

Fact was done, but after that great Crime was committed: I say, my Lord, 'tis a very unfortunate Thing for this Lord, that those Men should have so near a Relation to him, who have had their Hands in it, and can give no Account why they did it.

My Lord, I do know, (and your Lordship has justly directed us) that no Evidence from one Prisoner, or the Confession of one can charge the others in point of Evidence; but I cannot but take Notice, that Captain *Vratz* could give no Reason in the World for it, but as it were for some Affront to the Count and himself. But, my Lord, the Evidence that lies heavy upon this Lord at the Bar, is made up of these Particulars.

First, that here is a Murder committed is plain, then that this Lord did fly, is also plain, and when he did fly, Gentlemen, he kept himself in Disguise before that Fact was committed, and whether or no the Reasons be sufficient that he has given to your Lordship, and the Jury, must be left to Consideration. He says that he had not his Equipage, that he was not very well, and that he could not drink Wine: Those I take to be the Reasons given, why my Lord *Coningsmark* did conceal himself, 'till the Time after the Fact was committed.

L. C. J. He was taking of Physick, and he thought it might be prejudicial to him to drink Wine, or keep Company.

Sir Fr. Winn. But, my Lord, these Kind of Shifts, we think, are not able to balance the Evidence; for that which is truly the Evidence is this, Mr. *Hanson*, who is very much conversant in that Family, and who did give his Evidence very unwillingly; yet, he did really confess that which will go very far in this Case; for after he was pressed several Times (your Lordship, and the Court, and the Counsel pressed him) to tell what was the Reason of that Discourse he had with the *Swedish* Resident, and he was asked, Had you any Command from my Lord *Coningsmark*? He answered no; but, says he, I thought it would please him, if I could have the Opinion of the Agent or Resident to know what the Laws of *England* were, if so be he called Mr. *Thynn* to Account, and what the Consequence would be in Reference to his Design upon my Lady *Ogle*, and upon this he does go, and ask the Question of the Resident.

Now, What does he mean by this calling to Account? We must take Things according to the Reason of them. Certainly it was some Offence that he had taken to Mr. *Thynn*, and that is plain in regard when he was asked what the Prejudice did refer to, Mr. *Hanson* was pleased to name that great Lady, my Lady *Ogle*, and said she was mentioned, and he did desire to know what the Influence of the Laws of *England* would be in that Matter, if he should call him to Account.

My Lord, I think, with Submission, it carries this in it, as if he had a Purpose in his Mind to call Mr. *Thynn* to Account by quarrelling with him and hazarding him in his Life; I do not undertake, nor would not, of my self, to expound it, but this I will say, it must signify something, and must have some Consideration; and without all Doubt, a Person of this Lord's Quality would not let fall such an Expression, but for some End and Purpose.

My Lord, after Mr. *Hanson* had given his long

Evidence, which came so difficultly from him, we traced it down by several Witnesses, *Wright*, *Harder*, and others; that this *Polander* came over, as it happened, on the *Friday*, (which is a Thing that comes mighty close) upon the *Saturday*, he is provided with a Coat and a Sword; on the *Sunday* he committed this inhuman bloody Fact. Now, it is a mighty unfortunate Circumstance upon this Lord, that this should be a Man whom my Lord *Coningsmark* should be so very much concerned for, that because he was not come, he should be afraid he had miscarried in the Weather; to that his Answer was this, that he was sent for over by him to look after his Horses, and he had come a great deal sooner, if it had not been for the stormy Weather. But, your Lordship observes, that it was not above three or four Months before, and then by his own shewing the Business of Mr. *Thynn*, and his Marriage with my Lady *Ogle* was talked of far and near; and so, my Lord, it makes the Suspicion of the Malice the greater, that he who has done this bloody Murder, and has been so much under the Command of this Lord's Family, that he should come but two Days before, and the Count provide him with a Sword that very Day, and then that Letter from Captain *Vratz* to Dr. *Harder*, which he carried to the Count, and the Count read, but of which he can tell you none of the Contents; that speak something in regard when the Doctor went away, this *Polander* was sent to the Captain by the Doctor; but this is certain, however, there was a Sword that was brought by the Cutler, that Sword was carried up to the Count's Chamber, that Sword was delivered afterwards to the *Polander*; for he had it on the *Sunday* Morning when he went away with the Boots under his Arm, and the Campaign Coat upon his Back, with a Buff-Coat under it; and he went out, and never returned 'till the Fact was committed.

I say, my Lord, it carries a vehement Suspicion, that he was privy to this Murder, because this was a Servant at his Devotion, and your Lordship and the Jury see what Kind of a Creature he is, likely to do any thing, being at the Command of so great a Person.

But then, my Lord, to come closer to the Matter, (for I will only repeat that which is most material) there is the Evidence of the Boy, who I must say, tells you a very sensible Story; he tells you upon what Account he came to him, that he was there ten Days before the Murder was committed; he swears expressly, that the *Polander* lay there the Night before, was there that Morning, went away with the Sword, and Dr. *Harder* with him; that this Murder was committed about eight o'Clock at Night, that Captain *Vratz* came bustling into the Count's Lodgings, where he lay concealed, and the Boy, by Agreement, being to go home every Night, staid 'till half an Hour past nine, and left the Captain there at that Time, and the Captain had been there in the Morning.

My Lord, surely it is a strange Thing, and much to be wondered at, that the Captain, who had the Management of this Murder, had no where to go for a Refuge, but to his Patron my Lord *Coningsmark*, reeking hot with Mr. *Thynn's* Blood, when the Blow was given, within an Hour after the Murder committed, (for so the Boy swears expressly, for the Blow was given at eight a-Clock)

a-Clock) and afterwards he went to the Doctor's to Bed, about ten a-Clock at Night, as the Doctor hath confessed; I take that for a mighty Evidence. And then, my Lord, upon the *Monday Morning*, when the Boy comes in, the Count asks him, *What was the Matter with the Bustle in the Street the last Night?* Will any Man in *England* believe, but that he had had earlier News of it? And for what Reason should he ask the Question, if Mr. *Hanson* speaks true, who brought the News in from *Whitehall*?

But the great Question that we wonder should be asked the Boy, is, *What Mr. Thynn was?* Which certainly was a very odd Expression, if we consider what Mr. *Hanson* says, *That the Count had mentioned him in his Discourse, and my Lady Ogle too.* One of the Count's Answers was, *It could not be imagined that he could speak to a Scullion-Boy;* but you see the Boy swears it, and tells it so, as that it is very probable.

We now come, my Lord, to give an Account of his Flight.

The Father of the Boy comes in the Morning: And I would observe, though he pretended his Business and his Distemper brought him over, and that he was ill and under Cure; yet this Matter made the Place too hot to hold him; stay here he durst not; immediately he forgot his Physician's Prescriptions, and gave Order to his Man to send away his Things. Then the Boy's Father was sent for, and the Portmantles are given him, and he is told my Lord was going to *Windsor*; but when he came to *Charing-Cross*, the Things are put into a Coach in the *Strand*, and from thence they went for *Rotherhitb*.

Then came the Man at whose House he lay, and he was a *Swede*, and by the Way I would observe, the Witnesses are most of them my Lord's own Friends, unwilling to tell the Truth 'till we get it (and that very hardly) from them. This Man was very unwilling to tell his Knowledge, but he got him the Clothes, which Clothes, by the Bulk of the Man, one would think would hardly fit the Count; but the more he was disguised, the more was his Security; and when he was asked this Question, *Why he desired to have those Clothes to secure him?* He said at last, *It was to prevent Trouble.*

Now let us consider, my Lord, whether the Count has given any Answer to that. My Lord, there is nothing in what he said, under Pardon. He says, *He went away, because he was afraid the People would tear him in Pieces, before he could justify himself.* If he were innocent, he knew where to go to be secure from any Hurt from the People; he might have applied himself to your Lordship, or to any other Magistrate. He is so ingenious he could not but know he might have protected himself under the Government, which protects and secures any Man whatsoever if he be innocent.

I have these two Things more to mention, and then I shall leave it to your Lordship and the Jury; and one is the Evidence of Mr. *Gibbons*, and Mr. *Kid*.

Mr. *Kid* gives that which to me is a very material Evidence of what passed when they seized him: As they were coming up the River, the Count asks him, *Whether there were any good Lodgings in Newgate?* and particularly expressed his Care of the Captain, to ask whether he were well lodged. And when he was told that the

Polander had confessed, he says he seemed on the sudden to be very much concerned, bit his Clothes, and threw himself along with some Agony. My Lord, an innocent Man needed not to use any such Actions.

Then comes Mr. *Gibbons*, who was very instrumental in the pursuing of him, and is known to be an honest Man, he gives this Evidence, That when there was a Discourse about Mr. *Thynn*, and his old Master the Duke of *Monmouth*, the Count presently replied, *They meant to have done the Duke of Monmouth no Harm;* and walking about the Room, on a sudden, burst out into this Expression, *This is a Stain upon my Blood; but one good Action in the Wars, or lodging upon a Counter-scarp, will wash it all away.*

Now, my Lord, as to what he answers to this, I say any Man may make that Evasion which he would excuse it by, to say that the Accusation is a Scandal or a Stain, may be worse than the Guilt of the Action: But your Lordship and the Jury see plainly, if so be the Thoughts of a Man's own Heart be that he is Guilty, it will break out some way or other. These Things I only repeat, I leave them to the Consideration of the Jury.

But when I have said this, there is one Thing more, and that is, above all, relating to the Captain: Says Mr. *Gibbons*, *I did not know that the Captain had confessed, but I did venture to say he had;* but the Count replied, *He did not believe the Captain had confessed.* My Lord, you see how the Captain appears before you, and if the Count will take upon him to say, he does not believe the Captain would confess; it doth strongly argue he knew as much of the Captain's Mind as he himself. Then look upon the resolute Behaviour of the Captain, the Familiarity he lived in with the Count, that he had always been a Dependant upon his Family, it shews some Reason for his Assurance of Secrecy from the Captain, that he would not confess the Author of this most notorious Murder, and it lies heavy upon him. My Lord, I look upon the Discovery of this as a very miraculous Thing: And pray consider, Gentlemen, where shall a Man go to settle his Thoughts for the Original Business? Do you (or can you) think it was begun, invented and contrived by yonder three Men? To what End or Purpose, or for what Advantage to them? You have heard the Evidence that I have repeated to you; you have heard what this Lord has said for himself; how he has fled, and what has been done. My Lord, I will not use any thing of Argument to persuade the Jury; but I cannot chuse but say, we know no where to go for the Author of this villainous Fact, nor whom to accuse as the prime Contriver, but this Count before you. I pray the God of Heaven to direct you in your Enquiry; and if I have said any thing amiss, I beg your Pardon for it.

[Then a great Shout was made, which the Court rebuked the People for.]

Mr. *Williams*. My Lord, I did not think to have said any thing more in this Case; but I must crave your Lordship's and the Jury's Patience for a few Words. As for the three Persons at the Bar (the *Pole*, the Captain, and the Lieutenant) it is, Gentlemen, very notorious they are Guilty of this most hellish Murder. But all the

Labour and Difficulty of this Matter is, how far this Count is Guilty or Not Guilty.

Pray, Gentlemen, do but observe the Nature of this Crime, and the Manner of our Evidence that has been given you. The Crime he is accused of, is, for being accessory to a wilful Murder; accessory before the Fact; contriving of it, and laying the Train, which these Persons were made use of to fire. This being so, it is almost impossible to give you that clear Light and pregnant Proof against an Accessory, as against the Principals. The Principal is he that doth the Fact; that is notorious and open. The Accessory is the Person that prepares the Scheme, contrives the Management, first sets the Wheel on work, gives the necessary Instructions, who lies behind the Curtain. Now, considering that, and the Nature of the Thing, it is impossible to give a clearer Evidence than what you have had.

Pray, Gentlemen, do but first consider who hath been the Privadoes and the Intimates of this Count, with whom he has had Conference since he came into *England*, *Hanson* and *Dr. Frederick*, who are brought as Witnesses (though unwilling ones) against him; the Boy that was employed by him; he is in no other Hands; I cannot hear he was among any other Persons but these, and *Captain Vratz*, and the *Polander*. These are his Company, and those alone with whom he had Conversation. Now, Gentlemen, that we should be able to produce these very Men (that were his only Companions) against him as Witnesses, is a mighty Thing, considering the Privacy he lay in.

As for *Vratz*, his most intimate Privado, he came over with him into *England*, lived with him in his first Lodging, and was continually with him during his Stay. So then, What can we expect about this Man, Gentlemen, when he had laid his Design with all the Privacy he could, would have as little Conversation with *Englishmen* as he could. It was very craftily laid, that he would converse with none but those that were privy to his Design, or had an Hand in it in a great Measure. Then pray consider how it was carried on, Gentlemen; *Vratz*, who was the great Commander, and the *Polander*, who was the immediate Actor in it, had been his own Servants. *Vratz*, I say, he had a great Confidence in; he came over with him; and will not any Man believe, that this Man, who eat of his Bread, who lay in his Family, was a likely Man to do this for his sake, that thus cherished him? For whose sake, pray, can it be thought to be? Not for his own sake; for the Captain tells you he never had any Communication or Conversation with this unhappy Gentleman, *Mr. Thynn*. So that if it were as they would have it, that they did it out of Respect to this Count, who was the Captain's Friend, it will turn upon the same Point, and confirm the Suspicion. Why should the *Polander* do it, if he had no Reason to do it upon his own Account? For he never saw the Face of *Mr. Thynn*, but was brought Hood-wink'd, in a Manner, to the Fact.

Therefore whether it were not done for his sake, is that which you are to consider; and as a Proof that for the Count it was done, I shall pitch upon one Circumstance that will bring it home to his Door, and that is, the Evidence of *Hanson*, his Brother's Tutor: And, by the Way,

I cannot but repeat it, that this Thread goes through all the Cloth, we have no Witnesses but those of his own familiar Acquaintance and Dependance. Now *Hanson* has (though very shufflingly) told you, the Count and he had some Discourse about my Lady *Ogle*; and tho' we cannot come to know all the Circumstances, yet he does acknowledge so much, as that there was Mention made of requiring Satisfaction of *Mr. Thynn*, or some Account of him, and what might be the Consequences of the Laws of *England*, in Reference to my Lady *Ogle*, in case he should call him to Account. So far he is plain, though he will not tell what the Discourse was; that there was a Discourse of my Lady *Ogle*, of *Mr. Thynn*, of asking Satisfaction of *Mr. Thynn*, or calling him to Account, and what the Consequences in Law might be. And pray, Gentlemen, observe, being to take Advice about this Matter, they would not consult an *English* Lawyer, though I see one behind him now, but a Foreigner, the *Swedish* Agent; not ask the Opinion of one Man of this Kingdom. And then he gives you a mighty Reason for it, That the *Swedish* Resident knew very well how to advise him in this Affair, because he had lived in *England* about 19 Years: So that all his Acquaintance and Friends, the Managers of the Business, and those consulted with about it, all Outlandishmen; I cannot say they are all Guilty, but I will say this makes our Proof more difficult.

Gentlemen, This being taken Notice of as a mighty Circumstance, I would bring it a little more home to this Gentleman, whom we accuse as accessory before the Fact. Pray consider how all along he lay skulking, and hiding himself in Disguise, and shifting his Lodging from Place to Place. I need not repeat it, but I would desire you to think of what was concurrent with that very Day, and, as it were, concomitant with the very Murder, and that will appear to be sufficient to satisfy any rational Man. We are not picking up an Evidence upon flying Words, or un-concluding Circumstances, but we offer Facts to you, and Facts are to guide you, you being to compare Facts with Facts. As to his lurking and hiding, this Gentleman gives you no Manner of rational Account, that he had any Business with any Man in *England* that should occasion his lying private; but only he tells you, he laboured under a Distemper that he would not have discovered; and yet take him in that very Distemper, and in the Process of his Cure, as soon as this Fact is over, the next Morning he values neither his Disease nor his Physick, but goes by Water, and made an Attempt to fly abroad. Will any understanding Man believe that he came privately into *England*, that he lay skulking here, that he made use of another Name, and other Clothes, that he should do all these Things, and run away so immediately after the Fact was done, and all only because of a little Distemper of Spots on his Breast?

But then, says he, it was reported in the World, and told him the next Morning, that the People, the Rabble, would tear him in Pieces. He was asked where he had this Report, and he brought up a Taylor, and depended mightily upon it, but the Taylor denied it; and, Gentlemen, he that fails in one Thing he says, is not to be credited in another without good Proof. He says, that he said no such Thing, so that, Gentlemen, this

fictional Argument of his Fear falls to the Ground.

Then observe what follows upon this villainous Fact; he flies away privately, he goes to a *Swedish* House at *Rotherhithe*, from thence by a *Swede* he must be put into a Sculler, and that Sculler must be towing of him for several Days together, till he come to *Gravesend*, from whence he was to have gone over Sea. Pray lay all this together, and weigh it well, and see if you can imagine any other Reason for it all, than what we alledge.

I would observe it to you, Gentlemen, and pray think of it, what the Count has said to you in his own Defence in so many Languages, without Proof, must pass for nothing. The Court has had a great deal of Patience to hear him, and shewn him a great deal of Favour in permitting it; but without Proof, I say, it all passeth for nothing. And what Proof he hath made of it, I must submit to you; for I will not spend your Time in running into Particulars: And where he has proved any Thing, pray compare Facts with Facts, especially that concerning the Captain, *Vratz*, which is not, in my Opinion, to be answered; that he lived with him, that he should be with him on the *Sunday* Morning, that in the Evening he should come thither again after the Fact done, that he should be left in his Chamber, and continue in the House so long. Will any one believe, that when *Vratz* came over with the Count from abroad, lodged with him here, was every Day with him in familiar Conversation, should come that Morning before, and in the Evening immediately after, and stay with him so long, and yet the Count be innocent? Nay, will not any Man rather absolutely conclude him an Accessory to the Murder?

Then, Gentlemen, take into your Consideration his Flight, and Endeavours to escape out of the Hands of Justice; if there were no more, that is a great Evidence of his Guilt, but you have much more, and as strong as you can desire or expect. He says he was afraid of the People; alas! he needed not to fear that, he finds a very fair and generous Treatment here; he knew the Temper of our *English* Nation well enough, to know they do not presently fly in Men's Faces; and he could not but know, he might, without Danger, resign himself up to the Law if he were innocent.

Gentlemen, we have given you a fair and a full Evidence; we have offered you sufficient Proof in Fact, and have offered no Shams to you; and I do not doubt but you will do Right to the Honour of *England*, and the Justice of the Nation, which are deeply concerned in this Case.

[Then there was a great Noise made.]

L. C. J. Look you, Gentlemen, the Counsel for the King have been very large in the repeating of the Evidence, therefore you must not expect from me, that I should go over it again in the same Method that they have done. I will direct you a little as to some Points in Law as to this Case: Here is, as they tell you truly, a Murder as horrid and barbarous as peradventure can be committed upon any Subject. It is a Murder of a very bad Nature, so that the repeating of it is enough to make all Men abhor it; it needs no Aggravation, it is in its own Nature so very barbarous; and those Gentlemen that had a Hand in it, must certainly needs be ashamed, and look upon themselves as not fit to be accounted Men, whoever they be that had any Hand in it, so barbarous and inhuman, and base in its own Nature, and so unworthy of a Man.

I must tell you, Gentlemen, when one Man shoots another, and two are with him, though they do nothing but come on purpose to countenance that evil Fact, that is Murder in them all; all that were present are guilty whenever such an Act is done: And three or four come together, and one does the Fact, and the others stand by to countenance it, whether they be there to bring the Party off, or to animate him, and put him into a Condition that he may murder and kill, it is Murder in all, and they are all as equally guilty as he that shot, or actually gave the Blow.

Now as to these three Persons here, the *Polander* that shot, *Vratz* who was with him and stop'd the Coach, and *Stern* that was by with them, they do all acknowledge themselves to be there at this Murder; the least they say for themselves, is, that they came to countenance a fighting with Mr. *Thynn*, that is the least any of them say; for Captain *Vratz* makes this his Excuse, that he intended to kill him (as he calls it) fairly, and the others were to stand by to let him make the best of it; so that they all came with a murderous Intent, and a Murder followed. And I must declare this for Law to you, that this is Murder in them all, if you believe themselves; so that I think there is little, very little for you to consider concerning these three Men, but according to what they have acknowledged of themselves both before the Council, and here likewise in your own Presence, they seem all to be guilty of this Murder.

The more doubtful Question is concerning Count *Coningsmark*, that stands here before you, for he was not at the Murder, nor is he charged as Principal; and the Question will be as to him, Whether he commanded, or gave any Authority or Direction to have this Murder committed; That is the Thing that is now charged upon him, and without that, he cannot be Accessory in this Case.

Now, Gentlemen, you must consider as to that, several Things are certain and positive; That this *Polander* was once his Servant; That he was brought over from beyond Sea by his Order; That he was given by him to Captain *Vratz*; That *Vratz* was his great Acquaintance, and lay in his Lodging some Time, though not at this very Time. These Things are plain: Now what Answer is given to this? You hear, he says, the *Polander* was taken for him, and hired as a Servant beyond Seas, knowing that he had skill in Horses; and the Count having remitted Money to buy Horses, he was willing to have him manage the Horses, and to have his Judgment in them, and sent for him three Months before for that Purpose, and that he came for that Purpose; but knowing that the Occasion for which he was to buy his Horses was passed over, there being like to be no War, and therefore there would be Occasion for Horses, he was willing to part with the *Polander*, as he says, is usual for Persons of Quality in his Country to do upon such Occasions, to give their Servants to one another; and so, having clothed him first, he gave him to Captain *Vratz*: And you hear how much of this is made good by Witnesses, and how far this is satisfactory to you as an Excuse and Reason for this, I leave to you.

There is more too that is very plain: It is apparent that the Count bid him come to his Lodging after this Murder was committed. According to the Calculation of the Time, it must be after the Murder, for that was about eight o'Clock, and

he was there about Nine. You hear what Answer the Count gives to that; That he came as formerly he had done, he knowing nothing of this, nor of Mr. *Thynn's* Murder, and that he did not speak to him concerning it.

The next Thing, Gentlemen, is, 'Tis plain the Count did lie private when he came to *England*; and he tells you (he brings the Doctor to witness it) his Occasion of Privacy was, because he had a Sickness, which he was loth should be known, having been formerly in Splendor in *England*; but now, without his Equipage, he would not publicly appear; and he was afraid, if he appeared in Company, he should be inticed to drink high, and that would retard his Cure. And the Doctor tells you, he was under his Hands for Cure of his Disease, which was some Spots upon his Body.

It is plain too that Count *Coningsmark* did go away the next Morning after he had heard of the Murder, he acknowledgeth it himself; and that he did conceal himself upon the Water, and was taken in such a Manner as the Witnesses speak. But withal, he tells you the Occasion of this was, a Stranger here, Captain *Vratz*, as he heard, was accused for the Murder, and seized, and he did not know what this might occasion to him; how the common People might fall upon a Stranger that was of that Man's Acquaintance; and it was through his Fear of the People (lest they should fall upon him before he could vindicate himself) that he withdrew himself, and concealed himself in this Manner. As it was told you by the Counsel it was an unreasonable Fear in him, for there is no such disorderly Proceeding (we thank God) in *England*; but he tells you he was afraid of it; and if he were, being a Stranger, he might not know our Constitution so well.

But I must tell you another Thing for Law, Gentlemen, which was urged by the Counsel for the King. Captain *Vratz* doth say, that he, knowing of an Affront that had been given to the Count, and having received an Affront himself, he did, without the Count's Knowledge, do this Murder, for Revenge, upon Mr. *Thynn*. It has been said by the Counsel, it will be all one whether it were with the Knowledge of Count *Coningsmark*, or not. Now, I must tell you, Gentlemen, the Law is not so: For if a Gentleman has an Affront given him which he does seem to resent, if any of his Servants officiously, without acquainting him with it, out of too much Zeal, and too forward a Respect to their Master's Honour, will go and pistol and kill him that they apprehend has affronted their Master, he not knowing of it, it will not charge their Master with any Guilt at all. The Law, Gentlemen, is not so as was urged; for if it were without the Count's Knowledge and Direction, if a zealous Captain has gone and overshoot himself, out of respect to his Master's Honour, when really it was a Dishonour to himself, and all that were acquainted with it, this cannot lie upon him, to make Count *Coningsmark* Guilty. But it lies upon me to direct you, for otherwise you might swallow it as a Maxim, to be all one in Law, which it is not.

So that it will return to this, Whether here be any Proof that Count *Coningsmark* did consent to this Murder, or any ways countenance the killing of Mr. *Thynn*, or command any of these Persons to do it.

Look you, Gentlemen, there are some suspicious Speeches that are mentioned here of the Count's.

One is, that the Boy should say that the Count asked him whether Men might ride in *London* on *Sundays*? You hear what Answer is given to that. The Count denieth that he asked any such Question: And to shew and prove that such a Question could not likely be asked, he says and proves, by divers Persons, that it was an ordinary thing for himself to ride on *Sundays* in *Hide-Park*, before this Business long.

It is also said, that when he was taken, he should say, That he did believe they intended the Duke of *Monmouth* no Hurt. Now that he said these Words he doth not here deny; but he says he spoke it upon the common Report, that these Men had watched the Coach till they saw his Grace out of it, and then they did do this Villainy; so that he apprehended they had no Design to hurt the Duke at all. This is the Answer he gives; how satisfactory it is, I leave it to you.

Then as to those other Words; That it would reflect upon his Family, and stain his Blood; but he presently recollected himself, and said, One brave Action in the Wars, or Lodging upon a Counterscarp, would wash it off. You hear what he says to that: He looked upon it as an Injury to his Family, and it would be some Stain to his Blood, that he should be accused of so base and unworthy an Act; but that Accusation he thought might be washed off; and so, though he were innocent, it might be looked upon as a Stain, which a brave Behaviour in the Wars would wipe off.

Gentlemen, Thus, as near as I can, I have given you an Account of the most material Things that are objected against him, and his Answers to them. I must leave it to you, whether upon the Evidence which you have heard, you do believe that this Murder was directed or countenanced by Count *Coningsmark*. If it were, he then is Guilty as accessory before, and you must find it; but if you believe he did not know it till after the Murder was done, then he is innocent, and you must acquit him. And upon the whole, Gentlemen, I must leave it to you.

Then, it being late, after an Officer was sworn to keep the Jury, the Court adjourned for a while; and in half an Hour returned; and sent for the Jury, who came in, and answering to their Names, gave this Verdict.

Cl. of Cr. Gentlemen, are you all agreed of your Verdict?

Omnes. Yes.

Cl. of Cr. Who shall say for you?

Omnes. Foreman.

Cl. of Cr. *George Borofsky*, alias *Boratz*, hold up thy Hand. (*Which he did.*) Look upon the Prisoner: How say you? Is he Guilty of the Felony and Murder whereof he stands indicted, or Not Guilty?

Foreman. Guilty.

Cl. of Cr. What Goods and Chattels, Lands and Tenements?

Foreman. None to our Knowledge.

Cl. of Cr. *Christopher Vratz*, hold up thy Hand— Is he Guilty, &c.

Foreman. Guilty.

Cl. of Cr. What Goods, &c.

Foreman. None to our Knowledge.

Cl. of Cr. *John Stern*, hold up thy Hand— Is he Guilty or, &c.

Foreman.

Foreman. Guilty.

Cl. of Cr. What Goods, &c.

Foreman. None to our Knowledge.

Cl. of Cr. *Charles-John Coningsmark*, hold up thy Hand, (*which he did.*) How say you, is he Guilty of the Felony whereof he stands indicted as Accessory before, or Not Guilty?

Foreman. Not Guilty.

Count Con. God bless the King and the honourable Bench.

Cl. of Cr. Then hearken to your Verdict as the Court hath recorded it, you say that *George Borofsky*, &c. and so you say all.

Then the Jury was dismissed, and the Court ordered a Recognizance to be taken from the Count, with three Sureties, to appear the next Sessions, and to answer any Appeal if brought; after which the Judges went away, and the Recorder, with the Lord Mayor and Aldermen, stayed to pronounce Sentence on the convicted Malefactors.

Cl. of Cr. Keeper, set *George Borofsky* to the Bar, hold up thy Hand, (*which he did.*) Thou standest convicted of Murder, for killing *Thomas Thynn*, Esq; what canst thou say for thyself why the Court should not give Judgment upon thee to die according to Law?

