursday* the 15th of *September*, the Commissioners came, and the Cryer commanded Silence, and the Lieutenant of the *Tower* was commanded to bring forth the Prisoners, which were *Edward Abington, Charles Tilney, and Edward Jones*, Esquires; *John Travers, John Charnock, Jerome Bellamy* and *Robert Gage*, Gentlemen; and *Elizabeth Bellamy* Widow. All which the Lieutenant of the *Tower* had ready at the Bar, and there informed the Court, the Woman's name was *Katherine*, and not *Elizabeth*: whereupon the Lieutenant was commanded to take her from the Bar, and bring her to some other place.

Whereupon *Sandes*, Clerk of the Crown, began in sort ensuing; *Edward Abington, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy* and *Robert Gage*, hold up your Hands: which being done, he proceeded,

*Clerk of the Crown.* Before this time ye were indicted, that where *Bernardyne de Mendoza* a Spaniard, *Charles Paget* and *John Ballard*, the 2d day of *April*, in the 28th year of the Reign of our Sovereign Lady the Queen's Majesty, that now is, at *Paris* in *France*, did confer in what Place this Realm of *England* most aptly might be invaded, and what Aid and Assistance might be procured for the same, and how and by what Ways and Means *Mary Queen of Scots* might be deliver'd from the Custody wherein she was. And that thereupon it was resolved by the Counsel of *Morgan*, a most notorious Traitor, that the said *Ballard* should pass into this Realm of *England* to understand what Help might be procured, and to prepare Ports to land the Enemies, for to invade the Realm, and to prepare Ways and Means how *Mary Queen of Scots* might be delivered; and thereupon the said *John Ballard*, coming into *England*, you the said *Edward Abington, Charles Tilney, Edward Jones* and *John Travers*, together with *Anthony Babington, John Ballard, John Savage, Henry Donn, Thomas Salisbury, Chidioc Titchburne* and *Robert Barnewell*, as false Traitors, the 8th day of *June*, in the 28th year of the Reign of our Sovereign Lady the Queen's Majesty that now is, at *St. Giles's in the Fields*, in the County of *Middlesex*, did conspire the Queen's most Excellent Majesty, not only from her Crown and Dignity to depose, but also her to kill and slay, and to stir up Sedition and Rebellion in the Realm, and Slaughter among the Subjects for to make, and the Government and Religion to subvert, and the whole Estate for to destroy, and divers Strangers, her Majesty's Enemies, to invade the Realm, did procure and stir up. And afterwards, the twelfth day of *June*, in the year

aforsaid, thou the said *Charles Tilney* and *Anthony Babington, Robert Barnewell, and Chidioc Titchburne*, went to *St. Giles's* aforsaid, to confer by what Ways and Means, your traitorous compassed Imaginations might be brought to pass; and there, the same day, had Speech, and did confer how your Treasons might be performed: And on the said 12th day of *June*, in the year aforsaid, at *St. Giles's* aforsaid, did conclude, that thou the said *Charles Tilney, and Robert Barnewell, and Chidioc Titchburne*, would kill the Queen, and aid the foreign Enemies that should invade the Realm; and that thou *Edward Jones*, with *Thomas Salisbury*, to perform your traitorous Imaginations, the 13th day of *June*, in the 28th year aforsaid, went to *St. Giles's* aforsaid, to confer how your traitorous compassed Imaginations might be brought to pass. And thereupon thou the said *Edward Jones*, with the said *Thomas Salisbury*, the 15th day of *June*, in the year aforsaid, at *St. Giles's* aforsaid, did conclude and agree traitorously to join with the said *Thomas Salisbury*, for the Delivery of the said *Mary Queen of Scots*, and for to aid and assist the foreign Enemies which should invade this Realm: And that thou the said *John Travers*, to fulfill thy traitorous compassed Imaginations, the 15th day of *June*, in the 28th year aforsaid, traitorously diddest go to *Clerkenwell*, within the County of *Middlesex*, to confer by what Means your Treasons might be brought to pass: And the same 15th day of *June*, at *Clerkenwell* aforsaid, in the County aforsaid, had Speech, and did confer how your traitorous compassed Imaginations might be brought to pass. And the 16th of *June*, at *Clerkenwell* aforsaid, in the County aforsaid, didst appoint and conclude, with the said *Thomas Salisbury*, to join with him for the delivery of *Mary Queen of Scots*, and in aiding and assisting the foreign Enemies which should invade this Realm. And further, that thou *John Charnock*, with *Thomas Gerrard Knight, John Ballard* and *Anthony Babington*, the 27th of *July*, at *St. Giles's* aforsaid, in the County aforsaid, didst conspire the Queen's most excellent Majesty, not only from her Crown and Dignity to depose, but also her to murder and slay, and to make Sedition and Rebellion, and Slaughter of her Majesty's Subjects, and the True and Christian Religion to subvert, and the whole Estate and Government to alter. And that thou *John Charnock* traitorously didst go to *Southampton-House* in *Halbourn*, within the said County of *Middlesex*, the last day of *July*; and the same last day didst confer there with *John Ballard*, how your traitorous compassed Imaginations might be brought to pass; and thereupon, the 2d day of *August*, at *Southampton-House*



House in *Holbourn* aforesaid, didst conclude and agree to do the best thou couldst for Performance of the Treasons aforesaid. And that thou *Jerome Bellamy* and *Robert Gage*, knowing that the said *Anthony Babington*, *Robert Barnewell* and *Henry Donn*, had committed High-Treason at *Harrow on the Hill*, in the County of *Middlesex*, did receive and aid them, contrary to your Allegiance you owe to our Sovereign Lady the Queen, her Crown and Dignity, and contrary to divers Statutes in such Case provided. How sayest thou *Edward Abington*, art thou Guilty of the Treasons whereof thou standest indicted, or Not Guilty?

*Abington*. Not Guilty.

*Sandes*. How wilt thou be tried?

*Abington*. By God and my good Country.

*Sandes*. Thou must say, by God and my Country.

*Abington*. Yea Sir, by God and my Country.

*Sandes*. How sayst thou, *Charles Tilney*, art thou Guilty of these Treasons whereof thou standest indicted, or Not Guilty?

*Tilney*. In no sort Guilty, no more guilty than you are.

*Sandes*. Answer me directly, art thou Guilty or not Guilty?

*Tilney*. No Sir, I am not Guilty; and that I am ready to answer and prove.

*Sandes*. How wilt thou be tried?

*Tilney*. By God and honest Men.

*Hatton*. What Answers are these? *Abington* says, By God and my good Country; and thou sayst, By God and honest Men. Thou must say, By God and my Country.

*Tilney*. Yea Sir, so I say.

In like manner, *Jones*, *Travers*, *Charnock*, *Bellamy*, and *Gage* pleaded Not Guilty.

Thereupon was an Inquest of *Middlesex* called, who appeared at the Bar, and their Names were, *Richard Martin*, *William Fleetwood*, *Jasper Cholmley*, *William Kempton*, *Robert Losbe* and *John Barnes*, Esquires; *John Hill*, *Robert Wood*, *Thomas Hargrave*, *Thomas Clark*, *John Chawkellett* and *John Draper*, Gentlemen.

Then said *Sandes* to the Prisoners, Have you any Challenge?

*Tilney*. No not I; for I know them not.

*Anderfon*. Lieutenant of the *Tower*, take away *Gage* and *Bellamy* to some other place out of the hearing of the Court.

So the Lieutenant did.

#### Abington's Trial.

Then said *Abington*, I beseech your Honours I may have a pair of Writing-Tables to set down what is alledged against me, that I may yield a sufficient Answer thereunto.

*Sandes*. It was never the Course here.

*Hatton*. When you hear any thing you are desirous to answer, you shall speak an Answer at full, which is better than a pair of Tables.

Serj. *Puckering*. Well Sir, then will we give Evidence. And first, because it falls out that *Abington* and *Tilney* were acquainted with *Savage's* Conspiracy, we will shew a little that which yesterday was opened at full; and therefore, by *Ballard's* Confession, this Summer was Twelvemonth, *Ballard* went into *Scotland* to understand of the Willingness of the People, and *Tilney* offered to go with him.

*Tilney*. Yea Sir, so I did: What can you prove by that?

*Puckering*. Soft, I will tell you when I come to give Evidence against you. After *Christmas*, *Ballard* went into the *North*, and afterwards had Speech with *Tilney* to go over beyond the Seas, and *Tilney* agreed and was contented. *Ballard* went over and sent Letters to *Tilney*, desiring to stay till *Ballard* came over back, and he would tell him more. When *Ballard* came over, *Tilney* was acquainted with *Savage's* Purpose, and *Abington* too: But then *Ballard* fell acquainted with *Babington*, and so came a greater Conspiracy. And *Abington* put forth a Proposition to surprize the Queen; and *Tilney* was privy: And it is under *Babington's* hand, that *Tilney*, *Titchburne*, *Barnewell* and *Savage* undertook to kill the Queen. *Jones*, at *London*, talked with *Salisbury*, and stay'd for him, and was privy to a Writing that was sent for *Salisbury's* Apprehension. And *Jones* repaired unto *Salisbury* at Midnight, being in *Jones's* House, and told him, That he had undone them all, and lent him his own Horse, and his Man's Cloak. *Charnock*, the same day that *Ballard* was taken, was moved by *Babington* to be one of the six to kill the Queen; and he assented, and afterwards lent *Babington* Apparel to fly in. Whereupon was *Ballard's* Confession read, which was, that he confessed, That he conferred with *Pagets* about the State of our Country; and that *Ballard* said, It is now more easy to invade the Realm than before, because the Earl of *Leicester*, with the best of our Captains, were in *Flanders*: and that they two talked with *Mendoza*; who asked them, what armed Men they could make, and what Ports they could yield to the Invaders for to land in; and *Mendoza* told them, his Master had a greater Preparation than ever he had by Sea, but he knew not for what Matter; but he said, He cared not whether they have any Help of them or no: but said, If you will not assist us herein, we will be as Conquerors when we come, and use him also like Enemies. For when it came to the brunt, they always shrunk, only he had a great care for the Delivery of the Queen of *Scots*, and so sent *Ballard* into *England*; and said, His Master, the King of *Spain*, had vowed to lose his Crown, and the Pope his Life, but they would convert *England*, and deliver the Queen of *Scots*. After *Ballard* arrived, he talked with *Babington*, and he seemed willing: Also he confesseth the killing of the Queen.

\* *Attorney*. *Edward Abington*, upon his Examination, denieth he knew *Ballard*; which we will prove to be false: Therefore read first his Denial,

which was, That he denied the surprizing of her Majesty; he denieth the knowledge of *Ballard*, *Fortescue*, or *Browne*; he denieth the Delivery of the Queen of *Scots*; and being told, that the *Frenchmen* would invade this Land, he said, He would spend his Life in her Majesty's Defence: He confesseth, that on Sunday was sevensight, he and his Brother lay on a Hay-mow.

† *Solicitor*. Whoso is guiltless will speak truly and directly, but the Counterfeit must speak Untruths.

Thereupon was another Examination of his read which was, That *Ballard* being brought to his face, said, That *Ballard* was not with him since *Whitsuntide*; but he confesseth, he knew him some Years ago at *Chertsey*. *Abington's* Brother confesseth, that *Ballard* was twice at *Edward Abington's* Lodging at *Charing-Cross*; and at one of the times his Brother *Bailard* talked secretly in



one end of the Chamber: And *Ballard* was first acquainted with *Thomas Abington* at *Rhemes*; and *Ballard* saith, That he made *Edward Abington* acquainted with these Treasons, and he gave his Consent. And *Babington* saith, that *Abington* moved first the Surprize of the Queen. Then was read the Confession of *Babington*, which was, that *Edward Abington* moved first the Surprize of the Queen to some strong Place, and there to move her for Reformation or Toleration of Religion. *Tilney* confesseth, That at the *Three-Tuns* in *Newgate-Market*, *Babington* moved a Proposition for removing of the Lord-Treasurer and Mr. *Secretary*; and that *Abington* spake broad Speeches concerning that Matter; and that *Tilney* did reprove him for the same.

*Tilney*, I deny it, I never said so.

*Puckering*. Here is your own Hand, and read it.

*Tilney*. It is mine own Hand, but what did I mean? When I said concerning that Matter, I must interpret mine own Meaning, I meant to speak broad Words concerning Religion.

*Attorney*. Then belike you reprov'd *Abington* for Religion.

*Tilney*. Yea, I reprov'd him for speaking broad Words concerning Religion.

*Attorney*. What Matter did you talk of then but Treason? It is well the Jury doth hear your Answers.

*C. B. Manwood*, *Tilney*, you are too hot, this Evidence is against *Abington*, you shall answer your self when it comes to you.

*Solicitor*. *Tilney* confesseth that there was speech between him and *Abington* concerning a Surprize of the Queen; and that *Abington* said, he would ride to *Thomas Salisbury* into the Country.

Then said the Queen's Attorney unto the Jury, You perceive how that *Abington* is found false for his Acquaintance with *Ballard*.

Then was read *Babington's* Confession, that *Abington* and *Tilney* were disposed to kill the Queen.

*Attorney*. *Salisbury* confesseth, that *Abington* desired him to make haste to his Country; and said, He understood by *Babington* of certain Matters, and that he would come to *Salisbury's* Country for Things to be done shortly.

*Solicitor*. He confesseth himself, that he was privy unto it, and concealed it.

Then was read *Babington's* Confession before the Lords, which was, That when certain Seminaries in *Rome* came to take leave of the Pope, and to kiss his Foot, the Pope asked what they were; and it was told him, that they were *Englishmen*, which went to spend their Lives for Reformation of Religion in their Country. The Pope said, it was a good flow Way; but said, that he would make a Bridge over that Ditch into *England* ere it were long. Also he confesseth, That he and *Babington* heard *Edward Abington* use speech to the same effect.

So you hear how *Babington* sets down *Abington* to be one of the six to kill the Queen.

Also here is *Ballard's* own Hand, that *Babington* appointed six to kill the Queen, *Abington*, *Titchburne*, *Tilney*, and others.

*Abington*. It is very well, if I be at *Babington's* Commandment; I protest I never knew thereof.

*Solicitor*. Here is *Babington's* Letter to the Queen of *Scots*, which proveth you to be one.

The Letter was read; among other, this Sentence was in: There be six noble Gentlemen

which have undertaken the Tragical Execution, meaning the murdering of the Queen of *England*, only it resteth, that their Attempt be honourably rewarded.

*Abington*. I protest before Heaven and Earth, as I am a true Christian, I never knew thereof.

The Letter went further, and contained this; All the Actors have vowed, either to die, or else to perform their Purpose.

*Abington*. This is *Babington's* Brag, to get Credit with the Queen of *Scots*.

*Attorney*. We will prove, *Abington*, that thou didst provide Armour of proof too for your Brother and your self, and one for another Person.

Then was *Fester's* Examination, an Armourer in *Holbourn*, read, which proved so much directly.

*Attorney*, to *Hatton*. Mr. Vice-Chamberlain, you desired *Abington* to set down the Truth of these Things, thereupon he set down a great deal in Writing, and yesterday he tore it in a hundred pieces; and here Mr. Lieutenant of the Tower hath given me the pieces, and here they be.

*Hatton*. *Abington*, you be very obstinate, and seem indurate in these Treasons.

*Abington*. I will answer what is laid against me: My first acquaintance was with *Savage*, by reason that my Brother and he were both of *Bernard's-Inn*, and by him came I acquainted with *Savage*, who talking with me, he told me of a Book written at *Rhemes*, which inveighed against the Earl of *Northumberland*, *Throckmorton* and *Parry*, for that they intended Violence against her Majesty's Person, which Book I liked; yea but, said *Savage*, it may be but for a Colour. Then he told me, that it was written but for to blind the Counsellors in *England*, and make them secure and careless, when in very deed they at *Rhemes* desire nothing more than the Murder of the Queen of *England*. Then I answered, He that allows of *Parry's* Actions, favours not of Divinity. And this I protest is true. For *Ballard's* Acquaintance, true it is, he came unto my Chamber, and I knew him not; and then he told me, he had seen me four Years ago at *Chertsey*. So then I asked, What News? And he told me of an Invasion intended against this Country. Whereunto I gave such cold Answers, and such cold Entertainment, as I never saw him since. For my Doings with *Babington*, his Lodging was right in my way to go from *Charing-Cross*, thro' the Fields to *London*; and true it is, he made me privy to his Treasons, and that I concealed them: And when he told me Strangers would invade this Realm to reform Religion, I protested to *Babington*, I had rather be drawn to *Tyburn* by the Heels for my Religion than to have it reform'd by Strangers. And for *Babington's* Accusation, what force can it be of? for he having committed and confessed Treason in the most high Degree, there was no hope for him but to accuse.

*Hatton*. For *Babington's* Hope thereof, I am persuaded he hath no Hope at all; and my Lords here can assure there is no Hope at all of his Life: but he confessed what he knew for discharge of his Conscience; and what he did, he did it willingly and voluntarily: for had not *Babington* voluntarily named *Abington*, who could have named *Abington*? And had he not also willingly accused *Tilney*, who could have accused *Tilney*?

*Abington*. Well then, Sir, to you my Lords the Judges, I do now speak: There is a Statute in the 11<sup>th</sup> and 13<sup>th</sup> of this Queen made, That who shall conspire, &c. it shall be Treason, &c. provided,



that he shall have two lawful Witnesses, face to face, to avow it, &c. Now may it please your Honours to have two lawful Witnesses, to testify against me. As for *Babington*, what Witness can he be, a condemned Man, *Savage* a condemned Man also, and *Ballard* a condemned Man likewise? So then there is no Witness against me; but I stand not upon this point, I stand upon mine own not Guiltiness. Furthermore, it is not proved that *Babington* and I would be one to kill the Queen: but that he had appointed me to be one, and it is not proved that I knew thereof; and that I said to *Salisbury*, I would come into the Country to understand of Things to be done, I protest I remember not; for what needed any coming into the Country to understand, when as *Salisbury* and *Babington* did ride to *St. Albans* in *Babington's* Coach?

*Manwood*. You answer by Arguments, and not by Answers.

*Abington*. If it be true, that they rode together, as it is most true, what needed those Speeches?

*Manwood*. That only answereth that *Babington* might confer; but it doth not answer, that you needed not to go into the Country to understand of things to be done, for you rode not in the Coach with them.

*Abington*. I protest before God, I remember not that ever I said so.

*Manwood*. Let the Jury consider of this Answer.

*Anderfon*. For Answer to you, *Abington*, for the point of the Statute, true it is, had you been indicted on the Statute of the 1st and 13th of this Queen, two Witnesses ought to have been produced; but you stand indicted by the Common Law, and the Statute of 25 *Edw.* 3. which is, who shall intend the Death of the King, &c. and in that Statute is not contained any such Proof.

*Tilney*. The Statute of 25 *Edw.* 3. is, who shall compass or imagine, &c.

*Anderfon*. Very well, and not contained to prove by Witnesses, as you would have it.

*Sollicitor*. See how they would acquit themselves for want of Witness; and if it should be as they would have it, then could never any Treason be sufficiently proved. The Statute of *primo Eliz.* is so, the Overt-Act must be proved by two Witnesses; but the Statute of 25 *Edw.* 3. is, who shall imagine: how then can that be proved by honest Men, being a secret Cogitation which lieth in the Minds of Traitors? And such Traitors will never reveal their Cogitations unto honest Men, but unto such as themselves, and they I hope be no honest Men; so then they would have their Treasons never revealed.

*Abington*. For answer that I lay in a Hay-mow, it is most true I was in *Herefordshire*, when my House in *Worcestershire* was in searching, and there I heard how my House was search'd; and coming to *Worcestershire*, the Country hearing of the horribleness of the Things therewith I was charged, I knew none would receive me nor entertain me; and so I was constrained to lie in a Hay-mow. And for preparing mine Armour, I protest I had the same in *Sboe-Lane*, and would have had it ready against the going over of the Earl of *Leicester*; and hearing him in *Holbourn* to be commended for the most singular Man in *England* in his Trade, I sent to him to have it finished.

Then said the Attorney to the Jury, You have heard how *Babington* confesseth *Abington* would be one to kill the Queen, and you have heard his Answer thereunto.

*Abington*. If *Babington* ever moved it to me, let me die for it.

*Attorney*. It is *Babington's* own Confession, that Six, whereof *Abington* was one, were disposed to kill the Queen.

*Abington*. If ever I imagined; or any part thought of the Indictment which you have alledged, I beseech God I sink as I stand in this Place.

*Anderfon*. You had a Seminary Priest in your House.

*Abington*. He was only with me, but not in mine House.

*Hatton*. Before *Babington* was taken, *Ballard* did voluntarily declare, that you two, *Abington* and *Tilney*, were disposed to kill the Queen.

*Anderfon*. The Jury hath heard the Indictment and your Answers, let them consider thereof in their Consciences.

#### *Tilney's Trial.*

First was read his Confession, wherein he deny'd *Ballard's* Acquaintance, and he denied that ever he heard *Ballard* say; we should have a new World shortly. Then was read *Ballard's* Confession, which was, That before *Christmas* last; *Ballard* did confess *Gage* and *Tilney* at a House in *Holbourn*.

*Tilney*. I denied *Ballard's* Acquaintance, because, by the last Statute, he is a Traitor, and not for my Guilt or Crime. And for that I was confessed by him, it was no otherwise than all the Subjects of the Realm of *England* were confessed in the days of King *Henry VII.*

*Sollicitor*. But now is the estate of this Realm quite other than it was in the days of *Henry VII.* For now the Pope is the greatest Enemy her Majesty hath, but it was not so then.

*Tilney*. How know I the Pope is her greatest Enemy?

*Hatton*. Know not you how he invaded the Realm of *Ireland*?

*Attorney*. Know not you how he induced *Mary*?

*Tilney*. No, Sir, in my Conscience wherein I shall die, I never conspired any Treason.

*Manwood*. Were not you sworn when you were made a Pensioner? How far different is it to these Actions, to be confessed, and to conceal Traitors?

*Tilney*. Yea Sir, but I was not then a Catholic, but now I am; for which I thank God most heartily.

*Puckering*. Did not you say, if her Majesty would forgive you this, you would never deal more with any Seminary Priest; but if there were any old Priest in *England*, you would have him, if he were to be gotten for Money?

*Tilney*. But what is this? This only concerneth my Religion, which I was promised I should not be charged withal.

*Attorney*. No more you are for Lands nor Goods, this is only an Introduction to the Treason.

Then was read *Tilney's* own Confession, wherein he confessed (which also was given in evidence against *Abington*) that *Abington* said, Why might not her Majesty be as well surprized as the Queen of *Scots*? Which Words he spake at the *Three-Tuns* in *Newgate-Market*. He confessed, *Ballard* came to his Chambers in *Westminster*, in his Withdrawing-Chamber (as it was termed) where *Ballard* told him, He had provided a Pension for *Windsor* in *France*, and would do so for him; and told him



of an Invasion intended against this Realm: He confesseth, he would have gone to *Scotland* to have liv'd there among the Catholicks, when *Ballard* went thither; and said, that *Windsor* made him acquainted with *Ballard*.

*Tilney*. These things I confess, but yet, 'tis no Treason to hear Treason talked of by others; as for my self, what Presumptions may there be if I should be Guilty, being her Majesty's sworn Servant, (whose Highness God grant long to reign) a young Man of small Ability, neither in Lands nor Goods, able to make any Power at all: for Religion, I confess I am a Catholick, which I thank God for it, but that I am not now to be charged withal. As for *Ballard's* coming to me, I do confess it, but it was in such publick manner, as no Man in the World could judge his coming for any such intent as Treason: For he came openly in the Day-time, not in the Night, and never came disguised.

*Solicitor*. *Tilney*, you say true, he came not disguised, but I will tell you how he came; being a Popish Priest, he came in a grey Cloke laid on with Gold Lace, in Velvet Hose, a cut Sattin Doublet, a fair Hat of the newest Fashion, the Band being set with Silver Buttons; a Man and a Boy after him, and his Name Captain *Fortescue*.

*Tilney*. All this concerneth my Religion only.

*Solicitor*. You confess that you were privy to these Treasons; then we will prove directly that you did assent thereunto.

Then was read *Ballard's* Confession, wherein *Ballard* thinketh that *Tilney* did assent to kill the Queen, for he saw him not dissent when he told him these Treasons: likewise *Tilney* requested him for some Pension in *France* when he came over.

*Tilney*. I stand upon the Assent.

*Solicitor*. *Ballard* affirmeth it; *Babington* said that you *Tilney* were one of the six.

*Tilney*. *Babington* told him so, that proves that *Babington* forsooth will be a Statesman, when God knows he is a Man of no Gravity.

*Solicitor*. *Babington's* Confession is, that *Tilney* and *Abington* were disposed to kill the Queen.

*Puckering*. *Babington* said yesterday at the Bar, that *Tilney* would have had her Majesty set upon in her Coach.

*Tilney*. No, I said not so, only at the *Three Tuns* in *Newgate-Market*, I said it might be her Majesty might be set upon in her Coach, and I said no more. But that proves not I did consent.

*Attorney*. You have said enough, if we had no other Evidence against you.

*Tilney*. How so?

*Attorney*. Because you have confessed High-Treason.

*Tilney*. I tell you no, there is no such matter intended in my words.

*Manwood*. Your Censure was your Assent, and your Censure was to kill the Queen in her Coach.

*Hatton*. Your words prove that you were concluded upon the Matter; and were devising on the Manner.

*Attorney*. *Babington* and *Ballard* reckoned *Tilney* for one of the six to kill the Queen, as by their Confession appeareth.

*Tilney*. The first time that I knew *Babington*, was, that he came to my Chamber in *Westminster*, to crave mine Acquaintance; I used him courteously, as appertained to a Gentleman. The second time was at the *Three Tuns* in *Newgate-Market*. And the third time was in the Fields, and

I never saw him else: that I should trust him in so high a matter for three times Acquaintance, is altogether improbable. As for *Babington* himself, albeit he be very wise, yet is he altogether vain.

*Hatton*. *Babington* declared all this voluntarily, for who could accuse *Tilney* before *Babington* named *Tilney*?

*Tilney*. I will tell you how I meant my words in *Newgate-Market*. If a Servant which is faithful, knowing where his Master's Money is, do say, if I would be a Thief, I could rob my Master, for in such a place his Money is; this proves not that he would rob his Master, albeit he used such words. And so, altho' I said she might be set upon in her Coach, it proveth not that I assented to the same; for I protest before God, I never intended any Treason in my Life.

*Auderson*. But if a Servant knowing where his Master's Money is, among Thieves which are devising to take away the Master's Money, do say, This way my Master's Money may be taken, and be in view when it is taken; I say that he is accessary. And you *Tilney* being amongst Traitors, that were devising how to kill her Majesty, to shew by what means her Majesty might be slain, it manifestly proveth your Assent. Therefore let the Jury consider of their Evidence.

*Tilney*. Then said *Tilney* unto the Jury, My very good Friends and Countrymen of the Jury, forasmuch as I am charged highly to have offended against the Law, I am now to be tried according to the Law by you. And therefore if you shall find this Evidence sufficient to prove my Guilt, you ought to find me Guilty; but if you see in your Consciences that I have answered fully each Objection laid unto my Charge, I charge you to find me not Guilty, as you will answer me at the dreadful Day of Judgment.

#### *The Trial of Jones.*

First was read his Confession, That he said to *John Travers* at *Jones's* House in *Denbighshire*, *Salisbury* hath brought us all to Destruction; what remedy, said *Travers*, it is then time for us to be packing. But *Jones* lent *Salisbury* his Horse to ride away with. *Salisbury* confessed he acquainted *Jones* with the foreign Invasion, and Delivery of the Queen of *Scots*, desiring his aid, which he promised him in *Lincoln's-Inn-Fields*: And how that *Salisbury* fled upon *Jones's* relation of *Babington's* Apprehension. Also *Salisbury* confessed that he caused *Jones* to protest he would not discover him. *Jones* saith in his Examination, that *Salisbury* never asked his Assent, because he always thought himself assured of him. Also *Jones* said to *Salisbury*, what have you done? you have undone us all. This was the Effect of the Evidence which was given against him.

*Jones*. For concealing of the Treason, I put me to her Majesty's Mercy; I confess I hastened *Salisbury* away.

*Manwood*. Then you deny not but that you horsed him away.

*Jones*. Then said *Jones* to the Jury, I confess this, and put me to her Majesty's Mercy; my Case was hard and lamentable, either to betray my dearest Friend, whom I loved as my own self; and to discover *Thomas Salisbury*, the best Man in my Country, of whom I only made choice; or else to break my Allegiance to my Sovereign, and so undo myself and my Posterity for ever. And this was my Case.



*Travers's Arraignment.*

*Salisbury* confessed he acquainted *John Travers* with his Treasons, and that he consented unto him. And *Travers* said unto him, he would go beyond the Seas with him. *Salisbury* confesseth he exacted no Oath of *Jones* and *Travers* when he acquainted them, but that they protested they would not discover him. Also it was proved that when *Jones* intended to have gone to *Ireland*, now lately when it was to have been inhabited by the *Englishmen*, *Travers* asked him what he meant to go now, when his presence was necessary; and said, if Mr. *Salisbury* came home, he would surely stay him.

Then was read *Culey's* Confession, that *Travers* and *Salisbury* fled, and *Travers* called his own Name *Lacon*, and *Salisbury* called his Name *Johnson*, and that *Culey* would not change his Name, because he had changed it before.

*Travers*. I fled and changed my Name, because I was a Catholick, and doubted to be troubled for my Religion and Conscience.

*Solicitor*. Nay *Travers*, thou didst fly for Treason, for when *Jones* told you *Salisbury* had undone you all, thou saidst what remedy, and that it was time to be packing; and you had your Chaplain with you, *Culey* I mean.