Interpreter. He says, he prays God to have Mercy upon him.

Cl. of Cr. Tie him up. Set *Christopher Vratz* to the Bar——

Interpreter. He says he hears he is condemned, but he was never rightly examined, nor fairly tried*.

Cl. of Cr. Set *John Stern* to the Bar——

Interpreter. He says he did it for the Captain's Sake, he went as a Second along with him.

Then the Prisoners being tied all up by the Executioner, Proclamation was made for Silence, during the pronouncing of the Sentence.

Mr. Recorder. You the Prisoners at the Bar, *George Borofsky*, *Christopher Vratz*, and *John Stern*, you have been all indicted for the Murder of a Gentleman of great Quality, *Mr. Thynn*; a great, and heinous, and a crying Crime, that cries aloud for Vengeance: You have been brought to your Trial, and tried indifferently by a Jury not consisting only of the Countrymen of the Party slain, but compounded of Foreigners and Freeholders of the County too. These impartial Men have found you Guilty, and indeed the Plainness of your Guilt is such, that you yourselves have acknowledged yourselves Guilty. For when you were apprehended, your Guilt did so stare in your Faces, and you could give so little an Account how you had bestowed that Time wherein he was murdered, that you were forced to confess your Interest in the Fact.

It is our Duty to pronounce the Sentence of the Law against you upon this Conviction; but it is also our Usage to open the Nature of the Crime for which the convicted Person is to suffer Death, for the Conviction of the Offenders themselves. Now your Crime is one of the deepest Die; it is the wilful shedding of innocent Blood, to which you could be led by nothing but what you are charged with in the Indictment, the Motion and Seduction of the Devil. This Crime of Murder is

put into the highest and foremost Rank. When God himself had given Laws to the World under the old Administration, after the Command of honouring Father and Mother, in the next Place he forbids Murder. This Crime you have committed, and that, with the most aggravating Circumstances that I have ever known attend any Crime of this Nature. It was committed upon a Gentleman of great Quality, that was so far from giving you any Provocation to it, that you acknowledge your selves you never had any Communication with him. It was done upon a Day when you ought to have exercised and busied your selves in Acts of Piety and religious Worship. It was done in the Streets of the City, near the King's Royal Palace. But the greatest Circumstance of all, is the doing of it in such a Manner, that is, it was done by Way-laying; a Sort of killing the most unworthy, the most base, and the most ungenerous of all other. For that it gives the Party assaulted no Liberty for any Prevention, or any Defence by any Prudence he can use; and the Consequence of it is, as much as lies in the Malefactor, to destroy as well the Soul as the Body; by such an insidious Murder, to take a Man out of this Life, before he can have any Opportunity to prepare for another Life. Therefore in our publick solemn Prayers in our Church it has very justly and worthily been made part of our Liturgy, to pray to be delivered from Murder and sudden Death.

You that are Strangers in this Country, if you had been tried and convicted of a Breach of our municipal Laws, the peculiar Laws of this Kingdom, much Indulgence might be shewn to you because of your little Acquaintance with the Law. But that is not your Case: Your Offence is a Transgression against the Law of God, written in large Characters in the Nature of Man. It is against the Laws of all Nations, even your own Country from whence you come, and any other Country where-ever you could go, are severe in their Laws against that by which you have broken the Law in so foul a Fact. The very Barbarians could say, *This Man is a Murderer, and Divine Vengeance will not suffer him to live*; so that they all think the Divine Vengeance concerned to revenge it.

You have slain this innocent Gentleman, which is but a single Distemper as it concerns him, but if it should go unpunished, it would turn to a pestilential Contagion. If such Assassinations and Murders of Persons should not be severely punished, it were a greater Woe than ever was brought upon this Kingdom. Therefore it is thought fit by his Majesty, to make his Justice signal and exemplary upon those that have thus basely and inhumanly brought themselves under the Censure of it. That when the Fame of this barbarous Action shall go abroad, his Justice shall also be celebrated upon the Actors, and that this Kingdom is maintained by Justice.

I have but one Thing more to say to you, and that is in Tenderness to you your selves. You are to consider that you are to receive another Judgment than that you will be condemned by here, and that you may be prepared, for that is your great and your only Care. Now it is Repentance that is the only Antidote against the Sting of Death. You cannot be found innocent, your selves ac-

* This was because when the Evidence for the King was finished, he was never asked what he had to say for himself, which ought to have been done, as is usual in all Cases, but it is not unlikely the Court were apprehensive he might lay the Guilt on the Count.

knowledge your Guilt; then let it be your care to be found Penitent. For that Purpose you shall have the Assistance of some of our learned Divines here, and you will do well to hearken to their good Counsels. I pray God you may submit to Justice patiently, and that your Contrition may be correspondent to your Crime, that so you may obtain Pardon and everlasting Favour from God.

It remains only that we pass the Sentence of Law against you, which is this:

That you shall go from hence to the Place from whence you came, from thence to the Place of Execution, where you shall be severally hanged by the Neck until you be dead: And the Lord have Mercy upon your Souls.

Then the Prisoners were carried away, and the Court adjourned.

On the 10th of *March* following they were all three executed, according to the Sentence, in the *Pall-Mall*, in the same Place where they had committed the *Murder*. *Stern* and *Borosky* left each of them a Paper signed with their own Hands.

The Confession of Lieutenant John Stern.

ABOUT twenty seven Years ago my Father sent me out of *Swedeland* to *Germanland*, where for two Years together I went to School: Two Years after that came the *Muscovites*, which obliged us to fly back to *Swedeland*. About twenty three Years ago I left *Sweden*, and went towards *Pomerania*, where I served the Elector of *Brandenburg* a quarter of a Year; from thence I went through *Poland* towards the German Emperor's Dominions. From *Bobemia* I travelled into the *Netherlands*, from thence into *France*; from *France* again into the *Netherlands* with the Army: After the Peace, I went back to *Bobemia*, *Austria*, and *Hungary*, and after that again to the *Netherlands*, where I stayed eight Years; from thence I went farther, to *Holland*, *Denmark*, *Sweden*, *Poland*, and then to *Holstein*, which was in the Year 81. During these thirteen Years, I have been a Papist twelve Years, because I was commonly all that Time in Popish Territories; but in *Holstein* in the Year 81, I turned again to the *Lutheran* Religion, in which I was born and baptized, and in that, God willing, I mean to die. I could no longer bear with the *Popish* Religion, because of their many Saints and Intercessors. There is no Religion comes nearer to mine, than that of the *Protestants* in *England*; God grant they may live in Peace with the *Calvinists*, to prevent Quarrels, and in Opposition to the *Papists*.

And now I will let you know how I came to that late Misfortune here in *London*. About the end of *October* last I came to *London*, and lodged in the City, near the *Royal Exchange* in *Broadstreet*, in the *Dutch Ordinary*, at the Sign of the City of *Amsterdam*. When I had been there about a Month, a Gentleman came to lodge there, who called himself *Vallichs*, but his Name is *Vratz*: He and I began to be acquainted: At last he told me he had a Request to me; to whom I replied, That to the utmost of my Power he might command me. To this he said, That he had a Quarrel with a Gentleman, and desired me to be his Second. I told him, without any Consideration, I would. A Fortnight after he told me, That it was good

Living thereabouts; and if I would take a Lodging in that Place, during the four Weeks he should stay in *London*, he would pay for me. Hereupon he took four Servants; sometimes he was for marrying, sometimes for fighting; and if he could get one who would kill the Gentleman, he said, he would give him 200, nay 300 Dollars. There it rested for a while. He dismissed two of his Servants, and was going for *France*, or *Holland*. The two Servants continued without Places. Six Days after, I took leave of my Acquaintance; and after my Things had been two Days on Shipboard, I went to the *Lutheran Church*, where I received a Letter from Capt. *Vratz*. O unhappy Letter! The Contents were as follows.

S I R,

I AM sorry I could not have the Honour to take my leave of you; but be it all to your Advantage. I am going for *France*, yet have not as yet a certain Commission. In the mean while be pleased to continue either at Mr. *Block's*, or in the City of *Amsterdam*, where I will not fail to pay for all. I am, your obliged Servant,

De *Vratz*, alias de *Vallichs*.

After I had read this unhappy Letter, I changed my Resolution, and stayed here and fetched my Things from the Ship, and went to lodge in *Blackmore-street*. About ten Weeks after he returns to *London*, sends for me, and I came; and himself took a Lodging in *Westminster*, where I was with him; and the Count himself lay one Night in the Captain's and my Lodging. The Captain then asked me, How *Thynn* did? I told him, I could not tell, for I had never seen him. Thereupon he told me, I must see now how to order it, that I may come at him; if I could get but some stout Fellows—Do you know no Frenchmen about Town, or what other People there is? I said, I would see. Then he added; could not one get an *Italian* who might dispatch him, I would give him three or four hundred Dollars? I said, I knew none: Hereupon he got four brace of Pistols, three little ones, and one brace of great ones. The great ones, and one brace of little ones, he had by him before, and two long Swords; and then said, Now he is a dead Man. He prayed me to cause two Poniards to be made, whereof he gave me the Draught, but I would not do it. And now he had a Mind to draw in a great many more. At last I had a very strange ominous Dream. He saw I was musing, and then asked me, What I ailed? I told him, and he laughed, saying, There was no heed to be given to Dreams; yet the Dream proved too true. Now, I say, he was resolved to kill him; when therefore he importuned me to engage more Men in the Business; I told him, What can you do with so many People, cannot you take three Horses, you will have use for no more? Hereupon he fetched out Money, and on the *Friday*, before the Murder was done, he bought three Horses. On *Sunday* following he told me, I shall get a brave Fellow, (that was the miserable *Polonian*) who came to Town on *Friday*, and the *Sunday* after he killed the Gentleman, (according to Order from his Master, and you know who his Master was) myself being, then alas! in the Company. Half an Hour past four, the Gentleman went by in his Chariot before our Window. Thereupon we went for the Horses, and afterward rid toward the *Pall Mall*, where we met the Gentleman in his Chariot, I rid before the Coach, the

Captain went close by it, and then cried, *Hold*, and shewed the *Polonian* the Man in the Coach; who thereupon gave Fire, and shot four or five Bullets into his Body. They say, he lived till next Morning, and then died. On *Monday* following we were all taken Prisoners, and must now die too; we have yet four Days to live: The Great God pardon us this Sin, for Christ his sake. *Amen*. For I repent, from the bottom of my Heart, that in my old Age, to which I was advanced with Honour, I should come to this Disaster: But 'tis done, and cannot be remedied. It is written, *The Days of our Years are few, and when we come to our best Age, it is then but Labour and Sorrow.*

Memorandum.] The Letter the Captain shewed me one Day, was to this Purpose.

I have given Captain *Vratz* full Commission to dispose of the Places of Captain or Lieutenant, to whomsoever he shall find capable of it. So far I read the Letter; five Lines lower stood these Words, 600 Dollars, which was not the Captain's Hand, or writing; it was *Higb-Dutch*. I seeing the Letter, threw it down upon the Table, but he put it up, and underneath the Letter was signed *Coningsmark*. Thus much I saw, but made no farther Reflections upon the Letter, because, God knows, I was blinded.

Another *Memorandum*, I have forgot in the Papers, which, after my Death, are like to be published, *viz.* It hath been twice in my Thoughts, when Captain *Vratz* was in *Holland*, to go and tell Mr. *Thynn* what the Captain intended against him, but I still forgot.

I desire the Doctor, in case any Thing of the Captain's Writing should come abroad, to compare what he saith with my Confessions, and to consider one with the other, *Give unto Cæsar the Things that are Cæsar's, and unto God the Things that are God's*. I hope I shall go with the *Publican* into the Temple of God: I am a great Sinner, yet God's Mercy is greater, wherein I trust; nor will Christ therefore refuse a Soul, though the Body is hanged up by the World. My Lords, ye Judges, I do wish you all Happiness; I confess you have a weighty Office, God give you his Grace, that you may neither add to, nor diminish from a Cause. You have seen how I have exposed all my Failings, and that openly to God, and to the whole World, because others may take Warning by me, whom I leave behind me in the World. I beg of God, that People may consider this my poor Writing, the Effect of the Assistance of God's Spirit, and the Desire of a pious Soul.

The Captain desired me that I would cause two Daggers to be made, because at first it was resolved, we should fall upon Mr. *Thynn* on Foot; and he would have had some *Italian* or another to thrust them into Mr. *Thynn's* Body; yet I neither looked out for a Man fit for that Purpose, nor would I cause those Daggers to be made. The Musquetoon, or the Gun, I fetched indeed; but it was out of a House, which the Captain described to me.

I must now die for a Man's Fortune, with whom I never changed Word all my Life; for a Woman, which I never saw; nay, for a Man that is dead, whom I never had a view of; and are not these three very great Things, I leave it to every Man's Consideration? It would grieve a Man; I confess, it is a little hard, yet be it as God pleases; I have entirely resigned myself to his Will. O *Jesu*, receive my poor Soul into thy Hands, then shall I

die thy Servant; my Soul I commend to thee, and then shall I feel no Pain nor Sorrow. *Amen, Amen.*

The Confession of George Borodzycz the Polonian.

I *George Borodzycz* do here, in few Words, intend to make known to the World, how I came into the Service of Count *Coningsmark*. About eighteen Months ago I was recommended, by Letters, to the Quarter-master General *Kemp* at *Staden*; and from thence I was to be sent to the Count at *Tangier*; but by reason of the hard Winter I was stop'd, for the Ship in which I was to go stuck in the Ice in the River *Elbe*; this made me stay till farther Order. In *March* last I received a Letter, which ordered me to go and stay in a Manor belonging to the Count in the Bishoprick of *Bremen*, and there expect new Orders from the Count. At last I received a Letter, with Orders to come by Land for *Holland*; but destitute of an Opportunity, I staid till the 12th of *November* 1681, and then new Orders came, that I should come for *England* to the Count's Brother, where I should fetch Horses, and convey them to *Strasburgh*. And accordingly I left *Hamburg* the 24th of *December* 1681, and was at Sea till the 4th of *February* 1682. When I came to *London*, I lay the first Night in the City, hard by the *Royal Exchange*, at one *Block's*; and from thence I was conducted to the Count's Brother, and from thence to the Count himself, who was to be my Master: When I came to him, Captain *Vratz* being with him, my Lord told me, I should be with Capt. *Vratz* three Days, till his, *i. e.* the Count's Baggage and Goods he had on Shipboard came. Whereupon the Captain said, He would send his Man for me next Day, which was *Sunday*, which he did accordingly. I went with his Man, and my Lord charged me, I should do what Capt. *Vratz* should order me to do. I went thereupon to my Chamber, and said the Lord's Prayer. On *Sunday*, about one of the Clock, came up the Captain's Man for me, and brought me to the Captain. When I saw him, he told me, *It's well you are come, for I have a Quarrel with an English Gentleman; I did formerly send him two Challenges, but he answered them not; whereupon Count Coningsmark and myself went for France; but that Gentleman sent six Fellows after us, who were to kill the Count and me. Accordingly they came on us, the Count received two Wounds, we killed two of them, and I am now come hither to attack that Gentleman in the open Streets as a Murderer; and as he hath begun, so I will make an end of it.* Whereupon he gave me the Gun, which I should make use of to kill him. When hereupon I pleaded with Captain *Vratz*, and shewed myself unwilling, saying, That if we were taken we should come to a very ill End. He answered, I need not trouble myself about that, if we should be taken Prisoners, it was he that must suffer for it, not I; and for my Service, he would recommend me to Count *Coningsmark*; whereupon I thought with myself, that it might be here as it is in *Poland*, *viz.* where a Servant does a Thing by his Master's Order, the Master is to suffer for it, and not the Servant.

We went therefore soon after for our Horses, and rid toward the *Pall-Mall*. The Captain told me, I will stop the Coach, and do you fire upon the Gentleman; which was done accordingly. *Lord have Mercy upon me.*

I am heartily sorry that my honest Parents must receive this unwelcome News of me; the Almighty God take care of my Soul. I have great confidence in Almighty God, and know that he hath offered his Son upon the Cross for the Sins of all Mankind. Therefore I believe that Satisfaction was also made for my Sins; and in this Faith, in the Name of God, I will live and die. Lord Jesu give me a happy End, for thy bitter Death and Passion sake. *Amen.*

What pity is it, that I should be about the Space of seven Weeks upon the Sea, betwixt *Hamburg* and *London*, and in great Danger Day and Night, and yet should fall at last into this unexpected Misfortune! I can bear Witness, with a good Conscience, that I knew nothing of the Business beforehand: The great God pardon those Men that have brought me to this Fall; God keep every Mother's Child from all such Disasters, for Christ his sake. *Amen.*

And I desire the Doctor to pray for me, and to let all the World know my Innocence after I am dead, that Men may see and fear.

GEORGE BJRODZYCZ.

Captain *Vratz* would make no Confession, but persisted in denying what the others had owned; never Man died with more Resolution, and less Signs of Fear or Disorder; his Carriage in the Cart both as he was led along, and at the Place of Execution, was astonishing; he was not only undaunted, but looked chearful, and smiled often: When the Rope was put about his Neck he did not change Colour, nor tremble, his Legs were firm under him; he looked often about on those who stood in Balconies, or at the Windows, and seemed to fix his Eyes on some particular Persons; three or four Times he smiled; he would not cover his Face as the rest did, but continued in an undaunted Manner, looking up to Heaven with a chearfulness in his Countenance, and a little Motion of his Hands. Being asked, if he had any Thing to say to the People, he said, no. When they had stood about a quarter of an Hour under the Gibbet, after they had been tied up, they were asked, when they would give the Signal for being turned off; they answered they were ready; so a little while after the Cart was driven away; and thus they ended their Lives.

Captain *Vratz* was permitted to be buried, but *Stern* and *Borofsky* were hanged in Chains.

The Examination of Lieutenant John Stern, taken before Sir John Reresby, Bart. and William Bridgman, Esq; two of his Majesty's Justices of the Peace of the County of Middlesex, Feb. 17, 1685.

THIS Examinee saith, that seven Months ago he came into *England*, and lodged at the *Amsterdam* Ordinary. That about five Weeks after Captain *Vratz* came and lodged in the next Room to him, and in a few Days made an Acquaintance with him, and said to him, It is dear living here, but as long as I stay it shall cost you nothing. This Place is dear, I will go and lodge at another Place. Accordingly they went to an House in *St. Nicholas Lane*, where the *Captain* paid for him. That the *Captain* told him, he had a Quarrel with a Gentleman with whom he would fight, and that

he wanted a good Servant or two. That about fourteen Days after the *Captain* went out one Morning, saying, he would return in the Afternoon, but that he sent for his Boots and came not again; that a certain Taylor (who wrought for the *Captain*) came and discharged the Lodgings. That the *Sunday* following he received a Letter from the *Captain*, excusing his going away, and saying he would return in eight Days, (but he came not in nine or ten Weeks) that in the said Letter the *Captain* directed him to go and lodge at the *Amsterdam* Ordinary, or one *Back's*, saying, he would defray his Charges. That the *Captain* came to Town again a Day or two after the *Morocco* Ambassador had been to see the Guards in *Hide Park*. That the Examinee then meeting the above mentioned Taylor (who is now Prisoner) with the *Captain's* Sword (which he knew,) the Taylor told him the *Captain* desired he would come and see him; that he accordingly went, but nothing past between them then of any Moment. That the next Day the *Captain* came to him, and began to discourse again about his Quarrel, repeating that he wanted a good Servant or two, for he would fight. That about nine or ten Days ago the *Captain* told him he should have a good Servant suddenly; and that if he this Examinee would assist him the *Captain*, he would make his Fortune. That the *Captain* gave him Money to buy a Musquetoon, which he did accordingly. That this Day Sev'night the *Captain* bought three Horses, and the Day after said to this Examinee, I must have the Rogue now. Next Day, being *Sunday*, about Noon, when the *Polander* came, the *Captain* said to this Examinee, Now I have got a brave Fellow; and so the *Captain* went to the *Polander* into another Room, and when he came back to this Examinee, he said to him, This is a brave Fellow indeed, for he says those that will not fight must be killed. That after Dinner the *Captain* sent out one of his Servants to know whether the Gentleman (with whom he had a Quarrel) went out, that the Servant brought word he was gone out, whereupon the *Captain* put on his Boots, and sent this Examinee for two Horses, to be brought to the *Black Bull* in *Holborn*; soon after which another Person brought a third Horse, and then the *Captain*, the *Polander*, and this Examinee, got on Horseback, and went towards *Charing-Cross*, and having gone further in the *Pall-Mall*, this Examinee being about ten Yards behind the Coach (which he had met and passed) heard the *Captain* say, Stop or halt to the Coachman, and presently heard a Shot, and saw the Fire, upon which he turned about, and saw the other two Persons ride away, whom he followed.

The Examinee being gone out of the Room, and desiring to be brought in again, further said, that the *Captain* hath often told him, that he would give two, three, or four hundred Crowns to find a Man to kill Mr. *Thynn*.

His further Examination taken Feb. 19. 1685.

He saith that he had it in his Thoughts twice to go to Mr. *Thynn* and acquaint him that the *Captain* was resolved to kill him. That the *Captain* desired him to get an *Italian* that would stab a Man, and that he this Examinee would get two *Poniards* made: And asking the *Captain* how he would have them made? The *Captain* took Per,

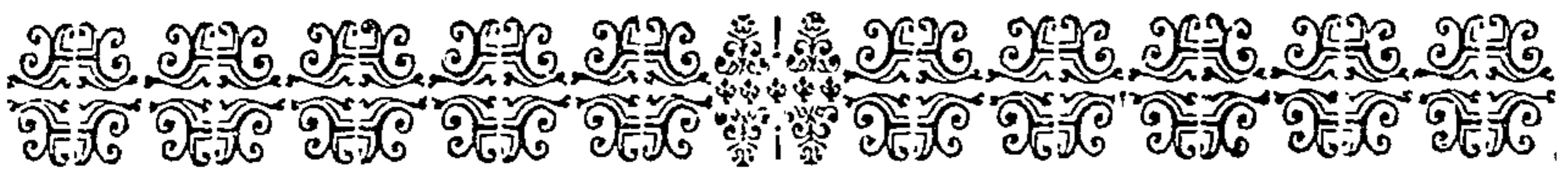
Ink, and Paper, and made a Draught of them, adding, that if he could find such an *Italian*, he would give him three or four hundred Crowns; that this was before the *Polander* came over. That upon the same Day when the Murder was committed, the *Captain* bid him charge the Musquetoon with fifteen Bullets; whereupon he replied, that then they should kill the Footmen, and all about the Coach. The *Captain* answered, it matters not for that. That this Examinee charged two Pistols more, but put only five or six Bullets in the Musquetoon. That some of the Bullets were wrapt up in Rags, with Rosin powdered, which would burn. That he heard the *Captain* say (as he thinks to the *Polander*) that if the Duke of *Monmouth* were with Mr. *Thynn*, nothing must be done. That the *Captain* told him, if he would assist him in this Business, he would procure him the Command of a Company. That as he was sitting one Day melancholy by himself, the *Captain* came to him, and asked him what he ailed? Whereupon this Examinee said, that he had dreamt that four Dogs did fly at him, but that two were chained, and the other caught hold of him; upon which the *Captain* seemed concerned, but presently plucked out a Letter which was signed *Coningsmark*, in which was expressed that the Count gave the *Captain* full Power to dispose of the Captain-Lieutenant's Place of his Regiment, saying at the same Time (this Examinee not being willing to receive the Letter at first) What do you think I would be one of the Dogs to bite or deceive you? That he afterwards saw, towards the End of the Letter, the Figures of six hundred (which he thinks was to express *Rix Dollars*) but what they concerned or related to, he knows not, for being he had seen the Power to dispose of the Company, he read no further.

J. RERESBY.
W. BRIDGMAN.

The Examination of George Borosky, a Polander, the seventeenth of February, 1681-2. before Sir John Reresby, Bart. and William Bridgman, Esq; two of his Majesty's Justices of the Peace for the County of Middlesex, who saith,

THAT he came into *England* by the Desire of Count *Coningsmark* (expressed to him by his Merchant at *Hamburg*) but knew not for what Cause; but after he came, Count *Coningsmark* told him on *Saturday* the 11th Instant, that he had a Quarrel with an *English* Gentleman that had set six Persons upon him upon the Road, in which Conflict he was wounded, and two of the Assailants were killed. Therefore since the said Mr. *Thynn* did attempt for to kill him, he would make an End of it. He further said, to Morrow will come a certain Servant to conduct you to the Captain, and what he bids you to do, that you are to observe. That a Person came on *Sunday* Morning about eleven o'Clock accordingly, and carried him to another House, where he found the Person that conveyed him to the Captain, who told him that he must do what he bid him do, giving him a Musquetoon, a Case of Pistols, and a Pocket-Pistol, he having a Sword before given him by the Count; and the Captain further added, repeating it five or six times, when we go out together, if I stop a Coach, do you fire into it, and then follow me. They accordingly took Horse, and when they met the Coach, the Captain having a Pistol in his Hand, cried to the Coach, *Hold*, and at the same Time bid this Examinee *fire*, which he did accordingly. That he being further examined as to Mr. *Hanson's* knowing any thing of this Matter, he saith he doth not know that he doth. That as to the Arms, there was a Blunderbuss, two Swords, two Pair of Pistols, three Pocket Pistols, two Pair of Boots tied up together in a kind of Sea-Bed, and delivered to Dr. *Dubartin*, a *German* Doctor, who received them at his own House.

J. RERESBY.
W. BRIDGMAN.



CXI. *The Trial of Nathaniel Thompson, William Pain, and John Farwell, at the Guild-Hall of London, for writing, printing and publishing Letters, importing that Sir Edmund-bury Godfrey murdered himself; as also for several Falsities relating to the said Matter printed in several Papers, called the Loyal Protestant Intelligence, June 20, 1682. 34 CAR. II.*

The Jurors were,

Peter Houblon.
John Ellis.
William Barret.
Josua Brooks.
Gervas Byfield.
Jonathan Lee.

VOL. III.

George Widdowes.
William Sambrook.
William Jacomb.
John Delmee.
Samuel Bayly.
Samuel Howard.

The INFORMATION.