*Travers*. If he be a Priest, I honour him for his Priesthood. And he said little else, as one that seemed not to care what Evidence came against him, but was resolute to be hanged.

He confessed nothing in his Examination, he denied he had any Speech with *Babington*, saving Salutations. He confessed he served in the *Spanish* Camp, and there was acquainted with *Savage*; and it was proved against him, that he said *Savage's* sudden Bravery would bewray all their matters.

*Charnock's Trial.*

*Charnock*. I confess that *Ballard* did make me acquainted with the Invasion of the Realm, and the other Treasons, and thereupon I founded *Savage*, who answered he was not his own Man, but said there was one in the Court who should have done that long since, and that he was a *Morganist*.

Then was read *Babington's* Confession, that *Charnock* promised him to be at his Commandment, and *Babington* told him the Queen of *Scots* liked of their Actions.

And *Ballard's* Confession was read, that he told *Charnock* at large, and *Charnock* liked very well, and said he would do the best he could herein.

And *Savage's* Confession was read, which was, that *Babington* moved *Charnock* to be one of the six, and *Charnock* told *Savage* that *Babington* moved him also.

*Charnock*. That I said to *Babington* I would be at his Commandment, it is very true; for *Babington* was my good Friend in divers respects, and therefore I thought it pertained to Courtesy, to say I remained at his Commandment.

*Solicitor*. Nay, thou didst offer to be at *Babington's* Commandment in this Action of Treason.

Then was *Babington's* Confession read, which was, that he talking in *Paul's* with *Charnock* of the Queen's Death, *Charnock* promised to be disposed by him in this Action, and that he offered to spend his Life, wherein *Babington* should direct him.

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Then was read *Charnock's* own Confession, wherein he confessed he lent Apparel to *Savage* to fly in, and that he fled into the Woods himself.

*Charnock*. *Savage* and I were acquainted when he was of *Barnards-Inn*, and I of *Furnivals-Inn*; and we both served in the *Spanish* Camp together, and *Savage* brought me acquainted with *Ballard*. As for *Savage*, because I knew he was an excellent Soldier, a Man skilful in Languages, and learned besides; when I met him here in *England*, I was glad to renew old Acquaintance with him. That I should consent to *Ballard* the 2d Day of *August*, see (if you please) what probability there is to the contrary: For on the 4th of *August* *Ballard* was apprehended, and before his Apprehension *Ballard* sent a Letter to Mr. Secretary, offering to discover all; my self was the Bearer of the Letter, and delivered it to one of Mr. Secretary's Men: what likelihood is it then, that I knowing of this Letter after that *Ballard* was taken, would consent to *Babington* to kill the Queen, or that I consented to *Ballard* the 2d of *August*; *Ballard* being apprehended the 4th of *August*, and before that time had written to Mr. Secretary, and myself was the Messenger?

*Hatton*. *Savage* confronted thee to thy face, and avouched these things to thy face.

*Charnock*. For flying away with my Friend, I fulfilled the part of a Friend therein.

*Hatton*. To perform thy Friendship, thou didst break thy Allegiance to thy Sovereign.

*Charnock*. Therein have I offended.

*Anderfon*. You of the Jury, you have now heard their several Answers at large; go together and consider thereof in your Consciences.

Then the Jury, upon this Evidence and their Answers, went up to a House to agree upon their Verdict; and these five Prisoners were sent away from the Bar.

Then *Bellamy* and *Gage* were called to the Bar; and a new Inquest were called and appeared at the Bar, and Evidence was given against the two Prisoners in fort ensuing.

*The Trial of Gage.*

First, was given in Evidence that *Gage* knew *Ballard* to be a Priest, and was reconciled, and gave Lodging unto *Ballard*, and attended *Ballard* as his Man when he went into the North to provoke the People to Rebellion: Also when all the matter was discovered, he lent *Savage* a Horse to fly to *Croydon*, and directed him to one of *Savage's* Father's Men; who should help him away: Also that he lent *Babington* his Apparel to fly in. Then was shewed forth his own Confession, which was, that *Ballard* told him we should have a new World shortly, and that he lodged *Ballard* for his Safety: Also he confessed, that during his flight he lodged in a Barn: Also he confessed that he was reconciled by *Ballard*.

Also *Charnock's* Confession was read; that *Gage* borrowed Apparel of him to fly in.

Then *Gage* was asked by the Lord Chief Baron *Manwood*; wherefore he fled into the Woods.

*Gage* stoutly and fiercely answered, for Company.

*Bellamy's Trial.*

He confessed that the noise of the Country was; that they (that is to say, *Babington*, *Barnwell* and

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*Dom*) had conspired the Queen's Death, and how that after that he brought them Meat into the Woods, and lodged them in his House. Also Evidence was given, that one coming to *Bellamy's* House to seek for the Traitors, telling him they conspired the Queen's Death, he denied he knew whom they were; whereas at the same time he had them in his House. *Bellamy* spake very little for himself, only he seemed to be a very clownish, blunt, wilful and obstinate Papist.

Then this other Jury went up to a House to agree upon their Verdict, and by that time was the first Jury agreed, which came to the Bar; and Alderman *Martin* being their Foreman, spake for them, and said that they found all the five Prisoners Guilty; and further, that they knew not what Lands, Tenements, Goods or Chattels the Prisoners had, &c. So the Clerk of the Crown set down the Verdict, and discharged the Inquest of that Service.

Forthwith was the other Inquest agreed of their Verdict, and found *Gage* and *Bellamy* also Guilty of the Treasons they were indicted of.

*Puckering*. Then *Puckering*, the Queen's Serjeant, craved Judgment of Death against the Prisoners.

*Sandes*. Then said *Sandes*, the Clerk of the Crown; *Edward Abington*, thou hast been indicted of High-Treason, and thereupon arraigned, and hast pleaded not Guilty, thy Country hath found thee Guilty; what hast thou to say for thy self, wherefore Judgment and Execution of Death should not be given against thee?

*Abington*. My good Lords, sithence I have been tried by the Law, and am found Guilty of Offence against the Law, I am contented to abide the Punishment due unto my Guilt. The Inquest I cannot accuse, forasmuch as they thought in their Consciences the Evidence sufficient to condemn me; howbeit, that brainless Youth *Babington*, whose proud Stomach, and ambitious Mind incensing him to commit most abominable Treasons, hath been the cause to shed the blood of others guiltless in his Actions. But I cry not Vengeance against him, for I am contented to die, being condemned to die. Only this one Petition to you, my good Lords, I make: I have one Sister, whose Preferment also hath miscarried; wherefore if it might please her Majesty, with the Revenues of my Lands in some sort to provide for her; if I live, I will endeavour to be thankful; and if I die, I will pray for her.

Then the Clerk of the Crown demanded the like of *Tilney*; who said,

*Tilney*. And I, my good Lords, am able to say nothing in deferring of my Judgment. This humble suit must I make to your Honours; I owe in *London* about two or three hundred Pounds, and I beseech your Honours to procure my Friends to pay it for discharge of my Conscience.

Then the Clerk of the Crown demanded the like of *Jones*; who said,

*Jones*. I beseech your Honours to be a means to her Majesty for Mercy, for I desiring to be counted a faithful Friend, am now condemned for a false Traitor. The Love of *Thomas Salisbury* hath made me hate myself, but God knows how far I was from intending any Treason: But if Mercy be not to be had, I beseech your Honours this; I owe some Sums of Money, but not very much, and I have more owing me; I beseech that my Debts may be paid with that which is owing me.

Moreover, my good Lords, the Lands I have, which I had by descent from my Father, at the Marriage of a Gentlewoman which is now my Wife, were intailed unto me, and the Heirs Male of my Body; I beseech you some Consideration may be had of my Posterity.

*Hatton*. *Jones*, did not you tell me that your Lands were Fee-simple, for an Argument of your Innocency?

*Jones*. Yea, Sir, so my Lands are, but at the time of my Marriage they were intailed as I tell you.

*Sandes*. Then the Clerk of the Crown demanded the like of *Travers*; who said,

*Travers*. I never committed any Treason, but for my Religion, I will die in it; only I owe 4 *l.* or such a matter, I beseech you it may be paid out of the Profits of my Lands.

Then the Clerk of the Crown demanded the like of *Charnock*; who said,

*Charnock*. I beseech your Honour, Mr. Vice-Chamberlain, to get her Majesty to pardon me.

*Hatton*. *Charnock*, thy Offence is too high for me to be an Obtainer of thy Pardon, but I am sorry for thee; if thou hadst applied thy self the best way, thou mightest have done thy Country good Service.

*Charnock*. I beseech you then, that six Angels, which such a one hath of mine, may be delivered unto my Brother to pay my Debts.

*Hatton*. How much is thy Debts?

*Charnock*. The same six Angels would discharge it.

*Hatton*. Then I promise thee it shall be paid.

Then the Clerk of the Crown demanded the like of the rest, who answered little: whereupon they all received Judgment of Death, according to their demerits.

ON the 20th of the same Month, *John Ballard*, *Anthony Babington*, *John Savage*, *Robert Barnewell*, *Chidiack Titchburne*, *Charles Tilney* and *Edward Abington*, were drawn on Hurdles from the *Tower* to their Execution to *St. Giles's-Fields*, being the place where they used to meet; where was erected a Scaffold, and thereupon a Gallows.

*John Ballard* the Priest, the principal Conspirator, confessed that he was guilty of those things for which he was *Condemn'd*, but protested they were never enterprised by him upon any Hope of Preferment, but only, as he said, for the Advancement of *true Religion*. He craved Pardon and Forgiveness of all Persons, to whom his Doings had been any *Scandal*, and so made an end; making his Prayers to himself in *Latin*, not asking her Majesty Forgiveness, otherwise than *if he had offended*.

*Anthony Babington* also confessed, That he was come to die, as he had deserved; howbeit he (as *Ballard* before) protested that he was not led into those Actions upon Hope of Preferment, or for any temporal Respect; nor had ever attempted them, but that he was persuaded by Reasons alledged to this effect, That it was *a Deed lawful and meritorious*. He craved Forgiveness of all whom he had any way offended; he would gladly also have been resolved whether his Lands should have been confiscate to her Majesty, or whether they should descend to his Brother; but howsoever, his Request was to the Lords, and others the Commissioners there present, that Consideration might be had of one whose Money he had received



received for Lands, which he had passed no *Fine* for, for which the Conveyance was void in Law. He requested also, that Consideration might be had of a certain Servant of his, whom he had sent for certain Merchandize into the East Countries, who by his means was greatly impoverished. For his Wife, he said, she had good Friends, to whose Consideration he would leave her: And thus he finished, asking her Majesty Forgiveness, and making his Prayers in *Latin*.

*John Savage* confessed his Guilt, and said (as the other two before) that he did attempt it, for that in Conscience he thought it a *Deed meritorious*, and a common Good to the Weal publick, and for no private Preferment.

*Robert Barnewell* confessed that he was made acquainted with their Drifts, but denied that ever he consented, or could be in Conscience persuaded that it was a *Deed lawfull*. And being urged that he came to the Court to spy Opportunities for the achieving of their Purposes, and that being there, her Majesty observing his *prying Looks*, acquainted before with their Intents, she prayed God that all were well: To this he answered, That it was not unknown to divers of the Council, that he had Matters which he sollicited, which was the Cause of his being there at that time; but I confess (said he) at my Return, *Babington* asked me what News; to whom I told, that her Majesty had been abroad that Day, with all the Circumstances that I saw there; and if I have offended her Majesty, I crave Forgiveness; and assuredly, if the Sacrifice of my Body might establish her Majesty in the *true Religion*, I would most willingly offer it up. Then he prayed to himself in *Latin*.

*Cbidioc Titchburne* began to speak as followeth, *viz.* Countrymen and my dear Friends, you expect I should speak something; I am a bad Orator, and my Text is worse: It were in vain to enter into the Discourse of the whole Matter for which I am brought hither, for that it hath been revealed heretofore, and is well known to the most of this Company: Let me be a Warning to all young Gentlemen, especially *Generosis adolescentulis*. I had a Friend, and a dear Friend, of whom I made no small Account, whose Friendship hath brought me to this: he told me the whole Matter, I cannot deny, as they had laid it down to be done; but I always thought it *impious*, and denied to be a Dealer in it; but the Regard of my Friend caused me to be a Man in whom the old Proverb was verified, I was *silent, and so consented*. Before this thing chanced, we lived together in most flourishing Estate: Of whom went Report in the *Strand, Fleet-street*, and elsewhere about *London*, but of *Babington* and *Titchburne*? No Threshold was of force to brave our Entry. Thus we lived, and wanted nothing we could wish for: and God knows, what less in my Head than Matters of *State*? Now give me leave to declare the Miseries I sustained after I was acquainted with the Action, wherein I may justly compare my Estate to that of *Adam's*, who could not abstain *one thing forbidden*, to enjoy all other things the World could afford; the Terror of Conscience awaited me. After I consider'd the Dangers whereinto I was fallen, I went to Sir *John Peters* in *Essex*, and appointed my Horses should meet me at *London*, intending to go down into the Country. I came to *London*, and there heard that all was *bewrayed*; whereupon, like *Adam*, we fled into the *Woods* to hide our selves, and there were

apprehended. My dear Countrymen, my Sorrows may be your Joy, yet mix your *Smiles* with *Tears*, and pity my Case; I am descended from an House, from two hundred Years before the Conquest, never stained till this my Misfortune? I have a Wife and one Child; my Wife *Aznes*, my dear Wife, and there's my Grief, and six Sisters left on my hand: my poor Servants, I know, their Master being taken, were dispersed, for all which I do most heartily grieve. I expected some Favour, tho' I deserved nothing less, that the Remainder of my Years might in some sort have recompensed my former Guilt; which seeing I have missed, let me now meditate upon the Joys I hope to enjoy. This done, he prayed first in *Latin*, and then in *English*, asking her Majesty, and all the World heartily, Forgiveness, and that he hoped stedfastly, now at this his last Hour, his Faith would not fail.

*Charles Tilney* said, I am a Catholick and believe in Jesus Christ, and by his Passion I hope to be saved; and I confess I can do nothing without him, which Opinion all Catholicks firmly hold: and whereas they are thought to hold the contrary, they are in that, as in all other things, greatly abused. To Dr. *White*, seeming to school him in Points of Religion, differing from those which he held; he spoke in anger, I came hither to *die*, Doctor, and not to *argue*. He prayed in *Latin* for himself, and after he prayed for Queen *Elizabeth*, that she might live long; and warned all young Gentlemen, of what Degree or Calling soever, to take warning by him.

*Edward Abington* said, I come hither to die, holding all Points firmly that the Catholick Church doth; and for the Matters whereof I am condemned, I confess all, saving the Death of her Majesty, to the which I never consented. He feared, as he said, great Bloodshed in *England* before it were long. Sheriff *Ratcliffe* said, *Abington*, Seest thou all these People, whose Blood shall be demanded at thy Hands, if thou, dying, conceal that which may turn to their Peril; therefore tell why, or which way such Blood should be shed? He said, All that I know, you have of Record; and at last, said he, this Country is hated of all Countries for her Iniquity, and God loves it not. And being urged by Dr. *White*, to be of a lively Faith; he answered, he believed stedfastly in the Catholick Faith. The Doctor asked him, how he meant, for I fear me, said he, thou deceivest thyself: he answered, That Faith and Religion which is holden almost in all Christendom, except here in *England*. Thus done, he willed them not to trouble him any longer with any more Questions, but made his Prayers to himself in *Latin*.

*Ballard* was first executed. He was cut down and bowelled with great Cruelty while he was alive. *Babington* beheld *Ballard's* Execution without being in the least daunted: whilst the rest turned away their Faces, and fell to Prayers upon their Knees. *Babington* being taken down from the Gallows alive too, and ready to be cut up, he cried aloud several times in *Latin*, *Parce mihi Domine Jesu*, spare me O Lord Jesus! *Savage* broke the Rope, and fell down from the Gallows, and was presently seized on by the Executioner, his Privities cut off, and his Bowels taken out while he was alive. *Barnewell*, *Titchburne*, *Tilney* and *Abington* were executed with equal Cruelty.

On the next Day *Thomas Salisbury*, *Henry Donn*, *Edward Jones*, *John Charnock*, *John Travers*,  
Robert



*Robert Gage, Jerome Bellamy*, were drawn to the place of Execution.

*Thomas Salisbury* said, Sithence it hath pleased God to appoint this Place for my End, I thank his infinite Goodness for the same; I confess that I have deserved Death, and that I have offended her Majesty, whom to forgive me I heartily beseech, with all others whom I have any way offended, I desire all true Catholicks to pray for me; and I desire them, as I beseech God they may, to endure with Patience whatsoever shall be laid upon them, and never to enter into any Action of Violence for Remedy. Then he said his Prayers, looking earnestly with his Eyes to Heaven, and prayed in *Latin* a long while: When he had thus done, he cried in *English* and *Latin*, Father forgive me.

*Henry Donn* said, Do the People expect I should say any thing? I was acquainted, I confess, with their Practices, but I never did intend to be a Dealer in them: *Babington* oftentimes requested me to be one, and said, for that he loved me well, he would bestow me in one of the best Actions; which should have been the Delivery of the Queen of *Scots*, to which I could not for a long time agree; at length, by many urgent Persuasions he won me, so as I told him I would do my best. And being asked, as he was ascending the Ladder, whether he thought it lawful to kill her Majesty? He answered, No, no; for I take her to be my lawful and natural Prince. And (as *Salisbury*) he desired all Catholicks to endure with Patience, and never to attempt any thing against her Majesty, under whose Government he had lived quietly, until within these ten Weeks, that those things were first imparted unto him: and whereas he was indebted to divers, and divers in like manner to him, he forgave all that was owing to him, and craved Forgiveness of what he owed. He desired God to forgive *Babington*, the only Cause of his Fall and Death; and was right sorry for a Gentlewoman, one *Mrs. Bellamy*, at whose House he, with the rest, were relieved after they fled; he prayed God, whom he had chiefly offended, next her Majesty, and last of all the People, Forgiveness; saying, No Soul was more sorrowful than his, nor none more sinful; and prayed for her Majesty, wishing she might live in all Happiness, and after this Life, be eternized in everlasting Bliss; and so he pray'd in *Latin* and *English*.

*Edward Jones* said, I come hither to die, but how rightfully God knows; for thus stands my Case: At *Trinity Term* last, *Mr. Salisbury* made me acquainted with their Purposes; and for that he knew me to be well horsed, he thought me as fit as any to attempt the Delivery of the Queen of *Scots*, and requested me to be one; which I utterly denied, altogether misliking their Practices, and persuading him, by what Means I might, from it; and told him, this was the haughty and ambitious Mind of *Anthony Babington*, which would be the Destruction of himself and Friends, whose Company I wished him to refrain; and for that I would have him out of his Company, I have divers times lent him Money, and pawned my Chain and Jewels to buy him Necessaries to go into the Country. And whereas I had made Conveyance of my Lands to divers Uses, with some Annuities, and placed my Wife with my

Friends, and given over Housekeeping, and by reason of my Conscience, thought to live at ease; I called my Servants together again, and began to keep House more freshly than ever I did, only because I was weary to see *Salisbury's* straggling, and for that I was willing to keep him about home; and never consented to any of his Treasons, but always advised him to beware; for tho' I was, and am a *Catholick*, yet I took it to be a most wicked Act to offer Violence to my natural Prince. I did intend to go into *Ireland* with *Mr. Edward Fitton*, and there to have served; until at length, very shortly after this, my determinate Mind being not settled, I received a Note of their Names, amongst whom was the Name of my dear Friend: Then I began to fear what hath happened; I heard that Night he would be at my House; and indeed he came thither about twelve a-clock, and the Door being opened him, as he was very familiar with me, he came running up to my Bed-side with a Candle in his Hand, which he took from one of my Men, saluting me with these Words, *Ned Jones* how doist thou? Ah! *Tom* said I, Art thou one of them that should have killed the Queen? Yes said he, what meanest thou by that? See, and read this, said I, giving him the Note wherein his Name was; he seeing, turned about and said, there be many Catholicks in *England* as far in this Act as I am: The more the worse, quoth I. Here is the Sum of my Fault, in which I know I have offended her Majesty; first, because I did conceal it at *London*, and lastly, because I did not apprehend my dear Friend *Tom*, being in my House; for which Fault I am heartily sorry, and do ask her Majesty Forgiveness. There is one thing wherein I am to move you, concerning my Debts; I have set them down so near as I could what they are: Good Sir *Francis Knowles*, I shall intreat you to be a mean to her Majesty, that there may be some Care had of my Creditors and Debtors.

The Debts which I owe do amount, in the whole, to 980 *l.*

The Debts which are owing me are 1600 *l.*

But who shall look into my Compting-house shall find many of 100 *l.* 200 *l.* or 300 *l.* whereof all is discharged, except of some 50 *l.* and some 40 *l.* and such like, without any Defeasance, and lie only in my Credit; so that unless some Man of Conscience enter into the Action of my Compting-house, it is like to be the utter undoing of a Number; but God knows my Mind, and I hope it shall not be laid to my Charge: and so concluded with his Prayers, first in *Latin*, and then in *English*, that the People might better understand what he prayed.

*John Charnock* and *John Travers* having their Minds wholly fixt on Prayer, recommended themselves to God and the Saints. *Gage* extolled the Queen's great Grace and Bounty to his Father, and detested his own perfidious Ingratitude towards his Princess. And *Jerome Bellamy*, with Confusion and deep Silence, suffer'd last.

The Queen being inform'd of the Severity used in the Executions the Day before, and detesting such Cruelty, gave express Orders that these should be used more favourably; and accordingly they were permitted to hang till they were quite dead, before they were cut down and bowelled.





XII. PROCEEDINGS against MARY Queen of Scots, at Fotheringay-Castle, the 12th of October, 1586. for being concerned in a Conspiracy against Queen Elizabeth; with some things previous thereto, and necessary to introduce and explain those Proceedings.

**T**H E Subjects of *England* finding the Kingdom in danger of an Invasion from abroad, and the Life of the Queen attempted by various Plots at home, carried on by the Papists, in prospect of a Popish Successor; voluntarily entered into an Association for the Queen's Safety, solemnly engaging and obliging themselves to each other, to revenge her Death on those who shou'd be the occasion of it: which Association was as follows.

**F**OR AS MUCH as Almighty God hath ordain'd Kings, Queens, and Princes to have Dominion and Rule over all their Subjects, and to preserve them in the Possession and Observation of the true Christian Religion, according to his holy Word and Commandment; and in like sort, that all Subjects should love, fear, and obey their Sovereign Princes, being Kings or Queens, to the utmost of their power; at all times to withstand, pursue, and suppress all manner of Persons, that shall by any means intend and attempt any thing dangerous or hurtful to the Honour, State, or Persons of their Sovereigns.

Therefore we whose Names are or shall be subscrib'd to this Writing, being natural-born Subjects of this Realm of *England*; and having so gracious a Lady, our Sovereign *Elizabeth*, by the Ordinance of God, our most rightful Queen, reigning over us these many Years with great Felicity, to our inestimable Comfort: And finding lately by divers Depositions, Confessions, and fundry Advertisements out of foreign Parts, from credible Persons well known to her Majesty's Council, and to divers others, that for the Furtherance and Advancement of some pretended Title to the Crown, it hath been manifested, that the Life of our gracious Sovereign Queen *Elizabeth* hath been most dangerously designed against, to the Peril of her Person, if Almighty God, her perpetual Defender, of his Mercy had not revealed and withstood the same; by whose Life, we, and all other her Majesty's true and loyal Subjects, do enjoy all inestimable benefit of Peace in this Land: Do for these Reasons and Causes before alledged, not only acknowledge our selves most justly bound with our Lives and Goods for her defence, and in her safety to prosecute, suppress and withstand all such Intenders, and all other her Enemies, of what Nation, Condition or Degree soever they shall be, or by what Counsel or Title they shall pretend to be her Enemies, or to attempt any harm

upon her Person; but do further think it our bounden Duties, for the great benefit of Peace, Wealth, and godly Government, we have more plentifully received these many Years under her Majesty's Government, than any of our Forefathers have done in any longer time of any of her Progenitors, Kings of this Realm; to declare, and by this Writing make manifest our bounden Duties to our Sovereign Lady for her Safety.

And to that end, we and every of us, first calling to witness the Name of Almighty God, do voluntarily and most willingly bind our selves, every one of us to the other, jointly and severally in the Band of one firm and loyal Society; and do hereby vow and promise by the Majesty of Almighty God, that with our whole Powers, Bodies, Lives and Goods, and with our Children and Servants, we and every of us, will faithfully serve, and humbly obey our said Sovereign Lady Queen *Elizabeth*, against all States, Dignities and earthly Powers whatsoever; and will as well with our joint and particular Forces during our Lives withstand, pursue and offend, as well by force of Arms, as by all other means of Revenge, all manner of Persons, of whatsoever state they shall be, and their Abettors, that shall attempt any Act, or Counsel, or consent to any thing that shall tend to the harm of her Majesty's Royal Person; and will never desist from all manner of forcible pursuit against such Persons, to the utter extermination of them, their Counsellors, Aiders and Abettors.

And if any such wicked Attempt against her most Royal Person shall be taken in hand; or procured, whereby any that have, may or shall pretend Title to come to this Crown by the untimely Death of her Majesty so wickedly procured (which God of his Mercy forbid) that the same may be avenged, we do not only bind our selves both jointly and severally never to allow, accept or favour any such pretended Successor, by whom, or for whom any such detestable Act shall be attempted or committed, as unworthy of all Government in any Christian Realm or Civil State:

But do also further vow and protest, as we are most bound, and that in the presence of the eternal and everlasting God, to prosecute such Person or Persons to death, with our joint and particular Forces, and to act the utmost Revenge upon them, that by any means we or any of us can devise and do, or cause to be devised and done for their utter Overthrow and Extirpation.

And



And to the better Corroboration of this our Loyal Band and Association, we do also testify by this Writing, that we do confirm the Contents hereof by our Oaths corporally taken upon the Holy Evangelists, with this express Condition, That no one of us shall for any Respect of Person or Causes, or for Fear or Reward, separate our selves from this Association, or fail in the Prosecution thereof during our Lives, upon pain of being by the rest of us prosecuted and suppress'd as perjurd Persons, and as publick Enemies to God, our Queen, and to our Native Country; to which Punishment and Pains we do voluntarily submit ourselves, and every of us, without benefit of any Colour and Pretence.

In witness of all which Premises to be inviolably kept, we do to this Writing put our Hands and Seals; and shall be most ready to accept and admit any others hereafter to this Society and Association.

This Association, although entred into voluntarily by Persons in their private Capacities, was confirm'd and establish'd by a Statute made 27 Elizabeth 1585, entitled, *An Act for the Security of the Queen's Royal Person, and the Continuance of the Realm in Peace*; and is as follows:

FORASMUCH as the good Felicity and Comfort of the whole Estate of this Realm consisteth only (next under God) in the Surety and Preservation of the Queen's most Excellent Majesty; and for that it hath manifestly appeared, that sundry wicked Plots and Means have of late been devised and laid, as well in foreign Parts beyond the Seas, as also within this Realm, to the great endangering of her Highness's most Royal Person, and to the utter Ruin of the whole Commonweal, if by God's merciful Providence the same had not been revealed: Therefore for the preventing of such great Perils as might hereafter otherwise grow by the like detestable and devilish Practices, at the humble Suit and earnest Petition of the Lords Spiritual and Temporal, and the Commons in this Parliament assembled, and by the Authority of the same Parliament; Be it enacted and ordained, If at any time after the end of this present Session of Parliament, any open Invasion or Rebellion shall be had or made, into or within any of her Majesty's Realms or Dominions, or any Act attempted, tending to the hurt of her Majesty's most Royal Person, by or for any Person that shall or may pretend Title to the Crown of this Realm after her Majesty's decease; or if any thing be compassed or imagined, tending to the hurt of her Majesty's Royal Person, by any Person, or with the privity of any Person that shall or may pretend Title to the Crown of this Realm: That then by her Majesty's Commission under her Great Seal, the Lords and other of her Highness's Privy-Council, and such other Lords of Parliament to be named by her Majesty, as with the said Privy-Council shall come up to the number of four and twenty at the least, having with them for their assistance in that behalf such of the Judges of the Courts of Record at *Westminster*, as her Highness shall for that purpose assign and appoint, or the more part of the same Council, Lords and Judges, shall by virtue of this Act, have Authority to examine all

and every the Offences aforesaid, and all Circumstances thereof, and thereupon to give Sentence or Judgment, as upon good Proof the matter shall appear unto them. And that after such Sentence or Judgment given, and Declaration thereof made and publish'd by her Majesty's Proclamation under the Great Seal of *England*, all Persons against whom such Sentence or Judgment shall be so given and published, shall be excluded and disabled for ever to have or claim, or to pretend to have or claim the Crown of this Realm, or of any her Majesty's Dominions; any former Law, or Statute whatsoever to the contrary in any wise notwithstanding. And that thereupon all her Highness's Subjects shall and may lawfully by virtue of this Act, and her Majesty's Direction in that behalf, by all forcible and possible means pursue to death every such wicked Person, by whom or by whose means, assent, or privity, any such Invasion or Rebellion shall be in form aforesaid denounced to have been made, or such wicked Act attempted, or other thing compassed or imagined against her Majesty's Person, and all their Aiders, Comforters and Abettors.