FOR that in *Hillary* Term, in the 30th and 31st Years of this King's Reign, in the Court of King's Bench at *Westminster*, by a Jury of the County of *Middlesex* were indicted, *Robert Green*, — *Gerald*, Clerk, *Henry Berry*, *Lawrence Hill*, *Dominick Kelly*, and *Philbert Vernatt*; for that they

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by

by the Instigation of the Devil, &c. the 12th of October, in the 30th Year of this King's Reign, at the Parish of *St. Maryle Strand* in the County of *Middlesex* aforesaid, with Force and Arms, in and upon *Sir Edmundbury Godfrey*, Kt. in the Peace of God and the King then and there being, feloniously, wilfully, and of their Malice aforethought, did make an Assault, and kill and murder him in this manner, *viz.* *Green* did fold and fasten a Linen Handkerchief about his Neck, and therewith choaked and strangled him, of which choaking and strangling he instantly died: And the others, *viz.* *Gerald, Berry, Hill, Kelly* and *Vernatt* were present, aiding, abetting, comforting, assisting and maintaining the said *Green* to kill and murder the said *Sir Edmundbury Godfrey* in Form aforesaid; and so they the said *Green, Gerald, Berry, Hill, Kelly* and *Vernatt*, in Manner and Form aforesaid, him the said *Sir Edmundbury Godfrey* feloniously, wilfully, and of their Malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity: To which Indictment afterwards, the said Term, the said *Robert Green, Henry Berry*, and *Lawrence Hill* severally pleaded, Not Guilty, and put themselves upon the Country; and after in the said Term of *St. Hillary*, in the said Court of King's Bench at *Westminster*, for the Felony and Murder aforesaid, by a Jury of their Country in due manner were tried, and thereof lawfully convicted and attainted, as by the Record thereof in the said Court of King's Bench at *Westminster* remaining more fully appears; which said *Robert Green, Henry Berry* and *Lawrence Hill*, were afterwards executed and suffered Death, according to the Form and Effect of the Judgment and Attainder aforesaid. And whereas one *Miles Prance*, upon the Trial of the Indictment aforesaid, was produced a Witness and sworn for the King, and gave material Evidence against the said *Green, Berry* and *Hill*, to prove them Guilty of the Felony and Murder aforesaid: And one *William Bedloe, John Brown, Elizabeth Curtis, Zachary Skillarne*, and *Nicholas Cambridge*, upon the Trial aforesaid, were Witnesses in like Manner produced and sworn for the King, and gave divers material Evidences against the said *Green, Berry* and *Hill*, to prove them Guilty of the said Felony and Murder. And whereas also the said — *Gerald, Robert Green, Lawrence Hill, Dominick Kelly*, and *Philbert Vernatt*, at the Time of the Felony and Murder aforesaid, were Papists, and Maintainers of the Romish Superstitions: And the said — *Gerald, Dominick Kelly*, and *Philbert Vernatt* have fled, and not yet appeared to the said Indictment. And whereas also by the Coroner's Inquest taken upon the View of the Body of the said *Sir Edmundbury Godfrey* lying dead before *John Cooper*, Gent. one of the Coroners of the said County of *Middlesex*, by the Oaths of honest and lawful Men of the same County, above the Number of twelve Persons, it was found that certain Malefactors unknown, feloniously, and of their Malice prepense, him the said *Sir Edmundbury Godfrey* did strangle and choke, of which he died. The said *Nathaniel Thompson, William Pain*, and *John Farwell*, well knowing the Premises, and being Persons devilishly affected, devising, practising, and with all their Strength intending the Peace and common Tranquillity of this Kingdom of *England* to disturb, and as much as in them lay the due Course of the Law to destroy, and subvert and elude, and the Justice of this Kingdom of *England* to de-

same and scandalize, and as well the said *Miles Prance, William Bedloe, John Brown, Elizabeth Curtis, Zachary Skillarne, Nicholas Cambridge*, as the said *John Cooper*, and the honest and lawful Men sworn upon Inquest aforesaid, upon view of the Body aforesaid, to bring into the greatest Hatred, Contempt, and vile Esteem with all the King's Subjects, and to deter the King's Subjects from finding, detecting, and proving the Designs of Papists against our Lord the King, and the true Religion now by Law established, and impiously and wickedly devising and intending them the said — *Gerald, Dominick Kelly*, and *Philbert Vernatt*, from undergoing the Pains and Sentences by Law upon them to be inflicted, for the Murder aforesaid, and to aid and assist them (although they be Guilty) to be found Not Guilty thereof; and to deceive and beguile the King's Subjects in the Premises with their false Affirmations and Arguments, and cause and procure that it should be believed and esteemed, that the said *Green, Berry*, and *Hill*, the Persons for the Murder of the said *Sir Edmundbury Godfrey* as aforesaid convicted and executed, had been convicted, and executed unjustly; and that the said *Sir Edmundbury Godfrey* was *felo de se*, and himself had feloniously murdered. They the said *Thompson, Pain*, and *Farwell*, their most impious, wicked, and diabolical Intentions to fulfil and perfect afterwards, to wit, the 23d of *February*, in the four and thirtieth Year of the Reign of our now Sovereign Lord the King, at the Parish of *St. Maryle Bow, London*, with Force and Arms, &c. falsely, unlawfully, unjustly, wickedly, and diabolically, made, composed, and caused to be printed, a certain false, scandalous, and defamatory Libel, entitled, *A Letter to Mr. Miles Prance, in relation to the Murder of Sir Edmundbury Godfrey*: In which said Libel, amongst other Things, it is contained as follows, *And bearing that the Coroner's Jury or Inquest were first of Opinion, and accordingly declared, he was felo de se, and that there was much Art and Skill used to procure their Verdict to the contrary, more particularly the refusing of the Body, at their Instance and Request, to be opened.* And in another Place of the same Libel, it is farther contained as follows, *They say, that if a Man or any other Creature be strangled or hang'd, and his Body cold, and the Blood settled in the Veins (as he must needs be, if your Evidence be true) (meaning the Evidence of the said Miles Prance) run twenty Swords through such a Body, not one drop of Blood will come out; but on the contrary, his Body, when found, was full of Blood, in so much that (over and above the Cakes or great Gobbets of congealed putrified Blood found afterwards in his Clothes) the Constable when he pulled the Sword out of his Body, it crashed against his Back Bone, and Gobbets of Blood and Water gushed or gubbed out of that Wound in abundance, not only in that very Place where the Sword was pulled out, but in all his Passage to the White-house; especially, there where his Body was lifted over two high Stumps, and also when he was laid upon the Table, the Blood and Water so issued out of that Wound, that it ran from off the Table upon the Floor, and from thence into the Cellar: So that they do aver, that that Wound that he received by that Sword, must of Necessity be the Cause of his Death.* And in another Part of the same Libel, it is further contained as follows, *They observe that Bedloe's, before the Committee of Lords, and your Evidence in relation to this Gentleman's Death, are as different as the*

East is from the West; for you dog him out of St. Clement's, the other decoys him from Charing-Cross; you swear he was strangled with an Handkerchief near the Stables going to the Water side; Bedloe, that he was smothered with a Pillow in a Room in the great Court in Somersset-house; you say, he took Horse at Soho; Bedloe says, that he took Coach at Clarendon-house, with many more such like Contradictions; and considering the old Proverb, forewarned, fore-armed; a further and fuller Account of the whole Matter expect. And that the said Nathaniel Thompson, William Pain, and John Farwell, their most impious, wicked and diabolical Intentions to fulfil and perfect, afterwards, to wit, the third Day of March, in the said four and thirtieth Year of the Reign of the said late Lord the King, at the said Parish of St. Mary le Bow, London, aforesaid, with Force and Arms, &c. falsely, unlawfully, unjustly, evilly, maliciously, scandalously, and diabolically, made, composed, and caused to be printed, another false, scandalous, and defaming Libel; entitled, *a second Letter to Miles Prance, in Reply to the Ghost of Sir Edmundbury Godfrey* In which last mentioned Libel, amongst other Things, it is further contained as follows, Next, whereas my Letter saith (and that truly) that the Coroner's Jury were first of Opinion, and accordingly declared he was *felo de se*; and that much Art and Skill was used to procure their Verdict to the contrary. And in another Place of the same last mentioned Libel, amongst other Things, it is further contained as follows: *And it would be very material, if the Coroner would declare, what he received for that Job, and of whom; and what Evidence he had to induce the Jury to find (as the Inquisition imports) that he was strangled with a Linen Cloth, a Matter of Fact never so much as spoken of until you came in with your Evidence, which was not in some Weeks after; and I do again aver, that the Body was required by the Jury to be opened, and was refused; and if the Body was in their and the Coroner's Power (as the Ghost insinuates) such Power was concealed from and denied the Jury.* And in another Place of the same last mentioned Libel, it is, amongst other Things, contained as follows: *He is to understand, that Mr. Brown, the two Surgeons (meaning the said Zachary Skillarne and Nicholas Cambridge) and Mrs. Curtis, are no competent (nor can be material) Witnesses in this Case.* And in another Place of the same last mentioned Libel, it is further contained as follows: *But Mr. Prance, it will be fully proved, that the Body was full of Blood, and that there were Cakes or Gobbets of dry Blood found in his Clothes, which, with his Body, stunk extremely: And it will be also fully and effectually proved that his Eyes, Nostrils, and Corners of his Mouth were Fly-blown.* And in another Place of the same last mentioned Libel, amongst other Things, it is contained as follows: *And as the seventh and last Paragraph, which relates only to the Difference betwixt you and Mr. Bedloe's Evidence, I must take Notice, that what you and he swears is very contradictory.* And in another Place of the same last mentioned Libel, amongst other Things, it is further contained as follows: *But I cannot omit to take further Notice of Mrs. Curtis's Affidavit, in relation to the Wax found upon the Clothes, in which I cannot say but she may swear true; but this I do aver, that if it be so, those Drops were put upon the Clothes long after he was found, and after the Jury had sat on the Body; for there was no such thing then on the Clothes.* And,

I suppose, this was some Artifice used by those, who either out of Interest or Design, were desirous to confirm his being murdered at Somersset-House. And the said Attorney-General for the same Lord the King, gives the Court here to understand and be informed; That the said Nathaniel Thompson, William Pain, and John Farwell, in their further Prosecution aforesaid, falsely, wickedly, and maliciously, their Contrivances and Intentions aforesaid, afterwards, to wit, the 7th Day of March, in the four and thirtieth Year of our said Lord the King, at the Parish of St. Mary le Bow, London, with Force and Arms, &c. falsely, unlawfully, unjustly, wickedly, maliciously, scandalously, and devilishly, composed, made, and caused to be printed, a certain other false, scandalous, and defamatory Libel, entitled, *The Loyal Protestant and True Domestick Intelligence, or News both from City and Country.* In which last mentioned Libel, it is contained as follows: *That there is not in the said Letter (meaning the said false, scandalous, and defaming Libel) entitled, a Letter to Mr. Miles Prance, in relation to the Murder of Sir Edmundbury Godfrey, before first mentioned, the least Item or Circumstance, but what will be by undeniable Evidence made out to be the Truth: So the said Mr. Prance, having not as yet vouchsafed an Answer to that Letter, he will speedily receive a further Letter relating to that Murder, wherein the further Truth will not only be fully set forth, and other Circumstances set out.* And further, that the said Nathaniel Thompson, William Pain, and John Farwell, in their further prosecuting, falsely, wickedly, and maliciously, their Contrivances and Intentions aforesaid, with Force and Arms, &c. falsely, unlawfully, wickedly, maliciously, and devilishly, composed, and caused to be printed, a certain other false, scandalous, and defamatory Libel, entitled, *The Loyal Protestant Intelligence, &c.* In which last mentioned Libel, amongst other Things, it is contained as follows: *Whereas Dick Janeway, in this Day's Mercury, promises an Answer to the late Letter to Mr. Paance, &c. This is to give him and all the World Notice, that such an Answer is impatiently expected by the Author of that Letter, who questions not but to prove every Title of that Letter, to the Satisfaction of all Mankind: And besides, he is very desirous that the Courantier (according to his last Pacquet of Advice from Rome) would go on, and use his Interest, to procure the Lord Mayor, Court of Aldermen, and Common Council of London, to inspect the Truth of that Letter; whereby it will appear inevitably, that there is not one Papist or Popishly affected Person concerned in that Letter, or in the Proof of the Particulars thereof; but the same (with divers other material Circumstances relating to the Murder of Sir Edmundbury Godfrey, and the Fraud and Blind put upon the World in relation thereto) will be more fully, plainly and manifestly proved, without giving ill Words, or scurrilous Language, or Reflections to any Persons that really are, or supposed to be therein concerned in any Circumstance whatsoever.* And that the said Nathaniel Thompson, William Pain, and John Farwell, in their further Prosecution aforesaid, falsely, wickedly, and maliciously, their Contrivances and Intentions, after, to wit, the first Day of April, in the four and thirtieth Year of the Reign of our said Lord the King, with Force and Arms, &c. at the Parish of St. Mary le Bow, London, aforesaid, falsely, unlawfully, unjustly, wickedly, maliciously, scandalously, and devilishly, made, composed,

posed, and caused to be printed, a certain other false, scandalous, and defamatory Libel, entitled, *The Loyal Protestant Intelligence*, &c. In which last mentioned Libel, amongst other Things, it is contained as follows; *Last Wednesday, Nathaniel Thompson, upon Summons, appeared before the Lords of his Majesty's most honourable Privy Council, about the Letters to Mr. Miles Prance, concerning the Death of Sir Edmundbury Godfrey, where he justified the Matter, and produced the Authors, who are ready to prove (by undeniable and substantial Witnesses, not in the least accused or suspected of Popery, as the malicious Party do suggest) that every Tittle and Iota of those Letters are true.* And that in another Part of the last mentioned Libel, amongst other Things, it is contained as follows; *Mr. Thompson and the Gentlemen his Friends are to attend the next Wednesday at Council, where they do not doubt, but that honourable Board will put them into a Method to prove the whole, or any particular, which their Honours in their great Wisdom shall think convenient to be brought to the Test or Examination.* And further, that the said *Nathaniel Thompson, &c.* the twenty third Day of *February*, in the abovesaid thirty fourth Year of our said Lord the King; and divers other Days and Times betwixt the said twenty third of *February*, and the abovesaid thirty fourth Year, and the Day of the exhibiting of the said Information at the Parish of *St. Mary le Bow, London*, abovesaid, knowingly, and every of them knowing the said several Libels to be false, malicious, scandalous, and seditious, with Force and Arms, &c. falsely, unlawfully, unjustly, wickedly, maliciously, scandalously, seditiously, and devilishly, the said false, malicious, scandalous and seditious Libels uttered and published, and each of them uttered and published in manifest Contempt of the Laws of this Kingdom of *England*, and the Scandal and Defamation of the publick Justice of the same, to the evil Example of all others in like Case offending; and against the King's Peace, his Crown and Dignity, &c.

Then Proclamation for Information being made, Mr. Thompson acquainted my Lord and the Jury with the Effect of the Information, as follows:

Mr. Thompson. My Lord, and you Gentlemen of the Jury, this is an Information against *Nathaniel Thompson, William Pain, and John Farwell*, and it is for writing and printing several scandalous Libels, about the Death of *Sir Edmundbury Godfrey*: In which we set forth, that *Green, Berry, and Hill*, were indicted for the Murder of *Sir Edmundbury Godfrey*, and thereof convicted and attainted; and that the said *Green, Berry, and Hill*, were executed for it: That upon their Trial for that Matter several Witnesses were examined, namely, *Mr. Prance, Bedloe, and Curtis*, and several others to prove, *Sir Edmundbury Godfrey* murdered at *Somerset-house*: And before the Trial there was an Inquest taken by the Coroner of *Middlesex*, by which it does appear, that *Sir Edmundbury Godfrey* was murdered by several Persons unknown; and that the Defendants, to reflect upon the Justice of the Nation, and scandalize the Witnesses produced at that Trial, and to make it believed that these Persons died wrongfully, did write and print several scandalous Libels and Letters, one of then entitled, *A Letter to Miles Prance,*

concerning the Murder of Sir Edmundbury Godfrey; and in these Letters did suggest, as if he had been *felo de se*, and do reflect upon every one of the Witnesses, as if they had contradicted themselves; and also do reflect upon the Coroner, as though he had bribed the Jury; and do undertake by these Arguments, and several others (that you will hear) to prove, that *Sir Edmundbury Godfrey* murdered himself. And that in another Libel that *Thompson* printed, called his *Loyal Protestant Intelligence*, he says, he will make it out by a cloud of Witnesses. This we say is against the Peace of the King, and defaming of the Justice of the Nation: If we prove this Matter upon them, you are to find them Guilty.

Mr. Serj. Maynard. My Lord, the Matter which you have now before you, is as impudent a Thing as ever was done. Gentlemen, *Sir Edmundbury Godfrey* was murdered, and *Green* and the Contrivers of it have been executed for it; the Matter hath passed the Examination of the Parliament, and the King and Council and all: Now this *Thompson* is a Printer, I may as well say a Printer of Libels, for he does constantly print Libels against the Religion established, and the Justice of the Nation. The Jury that were impannelled upon the Coroner's Inquest, he says of them, that they at first did agree that he murdered himself, and afterwards did return, and find that he was murdered by others. Gentlemen, it is plain that he was murdered by others, and the particular Persons have been tried for it, and found Guilty. Now this Person after all this, What does he do? He takes upon him to write a Letter to *Prance* (*Prance* was one of the Witnesses in that Case) he writes it by the Name of a Letter, but it is a foul and wicked Libel; and therein ('tis too long for me to mention the Particulars) he scandalizes the publick Justice of the Nation, he undertakes to vindicate the Murderers, and to accuse the Proceedings of the Nation. But, Gentlemen, we will prove these Men guilty of framing and publishing of these wicked Libels, and that is all that is needful to be done upon the point of Evidence. We will call our Witnesses.

Then *Mr. Clare* was sworn, and produced a Copy of the Record of the Conviction and Attainder of *Green, Berry, and Hill*, for the Murder of *Sir Edmundbury Godfrey*. As also a Copy of the Inquisition, taken by the Coroner of *Middlesex*, upon the View of the Body of the said *Sir Edmundbury Godfrey*, whereby it is found that he was murdered by them, strangled with a Cord by Persons unknown. Both which (*Mr. Clare* having sworn to be true Copies) were read.

* *L. C. J.* This Matter of his being thus strangled, was found before it was discovered who did the Murder.

* *Sir Francis Pemberton.*

It was upon the Sight of the Body, and they supposed it to be done by a Cord, but afterwards it came to Light that it was done with an Handkerchief.

Mr. Thomp. (To the Counsel of the Defendants) If you will put us to prove all, we must prove that these Men were executed.

Then Captain Richardson was sworn.

L. C. J. Were these Men executed for this Murder?

Capt. Rich. Yes, I saw them executed.

Then

Then Mr. Prance was sworn.

Mr. *Thomps.* Did you give Evidence upon the Trial of *Green, Berry, and Hill*, for the Murder of *Sir Edmundbury Godfrey*?

Mr. *Prance.* Yes.

Mr. *Thomps.* Do you remember that *Brown* was a Witness too?

Mr. *Prance.* Yes, *Brown* was.

Mr. *Thomps.* Was *Curtis* a Witness, and Mr. *Bedloe*?

Mr. *Prance.* That *Curtis* was, I don't remember; Mr. *Bedloe* was.

Then *Curtis* was sworn.

Mr. *Thomps.* Were you a Witness at the Trial of *Green, Berry, and Hill*?

Mrs. *Curtis.* Yes, I was.

Then *Sir John Nicholas, and Sir Philip Lloyd, and William Bridgman, Esq;* were sworn, and the two Letters in the Information were shewed to them.

D. C. J. Were these shewed to the Defendants, *Thompson, and Pain, and Farwell*, at the Council?

Sir *Phil. Lloyd.* These were the same, I know because they are endorsed by my Hand; *Thompson* owned the printing of both, and one other of the Defendants owned the writing of one of them, and the other of the other.

L. C. J. But *Thompson* owned the printing of both?

Sir *Phil. Lloyd.* Yes, my Lord.

Mr. *Sol. Gen.* Did *Pain* and *Farwell* own the bringing of both to *Thompson* to print?

Sir *Phil. Lloyd.* One owned the one, and the other the other.

Then *Sir John Nicholas and Mr. Bridgman* testified the same.

Mr. *Saunders*, of Counsel for *Pain*, said to Sir *Phil. Lloyd*, Did *Pain* or *Farwell* own that they brought both, or one the one, and the other the other?

Sir *Phil. Lloyd.* One the one, and the other the other.

Mr. *Saunders.* Then pray, Sir, which was that *Farwell* did own?

Sir *Phil. Lloyd.* My Lord, my own Memory does not tell me which, but here are Notes say that *Farwell* owned the first, and that *Pain* owned the second.

L. C. J. Do you believe them to be true?

Sir *J. Nicholas.* Yes, Sir, I took the Notes.

Mr. *Yalding.* Did he readily discover his Authors?

Sir *Phil. Lloyd.* Yes, he did.

Associat. The Title is thus, *A Letter to Mr. Miles Prance, in relation to the Murder of Sir Edmundbury Godfrey.* Shall I read it all?

L. C. J. All of it.

Read it in these Words; Mr. *Prance.*

A LETTER to Mr. Miles Prance, in Relation to the Murder of Sir Edmundbury Godfrey:

Mr. *Prance,*

Perceiving by some late Pamphlets several Rumours rais'd, as if there were Endeavours us'd

to asperse your Evidence in Relation to the Death of Sir *E. B. G.* and to lay that Murder upon himself. And remembering the Consternation, which then was in all Peoples Minds, by the Discovery at that Time of a dreadful and most horrid Popish Plot, which occasioned divers to report, and most to believe (even several Days before the dead Body was found) That he was murdered by the Papists at *Somerfet-house.* And hearing that the *Coroner's Jury, or Inquest,* were first of Opinion, and accordingly declared he was *felo de se:* And that there was much Art and Skill used to procure their Verdict to the contrary: More particularly, the refusing of the Body (at their Instance and Request) to be opened; and opposing the Assistance of the *Coroner of Westminster,* (who is taken notice of to be a knowing and impartial Man in the Execution of his Office;) who was desired to, and did attend for that Purpose, but was dismissed with a Guinea; telling him, they had no need of his Service. I made it my Business, partly for Your's, but chiefly for the Truth's sake, to make a strict Enquiry into the farther Causes of the aforesaid Rumours, and do find these Particulars very much urged, and discoursed of, (viz.)

I.

In Opposition to the Evidence of his being dogged up and down, and lodg'd in a great House at *St. Clement's* on *Saturday* the 12th of *October* 1678. (being the Day he was first missing.) It is affirmed, he went out of his House that very *Saturday* Morning about nine o'Clock (which is the last Time he ever returned thither;) and about ten that Forenoon was in the Fields walking towards *Marybone,* (in which Parish his dead Corps was afterwards found) and was there met by a Brewer in *St. Giles's,* who discoursed with him; and about eleven of the same Day he was seen passing by the *Lady Cook's* Lodgings near the *Cock-pit;* after which, he was seen in *St. Martin's-lane,* went by the Church, and down *Church-Lane* into the *Strand;* about one passed by the Door of one Mr. *Ratcliff* an Oilman in the *Strand,* and soon after was met in the back Court of *Lincoln's-Inn* by two Gentlemen, who observed him to make a sudden turn, and to go out at the back Door; they went out at that Door also, and did see him turn the corner Wall, between which Place and *Turn-stile,* he was met by a Barrister at Law; and that a Person living near *Primrose-hill,* declared before divers Persons, that he saw him about three that *Saturday* in the Afternoon walking in those Fields, his usual Walk being that way.

II.

They say, the Place where, and the Posture wherein he was found, are very remarkable. As to the Place, it was in a Ditch on the South-side of *Primrose-Hill,* surrounded with divers *Closes,* fenced with high Mounds and Ditches, no Road, near, only some deep dirty Lanes made only for the Conveniency for driving Cows and such like Cattle in and out of the Grounds; and those very Lanes not coming near 500 Yards of the Place, and impossible for any Man on Horse-back with a dead Corpse before him at Midnight to approach, unless Gaps were made in the Mounds, as the Constable and his Assistants found by Experience when they came on Horseback thither. As to the Posture, his Breast was unbuttoned, his Waistcoat and Shirt put up, his Sword run in under his left Pap next

his Skin, the Point coming out at his right Shoulder about six Inches, his left Arm doubled under him, (on which his Head seemed to lean) and his right Arm stiff, stretched out upon the Bank, his Belly and Breast being supported by the Side of the bank, his Knees knit together, and with his Hips a little bending or doubling under him.

And they infer from thence, that he being a tall raw-boned Man, (after he had been several Days dead) could never be crooked so as to be crammed into a *Sedan*, (which are very low built, and difficult to be carried with proper Braces, much more as you evidenced, with *Cords*) then straitened, and his Legs opened, and mounted on Horseback, and then put into the Posture he was found in, and stiffened again.

III.

Now although the Matters aforesaid may be said to be only *circumstantial*, yet they produce undeniable Arguments against your Evidence, *viz.* They say, that if a Man, or any other Creature, be strangled, or hanged, and his Body cold, and the Blood settled in the Veins, (as he must needs be, if your Evidence be true) run twenty Swords through such a Body, not one Drop of Blood will come out: But on the contrary, his Body, when found, was full of Blood, insomuch, that (over and above the Cakes or great Gobbets of congealed putrified Blood found afterwards in his Clothes) the Constable when he pulled the Sword out of his Body, it crashed against his Back-bone, and Gobbets of Blood and Water gushed or gubbed out of that Wound in abundance, not only in that very Place where the Sword was pulled out, but in all his Passage to the *White-house*, especially there where his Body was lifted over two high Stumps; and also when he was laid upon the Table, the Blood and Water so issued out of that Wound; that it ran from off the Table upon the Floor, and from thence into the Cellar; so that they do aver that that Wound that he received by that Sword, must of Necessity be the Cause of his Death. And they take Notice, that so much of the Sword as was in his Body, was discoloured and blackish; and that Part that came out at his Back was of a dullish Colour, and the Point thereof was rusty; also, that the Clothes, Belt, and Scabbard, were weather-beaten to Rags; his Body stunk extremely; his Eyes, Nostrils, and Corners of his Mouth were Fly-blown; all which must naturally be by his being so long in the Air.

IV.

They say, That when a Man is strangled, or hanged, his Eyes will be extorted, his Face will be swelled and black; whereas his Eyes were shut, his Face was pale, only the left Part of his Chin, with his Breast and Belly being next the Earth, were putrified, and looked of a blue and greenish Colour, more especially about the Wound; for that the Blood, when hot, running to the Wound, caused the greater Putrefaction in that Place; whereas, if the Wound had been made after he was dead and cold, the rest of his Body would have putrified as soon, and as much as there.

V.

They say, That the cleanness of his Shoes makes against your Evidence; for his Shoes were cleaned, or rather glazed on the very bottoms of the Soles, occa-

sioned by his walking in the Grass, and Grass-seeds were observed to stick in the Seams of his Shoes: And besides, there was not one speck of Dirt on his Clothes, or Legs, not so much as a Horse-hair sticking thereon; whereas the Constable, and those that went with him, were dirtied and moiled up to the very Saddle-skirts, and not easily to be cleaned; and Mr. Prance, you know that a tall dead Man on Horse-back, cannot lift up his Legs to save them from the Dirt.

VI.

As to the looseness of his Neck, and the Rim or green Circle about it, they say they are ridiculous and impertinent Arguments against so many demonstrative ones; especially, when there is not a Nurse, or any Woman of Age, that hath buried any Relations, but will tell you 'tis very common for People to die with Necks as loose as his was. And the Rim about his Neck was so far from being like one made with a *Crawat* or *Handkerchief*, that it seems to be occasioned by the great height and stiffness of his Collar, which was fast buttoned about his Neck, and on which his Head rested, and was unbuttoned about ten of the Clock the next Day, before the *Coroner* or *Jury* came. But if that Rim, or those Bruises, that your Evidence seems to make the Cause of his Death, were really so; then they alledge, that in such Case, the whole Mass of Blood would have settled there, and his Neck and Bruises would have swelled, and have been perfect black, which was not in his Case.

VII.

They also say, That all these Matters are notorious, and will be proved by divers credible and undeniable Eye and Ear-witnesses: And besides, they observe, that *Bedloe's* (before the *Committee of Lords*) and your Evidence, in Relation to this Gentleman's Death, are as different as the *East* is from the *West*; for you dog him out of *St. Clement's*; the other decoys him from *Charing-cross*: You swear he was strangled with a Handkerchief near the Stables going to the Water-side; *Bedloe*, that he was smothered with a Pillow in a Room in the great Court in *Somerfet-house*. You say, he took Horse at *Soho*; *Bedloe* says, he took Coach at *Clarendon-house*; with many more such like Contradictions: And considering the old Proverb, *Fore-warn'd, fore-arm'd*. A further and fuller Account of the whole Matter expect, I being loth at present to exceed the Bounds of a Letter. I am,

S I R,

Your very loving Friend,

TRUEMAN.

London, Printed for M. G. at the Sign of Sir E. B. G.'s Head near Fleet-Bridge.

Sir Fr. Winn. Now read the other Letter.

Associat. This is entitled, *A second Letter to Mr. Miles Prance, in Reply to the Ghost of Sir Edmundbury Godfrey.*

Mr. Prance,

SINCE my last to you of the 23d past, I have seen a prolix, railing, and impertinent Pamphlet, intuled, *Sir E. B. G.'s Ghost*, and pretended to be an Answer to my said Letter. And conceiving you are better acquainted with Ghosts than myself, I thought

I thought fit to direct my Answer to that Ghost to you, and thereby shew the Ridiculousness thereof, as also vindicate the Truths contained in my said former Letter, and shew you and the World further Circumstances to justify the same; and therefore, according to the Method of my former Letter, I shall now proceed by these Heads.