And if any such detestable Act shall be executed against her Highness's most Royal Person, whereby her Majesty's Life shall be taken away (which God of his great Mercy forbid) that then every such Person, by or for whom any such Act shall be executed, and their Issues being any wise assenting or privy to the same, shall by virtue of this Act be excluded and disabled for ever to have or claim, or pretend to have or claim the said Crown of this Realm, or any other her Highness's Dominions, any former Law or Statute to the contrary in any wise notwithstanding. And that all the Subjects of this Realm, and all other her Majesty's Dominions, shall and may lawfully by virtue of this Act, by all forcible and possible means pursue to the Death every such wicked Person, by whom or by whose means any such detestable Fact shall be in form hereafter expressed, denounced to have been committed, and also their Issues being any wise assenting or privy to the same, and all their Aiders, Comforters and Abettors in that behalf.

And to the end that the Intention of this Law may be effectually executed, if her Majesty's Life be taken away by any violent or unnatural means, (which God defend): Be it further enacted by the Authority aforesaid, That the Lords and others, which shall be of her Majesty's Privy-Council at the time of such her Decease, or the more part of the same Council, joining unto them for their assistance five other Earls, and seven other Lords of Parliament at the least (foreseeing, that none of the said Earls, Lords or Council be known to be Persons that may make any Title to the Crown) those Persons which were Chief Justices of either Bench, Master of the Rolls, and Chief Baron of the Exchequer at the time of her Majesty's Death, or in default of the said Justices, Master of the Rolls, and Chief Baron, some other of those which were Justices of some of the Courts of Records at *Westminster* at the time of her Highness's decease, to supply their Places; or any four and twenty, or more of them, whereof eight to be Lords of the Parliament, not being of the Privy-Council, shall to the uttermost of their power and skill examine the cause and manner



of such her Majesty's Death; and what Persons shall be any way guilty thereof, and all Circumstances concerning the same, according to the true meaning of this Act; and thereupon shall by open Proclamation publish the same, and without any delay by all forcible and possible means, prosecute to Death all their Aiders and Abettors; and for the doing thereof, and the withstanding and suppressing all such Power and Force, as shall be any way levied or stirred in disturbance of the due Execution of this Law, they shall by virtue of this Act, have Power and Authority, not only to raise and use such Forces, as shall in that behalf be needful and convenient, but also to use all other means and things possible and necessary for the maintenance of the same Forces, and Prosecution of the said Offenders. And if any such Power and Force shall be levied and stirred in disturbance of the due Execution of this Law, by any Person that shall, or may pretend any Title to the Crown of this Realm, whereby this Law may not in all things be fully executed, according to the effect and true meaning of the same; that then every such Person shall by virtue of this Act be therefore excluded and disabled for ever to have, or claim, or pretend to have or claim the Crown of this Realm, or of any other her Highness's Dominions, any former Law or Statute whatsoever to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That all and every the Subjects of all her Majesty's Realms and Dominions, shall to the uttermost of their power aid and assist the said Council, and all other the Lords and other Persons, to be adjoined to them for assistance, as is aforesaid, in all things to be done and executed according to the effect and intention of this Law; and that no Subject of this Realm shall in any wise be impeached in Body, Land or Goods, at any time hereafter, for any thing to be done or executed according to the Tenor hereof, any Law or Statute heretofore made to the contrary in any wise notwithstanding.

And whereas of late many of her Majesty's good and faithful Subjects have in the Name of God, and with the Testimonies of good Consciences, by one uniform manner of writing under their Hands and Seals, and by their several Oaths voluntarily taken, joined themselves together in one Bond and Association, to withstand and revenge to the uttermost all such malicious Actions and Attempts against her Majesty's most Royal Person: Now for the full explaining of all such Ambiguities and Questions, as otherwise might happen to grow by reason of any sinister or wrong Construction or Interpretation to be made or inferred of, or upon the words or meaning thereof; Be it declared and enacted by the Authority of this present Parliament, that the same Association, and every Article and Sentence therein contained, as well concerning the disallowing, excluding, or disabling any Person that may, or shall pretend any Title to come to the Crown of this Realm, as also for the pursuing, and taking revenge of any such wicked Act or Attempt as is mentioned in the same Association, shall, and ought to be in all things expounded and adjudged according to the true intent and meaning of this Act, and not otherwise, or against any other Person or Persons.

The following Year, 1586, *Babington* and others being convicted of a Conspiracy to assassinate Queen *Elizabeth*; and the Queen of *Scots* being charg'd with countenancing and encouraging that Conspiracy, a Commission was issued out, founded upon the abovesaid Statute for the Examination and Trial of the said Queen of *Scots*, to the effect following.

**E**LIZABETH by the Grace of God, of *England, France, and Ireland* Queen, Defender of the Faith, &c. To the most Reverend Father in Christ, *John* Archbishop of *Canterbury*, Primate and Metropolitan of all *England*, and one of our Privy-Council; and to our trusty and well-beloved *Sir Thomas Bromley* Kt. Chancellor of *England*, and one of our Privy Council; and also to our trusty and well-beloved *William* Lord *Burghley*, Lord Treasurer of *England*, another of our Privy-Council; and also to our most dear Cousin *William* Lord Marquis of *Winchester*, one of the Lords of the Parliament; to our most dear Cousin *Edward* Earl of *Oxford*, great Chamberlain of *England*, another of the Lords of the Parliament; and also to our most dear Cousin *George* Earl of *Shrewsbury*, Earl Marshal of *England*, another of our Privy-Council; and to our most dear Cousin *Henry* Earl of *Kent*, another of the Lords of the Parliament; and also to our most dear Cousin *Henry* Earl of *Derby*, another of our Privy-Council; and to our most dear Cousin *William* Earl of *Worcester*, another of the Lords of the Parliament; and also to our most dear Cousin *Edward* Earl of *Rutland*, another of the Lords of the Parliament; and to our most dear Cousin *Ambrose* Earl of *Warwick*, Master of our Ordnance, another of our Privy-Council; and to our most dear Cousin *Henry* Earl of *Pembroke*, another of the Lords of the Parliament; and also to our most dear Cousin *Robert* Earl of *Leicester*, Master of our Horse, another of our Privy-Council; and to our most dear Cousin *Henry* Earl of *Lincoln*, another of the Lords of the Parliament; and also to our most dear Cousin *Anthony* Viscount *Montague*, another of the Lords of the Parliament; and to our trusty and well-beloved *Charles* Lord *Howard*, our great Admiral of *England*, another of our Privy-Council; and to our trusty and well-beloved *Henry* Lord of *Hunsdon*, our Lord Chamberlain, another of our Privy-Council; and also to our trusty and well-beloved *Henry* Lord *Abergavenny*, another of the Lords of the Parliament; and to our trusty and well-beloved *Edward* Lord *Zouch*, another of the Lords of the Parliament; and also to our trusty and well-beloved *Edward* Lord *Morley*, another of the Lords of the Parliament; and to our trusty and well-beloved *William* Lord *Cobham*, Lord Warden of our Cinque-Ports, another of our Privy-Council; and also to our trusty and well-beloved *Edward* Lord *Stafford*, another of the Lords of the Parliament; and also to our trusty and well-beloved *Arthur* Lord *Grey* of *Wilton*, another of the Lords of the Parliament; and also to our trusty and well-beloved *John* Lord *Lumley*, another of the Lords of the Parliament; and also to our trusty and well-beloved *John* Lord *Sturton*, another of the Lords of the Parliament; and to our trusty and well-beloved *William* Lord *Sandes*, another of the Lords of the Parliament; and also to our trusty and well-beloved *Henry* Lord *Wentworth*, another of the Lords of the Parliament; to our trusty and well-beloved *Lewis* Lord *Mordant*, another of the



Lords of the Parliament; and to our trusty and well-beloved *John Lord St. John of Bletsho*, another of the Lords of the Parliament; and also to our trusty and well-beloved *Thomas Lord Burkhurst*, another of our Privy-Council; and to our trusty and well-beloved *Henry Lord Compton*, another of the Lords of the Parliament; and also to our trusty and well-beloved *Henry Lord Cheiney*, another of the Lords of the Parliament; to our trusty and beloved Sir *Francis Knolles* Kt. Treasurer of our Household, another of our Privy-Council; and also to our trusty and well-beloved Sir *James Crofts* Kt. Comptroller of our said Household, another of our Privy-Council; and to our trusty and beloved Sir *Christopher Hatton* Kt. our Vice-Chamberlain, another of our Privy-Council; and also to our trusty and beloved Sir *Francis Walsingham* Kt. one of our principal Secretaries, another of our Privy-Council; and also to our trusty and beloved *William Davison* Esq; another of our principal Secretaries, and of our Privy-Council; and to our trusty and beloved Sir *Ralph Sadler* Kt. Chancellor of our Dutchy of *Lancaster*, another of our Privy-Council; and also to our trusty and beloved Sir *Walter Mildmay* Kt. Chancellor of our Exchequer, another of our Privy-Council; and to our trusty and beloved Sir *Amias Powlet* Kt. Captain of our Isle of *Jersey*, another of our Privy-Council; and to our trusty and beloved *John Wolley* Esq; our Secretary for the *Latin* Tongue, another of our Privy-Council; and also to our trusty and beloved Sir *Christopher Wray* Kt. Chief Justicer assigned for the Pleas to be holden before us; and to our trusty and beloved Sir *Edmund Anderson* Kt. our Chief Justicer of the Bench; Sir *Roger Manwood* Kt. our Chief Baron of our Exchequer; Sir *Thomas Gawdy* Kt. one of our Justicers assigned for the Pleas to be holden before us; and *William Periam* one of our Justicers of the Bench, Greeting, &c.

‘ Whereas since the end of the Session of Parliament, namely, since the first Day of *June*, ‘ in the 27th Year of our Reign, divers matters ‘ have been compassed and imagined, tending to ‘ the hurt of our Royal Person, as well by *Mary* ‘ Daughter and Heir of *James V.* King of *Scots*, ‘ and commonly called Queen of *Scots*, and Dowager of *France*, pretending Title to the Crown of ‘ this Realm of *England*; as by divers other ‘ Persons, *cum scientia*, in *English*, with the privy ‘ of the same *Mary*, as we are given to understand. ‘ And whereas we do intend and determine, that ‘ the Act aforesaid be in all and every part thereof, ‘ duly and effectually executed, according to the ‘ Tenor of the same, and that all Offences aforesaid, in the Act aforesaid mentioned, as aforesaid, and the Circumstances of the same, be examined, and Sentence or Judgment thereupon ‘ given, according to the Tenor and Effect of the ‘ said Act: To you, and the greater part of you ‘ we do give full and absolute Power, Faculty and Authority, according to the Tenor ‘ of the said Act, to examine all and singular matters compassed and imagined, tending to ‘ the hurt of our Royal Person, as well by the ‘ aforesaid *Mary*, as by any other Person or Persons whatsoever, *cum scientia*, in *English*, with ‘ the privy of the same *Mary*, and all Circumstances of the same, and all other Offences aforesaid in the Act aforesaid (as aforesaid) mentioned whatsoever, and all Circumstances of the ‘ same and of every of them. And thereupon, ‘ according to the tenor of the Act aforesaid, to

‘ give Sentence or Judgment, as upon good proof ‘ Matter shall appear unto you. And therefore ‘ we do command you, that you do at certain Days ‘ and Places, which you, or the greater part ‘ of you, shall thereunto fore-appoint, diligently proceed upon the Premises in form aforesaid, &c.’

The most part of these Commissioners came the 11th of *October* to *Fotheringay*-Castle in the County of *Northampton*, seated upon the Bank of the River *Nen*, where the Queen of *Scots* was then kept. The next day the Commissioners sent to her Sir *Walter Mildmay*, *Powlet*, and *Edward Barker*, a Publick Notary; who delivered into her hands Queen *Elizabeth*'s Letter: which when she had read, she, with a Countenance composed to Royal Dignity, and with a Mind untroubled, said, It grieveth me that the Queen, my most dear Sister, is misinformed of me; and that I, having been so many years straitly kept in Prison, and grown lame of my Limbs, have lien neglected, after I have offered so many reasonable Conditions for my Liberty. Though I have throughly forewarned her of many Dangers, yet hath no credit been given unto me, but I have been always contemned, though most nearly allied unto her in Blood. When the Association was entered into, and the Act of Parliament thereupon made, I foresaw that whatsoever Danger should happen, either from foreign Princes abroad, or from ill-disposed People at home, or for Religion's sake, I must bear the whole blame, having many mortal Enemies in the Court. Certainly I might take it hardly, and not without cause, that a Confederacy hath been made with my Son without my knowledge: but such Matters I omit. As for this Letter, it seemeth strange to me, that the Queen should command me as a Subject, to appear personally in Judgment. I am an absolute Queen, and will do nothing which may prejudice either mine own Royal Majesty, or other Princes of my Place and Rank, or my Son. My Mind is not yet dejected, neither will I sink under my Calamity. I refer my self to those things, which I have protested before *Bromley*, now Chancellor, and the Lord *La-Ware*. The Laws and Statutes of *England* are to me most unknown; I am destitute of Counsellors, and who shall be my Peers I am utterly ignorant. My Papers and Notes are taken from me, and no Man dareth step forth to be my Advocate. I am clear from all Crime against the Queen, I have excited no Man against her, and I am not to be charged but by mine own Word or Writing, which cannot be produced against me. Yet can I not deny but I have commended my self and my Cause to foreign Princes.

The next day there returned unto her in the name of the Commissioners, *Powlet* and *Barker*, who shewed unto her this Answer drawn in Writing, and asked her, whether she would persist in the same. When she had heard it distinctly read, she commended it as rightly and truly conceived, and said, she would persist therein. But this, said she, I have forgotten, which I would have to be added thereunto: Whereas the Queen hath written, that I am subject to the Laws of *England*, and to be judged by them, because I have lived under the Protection of them; I answer, that I came into *England* to crave Aid, and ever since have been detained in Prison, and could not enjoy the Protection or Benefit of the Laws of *England*; nay,



I could never yet understand from any Man, what manner of Laws those were.

In the afternoon came unto her certain selected Persons from amongst the Commissioners, with Men learned in the Civil and Canon-Law. But the Lord Chancellor and the Lord Treasurer declared their Authority by Patent, and shewed that neither her Imprisonment, nor her Prerogative of Royal Majesty could exempt her from answering in this Kingdom; with fair Words advising her to hear what Matters were to be objected against her: Otherwise they threatned, that by Authority of Law, they both could and would proceed against her, though she were absent. She answered, That she was no Subject, and rather would she die a thousand deaths, than acknowledge her self a Subject, considering, that by such an Acknowledgment, she should both prejudice the Height of Regal Majesty, and withal confess her self to be bound by all the Laws of *England*, even in matter of Religion: Nevertheless she was ready to answer to all things in a free and full Parliament, for that she knew not whether this Meeting and Assembly were appointed against her, being already condemned by Fore-judgings, to give some shew and colour of a just and legal Proceeding. She warned them therefore to look to their Consciences, and to remember, that the Theatre of the whole World is much wider than the Kingdom of *England*. She began then to complain of Injuries done unto her: And the Lord Treasurer interrupting her, began to reckon up Queen *Elizabeth's* Kindnesses towards her, namely, that she had punished some, which impugned the Claim she laid to *England*, and had been a means to keep her from being condemned by the Estates of the Realm, for the Marriage sought with the Duke of *Norfolk*, for the Rebellion in the North, and for other matters. All which when she seem'd little to esteem, they returned back.

Within few hours after, they delivered unto her, by the hands of *Powlet* and the Solicitor, the chief Points of their Commission, and the Names of the Commissioners, that she might see, that they were to proceed according to Equity and Right, and not by any cunning point of Law, and extraordinary Course. She took no Exceptions against the Commissioners, but most sharply excepted against the late Law, upon which the Authority of their Commission wholly depended; as that it was unjust, devised of purpose against her, that it was without Example, and such whereunto she would never subject her self. She asked, by what Law they would proceed: If by the Civil or Canon-Law, then said she; Interpreters are to be fetched from *Pavia*, or *Poitiers*, and other foreign Universities; for in *England* none are to be found that are meet. She added also, That it was manifest, by plain Words in the Queen's Letters; That she was already fore-judged to be guilty of the Crime, tho' unheard; and therefore there was no reason why she should appear before them: And she required to be satisfied touching some Scruples in the said Letters, which she had for her self noted confusedly, and by Snatches, severally by themselves; but would not deliver them written out; for it stood not, said she, with her Royal Dignity, to play the Scrivener.

Touching this matter, the said selected Commissioners went unto her again, to whom she signified, that she did not well understand what those Words meant, *seeing she is under the Queen's*

*Protection*. The Lord Chancellor answered, That this was plain to every one of understanding, yet was it not for Subjects to interpret what the Queen's Meaning was, neither were they made Commissioners for that end. Then she required to have her Protestation shewed and allowed, which she had formerly made. It was answered, that it never had been, nor now was to be allowed, for that it was prejudicial to the Crown of *England*. She asked, By what Authority they would proceed? It was answered, By Authority of their Commission, and by the common Law of *England*.

But, said she, ye make Laws at your pleasure, whereunto I have no reason to submit my self, considering that the *English* in times past refused to submit themselves to the Law Saliq̄ue of *France*: And if they would proceed by the common Law of *England*, they should produce Precedents and Cases; forasmuch as that Law consisteth much of Cases and Custom: And if by the Canon Law, none else ought to interpret the same, but the Makers thereof. It was answered, That they would proceed neither by the Civil nor Canon Law, but by the Common Law of *England*: That it might nevertheless be proved by the Civil and Canon Law, that she ought to appear before them, if she would not refuse to hear it. And indeed she refused not to hear it, but, as she said, by way of *Interlocution*, not *Judicially*.

From hence she fell into other Speeches, That she had intended nothing to the Destruction of the Queen; that she had been incensed with Injuries and Indignities; that she should be a Stone of Offence to others, if she were so unworthily handled: that by *Naw* she had offered her best means for revoking the Bishop of *Rome's* Bull; that she would have defended her Innocency by Letters, but it was not allowed her; and finally, that all the Offices of Kindness, which she had tender'd these twenty years, were rejected. Thus while she wandered far in these Digressions, they called her back again, and prayed her to speak plainly, whether she would answer before the Commissioners. She replied, That the Authority of their Delegation was founded upon a late Law made to intrap her; that she could not away with the Queen's Laws, which she had good reason to suspect; that she was still full of good Courage, and would not offend against her Progenitors, the Kings of *Scots*, by acknowledging her self a Subject to the Crown of *England*: For this were nothing else but to profess them openly to have been Rebels and Traitors. Yet she refused not to answer, so as she might not be reduced to the rank of a Subject: But she had rather perish utterly, than to answer as a criminal Person.

Whereunto *Hutton*, Vice-Chamberlain to Queen *Elizabeth*, answered: You are accused (but not condemned) to have conspired the Destruction of our Lady and Queen anointed. You say you are a Queen: Be it so. But in such a Crime the Royal Dignity is not exempted from answering, neither by the Civil nor Canon Law, nor by the Law of Nations, nor of Nature. For if such kind of Offences might be committed without Punishment, all Justice would stagger, yea, fall to the ground. If you be innocent, you wrong your Reputation in avoiding a Trial. You protest your self to be innocent, but Queen *Elizabeth* thinketh otherwise, and that neither without Grief and Sorrow for the same. To examine therefore your Innocency, she hath appointed for Commissioners most



honourable, prudent and upright Men, who are ready to hear you according to Equity with favour, and will rejoice with all their hearts, if you shall clear your self of this Crime. Believe me, the Queen herself will be much affected with joy, who affirmed unto me at my coming from her, that never any thing befel her more grievous, than that you were charged with such a Crime. Wherefore lay aside the bootless Privilege of Royal Dignity, which now can be of no use unto you, appear in Judgment, and shew your Innocency, lest by avoiding Trial, you draw upon your self Suspicion, and lay upon your Reputation an eternal Blot and Asperion.

I refuse not (said she) to answer in a full Parliament before the Estates of the Realm lawfully assembled, so as I may be declared the next to the Succession; yea, before the Queen and Council, so as my Protestation may be admitted, and I may be acknowledged the next of kin to the Queen. To the Judgment of mine Adversaries, amongst whom I know all defence of mine Innocency will be barred, flatly I will not submit my self.

The Lord Chancellor asked her, whether she would answer, if her Protestation were admitted? I will never (said she) submit my self to the late Law mentioned in the Commission.

Hereupon the Lord Treasurer answered; We, notwithstanding, will proceed to-morrow in the Cause, tho' you be absent and continue contumax.

Search (said she) your Consciences, look to your Honour, God reward you and yours for your Judgment against me.

On the morrow, which was the 14th of the month, she sent for certain of the Commissioners, and pray'd them, that her Protestation might be admitted and allowed. The Lord Treasurer asked her, Whether she would appear to her Trial, if her Protestation were only received and put in writing, without allowance. She yielded at length, yet with much ado, and with an ill-will, lest she should seem (as she said) to derogate from her Predecessors or Successors; but was very desirous to purge her self of the Crime objected against her, being persuaded by *Hatton's* Reasons, which she had weighed with Advise-ment.

Soon after, the Commissioners which were present, assembled themselves in the Presence-Chamber. At the upper end of the Chamber was placed a Chair of Estate for the Queen of *England*, under a Cloth of Estate. Over-against it, below and more remote, near the tranom or beam that ran cross the Room, stood a Chair for the Queen of *Scots*. At the Walls on both sides, were placed Benches, upon which sate, on the one side, the Lord Chancellor of *England*, Lord Treasurer of *England*, the Earls of *Oxford*, *Kent*, *Derby*, *Worcester*, *Rutland*, *Cumberland*, *Warwick*, *Pembroke*, *Lincoln*, and the Lord Viscount *Montacute*; on the other side, the Barons of *Abergavenny*, *Zouch*, *Morley*, *Stafford*, *Grey*, *Lumley*, *Sturton*, *Sandes*, *Wentworth*, *Mordant*, *St. John of Bletsbo*, *Compton*, and *Cheiney*. Nigh unto these sate the Knights of the Privy-Council, Sir *James a Croftes*, Sir *Christopher Hatton*, Sir *Francis Walsingham*, Sir *Ralph Sadleir*, Sir *Walter Mildmay*, and Sir *Amias Powlet*. Forward, before the Earls, sate the two Chief Justices, and the Chief Baron of the Exchequer; and on the other side two Barons, the other Justices, *Dale* and *Ford*, Doctors of the Civil Law; and at a little Table in the midst sate *Popham* the Queen's Attorney, *Egerton* the Solicitor, *Gaudy* the Queen's

Serjeant at Law, the Clerk of the Crown, and two Writers.

When she was come, and had settled her self in her seat, after silence proclaimed, *Bromley* Lord Chancellor turning to her, spake briefly to this effect: The most High and Mighty Queen *Elizabeth*, being not without great grief of mind advertised, that you have conspired the Destruction of her and of *England*, and the Subversion of Religion, hath, out of her Office and Duty, lest she might seem to have neglected God, herself and her People, and out of no Malice at all, appointed these Commissioners, to hear the Matters which shall be objected unto you, and how you can clear your self of them, and make known your Innocency.

She rising up, said, That she came into *England* to crave aid, which had been promised her, and yet was she detained ever since in Prison. She protested, that she was no Subject of the Queen's, but had been and was a free and absolute Queen, and not to be constrained to appear before Commissioners, or any other Judge whatsoever, for any Cause whatsoever, save before God alone the highest Judge, lest she should prejudice her own Royal Majesty, the King of *Scots* her Son, her Successors, or other absolute Princes. But, that she now appeared personally, to the end to refute the Crimes objected against her. And hereof she prayed her own Attendants to bear witness.

The Lord Chancellor, not acknowledging that any Aid had been promis'd her, answer'd, That this Protestation was in vain, for that whosoever (of what Place and Degree soever he were) should offend against the Laws of *England*, in *England*, was subject unto the same Laws, and by the late Act might be examin'd and try'd; the said Protestation therefore made in prejudice of the Laws and Queen of *England*, was not to be admitted. The Commissioners nevertheless commanded, that as well her Protestation, as the Lord Chancellor's Answer, should be recorded.

Then after the Commission was openly read, which was grounded upon the Act already often mentioned, she stoutly opposed her Protestation against the same Act, as enacted directly and purposely against her, and herein she appealed to their Consciences.

When Answer was made by the Lord Treasurer, that every Person in this Kingdom was bound even by the latest Laws, and that she ought not to speak against the Laws; and that the Commissioners would judge, according to that Law, what Protestations or Appellations soever she interposed, she said at length, that she was ready to hear and answer touching any Fact whatsoever against the Queen of *England*.

*Gawdy* now opened the Law from Point to Point, affirming, that she had offended against the same; and hereupon he made an historical Discourse of *Babington's* Conspiracy, and concluded, That she knew of it, approved it, assented unto it, promised her Assistance, and shewed the Way and Means.

She answered with stout Courage, That she knew not *Babington*, that she never received any Letters from him, nor wrote any to him; that she never plotted the Destruction of the Queen, and that to prove the same, her Subscription under her own hand was to be produced; that for her part she never so much as heard speak thereof; that she knew not *Ballard*, nor ever relieved him; but she understood from some, that the Catholics in *England* took



took many things very hardly, and hereof she herself had advertised the Queen by Letters, and besought her to take pity on them; that many also, which were to her utterly unknown, had offered her their Help and Assistance, yet had she excited no Man to commit any Offence; and being shut up in Prison, she could neither know nor hinder what they attempted.

Hereupon it was urged out of *Babington's* Confession, that there had been Intercourse by Letters betwixt her and *Babington*. She confessed that there had passed Conference by Letters betwixt her and many Men, yet could it not thereby be gathered that she was privy to all their wicked Counsels. She required that her own Subscription, under her hand, might be produced; and asked, what hurt it were, if she redemanded the Letters, which had been kept from her almost a whole Year? Then were read the Copies of Letters between her and *Babington*, wherein the whole Conspiracy was set down.

*The Scottish Queen's Letter to Anthony Babington.*

**M**Y very good Friend, albeit it be long since you heard from me, not more than I have done from you, it is against my Will; yet would I not you should think I have in the mean while, nor ever will be unmindful of the effectual Affection you have shewed heretofore towards all that concerneth me. I have understood, that upon the renewing of your Intelligence, there were addressed unto you, both from France and Scotland, some Packets for me; I pray you, if any be come to your hands, and be yet in place, to deliver them to the Bearer hereof, who will safely convey them unto me; and I will pray to God for your Preservation.

June the 2<sup>th</sup>,  
Chartley.

Your assured good Friend,

MARY REGINA.

*Anthony Babington's Letter to the Scottish Queen.*

**M**OST mighty, most excellent, my dread Sovereign Lady and Queen, unto whom I owe all Fidelity and Obedience; may it please your gracious Majesty to admit Excuse of my long Silence, and Discontinuance from those dutiful Offices, intercepted upon the Remove of your Royal Person from the antient place of your abode, to the custody of a wicked Puritan, and meeke Leicestrian, a mortal Enemy both by Faith and Faction to your Majesty and to the Catholick Estate: I held the hope of our Country's Weal depending (next under God) upon the Life of your Majesty, to be desperate, and thereupon resolved to depart the Realm, determining to spend the remnant of my Life in such solitary sort, as the miserable and wretched Estate of my Country doth require; only expecting, according to the just Judgment of God, the present Confusion thereof, which God, for his Mercy sake, prevent. The which my purpose being in execution, and standing upon my departure, there was addressed unto me, from the Parts beyond the Seas, one Ballard, a Man of Virtue and Learning, and of singular Zeal to the Catholick Cause, and your Majesty's Service. The Man informed me of great Preparations by the Christian Princes, your Majesty's Allies, for the Deliverance of our Country from the extreme and miserable Estate wherein for a long time

it hath remained. Which when I understood, my especial Desire was, to advise by what means I might, with the hazard of my Life, and all my Friends in general, do your sacred Majesty one day's good Service. Whereupon, most dread Sovereign, according to the great care, which those Princes have of the Preservation and safe Deliverance of your Majesty's sacred Person, I advised of Means, and considered of Circumstances accordingly, to and with so many of the wisest and most trusty, as with safety I might commend the Secrecy thereof unto: I do find, by the Assistance of the Lord Jesus, assurance of good Effect, and desired Fruit of our Travel. These things are first to be advised in this great and honourable Action; upon issue of which dependeth, not only the Life of your most excellent Majesty, which God long preserve, to our inestimable Comfort, and to the Salvation of English Souls, and the Lives of all us Actors therein; but also the Honour and Weal of our Country, far more dear than our Lives unto us, and the last hope ever to recover the Faith of our Forefathers, and to redeem our selves from the Servitude and Bondage, which hereby heretofore hath been imposed upon us with the loss of many thousand Souls. First, for the assuring of Invasions, sufficient strength on the Invaders parts to arrive is appointed, with a strong Party at every place, to join with them, and warrant their landing, the Deliverance of your Majesty, the Dispatch of the usurping Competitor. For the effecting of all, may it please your Majesty to rely upon my Service, I protest before the Almighty, who hath long miraculously preserved your royal Person, no doubt to some universal Good, that what I have said shall be performed, or all our Lives happily lost in the Execution thereof. Which Vow all the chief Actors have taken solemnly; and are upon Assurance, by your Majesty to me, to receive the blessed Sacrament thereupon, either to prevail in the Church's behalf, and your Majesty's, or fortunately to die for so honourable a Cause. Now, forasmuch as delays are extreme dangerous, it might please your most excellent Majesty, by your Wisdom to direct us, and by your Princely Authority to enable us, and such as may advance the Affairs: Foreseeing, there is not any of the Nobility, at liberty, assured to your Majesty in this desperate Service, except unknown unto us; and seeing that it is very necessary that some there should be to become Heads to lead the Multitude, who are disposed by Nature in this Land to follow Nobility: Considering withal, it doth not only make the Commons and Country to follow without Contradiction or Contention, which is ever found in equality, but also doth add great Courage to the Leaders. For which necessary Regards, I would recommend some to your Majesty as are fittest, in my knowledge, to be your Lieutenants, in the West Parts, in the North Parts, South-Wales, and North-Wales, the Countries of Lancaster, Derby, and Stafford. In all which Countries, Parties being already made, and Fidelity taken in your Majesty's Name, I hold them as most assured, and of undoubted Fidelity. My self, with ten Gentlemen of Quality, and an hundred Followers, will undertake the delivery of your Person from the hands of your Enemies: And for the Dispatch of the Usurper, from Obedience of whom, by the Excommunication of her, we are made free, there be six noble Gentlemen, all my private Friends, who, for the Zeal they bear to the Catholick Cause, and your Majesty's Service, will undertake the Tragical Execution. It resteth, that according to their infinite Deserts, and your Majesty's Bounty, their

Heroical



*Heroical Attempts may be honourably rewarded in them, if they escape with Life, or in their Posterity; and that so much by your Majesty's Authority I may be able to assure them. Now it remaineth only in your Majesty's Wisdom, that it be reduced into Method, that your happy Deliverance be first, for that thereupon dependeth the only Good, and that the other Circumstances concur; that the untimely end of the one do not overthrow the rest. All which your Majesty's wonderful Experience and Wisdom will dispose in so good manner as, I doubt not, thro' God's good Assistance, shall take deserved effect: for the obtaining of which every one of us shall think his Life most happily spent. Upon the twelfth day of this month I will be at Litchfield, expecting your Majesty's Answers and Letters, to execute what by them shall be commanded.*

Your Majesty's

Faithful Subject, and

Sworn Servant,

*Anthony Babington.*

As for these Letters (said she) it may be that *Babington* wrote them, but let it be prov'd that I receiv'd them: If *Babington* or any others affirm it, I say they lye openly; other Men's Crimes are not to be cast upon me. A Packet of Letters, which had been kept from me almost a whole Year, came to my hands about that time, but by whom it was sent, I know not.