And first, Not understanding what the Ghost means, by arraigning the Justice of the Nation, unless he would assert that all that are legally, (are likewise justly hanged;) and so consequently, that the Mother and her two Sons were justly hanged in *Gloucestershire*, for the Murder of the Lady Viscountess *Cambden's* Steward, though he afterwards appeared alive; and I do not find that ever his Appearance arraigned the Justice of the Nation. And remitting the Consideration of Mr. *Brown's*, the Surgeons, and Mrs. *Curtis's* Evidence in relation to the Blood, to it's proper Place; and affirming, (as the Truth is) that Mrs. *Celliers*, Mrs. *Mary Gibbon*, the *Newgate* Priests, *James Magrath*, and all other *Irish* Men, or *Irish* Evidences, or other Papist or Papists, or popishly affected Persons whatsoever; as also those concerned in the late Sham of his having hanged himself, are Strangers to, and had not the least Knowledge or Intimation of the Contents of my said former Letter, nor any Way concerned therein, or in, or with any Part thereof, (as the said Ghost most falsely and maliciously insinuates.) I take notice that the said Ghost seems to admit so much of the Truth of the said Letter, as that it was reported divers Days before the dead Body was found, that he was murdered in *Somerset house* by the Papists, and which Report was made even the next Morning after he was missing, (being *Sunday* the 13th of *October*, 1778.) Now I would fain have this Ghost to inform the World who first raised that Report: But as to Mr. *Dugdale's* Letter of it, I cannot give it any better Answer, than that as his Evidence hath since been disbelieved in Matters of greater Consequence; so he not producing any such Letter, you must give me leave also to suspect him in this. But as to the other Evidences of Mr. *Birch* and the rest; theirs I believe to be very true; for 'tis no Miracle that a Report so cunningly raised, (without any Ground) might as industriously be promulged to most Parts of the Kingdom, before the respective Days they speak of, especially when the Plot had filled all Mens Heads with Fears and Jealousies, without which it had not been in the Power or Art of the Ghost, or any of his Tribe, to have suggested the least Surmise to contradict his being *Felo de se*.

Next; Whereas my Letter saith, (and that truly) that the Coroner's Jury were first of Opinion, and accordingly declared, he was *Felo de se*, and that much Art and Skill was used to procure their Verdict to the contrary. This Ghost, instead of contradicting that Truth, would insinuate, as if that Letter reflected upon the Reputation of the Jurors, when as there was no such Thing implied or intended, they being known to be honest Men, of good Reputation, and free from Fraud or Guile, and consequently the easier to be over-reached by the Cunning of those and that Party, whose Interest it was to deceive them, and who never leave any Stone unturned to attain their Designs. And I cannot but observe how skilful and industrious these People still are, to hide and prevent the Truth

of that Man's Death from clearly appearing and shining forth, as without doubt it would, and must do, was not the Matter now (as formerly) puzzled with Legends, and long Stories, nothing to the Purpose. And as to the Coroner's Warrant for burying the Body, and recited in the Ghost, 'tis notorious they are common Tricks, used by Men of his Profession, who (if any Money is like to come) will usually adjourn the Jury, and then make such Warrants (they knowing, that if the Verdict be *Felo de se*, 'tis then out of their Power to give leave to bury the Corps.) And it would be very material, if the Coroner would declare what he received for that Job, and of whom, and what Evidence he had to induce the Jury to find (as the Inquisition imports) that he was strangled with a Linen Cloth, a Matter of Fact never so much as spoken of, until you came in with your Evidence, which was not in some Weeks after. And I do again aver, that the Body was required by the Jurors to be opened, and was refused; and if the Body was in their and the Coroner's Power, (as the Ghost insinuates) such Power was concealed from, and denied the Jury. And 'tis very probable the Coroner of *Westminster's* Assistance was refused, for some such indirect Doings, for that there was not the least Difference betwixt the Coroners in relation to their Jurisdictions; and the *Westminster* Coroner came not voluntarily of himself, but was importuned to be there by Mr. *Wigg*, and divers others of the chief Inhabitants of *St. Martin's* Parish: And particularly, the Reverend Dr. *Lloyd* (who preached the Funeral Sermon) spoke to the Coroner of *Westminster* before he went, so that it had been proper to have given the Matters mentioned in that Sermon, in Evidence before the Jury. And 'tis observable, the Person mentioned to give the Information to the Doctor of the two Wounds in the Body, and that two Hours before it was found, was never produced; for if he had, and that Sir *E. B. G.* had been murdered, such Person might have been secured, and thereby the Murderers detected. But I suppose the Ghost will not pretend either that Sermon, or the Pamphlet printed by *Nath. Thompson* to be legal, or (indeed) any Evidence at all.

And now, Mr. *Prance*, being come to the several Paragraphs of my Letter, I shall take them in order as they are placed, and give the Ghost particular Answers accordingly.

I.

As to Sir *E. B. G.'s* Perambulations therein mentioned to be on the *Saturday* he was first missing, they are true in every Particular, and will be proved by divers able, credible, and undeniable Witnesses. And how vain it is for the Ghost to ask, Why these Witnesses did not come in sooner at the Trial of *Green*, *Berry*, and *Hill*, do you judge, when all the World remembers the great Torrent that carried all before it in favour of the Plot, and the Murder of Sir *E. B. G.* by the Papists, without which (as *T. O.* was heard to say) his Plot had failed: And when it is duly considered, that the two Persons that first found the Body, (for no other Cause) suffered much in their Persons and Estates, by a long and chargeable Imprisonment. And all others that then seemed to doubt of the truth of that Man's being murdered by the Papists, were stigmatized with the odious Names of Papists, and Encouragers (if not Promoters) of the

the Plot: It will appear no wonder, if People were unwilling to discover their Knowledges, or to come voluntarily (without Process) to give their Evidence. And how can it be imagined those three unfortunate Men, being kept close Prisoners, could make enquiry after proper Evidences, or (against the common Vogue) draw into Suspicion the Assertion of his being murdered by the Papists?

II.

The Ghost hath so much Ingenuity to grant the second Paragraph of my Letter, as to the Place and Posture he was found in, but would avoid the Inaccessibleness of the Place, pretending a Lane near, when as that Lane is, in effect, unpassable with two on a Horse, and comes not within 500 Yards of the Place, and the Mounds thither very high, and the Constable and his Assistants (though they lived in the Parish, and well knew the Way) were forced to break a Gap in the Mounds, though they were singly horsed. And whereas the Ghost alledges, that you do not depose he was carried to the Place wholly on Horseback, he hath run himself into a worse Dilemma, having made no Provision of Men (either as to Strength or Number) to carry so great and weighty a Corps, in the dead of the Night, over such Mounds and Fences; but let all inquisitive People, desirous of Truth, take the Pains but to go to the Place, (and that without any Burden on their Backs) they will soon be convinced of the Assertion of the Difficulty (if not Impossibility) of the bringing a dead Corps thither, either on Foot or on Horseback. And the Pretensions of the Ghost's, as to the limberness of the Body and Joints, does not answer that Part of my Letter which relates to the Impossibility of his being put into a *Sedan*. For his Body, when found, was stiff; so that what Limberness happened, or appeared afterwards, hath no relation to the Question. For it's a certain Maxim, a dead limber Body cannot be stiffened. And pray, Mr. *Prance*, give us an Account what became of the *Sedan*, and the Cords? And how you could carry it with Cords; for the meanest *Sedan*-man in Town will tell you it is impracticable, or rather impossible; and you may, if you please, make an Experiment with a Cord.

III.

As to the Body being full of Blood, when found, the Ghost endeavours to disprove that Assertion, by the Evidence of Mr. *Brown* the Constable, the two Surgeons, and Mrs. *Curtis*, and produceth the Evidence given at the Trial of *Green, Berry, and Hill*, and an extrajudicial Affidavit since made by Mr. *Brown*, and another by Mrs. *Curtis*, to countenance such his Denial. But, Mr. *Prance*, (when you see the Ghost) tell him the Matter of the Blood will (and I assure you and all the World it will) be proved by divers credible and undeniable Evidence; and that I may pacify the Ghost in the mean Time, he is to understand that Mr. *Brown*, the two Surgeons, and Mrs. *Curtis*, are no competent (nor can be material) Witnesses in this case. For Mr. *Brown*, as he did a rash and unaccountable Act (to give it no worse Name) in removing the Body before the Coroner and Jury saw it, (which hath occasioned all this Dispute) so he must not think to help himself by Affidavits, or to justify one ill Act by another: And besides, as he unadvisedly (and contrary to all Law and Practice) re-

moved the Body before the Coroner and Jury came; so he did the same in the dark, (about eight o'Clock at Night) when the Candle was blown out; whereby it was impossible for him to look for any Blood, so as to find it: And neither he or the Surgeons (by any Day-light) saw the Place where the Body was found, or where the Sword was pulled out, until after ten o'Clock the next Day; before which Time much of the Blood was taken up, and the rest trampled out of Sight by the great Concourse of the People which came thither. And as for Mrs. *Curtis*, she only saw the Body after it was brought home, when as the Body was strip'd at the *White-house*, and a Blanket borrowed there to wrap the Body in. So the World may judge of the Truth of her Affidavit. But (Mr. *Prance*) it will be fully proved, that the Body was full of Blood; and that there were Cakes or Gobbets of dry Blood found in his Clothes, which (with his Body) stunk extremely. And it will be also fully and effectually proved, that his Eyes, Nostrils, and Corners of his Mouth were Fly-blown; though the Ghost (without the least colour of Reason) pretends it to be contrary to Nature and Reason; when as common Experience daily evinces the contrary. And I do observe, that the Ghost omits to take Notice of two material Circumstances in this third Paragraph, (*viz.*) The first, as to the Sword's crashing against the Backbone. The second, as to that part of the Sword which was in his Body being discoloured. And pray, Mr. *Prance*, do you (or the Ghost) give the Reasons thereof, and of it's Point being rusty; as also, what was, or could be the Cause of the Spots in the Shirt, Waistcoat, and Drawers, of greenish Colour, mentioned in Mrs. *Curtis*'s Affidavit.

IV.

As to the fourth Paragraph of my Letter, I perceive the Ghost admits, that when a Man is strangled or hanged, his Eyes will be extorted; and admits that Sir *E. B. Godfrey*'s Eyes (when found) were shut; only he seems to quarrel with the colour of his Face: And, seeing he admits his Face not black (as all hanged Mens are, when cold) I care not to contest, whether his Face was pale or ruddy, or a little swelled, or not, those being very inconsiderable Circumstances. But his denying the Putrefaction charged in that Paragraph, and the Consequences deduced from thence, is not only a great Untruth, but is directly opposite to the Evidence given by Mr. *Skillarue*, at the Trial before mentioned, Page 37, 38.

V.

As to the fifth Paragraph, the Ghost is so far from answering the Assertions therein, as that he only quibbles at Words; and begging the Question, deduces thence impertinent and ridiculous Arguments. For it will be proved, that his Shoes were glazed at the bottom of the Soles, and which must of Necessity be occasioned by his walking on the Grass. And (Mr. *Prance*) if you and the Ghost will walk together, you will easily experience it, and so may any Body else satisfy himself in this Speculation: As also, as to the Grass-seeds that stuck in the Seams of his Shoes; which is so far from being impossible at that time of the Year, (as the Ghost would argue) as that it will be proved by undeniable Evidence. But (Mr. *Prance*) pray ask the Ghost how he came there without a speck
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of Dirt; and who pick'd the Horse-hairs off his Clothes; and let him contrive (if he can) a probable or rational way for a dead Man on Horseback to hold up his Legs, or to save them or his Clothes from the Dirt: For though a Man may walk thither very clean, yet 'tis impossible at that time of the Year to ride, either without being dirtied, and some Horse hairs sticking on his Clothes. But perhaps the next Account from the Ghost will be, that he either rid with Gambadoes, or else a pair of Fishermens Boots.

VI.

As to the sixth Paragraph, pray, Mr. *Prance*, tell the Ghost, his railing against Popish Nurses, and Popish Midwives, is no Answer to the Assertions in that Paragraph; for all the Women in the Town are competent Judges thereof, and I hope the Ghost will not say they are all Papists. But pray tell the Ghost he takes no Notice of the height of the Collar, and it's being fast button'd about his Neck when found; nor the conclusion of that Paragraph; and therefore I suppose he admits it to be true.

VII.

And as to the seventh and last Paragraph, which relates only to the Difference betwixt Yours and Mr. *Bedloe's* Evidence; I must take Notice, that what you and he swear, are very contradictory, and much more than I hinted in my said Letter: And though part of it be as he and you were informed; yet you and he swear the Informations were received from the Persons actually concerned in the Murder, and who had confidence enough in Mr. *Bedloe* (though he refused 4000*l.* to help to kill him, and 2000*l.* to help to carry him away) as to shew him the dead Body, and so were under no Temptation of mis-informing either him or your self. And pray, Mr. *Prance*, will you let the World know what Reward you were to have for that Job; for certainly you deserved as much as Mr. *Bedloe*, and needed more, you having a Wife and Children, and he a Batchelor?

Thus, Mr. *Prance*, having gone through each Paragraph of my Letter, and answered the Ghost to your Satisfaction; I should leave off here, fearing I have been too tedious already: But I cannot omit to take further Notice of Mrs. *Curtis's* Affidavit, in relation to the drops of Wax found upon the Clothes, in which I cannot say but she may swear true; but this I do aver, that if it be so, those Drops were put upon the Clothes long after he was found, and after the Jury had sat on the Body; for there was no such thing then on the Clothes: And I suppose this was some Artifice used by those, who either out of Interest or Design, were desirous to confirm his being murdered at *Somerset-house*, and to carry on the great Lie, and impertinent Story, then invented, and given out (amongst others) that he was laid under the High-Altar there; and if my Information fail not, there were other such like Tricks used, which I shall make bold to acquaint those more nearly concerned therein, than your self; and shall give them to understand, that 'tis no wonder a Man in Sir *E. B. G's* Circumstances, should kill himself, such Accidents being no News to that Family, wherein Melancholy and Distraction (that often produces such Effects) hath been predominant, and might occasion the Words he spake to Sir *Tho. Robinson*, as to his being the first Martyr.

And now, Mr. *Prance*, for a Conclusion, If you were guilty of the Murder of Sir *E. B. G.*

Vol. III.

how durst you (as you did) on the *Friday* after he was found, go to *Primrose-Hill* to see the Body, and not be afraid it should at your approach have bled afresh? And how came you (after *Green, Berry, and Hill*, were hanged) to declare, in Answer to a solemn Question, that you knew nothing of the Death of Sir *E. B. G.*? Pray remember me to your old Friend and Lodger Mr. *Renn*, my Respects also to your Wife, not forgetting your little Daughter, who gave you so good Advice before you took your Journey into *Nottinghamshire*, and help'd to take *Beddingfield*, who was bury'd fourteen Months.

I am,

Cambridge, *March 13,*
1681.

Your Loving Friend,

TRUEMAN.

London, Printed for *N. Thompson.* 1682.

Then the Associate read out of a Paper, Intituled, The Loyal Protestant Intelligence, &c. Number 125. *Tuesday, March 7,* 1681. the following Paragraph.

March 4, 1682. **W**Hereas the Mayor of *Gotham*, in his pretended *True Protestant Mercury* of *Saturday* last, seems mightily offended with a Letter therein mentioned to be sent to Mr. *Prance*, concerning the Murder of Sir *E. B. Godfrey*; and endeavours to avoid the Examination of the Truth of the Matter of Fact contained in that Letter, by his old way of railing and stigmatizing all honest *Church of England Men* with the Name of *Papist*, or *popishly affected*: He, and his *Whiggish Tribe*, are hereby desired to take Notice, That there is not in the said Letter the least *Item* or Circumstance, but what will be by undeniable Evidence made out to be the Truth. So the said Mr. *Prance* having not as yet vouchsafed an Answer to that Letter, he will speedily receive a further Letter relating to that Murder; wherein the further Truth will not only be fully set forth, and other Circumstances set out; but also it will thereby plainly appear, that the Reputation of that dead Knight is so far from being therein murdered, or the Justice of the Nation from being questioned; as that it will concern Mr. *Prance*, Mr. *M. G.* and all Parties on that side, to lay their Heads together more effectually than they did on *Wednesday* Morning last: For Truth seeks no Corners; and, were it not for a vicious and un sanctified Generation of Vipers, need not require an Advocate. For, though a Lie may prevail for a Time, and eclipse the Truth, yet at length Truth will shine forth, with the assistance of that God, who is the Author of Truth it self.

Then a Paragraph out of another of the like Intelligences, was read. The Intelligence was Number 127. *Saturday, March 11,* 1681.

March 9, 1682. **W**Hereas *Dick Janeway*, in this Day's *Mercury*, promises an Answer to the late Letter to Mr. *Prance*, &c. This is to give him, and all the World Notice, that such an Answer is impatiently expected by the Author of that Letter, who questions not, but to prove every Title of that Letter, to the Satisfaction of all Mankind: And besides, he is very desirous that the *Courantier* (according to his last *Pacquet* of Advice from *Rome*) would go on, and use his Interest to procure the Lord Mayor, Court of Aldermen

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dermen, and Common-Council of London, to inspect the Truth of that Letter; whereby it will appear inevitably, that there is not one *Papist*, or *popishly affected* Person concerned in that Letter, or in the Proof of the Particulars thereof; but the same (with divers other material Circumstances relating to the Murder of Sir *E. B. Godfrey*, and the *Fraud* and *Blind* put upon the World in relation thereto) will be more fully, plainly, and manifestly proved, without giving ill Words, or scurrilous Language, or Reflections to any Persons that really are, or supposed to be therein concerned, in any Circumstance whatsoever.

Mr. Serj. *Maynard*. You see what they have done; they say, What was testified against the Murderers of Sir *Edmundbury Godfrey*, was a Lie. They go over all the Evidence given against these Fellows, and undertake, by undeniable Witnesses, to prove the contrary.

L. C. J. To the Defendant's Counsel; What say you to it?

Mr. *Saunders*. I am of Counsel for *Pain*, my Lord, the Charge against *Pain* is, That he should own, that he did bring one of these Letters to be printed; I have forgot whether Sir *Philip Lloyd* said the First or the Second.

L. C. J. The Second he says.

Mr. *Saunders*. If *Pain* did own it, I think he did more ingeniously, than when he did make it, or bring it to the Press: But, my Lord, it was a rash unadvised Act; but not out of any Malice: My Lord, we will prove that *Pain* was not a *Papist*, nor any of his Family. My Lord, this cannot justify or excuse them, it will only extenuate their Fault. We will call some Witnesses.

L. C. J. I will hear any thing in this Case, be as large as you will, you shan't say you are stinted; for it is a Business of mighty Concern.

Mr. *Gooding*. I am of Counsel, my Lord, for *Pain*: My Lord, we have made Application to Persons to intercede for us; we are sorry for what we have done, and have offered to give any Satisfaction.

L. C. J. To me said, he would make it out by Five hundred Witnesses: They would make it as plain as the Day.

Mr. *Thompson*. Since the last Time that was appointed for the Trial, they have printed, That they would prove it by *Threescore* Witnesses; and were very sorry it did not come on.

Mr. *Falden*. I am of Counsel, my Lord, for *Thompson*, who, I think, was unfortunately drawn into the Business; and that by *Pain* and *Farwell*, though they turn all upon him now. It was a great piece of Ingenuity for him to discover his Authors; and it had been very mischievous if they had not been discovered.

L. C. J. What say you to the two *Protestant Intelligences*?

Mr. *Falden*. They are as much the Author of them, as of the other. *Thompson* says, the Authors would be able to prove it by undeniable Witnesses: *Thompson's* Intelligence is open to any Man that will put any Thing into it, and he is paid for his Pains.

Mr. *Osborne*. I am of Counsel for *Farwell*, my Lord, it was a foolish thing to do as we have done; but that is no Satisfaction: My Client says he hath several Witnesses.

L. C. J. Call them, they shall be heard.

Mr. *Farwell*. I begin with *Hazard*, my Lord, he and I went to the Place.

Then Hazard was sworn.

Mr. *Hazard*. I went along with Mr. *Farwell*. He was at the *Rainbow Coffee-house*, it was in the Morning, and he desired me to go to the Place where Sir *Edmundbury Godfrey* was found.

L. C. J. What Day was it?

Mr. *Hazard*. I can't tell, I went along with him, and stay'd as long as he did. I saw Sir *Edmundbury Godfrey* lying upon the Table, his Shoes were clean as if he had been on an *Haycock*, and his Eyes were closed.

L. C. J. Where was he?

Mr. *Hazard*. Upon a Table in the *White-house*. There were Gobbets of Blood (that I will aver, my Lord) by the Ditch-side, and likewise at a Place where there were two or three Things to go over, there was more Blood: I can't tell how he was carried, or how he came there, but I saw him at the *White-house*.

Mr. *Williams*. Who went along with you, besides Mr. *Farwell*?

Mr. *Hazard*. No Body.

Mr. *Williams*. Did he bring you to the Place where the Body lay?

Mr. *Hazard*. Yes.

Mr. Serj. *Maynard*. What did *Farwell* tell you when he desired you to go with him?

Mr. *Hazard*. Why, Word was brought by one *Hancock* a Wood-monger, to the *Coffee-house*, some would not believe him, but sent a Porter to Sir *Edmundbury Godfrey's* House, and then when the Porter came, and said the Body was found, and carried to a *White-house* on *Primrose-hill*, he spake to me to go and see the Body, and I fetched my Coat and was there quickly.

Mr. *Williams*. When you came near the Ditch, did *Farwell* shew you the Place?

Mr. *Hazard*. He and others that were there.

Mr. *Williams*. I ask you this, Did any Body shew you the Place where the Body lay, besides *Farwell*?

Mr. *Hazard*. No.

Mr. *Osborne*. Did he go to the Place directly, or about over Ditches?

Mr. *Hazard*. Truly, I know the way to *Primrose-hill* as well as he. We went as direct a Way as we could.

L. C. J. The straightest Way to the Place?

Mr. *Hazard*. Yes: We went over several Ditches.

Sir *Fr. Winn*. As you were going over several Ditches, there was no Body with you, but *Farwell*, was there?

Mr. *Hazard*. No.

Mr. *Williams*. Did you enquire of any Body as you went along?

Mr. *Hazard*. I can't remember such a small Circumstance.

Then William Batson was sworn.

Mr. *Osborne*. What do you know about the Blood that was in the Ditch where Sir *Edmundbury Godfrey* was found?

Mr. *Batson*. The Morning after the Murder was discovered, and that Sir *Edmundbury Godfrey* was found in the Fields, I went with two or three Neighbours, and went to the *White-House*, and I saw him lie upon the Table in the *White-house*; and coming back again, they shew'd me in a Ditch, where they said he lay, some Blood, I cannot say it was his Blood; and going a little farther, I saw some more whitish Blood, and this all I can swear.

L. C. J. Was

L. C. J. Was it frosty Weather?

Mr. Batson. My Lord, I can't tell whether it was, but I'll assure you the Blood looked to me more like Blood that was laid there, than any thing else.

One Fisher was sworn.

Mr. Farwell. Was you there when Sir *Edmundbury Godfrey* was stripped?

Mr. Fisher. Yes, I stripped him of his Clothes, pulled off his Hose and Shoes; I was Carpenter to my Lord *Wooton*, and I was sent for in *October*, a Day or two before, and I came to get the House covered up, and to take Order with my Partner: And as I went, there was a Report that Sir *Edmundbury Godfrey* was found and laid up in the *White-house*, and when I came, the Coroner and the Jury were there, and I got into the Room where Sir *Edmundbury Godfrey* lay upon the Table and took his Hat off; and I saw two Wounds within an Inch and a half one of another, one went no further than his Bone, and the other went through his Back. And, my Lord, immediately there was an Order come down from the Coroner to get him stripp'd. They ask'd me if I would give an Hand, I told them yes. I pull'd off his Shoes, and they were clean, and I pulled off three pair off Stockings, and a pair of Socks, his black Breeches, and his Drawers, and they came off very well; there was a Man in the Company that desired to help, so I got upon the Table, and set him upright with his Breech upon the Table, and his Feet hanging down; we unbutton'd his Coat, and pull'd it off, I came to his Flannel Shirt, and when I came to his Back, there was Blood. But I did not see any Blood till I came to his Back-part. About his Throat there was something that had girt him.

L. C. J. He looked as if he were strangled, did he?

Mr. Fisher. Yes, and his Neck was so weak that you might turn it any where.

L. C. J. To the Defendant *Farwell*. How do you pretend he murdered himself? That he ran himself through?

Mr. Farwell. I make no Inference, my Lord. But I would only prove that what I write is true; I writ only the first Letter; and there are three Heads I am charged with upon that Letter, and That about the Blood is one. My Lord, I was concerned they should pretend there was no Blood at all; when I came there, there was near my Hat full of Blood.

L. C. J. Can you tell who laid it there?

Mr. Farwell. My Lord, if you will hear two Witnesses more, I will satisfy your Lordship who laid it there. My Lord, this Man was one of them that helped to remove the Body out of the Ditch.

Another Witness, John Rawson, called by Mr. Farwell, and sworn.

Rawson. My Lord, I was there taking him up, we fetched the Constable, and pulled him out of the Ditch, and when we had done, we pulled the Sword out, and removed him to the House, and there was Blood upon some Posts (explaining himself to me, on a couple of Stumps to go over upon) and going into the Door, his Back did sweep a little against the side, and there was some Water and Blood lighted there, and likewise lay upon the Table where he lay, and upon the Floor.

Mr. Farwell. Did the Blood of his Body fall upon the Floor, and go through the Floor into the Cellar?

Mr. Rawson. Some Drops were there, I won't swear whether it were Blood or no, my Lord.

Mr. Farwell. My Lord, I desire the same Question may be put to *Mrs. Rawson*.

Mrs. Rawson sworn.

Mrs. Rawson. My Lord, if you please, I have not a word to say, but there was Blood and Water ran through the Table, that is all I can say.

Mr. Farwell. My Lord, as to the Difference between *Mr. Prance's* Evidence, and *Mr. Bedloe's*, I desire I may prove the Difference between them.

L. C. J. You shall make any Proof you will.

John Stanley called by Mr. Farwell, and sworn.

Mr. Farwell. I call him to prove the Copies of the Journals of the House of Lords.

L. C. J. What would you infer from the Journals?

Mr. Farwell. My Lord, they charge me, that I should say there is a great deal of Difference between the Evidence *Mr. Bedloe* gave in the House of Lords, and the Evidence that *Prance* gave at the Trial of *Green, Berry, and Hill*.

L. C. J. Would you prove any Evidence given by *Bedloe* out of the Journals?

Mr. Farwell. I can prove he gave that Evidence before the House of Lords.

But Mr. Farwell afterwards went off from that Proof, and called Mr. Hobbs, Mr. White, Mr. Chase the Father, and Mr. Chase the Son, and Mr. Lazineby, who were sworn.

Mr. Farwell. I ask *Mr. Chase*, what he observ'd about Sir *Edmundbury Godfrey*?

Mr. Chase the Son. My Lord, on *Friday* Morning the Day after the Body was found, I went to *Primrose-bill*, in Company with my Father, to see the Body which they said was found; I came into the Field where the Company in the Field said the Body had been laid; the Body had been then carried into the House, I looked into the Ditch where they said the Body was laid, I could not see Blood in the Ditch, but four or five Yards aside off the Ditch, there seem'd some Blood to me, which the Constable said, followed the Sword when it was pulled out of the Body: I saw the Body in the House, and saw the two Wounds; he had a great Contusion on the left Ear, and his whole Face was very much bruised.

L. C. J. Do you believe there was any Violence offered to him?

Mr. Chase. My Lord, I believe he was strangled, for I don't believe those Injuries that were offered about him, could be after he was dead.

L. C. J. What say you, *Mr. Hobbs*?

Farwell. I desire he may be asked, Whether he did not propose to *Mr. Godfrey*, that the Body might be opened, that any Doubt may be laid aside, concerning his being murdered in that Place?

Mr. Hobbs. My Lord.

L. C. J. Had you any doubt, whether he was murdered or not?

Mr. Hobbs. Indeed, my Lord, I thought he was strangled, that was my Opinion, I can't tell whether I was mistaken. I said to *Dr. Goodall* it would be very well if *Mr. Godfrey* would send for a Surgeon and a Physician from the Court, and others from the City, to satisfy all Persons.

Mr. Farwell. What Colour was his Face?

Mr. Hobbs. My Lord, it was blotted.

L. C. J. Did it look as if Violence had been used to him?

Mr. *Hobbs*. Ay, my Lord; and the bloody Vessels of his Eyes were so full, as if he had been troubled with sore Eyes.

Mr. *Farwell*. Did you observe any Fly-blows in his Face?

Mr. *Hobbs*. No, my Lord, not that I know of.