To prove that she had receiv'd *Babington's* Letters, there were read out of *Babington's* Confession the chief Heads of certain Letters, which he had voluntarily confess'd, that she wrote back unto him: wherein when mention was made of the Earl of *Arundel* and his Brethren, and the Earl of *Northumberland*, the Tears burst forth, and she said, Alas! what hath that noble House of the *Howards* endur'd for my sake? And shortly after, having wiped away the Tears she answered, that *Babington* might confess what he list, but it was an open Lye, that she had devis'd such means to escape: That her Adversaries might easily get the Ciphers, which she had used to others, and with the same write many things falsely: That it was not likely she should use *Arundel's* help, whom she knew to be shut up in Prison; or *Northumberland's*, who was very young, and to her unknown.

There were read also certain Points pick'd out of *Savage's* and *Ballard's* Confessions, who had confess'd that *Babington* imparted unto them certain Letters, which he had receiv'd from the Queen of *Scots*.

She affirmed, That *Babington* receiv'd none from her, yea that she was angry with some which had secretly suggested Counsels unto her for invading of *England*, and had warned them to beware.

Now was there a Letter brought forth, wherein *Babington's* Plot was commended and approved.

*The Answer of the Scottish Queen to a Letter written by Anthony Babington, 12 July, 1586.*

TRUSTY and Well-beloved, according to the Zeal and intire Affection which I have known in you towards the common Cause

of Religion, and mine, having always made account of you as a principal and right worthy Member to be imployed both in the one, and in the other; it hath been no les Consolation unto me to know your Estate, as I have done by your last Letter, and to have further means to renew my Intelligence with you, than I have felt Grievs all this while past, to be without the same. I pray you therefore to write unto me hereafter, so often as you can, of all Concurrants, which you may judge in any fort importunate to the good of mine Affairs, wherein I shall not fail to correspond with all the Care and Diligence that shall be by possibility. For divers great and importunate Considerations, which were here too long to be deducted, I cannot but greatly praise and commend your common desire to prevent, in time, the Designment of our Enemies, for the Extirpation of our Religion out of this Realm, with the Ruin of us all; for I have long ago shewed to the Foreign Catholick Princes, what they have done against the King of *Spain*, and in the time the Catholicks here remaining, exposed to all Persecutions and Cruelty, do daily diminish in Number, Forces, Means and Power, so as if Remedy be not thereunto speedily provided, I fear not a little but that they shall become altogether unable for ever to rise again to receive any Aid at all whensoever it is offered. Then for my own part, I pray you assure our principal Friends, that albeit I had no particular Interest in this Case, that all that I may pretend unto, being of no Consideration to me in respect of the publick Good of the State, I shall be always ready, and most willing to imploy therein my Life, and all that I have, or may look for in this World. Now to ground substantially this Enterprize, and to bring it to good Success, you must examine duly,

First, What Forces, as well on Foot as on Horse, you may raise among you all; and what Captains you shall appoint for them in every Shire, in case a General cannot be had.

Secondly, Which Towns, Ports and Havens you may assure yourselves, as well on the *North*, *West* and *South*, to receive Succours, as well from the *Low-Countries*, *Spain* and *France*, as from other Parts.

Thirdly, What place you esteem fittest, and of most advantage to assemble the principal Company of your Forces at the same time, which would be compassed conform to the proportion of your own.

Fourthly, For how long Pay and Munition, and what Ports are fittest for their Landing in this Realm, from the foresaid three foreign Countries.

Fifthly, What Provision of Monies and Armour, in case you should want, you would ask.

Sixthly, By what means do the six Gentlemen deliberate to proceed.

Seventhly, The manner of my getting forth of this Hold.

Which Points having taken amongst you who are the principal Actors, and also as few in number as you can; the best Resolution in my Device is, That you impart the same with all diligence to *Bernardin de Mendoza*, Ambassador Lieger for the King of *Spain* in *France*, who besides the Experience he hath of the Estate on this side, I may assure you, will imploy himself most willing: I shall not fail to write to him of the matter, with all the Recommendations I can, as also I shall do

in



in any wise that shall be needful. But you must  
 take choice Men for the managing of the Affairs  
 with the said *Mendoza*, and others out of the  
 Realm, of some Faithful and very Secret, both  
 in Wisdom and Personage, unto whom only you  
 must commit your selves; to the end things may  
 be kept the more secret, which for your own  
 Security I commend to yourself. If your Messen-  
 ger bring you back again sure promise, and  
 sufficient assurance of the Succours which you  
 demand, then thereafter (but not sooner, for that  
 it were in vain) take diligent Order, that all those  
 on your part make, secretly as they can, provi-  
 sion of Armour, fit Horses, and ready Money,  
 wherewith to hold themselves in a readines to  
 march so soon as it shall be signified unto you  
 by the Chief and Principal of every Shire: And  
 for the better colouring of the matter, reserving  
 to the Principals the knowledge of the Ground  
 of the Enterprize, it shall be enough at the be-  
 ginning to give it out to the rest, that the said  
 Provisions are made only for the fortifying of  
 your selves in case of need, against the *Puritans*  
 of this Realm, the principal whereof having the  
 chief Forces thereof in the *Low Countries*, as you  
 may let the bruit go disguised, do seek the Ruin  
 and Overthrow at their return home of the  
 Catholicks, and to usurp the Crown, not only  
 against me and all other lawful Pretenders there-  
 to, but against their own Queen that now is, if  
 she will not altogether submit herself to their  
 Government. These Pretexts may serve to found  
 and establish among all, Associations or Confe-  
 derations general, as done only for your Preser-  
 vation and Defence, as well in Religion as  
 Lands, Lives and Goods, against the Oppres-  
 sion and Attempts of the said *Puritans*; without  
 directly writing, or giving out any thing against  
 the Queen, but rather shewing your selves wil-  
 ling to maintain her and her lawful Heirs after  
 her, not naming me. The Affairs being thus  
 prepared, and Forces in readines, both without  
 and within the Realm, then shall it be time to  
 set the six Gentlemen on work, taking good order  
 upon the accomplishment of their Discharges,  
 I may be suddenly transported out of this Place,  
 and meet without tarrying for the arrival of the  
 foreign Aid, which then must be hastened with  
 all Diligence. Now for that there can be no  
 certain Day appointed for the accomplishment  
 of the said Gentlemen's Designment, to the end  
 others may be in a readines to take me from  
 hence, I would that the said Gentlemen had al-  
 ways about them, or at least at Court, divers and  
 sundry Scoutmen, furnished with good and speedy  
 Horses, so soon as the Design shall be executed,  
 to come with all diligence to advertise me there-  
 of, and those that shall be appointed for my  
 transporting; to the end, that immediately  
 after they may be at the place of mine abode,  
 before my Keeper can have advertisement of the  
 execution of the said Designment, or at the least  
 before he can fortify himself within the House,  
 or carry me out of the same. It were necessary  
 to dispatch two or three of the said Advertisers  
 by divers ways, to the end, if one be staid, the  
 other may come thro': At the same instant  
 it were needful also to assay to cut off the Posts  
 ordinary ways. This is the Plot that I think  
 best for this Enterprize, and the order whereby  
 we shall conduct the same for our common Secu-  
 rity: for stirring on this side before you be sure

of sufficient foreign Forces, that were for no-  
 thing but to put our selves in danger of follow-  
 ing the miserable Fortune of such as have here-  
 tofore travelled in the like Actions; and if you  
 take me out of this Place, be well assured to set  
 me in the midst of a good Army, or some very  
 good Strength, where I may safely stay till the  
 Assembly of your Forces, and Arrival of the said  
 foreign Succours. It were sufficient cause gi-  
 ven to the Queen, in catching me again, to  
 inclose me in some hold, out of the which I  
 should never escape, if she did use me no worse;  
 and to pursue with all extremity those that assist-  
 ed me, which would grieve me more than all  
 the unhappines might fall upon my self. Ear-  
 nestly as you can, look and take heed most care-  
 fully and vigilantly to compass and assure all so  
 well, that shall be necessary for the effecting of  
 the said Enterprize, as with the Grace of God  
 you may bring the same to happy End; remit-  
 ting to the judgment of your principal Friends  
 on this side, with whom you have to deal, therein  
 to ordain and conclude upon these Points, which  
 may serve you for an Overture of such Proposi-  
 tions as you shall amongst you find best: and to  
 your self in particular, I refer the Gentlemen a-  
 forementioned, to be assured of all that should be  
 requisite for the intire execution of their Good-  
 wills. I leave their common Resolution to Ad-  
 vice; in case the Design do not take hold, as  
 may happen whether they will or no, do not  
 pursue my Transport, and the Execution of the  
 rest of the Enterprize. But if the mishap should  
 fall out, that you might not come by me, being  
 set in the *Tower of London*, or in any other  
 Strength, with strong Guard; yet notwithstand-  
 ing, leave not for God's sake to proceed in the  
 Enterprize: for I shall at any time die most con-  
 tentedly, understanding of your delivery out of  
 the servitude wherein you are holden as Slaves.  
 I shall assay, that at the same time that the work  
 shall be in hand, at that present to make the Ca-  
 tholicks of *Scotland* to arise, and put my Son into  
 their hands, to the effect, that from thence our  
 Enemies here may not prevail by any Succour:  
 I would also that some stirring were in *Ireland*,  
 and that it were laboured to begin some time be-  
 fore any thing be done here, and then that the  
 Alarm might begin thereby on the flat contrary  
 side: that the stroke may come from your designs,  
 to have some General, or chief Head, are very  
 pertinent; and therefore were it good to send  
 obscurely for the purpose to the Earl of *Arundel*,  
 or some of his Brethren, and likewise to seek to  
 the young Earl of *Northumberland*, if he be at  
 liberty from over the Sea; the Earl of *West-*  
*moreland* may be had, whose Hand and Name,  
 you know may do much in the *North* Parts; also  
 the Lord *Paget*, of good Ability in some Shires  
 thereabouts: both the one and the other may be  
 had, amongst whom secretly some more princi-  
 pal banished, may return, if the enterprize be  
 once resolute. The said Lord *Paget* is now in  
*Spain*, and may treat of all that (by his Brother  
*Charles*, or directly by himself) you will commit  
 unto him touching the Affairs. Beware that none  
 of your Messengers, that you send forth of the  
 Realm, carry any Letters upon themselves; but  
 make their Dispatches, and send them either af-  
 ter or before them by some others. Take heed  
 of Spies and false Brethren that are amongst you,  
 especially of some Priests, already practised upon  
 by



‘ by your Enemies for your discovery ; and in any  
 ‘ case keep never a Paper about you, that may in  
 ‘ any sort do harm : for from like Errors have  
 ‘ come the Condemnation of all such as have  
 ‘ suffered heretofore, against whom otherwise no-  
 ‘ thing could justly have been proved. Discover  
 ‘ as little as you can, your Names and Intentions  
 ‘ to the *French* Ambassador, now Lieger at *Lon-*  
 ‘ *don* ; for altho’, as I understand, he is a very  
 ‘ honest Gentleman, yet I fear his Master enter-  
 ‘ taineth a Course far contrary to our designment,  
 ‘ which may move him to discover us, if he had  
 ‘ any particular knowledge thereof. All this while  
 ‘ I have sued to change and remove from this  
 ‘ House ; and for answer, the Castle of *Dudley*  
 ‘ only hath been named to serve the turn ; so as  
 ‘ by appearance about the end of this Summer, I  
 ‘ may go thither : therefore advise so soon as I  
 ‘ shall be there, what Provision may be had about  
 ‘ that part, for my escape from thence. If I stay  
 ‘ here, there is but one of these three ways or  
 ‘ means to be looked for.

‘ The *First*, That at a certain Day appointed  
 ‘ for my going abroad on horseback on the  
 ‘ Mores, between this and *Stafford*, where ordi-  
 ‘ narily, you know, but few People do pass, let  
 ‘ fifty or threescore Horsemen, well mounted and  
 ‘ armed, come to take me away, as they may ea-  
 ‘ sily ; my Keeper having with him but eighteen  
 ‘ or twenty Horses, with only Dogs.

‘ The *Second* means, To come at Midnight, or  
 ‘ soon after, and set fire on the Barns and Stables,  
 ‘ which you know are near the House ; and whilst  
 ‘ my Guardian Servants shall come forth to the  
 ‘ Fire, your Company having duly on a Mark,  
 ‘ whereby they may be known one from another,  
 ‘ some of you may surprize the House, where I  
 ‘ hope with the few Servants I have about me,  
 ‘ I shall be able to give you correspondent Aid.

‘ And the *Third* is, Some there be that bring  
 ‘ Carts hither early in the Morning, three Carts  
 ‘ may be so prepared ; that being in the midst  
 ‘ of the great Gate, the Carts might fall down,  
 ‘ or overthrow ; that thereupon you might come  
 ‘ suddenly, and make your selves Masters of the  
 ‘ House, and carry me suddenly away : so you  
 ‘ might easily do before any number of Soldiers,  
 ‘ who lodge in sundry Places forth of this Place,  
 ‘ some half a Mile, and some a whole Mile,  
 ‘ could come to relieve. Whatsoever Issue the  
 ‘ matter taketh, I do, and shall think my self  
 ‘ obliged, so long as I live, towards you, for  
 ‘ the offers you make to hazard your self as you  
 ‘ do for my Deliverance ; and by any means that  
 ‘ ever I may have, I shall do my endeavour to re-  
 ‘ cognize by Effects your Deserts : therein I have  
 ‘ commanded a more ample Alphabet to be made  
 ‘ for you, which herewith you shall receive. God  
 ‘ Almighty have you in his Protection.’

*Your assured Friend for ever,*

Mary Regina.

*Fail not to burn this privately and quickly.*

Of this Letter she required a Copy, and affirmed,  
 That it proceeded not from her, but haply from her  
 Alphabet of Ciphers in *France* : That she had done  
 her best Endeavour for the Recovery of her Liber-  
 ty, which Nature it self alloweth, and had solli-  
 cited her Friends to deliver her ; yet to some,  
 whom she listed not to name, when they offered  
 her their Help to deliver her, she answered not a

word. Nevertheless, she much desired to divert  
 the Storm of Persecution from the Catholicks, and  
 for this she had made earnest Suit to the Queen :  
 For her part, she would not purchase the Kingdom  
 with the Death of the meanest Man of the com-  
 mon People, much less of the Queen : That there  
 were many which attempted dangerous Designs  
 without her knowledge ; and by a very late Letter,  
 which she had received, Pardon was asked of her  
 by some, if they should enterprize any thing with-  
 out her Privity : That it was an easy Matter to  
 counterfeit the Ciphers and Characters of others,  
 as a young Man did very lately in *France*, which  
 had vaunted himself to be her Son’s bair Brother :  
 That she feared also lest this were done now by  
*Walsingham* to bring her to her Death, who (as  
 she heard) had practised against her Life and her  
 Son’s. She protested that she not so much as  
 thought the Destruction of the Queen ; that she  
 had rather most gladly spend her own Life, than  
 for her sake the Catholicks should be so afflicted  
 in Hatred of her, and drawn to cruel Death. And  
 withal she shed plenty of Tears.

But (said the Lord Treasurer) no Man which  
 hath shewed himself a good Subject, was ever put  
 to death for Religion ; but some have been for  
 Treason, while they maintained the Pope’s Bull  
 and Authority against the Queen.

Yet I (said she) have heard otherwise, and have  
 read it also in Books set forth in print.

The Authors (replied he) of such Books, do  
 write also that the Queen hath forfeited her Royal  
 Dignity.

*Walsingham*, who had found himself taxed even  
 now by her words, took opportunity, and rising up,  
 protested that his Mind was free from all Malice :  
 I call God (said he) to record, that as a private  
 Person I have done nothing unbeseeming an honest  
 Man ; nor as I bear the place of a publick Person,  
 have I done any thing unworthy my Place. I con-  
 fess, that being very careful for the Safety of the  
 Queen and Realm, I have curiously searched out  
 the Practices against the same. If *Ballard* had of-  
 fered me his help, I should not have refused it ;  
 yea, I would have recompensed the pains he had  
 taken. If I have practised any thing with him,  
 why did he not utter it to save his Life?

With this answer, she said she was satisfied :  
 She prayed him he would not be angry, that she  
 had spoken freely what she had heard reported ;  
 and that he would give no more Credit to those  
 that slandered her, than she did to such who accu-  
 sed him : That Spies were Men of doubtful Cre-  
 dit, which dissemble one thing, and speak ano-  
 ther ; and that he would in no sort believe that  
 she had consented to the Queen’s Destruction.  
 And now again, she burst forth into Tears ; I would  
 never (said she) make shipwreck of my Soul, by  
 conspiring the Destruction of my dearest Sister.

It was answered by the Lawyers, that this  
 should soon be disproved by Testimony. *Thus far*  
*in the Forenoon.*

In the *Afternoon*, to disprove this, was pro-  
 duced the Copy of a Letter which *Charles Paget*  
 had written ; and *Curle*, one of her Secretaries,  
 had witnessed that she had received ; touching a  
 Conference betwixt *Mendoza* and *Ballard*, about  
 the design for invading of *England*, and setting her  
 at liberty.

This (answered she) was nothing to the pur-  
 pose, and proved not that she had consented to the  
 Destruction of the Queen.



The Lawyers proceeded further, to prove that she was both privy to the Conspiracy, and conspired also the Destruction of the Queen, by *Babington's* Confession, and Letters also that had passed betwixt her and him; wherein he called her, his most dread and Sovereign Lady, and Queen: And by the way, they mentioned that a Plot was laid for conveying the Kingdom of *England* to the *Spaniard*. She confessed, that a Priest came unto her, and said, That if she would not intermeddle, she and her Son both should be excluded from the Inheritance; but the Priest's Name she would not tell. She added, that the *Spaniard* did lay claim to the Kingdom of *England*, and would not give place to any but to her.

Then pressed they her with the Testimonies of her Secretaries *Naw* and *Curle*, out of *Babington's* Confession, and the Letters sent to and fro betwixt her and *Babington*, and the whole Credit of their Proofs rested upon their Testimony; yet were not they produced before her Face. *Curle* she acknowledged an honest Man, but not a meet Witness to be against her. As for *Naw*, he had been sometimes a Secretary (said she) to the Cardinal of *Lorain*, and commended unto her by the *French* King, and might easily be drawn either by Reward, or Hope, or Fear, to bear false Witness, as one that had sundry times rashly bound himself by Oath, and had *Curle* so pliable unto him that at his beck he would write what he bade him. It might be that these two might insert into her Letters, such things as she had not dictated unto them. It might be also that such Letters came to their hands, which notwithstanding she never saw; and so she brake forth into such words as these: The Majesty and Safety of all Princes falleth to the ground, if they depend upon the Writings and Testimony of Secretaries. I deliver'd nothing to them but what Nature delivered to me, that I might at length recover my Liberty. And I am not to be convicted but by mine own Word or Writing. If they have written any thing which may be hurtful to the Queen my Sister, they have written it altogether without my knowledge; and let them bear the Punishment of their inconsiderate Boldness. Sure I am, if they were here present, they would clear me of all blame in this Cause. And I, if my Notes were at hand, could answer particularly to these things.

Amongst these Speeches, the Lord Treasurer objected unto her, that she had purposed to send her Son into *Spain*, and to convey her Title she claimeth in the Kingdom of *England*, to the *Spaniard*.

To whom she answered, That she had no Kingdom which she could convey, yet was it lawful for her to give those things which were hers, at her pleasure, and not to be accountable for the same to any.

When her Alphabets of Ciphers, sent over to *Babington*, the Lord *Lodovic* and *Ferniburst*, were objected unto her out of *Curle's* Testimony; she denied not, but she had written out many; and amongst others, that for the Lord *Lodovic*, when she had commended him and another to the dignity of a Cardinal; and that without Offence, (she trusted) for that it was as lawful for her to have intercourse of Letters, and to negotiate her matters with Men of her Religion, as for the Queen with the Professors of another Religion.

Then pressed they her hard with the consenting Testimonies of *Naw* and *Curle* reiterated: And

she reiterated her Answers; or else refuted their Testimonies by a flat denial; protesting again, that she neither knew *Babington* nor *Ballard*.

Amongst these Speeches, when the Lord Treasurer had mentioned, that she knew *Morgan* well, which had sent *Parry* privily to murder the Queen, and that she had assigned him a yearly Pension; she replied, That she knew not whether *Morgan* had done so, but she knew that *Morgan* had lost all for her sake, and therefore it concerned her in Honour to relieve him; and she was not bound to revenge an Injury done the Queen by a Friend, that had deserved well at her hands; yet had she terrified the Man from such wicked Attempts: But contrarywise (said she) Pensions have been assigned out of *England* to *Patrick Gray*, and to the *Scots* my Adversaries, as also to my Son.

The Lord Treasurer answered, When the Revenues of *Scotland* were by the negligence of the Regents much diminished, the Queen bestowed somewhat in Bounty upon your Son the King, her near Kinsman.

Afterwards were produced the chief Points of certain Letters sent to *England*, and the Lord *Paget*, and to *Bernardine de Mendoza*, about foreign Aid. But when she had answered, That these things made not to the destruction of the Queen; and if Foreigners laboured to set her at liberty, it was not to be laid to her Charge; and that she had sundry times openly signified to the Queen, that she would seek her own Liberty: the matter was prorogued till the next Day following.

The next day she returned her former Protestation, and required to have it recorded, and a Copy thereof delivered unto her, lamenting, that the most reasonable Conditions, which she had many times propounded to the Queen, were always rejected, even when she promised to deliver her Son, and the Duke of *Guise's* Son for Hostages, that the Queen or Kingdom of *England* should receive no detriment by her: so as she saw her self already quite barred from all hope of her Liberty. But now she was most unworthily dealt withal, whose Honour and Reputation was called in question before foreign Lawyers, which by wretched Conclusions drew every Circumstance into a Consequence; whereas Princes anointed and consecrate are not subject to the same Laws that private Men are. Moreover, whereas Authority was granted to the Commissioners, to examine matters tending to the hurt of the Queen's Person; yet was the Cause so handled, and Letters wrested, that the Religion which she professed, the Immunity and Majesty of foreign Princes, and the private Intercourse betwixt Princes were called in question, and she her self made to descend beneath her Royal Dignity, and to appear as a Party guilty before a Tribunal Seat: and all to no other purpose but that she might be quite excluded out of the Queen's Favour, and her own Right to the Succession; whereas she appeared voluntarily to clear her self of the matters objected against her, lest she might seem to have neglected the defence of her own Honour and Innocency. She called also to remembrance, how Queen *Elizabeth* her self had been drawn in question about *Wiat's* Conspiracy, whereas notwithstanding she was most innocent: religiously affirming, that tho' she wished the safety of the Catholics might be provided for; yet would she not that it should be effected with the Death and Blood of any one. For her part, she had rather



play *Hester* than *Judith*; make Intercession to God for the People, than deprive the meanest of the People of Life. She expostulated, that her Enemies had divulged abroad that she was Irreligious; but the time was (said she) when I would have been instructed in the Protestant Religion, but they would not suffer me to be so, as if they cared not what became of my Soul. And now concluding, When ye have done all ye can (said she) against me, and have excluded me from my Right, ye may chance fail of your Cause and Hope. And withal making her appeal to God, and to the Princes her Kinsmen, and renewing her Protestation, she prayed that there might be another meeting about this matter, and that an Advocate might be granted unto her to plead her Cause; and that seeing she was a Princess, she might be believed in the word of a Princess: For it were extreme folly to stand to their Judgment, whom she saw most plainly to be armed with prejudice against her.

To these things the Lord Treasurer said, Whereas I bear a double Person, one of a Commissioner, another of a Counsellor, receive first a few Words from me as a Commissioner. Your Protestation is recorded, and a Copy thereof shall be delivered unto you. To us our Authority is granted under the Queen's Hand, and the Great Seal of *England*, from which there is no Appeal; neither do we come with Prejudice, but to judge according to the exact Rule of Justice. The Queen's learned Counsel do level at nothing else but that the Truth may come to light, how far you have offended against the Queen's Person. To us full Power is given to hear and examine the matter, even in your absence; yet were we desirous you should be present, lest we might seem to have derogated from your Honour: We purposed not to object any thing unto you, but what you were privy to, or have attempted against the Queen's Person. The Letters have been read to no other purpose, but to discover your Offence against the Queen's Person, and the matters to it belonging, which are so interlaced with other matters, that they cannot be sever'd. The whole Letters therefore, and not Parcels picked out here and there, have been openly read, for that the Circumstances do give assurance, what matters you dealt with *Babington* about.

She interrupting him, said, The Circumstances may be proved, but never the Fact: Her Integrity depended not upon the Credit and Memory of her Secretaries, tho' she knew them to be honest and sincere Men. Yet if they have confessed any thing out of fear of Torments, or hope of Reward and Impunity, it was not to be admitted, for just Causes, which she would alledge elsewhere. Men's minds (said she) are diversly carried about with Affections, and they would never have confessed such matters against her, but for their own Advantage and Hope. Letters may be directed to others, than those to whom they are written, and many things have been often inserted, which she never dictated. If her Papers had not been taken away, and she had her Secretary, she could better confute the things objected against her.

But nothing (said the Lord Treasurer) shall be objected, but since the 19th Day of *June*; neither will your Papers avail you, seeing your Secretaries and *Babington* himself, being never put to the Rack, have affirmed that you sent those Letters to *Babington*; which tho' you deny, yet whe-

ther more Credit is to be given to an Affirmation than to a Negation, let the Commissioners judge. But to return to the Matter; this which followeth, I tell you as a Counsellor: Many things you have propounded time after time concerning your Liberty; that they have failed of Success, it is long of you, or of the *Scots*, and not of the Queen. For the Lords of *Scotland* flatly refused to deliver the King in Hostage. And when the last Treaty was holden concerning your Liberty, *Parry* was sent privily by *Morgan* a Dependant of yours to murder the Queen.

Ah (said she) you are my Adversary. Yea (said he) I am Adversary to Queen *Elizabeth's* Adversaries. But hereof enough, let us now proceed to Proofs. Which when she refused to hear; Yet we (said he) will hear them: And I also (said she) will hear them in another Place, and defend my self.

Now were read again her Letters to *Charles Paget*, wherein she shewed him that there was no other way for the *Spaniard* to reduce the *Netherlands* to Obedience, but by setting up a Prince in *England* that might be of use unto him; and to the Lord *Paget* to hasten his Auxiliary Forces to invade *England*: And Cardinal *Allen's* Letter, wherein he called her his most dread Sovereign Lady, and signified that the matter was commended to the Prince of *Parma's* Care.

As these Letters were in reading, she interposed these Speeches; That *Babington* and her Secretaries had accused her to excuse themselves; that she never heard of the six Executioners, and that the rest made nothing to the purpose. As for *Allen*, she held him for a Reverend Prelate; and she acknowledg'd no other Head of the Church, but the Bishop of *Rome*. In what Rank and Place she was esteemed by him and foreign Princes, she knew not; neither could she hinder it, if in their Letters they called her Queen of *England*. As for her Secretaries, seeing they had done contrary to their Duty and Allegiance sworn unto her, they deserved no Credit. They which have once forsworn themselves tho' they swear again with never so great Oaths and Protestations, are not to be credited. Neither did these Men think themselves bounden by any Oath whatsoever in Court of Conscience, forasmuch as they had sworn their Fidelity and Secrecy to her before, and were no Subjects of *England*. That *Naw* had many times written otherwise than she had dictated unto him, and *Curle* wrote whatsoever *Naw* bade him. But for her part she was willing to bear the burden of their fault in all things, but what might lay a blot upon her Honour. And haply also they confessed these things to save themselves; supposing that they could not hurt her by confessing, who they thought should be more favourably dealt withal as being a Queen. As for *Ballard*, she never heard of any such, but of one *Hallard*, which had offered her his help; which notwithstanding, she had refused, for that she had heard that the same Man had also vowed his Service to *Walsingham*.

Afterwards were read certain brief Notes of her Letters to *Mendoza*, which *Curle* had confessed he had written in privy Cipher.

I Find my self greatly troubled what Course  
to take a-new, for the Affairs on this side  
the Sea: *Charles Paget* hath a Charge from me  
to impart unto you certain Overtures in my  
behalf; whereupon I pray you deliver him freely,  
what



‘ what you think may be obtained thereof from the King your Master.

‘ There is another Point depending thereof, which I have reserved to write to your own self, for to be by you sent unto the King your Master on my behalf, no Man else, if it be possible, being privy thereunto; that is, that considering my Son’s great Obstinacy in Heresy, and foreseeing hereupon the imminent danger and harm like to ensue to the Catholick Church, he coming to the Succession of this Realm, I have resolved with my self, in case my said Son do not reduce himself before my Death to the Catholick Religion, (as I must tell you plainly, I have small hope so long as he shall remain in *Scotland*) to give and grant my Right to the said King your Master, in the Succession of this Crown, by my last Will and Testament; praying him in Consideration hereof from this time forward to take me wholly into his Protection, likewise the State and Affairs of this Country: the which for discharge of my Conscience, I cannot think I can put into the hands of a Prince more zealous of our Religion, and able in all respects to re-establish the same on this side, as it imports all the rest of Christendom. Let this be kept secret, forasmuch as if it come to be revealed, it should be in *France* the loss of my Dower, in *Scotland* a clear Breach with my Son, and in this Country my total Ruin and Destruction.

‘ Thank on my behalf the said King your Master, for the Favour and Liberality extended to the Lord *Paget* and his Brother, which I pray him most earnestly to continue, and to gratify for my sake with some Pension poor *Morgan*, who hath so much endured not only for me, but for the common Cause.

‘ I recommend likewise unto you *Fulsambe* (whom you know) to help him to some supply, above the Entertainment that I have allotted him, according to the small means I have.’

Out of these she was pressed as if she had purposed to convey her Right in the Kingdom to the *Spaniard*, and that *Allen* and *Parsons* lay now at *Rome* for that cause. She complaining that her Secretaries had broken their Allegiance bound by Oath, answered, When being Prisoner I languished in Cares without hope of Liberty, and was without all hope to effect those things which very many expected at my hands, declining now thro’ Age and Sickness; it seemed good to some, that the Succession of the Crown of *England* should be established in the *Spaniard*, or some *English* Catholick. And a Book was sent unto me to avow the *Spaniard’s* Title; which when it was not allowed by me, I incurred displeasure among some: But now all my hope in *England* being desperate, I am fully resolved not to reject foreign Aid.

The Solicitor put the Commissioners in mind what would become of them, their Honours, Estates and Posterities, if the Kingdom were so conveyed. But the Lord Treasurer shewed that the Kingdom of *England* could not be conveyed, but was to descend by Right of Succession according to the Laws; and asked her, if she would any more.

She required that she might be heard in a full Parliament, or that she might in Person speak with the Queen, who would (she hoped) have regard of a Queen, and with the Council. And now rising up with great Confidence of Countenance,

she had some Conference with the Lord Treasurer *Hatton*, *Walsingham*, and the Earl of *Warwick*, by themselves apart.

These things being done, the Assembly was prorogued to the 25th of *October*, at the *Star-Chamber* at *Westminster*. Thus far touching this matter out of the Commentaries of *Edward Barker*, principal Register to the Queen’s Majesty; *Thomas Wheeler* publick Notary, Register of the Audience of *Canterbury*; and other credible Persons which were present.

The said 25th Day of *October*, all the Commissioners met, saving the Earls of *Shrewsbury* and *Warwick*, which were both of them sick at that time: and after *Naw* and *Curle* had by Oath,  *viva voce*, voluntarily without Hope of Reward, before them avowedly affirmed and confirmed all and every the Letters, and Copies of Letters, before produced, to be most true; Sentence was pronounced against the Queen of *Scots*, and confirmed with the Seals and Subscriptions of the Commissioners, and recorded in these words: By their joint Assent and Consent, they do pronounce and deliver their Sentence and Judgment, at the Day and Place last recited; and say, That after the end of the aforesaid Session of Parliament, in the Commission aforesaid specified, namely after the aforesaid 1st Day of *June*, in the 27th Year aforesaid, and before the date of the same Commission, divers matters have been compassed and imagined within this Realm of *England*, by *Anthony Babington* and others, *cum scientia*, in *English*, with the Privy of the said *Mary*, pretending Title to the Crown of this Realm of *England*, tending to the hurt, death and destruction of the Royal Person of our said Lady the Queen. And namely, That after the aforesaid 1st Day of *June*, in the 27th Year aforesaid, and before the Date of the Commission aforesaid, the aforesaid *Mary* pretending Title to the Crown of this Realm of *England*, hath compassed and imagined within this Realm of *England*, divers matters tending to the hurt, death and destruction of the Royal Person of our Sovereign Lady the Queen, contrary to the form of the Statute in the Commission aforesaid specified.

Concerning this Sentence, which depended wholly upon the Credit of the Secretaries, and they not brought forth Face to Face, according to the first Act of the 13th Year of Queen *Elizabeth*, much talk there was, and divers Speeches ran abroad; while some thought them credible Persons, and some unworthy to be credited. I have seen *Naw’s* Apology to King *James*, written in the Year 1605; wherein laboriously protesting, he excuseth himself, that he was neither Author, nor Persuader, nor the first Revealer of the Plot that was undertaken, nor failed of his Duty thro’ Negligence, or want of Foresight; yea, that this Day he stoutly impugned the chief points of Accusation against his Lady and Mistress: which notwithstanding appeareth not by Records. But the same day was there a Declaration made by the Commissioners and Judges of the Land, That the said Sentence did derogate nothing from *James* King of *Scots*, in Title or Honour, but that he was in the same place, degree and right, as if the same Sentence had never been pronounced.

Some few days after, a Parliament was holden at *Westminster*, begun by virtue of a certain Power of Vice-gerency, granted by the Queen to the Archbishop of *Canterbury*, the Lord Treasurer, and



the Earl of *Derby*, and that not without Precedent. In which Parliament the Proscription of the Lord *Paget*, *Charles Paget*, Sir *Francis Englefeld*, *Francis Throckmorton*, *Anthony Babington*, *Thomas Salisbury*, *Edward Jones*, *Chidiock Titchburne*, *Charles Tilney*, and the rest of the Conspirators, was confirmed, and their Goods and Possessions confiscate. The Estates also of the Realm, which had by their Voices approved and confirmed the Sentence given against the Queen of *Scots*, did with joint Assent put up a Supplication to the Queen by the hands of the Lord Chancellor, as follows:

**M**A Y it please your most excellent Majesty, our most gracious Sovereign, we your humble, loving and faithful Subjects, the Lords and Commons in this present Parliament assembled, having of long time to our intolerable grief seen by how manifold most dangerous and execrable Practices, *Mary* the Daughter and Heir of *James V.* late King of *Scots*, Dowager of *France*, and commonly called Queen of *Scots*, hath compassed the Destruction of your Majesty's Sacred and most Royal Person, in whose Safety (next under God) our chief and only Felicity doth consist; and thereby not only to bereave us of the sincere and true Religion of Almighty God, bringing us and this noble Crown back again into the Thraldom of the Romish Tyranny, but also utterly to ruinate and overthrow the happy State and Commonweal of this most noble Realm; which being from time to time by the great Mercy and Providence of God, and your Highness's singular Wisdom, foreseen and prevented, your Majesty of your exceeding great Clemency and Princely Magnanimity hath either most graciously passed over, or with singular favour tolerated, altho' often and instantly moved by your most loving and faithful Subjects to the contrary, in Times of your Parliaments, and at many other times; and hath also protected and defended the said *Scottish* Queen from those great dangers which her own People, for certain detestable Crimes and Offences to her imputed, had determined against her. All which notwithstanding, the same Queen was nothing moved with these and many other your Majesty's most gracious Favours towards her; but rather obdurate in Malice, and by hope of continual Impunity imboldened to prosecute her cruel and mischievous Determination by some speedy and violent Course: and now lately a very dangerous Plot being conceived and set down by *Anthony Babington* and others, That six desperate and wicked Persons should undertake that wicked and most horrible Enterprize, to take away your Majesty's Life, (whom God of his infinite Mercy long preserve) she did not only give her Advice and Direction upon every point, and all Circumstances concerning the same, make earnest request to have it perform'd with all diligence, but did also promise assurance of large Reward and Recompence to the Doers thereof: which being informed to your Majesty, it pleased your Highness, upon the earnest Suit of such as tendered the Safety of your Royal Person, and the good and quiet state of this Realm, to direct your Commission under the Great Seal of *England*, to the Lords and others of your Highness's Privy-Council, and certain other Lords of Parliament of the greatest and most antient Degree, with some of your principal Judges, to examine, hear and determine the same Cause, and thereupon to give Sentence or Judgment ac-

ording to a Statute in that behalf, made in the 27th Year of your most gracious Reign: By virtue whereof, the more part of the same Commissioners, being in number thirty six, having at sundry times fully heard what was alledged and proved against the said *Scottish* Queen in her own Presence, touching the said Crimes and Offences, and what she could say for her Defence and Excuse therein, did after long Deliberation give their Sentence and Judgment with one Consent, that the Death and Destruction of your Royal Person was imagined and compassed by the said *Anthony Babington*, with the privity of the same *Scottish* Queen: And that she herself did also compass and imagine the Death and Destruction of your most Royal Person. Now for as much as we your Majesty's most humble, loyal and dutiful Subjects, representing unto your most excellent Majesty the universal State of your whole People of all degrees in this your Realm, do well perceive, and are fully satisfied, that the same Sentence and Judgment is in all things most Honourable, Just and Lawful; and having carefully and effectually, according to our most bounden Duties, weighed and considered upon what Ground and Cause so many traitorous Complots, and dangerous Practices against your most Royal Person and Estate, and for the invading of this Realm, have for the space of many years past grown and proceeded, do certainly find, and are undoubtedly persuaded that all the same have been from time to time attempted and practised, by and from the *Scottish* Queen, and by her Confederates, Ministers and Favourers, who conceive an assured hope to achieve speedily by your Majesty's untimely Death that which they have long expected, and whereof during your Life (which God long preserve to our inestimable Comfort) they despair; to wit, to place her the said *Scottish* Queen in the Imperial and Kingly Seat of this Realm, and by her to banish and destroy the Professors and Professing of the true Religion of Jesus Christ, and the antient Nobility of this Land, and to bring this whole State and Commonweal to foreign Subjection, and utter Ruin and Confusion: which their malicious and traitorous Purpose they will never cease to prosecute by all possible means they can, so long as they may have their Eyes and Imaginations fixed upon that Lady, the only ground of their treasonable Hope and Conceits, and the only Seed-Plot of all dangerous and traitorous Devices and Practices against your sacred Person. And seeing also what insolent Boldness is grown in the Heart of the same Queen, thro' your Majesty's former exceeding Favours and Clemencies towards her; and thereupon weighing with heavy and sorrowful Hearts, in what continual Peril of such like desperate Conspiracies and Practices your Majesty's most Royal and Sacred Person and Life (more dear unto us than our own) is and shall be still, without any possible means to prevent it, so long as the said *Scottish* Queen shall be suffered to continue, and shall not receive that due Punishment, which by Justice, and the Laws of this your Realm, she hath so often and so many ways for her most wicked and detestable Offences deserved: Therefore, and for that we find, that if the said Lady should now escape the due and deserved Punishment of Death for these her most execrable Treasons and Offences, your Highness's Royal Person shall be exposed unto many more, and those more secret and dangerous Conspiracies than before, and such as shall not or cannot be fore-



foreseen or discovered, as these her late Attempts have been; and shall not hereafter be so well able to remove or take away the ground and occasion of the same, as now by Justice may or ought to be done: We do most humbly beseech your most excellent Majesty, that as well in respect of the Continuance of the true Religion now professed amongst us, and of the Safety of your most Royal Person and Estate, as in regard of the Preservation and Defence of us your most loving, dutiful and faithful Subjects, and the whole Commonweal of this Realm; it may please your Highness to take speedy Order, That Declaration of the same Sentence and Judgment be made and published by Proclamation, and that thereupon direction be given for further Proceedings against the said *Scottish* Queen, according to the effect and true meaning of the said Statute: Because upon advised and great Consultation, we cannot find that there is any possible means to provide for your Majesty's Safety, but by the just and speedy Execution of the said Queen, the neglecting whereof may procure the heavy Displeasure and Punishment of Almighty God, as by sundry severe Examples of his great Justice in that behalf left us in the Sacred Scriptures doth appear. And if the same be not put in present Execution, we your most loving and dutiful Subjects shall thereby (so far as Man's Reason can reach) be brought into utter Despair of the Continuance amongst us of the true Religion of Almighty God, and of your Majesty's Life, and the Safety of all your faithful Subjects, and the good Estate of this most flourishing Commonweal.

The Queen with great Majesty of Countenance and Voice, answered to this purpose: So many and so great are the bottomless Graces, and immeasurable Benefits bestowed upon me by the Almighty, that I must not only most humbly acknowledge them as Benefits, but admire them as Miracles, being in no sort able to express them. And tho' there liveth not any that may more justly acknowledge himself bound to God than I, whose Life he hath miraculously preserved from so many Dangers, yet am I not more deeply bound to give him Thanks for any one Thing, than for this which I will now tell you, and which I account as a Miracle: Namely, that as I came to the Crown with the most hearty Good-will of all my Subjects, so now after 28 Years Reign, I perceive in them the same, if not greater Good-will towards me; which if I once lose, well might I breathe, but never think I lived. And now tho' my Life hath been dangerously shot at, yet I protest there is nothing hath more grieved me, than that one not differing from me in Sex, of like Rank and Degree, of the same Stock, and most nearly allied unto me in Blood, hath fallen into so great a Crime. And so far have I been from bearing her any Ill-will, that upon the discovery of certain treasonable Practices against me, I wrote unto her secretly, that if she would confess them by a private Letter unto my self, they should be wrapped up in Silence. Neither did I write thus in mind to intrap her, for I knew then as much as she could confess. And even yet, tho' the matter be come thus far, if she would truly repent, and no Man would undertake her Cause against me, and if my Life alone depended hereupon, and not the Safety and Welfare of my whole People, I would (I protest unfeignedly) most willingly pardon her. Nay if

*England* might by my Death attain a more flourishing Estate, and a better Prince, I would most gladly lay down my Life: For, for your sakes it is, and for my People's, that I desire to live. As for me, I see no such great Cause why I should either be fond to live, or fear to die. I have had good Experience of this World, and I know what it is to be a Subject, and what to be a Sovereign. Good Neighbours I have had, and I have met with bad; and in Trust I have found Treason. I have bestowed Benefits upon ill Deservers; and where I have done well, have been ill requited. While I call to mind these things past, behold things present, and expect things to come; I hold them happiest that go hence soonest. Nevertheless against such Mischiefs as these, I put on a better Courage than is common to my Sex, so as whatsoever befall me, Death shall not take me unprepared.

And as touching these Treasons, I will not so prejudicate my self, or the Laws of my Kingdom, as not but to think that she having been the Contriver of the same Treasons, was bound and liable to the antient Laws, tho' the late Act had never been made; which notwithstanding was no ways made to prejudice her. So far was it from being made to intrap her, that it was rather intended to forewarn and terrify her from attempting any thing against it. But seeing it was now in force of a Law, I thought good to proceed against her according to the same. But you Lawyers are so curious in scanning the nice Points of the Law; and following of Precedents and Form, rather than expounding the Laws themselves, that by exact observing of your Form, she must have been indicted in *Staffordshire*, and have holden up her hand at the Bar, and have been tried by a Jury of twelve Men. A proper Course forsooth of Trial against a Princess! To avoid therefore such Absurdities, I thought it better to refer the Examination of so weighty a Cause, to a good number of the noblest Personages of the Land, and the Judges of the Realm; and all little enough. For we Princes are set as it were upon Stages, in the sight and view of all the World. The least Spot is soon spy'd in our Garments, a Blemish quickly noted in our Doings. It behoveth us therefore to be careful that our Proceedings be just and honourable. But I must tell you one thing, that by this last Act of Parliament you have brought me to a narrow streight, that I must give Order for her Death, which is a Princess most nearly allied unto me in Blood, and whose Practices against me have stricken me into so great Grief, that I have been glad to absent my self from this Parliament, lest I should increase my Sorrow by hearing it spoken of, and not out of fear of any danger, as some think. But yet I will now tell you a secret (tho' it is well known that I have the property to keep counsel;) It is not long since these Eyes of mine saw and read an Oath, wherein some bound themselves to kill me within a Month: hereby I see your danger in me, which I will be very careful to avoid.

Your Association for my Safety I have not forgotten, which I never so much as thought of, till a great number of Hands, with many Obligations, were shewed me; which as I do acknowledge as a strong Argument of your true Hearts, and great Zeal to my Safety, so shall my Bond be stronger tied to a greater Care for your Good. But forasmuch as this matter now in hand is very rare,

and



and of greatest consequence, I hope you do not look for any present Resolution; for my manner is, in matters of less moment than this, to deliberate long upon that which is once to be resolved. In the mean time I beseech Almighty God to illuminate my Mind, that I may foresee that which may serve for the Good of his Church, the Prosperity of the Commonwealth, and your Safety. And that Delay may not breed Danger, we will signify our Resolution with all Conveniency. And whatever the best Subjects may expect at the hands of the best Princes, that expect from me to be performed to the full.

The twelfth Day after, when she had thorowly weighed the matter in her Mind, being distracted with doubtful Care and Thought, and as it were in some Conflict with her self what to do in so important a Business, she sent the Lord Chancellor to the higher House, and *Puckering* to the rest in the lower House; praying them to enter into a new Consideration upon so weighty a matter, and to devise some better remedy, whereby both the Queen of *Scots* Life might be spared, and her own Security provided for.

After much and long Deliberation, they judging that both the Welfare and Hurt of the Prince belongeth to all, concurred again with one Voice in the same Opinion, and that for these Causes: For that the Queen's Safety could not be secured as long as the Queen of *Scots* lived, unless she either seriously repented and acknowledg'd her Offence, or were kept with a more streight Guard, good assurance being given by Bond and Oath for her good Demeanour, or delivered Hostages, or else departed the Realm. As for her Repentance, they were out of all hope of it, considering that she had ill requited the Queen which had saved her Life, and did not yet acknowledge her fault. As for a surer Guard, streighter Custody, Bonds, Oath, and Hostages, they held them all as nothing, for that the Queen's Life being once taken away, these would presently vanish. And if she should depart the Realm, they feared lest she would presently take Arms to invade the same.

These Reasons the Lord Chancellor, and *Puckering* Speaker of the lower House, opened more at large, in the manner following:

' Unless Execution of this just Sentence be done,

' I. Your Majesty's Person cannot any while be safe.

' II. The Religion cannot long continue among us.

' III. The most flourishing present State of this Realm must shortly receive a woful Fall.

' IV. And consequently, in sparing her, your Majesty shall not only give Courage and Hardiness to the Enemies of God, of your Majesty's Self and of your Kingdom; but shall discomfort and daunt with Despair the Hearts of your loving People; and so deservedly provoke the heavy Hand and Wrath of God.

' And that summarily for the Reasons ensuing:

' I. For as much as concerns the Danger of your Majesty;

' Both she and her Favourers think she hath Right, not to succeed, but to enjoy your Crown in Possession; and therefore as she is a most impatient Competitor, (acquainted with Blood) so will she not spare any means that may take you

' from us, being the only Lett, that she enjoyeth not her Desire.

' She is hardened in Malice against your royal Person, notwithstanding that you have done her all Favour, Mercy and Kindness; as well in preserving her Kingdom, as saving her Life and Honour.

' And therefore there is no Place for Mercy, where there is no Hope of Amendment, or that she will desist from most wicked Attempts.

' The rather, for that her Malice appeareth such as that she maketh, as it were, her Testament of the same, to be executed after her Death, and appointeth her Executors to perform the same.

' She affirmeth it lawful to move Invasion: therefore, as of Invasion Victory may ensue, and of Victory the Death of the Vanquished; so doth she not obscurely profess it lawful to destroy you.

' She holds it not only lawful, but honourable also and meritorious, to take your Life, &c. being deprived of your Crown by her Holy Father, and therefore she will (as she hath continually done) seek it by all means whatsoever.

' She is greedy of your Death, and preferreth it before her own Life: For in her late Direction to some of her Complices, she willed, *Whatsoever became of her, the Tragical Execution should be perform'd on you.* There is by so much the more Danger to your Person since the Sentence, than before, by how much it behoveth them, that would preserve her or advance her, to hasten your Death now or never before Execution done upon her; as knowing that you, and none else, can give Direction for her Death, and that by your Death the Sentence would lose the Force of Execution, and otherwise they should come too late if they take not the present Opportunity to help her.

' Her Friends hold Invasion unprofitable while you live, and therefore in their Opinion your Death is first and principally to be sought, as the most compendious way to ruin the Realm by Invasion.

' Some of the eldest and wisest Papists set it down for a special good Drift to occupy you with Conceit, that the Preservation of her Life is the Safety of your own; and therefore you may be assured, that they verily think that her Life will be your Death and Destruction.

' II. For as much as concerns Religion:

' It is most perilous to spare her, who hath continually breathed the Overthrow and Suppression of the same; being poisoned with Popery from her tender Youth, and at her Age joining in that false-term'd *Holy-League*, and ever since and now a profess'd Enemy of the Truth.

' She resteth wholly upon Popish Hopes to be delivered and advanced, and so devoted and doted in that Possession, that she will (as well for Satisfaction of others, as feeding her own Humour) supplant the Gospel, where and whenever she may. Which Evil is so much the greater, and the more to be avoided, as that it slayeth the Soul, and will spread itself not only over *England* and *Scotland*, but also into all Parts beyond the Seas, where the Gospel of God is maintained: The which cannot but be exceedingly weakened, if Defection should be in these two most valiant Kingdoms.

' III. For



‘ III. For as much as concerns the happy Estate  
‘ of this Realm :

‘ The *Lydians* say, *Unum Regem agnoscunt Lydii,*  
‘ *duos autem tolerare non possunt* : so we say, *Unam*  
‘ *Reginam Elizabetham agnoscunt Angli, duas*  
‘ *autem tolerare non possunt*. And therefore, since  
‘ she saith, that she is Queen here, and we nei-  
‘ ther can nor will acknowledge any other but you  
‘ to be our Queen : It will follow, if she prevail,  
‘ she will rather make us Slaves, than take us  
‘ for her Children ; and therefore the Realm  
‘ sigheth and groaneth under fear of such a Step-  
‘ Mother.

‘ She hath already provided us a Foster-father  
‘ and a Nurse, the Pope and the King of *Spain*,  
‘ into whose hands if it should mishappen us to  
‘ fall, what can we else look for, but Ruin, De-  
‘ struction, and utter Extirpation of Goods, Lands,  
‘ Lives, Honour and all ?

‘ Whilst she shall live, the Enemies of the  
‘ State will hope and gape after your Death.  
‘ By your Death they trust to make Invasion pro-  
‘ fitable for them ; which cannot be, but the  
‘ same should be most lamentable for us : And  
‘ therefore it is meet to cut off the Head of that  
‘ Hope.

‘ As she hath already, by her poisoned Baits,  
‘ brought to Destruction more Noblemen and  
‘ their Houses, and a great multitude of Subjects,  
‘ during her being here, than she would have  
‘ done, if she had been in possession of her own  
‘ Country, and armed in the Field against us ;  
‘ so will she still be continually cause of the like  
‘ Spoil to the greater Loss and Peril of this Estate :  
‘ And therefore this Realm neither can nor may  
‘ endure her.

‘ Her Secretaries do write and print, that we  
‘ be at our Wits end, Worlds end, if she over-  
‘ live your Majesty ; meaning thereby, that the  
‘ End of our World is the beginning of theirs :  
‘ And therefore, take her away, and their World  
‘ will be at an end before it begin.

‘ Since the sparing of her in the 14th Year of  
‘ your Reign, Popish Traitors and Recufants  
‘ have multiplied exceedingly ; and if you spare  
‘ her now again, they will grow both innumera-  
‘ ble and invincible also.

‘ IV. And therefore now in the fourth Place :

‘ Mercy in this case would in the end prove  
‘ Cruelty against all. *Nam est quedam crudelis*  
‘ *Misericordia*. And therefore to spare her is to  
‘ spill us.

‘ She is only a Cousin to you in a remote de-  
‘ gree, but we be the Sons and Children of this  
‘ Land ; whereof you be not only the natural  
‘ Mother, but also the wedded Spouse. And  
‘ therefore much more is due from you to us all,  
‘ than alone to her. It would exceedingly grieve  
‘ and wound the Hearts of your loving Subjects,  
‘ if they should see so horrible Vice not condignly  
‘ punished : If any be wavering, it will win  
‘ them to the worse Part, and many will seek  
‘ to make their own Peace. Wherefore as well  
‘ for the Comfort of the one, as Stay of the  
‘ other, and retaining of all, it is most needful  
‘ that Justice be done upon her.

‘ Thousands of your loving Subjects of all De-  
‘ grees, which have for special Zeal of your  
‘ Safety made Oath, before God, to pursue to  
‘ Death by all forcible and possible Means, such  
‘ as she is, by just Sentence, found to be ; cannot  
‘ save their Oaths, if you keep her alive : For

‘ then either we must take her Life from her  
‘ without direction, which will be to our extream  
‘ Danger by the offence of your Law ; or else we  
‘ must suffer her to live against our express Oath,  
‘ which will be to the uttermost Peril of our own  
‘ Souls ; wherewith no Act of Parliament, nor  
‘ Power of Man whatsoever, can in any wise  
‘ dispense. And therefore, seeing it resteth in  
‘ you, by a most worthy and just Execution of  
‘ this Sentence, to keep us upright and free us  
‘ in both, we most humbly and earnestly beseech  
‘ you, that speedy Justice be done upon her,  
‘ whereby your self may be safe, the State of your  
‘ Realm preserved, and we not only deliver’d  
‘ from this Trouble of Conscience, but also re-  
‘ comforted to venture our selves, and all ours,  
‘ into whatsoever other Peril, for the Preservation  
‘ and Safety of you.

‘ Lastly, God’s Vengeance against *Saul* for  
‘ sparing *Agag*, against *Abab* for sparing the  
‘ Life of *Benhadad*, is apparent ; for they were  
‘ both by the just Judgment of God deprived  
‘ of their Kingdom, for sparing those wicked  
‘ Princes whom God had deliver’d into their  
‘ hands of purpose to be put to Death by them,  
‘ as by the Ministers of his eternal and divine  
‘ Justice.

‘ How much those Magistrates were commend-  
‘ ed, that put to death those mischievous and  
‘ wicked Queens, *Jezebel* and *Athaliab* !

‘ How wisely proceeded *Solomon* to Punish-  
‘ ment, in putting to death his own natural and  
‘ elder Brother *Adonias*, for the only intention of  
‘ a Marriage, which gave suspicion of Treason !  
‘ whereas there is no more desired of your Ma-  
‘ jesty, than the very Pope, (now your sworn E-  
‘ nemy) some of these late Conspirators, and this  
‘ wicked Lady herself have thought fitting to fall  
‘ upon her. He in like case gave Sentence, *Vita*  
‘ *Conradini, mors Carolo ; mors Conradini, vita*  
‘ *Carolo*. They in their best Minds and Remorse  
‘ of Conscience setting down the best means of  
‘ your Safety, said, *He that hath no Arms cannot*  
‘ *fight, and he that hath no Legs cannot run away,*  
‘ *but he that hath no Head can do no harm. Pisces*  
‘ *primum à capite fetent*. She by her voluntary  
‘ subscribing to the late Association, &c. gave this  
‘ Sentence against herself.

‘ And after in her Letters of these Treasons to  
‘ *Babington*, wrote, *That if she were discover’d,*  
‘ *it would give sufficient cause to you to keep her in*  
‘ *continual close Prison*. By which Words she could  
‘ mean nothing else but Pains of Death.

‘ Therefore we seeing on the one Side how you  
‘ have, to the offence of mighty Princes, ad-  
‘ vanced Religion, with what tender Care, and  
‘ more than Motherly Piety you have always  
‘ cherish’d us the Children of this Land, with  
‘ what Honour and Renown you have restored  
‘ the antient Rights of the Crown, with what  
‘ Peace and Justice you have govern’d, and with  
‘ what Store and Plenty you have reign’d over  
‘ us :

‘ On the other Side, seeing that this Enemy  
‘ of our Felicity seeks to undermine our Reli-  
‘ gion, to supplant us, and plant Strangers in the  
‘ Place, to transfer the Rights of the Crown to  
‘ that *Italian* Priest, and the Crown to herself,  
‘ or to some other, from you ; and therefore lieth  
‘ in continual wait for to take away your Life.

‘ Therefore we pray you, for the Cause of  
‘ God, his Church, this Realm, ourselves and

‘ your-



‘ yourself; that you will no longer be careless  
 ‘ of your Life, or sovereign Safety; nor longer  
 ‘ suffer Religion to be threatened, the Realm to  
 ‘ stand in Danger, nor us to dwell in Fear: But  
 ‘ as Justice hath given rightful Sentence, so you  
 ‘ will grant Execution: That as her Life threat-  
 ‘ neth your Death, so her Death may, by God’s  
 ‘ Favour prolong your Life; and that this Evil  
 ‘ being taken away from the Earth, we may praise  
 ‘ God for our Deliverance, and pray him for our  
 ‘ Continuance; and with the Psalmist say, *Dom-  
 ‘ nus fecit Judicium*, and, *The ungodly is trapped  
 ‘ in the works of her own hand.*

‘ And so pray God to incline your Heart to our  
 ‘ just Desires, &c.’