L. C. J. What say you, Mr. *Chase*?

Mr. *Chase*. My Lord, on *Friday* when I came to see the Body at the *White-house*, I found a great Contusion, and two Wounds, one yielded towards the right, the other went into the Body. I troubled my self no more at that Time, but the next Day I was desired by Dr. *Lloyd*, that I would go to his House and see the Body again, and there I found a swelling upon the left Ear, as if a Knot had been tied; there I found him beaten from this place to this, (pointing to the Neck and Stomach) I never saw any Man beaten so in my life. Before this Business was broached, Mr. *Farwell* did take me aside at *Man's Coffee-house*, and did tell me what Proof he could make of this Business; I told him, Mr. *Farwell*, I love you well, don't meddle with the Business, for I know it is impossible any thing can be said against it that hath the Face of Truth. I did so a second time (my Lord) when the Book came out, I found one before I went to *New-Market*, and the other at *New-Market*; I was very much troubled to see them. The Night before *Easter*, the *Eve* of *Easter Day*, I met with Mr. *Farwell* at an House where I had been with a good Friend of his and mine, and *Farwell* came and asked for me, and he came up to the Room as they called for another Bottle of *Wine*, I told them it was needless, only since Mr. *Farwell* is come up, said I, I will drink one Glass with you. And he told me then, that six Months before I had given him good Counsel if he had taken it.

Mr. *Farwell*. My Lord, I desire Mr. *Smith* to be called.

L. C. J. Let him. But he came not then.

Mr. *Brown* is called by Mr. *Farwell*, and sworn.

Mr. *Farwell*. I desire Mr. *Brown* may be asked, whether his Eyes were not Fly-blown?

L. C. J. 'Tis propos'd to you by Mr. *Farwell*, whether the Eyes of Sir *Edmundbury Godfrey* were not Fly-blown?

Mr. *Brown*. No, my Lord, I did not see any Fly-blows.

Mr. *Farwell*. Whether there were any Specks that one might call Fly-blows?

Mr. *Brown*. My Lord, I did not see any Specks that one might call Fly-blows.

Mr. *Farwell*. I desire that I may call two Witnesses to prove that he said so.

L. C. J. What will you get by that, Mr. *Farwell*, to disparage your Witness?

Mr. *Brown*. My Lord, Mr. *Farwell* would have had me say so, but I never said so.

Then *Smith* came.

L. C. J. What do you ask *Smith*?

Mr. *Farwell*. Only about the Blood.

Mr. *Brown*. My Lord, he came to me another time, and told me I was wrong in my Affidavit, as if he knew what I could make Affidavit of better than my self.

Mr. *Farwell*. My Lord, I was not the Party that told him so.

Mr. *Brown*. He was at my House twice at *Marybone*, at the Sign of the *Sun*.

L. C. J. Was *Pain* with him there?

Mr. *Brown*. My Lord there was a Man with

Plate-buttons with him there. I don't know *Pain*.
Mr. *Smith* sworn.

L. C. J. Well, what say you, Mr. *Smith*, it is required of you by Mr. *Farwell*, here to declare, whether you took up any of Sir *Edmundbury Godfrey's* Blood, and brought it home in your Handkerchief?

Mr. *Smith*. No, my Lord, I know nothing of that.

Mr. *Farwell*. I desire *Rawson* and his Wife may be called again.

Rawson appears.

L. C. J. What say you, 'tis required by Mr. *Farwell*, whether you saw any Fly-blows in Sir *Edmundbury Godfrey's* Eyes?

Mr. *Rawson*. There was something like Fly-blows, but I can't say they were Fly-blows.

L. C. J. Did you observe the Flies were busy at that time of the Year?

Mr. *Rawson*. My Lord, I did not see them.

[Then the People laughed.]

Mr. *Farwell*. I desire *Rawson's* Wife may come.

Mr. *Rawson*. I must fetch her then.

Rawson's Wife appears.

L. C. J. Look you, Mr. *Farwell* requires of you to tell us, whether there were any Fly-blows in the Eyes of Sir *Edmundbury Godfrey*?

Mrs. *Rawson*. If it please you, my Lord, there were a great many People said there were Fly-blows, I took no great notice of them.

L. C. J. He asks you what you say to his Mouth, and his Nostrils, were there Fly-blows?

Mrs. *Rawson*. If it please you, my Lord, I can't say nothing to it, for I did not much mind it, but they seem'd Fly-blows.

L. C. J. Have you any more Witnesses, Mr. *Farwell*?

Mr. *Farwell*. I pray Mr. *Lazinby* (my Lord) may be asked, whether Men that kill themselves look as Sir *Edmundbury Godfrey* did?

L. C. J. Mr. *Lazinby*, Mr. *Farwell* requires of you, whether you have seen Men that have killed themselves look in such a manner about the Neck and Face?

Mr. *Lazinby*. My Lord, he appeared to me to be strangled, and that which strangled him was kept about his Neck till he was cold. My Lord, People that are hanged and let down while warm, the Blood drains away by the Vessels that are broken, and their Faces are rather less, and their Faces become very pale; but the Thing wherewith he was strangled remaining about his Neck, the Blood could not drain away, but it made his Face look bloody. The two Mr. *Chases*, the King's Apothecary, was there when I was there, and the Blood that was some four Yards from the Ditch, I put my Finger in it, and smelt to it, and it smelt like that which comes from a Body after a Fortnight's time dead, rather than a Week's; my Lord, it was Blood and Water. The Water will separate from the Blood.

Sir *Fr. Winn*. But you believe he was strangled?

Mr. *Lazinby*. Yes; his Neck from this place hither (pointing to the upper part of his Neck, and then to his Stomach and Breast) was very much discoloured and black, and his Mouth was discoloured. Now whenever a Man is bruised whilst he is alive, or whilst he is warm, that Part, after the Person is dead, will soonest corrupt.

L. C. J. It stands to Reason that the bruised Part will first corrupt.

Mr. *Lazinby*.

Mr. *Lazinby*. My Lord, after Mr. *Chafe* the Apothecary and I had seen him at the *White house*, I went up to drink a Glass of Beer, and Mr. *Chafe's* Son unbuttoned Sir *Edmundbury Godfrey's* Collar, which was more than I saw, when I was come in, and unbuttoning the Collar, there were two great Creases both above and below, so they sent for me down to come and see it, so I put the Collar together, and I perceived the Collar made the Mark like a strait Ring upon a Finger, the Neck being swelled above the Collar and below, by the strangling with a Cord or Cloth.

Sir *Fr. Winn*. Do you think he killed himself now, Mr. *Farwell*?

Mr. *Lazinby*. There was something in the Cover of his Eyes like Matter, but I can't say it was Fly-blows. His Eyes were open, my Lord, and his Eyes were Blood-shed, as Mr. *Hobbs* hath given you an account, as if he had an extraordinary great Cold, or a Man that had a Blow upon the Temples or Forehead.

Mr. *Farwell*. Whether were his Eye-lids closed?

Mr. *Lazinby*. My Lord, his Eyes were open when I saw him.

Mr. *Farwell*. When I saw him about six a Clock in the Morning, his Eyes were shut.

Mr. *Lazinby*. I felt upon his Clothes; I admired that his Clothes were not wet, there having been so great a Storm the Afternoon before.

L. C. J. And his Clothes were not wet?

Mr. *Lazinby*. His Clothes were as dry as mine.

Mr. *Farwell*. My Lord, they made a great Fire there, and dried his Clothes.

L. C. J. Come, Mr. *Farwell*, there is no Man so blind as he that won't see. Will you call any more Witnesses?

Mr. *Farwell*. I will call no more Witnesses; but I suppose they will offer against me that I am a Papist.

Mr. Serj. *Maynard*. No, no.

L. C. J. Truly your Religion is not worth the enquiring into: 'Tis not much to the purpose what Religion you are of.

Mr. Serj. *Maynard*. Gentlemen, you hear he hath been able to make no Defence for himself; but for the Satisfaction of the World, my Lord hath taken great Pains in hearing him. I shall speak but very few Words, and call a Witness or two of some new Matter; that if it be possible to convince him, we will do it. We need not do it because his own Witnesses tell you of the several Bruises and Wounds he had; that there were no Fly-blows, no putrified Matter. How can a Man that stabs himself, bruise and beat himself in the manner that you have heard? There is never a Witness that hath spoken on his side, but hath spoken against him, to prove himself as malicious a Fellow as can be. What had he to do with this? Sir *Edmundbury Godfrey* was murdered, was found, inquiry made after it, and prosecution thereupon; now comes this Fellow and permits several Arguments against it, every one of them from Matter of Fact that is false, and yet publishes it to the World, that he will prove it by 500 undeniable Witnesses. We will now call some Witnesses to prove him as wicked a Liar as lives. I say what had he to do with it, only mere Malice; He would have me ask him, what Religion he is of? I shall not ask him, for I don't think he is of any; none of any Religion can be so wicked to own such a Thing. We shall desire the favour to call a Witness or two, to prove something more than hath been proved in this

Murder, though there was Evidence enough upon the Trial to prove it.

Mr. *Sol. Gen.* Gentlemen, Mr. *Farwell* does pretend that he hath only told so many Lies, and hath left the World to make use of it. And hath brought Witnesses to colour this Matter over, in hopes to make you believe the Matter is true. But Mr. *Farwell* hath forgot himself, his Paper is quite otherwise, for he hath argued upon it, and made Inferences, that therefore Sir *Edmundbury Godfrey* murdered himself, therefore he is guilty of the highest Malice in the World. He tells a great many Falsties, and from those Falsties hath inferred others. The Paper is full of Arguments.

L. C. J. Gentlemen, I did give him leave to go into what Evidence he would in this Case, not that I thought it material; for if he could have proved never so much, yet his Malice had never been the less to have gone and aspersed the Government. What had he to do to meddle with it? To what purpose should he write Books concerning the Matters of Government, to traduce the Justice of the Nation? The People had suffered as *Malefactors*, and what had he to do with it? If they had suffered innocently, he ought to have done no such thing as this is.

Mr. Serj. *Maynard*. My Lord, but one Witness.

L. C. J. Pray call whom you will.

Mr. Serj. *Maynard*. *John Oakely*. We will prove that he was way-layed that very Day he was strangled.

Mr. *Sol. Gen.* We have no need to call any Witnesses now, to over-do a thing. We may leave it here.

Jury-Man. Pray, my Lord, if they have any more Witnesses, let us hear them.

L. C. J. 'Tis nothing to this purpose to call any for the King, nor hath *Farwell's* Evidence signified any thing to this. He did design, and would (no doubt of it) have been very much satisfied if he could have made but some probable Evidence that Sir *Edmundbury Godfrey* killed himself, and I was desirous to hear what they would say for themselves. But you hear what a kind of Evidence it is; not a Witness he hath called, but is as much against him as can be, and does evince it plainly, that the Man was killed, and that he was killed by strangling; and so the Evidence was upon the Trial of *Green*, *Berry*, and *Hill*. If he could have raised a doubt about it, yet his Offence had not been mitigated by it, for a private Person is not to arraign the Justice of the Nation; but I was willing to hear what could be said in the Case, whether a doubt could be made in the World, that Sir *Edmundbury Godfrey* was not murdered. And you see how his very Evidence hath, in all Things, confirmed the Evidence *Prance* hath given, that he was killed, and that he was killed by strangling. I must leave it with you, Gentlemen, they are all three in this Mischief, 'tis a Combination of them to affront the publick Justice of the Nation, and what is the End of it? The End of it is to make People believe there is no Popish Plot; but it is plain he was killed by the Popish Party; as *Prance*, upon his Evidence against *Green*, and the others, attested. But if they could have made it out that he killed himself, all of them would have cried out the Popish Plot was a Sham, nothing but a thing raised by the Protestants against the Papists, and all the Plot must have gone for nothing. Gentlemen, I do leave it to you, whether upon this Evidence you do not believe them all to be Guilty of this Design, of traducing the Justice of the Nation.

The Jury thereupon, without going from the Bar, found them all three Guilty of the Information.

And the People gave a great Hum.

Monday, July 3, 1682.

Nathaniel Thompson, William Pain, and John Farwell, were brought up by Rule, to the Bar of the Court of the King's Bench to receive their Judgment: Mr. Thompson, the Counsellor, moved for Judgment, and particularly pray'd they might have some corporal Punishment, acquainting the Court, that since their Trial (though they had as much Time and Liberty given them by the Lord Chief Justice, to call their Witnesses, and examine whom they would, as they could desire) the very next News-Book Thompson put out, he took upon him to give an Account, as though Justice had not been done him; and further said, if there was any doubt of the Fact with Mr. Thompson, or Mr. Farwell, or Mr. Pain, there were Affidavits to satisfy the World about it.

Then Mr. Spence's Affidavit was read.

Richard Spence, Citizen and Upholder of London, living in Arundel-street in the Strand, in the Parish of St. Clement's-Dane, in the County of Middlesex, having been twice subpoena'd to give Evidence for the King, upon an Information exhibited in the Crown-office against Nathaniel Thompson, William Pain, and John Farwell, and not being called at their Trial to give Evidence in open Court, maketh Oath, That upon Thursday the tenth Day of October, 1678, it being the Thursday before Sir Edmundbury Godfrey was missing from his own House in Hartshorn-lane in the Strand: As he this Deponent was coming from St. James's Market to go to his own House, about seven of the Clock at Night, there were then at the Water-gate of Somerset-house, five or six Men standing together, who laid hold on this Deponent as he was passing by them, and they taking hold of both this Deponent's Arms, dragg'd him down about a Yard within the Water-gate of Somerset-house, it being dark; but one of the said Men, which this Deponent believes to have been Hill, (for that this Deponent knew Hill very well, as also his Master Doctor Godwyn,) cried out and said this is not he, upon which they immediately let this Deponent go.

*Jurat. 10 die Julii,
1682. Coram me,
W. Dolbin.*

RICHARD SPENCE.

Whereupon the Clerk of the Crown said, that it was one Captain Spence, whom he knew very well, and that he was a tall black Man, and like Sir Edmundbury Godfrey.

Then John Oakely's Affidavit was read.

John Oakley, of the Parish of St. Martin's in the Fields, in the County of Middlesex, Servant to Mr. Robert Breedon of Hartshorn-lane in the said Parish and County, Brewer, maketh Oath, That on Saturday the 12th Day of October, in the Year of our Lord 1678, about eight or nine of the Clock in the Evening, he was in the City of London, in the Company of his Father Robert Oakely

of Biffiter in the County of Oxon, Malster, and his Father came with him so far as Ludgate, where they parted. And this Deponent going homewards to his Master Breedon's House, coming by Somerset-house in the Strand, when he came near the Gate of that House which leads down to the Water-side, commonly called the Water-gate, which was about nine of the Clock at Night, he there saw Sir Edmundbury Godfrey, and pass'd close by him, and put off his Hat to him, and Sir Edmundbury Godfrey put off his Hat again to him; and after that this Deponent had pass'd beyond Sir Edmundbury Godfrey, he this Deponent turned about and looked upon him again, and Sir Edmundbury Godfrey stood still, and there was a Man or two near Sir Edmund. And this Deponent further saith, that he knew Sir Edmundbury Godfrey very well, for that he saw him almost daily pass by his Master Breedon's House in Hartshorn-lane, going or coming from his own dwelling House, which was also in Hartshorn-lane. And this Deponent further saith, that about two or three Days after, when the Rumour was that Sir Edmundbury Godfrey was missing, he acquainted his Fellow-Servant Elizabeth Dekin, that he saw Sir Edmundbury Godfrey near the Water-gate at Somerset-house in the Strand, that very Saturday Night that he was reported to have been missing from his House in Hartshorn-lane. And this Deponent further saith, that he told the same Thing to his Uncle Ralph Oakely of the Parish of Little St. Bartholomew, about a Week after the time that Sir Edmundbury Godfrey's Body was found; and also that he told the same Thing to his Father the aforesaid Robert Oakely, and to several others in a short time after.

*Jurat. 22 die Junii,
1682. Coram me,*

JOHN OAKELY.

Sworn to again the 1st of July, 1682, before Judge Dolbin, and is left filed up *Examinat* in the Crown-Office.

After which the Court consulted together, and Mr. Justice Jones having first set out the Greatness of their Crime, gave the Judgment of the Court, which was, that Thompson and Farwell should stand upon the Pillory, in the Palace-yard, the last Day of the Term, between the Hours of Ten and One of the Clock, for the space of an Hour, and each of them to pay an Hundred Pound Fine, and to be imprisoned till they had paid it. And as for Pain, he told him, because the Court did not conceive him altogether so guilty, they would inflict no corporal Punishment on him, but did adjudge him to pay an Hundred Pound Fine, and to be imprisoned till he paid it.

Afterwards the Court was moved to explain their Judgment, it being apprehended that it was pronounced upon the Pillory; and the Court did declare that their Intention was (and so the Expression upon the Pillory was to be understood) that they should stand in the Pillory.

Accordingly, Wednesday the 5th of July, 1682, Thompson and Farwell stood in the Pillory in the Old Palace-yard at Westminster, with this Writing over their Heads.

For Libelling the Justice of the Nation, by making the World believe that Sir Edmundbury Godfrey murdered himself.



CXII. *The Trial of Ford Lord Grey of Werk, Robert Charnock, Anne Charnock, David Jones, Frances Jones, and Rebecca Jones, at the King's Bench, for a Misdemeanour, in debauching the Lady Henrietta Berkeley, Daughter of the Earl of Berkeley, Nov. 23, 1682. Mich. 34 Car. II.*

THERE having been an Information preferred against the Right Honourable *Ford Lord Grey of Werk*, and others, by his Majesty's Attorney-General *Sir Robert Sawyer*, the first Day of this *Michaelmas-Term*; and the *Lord Grey* having then pleaded to it *Not Guilty*, and the other *Defendants* the like afterward, and the King's Attorney joined Issue upon it; *Tuesday* the 21 of *November*, was appointed for Trial of this Cause; but it was then adjourned to this Day, because one of the Witnesses for the King was not ready; but this Day it came on about Nine in the Morning, at the *King's-Bench-Bar*, and held till Two in the Afternoon, * all the Judges of the said Court being present.

First, Proclamation was made for Silence, and then for Information, if any Person could give any, concerning the Misdemeanour and Offence whereof the Defendants stood impeached: Then the Defendants being called, and appearing, were bid to look to their Challenges, and the Jury being all Gentlemen of the County of *Surrey*, were Called, Challeng'd, and Sworn in this Order.

- Cl. of Cr.* 1. *Sir Marmaduke Gresham*, Jur.
 2. *Sir Edward Bromfield*, Jur.
 3. *Sir Robert Knightley*, Jur.
Sir John Thompson.

Mr. Serj. Jefferies. We challenge him for the King.

Mr. Holt. Then we challenge *toutz per availle*, unless the King shew his Cause of Challenge; for by the Statute of 24 *Ed. I.* the King cannot challenge without Cause.

Mr. Serj. Jefferies. But by the Course of Practice, all the Pannel must be called over before the King shew his Cause.

* *Mr. At. Gen.* Before the Party can have his Challenges allowed, he must shew his Cause; but they must go on with the Pannel, in the King's Case, to see if the Jury be full without the Persons challenged, and that is sufficient.

† *L. C. J.* If they challenge any Person for the King, they must shew Cause in due time. For I take the Course to be, that the King cannot challenge without Cause, but he is not bound to shew his Cause presently; it is otherwise in the Case of another Person.

Mr. Serj. Jefferies. That hath always been the regular Course.

Mr. Holt. Our Challenging *toutz per availle*; doth set all the rest aside till Cause be shewn.

L. C. J. The Statute is, the King shall shew

Cause; but when it comes in a Case between the King and another Party, that they both challenge, the other Party shall shew Cause first.

Mr. Holt. My Lord, we challenge *toutz per availle*.

L. C. J. You must shew a Reason for it then.

Mr. At. Gen. The King shall not be drawn to shew his Cause, if there be enough in the Pannel besides.

Mr. Williams. That is to say then, that the King may choose whom he pleaseth against the Statute.

Mr. Serj. Jefferies. No, Sir, we desire none but honest and indifferent Gentlemen to try this Cause.

L. C. J. The old Challenge is taken away, by that Statute, from the King, *quia non sicut boni pro Domino Rege*, and therefore if the King challenge any, he must shew Cause, but it must be in his Time, and not before you shew yours. Let him stand by a-while.

Cl. of Cr. *John Sandys*, Esq;

Mr. Serj. Jefferies. We challenge him for the King.

Mr. Holt. For what Cause, Sir?

Mr. Serj. Jefferies. We will tell you in good time.

Cl. of Cr. 4. *Sigismund Stiddulph*, Jur.
John Weston.

Mr. Weston. My Lord, I am no Freeholder.

Mr. Holt. He challenges himself.

L. C. J. Well, he must be set aside.

Cl. of Cr. 5. *Thomas Vincent*, Jur.

6. *Philip Rawleigh*, Jur.

7. *Robert Gavel*, Jur.

8. *Edward Bray*, Jur.

9. *Thomas Newton*, Jur.

10. *John Halsey*, Jur.

11. *Thomas Burroughs*, Jur. and

12. *John Pettyward*, Jur.

Cl. of Cr. Gentlemen, you of the Jury that are sworn, hearken to your Charge.

Surrey, Jf. SIR *Robert Sawyer*, Kt. His Majesty's Attorney General, has exhibited an Information in this Court, against the Right Honourable *Ford Lord Grey of Werk*; *Robert Charnock*, late of the Parish of *St. Botolph Aldgate*, London, Gent. *Anne Charnock*, Wife of the said *Robert Charnock*; *David Jones*, of the Parish of *St. Martin in the Fields*, in the County of *Middlesex*, Milliner; *Frances Jones*, Wife of the said *David*; and *Rebecca Jones*, of the same, Widow; for that they (with divers other Evil-disposed Persons, to the said *Attorney General* yet unknown) the 20th Day of *August*; in the 34th Year of the Reign of our

our Sovereign Lord the King that now is, and divers other Days and Times, as well before as after, at the Parish of *Epsom* in the County of *Surrey*, falsely, unlawfully, unjustly, and wickedly, by unlawful and impure Ways and Means, conspiring, contriving, practising and intending the final Ruin and Destruction of the Lady *Henrietta Berkeley*, then a Virgin unmarried, within the Age of 18 Years, and one of the Daughters of the Right Honourable *George Earl of Berkeley*, (the said Lady *Henrietta Berkeley*, then and there being under the Custody, Government and Education of the aforesaid Right Honourable *George Earl of Berkeley* her Father) they the said *Ford Lord Grey*, *Robert Charnock*, *Anne Charnock*, *David Jones*, *Frances Jones*, and *Rebecca Jones*, and divers other Persons unknown, then and there falsely, unlawfully, and devilishly, to fulfil, perfect, and bring to effect, their most wicked, impious, and devilish Intentions aforesaid; the said Lady *Henrietta Berkeley*, to desert the aforesaid Right Honourable *George Earl of Berkeley*, Father of the aforesaid Lady *Henrietta*; and to commit Whoredom, Fornication, and Adultery, and in Whoredom, Fornication, and Adultery, to live with the aforesaid *Ford Lord Grey* (the said *Ford Lord Grey*, then and long before, and yet, being the Husband of the Lady *Mary*, another Daughter of the said Right Honourable *George Earl of Berkeley*, and Sister of the said Lady *Henrietta*) against all Laws, as well Divine as Human, impiously, wickedly, impurely, and scandalously, to live and cohabit, did tempt, invite, and sollicit, and every of them, then and there, did tempt, invite, and sollicit. And that the aforesaid *Ford Lord Grey*, *Robert Charnock*, *Anne Charnock*, *David Jones*, *Frances Jones*, and *Rebecca Jones*, and other Persons unknown, with Force and Arms, &c. unlawfully, unjustly, and without the Leave, and against the Will of the aforesaid Right Honourable *George Earl of Berkeley*, in prosecution of their most wicked Conspiracies aforesaid; the said Lady *Henrietta Berkeley*, then and there, about the Hour of Twelve in the Night Time, of the said 20th Day of *August*, in the Year aforesaid, at the aforesaid Parish of *Epsom* in the County of *Surrey* aforesaid, out of the Dwelling-House of the said Right Honourable *George Earl of Berkeley* there situate and being, and out of the Custody and Government of the said Earl of *Berkeley*, did take, carry, and lead away. And the said Lady *Henrietta Berkeley*, from the said 20th Day of *August* in the Year aforesaid, and continually afterwards, unto the Day of the Exhibition of this Information, at the Parish of *Epsom* aforesaid, in the County of *Surrey* aforesaid, and in divers secret Places there with the said *Ford Lord Grey*, unlawfully, wickedly, and scandalously to live, cohabit, and remain, did procure and cause, and every of them did procure and cause, to the great Displeasure of Almighty God, to the Ruin and destruction of the said Lady *Henrietta Berkeley*, to the Grief and Sorrow of all her Friends, and to the evil and most pernicious Example of all others in the like Case offending; and against the Peace of our said Sovereign Lord the King, his Crown and Dignity. To this Information, the Defendant, the Lord *Grey*, and the other Defendants, have severally pleaded *Not Guilty*, and for their Trial, have put themselves upon the Country, and the King's *Attorney* likewise, which Country you are: Your Charge is to enquire whether the Defendants, or any of them, are Guilty of the Offence and Misdemeanour whereof they stand

Impeached by this Information, or not Guilty: If you find them, or any of them, Guilty, you are to say so; if you find them, or any of them, not Guilty, you are to say so, and no more, and hear your Evidence.

[For which Evidence to come in, Proclamation was made, and then *Edward Smith, Esq;* a *Bencher of the Middle-Temple*, opened the Information.]

Mr. Smith. May it please your Lordship, and, Gentlemen, you of the Jury; *Mr. Attorney General* hath exhibited an Information in this Court, against *Ford Lord Grey of Werk*, *Robert Charnock*, *Anne Charnock*, *David Jones*, *Frances Jones*, and *Rebecca Jones*, wherein is set forth, That the Defendants, the 20th of *August*, in the 34th Year of this King, at *Epsom*, in your County, did conspire the Ruin and utter Destruction of the Lady *Henrietta Berkeley*, Daughter of the Right Honourable *George Earl of Berkeley*; and for the bringing about this Conspiracy, they have seduced her to desert her Father's House, tho' she be under the Age of 18 Years, and under the Custody and Government of her Father; and sollicit her to commit Whoredom and Adultery with my Lord *Grey*, who was before married to the Lady *Mary*, another Daughter of the Earl of *Berkeley*, and Sister to the Lady *Henrietta*. That after they had thus inveigled her, they did upon the same 20th Day of *August*, carry her away out of the House, without the Earl's Licence, and against his Will, to the intent she might live an ungodly and dishonourable Life with my Lord *Grey*. And after they had thus carried her away, they obscured her in secret Places, and shifted about from Place to Place, and continued this Course of Life ever since. And this the Information says, is to the Displeasure of Almighty God, the utter Ruin of the young Lady, the Grief and Affliction of her Friends, the evil Example of all others in the like Case offending, and against the King's Peace, his Crown and Dignity. To this all these Defendants have pleaded *Not Guilty*; if we shall prove them, or any of them, Guilty of any of the Matters charged in this Information, you shall do well to find them Guilty.

Mr. At. Gen. My Lord, and Gentlemen of the Jury, the Course of our Evidence will be this; That this unhappy Gentleman, my Lord *Grey*, has for four Years together, prosecuted an Amour with this young Lady; and when it came to be detected (some little Accident discovering somewhat of it) my Lady *Berkeley* did and there was some Business of an extraordinary nature between them, and thereupon forbid my Lord *Grey* her House. My Lord *Grey* he made many pretences to my Lady, that he might come to the House to give them a Visit before he departed, being to go into the Country; and he takes that opportunity to settle this Matter of conveying the young Lady away in a very short time. And early on the *Sunday* Morning, she was, by *Charnock*, another of the Defendants, conveyed from the House of my Lord *Berkeley* at *Epsom*, and brought here to *London*. We shall in the Course of our Evidence shew how she was shifted from Place to Place, and the several Pursuits that were made in search after her. We shall discover to you, how she was hurried from one Lodging to another, for fear of Discovery. Nay, we shall prove, that my Lord *Grey* has owned and confessed that he had her, that she

was in his Care and Custody, and that he owned the several Instances of his Amours. But I had rather the Evidence should speak it, than I open so much as the Nature of it.