They concluded, that as it were Injustice to deny Execution of Law to any one of her Subjects that should demand it, so much more, to her whole People of *England*, with one Voice and Mind making humble and instant Suit for the same. *The Queen then spake in this manner;*

Full grievous is that way, whose going on, and end, yield nothing but Cumber for the hire of a laborious Journey. I have this day been in greater Conflict with my self, than ever in all my Life, whether I should speak, or hold my peace. If I speak, and not complain, I shall dissemble: And if I should be silent, your Labour taken were all in vain. If I should complain, it might seem strange and rare; yet I confess that my most hearty desire was, that some other means might have been devised to work your Security and my Safety, than this which is now propounded. So as I cannot but complain, tho’ not of you, yet unto you; that I perceive by your Petitions, that my Safety dependeth wholly upon the Death of another. If there be any, that think I have prolonged the time of purpose to make a counterfeit shew of Clemency, they do me the most undeserved wrong, as he knoweth, which is the Searcher of the most secret Thoughts of the Heart. Or if there be any that be persuaded, that the Commissioners durst not pronounce other Sentence, as fearing thereby to displease me, or to seem to fail of their care for my Safety, they but heap upon me most injurious Concoits. For either those, whom I have put in trust, have failed of their Duties, or else they signified unto the Commissioners in my Name, that my Will and Pleasure was, that every one should deal freely according to his Conscience, and what they would not openly declare, that they should reveal unto me in private. It was of my most favourable Mind towards her, that I desired some other means might be found out to prevent this mischief. But since now it is resolved, that my Surety is most desperate without her Death, I have a most inward feeling of Sorrow, that I, which have in my time pardoned so many Rebels, winked at so many Treasons, or neglected them with silence, must now seem to shew Cruelty upon so great a Princess.

I have, since I came to the Crown of this Realm, seen many defamatory Books and Pamphlets against me, accusing me to be a Tyrant: Well fare the Writers Hearts, I believe their meaning was to tell me News; and News indeed it was to me, to be branded with the note of Tyranny: I would it were as great News to hear of their Impiety. But what is it which they will not write now, when they shall hear that I have given Consent, that the Executioner’s hands shall be imbrued in the Blood of my nearest Kinswoman? But so far

am I from Cruelty, that to save mine own Life, I would not offer her Violence; neither have I been so careful how to prolong mine own Life, as how to preserve both: which that it is now impossible, I grieve exceedingly. I am not so void of Judgment, as not to see mine own Perils before mine eyes; nor so mad, to sharpen a Sword to cut mine own Throat; nor so careless, as not to provide for the Safety of mine own Life. But this I consider with my self, that many a Man would put his own Life in danger to save a Princess’s Life. I do not say, so will I; yet have I many times thought upon it.

But seeing so many have both written and spoken against me, give me leave, I pray you, to say somewhat in mine own defence, that ye may see what manner of Woman I am, for whose Safety you have passed such careful Thoughts; wherein as I do with most thankful Heart consider your vigilant Care, so am I sure I shall never requite it, had I as many Lives as you all.

When first I took the Scepter, I was not unmindful of God the Giver, and therefore began my Reign with his Service, and the Religion I had been both born in, bred in, and I trust shall die in. And tho’ I was not ignorant how many Perils I should be beset withal at home for altering Religion, and how many great Princes abroad, of a contrary Profession, would attempt all Hostility against me; yet was I no whit dismayed, knowing that God, whom only I respected, would defend both me and my Cause. Hence it is, that so many Treacheries and Conspiracies have been attempted against me, that I rather marvel that I am, than muse that I should not be, were it not that God’s holy Hand hath protected me beyond all Expectation. Then to the end I might make the better progress in the Art of swaying the Scepter, I enter’d into long and serious Cogitation what things were worthy and fitting for Kings to do: and I found it most necessary that they should be abundantly furnished with those special Virtues, Justice, Temperance, Prudence, and Magnanimity. As for the two latter, I will not boast my self, my Sex doth not permit it: But for the two former, I dare say, (and that without Ostentation) I never made a difference of Persons, where Right was one; I never preferred for Favour, whom I thought not fit for Worth; I never bent my ear to credit a tale that was first told, nor was so rash to corrupt my Judgment with Prejudice, before I heard the Cause. I will not say but many Reports might haply be brought me in too much favour of the one side or the other; for we Princes cannot hear all our selves: Yet this I dare say boldly, My Judgment went ever with the Truth according to my Understanding. And as full well *Alcibiades* wished his Friend, not to give any Answer till he had run over the Letters of the Alphabet; so have I not used rash and sudden Resolutions in any thing.

And therefore as touching your Counsels and Consultations, I acknowledge them to be so careful, provident and profitable for the preservation of my Life, and to proceed from Minds so sincere and to me most devoted, that I shall endeavour my self all I can, to give you cause to think your pains not ill-bestowed, and strive to make my self worthy of such Subjects.

And now for your Petition, I pray you for this present to content your selves with an Answer without Answer. Your Judgment I condemn not, neither



neither do I mistake your Reasons, but pray you to accept my Thankfulness, excuse my Doubtfulness, and take in good part my Answer answerless. If I should say, I would not do what you request, I might say perhaps more than I think: And if I should say I would do it, I might plunge my self into Peril, whom you labour to preserve; which in your Wisdoms and Discretions ye would not that I should, if ye consider the Circumstances of Place, Time, and the Manners and Conditions of Men.

After this, the Assembly of the Estates was prorogued.

About that time were Lord *Buckhurst* and *Beale* sent to the Queen of *Scots*, to signify unto her that Sentence was pronounced against her; that the same was approved and confirmed by Act of Parliament, as most just, and the Execution thereof instantly sued for by the Estates, out of a due regard of Justice, Security and Necessity: and therefore to persuade her to acknowledge her Offences against God and the Queen, and to expiate them before her Death by Repentance: letting her understand, that as long as she lived, the received Religion in *England* could not subsist. Hereat she seemed with a certain unwonted Alacrity to triumph, giving God thanks, and rejoicing in her heart that she was holden to be an Instrument for the re-establishing of Religion in this Island. And earnestly she prayed, that she might have a Catholick Priest to direct her Conscience, and minister the Sacraments unto her. A Bishop and a Dean whom they commended unto her for this use, she utterly rejected, and sharply taxed the *English* Nation, saying often, That the *English* had many times slaughtered their Kings; no marvel therefore, if they now also shew their Cruelty upon me, that am issued from the Blood of their Kings.

The Publication of the Sentence was stayed a while by the Intercession of *L' Aubespine* the *French* Embassador\*; but in the month of *December*, through the earnest Instance of some Courtiers, it was publickly proclaimed all over the City of *London*, the Lord Mayor, the Aldermen, and principal Officers and Citizens being present, and afterward throughout the whole Realm. In the Proclamation the Queen seriously protested, that this Publication was extorted from her not without exceeding Grief of Mind, out of a certain Necessity, and the most vehement Prayers and Obtestations of the Estates of the Realm; tho' there were, which thought this to proceed of Womens Cunning, who tho' they much desire a thing, yet will always seem rather to be constrained unto it. Afterwards on *February* the 1st, a Commission passed the Great Seal for her Execution, which was as follows:

**E**LIZABETH, by the Grace of God, Queen of *England*, *France* and *Ireland*, &c. To our trusty and well-beloved Cousins, *George* Earl of *Shrewsbury*, Earl Marshal of *England*; *Henry* Earl of *Kent*; *Henry* Earl of *Derby*; *George* Earl of *Cumberland*; and *Henry* Earl of *Pembroke*, Greeting, &c. Whereas sithence the Sentence given by you, and others of our Council, Nobility and Judges, against the Queen of *Scots*, by the name of *Mary*, the Daughter

of *James* V. late King of *Scots*, commonly called the Queen of *Scots*, and Dowager of *France*, as to you is well known; all the States in the last Parliament assembled, did not only deliberately, by great Advice, allow and approve the same Sentence as just and honourable, but also with all humbleness and earnestness possible, at sundry times require, solicit, and press us to direct such further Execution against her Person, as they did adjudge her to have daily deserved; adding thereunto, that the forbearing thereof was, and would be daily certain and undoubted Danger, not only unto our own Life, but also unto themselves, their Posterity, and the publick Estate of this Realm, as well for the Cause of the Gospel, and true Religion of Christ, as for the Peace of the whole Realm: whereupon we did, altho' the same were with some delay of time, publish the same Sentence by our Proclamation, yet hitherto have forbore to give Direction for the further Satisfaction of the aforesaid most earnest Requests, made by our said States of our Parliament, whereby we do daily understand, by all sorts of our loving Subjects, both of our Nobility and Council, and also of the wisest, greatest, and best devoted of all Subjects of inferior Degrees, how greatly, and deeply from the bottom of their Hearts, they are grieved and afflicted with daily, yea hourly Fears of our Life, and thereby consequently with a dreadful Doubt and Expectation of the Ruin of the present happy and godly Estate of this Realm, if we should forbear the further final Execution, as it is deserved, and neglect their general and continual Requests, Prayers, Counsels and Advices. And thereupon contrary to our natural Disposition in such Case, being overcome with the evident weight of their Counsels, and their daily Intercessions, importing such a necessity, as appeareth directly tending to the Safety not only of our self, but also to the Weal of our whole Realm, We have condescended to suffer Justice to take place; and for the Execution thereof, upon the special trusty Experience and Confidence which we have of your Loyalties, Faithfulness and Love, both toward our Person and the Safety thereof, and also to your native Countries, whereof you are most noble and principal Members; We do will, and by Warrant hereof do authorize you, as soon as you shall have time convenient, to repair to our Castle of *Fotheringay*, where the said Queen of *Scots* is in Custody of our right Trusty and Faithful Servant and Counsellor, Sir *Amias Powlet* Kt. and then taking her into your Charge, to cause by your Commandment Execution to be done upon her Person, in the presence of your selves, and the aforesaid Sir *Amias Powlet*, and of such other Officers of Justice as you shall command to attend upon you for that purpose; and the same to be done in such manner and form, and at such time and place, and by such Persons, as to five, four or three of you, shall be thought by your Discretions convenient, notwithstanding any Law, Statute or Ordinance to the contrary. And these our Letters Patent sealed with our great Seal of *England*, shall be to you, and every

\* See the *French Ambassador's* (*Belleve*) Speech to Queen Elizabeth. Thuan. Histor. Lib. 86. p. 157. Genev. Edit.



of you, and to all Persons that shall be present, or that shall be, by you, commanded to do any thing appertaining to the aforesaid Execution, a full sufficient Warrant, and Discharge for ever. And further, we are also pleased and contented, and hereby we do will, command and authorize our Chancellor of *England*, at the Requests of you all, and every of you, that the Duplicate of our Letters Patent, be to all purposes made, dated and sealed with our great Seal of *England*, as these Presents now are: In witness whereof, we have caused these our Letters to be made Patent. Yeoven at our Manor of *Greenwich*, the 1st Day of *February*, in the 29th Year of our Reign.

*Queen Elizabeth's Letter directed to Sir Amias Powlet Kt. Keeper of the Queen of Scots, at the Castle of Fotheringay:*

**A**MIAS, my most faithful Servant, God reward thee treble-fold in the double of thy most troublesome Charge so well discharged: if you knew, my *Amias*, how kindly, besides dutifully, my grateful Heart accepts your double Labours, and faithful Actions, your wise Orders, and safe Regards, performed in so dangerous a Charge, it would ease your Travel, and rejoice your Heart, in that I cannot balance, in any weight of my Judgment, the value that I prize you at, and suppose no Treasure to countervail such Faith; and shall condemn my self, in that thought I never committed, if I reward not such deserts; yea, let me lack, when I most need, if I acknowledge not such a Merit with a Reward, not *omnibus datum*: but let your wicked Murderers know, how with hearty sorrow her vile deserts compel these Orders; and bid her from me, ask God forgiveness for her treacherous dealing against my Life many Years, to the intolerable Peril of her own; and yet not content with so many Forgivenesses, but must fall again so horribly, far passing a Woman's Thought, much less a Princess's; instead of excusing whereof, not one can serve it, being so plainly confessed by the Author of my guiltless Death. Let Repentance take place, and let not the Fiend possess her, so that the better part be lost, which I pray, with hands lifted up to him, that can both save and spill, with my most loving Adieu, and Prayer for thy long Life,

Your assured and loving Sovereign,  
as Heart, by good Desert, indureth,

Elizabeth Regina.

In pursuance of this Commission, she was executed the 8th day of *February* following, in which *Queen Elizabeth* afterwards pretended she was surpriz'd; the manner whereof is thus related by *Camden*.

*Camd. Eliz.*  
p. 382.

**Q**ueen *Elizabeth*, after some Hesitation, having delivered a Writing to *Davison*, one of her Secretaries, sign'd with her own Hand, command-

ing a Warrant under the great Seal of *England* to be drawn up for the Execution, which was to lie in readiness in case of any dangerous Attempt upon *Queen Elizabeth*, commanded him to acquaint no Man therewith; the next day the Queen changed her Mind, and commanded *Davison* by *Killegrew* that the Warrant should not be drawn. *Davison* came presently to the Queen, and told her that it was drawn and under Seal already; at which she was somewhat mov'd, and blamed him for making such haste. He notwithstanding acquainted the Council both with the Warrant and the whole Matter, and easily persuaded them; who were apt to believe what they desired, that the Queen had commanded it should be executed. Hereupon, without any Delay *Beale*, who in respect of Religion was the Queen of Scots most bitter Adversary, was sent down with one or two Executioners, and a Warrant, wherein Authority was given to the Earls of *Sbressbury*, *Kent*, *Derby*, *Cumberland*, and others, to see Execution done according to Law; and this without the Queen's Knowledge. And tho' she at that very time told *Davison*, that she would take another Courie, yet did not he for all that call *Beale* back.

As soon as the Earls were come to *Fotheringhay*, they, together with *Sir Amias Powlet*, and *Sir Drue Drury*, to whose Custody the Queen of Scots was committed, came to her and told her the Cause of their coming, reading the Warrant, and in few Words admonish'd her to prepare her self for Death, for she was to die the next Day. She undauntedly, and with a composed Spirit, made this Answer: *I did not think the Queen, my Sister, would have consented to my Death, who am not subject to your Law and Jurisdiction: But seeing her Pleasure is so, Death shall be to me most welcome; neither is that Soul worthy of the high and everlasting Joys above, whose Body cannot endure one Stroke of the Executioner.*

She desired she might have Conference with her Almoner, her Confessor, and *Nielwin*, the Master of her Household: For her Confessor it was flatly deny'd that he should come at her; and the Earls recommended to her the Bishop, or the Dean of *Peterborough*, to comfort her; whom she refusing, the Earl of *Kent*, in a hot burning Zeal to Religion, broke forth into these Words among other Speeches: *Your Life will be the Death of our Religion, as contrariwise your Death will be the Life thereof.* Mention being made of *Babington*, she constantly denied his Conspiracy to have been at all known to her, and the Revenge of her Wrong she left to God. Then enquiring what was become of *Naw* and *Curle*; she asked whether it were ever heard of before, that Servants were suborn'd and accepted as Witnesses against their Master's Life?

When the Earls were departed, she commanded Supper to be hasten'd, that she might the better dispose of her Concerns. She supped temperately, as her manner was; and seeing her Servants, both Men and Women, weeping and lamenting as she sat at Supper, she comforted them with great Courage and Magnanimity, bad them leave mourning, and rather rejoice, that she was now to depart out of a World of Miseries. Turning to *Burgoin*;

\* This seems to have been one of that Queen's Artifices in order to excuse herself to the King of Scots; and tho', to put the better Colour upon it, she afterwards sacrific'd her Secretary, yet the whole Affair was (very probably) transacted with her Knowledge and Approbation, for which, see *Davison's Apology* in *Camden*. See *State-Tr.* Vol. VII. p. 20. for the Proceedings against *Davison*.



*Burgoin*, her Physician, she asked him whether he did not now find the Force of Truth to be great: *They say* (quoth she) *that I must die, because I have plotted against the Queen's Life, yet the Earl of Kent tells me, there is no other Cause of my Death, but that they are afraid for their Religion because of me; neither hath my Offence against the Queen, but their Fear because of me, drawn this End upon me, while some, under the Colour of Religion, and the publick Good, aim at their own private Respects and Advantages.*

Towards the end of Supper she drank to all her Servants, who pledg'd her in Order upon their Knees, mingling Tears with the Wine, and begging Pardon for their Neglect of their Duty; as she also in like manner did of them.

After Supper she perused her Will, read over the Inventory of her Goods and Jewels, and wrote down the Names of those, to whom she bequeath'd every Particular. To some she distributed Money with her own Hand. To her Confessor she wrote a Letter, that he would make Intercession for her to God in his Prayers. She wrote also Letters of Recommendation for her Servants to the *French King* and the *Duke of Guise*. At her wonted time she went to Bed, slept some Hours; and then waking, spent the rest of the Night in Prayer.

The fatal Day being come, which was the 8th of *February*, she dress'd her self as gorgeously, as she was wont to do upon festival Days, and calling her Servants together, commanded her Will to be read; pray'd them to take their Legacies in good part, for her Ability would not extend to giving them any greater Matters.

Then fixing her Mind wholly upon God in her Oratory or ordinary Place of Prayer, with Sighs and Groans, and Prayers, she begg'd his Divine Grace and Favour, till such time as *Thomas Andrews*, Sheriff of the County, acquainted her, that she must now come forth: And forth she came with State, Countenance and Presence majestically composed; a chearful Look, and a Matron-like and modest Habit; her Head covered with a Linen Veil, and that hanging down to the Ground, her Prayer-Beads hanging at her Girdle, and carrying a Crucifix of Ivory in her Hands.

In the Porch she was received by the Earls and other Noblemen, where *Melvin*, her Servant, falling upon his Knees, and pouring forth Tears, bewailed his hard Hap, that he was to carry into *Scotland* the woful Tidings of the unhappy Fate of his Lady and Mitrefs: She thus comforted him, *Lament not, but rather rejoice, thou shalt by-and-by see Mary Stuart freed from all her Cares. Tell them, that I die constant in my Religion, and firm in my Fidelity and Affection towards Scotland and France. God forgive them, who have thirsted after my Blood, as Harts do after the Fountain, Thou, O God! who art Truth itself, and perfectly and truly understandest the inward Thoughts of my Heart, knowest how greatly I have desired that the Kingdoms of England and Scotland might be united into one. Commenda me to my Son, and assure him, that I have done nothing, which may be prejudicial to the Kingdom of Scotland; admonish him to hold in Amity and Friendship with the Queen of England; and see thou do him faithful Service.*

And now the Tears trickling down, she bad *Melvin* several times farewell, who wept as fast as she. Then turning to the Earls, she prayed them

that her Servants might be civilly dealt withal: That they might enjoy their Legacies, that they might stand by her at her Death, and might be sent back into their own Country with Letters of safe Conduct. The former Request they granted, but that they should stand by her at her Death, the Earl of *Kent*, shewed himself somewhat unwilling, fearing some Superstition. *Fear it not* (said she) *These harmless Souls desire only to take their last Farewel of me: I know my Sister Elizabeth would not have denied me so small a Matter, that my Women should be then present, were it but for the Honour of the female Sex. I am her near Kinswoman, descended from Henry VII. Queen Dowager of France, and anointed Queen of Scots.*

When she had said this, and turned her self aside, it was at last granted, that such of her Servants as she should name should be present. She named *Melvin*, *Burgoin* her Physician, her Apothecary, her Surgeon, two waiting Women, and others, of whom *Melvin* bore up her Train. So the Gentlemen, two Earls and the Sheriff going before her, she came to the Scaffold, which was built at the upper End of the Hall, on which was placed a Chair, a Cushion, and a Block, all covered with black Cloth. As soon as she was set down, and Silence commanded, *Beale* read the Warrant: She heard it attentively, yet as if her Thoughts were taken up with somewhat else. Then *Fletcher*, Dean of *Peterborough*, began a long Speech to her touching the Condition of her Life past, present, and to come. She interrupted him once or twice as he was speaking, pray'd him not to trouble himself, protesting that she was firmly fixed and resolved in the ancient Catholick *Roman Religion*, and for it was ready to shed her last Blood. When he earnestly persuaded her to true Repentance, and to put her whole Trust in Christ by an assured Faith; she answer'd, That in that Religion she was both born and bred, and now ready to die. The Earls said they would pray with her, to whom she said, That she would give them hearty Thanks, if they would pray for her; but to join, said she, in Prayer with you, who are of another Profession, would be in me a heinous Sin. Then they appointed the Dean to pray; with whom while the Multitude that stood round about were praying, she fell down upon her Knees, and holding the Crucifix before her in her Hands, pray'd in *Latin*, with her Servants, out of the Office of the blessed *Virgin Mary*.

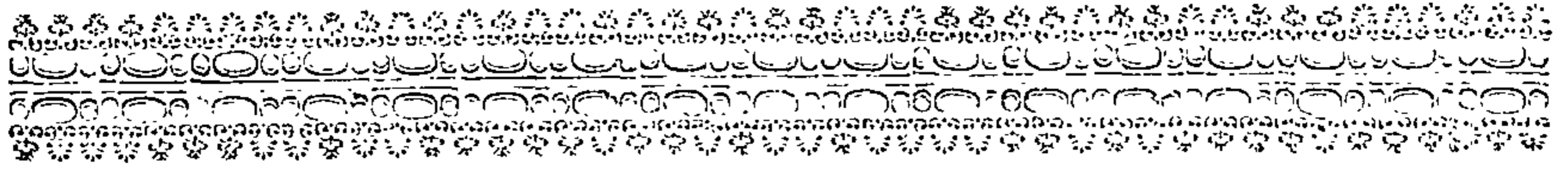
After the Dean had made an end of praying, she in *English* recommended the Church, her Son, and *Queen Elizabeth* to God, beseeching him to turn away his Wrath from this Island, and professing, that she reposed her Hope of Salvation in the Blood of Christ: Lifting up the Crucifix, she called on the Celestial Choir of Saints to make Intercession to him for her: She forgave all her Enemies, and kissing the Crucifix, and signing her self with the Cross, she said, *As thy Arms, O Christ! were spread out upon the Cross, so receive me with the stretched out Arms of thy Mercy, and forgive my Sins.* Then the Executioners asked her forgiveness, which she granted them. And when her Women had taken off her upper Garments (which she was eager and hasty to have done) wailing and lamenting the while, she kiss'd them; and signing them with the Cross, with a chearful Countenance bid them forbear their womanish Lamentations, for now she should rest from all her Sor-



## 164 13. *The Trial of Philip Howard, E. of Arundel, 13 Eliz.*

rows. In like manner turning to her Men-Servants, who also wept, she sign'd them with the Cross, and smiling, bad them farewell. And now having cover'd her Face with a Linnen Handkerchief, and laying her self down to the Block, she recited the Psalm, *In thee, O Lord! do I put my Trust, let me never be confounded.* Then stretching forth her Body, and repeating many times, *Into thy Hands, O Lord! I commend my Spirit,* her

Head was taken off at two Strokes: The Dean crying out, *So let Queen Elizabeth's Enemies perish;* the Earl of *Kent* answering *Amen,* and the Multitude sighing and sorrowing. Her Body was embalmed and order'd with due and usual Rites, and afterwards interr'd with a Royal Funeral in the Cathedral Church of *Peterborough.* A pompous Obsequy was also perform'd for her at *Paris,* by Procurement of the *Guises.*



## XIII. *The Trial of PHILIP HOWARD, Earl of Arundel* \*, *before the Lords, for High-Treason, the 18th of April, 1589. 31 Eliz.*

**F** O M the outward Bar in the *King's-Bench,* there was a Court made of 30 Foot square, within which was a Table of 12 Foot square, covered with green Cloth; and in the same Court were Benches to sit upon, covered with green Say. In the midst of the same Court, at the upper end, was placed a Cloth of State, with a Chair and Cushion for the Lord Steward: from the midst of the same Court, to the midst of the Hall, was built a Gallery for the Prisoner to come upon to the Court, in length 110 Foot, and in breadth 15 Foot, and in height from the ground 6 Foot, railed round about, and going down with seven Steps.

Between eight and nine of the Clock in the morning, the Earl of *Derby,* Lord Steward his Grace, entered the Hall, attended by divers Noblemen and Officers, four Serjeants at Arms, with their Maces, waiting before him; next before his Grace the Earl of *Oxford,* Lord Great Chamberlain of *England.* My Lord of *Derby's* Grace being seated in his Chair of State, every Nobleman was placed in his degree, by Garter King of *Heraults.*

At his Grace's feet did sit Mr. *Winckefield,* one of her Majesty's Gentlemen-Ushers, holding a long white Wand in his Hand, being accompany'd with Mr. *Norris,* Serjeant of the Garter.

Before them did sit Mr. *Sandes,* the Clerk of the Crown of the *King's-Bench.*

Opposite against my Lord's Grace did sit the Queen's Majesty's Learned Council, *viz.*

1. Serjeant *Puckering.*
2. Serjeant *Shettleworth.*
3. Mr. *Popham,* the Queen's Attorney-General.
4. Mr. *Egerton,* the Queen's Solicitor.

*The Names of the Commissioners on the Right Hand, sitting upon a lower Bench, under the Lords of the Jury.*

1. Sir *Francis Knowles* Kt. Treasurer of the Household.
2. Sir *James a Crofts* Kt. Comptroller of the Household.
3. Sir *John Parrat,* one of her Majesty's most Honourable Privy-Council.

4. Mr. *Wolley,* Secretary of the *Latin* Tongue, of the Privy-Council.
5. *John Fortescue,* Master of the Wardrobe, and of the Privy-Council.
6. Dr. *Dale,* one of the Masters of Request to her Majesty.
7. *William Fleetwood,* Serjeant at Law, and Recorder of *London.*
8. Mr. *Rockby,* Master of Requests, and Master of *St. Katherine's.*

*The Names of the Commissioners on the Left Hand.*

9. The Lord Chief Justice of *England,* Sir *Christopher Wray.*
10. The Master of the Rolls, Sir *Gilbert Gerrard.*
11. The Lord Chief Justice of the Common-Pleas, *Edmund Anderson.*
12. The Lord Chief Baron of the Exchequer, *Roger Manwood.*
13. Justice of the Common-Pleas, *William Periam.*
14. Justice *Garwy,* of the *King's-Bench.*

The Serjeant at Arms, usually attended on the Lord Chancellor, named *Roger Wood,* was commanded to make an *O Yes* three times.

Then Mr. *Sandes,* Clerk of the Crown, read the Commission.

And Sir *Francis Knowles* Kt. gave up the Verdict of the great Assize.

Then was called *Matthew Spencer,* Serjeant at Arms, to return his Precept; which was returned and read.

After that, the Noblemen and Peers of the Jury, for his Trial, were severally called by their Names, as followeth:

1. *William* Lord *Burleigh,* Lord Treasurer of *England.*
2. *Edward* Earl of *Oxford,* Lord Great Chamberlain of *England.*
3. *William* Lord Marquis of *Winchester.*
4. *Henry* Earl of *Kent.*
5. *Henry* Earl of *Suffex.*
6. *Henry* Earl of *Pembroke.*
7. *Edward* Earl of *Hertford.*
8. *Henry* Earl of *Lincoln.*

9. *Henry*



9. Henry Lord *Hunsdon*, Lord Chamberlain of her Majesty's Household.
10. *Peregrine* Lord *Willoughby* of *Eresby*.
11. Lord *Morley*.
12. Lord *Cobham*,
13. *Arthur* Lord *Grey*.
14. Lord *Darcy*, of the North.
15. Lord *Sandes*.
16. Lord *Wentworth*.
17. Lord *Willoughby* of *Parham*.
18. Lord *North*.
19. Lord *Rich*
20. Lord *St. John* of *Bletso*.
21. Lord *Buckhurst*,
22. Lord *De la Ware*.
23. Lord *Norris*.

Then the Lieutenant of the Tower was called to return his Precept, and to bring forth his Prisoner, *Philip* Earl of *Arundel*. The Earl came into the Hall, being in a wrought Velvet Gown, furred about with Martins, laid about with Gold Lace, and buttoned with Gold Buttons, a black Sattin Doublet, a pair of Velvet Hose, and a long high black Hat on his Head; a very tall Man looking somewhat Swarth-colour'd.

Then was the Earl brought to the Bar, with the Ax carried before him by Mr. *Shelton*, Gent. Porter of the Tower, being accompanied with Sir *Owen Hopton* Kt. Lieutenant of the Tower, Sir *Drew Drury*, Constable of the Tower for the time, Mr. *Henry Bronkard*, and others.

At my Lord of *Arundel*'s coming to the Bar, he made two Obeysances to the State, and to the Nobles, and others there present.

Then did Mr. *Sandes*, Clerk of the Crown, say, he was indicted of several Treasons, and said unto him,

*Philip Howard*, Earl of *Arundel*, late of *Arundel* in the County of *Suffex*, hold up thy Hand.

He held up his Hand very high, saying, Here, is as true a Man's Heart and Hand, as ever came into this Hall.

Mr. *Sandes* then read the Indictment.

That whereas divers traitorous Persons, in the Parts beyond the Seas, being natural *English*-Men, viz. Dr. *Allen*, *Parsons*, *Champion*, *Mott*, and divers others, have heretofore, divers and sundry times, with sundry Persons, as well *English*-men as of other Countrys, practised to accomplish and bring to pass several dangerous and unnatural Treasons against the Queen's Majesty, her Royal Person, Crown and Dignity, viz. to subvert the State, invade the Realm, to set up Catholick Religion, to raise Insurrections, &c. among which number of unnatural Traitors the Earl of *Arundel* was well acquainted with that notorious Traitor Dr. *Allen*, by means of *Bridges*, *Weston*, *Itbill*, and other Popish Priests, with whom, divers times, sithence the 20th year of her Majesty's Reign, he hath had private and secret Conference, and Communication of several Treasons; insomuch, that the Earl of *Arundel* did presently dispatch his several Letters by *Bridges* aforesaid, to Dr. *Allen*, to wish him at any hand to do something concerning the Cause Catholick; wherein he promised to perform any thing that Dr. *Allen* should think fit for him to do. And whereas, the 24th day of *April*, in the 27th Year of the Queen's Reign, he was flying by Sea to Dr. *Allen*, that Arch-Traitor; and that the Bishop of *Rome*, and the King of *Spain*, were thereupon solicited by *Allen* aforesaid, to raise War a-

gainst this Realm: And whereas also the Earl of *Arundel* had understanding of a Bull, that *Sixtus* the Fifth Pope of that Name, had sent into *England* for the Excommunication of her Majesty, and for the invading of the Realm, &c. And that at the Tower, the 21st of *July*, in the 30th Year of her Majesty's Reign, he did imagine, with other traitorous Persons, that the Queen was an Heretic, and not worthy to govern the Realm; and that he did move and procure one *William Bennet*, a Seminary Priest, to say Mass for the happy Success of the *Spanish* Fleet; whereupon he had Mass, and did help to say Mass himself, to that purpose: And having News of the Conflict at Sea betwixt the *Spanish* Fleet and the *English*, he procured Sir *Thomas Gerrard*, and divers others, then Prisoners in the Tower, to say Mass with him for the fortunate Success of *Spain*: and that he made a Prayer specially for that purpose to be daily used and exercised amongst them.

Hereupon Mr. *Sandes* asked the Earl of *Arundel*, if he were Guilty, or Not Guilty of the several Treasons comprised in the said Indictment?

To this the Earl answered, he would fain know, whether the several Points in the Indictment contained were but one Indictment, yea or no?

The Judges satisfied him, it was but one Indictment, and a matter he need not stand upon.

He desired to know, if they could proceed against him for the Treasons in the Statute of 13 *Eliz.* after the six Months were expir'd; to this he was answer'd, that they did not proceed against him on that Statute, but on the 25th *Ed.* 3. After this, being call'd upon to plead, he pleaded Not Guilty; and said, he was well contented to be tried by his Peers, and liked the Trial well, that he should be tried by such good Noblemen there present, that knew his Life: He said, he had been Prisoner four years, and twenty-five weeks close Prisoner, and that he had been sick and weak, whereby his Memory might fail him; and therefore humbly desired my Lord Steward's Grace, making three several Obeysances on both Knees, that he might be heard to make answer to every particular Point.

My Lord Steward answered, that there was no other Meaning nor Intent, and that he should be heard deliberately.

Then did Mr. Serjeant *Puckering* deliver to the Lords of the Jury, the Effect of the Indictment, and other Evidence at large as followeth:

First, that my Lord had private and secret Conference with *Bridges* aforesaid, and divers other Traitors and Seminary Priests; and that he had written his Letters to Dr. *Allen*, to find which way he might further the Cause Catholick.

That he did fast twenty-four hours, and prayed for the happy Success of the *Spanish* Fleet.

That *Allen* and others, being arrant Traitors, had taken order, that in the 22d Year of her Majesty's Reign, there should be 50 Men in privy Coats, and Pocket-Daggers, to kill the Queen; and that one *Pain*, and one *Elliot*, were put in trust to perform the same.

That my Lord was a Catholick, and favoured their Proceedings.

My Lord answered, he was no Catholick in the 22d Year of the Queen's Reign.

That he secretly was flying out of the Realm to Dr. *Allen*, being an Arch-Traitor; which doth argue my Lord to be no good Subject.

That



That *Throckmorton* practising his Treasons by founding the Ports, he did set down in his Catalogue, that a South-west Wind would serve from *Spain* to *Arundel-Castel* in *Suffex*, and an Easterly Wind from the *Low-Countries*.

That in *Throckmorton's* Catalogue of all the Names of all the Noblemen and Gentlemen of every Shire that affecteth the Catholicks; he began in *Suffex*, and set down the Earl of *Arundel's* Name the first.

That further, one *Mott* a Priest informed *Throckmorton*, that he was come over to found the Intents of the Earls of *Arundel* and *Northumberland*, and others.

My Lord answered, when *Mott* was in *Suffex*, he never came there, but always attended at Court.

Mr. *Puckering* said, the Traitors have a good Conceit of my Lord of *Arundel* in knowing him to be affected to the Catholick Cause.

It was defined, that the Catholick Cause was mere Treason.

*Petro Paulo Rossitto* came over to found Noblemen and Gentlemen in *England*.

Then said my Lord, how prove you me to be a Traitor in these Points?

Because, said Mr. *Popham*, you have confederated with Traitors by desiring Dr. *Allen* in your Letters to employ you any way, that concerned the Cause Catholick: because you have been reconciled to the Pope; and there was a Law made in the 22d Year of this Queen, That whosoever was reconciled to the Pope from the Obedience of the Queen's Majesty, was in case of Treason.

My Lord confessed, that *Bridges* did confess him, but not reconcile him in any such sort, but only for Absolution of his Sins.

Mr. *Popham* charged him, that he did once submit himself, but sithence fell from his Submission, and therefore practised new Treasons.

He confessed he was acquainted with the Priests, and by two of them had been absolved and confessed.

Sithence which time, said Mr. *Popham*, he came to the Church, and fell to the Catholick Cause again, which he cannot do by their Order, unless he be reconciled.

My Lord denied, that ever he came to the Church after that time,

There was a Letter sent to the Queen of *Scots* by *Morgan* of *France* in Commendation of two Priests, wherein he saith, one of them had reconciled the Earl of *Arundel*.

*Edmonds* a Priest, upon Examination, said, that Reconciliation was odious.

My Lord said, These be but Allegations and Circumstances, and that they ought to be proved by two Witnesses,

It was justified, he said, once in the Star-Chamber amongst the Lords there assembled concerning a Libel there in question, That whosoever was a Priest or Papist was an arrant Traitor.

Mr. *Popham* said, it was a Discontentment made my Lord a Catholick, and not Religion; and that he did disguise himself in shadow of Religion.

There was a Picture shewed, that was found in my Lord's Trunk, wherein was painted a *Hand bitten with a Serpent shaking the Serpent into the Fire*, about which was written this Poësie, *Quis contra nos?* On the other side was painted a *Lion*

*Rampant, with his Chops all bloody*, with this Poësie, *Tamen Leo*. My Lord said, one *Wilgrave's* Man gave him the same, with a pair of *Hangers* for a New-year's Gift.

One *Jonas Meredith* being examin'd, about his Communication with a Town's-man, who commended my Lord of *Arundel* for his Forwardness, in that he had often observed my Lord at *Paul's Cross*:

This *Jonas* answered, that he knew he had often been at *Paul's Cross* in the Forenoon, and hath heard a Mass with him at the *Charter-house* in the Afternoon.

To this my Lord said nothing, but seemed to deny it.

My Lord being examin'd in the Tower, of his sudden going away to Sea, he answered, To serve the Prince of *Parma*, or whither Dr. *Allen* should direct him for the Cause-Catholick.

My Lord said also, he was going away for fear of some Statute should be made in the 22d of this Queen's Reign against the Catholicks in that Parliament; and that Dr. *Allen* advised him that he should not go over, if he could tarry here in any safety, because he might be the better able to make a Party in *England*, when they came.

Before my Lord's going to Sea, he wrote a Letter to be given to the Queen after he was gone, wherein he found fault with her hard dealing in giving countenance to his Adversaries, and in disgracing him; and that he was discontented with the Injustice of the Realm towards his Great Grandfather, his Grandfather and his Father.

My Lord said, *Holinshed*\* was faulty, for setting forth his Chronicle, that his Grandfather was attainted by Act of Parliament, but shewed no cause wherefore.

He said, in his Letter, his Grandfather was condemned for such Trifles, that the People standing by were amazed at it: he found fault also with the Proceedings against his Father.

Whereby 'tis apparant, said Mr. *Popham*, 'twas Discontentment moved my Lord, and not Religion: and fearing lest his Friends should think amiss of him, he left a Copy of his Letter with *Bridges* a Traitor to be dispersed, to make the Catholicks to think well of him; for, said Mr. *Popham*, being discontented he became a Catholick, and being so great a Man he became a Captain of the Catholicks, which is as much as to be a Captain over Traitors.

A counterfeit Letter was made twenty-two days before his going to Sea, directed to one *Baker* at *Lynn*, there being no such Man abiding; wherein was signified, that my Lord was very hardly dealt withal by some of the Council, and that he was gone into *Suffex*, and a farther Voyage, and that he would come home by *Norfolk*.

This was a counterfeit Letter, said Mr. Attorney, appointed by my Lord to be dispersed, to make it known he was discontented.

Also *Allen* sent a Letter to the Queen of *Scots* in Ciphers, shewing a great Party in *England*.

*Allen* sent my Lord word, if he did come over, he must take a greater Title than that of Earl upon him, and therefore address my Lord in this Style, To *Philip Duke of Norfolk, Earl of Arundel*.

*Babington* in his Examination said, the Queen of *Scots* sent him word that the Earl of *Arundel* was a fit Man to be a chief Head for the Catholicks.

*Allen* sent word to *Rome*, that the Bull which was

\* *Folin Chron. Vol. 3. p. 9-6. b.*



was last sent over into *England*, was at the Intercession of a great Man in *England*.

My Lord (said Mr. *Popham*) was one of the principallest, and acquainted thus far with *Allen*; Ergo, my Lord of *Arundel*, that great Man.

Dr. *Allen* made a most villainous and slanderous Book, which was very hard to be got, in which was contained, That the Earl of *Arundel* was a Procurer of the last Bull, and the Procurer of the Invasion also. The Bull it self was some part read, and the Book was part read also.

My Lord being charged on his Confession, being examined, why he would be ruled thus by Dr. *Allen*, he excused it by saying, that he said he would be ruled by *Allen* in all things, saving in that did concern her Majesty and the State; and thereupon appealed to my Lord Chancellor, and Sir *Walter Mildmay*, who were not present.

The Book aforesaid intended, that my Lord was a practiser with *Allen* about the Invasion.

Then said my Lord, he would serve the Queen against all Princes, Pope, or Potentates whatsoever.

The Queen's Solicitor stood upon these Points; and because it was proved, that the Earl of *Arundel* would be ruled by *Allen* in any thing that should concern the Catholick Cause:

And for that Dr. *Allen* hath since that time practised divers monstrous Treasons, and continually hath built upon the help of some chief Man in *England*, there is none yet known of his degree, that hath any thing to do with *Allen*; and therefore my Lord must needs be culpable of all the Treasons *Allen* hath practised and procured, in flying to *Allen* to serve the Prince of *Parma*, *ut antea*.

My Lord was charged with relieving of divers Traitors, as Priests; and that he did converse; and was confederate, with divers and sundry Traitors attainted, indicted and suspected, being Prisoners in the Tower, and that he had Masses in the Tower; and that if the *Spaniards* should surprize the Tower, Sir *Owen Hopton* should be put to the Rack-house.

He was also charged, That divers Papists, Seminaries, and such like, being Prisoners in *Newgate*, and other Prisoners, reported, that they hoped to see the Earl of *Arundel* King of *England*, and that Cardinal *Allen* should direct the Crown of *England*.

Before the coming of the *Spaniards* Fleet, when our Commissioners were in the *Low-Countries*, news was brought to the Tower, that we should have Peace betwixt *Spain* and *England*; then would my Lord of *Arundel* be pensive.

When the *Spanish* Fleet was upon our Coast, and news was brought to the Tower, that the *Spaniards* sped well, then the Earl would be merry.

Then when news came, the *English* Fleet sped well, the Earl would be sorry.

When news came, the *Spanish* Fleet was come upon the Coast of *Kent*, my Lord said, It is a great Wood, and a puissant Fleet, we shall have lusty Play shortly, I hope we shall plague them that have plagued us.

My Lord said, He would not fight against any that came to fight for the Catholick Faith.

He said, when the *Spanish* Fleet was at Sea, he would have three Masses a-day for the happy Success of *Spain*.

He said also, He would have continual Prayer without ceasing for a time, for the good Success of *Spain*, *viz.* he would have every twenty-four

hours five Priests to pray two hours a-piece for the defect of Lay-men, and fourteen Lay-men to pray every one an hour a-piece for the happy and fortunate Success of *Spain*.

He made himself a special Prayer for that purpose, and caused Copies in haste thereof to be made.

Mr. *Shelley*, then Prisoner in the Tower, told my Lord, That to exercise that Prayer were dangerous, and wished my Lord to let it alone: Therefore my Lord called for the Copy of the Prayer again, and would not have it copied.

He was charged, That he did conjure Sir *Thomas Gerrard* Kt. to keep Counsel in all these Matters before set down, who promised him, he would.

*Bennet* also promised to keep his Counsel, and divers others.

Then were Sir *Thomas Gerrard*, Mr. *Shelley*, *Bennet* the Priest, and divers others, removed from the Tower to several other Prisons, and upon Examination, confessed all as aforesaid.

My Lord hearing all these Matters laid hard against him by Mr. *Solicitor*, grew into some Agony, and called for his Accusers face to face; which the learned Counsel did not yet yield unto.

He was likewise charged, That he came once merrily to *Bennet* the Priest in the Tower, saying, *Come, Mr. Bennet, let us pray, that the Spaniards may beat down London Bridge*; and promised to give him a Damask Gown shortly, and that he hoped to make him Dean of *Paul's* ere it were long: that the time of their Delivery was at hand, and willed him in any wise to be secret, for, if he should reveal these things, he would deny them to his face.

When news came to the Tower, that the *Spanish* Fleet was driven away, my Lord said, *We are all undone*; there is no hope for us this Year, and the King of *Spain* cannot provide such a Power again these five or six Years, some of us may be dead and rotten ere that time.

There were then brought into the Court, *viva voce*, upon their several Oaths, *Anthony Hall*, and *Richard Young*, a Justice of the Peace, who aimed something by hearsay to the Proof of the former Matter.

Also Sir *Thomas Gerrard*, *William Bennet*, *Tuchnon*, *Snoden*, and *Ithel*, and divers others, were closely kept in a place over the *King's-Bench*, closed in with Arras, and were thereupon severally called into the Court, *viva voce*, upon their several Oaths, to affirm that, which is specified before; sithence Mr. *Solicitor* began to speak, how this *Mark Bennet* the Priest was charged with a Letter written to my Lord, wherein he should be sorry for the opening of these Matters as aforesaid against my Lord.

One *Randal* had writ this Letter in *Bennet's* Name, by advice of my Lord of *Arundel*, to blind his Practices. *Bennet* openly denied the writing of that Letter; whereupon my Lord *Grey* and my Lord *Norris* asked *Bennet*, if he knew of the Letter, yea, or no? For the better Evidence, *Bennet* confessed, he had been moved to such a Matter, but he did it not.

Against Sir *Thomas Gerrard*, my Lord stood very stoutly in denial of what he witnessed, willing him to look him in the Face, and charging him as he would answer before God, in whose Presence he spoke, to tell nothing of him but Truth. In answer whereof, Sir *Thomas* referred himself to his

Depositions



Depositions before read, to which he said he was sworn; yea, twice sworn.

There were called into the Court two Witnesses more, viz. one *Walton*, and one *Church*, who justified Letters were brought from *England* to *Rebnes*, where they both were; which Letters were sent by one *Hill*, one of my Lord's Faction, that the Earl of *Arundel* should be General of the Catholics, when the Tower should be surprized.

To *Walton*, my Lord took exception, affirming, that he was a naughty leud Fellow, who had sold that little Land he had to three several Men: and of the other Witnesses he said, that some were attainted, some indicted, bad Men and Prisoners, and that their Words were worth little Credit.

Then said Mr. *Popham*, they were never tortured, but confessed all this willingly, and they are such, as you have accompanied.

Here ended every Man's Speech, and the Noblemen and Peers of the Jury went together.

My Lord humbly having submitted himself to the Consideration of his Peers, with Protestation of Loyalty; the Lieutenant brought him from the Bar, unto a Seat near unto the Court of *Common-Pleas*, where the Warders attended upon him.

My Lord Steward likewise withdrew himself a little while, as it seemed, to take some Refreshment; having all the day for the time of his Business, forbore to eat any thing; and presently returned to his Seat of State.

Within one hour after the Noblemen of the Jury came every one back, and were again placed by Garter King at Arms.

Then Mr. *Sandes* asked every Man of the Jury, severally, beginning at my Lord *Norris*, the youngest Baron, and proceeding to my Lord Treasurer, the Foreman, whether the Prisoner were Guilty, yea, or no?

Which every one of them, laying their Hands upon their Hearts, did protest in their Consciences, and upon their Honours, that he was Guilty.

Then was the Lieutenant called to bring his Prisoner to the Bar, who was brought accordingly, attended as before.

Then said Mr. *Sandes* unto him, That he had been indicted of several Treasons, and that he had put himself upon the Trial of his Peers, who had found him Guilty; and therefore asked, why Judgment should not be given against him.

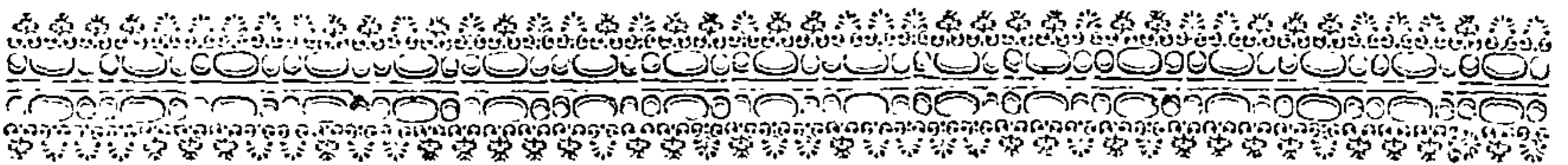
Whereupon my Lord making three very low Obeysances upon his knees, did humbly submit himself to my Lord Steward's Grace, and the Favours of the rest of the Nobles and Peers there present, and besought them to be Mediators for him, that he might obtain at her Majesty's hands, to have order taken for his Debts, and to have Conference with his Officers, and to talk with his Wife, and to see his Infant, born after his Imprisonment, whom he had never seen.

Then my Lord's Grace pronounced Judgment, viz. That he should be conveyed to the Place from whence he came, and from thence to the place of Execution, and there to be hanged until he were half dead, his Members to be cut off, his Bowels to be cast into the Fire, his Head to be cut off, his Quarters to be divided into four several parts, and to be bestowed in four several Places: and so (said my Lord Steward) the Lord have Mercy on thy Soul.

To this the Earl of *Arundel* said, as it were softly to himself, *Fiat voluntas Dei*. And so having made a low Obeysance to the State, the Lieutenant took him away; Mr. *Shelton* going before him with the Edge of the Ax towards him.


Then there was an O yes made by the Serjeant at Arms, and the Court, together with my Lord Steward's Commission, dissolved: which done, my Lord of *Derby* took the white Wand out of Mr. *Winkfield's* Hand, and broke the same in pieces; and every Man cried, *God save the Queen*.

Whereupon the Earl of *Arundel* was carried back to the Tower, where after several Reprieves he died a natural Death, *October* 19, 1595, having been Prisoner there ten Years and six Months; four Years whereof passed before he was brought to his Trial.



#### XIV. *The Trial of Mr. JOHN UDALL, a Puritan Minister, at Croydon Assizes, for Felony, 24 July 1590. 32 Eliz.*

[Wrote by himself.]

 Tuesday the 13th of *January*, 1589, I appeared at my Lord *Cobham's* House in the *Blackfryers*, before my Lord *Cobham*, my Lord *Buckhurst*, my Lord *Anderson*, the Bishop of *Rochester*, Mr. *Fortescue*, Mr. *Egerton* the Queen's Solicitor, Dr. *Aubery*, and Dr. *Lewen*. Then was I called in before them; whereupon my Lord *Anderson* said unto me,

*Anderson*. How long have you been at *Newcastle*?

*Udall*. About a Year, if it please your Lordship.

*Ander*. Why went you from *Kingston* upon *Thames*?

*Udall*. Because I was silenced there, and was called to *Newcastle*.

*Rochester*. What calling had you thither?

*Udall*. The People made means to my Lord of *Huntingdon*, who sent me thither.

*Roch*. Had you the allowance of the Bishop of that Diocese?

*Udall*. There was none at that time.

*Roch*. Then you should have gone to the Archbishop.

*Udall*. There was no Archbishop of *York* neither.

*Ander*. You are called hither to answer concerning certain Books, which are thought to be of your making.

*Udall*.



*Udall.* If it be for any of *Martin's* Books (according as my Lord Chamberlain's Letters, that fetched me, import) I have already answered, and am ready so to do again.

*Ander.* Where have you answered, and in what manner?

*Udall.* At *Lambeth*, a Year and a half ago, I cleared my self not to be the Author, nor to know who he was.

*Ander.* Is this true, Mr. *Beadle*?

*Beadle.* I have heard that there was such a thing, but I was not there at it, if it please your Lordship.

*Aubery, Lewen.* There was such a thing, as my Lord's Grace told us.

*Udall.* I am the hardlier dealt withal, to be fetched up so far at this time of the Year. I have had a Journey, I would not wish unto my Enemy.

*Roch.* You may thank your own dealing in matters that you should not have meddled withal.

*Ander.* It is more than I heard, that ever you were called to answer; but you are to answer concerning other Books.

*Udall.* I hope your Lordships will not urge me to any others, seeing I was sent for about those.

*Ander.* You must answer to others also: What say you to those Books? A *Demonstration* or a *Dialogue*, &c. did not you make them?

*Udall.* I cannot answer tiercunto.

*Ander.* Why would you clear your self of *Martin*, and not of these, but that you are guilty herein?

*Udall.* Not so, my Lord, I have reason to answer in the one, and not in the other.

*Ander.* I pray you let us hear what Reason, for I cannot conceive of it, seeing they are all written concerning one matter.

*Udall.* This is the matter, my Lord; I hold the matter propos'd in them all to be one, but I would not be thought to handle it in that manner, which the former Books do; and because I think otherwise of the latter, I care not tho' they should be fathered upon me.

*Buck.* But I pray you tell me, know you not *Penry*?

*Udall.* Yes my Lord, that I do.

*Buck.* And do you not know him to be *Martin*?

*Udall.* No surely, neither do I think him to be *Martin*.

*Buck.* What is your Reason?

*Udall.* This, my Lord; when first it came out, he (understanding that some gave out that he was thought to be the Author) wrote a Letter to a Friend in *London*, wherein he did deny it, with such Terms as declare him to be ignorant and clear in it.

*Buck.* Where is that Letter?

*Udall.* Indeed I cannot now shew you, for I have forgotten unto whom it was written.

*Buck.* You will not tell where it is.

*Udall.* Why, my Lord, it tendeth to the clearing of one, and the accusing of none.

*Buck.* Can you tell where *Penry* is?

*Udall.* No surely, my Lord.

*Buck.* When did you see him?

*Udall.* About a quarter of a Year ago.

*Buck.* Where did you see him?

*Udall.* He called at my Door, and saluted me.

*Buck.* Nay, he remained belike with you?

*Udall.* No indeed, he neither came in my House, neither did he so much as drink with me.

*Buck.* How came you acquainted with him?

*Udall.* I think at *Cambridge*, but I have been often in his Company.

*Buck.* Where?

*Udall.* At divers places, and namely in mine own House whilst I dwelt at *Kingston*.

*Buck.* What cause had you to be so often in his Company?

*Udall.* He being a Scholar and Student in Divinity, and one whom I always thought to be an honest Man, your Lordship may easily conceive the Cause. Here was much to this same effect spoken about Mr. *Penry*, and my being at Mrs. *Crane's* House at *Moulsey*, and with her, &c. which I always answered, as in the like Case concerning Mr. *Horton* of *Richmond* before the Archbishop.

Then Dr. *Lewen* reading my Answers to those Questions, that had been by the Archbishop propounded unto me concerning my Papers in my Study, and namely the Notes of my several Conferences with the Bishops and their Officers; I was asked, as I remember, by Mr. *Fortescue*:

*Fortescue.* Why did you pen such things and keep them?

*Roch.* Because he and such like might apishly imitate the Martyrs of former times, and account themselves persecuted by us, as those were by the Popish Bishops.

*Udall.* The Cause is this, for that in the quickness of Wit, and readiness of Memory in Youth, those things may be spoken, that in Age will be more easily made use of in Writing than otherwise, the Memory of Man not being infinite.

*Ander.* What say you, did you make these Books, or know you who made them?

*Udall.* I cannot answer to that Question, my Lord.

*Ander.* You had as good say you were the Author.

*Udall.* That will not follow; but if you think so, I cannot do withal.

*Cob.* Mr. *Udall*, if you be not the Author, say so, and if you be, confess it; you may find Favour.

*Udall.* My Lord, I think the Author, for any thing I know, did well, and I know that he is enquired after to be punished; and therefore I think it my Duty to hinder the finding of him out, which I cannot do better than thus.

*Ander.* And why so, I pray you?

*Udall.* Because if every one that is suspected do deny it, the Author at the length must needs be found out.

*Ander.* Why dare you not confess it, if you be the Author of it? Dare you not stand to your own doings?

*Udall.* I professed before that I lik'd of the Books, and the Matter handled in them: but whether I made them or no, I will not answer; neither of any other Book of that Argument, whatsoever goeth without Name, if you should ask me, for the Reason alledged before: besides that if I were the Author, I think that by Law I need not answer.

*Ander.* That is true, if it concerned the Loss of your Life.

*Udall.* I pray your Lordship, doth not the Law say generally, No Man shall be put to answer without Presentment before Justices, or things of Record, or by due Process, or Writ Original? &c.

*Anno 42 Edw. 3. cap. 5.*

*Ander.* That is Law, and it is not Law.

*Udall.* I understand you not, my Lord; it is a Statute which is in force, if it be not repealed.

*Ander.* I tell you, by Law you ought to answer in this Case.



*Udall.* Good my Lord, shew me this favour, to tell me in what Book of the Law I shall find it; for I profess to understand the *Latin, French* and *English Tongues*, wherein all the Laws be written.

*Fortes.* You are very cunning in the Law; I pray you by what Law did you preach at *Newcastle* being forbidden at *Kingston*?

*Udall.* I know no Law against it, seeing it was the Official *Dr. Hone*, who did silence me; whose Authority reacheth not out of his Archdeaconry.

*Fortes.* What was the Cause for which you were silenced?

*Udall.* Surely I cannot tell, nor yet imagine, saving the secret Suggestions of *Mr. Harvie*.

*Fortes.* To be ignorant of that, is *crassa & supina ignorantia*.

*Udall.* No Sir, the Action was *crassa & supina injuria*.

*Ander.* Well, what say you to those Books? who made them, and where were they printed?

*Udall.* Tho' I could tell your Lordship, yet dare I not, for the Reasons before alledged.

*Roch.* I pray you let me ask you a Question or two concerning your Book.

*Udall.* It is not yet proved to be mine; but I will answer to any thing concerning the Matter of the Book, so far as I know.

*Roch.* You call it a Demonstration, I pray you what is a Demonstration? I believe you know not what it is.

*Udall.* If you had asked me that question when I was a Boy in *Cambridge* of a Year's standing, it had been a Note of Ignorance in me, to have been unable to answer you.

*Roch.* Surely it seemeth by the Frame of the Syllogisms and Reasons in it, that you know it not, if you be the Author of that Book: I read none of it late, but in the Parliament-time, sitting in a Morning in the House, I read some of it; and it seemed to me in many things, not to conclude probably, much less demonstratively.

*Udall.* I will shew you, as I take it, why the Author called it a *Demonstration*; because the Reason which is usually brought to prove the Conclusions, is commonly drawn from a place of Scripture, which hath more force in it to manifest the Conclusion *ἀποδεικτικός*, than any of *Aristotle's* Proofs drawn, as they say, *ex primis, veris, necessariis, & immediatis causis*.

*Roch.* Indeed that which is proved by the Scriptures, is proved most demonstratively; but the proofs in that Book are far from any such.

*Udall.* Let that be the question, and try it in some one.

*Ander.* My Lord of *Rochester*, I pray you let us make short work with him, offer him a Book; will you swear to answer to such things as shall be demanded of you in the behalf of our Sovereign Lady the Queen?

*Udall.* I will take an Oath of Allegiance to her Majesty, wherein I will acknowledge her Supremacy according to Statute, and promise my Obedience as becometh a Subject; but to swear to accuse my self or others, I think you have no Law for it.

*Ander.* Mr. Solicitor, I pray you tell him the Law in this point.

Then Mr. Solicitor (who had sitten all the while very soberly) noting what passed (and if a Man's Mind may be known by his Countenance, seeming to dislike the Course holden against me) upon my Lord *Anderson's* Commandment, stood

up, and putting off his Hat unto me, said:

*Eger.* Mr. *Udall*, I am sorry that you will not answer, nor take an Oath, which by Law you ought to do: I can assure you, your Answers are like the Seminary Priests Answers; for they say, there is no Law to compel them to take an Oath to accuse themselves.

*Udall.* Sir, if it be a Liberty by Law, there is no reason why they should not challenge it, for (tho' they be very bad ones) they are Subjects, and until they be condemned by Law, may require all the benefits of Subjects; neither is that any Reason, that their answering so, should make the claim of less value for me, seeing that herein we are Subjects alike, tho' otherwise of a most contrary Disposition.