Mr. Sol. Gen. My Lord, we shall call our Witnesses, who will very fully make out this Evidence that Mr. Attorney has opened to you. That my Lord Grey did a long time make Love to this young Lady, tho' he were before married to her Sister. This Treaty was discover'd by my Lady Berkeley last Summer, upon an Accident of surprizing the young Lady in writing a Letter to my Lord, and thereupon my Lady Berkeley chargeth my Lord Grey with these Applications to her Daughter, that did so much misbecome him. My Lord Grey was then so sensible of his Fault, that he seem'd very full of Penitence, and assured my Lady, he would never do the like again, and earnestly desired her by all means, to conceal it from my Lord Berkeley; for if this should once come to be known to him, he and the young Lady would not only be ruined, but it would occasion an irreparable Breach between their two Families, and of all Friendship between my Lord Berkeley and him. And therefore he desired my Lady Berkeley (who had justly forbid him her House for this great Crime) lest the World should inquire into the Causes of it, and so it should come to be known, that his Banishment from her House might not be so soon or sudden: But he begged of her Ladyship, that he might be permitted to make one Visit more, and with all the Protestations in the World assured her, it was not with any purpose of Dishonour, that he desired to come and see her, but that his Departure might be by degrees, and so the less taken notice of. When my Lady had thus charged my Lord with his unworthy Carriage to her Family, and he had seem'd thus penitent for it, she charges her Daughter also, with her giving any allowance to these undecent Practices of my Lord's; she thereupon falls down on her Knees to her Mother, to ask her Pardon for her great Offence, and, with Tears in her Eyes, confess'd she had done very much amiss, and did humbly hope she might obtain her Forgiveness for it, being young, and seduc'd by my Lord Grey, and promised she would see him no more, nor have any thing more to do with him. My Lord Grey he is permitted to come once more to the House, upon those Assurances and Promises of his, that it should be with no dishonourable Purposes in the World. It was, it seems, in his way to his own House at *Sussex*, but coming thither, he takes an occasion to continue there, and stay a little too long for a Visit; whereupon my Lady Berkeley began to suspect it was not a transient Visit he came to make at her House, but that he had some ill Design in prosecution of the same Fault that he had been so long guilty of. And that Suspicion of her's was but too well grounded, as appear'd afterwards. Our Witnesses will tell you, that my Lord Grey, just before his Departure, was observed to be very solicitous and earnest with his Man *Charnock* (whom we shall prove by undeniable Evidence to be the Man that convey'd her away) giving him some Directions with great earnestness, what to do was indeed not heard, but the Event will plainly shew it. For my Lord Grey himself, he went on his Journey into *Sussex*, and lay at *Guilford* that Night she was carried away, and the next Morning she was missing. Thereupon my Lady sends after my Lord Grey,

justly suspecting him to be guilty of this Violence and Outrage offered to her Daughter and Family, and they overtook him at *Guilford*, before he was got any further on his Journey, and there acquaint him the Lady was carried away, and that my Lady suspected (as well she might) he knew whither. Then immediately he makes haste up to Town, and writes my Lady a Letter, that truly he would take care to restore Peace to the Family, that by his Folly had been so much disturbed: And there were some hopes of retrieving the Matter, that this Scandal upon so noble a Family might not be made publick; for certainly an Offence of this Nature was not fit should be so, nor indeed was ever heard of in any Christian Society; I am sure I never read of any such Cause in the Courts of Law. And it was impossible any way to have prevented the Scandal, but that which my Lady took, to pass over all, by desiring to have her Child restored again to her, before such time as it was gone so far, as there is too great Reason to suspect it now is. But after that, my Lord Grey was so far from performing what he had so solemnly promised, and making the Matter up, that he stood upon Terms; he was Master of the Lady, and he would dispose of her as he thought fit: Third Persons and Places must be appointed where she must be disposed of; with Capitulations, that he should see her as often as he thought fit; which was (if possible) a worse Indignity than all that he had done before.

We shall prove to your Lordship, that he did, a long time before this Violence was offered, make Applications to this young Lady, and that must (as any Man will believe) be upon no good Account. We shall shew all the base Transactions in carrying away the Lady, after that Confidence which my Lady repos'd in his Protestations to do nothing dishonourably, so as to admit him to make a Visit; which certainly was the greatest Breach of the very Laws of human Society, against all the Laws of Hospitality, besides the great Transgression of the Laws of God and Men. Yet even then, he seduced the Lady away. For we shall plainly prove she was carried away by his Coach-man that once was, afterwards his Gentleman, and how she was from time to time conveyed to and fro.

Mr. Serj. *Jefferies*. This Story is indeed too melancholy to be often repeated, the Evidence had better tell it: Only this one Aggravation I would take Notice of, which will be made out in the Proof to you of this Matter charged; and that is this, That my Lord Grey, after such time as it was known she was in his Power, gave one Reason for his not delivering her up, (and I am sorry to see his Lordship should think it a Reason) he had inquired how far the Law would extend in such a Case, and that he knew, and could give a Precedent for it (which the Witnesses will tell you of) that the Law could not reach him; and that as long as he had run such a Course for obtaining that which was his greatest Pleasure, he would not now part with her, but upon such Terms, that he might have access to her when he pleased. To such a height of Confidence was this Gentleman arrived, in this barbarous and infamous Wickedness. But, as I said, it is a Story too black to be aggravated by any thing but by it self; we shall therefore call our Witnesses, and prove our Fact.

[About this time the Lady Henrietta came into the Court, and was set by the Table at the Judges Feet.]

Earl of Berkeley. My Lord, my Daughter is here in Court, I desire she may be restored to me.

Mr. Serj. Jefferies. Pray, my Lord Berkeley, give us leave to go on, it will be time enough to move that anon. Swear my Lady Berkeley—
(*which was done, but she seem'd not able to speak.*)—

Mr. Sol. Gen. I perceive my Lady is much moved at the sight of her Daughter. Swear my Lady Arabella her Daughter. (*Which was done.*)

Mr. Serj. Jefferies. Pray, Madam, will you acquaint my Lords the Judges, and Jury, what you know concerning the Letter you discovered, and how you came by that Discovery?

Lady Arabella. My Mother coming to my Lady Harriett's Chamber, and seeing there a Pen wet with Ink, examined her where she had been writing. She, in a great Confusion, told her she had been writing her Accompts. My Mother not being satisfied with her Answer, commanded me to search the Room. Her Maid being then in the Room, I thought it not so much for her Honour to do it then. I followed my Mother down to Prayers; after Prayers were done, my Mother commanded my Lady Harriett to give me the Keys of her Closet and her Cabinet. When she gave me the Key, she put into my Hands a Letter, which was written to my Lord Grey, which was to this Effect.—*My Sister Bell did not suspect our being together last Night, for she did not hear the Noise. Pray come agen Sunday or Monday, if the last, I shall be very impatient.*—I suppose my Lady Harriett gave my Lord Grey Intelligence that this was found out; for my Lord Grey sent his Servant to me, to acquaint me he desired to speak with me. When he came in first, she (I mean my Lady Harriett) fell down upon the Ground like a dead Creature. My Lord Grey took her up, and afterwards told me, said he, *You see how far it is gone between us; and he declared to me, he had no Love, no Consideration for any Thing upon Earth but for her; I mean dear Lady Hen, said he to me; for I say it just as he said it.* And after this, he told me, he would be revenged of all the Family, if they did expose her. I told him it would do us no Injury, and I did not value what he did say; for my own particular, I defied him and the Devil, and would never keep Counsel in this Affair. And afterwards, when he told me he had no Love, no Consideration for any Thing upon Earth but her, I told my Lady Harriett, *I am very much troubled and amazed, that you can sit by and bear my Lord Grey say and declare, he has no Love for any but you, no Consideration for any one upon Earth but you, when it so much concerns my Sister; for my part, it stabs me to the Heart, to hear him make this Declaration against my poor Sister Grey.*—

[*Here she stopt a while.*]

Mr. Serj. Jefferies. Pray go on, Madam.

Lady Arabella. After this she said nothing; I told her, I suspected my Woman had a Hand in it, and therefore I would turn her away. This Woman, when my Lady Harriett ran away, being charged with it, swore she had never carried any Letters between them; but after my Mother's coming to London, both the Porter at St. John's, and one Thomas Plomer accused her that she had sent Letters to Charnock, who was my Lord Grey's Coach-man, now his Gentleman. I told her then, I did much wonder, she being my Servant, should convey Letters between them without my know-

ing: She then confess'd it to me, but withal she told me, *How could I think there was any ill between a Brother-in-Law and a Sister?* And upon this she confess'd to me she had sent Letters to Charnock, tho' before she had forsworn it.

Mr. Att. Gen. Madam, have you any thing farther to testify in this Cause? Have you any Matters that you remember more?

Lady Arabella. There is more of it to the same Effect; but all of it is only to this Effect.

L. C. J. My Lady Arabella, pray let me ask you, have you any more to say to this Matter?

Lady Arabella. It is all to this purpose.

Mr. Serj. Jefferies. Then if you please, Madam, to turn now your Face this way towards the Gentlemen of the Jury, who have not heard what you said, and give them the same Relation that you gave to the Court; and pray be pleased to lean over the Seat, and expose your self a little, and let them have the same Story you told before, and pray tell the Time when it was.

[*Then she turned her Face towards the Bar.*]

Lady Arabella. It was in July, Sir.

Mr. Serj. Jefferies. Pray, Madam, tell what happen'd then.

Lady Arabella. In July last, some time then, my Mother came into my Lady Harriett's Chamber, and seeing a Pen wet with Ink, she examined her who she had been writing to. She, in great Confusion told her, she had been writing her Accompts, but my Mother was not satisfied with that Answer.—The sight of my Lord Grey doth put me quite out of Countenance and Patience.—

[*Here she stop'd again.*]

[*My Lord Grey then was by the Clerks under the Bar, and stood looking very stedfastly upon her.*]

L. C. J. Pray, my Lord Grey, sit down (*which he did*). It is not a very extraordinary Thing, for a Witness, in such a Cause, to be dashed out of Countenance.

E. of Berkeley. He would not, if he were not a very impudent barbarous Man, look so confidently and impudently upon her.

Mr. Serj. Jefferies. My Lord, I would be very loth to deal otherwise than becomes me, with a Person of your Quality, but indeed this is not so handsom, and we must desire you to sit down. Pray go on, Madam.

Lady Arabella. After this, my Mother commanded me to search my Lady Harriett's Room; Her Maid being then in the Room, I thought it not so much for her Honour to do it then. I followed my Mother down to Prayers. After Prayers were done, my Mother commanded my Lady Harriett to give me the Keys of her Cabinet and of her Closet, and when she gave me the Keys, she put a Note into my Hand, which was to my Lord Grey; and that was to this Effect—*My Sister Bell did not suspect our being together last Night, for she did not hear any Noise: Pray come again Sunday or Monday, if the last I shall be very impatient.*—I suppose my Lady Harriett gave my Lord Grey intelligence of this, for he sent a Servant to tell me he desired to speak with me. Upon his first coming in, my Lady Harriett fell upon the Ground like a dead Creature, and my Lord Grey took her up, and said, *Now you see how far it is gone between us: I love nothing upon Earth but her; I mean dear Lady Hen, said he to me;*
and

and if you do expose her, I will be revenged upon you and all the Family, for I have no Consideration for any Thing but her. After that I told him, We defied him, he could do us no Injury; and for my own particular, I defied him, and the Devil and all his Works, and would not have any thing to do with such a Correspondence. After this, I told my Lady *Harriett*, I was much troubled and amazed, that she should sit by and hear my Lord *Grey*, her Brother-in-Law, say he had no Consideration for any Thing on Earth but her. For my part, said I, *Madam*, it stabs me to the Heart, to hear this said against my poor Sister *Grey*. I told her, I suspected my Woman had an Hand in this Affair, and therefore I would put her away. Afterwards, the same Day my Lady *Harriett* ran away, this Woman came to me; and I then told her, *You have ruined her*, and asked her, *Why would you send Letters between my Lord Grey and my Lady Harriett?* She denied it, and swore she never did it, but when we came to *London*, the Porter of *St. John's* came and accused her of conveying Letters to *Charnock*, my Lord *Grey's* Gentleman, formerly his Coach-man. I then asked her again about it; she then acknowledged to me she had done it, *But, Madam*, said she, *how could I think there could be any Prejudice or Ill between a Brother-in-Law and a Sister-in-Law?* Said I, *Were not you my Servant?* *Why did you not tell me?* *Besides, you know we have all reason to hate Charnock for a great many Things.* This is all I have to say that is material, all else is to the same Effect.

Mr. Serj. *Jefferies*. Now this Matter being thus discovered to the Countess of *Berkeley*, this unfortunate Young Lady's Mother; she sent for my Lord *Grey*, and we shall tell you what happen'd to be discoursed between them two, and between the Lady and her Mother, and what Promises of Amendment he made. My Lady *Berkeley*, pray will you tell what you know.

[*She seem'd unable to do it.*]

— She is very much discomposed, the sight of her Daughter doth put her out of Order.

Lady *Arabella*. I have something more to say, that is, I told my Lady *Harriett*, after my Lord *Grey* had made his declaration of his Love to my Sister, to me, That if ever he had the Impudence to name her Name to me, I would immediately go to my Father, and tell him all.

[*Then the Countess lean'd forward, with her Hood much over her Face.*]

Mr. *Att. Gen.* Pray, my Lady *Berkeley*, compose your self, and speak as loud as you can.

Lady *Berkeley*. When I first discovered this unhappy Business, how my Son-in-Law, my Lord *Grey*, was in Love with his Sister, I sent to speak with him, and I told him he had done barbarously and basely, and falsely with me, in having an Intrigue with his Sister-in-Law. That I looked upon him, next my own Son, as one that was engaged to stand up for the Honour of my Family, and instead of that, he had endeavour'd the Ruin of my Daughter, and had done worse than if he had murdered her, to hold an Intrigue with her of Criminal Love. He said, he did confess he had been false, and base, and unworthy to me, but he desired me to consider (and then he shed a great many Tears) what it was that made him guilty, and that made him do it. I bid him speak. He said he was ashamed to tell me, but I might easily guess. I then said, What? Are you indeed in Love

with your Sister-in-Law? He fell a weeping and said, he was unfortunate; But if I made this Business Publick, and let it to take Air (he did not say this to threaten me, he would not have me to mistake him) but if I told my Lord her Father, and his Wife of it, it might make him desperate, and it might put such Thoughts into his Wife's Head, that might be an occasion of parting them; and that he being desperate, he did not know what he might do, he might neither consider Family, nor Relation. I told him this would make him very black in Story, tho' it were her Ruin. He said that was true, but he cou'd not help it; he was miserable, and if I knew how miserable, I would pity him: He had the Confidence to tell me that. And then he desired, tho' he said I had no reason to hear him, or take any Counsel he gave me (and all this with a great many Tears) as if he were my Son *Dursley*, that I would keep his Secret. For my Lord, if he heard it, would be in a great Passion, and possibly, he might not be able to contain himself, but let it break out into the World. He may call me Rogue and Rascal perhaps in his Passion, said he, and I should be sorry for it, but that would be all I could do, and what the evil Consequence might be, he knew not, and therefore it were best to conceal it. And after many words to pacify me, tho' nothing indeed, could be sufficient for the Injury he had done me; he gave it me as his Advice, that I would let my Daughter *Harriett* go abroad into Publick Places with my self, and promised, if I did, he would always avoid them. For a young Lady to sit always at Home, he said it would not easily get her out of such a Thing as this. And upon this, he said again, he was to go out of Town with the D. of *M.* in a few Days, and being he had been frequently in the Family before, it would be looked upon as a very strange thing, that he went away, and did not appear there to take his Leave. He promised me, that if for the World's sake, and for his Wife's sake (that no one might take notice of it) I would let him come there, and Sup before he went into the Country, he would not offer any thing, by way of Letter or otherwise, that might give me any Offence. Upon which I did let him come, and he came in at Nine a Clock at Night, and said, I might very well look ill upon him, as my Daughter also did (his Sister *Bell*) for none else in all the Family knew any thing of this Matter but she and I. After Supper he went away, and the next Night he sent his Page (I think it was) with a Letter to me, he gave it to my Woman, and she brought it to me; where he says that he would not go out of Town.—If your Lordship please I will give you the Letter.—But he said, he fear'd my Apprehensions of him would continue.—There is the Letter.

L. C. *J.* Show it my Lord *Grey*, let us see if he owns or denies it.

Lord *Grey*. Yes, pray do, I deny nothing that I have done.

Mr. *Just. Dolben*. Be pleas'd, Madam, to put it into the Court.

Mr. *Att. Gen.* It is only about his keeping away.

L. C. *J.* Shew it my Lord *Grey*.

Mr. Serj. *Jefferies*. With Submission, my Lord, it is fully proved without that.

L. C. *J.* Then let the Clerk read it, Brother.

Cl. of the Crown. There is no Direction, that I see, upon it. It is subscribed *Grey*.

[Reads.]

MADAM,

“ A F T E R I had waited on your Ladyship
 “ last Night, Sir *Thomas Armstrong* came
 “ from the D. of *M.* to acquaint me that he could
 “ not possibly go into *Suffex*; so that Journey is
 “ at an End. But your Ladyship’s Apprehensi-
 “ ons of me I fear will continue: therefore I send
 “ this to assure you, that my short stay in Town
 “ shall no way disturb your Ladyship; if I can
 “ contribute to your Quiet, by avoiding all places
 “ where I may possibly see the Lady. I hope
 “ your Ladyship will remember the promise you
 “ made to divert her, and pardon me for mind-
 “ ing you of it, since ’tis to no other End that I
 “ do so, but that she may not suffer upon my
 “ Account: I am sure, if she doth not in your
 “ Opinion, she never shall any other way. I wish
 “ your Ladyship all the Ease that you can desire,
 “ and more quiet Thoughts than ever I expect to
 “ have. I am with great Devotion,

*Your Ladyship’s**most Humble, and**Obedient Servant,*

GREY.

Mr. *Att. Gen.* Madam, will you please to go on with your Evidence.

Lady *Arabella*. I have one thing more to say: After this, three or four Days after this ugly Business was found out, I told my Lady *Harriett*, she was to go to my Sister *Dursley’s*. She was in a great Anger and Passion about it, which made my Mother so exasperated against her, that I was a great while before I got my Mother to go near her again.

Mr. *Serj. Jefferies*. My Lady *Berkeley*, will you please to go on?

Lady *Berkeley*. When I came to my Daughter, (my wretched unkind Daughter, I having been so kind a Mother to her, and would have died rather, upon the Oath I have taken, than have done this, if there had been any other way to reclaim her, and would have done any thing to have hid her Faults, and died ten times over, rather than this Dishonour should have come upon my Family.) This Child of mine, when I came up to her, fell into a great many Tears, and begged my Pardon for what she had done, and said, she would never continue any Conversation with her Brother-in-Law any more, if I would forgive her; and she said all the things that would make a tender Mother believe her. I told her, I did not think it was safe for her to continue at my House, for fear the World should discover it, by my Lord *Grey’s* not coming to our House as he used to do; and therefore I would send her to my Son’s Wife, her Sister *Dursley*, for my Lord *Grey* did seldom or never visit there, and the World would not take notice of it. And I thought it better and safer for her to be there with her Sister, than at home with me. Upon which this ungracious Child wept so bitterly, and begg’d so heartily of me that I would not send her away to her Sister’s, and told me, it would not be safe for her to be out of the House from me. She told me, she would obey me in any thing; and said, she would now confess to me, tho’ she had denied it before, that she had writ my Lord *Grey* word that they were discovered, which

was the Reason he did not come to me upon the first Letter that I sent to him to come and speak with me. And she said so many tender Things, that I belived her penitent, and forgave her, and had Compassion upon her, and told her (tho’ she had not deserved so much from me) she might be quiet (seeing her so much concerned) I would not tell her Sister *Dursley* her Faults, nor send her thither, till I had spoken with her again. Upon which, she, as I thought, continuing penitent, I kissed her in the Bed when she was sick, and hoped that all this ugly Business was over, and I should have no more Affliction with her, especially if my Lord removed his Family to *Durdants*, which he did. When we came there, she came into my Chamber one *Sunday* Morning before I was awake, and threw her self upon her Knees, and kissed my Hand, and cried out, Oh, Madam! I have offended you, I have done ill, I will be a good Child, and will never do so again; I will break off all Correspondence with him, I will do what you please, any thing that you do desire. Then, said I, I hope you will be happy, and I forgive you. Oh! do not tell my Father, (she said) let not him know my Faults. No, said I, I will not tell him; but if you will make a Friend of me, I desire you will have no Correspondence with your Brother-in-Law; and tho’ you have done all this to offend me, I will treat you as a Sister, more than as a Daughter, if you will but use this wicked Brother-in-Law as he deserves. I tell you that Youth, and Virtue, and Honour, is too much to sacrifice for a base Brother-in-Law. When she had done this, she came another Day into my Closet and there wept very much, and cry’d out, Oh, Madam! ’tis he, he is the Villain that has undone me, that has ruined me. Why? said I, What has he done? Oh! said she, he hath seduced me to this. Oh! said I, fear nothing, you have done nothing, I hope, that is ill, but only hearkening to his Love. Then I took her about the Neck and kissed her, and endeavoured to comfort her. Oh, Madam! said she, I have not deserved this kindness from you; but ’tis he, he is the Villain that hath undone me: But I will do any thing that you will command me to do; if ever he send me any Letter, I will bring it to you unopened; but pray do not tell my Father of my Faults. I promised her I would not, so she would but break off all Correspondence with him.—

[Here she swooned, and soon after recovered and went on.]

—Then my Lord *Grey’s* Wife, my Daughter *Grey*, coming down to *Durdants*, he was to go to his own House at *Up-Park* in *Suffex*, and he writ down to his Wife to come up to *London*.—It is possible I may omit some particular Things that were done just at such or such a Time, but I speak all I can remember in general. My Lord *Grey*, when I spoke to him of it, told me, he would obey me in any Thing; if I would banish him the House, he would never come near it; but then he pretended to advise me like my own Son, that the World would take notice of it, that therefore it would be better for me to take her abroad with me, he would avoid all places where she came, but he thought it best for her not to be kept too much at Home, nor he absolutely forbid the House, but he would by degrees come seldomer, once in six Weeks or two Months. But to go on to my Daughter *Grey’s* coming down to *Durdants*; he

writing

writing to his Wife to come up to *London*, that he might speak to her before he went to his own House at *Up-Park* my Daughter *Grey* desired he might come thither, and it being in his way to *Suffex*, I writ him word, that believing he was not able to go to *Up-Park* in one Day from *London*, he might call at my Lord's House at *Durdants*, and dine there by the way, as calling in, intending to lie at *Guilford*, for it is just the half-way to *Guilford*. He, instead of coming to Dinner, came in at Nine o' Clock at Night (I am sure it was so much) for it was so dark, we could hardly see the colour of his Horses, from my Lord's great Gate, to the Place where we were in the House. And coming at that time of Night, I thought if I turned him out of the House, my Lord would wonder at it, and so would all the Family. Therefore I was forced, as I then thought, in point of Discretion, to let him lie there that Night, which he did; and he told me, Madam, I had not come here, but upon your Ladyship's Letter, nothing else should have brought me: Because I was to give him leave to come, knowing the Faults he had committed against the Honour of our Family. Upon which I told him, my Lord, I hope you have so much Honour and Generosity in you, after the Promises you have made me, and the Confidence and Indulgence I have shewn you, that you will give my Daughter no Letters, and I will look to her otherwise, that you shall have no Conversation with her. He desired me to walk up with him into the Gallery, and there he told me he had brought no Letters, and would have had me looked in his Pocket. I told him that would be to no purpose, for his Man *Charnock* (whom we knew he did not prefer from being his Coach-man to be his Gentleman, but for some extraordinary Service he did him, or he thought he would do him) might have Letters enough, and we be never the wiser: But I trusted to his Honour and his Christianity; and I told him, that his going on in any such way would be her utter Ruin. He told me he would not stay there any longer than the next Day; nay, he would be gone immediately if I pleased, and he sent his Coach to *London*, and had nothing but Horses left. But his Wife desiring her Husband to stay, I had a very hard Task to go through, being earnestly press'd, both by her and my own Lord's importunities for his stay. But my Lord *Grey*, whilst he was there, did entertain me with his Passion, he had the Confidence to do it, and he wished himself the veriest Rake-hell in the World, so he had never seen her Face since he was married. And, said he, Madam, you will always think me a Villain, and never have a good Opinion of me, I shall be always unfortunate, both in my self, and your bad Opinion of me. Seeing this, I thought it was time to do something more; and I told him that Night he should stay no longer, he should be gone; and his Wife seemed to be much concerned, and would fain have him stay. For by this time she began to find out that there was some Disorder in her Mother and the Family, tho' she knew not what it was; and she sent her Sister *Lucy* to beg he might stay: I told her I would not suffer it: However, she proposed an expedient how her Sister *Harriett* should take Physick, and keep her Chamber while he was there. That I was in a sort compelled to do, and I told him, upon their importunity for his stay, that his Sister *Harriett* should be seen no more by him, but take Physick while

he stayed there: To which he replied, Madam, indeed it is rude for me to say it to you, but I must say it, give me my Choice, either to be drown'd or hanged. Upon this I was extremely disturbed, and the next Morning, I told him, I was not satisfied he should stay in *England*; he had ordered his Wife to go into *France*, and she was to go within a Month after, I would have him go with her. He told me, he had Law-Suits, and he could not: I told him, he had told me before, they were of no great consequence, and therefore they could not hinder him; and I pressed him very much, and I fell into a great Passion at last; and told him, if he would not go, I would tell her Father, and he should take care of her, to send her where she should be safe enough from him. For I was sensible the World would take notice if he came not thither; and, said I, I am not able to bear you should. Upon this, he promised me with all the Oaths, Imprecations, and Promises in the World, that he would go and follow his Wife into *France* at *Christmas*, and stay there eight Months; and by that time, I did hope, this unfortunate miserable Business might be over: For I had a great kindness for my Child, and would have done any thing to save her, if it had been in my Power, or would yet do any thing: I would give my Life that the World did not know so much of it as now it must this Day. The World knows I had always the greatest Kindness and Tenderness for her, which was such, that some that are now here have said since, that it was my Indulgence to her, and not making it known to my Lord, that encouraged this last ill Business. And thereupon my Lord *Grey* was ordered by me to go away, and he promised me so to do, which was upon *Saturday*. I then went up to her Chamber and saw her very melancholy, and did what I could to comfort her. Said I, I warrant you, by the Grace of God, do but do what you ought, and I will bring you off this Business; be chearful, and be not so much cast down (for I thought she was troubled at my Carriage to her) and tho' I said some severe Things to you at Dinner (as I did talk of her going away, and being sent abroad) be not troubled, for I only meant it out of Kindness to you; for all I design, is only to seek an Occasion of getting him away; and therefore, as long as he stays, I will seem to whisper with you, and look frowningly upon you, that if he hath any Tenderness for you, he may see I am angry with you, and do the more to leave you at quiet: But take no notice of it, for I now smile to you, tho' I frowned before him, be not affrighted. In the Afternoon I told her the same thing again. But then, said she, he will shew my Letters to him, and that will ruin my Reputation for ever, and that troubles me; but yet it need not, for I never writ to any Man but him, and if he doth shew them, he will expose himself for a base unworthy Man, and I can but deny it, and he can never prove it. This is true, said I, and very well said, and therefore be not afraid of him, but trust to the Friendship of your Mother, and do as you ought to do, and I am confident we shall bring you clear off from this ugly Business. And then, said she, But oh, Madam! my Sister, my Sister *Grey*, will she forgive me this? I told her, her Sister *Grey* was good-natur'd and religious, and I made no doubt she would forgive her the Folly of her Youth, and if she would take up yet, she was young, and her Sister would impute it to

that, and, said I, *I am sure she will forgive you*; and I told her, I would do all that lay in my Power to assist her; and I bid her be chearful and trust in God and in my Friendship. She was to blame, indeed, she acknowledged; but she was young, and he was cunning, and had made it his Business to delude and intice her. I told her it was true, and therefore now she must consider with her self, what was to be done to bring her off; which I doubted not, if she would do but as she ought; she promised me so to do; and yet that very Night when I was in my Sleep she ran away.——

[*Here she swooned again.*]

Mr. Serj. *Jefferies*. What time went my Lord Grey away, Madam, that Day?

Lady *Berkeley*. He went away about four a Clock in the Afternoon.

Mr. Serj. *Jefferies*. And the ensuing Night the Lady was gone?