*Buck.* My Lord, it is no standing with him thus: what sayst thou, wilt thou take the Oath?

*Udall.* My Lord, I have said as much thereunto as I can.

They then commanded me to go forth, and they consulted a little space, and called me again, at which time almost every one of them used many words to persuade me to confess a Truth; saying the Queen was merciful, and that otherwise it would go hardly with me: to whom I said, My Lords, I know not that I have offended her Majesty; when it is proved that I have, I hope her Mercy will not then be too late: howsoever it be, I dare not take this Oath.

*Aubery, Lewen.* You have heretofore taken it, and why will you not take it now?

*Udall.* Indeed you call to remembrance a good Reason to refuse it; I was called to answer to certain Articles upon mine Oath heretofore, which I voluntarily did, and freely confessed that against my self, concerning my Judgment and Preaching of the Points of Discipline, which could never have been proved; and when my Friends laboured to have me restored to my Place, the Archbishop answered, that there was sufficient matter against me, by mine own Confession, why I should not be restored: whereupon I covenanted with mine own Heart, never to be mine own Tormentor in that sort again.

*Ander.* Whatsoever be the Issue of it, you must do your Duty, and deal plainly with the Magistrate.

*Udall.* I take my Duty to be in this Case, not to answer, nor the Magistrate's to require it of me; seeing the Apostle saith, *Receive not Accusation against an Elder, under two or three Witnesses*: which *Semanca*, the *Spanish* Inquisitor, alledgeth to the same purpose.

*Buck.* What, you are an Elder, are you?

*Udall.* My Lord, howsoever the word Elder be taken, whether so largely as I and my Brethren that desire the Discipline do take it, or only for a Minister of the Word, as our Adversaries understand it, I am an Elder.

*Roch.* It is true, my Lord, that an Elder in that place containeth all such as he is, but none else.

*Buck.* Yea, but they would have other Elders to govern the Church; which Desire of theirs, when it cometh to pass, I will give over my Barony, and become an Elder.

*Udall.* If your Lordship understood what great Pains, and small worldly Recompence belongeth to that Office, you would never say so.

*Roch.* The Day is past, and we must make an end: will you take the Oath?

*Udall.* I dare not take it.

*Roch.* Then you must go to Prison, and it will



go hard with you, for you must remain there until you be glad to take it.

*Udall.* God's Will be done, I had rather go to Prison with a good Conscience, than to be at Liberty with an ill one.

*Roch.* Your Sentence for this time is, to go to the *Gate-House* close Prisoner, and you are beholden to my Lords here, that they have heard you so long.

*Udall.* I acknowledge it, and do humbly thank their Honours for it.

And when they were all gone, my Lord *Cobham* stayed me to speak to me; who told me, that it might be he and others wished things to be amended as well as I, but the time served not, and therefore he wished me not to stand in it: and I praying his Lordship's good Favour, he promised to do for me what he could; for which I humbly thanked him, and so was carried to the *Gate-House* by a Messenger, who delivered me with a Warrant to be kept close Prisoner, and not be suffered to have Pen, Ink, or Paper, or any body to speak with me. Thus I remained there half a Year, in all which time my Wife could not get leave to come unto me; saving only that in the hearing of the Keeper she might speak to me, and I to her, of such things as he should think meet, notwithstanding that she made suit to the Commissioners, yea unto the Body of the Council, for some more Liberty: all which time my Chamber-fellows were Seminary Priests, Traitors, and professed Papists. At the end of half a Year, I was removed to the *White-Lion* in *Southwark*, and so carried to the Affizes at *Croydon*, where what was done, I will not mention, seeing there were present such as were both able, and I think willing to set down; unto whose Report I refer those that would know the same.

*At the Affizes at Croydon, the 24th July, 1590.*

Mr. *Udall* was called, and commanded to hold up his Hand at the Bar; who held up his Hand accordingly. Then was his Indictment read, being thus: *John Udall*, late of *London* Clerk, thou art indicted, &c. The form of which Indictment was as against Murderers: namely, That he not having the Fear of God before his Eyes, but being stirred up by the instigation and motion of the Devil, did maliciously publish a slanderous and infamous Libel against the Queen's Majesty, her Crown and Dignity. And being asked whether he were Guilty, or not Guilty, he answered thus:

*Udall.* My Lords, may it please you to hear me a word or two.

*Judge Clarke.* Answer first to the Indictment, and then you shall be heard.

*Udall.* My Lords, I beseech you hear me first a word or twain.

*Judge.* Say on.

*Udall.* My Case is rare, and such as hath not been heard of heretofore, and consisteth upon divers points of Law; I humbly crave of your Lordships to grant me to answer by Council if it may be.

*Judge Clarke.* You cannot have it, and therefore answer to your Indictment.

*Udall.* Then I answer (my Lords) that I am not Guilty.

*Judge Clarke.* How wilt thou be tried?

*Udall.* I do desire to be tried by an Inquest of learned Men; but seeing I shall not, I am con-

tented to be tried by the ordinary Course, as these Men before me are, that is (as you use to say) by God and the Country.

Then the Clerk of the Affizes said to the Parties arraigned, (after he had read the Names of the Jury before them) These Men whose Names you have heard, are to go upon your Lives and your Deaths; look upon them when they are called to be sworn, and if you know any Cause, take exception against them. Then the rest of the Felons having nothing to say, Mr. *Udall* said, My Lords, I am ignorant of the Law in this Point; I pray you therefore shew me the manner of Challenging the Jury; how many I may challenge, and whether I may render a Reason of the same.

*Judge.* I think you will know a Cause in your Conscience, before you challenge any of them.

*Udall.* Then I pray you, my Lord, how many am I by Law permitted to challenge?

*Judge.* Nay, I am not to tell you that; I sit to judge, and not to give you counsel.

Then Mr. *Udall* keeping silence, Proclamation was made according to the manner; That if any Man could give in Evidence against *John Udall*, Prisoner at the Bar, that they should come into the Court and be heard. Then Mr. *Daulton* stood up: And in the mean while Mr. *Udall* said to the Judges thus; My Lords, I beseech you answer me to one question before Mr. *Daulton* begin to speak.

*Judge.* Say on.

*Udall.* Is it permitted me by Law to answer to those things in particular, which are brought to prove this Indictment?

*Judge.* It is permitted.

*Udall.* Then I humbly crave of your Lordships to grant me two Petitions, which I think will greatly further both him in speaking, me in answering, and also be a more ready help to the memory of the Jury, that they may be able to bear the matter away.

*Judge.* What are your Petitions?

*Udall.* The first is, that when Mr. *Daulton* hath spoken to one Point what he can, I may answer to that before he proceed any further, lest my Memory being overwhelmed with multitude of matter, I should forget to answer to some Points of Importance, and the Jury made less able to discern of the Particulars. The second is, that it might please you to grant me to answer without Interruption.

*Judge.* You shall have them both granted.

*Dault.* Then Mr. *Daulton* said, Mr. *Udall*, you have these Petitions granted you, I desire the same of you. And then he desiring leave of the Judges, before he should prove the Indictment, to say something touching this, that this Man, and such as he is, do maintain, &c. after leave given him, he used a very long Speech, to the great disgrace and slander of the Cause, and those Men that professed the same, especially of Mr. *Udall*: and making mention in the same his Speech, of five several Books of Common-Prayer, made by such as desire Reformation; he affirmed, that in one of the said Books there was horrible Blasphemy, in these words of the Consecration of the Lord's Supper, *Take eat, this is my Body; drink, this is my Blood.* Then he cried out saying, *Oh horrible Blasphemy!* And taking occasion upon the variety of these Books, he affirmed that there was no constancy in these Men: And whereas one of the Books doth



allow, that over every Congregation there should be a faithful Pastor; that is, quoth he, a Shepherd, whereby they may take the Government out of her Majesty's hand, and so bring her Majesty to be one of their Sheep; no, quoth he, her Majesty is no Sheep under any Shepherd in the World, except Christ: and for the Government that these Men do seek for, I am assured there is none such to be found in the Word of God.

*Udall.* Mr. *Daulton* hath used a very large Speech, which doth nothing concern to prove the Indictment, or me in particular; and therefore seeing I am not called hither to dispute (as if I would, I should not be permitted) I will not answer it; only thus much will I say (if it please your Lordships) that seeing Mr. *Daulton* is by Profession a Lawyer, and the Cause is yet in question amongst the learned Divines, methinks it had been more modesty for Mr. *Daulton* to have suspended his Judgment until the Controversy had been determined amongst them, to whose Profession it belongeth: especially seeing Mr. *Daulton* knoweth in his Conscience, that he hath heretofore carried some shew of liking to the Cause, which now he speaketh against.

*Judge.* Sirrah, Sirrah, answer to the matter that Mr. *Daulton* hath against you; Mr. *Daulton*, proceed to the proof of the points of the Indictment.

*Dault.* My Masters, you of the Jury, &c. I will prove, First, That he had a malicious Intent in making of this Book: Secondly, that he is the Author of it: And Thirdly, That these matters contained in the Indictment are Felony, by the Statute *Eliz.* 23. *cap.* 2.

Then was Mr. *Beadle* the Register called, who was sworn, that these Examinations following were as the Parties themselves confessed the same: And to prove the first, the Clerk of the Assizes caused *Stephen Chatfield* to be called into the Court, to give in Evidence against *John Udall*, but he appeared not at all, for which the Judges were offended; and Serjeant *Puckering* said, there was a Warrant sent for him: whereupon some standing by affirmed, that the Warrant came after his departure from home. Then Mr. *Daulton* said, that he went out of the way of purpose; and Judge *Clarke* said, Mr. *Udall*, you are glad of that. Mr. *Udall* answered;

*Udall.* My Lords, I wish heartily he had been here; for as I am sure he never could say any thing against me to prove this point, so I have heard and am able to prove it to be true, that he is very sorry that ever he made any complaint against me, confessing he did it in his Anger, when *Martin* came first out; and by their Suggestions, whom he hath proved since by Experience to be very bad Men.

*Dault.* It is no great matter whether he be here or no, for we have his Articles against you, and your own Confession, to prove this point sufficiently.

Then were Mr. *Chatfield's* Articles (that he brought to the Archbishop against Mr. *Udall*) read by the Clerk, containing a Report of certain written Papers; tending, as he supposed, to the making of such a Book as this is: and thereupon asked Mr. *Udall* whose writing they were; who answered, they are a Friend's of mine: whereunto *Chatfield* replied, wishing him to take heed of them, and to rid his hands of them, and to return them to his Friend from whom he had them, for he doubted they concerned the State. These Papers

he saw in Mr. *Udall's* Study at *Kingston*. Also he further saith, that at another time, he having conferred with Mr. *Udall* in a certain Field by *Kingston*, called *Little-field*, about this putting to silence; he saith, that the said Mr. *Udall* uttered these words, That if they put him to silence, he would give the Bishops such a Blow, as they never had.

*Udall.* May it please your Lordships that I may answer to these things in particular.

*Judge.* Say on, let us hear your answer.

*Udall.* I was accused this time two Years upon the words of *Chatfield*, that these Papers that he did see in my Study, should be the matter of *Martin-Mar-Prelate*; and because I cleared my self of that, it is now brought to prove another matter: but it proveth nothing, unless it were set down in particular what they were.

*Dault.* It proveth this, that you had a purpose to write this Book; and those things were Collections from your Friends, and Preparations thereunto.

*Udall.* Let the Jury consider how that Point is prov'd by it. Besides it may be prov'd, that this Book was extant in Men's hands before the Conference between *Chatfield* and me; therefore how can it be prov'd that this is the Book that should give them such a Blow?

*Dault.* But you cannot deny the second Point, that you had a pretended Malice, for it is extant in your own Confession: Read his Answer to those Articles of Mr. *Chatfield*. Then the Clerk read his Answer to this effect, That if the Bishops put him to silence, they would give him Occasion and Leisure to be employed in writing against them. Then said Mr. *Daulton*, is not this most evident, what can be plainer than it is?

*Udall.* I pray your Lordships give me leave to explain these things.

*Judge.* Say on, and be brief.

*Udall.* Mr. *Chatfield* told me, that he was commanded to come to *Kingston* and be resident there, of purpose that I might be put to silence, and that there might not appear any want of a Preacher, I being put down; whereupon I said, in effect, as is above rehearsed: But I pray you hear in what sense these words were uttered.

*Judge.* The Matter is clear, and we see what you can say to it well enough; proceed, Mr. *Daulton*, to the Proof of the second Point.

*Dault.* And that you be the Author of this slanderous and infamous Libel, it shall be proved clearly to the Jury before your face. Then said he to the Clerk, read the Answer of *Nicholas Thompkins*, which was made upon his Oath before her Majesty's High-Commissioners. Then was read to this effect, that *Thompkins* knew that Mr. *Udall* was the Author of that Book call'd *The Demonstration*, for he said that Mr. *Udall* himself told him so. Also that he saw either in Mr. *Udall's* House, or in some other Place in *Kingston*, a Catalogue of all the Books that Mr. *Udall* had made, amongst which the *Demonstration* was one.

*Judge.* You see here that this is clear, and a sufficient Testimony.

*Udall.* It carried some shew, but it is nothing.

*Judge.* Do you call the Testimony of one being an honest Man, and upon his Oath, before the High-Commissioners, to be nothing? Can you answer it?

*Udall.* My Lords, I answer it thus, denying it to be his Testimony; for if it be, why is he not present



present to verify it face to face, according to the Law?

*Judge Puck.* It is verified to be his true Answer, under the hands of Dr. *Auberie* and Dr. *Lexen*, the latter whereof confirmed it before me upon his corporal Oath.

*Dault.* You can take no Exceptions against that, and will you say he is not an honest Man?

*Udall.* I am persuaded he was amazed, and answered he knew not what: for he hath reported it so diversly, that it seemeth he remembreth not what he said.

*Judge.* But the Oath of *Thompkins* is to be preferred before his bare Report.

*Udall.* My Lords, I answer; I protest unto you, (and will verify it upon my Oath, if it please you) that he told me the day before I was committed, at his Master's House, that he could not say, neither would he for a thousand Pounds affirm any more than this, that he heard me say I would not doubt but set my Name to that Book if I might have indifferent Judges. And further (if it please you my Lords) here are some Witnesses that upon their Oaths will testify, how diversly he hath reported of his Confession to this thing, if it please your Lordships to accept them. And the Witnesses offering themselves to be heard, were answered, that because their Witness was against the Queen's Majesty, they could not be heard. And after other Speeches passing, Mr. *Udall* said;

*Udall.* My Lords, the Speech of the Catalogue is most vain, and hath no Sense in it; for can I have made so many Books, as that I need make a Catalogue of them? It may be, my Lords, he saw a Catalogue of the Books in my Study, wherein if that were one, it is rather an Argument that I made it not; for Men use not to put their own Works in the Catalogue of those that they have in their Study.

*Dault.* You of the Jury consider this, that *Thompkins* was Mrs. *Crane's* Man, and one that was privy to all the Printing that was at her House; and Mr. *Udall* used to go often thither.

*Udall.* All that is nothing to me: what if I used to go thither, she is of my Acquaintance, I know her to be an honest Gentlewoman, what can you gather by any of these things? Why is not *Thompkins* here to declare his Testimony, and to say what he can?

*Dault.* He is beyond the Seas about Merchandizes, sent away by Mr. *Gore*, who married Mrs. *Crane's* Daughter.

*Udall.* How doth that appear? he is no Merchant, but a Serving-Man; and if he were, what is that to me? But it cannot be proved that Mr. *Gore* did send him, so that here is nothing but bare Papers to shew for Evidence against me.

Then there was much said, to prove that the Testimony of a Man absent was sufficient, if it were proved to be his upon the Oaths of others. And then the Judge said,

*Judge.* What say you? Did you make the Book, *Udall*, yea or no? What say you to it, will you be sworn? Will you take your Oath that you made it not? We will offer you that Favour which never any indicted of Felony had before; take your Oath, and swear you did it not, and it shall suffice.

*Udall.* My Lords, I pray you hear me to this: If I would have done so before the Lords of her Majesty's Privy-Council that committed me, I had not come hither; but I neither then might, nor may do so now, whereof I pray you let me shew

a Reason to the Jury. I and many more do think the Book to be good, for any thing we can find in it, and to be written in defence of a Cause which we take to be most true. Now the Author is fought for, that he may be punish'd for some Speeches that may be wrested in the Book; therefore lest he should be found (if one after another that are suspected do deny it) it is thought best every one neither to confess nor to deny, yea tho' we suffer some Punishment, rather than the Author, being found out, should suffer Extremity.

*Judge.* Nay, this is but a shift, I will go further with you; Will you but say upon your Honesty that you made it not, and you shall see what shall be said unto you?

*Udall.* My Lords, it is all one, I make a Conscience of my Word as of my Oath, for I must give Account for both. This is no direct Course in this Place.

*Judge.* You of the Jury consider this. This argueth, that if he were not guilty, he would clear himself, and consider well of it. And then speaking to Mr. *Udall*, he said, do not stand in it, but confess it, and submit your self to the Queen's Mercy, before the Jury find you guilty.

*Udall.* My Lord, I answer, that according to my Indictment I am not guilty, every Point whereof must be proved, or else the whole is false. And I beseech your Lordships give me leave, and I will be very brief: My Conscience doth not accuse me that I have so much as offended her Majesty, her Council, or the meanest of her People in any thing I have done concerning this Cause; for if I should, of all other I deserved the least Favour, being one that professed to teach others Loyalty to her Majesty, and Love to one another: and would you have me to confess a Fault where there is none? No, I cannot do it, neither will I: wherefore proceed in your Course begun.

*Dault.* We have yet more Proof than this, tho' yet this were sufficient of itself; wherefore read the other Examinations. Then was read the Confession of *Henry Sharpe* of *Northampton*, who upon his Oath, before my Lord Chancellor, had said, that he heard Mr. *Penry* say, that Mr. *Udall* was the Author of the *Demonstration*.

*Udall.* *Sharpe* and I were never above once in Company together (to my remembrance) neither knew he ever any of my Dealings. This is nothing to prove me the Author of the Book: Reports be uncertain; and if Reports be true, the Archbishop himself told me, that Mr. *Penry* made it; which is more forcible for me than any of *Sharpe's* Reports can be against me.

*Dault.* You mistake the Matter, the force of the Point resteth in Mr. *Penry's* Report, who was one of your great Acquaintance and Familiars; and you, and *Waldgrave*, and he, were at Mrs. *Crane's* House.

*Udall.* Here is one Man's saying that another said so, let the Jury consider of what force this Proof is; if you have any more, let it appear.

*Judge Clarke.* You of the Jury have not to enquire whether he be guilty of the Felony, but whether he be the Author of the Book; for it is already set down by the Judgment of all the Judges in the Land, that whosoever was Author of that Book, was guilty by the Statute of Felony, and this is declared above half a year ago.

*Udall.* Tho' it be so determined already, yet I pray your Lordships give me leave to shew that



which I have to say, and I will be very brief; and it is to prove, that tho' I were found to be the Author, yet it cannot be within the Compass of that Statute, *Anno 23 Eliz. cap. 2.* whereupon the Indictment is framed.

*Judge.* You shall be heard to say for your self what you can, therefore say on.

*Udall.* Tho' I be not by Profession a Lawyer, yet I think I can shew it clearly by these Reasons following: (1.) The Intent of the Law-makers (which always is to be regarded in these Cases) is to be considered, which appeareth in the Preface of the Statute in these words, *To frustrate the Malice of those that be evil-affected to her Highness.* Now I pray you consider this how can it be? or how is it possible that a Preacher, of the same Religion which her Majesty professeth and maintaineth, who is known continually to pray unto God for her Highness's Prosperity and Happiness, both of Soul and Body; how is it possible, I say, that such a one should be maliciously affected towards her? Therefore it is evident that the Statute was made against the Papists, who use to slander her Highness with the Terms of Heretick, &c. and no way against us; for I dare boldly say of my self, and in the name of all my Brethren, Cursed is he of God, and he deserveth doubtless to be hated of Men, that doth imagine the least hurt against her Highness. (2.) The Matter that maketh a Man a Felon by that Statute, must proceed from a malicious Intent against her Highness, which I or any such as I am can no way justly be charged with; partly for that which is said before, and partly for that my Course of teaching and living in this Country these nine years (saying this last Year, wherein I have been absent) is known to have tended to no other end, than the provoking and persuading of the People to like of and yield Obedience unto her Majesty, and the Religion received in her Dominions: for the Proof whereof, I refer my self to the Consciences of all Men in the Country that have known me. And further, is it likely, that I who have been trained up in the Universities under her Majesty's Protection, and have always bended my Studies to the Advancement of the Sincerity of the Gospel; so that those small Crumbs of Learning which I have gathered, I do acknowledge to have received by her Majesty's means: These things considered, how can it be that I should be evil-affected towards her Highness, whom I protest I unfeignedly reverence? And therefore the worst that the Author can be charged withal, is his Over-heat and too much Vehemency, by reason of his Zeal against the Abuses, and not any Malice against her Majesty, or the meanest of her Subjects. Again, the Matter, to bring it within the Compass of the Statute, must be false: But this Book is written in the behalf of a most true Cause. Lastly, The End of it must be either to the Defamation of the Queen's Majesty, or stirring up of Insurrection, Sedition, or Rebellion: For the former, I trust that the whole Course of our Behaviour, both in our Ministry and Conversation, declareth it self to be so far from seeking to defame her Highness, as it tendeth to the uttermost of our Powers, to the Advancement of her Honour. For I am persuaded that there is none of us that would refuse to undergo any Pain, whereby her Majesty might any way be the better honoured; yea, we would not refuse, if need so required, to lay down our Lives for redeeming of the least

aking of her Majesty's little Finger, wherewith she might be grieved. Now for the second End, which is the moving or stirring up of Rebellion, &c. I pray your Lordships, and you of the Jury to consider this: There have been, since the first day of her Majesty's Reign, learned Men, that have desired the Advancement of this Cause, and many of the People that affected it, and yet hath it never appeared, that by Occasion hereof, there hath, in all this time, been any in any Place that have raised any Insurrection or Sedition: yea this Book, which is now in question, hath been extant these two years; yet I trust neither your Lordships, nor any here present, can shew that any People in any Corner of the Land, nay it cannot be justly proved that any one Person hath taken any occasion hereby to enterprize any such matter: and therefore the making of this Book cannot be Felony. Besides all this, if there had been any such thing meant by the Author, or received by the People, as the Indictment chargeth me withal, (which is the Defamation of her Highness's Government) yet, as I take it, it should not be Felony by that Statute; for the whole Course of it declareth, that it is only meant of them that defame her Highness's Person, and not her Government, as it is manifest by the last proviso; wherein it is shewed, that the whole Statute doth determine and end with her Majesty's Life. And we may not think their Wisdoms that made the Law to be so unadvised, as to make a Law for the Preservation of the Prince's Government, which is continual, to last no longer than the Life of one Prince, which is temporary: therefore it seemeth that the Statute hath no further regard than this, that her Highness's Person might be preserved in that Honour and Dignity, which becometh her Royal Dignity and Estate. And I do beseech your Lordships to answer me, for I appeal to your Consciences, as you will answer to God for my Life, and I pray you tell the Jury, whether you do think the Intent of the Statute were in any sort meant against us, and not rather against the Papists.

*Judge Puck.* Judge *Puckering* said, You do not well to charge us so with our Consciences, which God only is to know. I answer you, the Intent of the Statute is against all, for so the words are.

*Udall.* The words, my Lord, I confess are so; but is the principal Intent so?

*Judge.* Yea, it is so.

*Judge Clarke.* We have heard you speak for your self to this Point at large, which is nothing to excuse you; for you cannot excuse your self to have done it with a malicious Intent against the Bishops, and that exercising their Government which the Queen hath appointed them, and so it is by consequence against the Queen.

*Udall.* My Lords, I am persuaded that the Author did it not of any Malice against them; and for my self, I protest I wish them as much good as I do to my own Soul, and will pray to God to give them Repentance. But the Cause why the Author did so earnestly inveigh against them was this, as it seemeth, because he perceived them not only to execute an Authority which he taketh to be unlawful by the Word of God, but also for that they do not the tenth part of that good (even in those corrupt Callings) which by Law they might do; and I am persuaded that your Lordships know in your own Consciences, that they do not the tenth part of that they are bound to do.



*Judge Clarke.* That is true, they do not the good that they might do; but yet that doth not excuse you: for it is plain in your Book, that you writ not against them only, but you writ against the State; for is it not against the State, when you say, that it is easier to live in *England* a Papist, an Anabaptist, of the Family of Love, and what not? yea, you say, I could live so in a Bishop's House, it may be these twenty years, and never be much molested for it. What is this but a plain slandering of the State? and mark the words, for you say, you could live so in *England*: And doth her Majesty's Laws allow of Papists? This maketh evidently against you, and it is so plain, that you cannot deny it.

*Udall.* My Lords, if it might please you to hear me a word or two, I will shew the meaning of the Author of the Book; I beseech you to hear me, and I will be very brief: I know the Laws of *England* do not allow of any such as are mentioned in the Book, for there are godly Laws made for the punishing of them, if they were put in execution. But this I take to be the Author's Meaning, that it is not spoken in respect of her Majesty's Government and Laws, but in respect of the Bishops, whom your Lordships know to be wholly employed in finding us out, and punishing of us, not regarding (in a manner) the punishing any Sin else.

*Judge.* What, Sirrah, will you not confess any Fault to be in the Book? you seek to excuse all.

*Udall.* My Lords, I do acknowledge that there was never any Work of Man so perfect, but there have been Imperfections in the same; and therefore there may be some fault in the Manner, but surely none in the Matter: for the Bishops themselves will confess that they may fail in their Actions, and be partial (as they are Men) in the manner of handling any thing. So also the Author of this Book, being assured that the Matter is without reproof, may err in the Manner, in being over-zealous in the handling of it; and this fault I will easily confess to be in the Book, my Lord: but I am sure the Author never had any malicious Intent against her Highness, or any of her Subjects.

*Judge Clarke.* This Book hath made you to come within the Compass of the Statute, tho' your Intent were not so: for I am sure there was Mr. *Stubbs*, well known to divers here, to be a good Subject and an honest Man; yet taking upon him to write a Book against her Majesty touching *Mounseir*, he thereby came within the Compass of Law, which he intended not in making of the Book; and I am persuaded, that he did it of a good Affection towards her Majesty; and yet if this Law had been made then, which was made since, he had died for it: So you, tho' you intended not to come within the compass of the Statute, yet the Law reacheth to your Fact, as that did to his.

*Udall.* My Lords, his Case and mine is not alike, for his Book concerned her Highness's Person; but the Author of this Book toucheth only the Corruptions of the Bishops, and therefore not the Person of her Majesty.

*Judge.* But I will prove this Book to be against her Majesty's Person; for her Majesty being the supreme Governor of all Persons and Causes in these her Dominions, hath established this kind of Government in the hands of the Bishops, which thou and thy Fellows so strive against; and they

being set in Authority for the exercising of this Government by her Majesty, thou dost not strive against them, but her Majesty's Person, seeing they cannot alter the Government which the Queen hath laid upon them.

*Udall.* My Lords, we are not ignorant of this, that her Majesty hath a care that all things might be well; and in that respect hath given them often in charge, (upon the Considerations of these Controversies) to see to it that nothing be amiss; and because she had a good Opinion of them for their Gravity and Learning, she believeth them when they say all is well and in good case: whereas, if they had the Grace to look into these things, and to make them known as they be, indeed her Majesty and the State, I doubt not, would quickly redress them; and therefore was it that the Author did so charge them.

Then the Judge proceeding farther in the Book to prove him to have offended, he took occasion by the same to speak against railing against Magistrates; and speaking to Mr. *Udall*, he said in effect thus:

*Judge Clarke.* Sirrah, you that should have been a Teacher of her Majesty's People, you should have taught your self not to have railed upon the Rulers of the People: for do you not know what is written in the 23d of *Exodus*, *Thou shalt not rail upon the Ruler of the People, for whosoever doth so shall die the death.* And do you not know what is written in the 23d of *Acts*, where the Apostle *Paul* being before the High-Priest, called him a *painted Wall*; and being smitten by one of the High-Priest's Servants, it was said unto him, *Revilest thou the Lord's High-Priest?* To which *Paul* answered, *I knew not, Brethren, that he was the High-Priest.* Lo! thus did he acknowledge his Fault: Do you know these things, Sirrah?

*Udall.* My Lord, you know that we hold it not lawful for a Minister to be a Civil Magistrate, and there are at least 500 in this Land, amongst whom I am the most unworthy, that are of the same Judgment in this Point.

*Judge.* But how if the Queen doth give it them?

*Udall.* They ought not to take it. And my Lord (if it please you) I will answer to your Proofs, tho' I came not hither to dispute. But in my answering, my purpose is not to give any liberty to any Man to rail upon any that are in Authority. Now to your Proofs, I say my Lords, that the place out of *Exod.* 23. doth rather concern your Lordships, and such as are under her Majesty for Judges, than any way to concern the Bishops: And touching the second place out of *Acts* 23. where the Apostle saith, *Brethren, I wist not that it was the High-Priest*; the meaning of that place is, as if he should say, I thought there had not been any High-Priest now, seeing Christ being come, the High Priesthood was to cease: so that the Apostle doth not acknowledge any Fault in that his Speech, for there was no lawful High-Priest of that time; neither did he acknowledge any, seeing they did end in Christ. And thus do the best Divines expound the place.

Then, after some farther Speeches of this Exposition, the Judge returned to the matter of the Book again, saying, That the Book did concern the State, and said:

*Judge.* But, Sirrah, thou canst not so excuse thy self, as though it touched not the Queen and the State; for is it not written in thy Book, that this Saying will not serve their turns; The Queen and