Lady *Berkeley*. Yes, that Night she went away too.

Mr. Serj. *Jefferies*. My Lord, I crave leave to acquaint you with one Circumstance that has been already hinted, that is about *Charnock*, a Person that is taken notice of by both the Ladies that have given Evidence, and one of the Defendants in this Information. This Man, as they seem to intimate, for some extraordinary Service he had done my Lord Grey, or was designed for the doing of, was removed from the Degree of his Coachman, to the waiting upon him in his Chamber. He at this time came with my Lord Grey to *Durdants*, a House of my Lord *Berkeley's* near *Epsom*, and which was in the way to my Lord Grey's House in *Suffex*, that is called *Up-Park*. And they being there, notwithstanding all those Proteftations and Promises made by my Lord Grey to his Lady Mother, as you have heard, to meddle no more in this Matter, yet we shall give you an account, how that the Day before the Night that the young Lady went away, my Lord Grey was very importunately busy with his Man *Charnock*; what Discourses they had, or what Directions he gave him perhaps may not be known; but his earnestness in talking with him, and his impatience and restlessness we shall prove; and then give you a very full Proof that *Charnock* was the Person that took her away; and then let the Jury and the Court make the Conclusion.

Mr. *Att. Gen.* It may be, my Lord, we shall not be able to prove the actual Taking-away from thence, but only by undeniable Circumstantial Proof. Such Impieties use not to be acted openly.

L. C. J. Truly, as far as I can see, here has been more done barefaced, than one would think should be done in any Christian Nation.

[*Then a Clergyman that stood by was sworn, but his Name not told.*]

Mr. Serj. *Jefferies*. Pray, Sir, will you tell my Lord and the Jury what you know.

Mr.——My Lord, I was at *Durdant's*, my Lord *Berkeley's* House near *Epsom* in *Surrey*, at the time of this ill Accident, and some time after. And upon the *Saturday* in the Afternoon I (immediately after Dinner was over at my Lord's own Table) walked into the great pav'd Hall; and stood in the Door that looked towards the *Downs*; and my Lord Grey came into the Hall alone, and walked three or four times very thoughtfully, and

then leaned upon the Window, and often looked upon the Ground, and within a little while he steps into the *Steward's Hall*, where the Gentlemen were at Dinner, and he calls to *Charnock*, who came out to him. He takes him out of the Hall to the Foot of the Stair-case, and there they talked together a great while, and after some time my Lord Grey went away, and *Charnock* did so too, I think to his Dinner again, I cannot tell any thing to the contrary. The Reflection I made upon this Passage then was, That my Lord Grey was very punctual in giving his Servant Orders, which I thought he was to carry to *London* with him, but I suspected nothing of this Matter, nor any thing else that was ill then. Mr. *Charnock* then passing by me, said I, Mr. *Charnock*, How long will it be before you are going? He made me no Answer, not one word. Thereupon I went into the Library, and between that and Mr. *Charnock's* Chamber there was but a very thin Wall, and presently after I came into the Library, my Lord Grey sent one (as the Messenger said) for Mr. *Charnock*, and he went down to him, as I suppose, and in a little time came up again. And after that, I do believe, I did hear another Messenger come from him to Mr. *Charnock* again, I will not swear that, for I am not sure of it; because, being at that time busy in reading, I made no Reflection upon it till afterwards. But about a Fortnight or three Weeks after, there comes a Gentleman to see me at my Lodgings, and falling into Discourse what News there was; our first Discourse was of the Lady's being missing; he said, it would be sad he feared when she was heard of. Why, said I, what do you mean? I suppose Mr. *Ferrister* and she are together, for that was the talk of the Town. No, said he, it is no such thing; but if you will make it a Secret, unless it comes to be made a publick Business, I will tell you; I do not doubt my Lord Grey carried her away with a design to debauch her. That is hard to be believed, said I; I cannot believe it. Why, said he, you were there when he went away? Yes, said I, but how long was that before the Lady was missing? Said he, it was that Afternoon. Then came into my Mind his earnest Discourse with *Charnock*, and that which I observed about it, and sending so often for him; and I told that Person of it. Why *Charnock*, said he, was the Man that took her away.

Mr. Serj. *Jefferies*. Who was it that said so to you, Sir? Name him.

Mr.——, Mr. *Rogers*, my Lord *Berkeley's* Chaplain.

Mr. Serj. *Jefferies*. If your Lordship please to observe the particular Times, when my Lord Grey was so earnest in giving *Charnock* Directions, that was on the *Saturday* at Noon, and it was that Night the young Lady went away.

L. C. J. When came my Lord Grey to my Lord *Berkeley's*?

Mr. *Att. Gen.* The *Tuesday* or *Wednesday* before, I think; some Days it was.

Mr. Serj. *Jefferies*. But upon the *Saturday* Night it was she went away; this unfortunate Lady that we have produced, her Mother, and so the Lady her Sister, spoke both of their Fears of *Charnock*. Now we shall prove, that this *Charnock* was on the *Sunday* Morning, at eight of the Clock in the Morning, here in *London*, with a young Lady, in what Habit that young Lady was, our Witnesses will tell you; and others will give you an Account

count what Habit this Lady went away in, and then it will be seen who she was. Call *Eleanor Hilton*.

Mr. *Att. Gen.* But if you please, Mr. Serjeant, I think it will be proper first to examine my Lady *Lucy*, who upon the missing this young Lady, followed my Lord *Grey* to *Guilford*, and overtaking him, acquainted him with it, and immediately he took Post and came to *London*. Pray swear my Lady *Lucy*.

[Which was done, she being in a Box by the Bar.]

L. C. J. Well, what do you ask that Lady?

Mr. Serj. *Jefferies*. We produce her, my Lord, to hear what pass'd between her and my Lord *Grey* at *Guilford*. Pray, Madam, will your Ladyship acquaint the Court what occasion you had to go to *Guilford*, and what you said to my Lord *Grey*, and what he said to you, and did afterwards.

Lady *Lucy*. My Lord, as soon as my Lady *Harriett* was missing, supposing my Lord *Grey* could best give an Account where she was, I went after him to *Guilford*, and he was gone half an hour from thence before I came thither, but by sending Post after him, he was overtaken, and came back to me. I told him my Lady *Harriett* was gone away, and I conjured him by all that was sacred and dear to him, to prevent so great a Misfortune as this would be to the Family. He then pretended he did not know any thing of her going, but promised me, that if he could find her out, he would endeavour to persuade her to return Home, but he would not force her. After several Discourses, which it is impossible for me to remember particularly (saying that he had done nothing that was illegal, and if she did not any thing, we could do nothing against him;) he at last parted from me, to go to *London*, as I suppose. I begged of him that I might be permitted to go along with him, that I might speak to her, supposing I might retrieve this Business, and recover her, before it were gone too far, but he denied it me, and went away. After that I met him, a Day or two after, I think, I cannot tell justly the Time, and he pretended, he did not know where she was, but only he knew where to send to her; and he would do all he could to get her to return Home. He was sensible of what a Misfortune this was to the Family. But soon after he went to *Up-Park* again, as he said, to shew us that he was not with her. And he afterwards writ me a Letter, wherein he says, he could not persuade her to come Home, but the Conclusion of it was, "He would do all he could to restore Peace and Quiet to the Family, which by his Follies were so miserably disturbed."

Lady *Arabella*. My Lord, I desire to speak one thing; About six Weeks ago I met my Lord *Grey* at my Lord Chief Justice's Chamber, and he told me, he had my Lady *Harriett Berkeley* in his Power, or in his Protection, or to that effect, he said.

Mr. *At. Gen.* Pray tell, Madam, when that was?

Lady *Arabella*. About six Weeks ago, I cannot justly say the Day.

Mr. Serj. *Jefferies*. But if your Ladyship pleases, my Lady *Lucy*, it will very much satisfy the Jury, if you would shew the Letter you speak of.

Mr. *Williams*. Ay, pray Madam, shew the Letter.

Lady *Lucy*. It was a Letter before that which he writ to me at *Durdants*?

L. C. J. When was that Letter you speak of written?

Lady *Lucy*. About a Week after my Sister was gone, I cannot exactly remember the Day.

Mr. *Williams*. Pray, Madam, can you produce that Letter?

Lady *Lucy*. No, I have it not here.

Mr. Serj. *Jefferies*. Then swear *Eleanor Hilton*.

[Which was done.]

Mr. *Sol. Gen.* Is your Name *Eleanor Hilton*?

Mrs. *Hilton*. Yes, it is, Sir.

Mr. *At. Gen.* Pray speak out, that my Lord and the Jury may hear you. Do you remember the 20th of *August* last? Did *Charnock* come to your House with a young Lady? Did you see her, and what time of the Day was it?

Mrs. *Hilton*. I cannot tell what Day of the Month it was.

Mr. Serj. *Jefferies*. What Day of the Week was it?

Hilton. It was on a *Sunday*.

Mr. *Sol. Gen.* What Month was it in?

Hilton. I cannot tell, truly.

Mr. Serj. *Jefferies*. About what time of the Year was it?

Hilton. About eight or nine Weeks ago, or something more.

Mr. Serj. *Jefferies*. Well, what did you see then?

Hilton. There was a young Lady that came to our House, she came of her self, *Charnock* he was not with her; he came before indeed, and asked me if I had any Room to spare, and I shewed him what we had; he went away, and I saw no more of him; afterwards, as I said, she came; but who she was, or what she was, I cannot tell.

Mr. Serj. *Jefferies*. Can you describe her Clothes?

Hilton. She had a coloured Night gown on of several Colours; I cannot say what particular Stuff it was: And she had a Petticoat on White and Red.

Mr. Serj. *Jefferies*. Did you see her Face?

Hilton. I cannot say I did fully.

Mr. *At. Gen.* Do you think you should know her again, if you should see her?

Hilton. I cannot say that.

Mr. Serj. *Jefferies*. (to the Lady *Harriett*) Pray, Madam, will you stand up a little, and turn up your Hood. [Which she did.]

Hilton. Truly I cannot say that is the Lady.

Mr. *At. Gen.* Do you believe it was she?

Hilton. I cannot say it, truly.

Mr. *At. Gen.* Have you seen her Picture since, and is this Lady like that Picture?

——Mr. *Attorney*, she says, she cannot say it is the same Lady.

Mr. *Sol. Gen.* Pray, Mistress, to what purpose was she brought to your House?

Hilton. They did not tell me that.

Mr. *At. Gen.* Was it not to lodge there?

Hilton. She staid there but a while, and went away again.

Mr. *At. Gen.* Whither did she go then?

Hilton. To one *Patten's* in *Wild-street*.

Mr. Serj. *Jefferies*. You went with her, Mistress, did not you?

Hilton. Yes, I did so.

Mr. Serj. *Jefferies*. Pray, was there any Letter or Note brought to your House for *Charnock*?

Hilton. Yes, I brought it to Mrs. *Charnock*.

Mr. Serj. *Jefferies*. Did you hear any Reason given for her Removal from your House?

Mr. *At. Gen.* Pray did she go to Bed at your House?

Hilton. She did lie down.

Mr. Serj. *Jefferies*. What Time of the Day was it?

Hilton. About nine or ten o' Clock in the Morning.

Mr. *Sol. Gen.* Pray, did she say she had been at Church, or what did she say?

Hilton. She said somewhat to that purpose, she said she was weary.

Mr. Serj. *Jefferies*. What Company came to the Lady, while she was at your House?

Hilton. No Body but Mrs. *Charnock*.

Mr. Serj. *Jefferies*. Did you see Mrs. *Charnock* in her Company?

Hilton. Yes.

Mr. Serj. *Jefferies*. You saw her come in to her?

Hilton. Yes.

Mr. Serj. *Jefferies*. Did she behave her self to her, as to a Lady of Quality?

Hilton. I cannot tell that, truly.

Mr. Serj. *Jefferies*. Why, how did she carry it to her?

Hilton. Whether she was in Bed or no, I cannot tell; but when she came in, the young Lady said, How do you, Mrs. *Charnock*? She said, Your Servant, Madam, or to that purpose, I cannot exactly tell.

Mr. Serj. *Jefferies*. You brought the Note to Mrs. *Charnock*, you say?

Hilton. Yes.

Mr. *At. Gen.* Did she stay at Mrs. *Patten's* after that?

Hilton. I suppose she might.

Mr. *Sol. Gen.* Pray recollect your self a little, and tell us what Colour was her Manteau?

Hilton. Truly, it was all manner of Colours, Red, and Green, and Blue, and I cannot tell what Colours.

Mr. *Att. Gen.* What coloured Petticoat?

Hilton. Red and White.

Mr. *Sol. Gen.* How long after this, did you hear my Lord *Berkeley's* Daughter was missing?

Hilton. A While after.

Mr. *At. Gen.* How long? Was it that Week?

Hilton. I cannot tell, it was not long after.

Mr. *At. Gen.* Was it the same Lady that came to your House in those Clothes, that went to *Patten's* at Night?

L. C. J. Why, she says she went with her, do not examine her the same things over again.

Mr. *At. Gen.* Were you examined before Sir *William Turner*, about this Matter?

Hilton. Yes, I was

Mr. *Att. Gen.* Was it the Day of the Month you then said it was?

Hilton. I suppose it might; I cannot tell the Day of the Month.

Mr. *At. Gen.* Was it the Month?

Hilton. It is like it was.

L. C. J. She has fix'd it now to be about eight or nine Weeks ago.

Mr. Serj. *Jefferies*. Did she give any Reason why she was removed?

Hilton. None at all.

Mr. Serj. *Jefferies*. Now, my Lord, we will bring it down to be this very Lady. My Lady *Arabella*, Pray, Madam, what Clothes did my Lady *Harriett* go away in?

Lady *Arabella*. My Lady *Harriett* had such Clothes as they speak of, I cannot say she went away in her Night-gown, but here is one that can: But there was a striped Night-gown of many Colours, Green, and Blue, and Red.

L. C. J. She does remember she had such a one, but she cannot say she went away in it.

Mr. Serj. *Jefferies*. Was there not a chequer'd Petticoat Red and White?

Lady *Arabella*. She had such a Petticoat, but I cannot say she went away in it; she had also a White quilted Petticoat.

Mr. Serj. *Jefferies*. Then swear Mrs. *Doney* (which was done.) My Lord, we call this Gentlewoman to give an account what Habit she went away in; for she lay with her always.

Mr. *At. Gen.* Did you lie with my Lady *Harriett Berkeley*, when she stole away?

Mrs. *Doney*. Yes, indeed, Sir, I did lie in the Chamber that Night, and she went away with her Morning Clothes, which lay ready for her there, against she did rise in the Morning. It was a strip'd Night-gown of many Colours, and a Petticoat of White and Red, and a quilted Petticoat.

Mr. *At. Gen.* Was she so habited, that came to the House, Mrs. *Hilton*?

L. C. J. She has said so already.

Mr. Serj. *Jefferies*. Now you are pleased to observe, that besides the Circumstance of the Clothes, there is mention made of a Note; Mrs. *Hilton* says she received a Letter and gave it to Mrs. *Charnock*; and that soon after they went to *Patten's* House in *Wild-street*. We shall call the People of that House, to give an Account what Gentlewoman it was that came to their House. Pray swear Mr. *Patten*.

[which was done.]

Mr. *Sol. Gen.* Pray, will you tell my Lord and the Jury, whether Mr. *Charnock* and his Wife came to your House, and with whom, and about what?

Mr. *Patten*. My Lord, about the latter end of *July*, or the beginning of *August*, Mr. *Charnock* and his Wife came to my House when we were just removed, to take some Lodgings for a Person of Quality; but they did not say who. Said I then, We have no Lodgings now ready; said they, We shall not want them yet, till towards the middle of *September*. Says my Wife, I suppose by that time our House will be ready; and if it will do you any Kindness you may have it. About the 20th of *August*, being *Sunday*, Mrs. *Hilton* brings a Gentlewoman with Mrs. *Charnock* to my House; and when they were come, they called me up, and seeing them all three there, I told Mrs. *Charnock*, We have no Lodgings fit for any Body of any Quality, at present. Says Mrs. *Hilton*, Let's see the Candle, and runs up Stairs into a Room where there was a Bed, but no Hangings; when they came in, they locked themselves into the Room. My Wife's Daughter being in the House, I desired her to send for my Wife, who was then abroad; which she did. They desired my Wife's Daughter to lodge with the Gentlewoman that they brought thither, and they were making the Bed ready. I sent them up word, That I desired they would walk into the Dining-room for the present; they sent me word down again, They did not desire to do that, for they were afraid the Light would be seen into the Street, and withal, if any Body came to enquire for Mrs. *Charnock*, or Mrs. *Hilton*, I should say there

was no Body there. Presently after, I think (or before, I cannot justly say which) a Letter was carried up Stairs to them, upon which they came down Stairs, and away they went up the Street, and when they were gone a little Way on Foot, Mrs. *Charnock* desired them to turn back again, for she hoped to get a Coach, and she did so, and went away.

Mr. *Att. Gen.* So they did not lodge there?

Mr. *Patten.* No, they did not.

Mr. *Serj. Jefferies.* Did they say any Thing of Care that was to be taken, how they passed by my Lady *Northumberland's*?

Mr. *Patten.* My Lord, I do not well remember that: But the next Day Mrs. *Hilton* comes again to our House, and she runs up Stairs into the same Room, and sits her down upon the Bed-side. Said I to her, Mrs. *Hilton*, What Gentlewoman was that that was here last Night? Says she, I cannot tell, but I believe she is some Person of Quality, for Mrs. *Charnock* brought her to our House at seven o'Clock in the Morning. But whoever she is, she is much troubled, we could get her to eat nothing, but her Eyes were very red with crying, and we came away to your House at Night; because hearing some Noise of People in the Street, she was afraid some of her Father's Servants were come, but it was only some People that were gathered about to observe the Blazing Star. So we whip'd out of the Door, and so came to your House, for we had never a Back-door out of our own.

Mr. *Att. Gen.* Pray give an Account what Habit the Gentlewoman was in that came to your House.

Mr. *Patten.* She had a striped flowered Gown, very much sullied, it was flung about her, just as if she had newly come out of Bed. I did see her Face, but when I had just looked upon her, she clapped her Hood together over it presently.

Mr. *Serj. Jefferies.* Do you think you should know her again if you see her?

Mr. *Patten.* I believe I might.

Mr. *Serj. Jefferies.* Pray, Madam, stand up again, and lift up your Hood.

[Which she did.]

Mr. *Patten.* This is the Lady. I saw her Face twice, once as I told you, and then when she went away, I droped down, and peeped up, and looked her in the Face again, though she hid it as much as she could.

Mr. *Att. Gen.* Thus we have proved it upon *Charnock* and his Wife.

Mr. *Serj. Jefferies.* He gives an Account of the 20th of *August*, which was the Day after she went from her Father's House. Pray call Mrs. *Fletcher*.

Mr. *Att. Gen.* We shall now prove, that they went from thence to one *Jones's*; that my Lord *Grey* came there to take Lodgings, and after she was brought, came thither again, and though he changed his Hair into a Perriwig, yet he was known for all his Disguise.

Mr. *Sol. Gen.* My Lord, you see that it is proved upon three of the Defendants, my Lord *Grey*, and *Charnock*, and his Wife; now we shall prove it upon the other two, the *Jones's*. Swear *Mary Fletcher*.

[Which was done.]

Mr. *Serj. Jefferies.* Sweetheart, pray tell the Court where you lived, and when my Lord *Grey* came to your House; tell the Time as near as you can, and the Day of the Week.

VOL. III.

Fletcher. Sir, he came to *David Jones's* on the *Tuesday* after my Lady *Berkeley* was missing.

L. C. J. Where does *David Jones* live?

Fletcher. At *Charing-Cross* just over-against the *Statue*. And living there, my Lord *Grey* came there in a *Hackney-Coach*, first on the *Monday* without a Perriwig, or any Thing of that, and desired Mr. *Jones* to come to the Coach-side, which he did, and after a little Discourse with Mr. *Jones*, they came both into the House, and went up two Pair of Stairs to look upon Lodgings. After that, I had order to make ready the Room for some Lodgers who were expected to come that Night, but did not till the next Day. About *Tuesday* at Nine of the Clock, my Lord *Grey* comes again in a Coach to the Door, and threw his Cloak over his Face, he was then without his Perriwig too, and desired to speak with Mr. *Jones*: I and my Fellow-Servant standing at the Door, he desired to speak with my Master. I went to him and told him, and he came up, and after he had been at the Coach-side, he bid us go down, and keep down in the Kitchen, and would not let us come up any more. And afterwards, my Fellow-Servant and I were bid to go to Bed, and my Mistress shut up the Shop-windows herself.

Mr. *Serj. Jefferies.* Well, go on, what happened after that?

Maid. Afterwards there was the Warming-pan, and the Candlestick, and other Things were carried up into the Chamber by my Mistress's Sister. Says my Fellow-Servant, There is some great Stranger sure, come to lodge here, that we must not know of. Ay, said I, this is some great Intrigue or other. After a while came in some Company that stayed all Night. I know not who they were, nor how they came.

Mr. *Serj. Jefferies.* Well, what was done the next Morning?

Maid. I was never admitted into the Room while they were there, but through the opening of the Door I did see one Lady in Bed, but I cannot say who she was, nor what she was.

Mr. *Att. Gen.* Do you know her if you see her again? Look at that Lady; is that she?

Maid. No, I do not know her; I cannot say that is she: My Mistress, and my Mistress's Sister stood both before me, when I just peeped into the Room, and when she perceived that, I did see her pull the Clothes over her Face.

Mr. *Sol. Gen.* How long did she stay there?

Maid. Nine Nights.

Mr. *Serj. Jefferies.* Do you know my Lord *Grey* well?

Maid. Yes, I have seen him often.

Mr. *Serj. Jefferies.* And did you know him notwithstanding his Disguise?

Maid. Yes.

Mr. *Serj. Jefferies.* What did Mrs. *Jones* say to you about my Lord *Grey*?

Maid. She said to us, What Fools were we, to say this was my Lord *Grey*, it was a Country Gentleman.

Mr. *Serj. Jefferies.* But you are sure it was my Lord *Grey*?

Maid. Yes, I am sure it was he.

Mr. *Att. Gen.* Did any Body else lodge at your House at that Time?

Maid. Yes, Captain *Fitz-Gerrard*.

Mr. *Att. Gen.* What Discourse had you with him about this Lady?

Mr. *Williams*. You, Woman, did my Lord Grey stay there?

Maid. I cannot say he did.

L. C. J. Mr. *Attorney*, if the Question you ask, be to introduce another Part of your Evidence from Captain *Fitz-Gerrard* himself, it may be something; otherwise that can be no Evidence against the Defendants, what Discourse was with another.

Mr. Serj. *Jefferies*. It is so, my Lord; and therefore we ask you, Sweetheart, what past between you and the Captain?

Maid. Captain *Fitz-Gerrard*, the Monday Morning Seven-night, after my Lord Grey first came, called me to his Bed-side, and asked me if I knew what Lady that was that lodged in the House, and what Clothes she wore, and whether she were young or old, and whether she were married or no? I told him, I could not tell any Thing, for I could never see her.

Mr. Serj. *Jefferies*. Do you know what Linen she brought with her? Did you wash any for her?

Maid. Yes, one Shift.

Mr. *Att. Gen.* What kind of Shift was it?

Maid. I said, It could be no Person of Quality, by her Shift.

Mr. Serj. *Jefferies*. Why so?

Maid. Because the Body was finer than the Sleeves, and Ladies use to make the Sleeves finer than the Body.

[At which there was some Laughing.]

Mr. *Williams*. A very pretty Evidence!

Mr. Serj. *Jefferies*. Pray call Mrs. *Doney* again, because you shall not make so slight a Business of the Shift as you pretend, for such Actions as these must be detected by Circumstances.

Mr. *Att. Gen.* Mrs. *Doney*, pray did you shew this Woman another of my Lady *Harriett Berkeley's* Shifts?

Mrs. *Doney*. Yes, I did.

Mr. Serj. *Jefferies*. Was it the Fellow of that she went away with?

Mrs. *Doney*. Yes, it was.

Mr. Serj. *Jefferies*. Woman, do you believe, upon your Oath, that was the Fellow of the Shift you saw?

Maid. Yes, Sir.

Mr. Serj. *Jefferies*. Was the Body of that you saw from this Gentlewoman, finer than the Sleeves?

Maid. Yes, it was.

Mr. *Sol. Gen.* Then pray swear Captain *Fitz-Gerrard*. [Which was done.]

Mr. *Sol. Gen.* Pray, Sir, will you tell the Court and the Jury, what Passages fell out at your Lodgings?

Capt. *Fitz-Gerrard*. My Lord, It was my Fortune, six Months ago, to take a Lodging at Mr. *Jones's*, and while I kept my Lodgings there, I had Occasion sometimes to go to *Windsor*, to wait upon his Majesty; and one Night coming Home to my Lodging, my Servant that waits upon me in my Chamber, told me, there was a Lodger lately come to the House, who lay in the upper Rooms. I asked who it was; he told me, the Maid of the House told him it was a Mistress of my Lord Grey's. I asked how long she had been there; he said, it was but two or three Days since she came. I never thought of this for four or five Days after, nor thought myself obliged to take Notice of the Discourse of the Servant in the House; but being in *Covent-Garden* in Company, there was some Discourse about my Lady *Harriet*

Berkeley's being gone from her Father's, as it was the Talk of the Town. I came Home about nine o'Clock at Night, and having no Servant just then ready to wait upon me, Mr. *Jones* himself came very kindly to put me to Bed. I had some Fancy, upon the Discourse of the Town, this might be my Lady *Harriett*. Upon which, I said to Mr. *Jones*, You cannot but hear of the Report of my Lady *Berkeley's* being run away from her Father, and I know you have a Dependence upon my Lord Grey, and I have a Suspicion you conceal her in your House. If you do, said I, you do a very dishonest Thing, a very ill Thing, and occasion a great deal of trouble and disquiet to a noble Family. And possibly my Lord and my Lady may not know she is alive; therefore, I desire you as a Friend, to make a Discovery of the Lady, that they may know where she is. He seemed very angry upon my saying of this, and told me, As long as I lodged in his House quietly, I need not trouble myself who lodged there besides. Upon that, I thought more earnestly upon this Thing; and I told him again, I am resolved to go into the Room, and know who this Lady is that lies here, for now I suppose there is something more in it. Says he again, No Body shall offer such a Rudeness in my House. Said I, I assure you I will do it. He grew very angry, but I went from him to my Sword, and was going up. Says he, Pray, Mr. *Fitz-Gerrard* do not offer such a Thing as this is; you would take it unkindly yourself, to have your House searched at this Time of Night. Well, said I, upon Condition that I may see her to Morrow Morning before she goes away, who she is, I will make no Disturbance in your House to Night. Upon that he left the Room, promising me, I should to Morrow Morning see who the Lady was. I went out early the next Morning, upon some necessary Business, and coming Home between eleven and twelve o'Clock, said I to him, Now is a very civil Time to see this Lady, who she is, for it is not fit you should receive any Person into your House, in such Circumstances, when there is such Cause of a Suspicion. Says he, She is now gone out of the House. And this is all that I can say in this Matter, I never saw the Lady there then, nor did I ever see her in my Life, but once or twice at *Epsom*.

L. C. J. Did they lock the Door upon you, Captain?

Capt. *Fitz-Gerrard*. No, they did not.

Mr. Serj. *Jefferies*. And you know nothing more?

Capt. *Fitz-Gerrard*. I neither knew when she came, nor who she was.

Mr. *Att. Gen.* Then swear Mr. *Smith* here, who married one of my Lord *Berkeley's* Daughters.

[Which was done.]

Mr. *Smith*. Before my Lord *Berkeley* made this Affair publick, he used all Means possible to know where my Lady *Harriett* was; and after it was known to him what Concern my Lord Grey had in it, there were all Means used to make it up: And discoursing with my Lady *Berkeley* about it, it was proposed that she should be married, but that would cost a great deal of Money; that my Lord did not stick at, nor my Lady, if any Divine of the Church of *England* did think it proper to treat with any Person about it, after such a secret Correspondence between her and my Lord Grey. And my Lord said, If my Lord Grey would not prosecute her with any more Visits, he would give a Sum of Money to marry her. Said I, Then, my Lord,

Lord, will you give me Leave to wait upon my Lord Grey in it? He answered, Yes. So I went to him, and offered him that my Lord Berkeley would give 6000*l.* with her, if he would place her in a third Hand, where it might be convenient to treat with any one about it. He talked with me as if he knew where she was, but would not discover it. Says he, You must always suppose, I will take your Proposal in this Manner, if she is in my Power, which it may be she is, it may be not. Said I, my Lord, you make that (if) only as a Subterfuge, for to be sure, you know where she is. Says he, She is beyond Seas, and if you will give me Leave to visit her sometimes, I will promise she shall come again; but that depends upon Time and Tide, it cannot be so very soon. Said I, My Lord, you may as well send Horses to *Dover*, and so over to *Calais*, for I suppose she may not be far. He said, it would be a Work of Time, but he would write to her. I desired he would write that Night. For, said I, my Lord, if this Business be taken in Time, she may yet be saved, if you will contribute what you can to it. He promised me to write that Night to her, but it would be some Time before she got to Town. Then, discoursing further with my Lord about it. Says he, If I should bring her to Town, I will not use any Force or Persuasion to her, if she be obstinately bent not to come Home again; betray her to be sure I will not. I am sure, my Lord, said I, that your Persuasions would do very much with her, and a great deal of Good may come of it, if the Matter be speeded. But, says he, if I should bring her to Town, then my Lord Berkeley would disturb her with my Lord Chief Justice's Warrant. Said I, If you will bring her to Town, I will ask my Lord and my Lady, how long Time they will allow for the making up of this Treaty; and in the mean Time, she shall be free from any Disturbance. Says my Lady Berkeley, when I spoke to her of it, Though my Lord Grey has been so barbarous to a Family, that has been so kind to him; yet, if I give him my Word, I will keep it inviolably to him; and I do promise him, if he will bring her to any Place where my Daughter *Lucy* may visit her, I will engage there shall be no Search made after her. And if he can contribute to carry her into a Place where she may be safe, and not visit her himself, he shall have 2000*l.* to do it. This Message of my Lord's being barbarous, Madam, said I, is not fit for me to carry to my Lord Grey, but you will promise not to take her away, if he bring her to Town, but from the Moment you know where she is, she shall be safe. Thereupon my Lord Grey promised to write to her; whether he did or not, I cannot tell. Afterwards he said he had writ, but she would not come.

Mr. *Att. Gen.* What Expence has my Lord been at in looking after her?

Mr. *Smith.* A great Expence; I cannot tell particularly.

Mr. *Serj. Jefferies.* My Lord, we have but one Witness more, and that is a Gentleman, who, by Order from my Lord and Lady Berkeley, kept my Lord Grey Company, and he will tell your Lordship what my Lord Grey confessed to him, what a Passion he had for the Lady, and what Methods he used to get rid of it, but could not. Swear Mr. *Craven.*

[Which was done.]

Mr. *Sol. Gen.* Will you tell my Lord and the Jury, whether you were sent by my Lord Berkeley-

ley, to be with my Lord Grey at *Up-Park*, and what passed there-between you?

Mr. *Craven.* My Lord, the *Wednesday* after my Lady *Harriett Berkeley* went away, my Lady Berkeley told me, my Lord Grey had proffered he would go down into the Country for six Months, to shew that he had no Designs upon her; and therefore, if she would propose some Friend of hers to go along with him to keep him Company, he would be very well satisfied with it; and then my Lady Berkeley told me, she would fix upon no Body but me, if he would take me with him. Then I met my Lord Grey on *Wednesday* Morning at Sir *Thomas Armstrong's*, and afterwards, went down to his House to him. When I came there, he met me on Horseback, and came up civilly and kindly to me. I thought fit to give him a Caution, having received such Orders from my Lady. My Lord, said I, I am sorry I am forced to come upon such an Account as this, to be a Guard over your Words and Actions; and I am very much troubled that this unfortunate Thing has happened, and you are reputed to be the Occasion of it. Says he, I do own, *Craven*, I have done a very ill Thing; but that is past, I cannot help that now; but the Thing that is to be thought on is, what is to be done for the future. My Lord, said I, the best Way, if I may give you my Advice, were to send her Home again, before any Report be spread abroad of the Business. How can that be? Says he, I do not know where she is, but I have had a Letter from her, as I told my Lady, I did believe I should find a Letter here when I came down. I will shew you the Letter, which he did. My Lord, said I, this Letter will be thought as of your penning before you came out of Town. I cannot tell what they will think; said he, but here it is. Said I, my Lord, I have a great Respect for your Lordship, and do very much desire, for your own Reputation and Honour, as well as theirs, it may be made up in some Way before it be too publick. We were discoursing of this. How shall that be done? says my Lord Grey. My Lord, said I, if you would consent to this, to send her over into *France*, to *Calais* or *Diep*, we will there find some Body that will help her into a *Nunnery*; and when she is there, she may write to her Mother, that she found she had an Intention to marry her to a Match she could not by any Means approve or like of, and therefore she went away to prevent her being forced to it; and this would be as plausible a Thing as any in the World. And when that Letter should come, my Lady Berkeley should shew it about to her Friends; nay more, she should go over herself to fetch her back again, that she might receive her into her House with Honour. He said, That was a very plausible Thing, and he would do it, if he could tell where she was; but her Letter to him was, that she was gone from her Father, but she did not think fit to let him know where she was, for Fear he should deliver her up again. Then my Lord Grey asked me in what Condition they were all at my Lord Berkeley's about it. Said I, They are in such a Confusion and Trouble they are all mad almost. Says he, How does my Lord bear it? Said I, He is so afflicted that it will go near to break his Heart. Says he, He is indeed one of the Men in the World that is to be pitied; she pitieth him very much, but for her Mother she doth not care. One Day when we went out a Shooting, as we did several Days together; Mr. *Craven*, says he, I will

tell you the whole Intrigue between my Lady *Harriett* and I. I have had a great Affection for her ever since she was a Child, and have always been taking great delight in her Company; and keeping her Company so often till she grew up, my Passion grew to that height, that I could stifle it no longer, but I was forced to tell her of it, and then I could not speak to her of it, but writ. But withal I begged her to take no notice of it to any Body, for if she did, it would ruin us both. She was very angry to hear of it, and neither by writing nor speaking could I perceive she had any Affection for me again, till the Parliament sat at *Oxford*; and then I did pursue my Love and my Amours, and at last, she one Day told me, said she, I have now consider'd of it, and if you do not leave writing or speaking to me of this Matter, the very first time you write or speak to me again, I will tell my Father and Mother of it. That struck him so, he said, that he did not know almost what to say or what to do, and he walked up and down just like a Ghost; but he hid it as well as he could, that it should not be perceived by others. But that Parliament being quickly dissolved, he did intend to go down to *Suffex* to his House there, being he found she was resolved against admitting his Affection, and he would stay there several Years, till he had weaned himself of his Passion, and by that time she would be disposed of otherwise, and he might be at Ease. And he hiding his trouble as much as he could from my Lord *Berkeley* and my Lady, forbore to speak to her, but only when he saw her he could not forbear looking earnestly upon her, and being troubled. My Lord *Berkeley*, not knowing any thing of it, asked him to go to *London* with us and not to *Suffex*; he was very much persuaded by my Lord and my Lady to it; and at last, my Lady *Harriett Berkeley* came to him, and told him, Said she, You are very much persuaded by my Father and Mother to go to *London* and not to *Up-Park*, why do not you go with them? Madam, says he, you have stop'd my Journey to *London*, you have hindred my going with them, for I will rather suffer any thing than render you any Disturbance, and if I go to *London* with you, I shall not be able to contain my self; but if I go to *Suffex*, I alone shall have the trouble of it. But one Day, when my Lord of *Ailesbury* was leading my Lady *Berkeley*, and my Lord *Grey* was leading my Lady *Harriett*, she took my Lord *Grey's* Hand and squeez'd it against her Breast, and there was the first time he perceived she loved him again; and then she told him he should go to *London* with them; and he did go, and from that time, for a twelve-month before she went away, he did see her frequently, almost every Night, pursuing his Amour in writing and speaking to her as often as he could have Opportunity. And tho' my Lady *Berkeley* put a *French* Woman to lie with her, yet she did use to rise from the *French* Woman, and he did use to see her. And one Day, says he, do not you remember you came to the Chamber Door, and she was angry at your coming, and that the Door was not bolted, and if you had come in, you had found me there?

Mr. Serj. *Jefferies*. Do you remember any such thing?

Mr. *Craven*. I do not, unless it were at *Durdants*. And, says he, you cannot imagine what I have suffered to come to see her. I have been two Days locked up in her Closet without Meat or Drink, but only some Sweetmeats.

Mr. Serj. *Jefferies*. What did he say of his making Addresses to other Ladies to take off his Passion?

Mr. *Craven*. He said, He did all he could, for he would fain have avoided bringing such an Infamy upon his own Family and his Lady's, and he did endeavour to cool his Passion; by making Love to two other Ladies, whom he courted, and enjoyed both of them, but yet all did signify nothing, he could not subdue it.

Mr. *Att. Gen.* Pray tell us what Terms he insisted upon, for his parting with her, and what he said the Law was in the Case?

Mr. *Craven*. I told him, My Lord, besides the Dishonour you bring upon your self and two Noble Families, you should do all that in you lies, to avoid the Punishment that will come upon you for it by the Law. Oh, says he, you mistake your self in that, for you must think I have consider'd of all that before; they cannot do any thing in Law against me for it; let them examine the Case of Mrs. *Hencage* and my Lord *Cavendish*.

Mr. *Att. Gen.* What, did he say he would not part with her but upon Terms?

Mr. *Craven*. He said, I cannot persuade her, and I will not betray her. Truly, said I, My Lord, you had better betray her, and when she comes to be sensible of her own Good, she will thank you for it. Then he owned he had her in his Power, but would not part with her never to see her again.

Mr. *Att. Gen.* What were the Terms he stood upon?

Mr. *Craven*. My Lady *Berkeley* sent me to the Coffee-house, and desired me to ask him, If he would give her an Answer to what she had met him at my Lord Chief Justice's about. My Lord told me, He did not approve of sending her to the Place proposed, but he would send her to his own Sister, his Brother-in-Law Mr. *Nevil's*. I told my Lady of it, who said, If he did state the Case right to Mr. *Nevil*, she was sure he would not receive her, nor let him come to her if he did. After that, Mr. *Petit's* was proposed, so he might visit her. But he did say, If that be the Design, that they would have her from me, and I not to come at her when I please, they shall never see her while they live, nor will I ever deliver her.

Mr. Serj. *Jefferies*. We rest here, to know what they on the other Hand say to it, and we think this foul Fact is fully proved.

Lord *Cavendish*. My Lord Chief Justice, I desire to be heard one word in this Matter. This Gentleman, Mr. *Craven*, that was last examined, has been pleased to tell a very long improbable Story in it self, and amongst other things that he has said, he has been pleased to make use of my Name impertinently enough; for he speaks of a Case that that noble Lord, he says, was pleased to mention to him. If he did mention that Case to him, and did name my Name, he also mentions the Case of two Ladies, he says, my Lord was concerned with. I desire to know how he came to name my Name, and not name the two the Ladies he speaks of, that that noble Lord made his Courtship to and enjoy'd?

L. C. J. My Lord *Cavendish*, I could have wished he had not named your Lordship, because it was not at all to the Purpose.

Lord *Cavendish*. My Lord, I am not concerned at it at all, more than at the Impertinency of his using my Name.

L. C. J.

L. C. J. I could have wished indeed, the Gentleman had spared your Lordship's Name.

Lord Cavendish. I desire to know why my Name was mentioned more than the two Ladies Names?

Mr. Craven. My Lord Grey did not mention the two Ladies Names to me.

Lord Grey. No, nor my Lord Cavendish's neither; it is all a Lie.

Lord Cavendish. I will believe my Lord Grey's Word, more than I will his Oath.

L. C. J. That your Lordship may do if you please. But we must not do so here. Come, what say you to it on the other Side?

Mr. Williams. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel in this Case for my Lord Grey and the other Defendants: And that we may come closely to the Question, I desire I may first state the Question before you upon this Information, and then you will the better judge how far the Evidence that has been given, is pertinent to the Issue that you Gentlemen are to try. The Parts of the Information are these: That my Lord Grey, and the rest of these Defendants, should conspire together to ruin and destroy this young Lady, and in the Execution thereof, to bring this their Conspiracy to Effect, they did often solicit and intice her to commit Adultery with my Lord Grey; and in Prosecution of these their ill Purposes and Designs, she was by Force and Arms taken away from the Custody and Tuition of the Earl of Berkeley her Father, and being so taken away, my Lord Grey, and the rest of them, did procure her to live scandalously with my Lord Grey, in Whoredom and Adultery. These are the Parts of the Charge, and the Question is, whether we are guilty of it. For the Evidence, I dare presume to say, that they have not made any direct Proof of the Matter charged. On the other Side, they have, I do agree, offered something conjectural, upon which a Man may imagine and think what he will; but how far you are to conclude the Defendants Guilty, out of those Presumptions, must be left to you; I know you will very well consider of it. It is plain, we are in a very tender Case; it is a Case of Honour on all Sides, and I have often heard it, and always believed it, *That Persons of Honour and Quality in the World, would rather lose their Lives than their Honour.* And I believe it is the Opinion of my Client, my Lord Grey, as well as of the Prosecutors in this Information. And therefore you, Gentlemen, I doubt not, will expect to have a clear Evidence to convict him of this Crime. And it is not only his Honour is concerned, but that also of another great, illustrious, and noble Family, to which he is by Marriage allied. So that the acquitting of my Lord Grey of this Matter, doth, in a great Measure, acquit the other Family of so great a Scandal. For that will falsify the Information, and by your Verdict you will remove those Stains, that else may stick on both Sides. We are equally between the two Families, and your Consideration will be, whether you will lay a Stain upon both of them, or acquit them both. Now there has been no Proof against my Lord Grey, of any one Point in the Information. —

L. C. J. No? Sure you are much mistaken; it is a direct Proof against my Lord Grey, I must tell the Jury so, and therefore apply your Defence to it as you can.

Mr. Williams. Truly, my Lord, I hope it is not; and our Case is best stated, by laying open the Truth of the Fact, and then the Matter will plainly appear. I cannot go about to justify the Passion and the Folly, for I may well call it so, of my Lord Grey and this young Lady in this Case. It is misfortune enough, to be accused of a Thing of that Nature, and it may be a great deal worse to be convicted. I shall agree there have been those Transactions between them, that it may be, we cannot justify in strictness every Thing that my Lord Grey has done. But yet, we say he is not guilty of this Information. We do agree, there has been an extraordinary Passion, nay, I must say, a very unjustifiable one, between this Lady and my Lord Grey: But to conclude out of that, that because there was such an unreasonable, unjustifiable, extraordinary Affection between them, therefore we must infer and conclude him guilty of this Information, is a very forced and unreasonable Construction; for there are Degrees in Love, and we must not conclude the worst Thing a Man can be guilty of, because he is guilty of some Degree. Then, to come Home to the Case of my Lord Grey, we shall prove, and give your Lordship and the Jury undeniable Satisfaction, that my Lord Grey's so far from having inveigled away this young Lady, or being any Way instrumental to the conveying her away, that he used all Means he could to have prevented any Thing of that Nature before, by discovering to my Lady Berkeley her Mother, my Lady Arabella, and my Lady Lucy, her Sisters, all Persons of great Honour, and her nearest Relations, that she did intend to go away, by warning them, and giving them full Notice, that there might be such an Intention in the young Lady. We shall prove likewise, that no Man in the World could do more, when she was gone, to retrieve her. We shall make it out by undeniable Circumstances, proved even by their own Witnesses. It happened that my Lord Berkeley and his Family withdrew to a Country-House of his near *Epsom*, in your County, Gentlemen. My Lady had some Jealousy, as she has been pleased to testify, that there might be some extraordinary Passion between my Lord Grey and the young Lady; having discovered it by some Letters, as she hath given Evidence. My Lord Grey acquainted her with his Suspicion, that she intended to go away, and was so just, that he did not conceal any one Thing that he knew; yea, to acquit himself that he had no ill Design himself, and if she did get away it was none of his Fault, he produced a Copy of a Letter of Admonition, which my Lord Grey himself had written to her: And when my Lady had heard his Advice about it, and his Counsel he gave her, she said, her Father could not have given her better Counsel. This was so early as *July*, in the Beginning of *August*, my Lord Berkeley going down to his Country-House at *Epsom*, and the Family removing thither. Then my Lord Grey was sick here in Town; and in this Sickness of his, there was a Letter sent to my Lord Grey from his Lady, desiring him to come down to my Lord Berkeley's; but it seems he had been under some Engagement to my Lady Berkeley, not to come without her Leave; and having regard to his Word past to my Lady, he would not do it. My Lady Berkeley, in a few Days after, sent for him herself, and therein thanks him that he was so just to his Word and Honour, that he would not come down without her Invitation. Up-

on *Tuesday* before this unhappy Lady went away from her Father's House, my Lord *Grey* came to my Lord *Berkeley's*. When he came down, he was very kindly received by my Lord and my Lady. On the *Thursday* following my Lady *Berkeley* acquaints my Lord *Grey*, that this young Lady had a Design to leave her Father and Mother's Family, and run away. My Lord *Grey* was so frank with her, as to tell her; Madam, I have long suspected such a Thing, as I have told you; but, Madam, your Daughter *Harriett* is all Day in your Eye, you may lock her up at Night, and secure her if you please. This was a timely Caution given before she made her Escape. On the *Friday* following, comes a Letter from an unknown Hand to my Lady *Berkeley*, that intimated, That except they had a great Care of their Daughter, and a strict Eye over her, she and her Father should not long enjoy her Company. My Lady *Berkeley* shews this Letter to my Lord *Grey*, says he, Madam, this is no more than what I have often told you, I have given you some Intimations already, and my Thoughts and Advice about it; and whoever it be that writ this Letter, I am afraid her Apprehensions of some ill Usage may put her upon some such Design. And he repeated it again, Madam, let me caution and advise you, have her always in your Eye, and lock her up safe at Night. This was repeated over and over, to my Lady *Lucy* and my Lady *Arabella*. Thus it continued till *Saturday*, my Lord *Grey* resolved to go to his Country-House at *Up-Park*, and took his Leave of my Lord *Berkeley* and his Family accordingly, and went that Night to *Guilford*, and there he lay, and rose the next Morning to go onwards of his Journey, but was pursued, it seems, by my Lady *Lucy*. For she tells you, When this young Lady had left her Father's Family, she immediately on the *Sunday* Morning came to *Guilford*, and sent after my Lord, who was newly gone on his Way, and was found on his Way to his House in *Suffex*. Having received my Lady *Lucy's* Commands, he returns to *Guilford*, and there he had the first Notice given him of my Lady *Harriett's* Escape; says he to my Lady *Lucy*, This is no more than I have fairly warned you of before; had you taken my Counsel. Was she locked up? No, said she, she is gone away, and your Lordship must needs know where she is, and therefore pray get her to return Home again. Says my Lord *Grey*, I assure you, I know nothing at all of it, and to give you all the Satisfaction I can in the World, I did not only warn you of it before, but I shall be as industrious as any of you all, you shall find, to recover her again. For that Purpose, I will see if she have crossed the River, or is gone any other Way; and if I can make any Discovery, by Letter or any other Way, I will send you Word immediately; and I am so sincere with you, that if any Letter come to your Family for me, I give free Liberty to my Lord and all his Family to open them themselves, and see what is in them; and if I do receive any from her any other Way, a true Copy of it shall be sent; and more than all this, if my Lord be not satisfied with what I have said, let my Lord or my Lady send, and set what Spy upon me and my Actions they please. And it seems he was taken at his Word, and they made Choice of a very proper Gentleman, and you heard what Discoveries he has made, and how he has worded the Matter. For first he makes my Lord *Grey* at one Time a very subtle Lover, full of all Intrigues, and one that

could conceal all within himself; and yet (when it would do him so much Injury) so open, as absolutely to unbosom himself to one that was an absolute Spy upon him and his Actions, and tell him such Things, as no Man in the World sure is such a Fool as to tell another in his Circumstances. But that I leave to the Jury (as my Lord *Cavendish* has said) to consider of the Impertinency of his long Story. When he had parted from my Lady *Lucy* he comes to *London*, and useth all the Diligence he could to find her out. On *Wednesday* again he leaves *London*, when he could not find her, and goeth to his own House: Upon *Thursday* this Gentleman Mr. *Craven* comes thither to him. There he finds a Letter from my Lady *Harriett*, and because he would be exact to his Word, he keeps a Copy of the Letter, and sends the Original of it to my Lord *Berkeley's*. Now no Man will imagine, if he had such an Intrigue with this Lady, as they would make the World believe, that he would ever have sent such a Letter out of his Custody, which would have been a colourable Excuse for him. Nay, we do not rest here, but by the Way we produce this Letter to this Gentleman, who, it seems, was our Guardian, and told him moreover, Here is my Answer to this Letter, and sends a Copy of his Answer with the Letter from her to my Lady *Berkeley*. Then there comes a second Letter, and he, according to his Word, discovers that, and there is not one Circumstance in all his Carriage that doth accuse him. After this second Letter was imparted to my Lord *Berkeley's* Family, he continued a while at *Suffex*, and afterwards, when he returned to *London*, he used all the Means imaginable, for a Person that was so near concerned, in Point of Relation, and in regard of his own Reputation, to have found her out, but could not. These are the Circumstances of my Lord *Grey's* particular Interest in this Matter, and when we have made out these Circumstances, we hope the World will believe him not guilty. It seems the young Lady is now in Court; she is so just, it seems, as to come to do my Lord Right, and that one Thing will knock all their Conjectures on the Head; for she best knows what has been done, and the Jury will consider, whether this be imaginable, that my Lord *Grey* should conceal her all this while, and produce her now, when if any Violence hath been offered her, she may freely tell it. And as for the Man that could tell so very readily this was the very Lady that came to his House, when she had so hooded and muffled up her self, we must leave him and his Credit to the Jury. We shall therefore desire, when we come to the Close of our Evidence, that this young Lady may be here examined upon her Oath, and then, I hope, the Truth will come out.

Mr. *Thompson*. My Lord, because your Lordship seems to be somewhat satisfied that there is a direct Proof of the Matter charged against my Lord *Grey*, therefore I suppose it will not be amiss to open the Fact, and in three Words to state the Charge, and the Nature of their Evidence to maintain it.—

L. C. J. Come, come, call your Witnesses and make out your Defence.

Mr. *Just. Dolben*. If you can prove what Mr. *Williams* says, you do something, but do not think to make long Speeches; go on to the Evidence.

L. C. J. Pray, Mr. *Thompson*, do not you believe we want any of your Help to recollect the Evidence

dence given, or to direct the Jury about it, do you disprove it if you can.

Mr. *Thompson*. My Lord, the Course of Practice I always took to be so, to open and observe upon the Evidence given, and then answer it. But I submit to your Lordship for that; you may do as you please.

Lord *Grey*. Then, my Lord, I desire I may speak something my self. Certainly, my Lord, no Man ever lay under a more infamous Accusation, than I now do; and therefore, I hope, your Lordship will pardon me, if I defend my self as well as I can from it; and undoubtedly, if in any Case a Man be allowed to speak for himself, it must be allowed to me in this. My Honour lies here at Stake, and if my Life did so too, I am not, nor should be more concerned to save that, than I am to clear my Reputation, which is and ought to be very dear to me. My Lord, were I guilty of the Villainies that here are laid to my Charge, I certainly should need no other Punishment, I am sure, I could not have a worse, than the Reflections of my own Conscience for them, and I ought to be banish'd the Society of Mankind. My Lord, I must confess, I have been so unhappy (tho' it is more than they could else prove) as to have a very great Kindness for this unfortunate young Lady, my Lady *Harriett Berkeley*; but yet, not so criminal a one as the Witnesses that have been produc'd would have you to believe, nor as the Information would insinuate. I do here protest, I was no way assisting to her Escape, nor privy to it; nor have I ever at all since detained her from her Father, tho' I have suffer'd a Fortnight's close Confinement and Imprisonment for it; and all this I doubt not to make out to your Lordship's and the Jury's Satisfaction. I shall say no more of the Justice of my Cause, but endeavour to prove it; and, my Lord, this is that which I say to it. The Evidence that has been given consists most of such and such Discourses that have been between the Witnesses and my self, and those I shall give what Answer is fit to be given to them. A Negative, as your Lordship very well knows, is not to be proved. Particular Discourses we have had, of the same Nature as Mr. *Williams* has opened, about my cautioning them concerning her Attempts to go away; and I shall appeal to my Lady *Berkeley* her self, whether that be not so. If my Lady *Berkeley* own it to be true, I hope that is very good Proof. My Lord, about the time that they speak of, concerning the Letter, which I take to be in *June* or *July*, I was sent for by my Lady *Berkeley* into her Chamber; when I came there, my Lady told me there was a Letter, which, she said, was design'd to go from her Daughter to me. I asked her, If she had read the Contents of the Letter, she said, No. I asked her, whether the Direction of the Letter were to me, she could not tell that. But my Lady had told me, her Daughter had given her the Account of what had passed between us, that she was satisfied there was a Correspondence of Love between us. To remove all Fears, I proffer'd to absent my self. I desire my Lady may answer whether this be not so.

L. C. J. That will be to intricate the Business, to go on thus. Pray, my Lord, if you will ask any Question of any Body, tell them your Counsel, and let them ask them, but to make long Discourses all Day is not to be permitted.

Lord *Grey*. My Lord, I will ask then my Questions all together by and by. My Lady *Berkeley* go-

ing down with my Lord to *Durdants*, desired that my Wife might go down with her, to which I readily consented. Soon after that, I fell sick and kept my Bed a while. When I was well again, and going into *Suffex*, I sent for my Wife to Town; and would not go fetch her, because I would keep my Word with her Ladyship. My Lady *Berkeley* thereupon wrote me a Letter, wherein she thank'd me for not coming according to my Promise, and commended my Modesty in it; and said, There would be no Apprehension of any Ill from me, if I did come thither for a short time. And thereupon being invited by her Ladyship, to take her House in my way to *Suffex*, I did come down thither. And I urge this, to shew that there was no Conspiracy or Design of any such thing in me, for I had not gone to *Durdants*, if I had not been sent for, and so there was no design in my going. When I came thither it was the *Tuesday*, and on the *Thursday* my Lady *Berkeley* did acquaint me, She was under great Apprehensions and Fears; and I asked her the Reason of it. She told me, That she had been at some Ease, her Daughter having made a great Submission to her, and Promise of constant Obedience, and that she would do all as she would have her, if she would but give her Leave to go to Town with her; but yet, for all this, one Morning she puts on her Hoods and Scarfs, and was going away, and had done it, but that the *French* Woman and another prevented it. I told my Lady *Berkeley* then, Madam, said I, I have good reason to believe she may have some such Intention. I did not give my Reason at that time, but I shall by and by. But, said I, if she do go away, I cannot imagine but that it is possible she may send to me, and I will give your Ladyship notice as soon as ever I know; and tho' you seem to be satisfied, and to think your Daughter secure here, yet you do not think her so indeed; and you must needs use her ill, or she would have no Thoughts of going from you. For my Part, if she do go away and come to me, I will shun it as I would Death, and you have now fair warning; she is all Day in your Eye, pray be sure to lock her up safe at Night. Upon *Friday* following comes a Letter without a Name to it, and Mr. *Williams* has open'd to you the Contents of the Letter. She read the Letter when her Daughter was in the Room, who asked what the Letter was, and being denied to have any Account of it, was in the greatest Confusion in the World, and leaped and run down Stairs like a mad Thing, and my Lady her self was very much disturbed at it. When I saw the Letter, Madam, said I, this Letter ought to confirm you in the Resolution of taking my Advice; it can come from no Body, but some one that is to assist in the executing of this Design, but thinks it too dangerous to engage in, and gives you this warning to prevent it. You have sufficient Caution given you to make you careful. Whereas, my Lord, if I had been in any sort of Conspiracy of that Nature, to take her away, my Lady *Berkeley* certainly should have been the last Woman in the World that I would have communicated it to. My Lord, I went away from *Durdants* on the *Saturday*, and so to *Guilford*, where I lay that Night, and went on my Journey the next Morning, but was overtaken on the Road, by a Messenger from Lady *Lucy*, who was come to *Guilford* to speak with me; when I came back to her, she told me, My Lady *Harriett* was gone away that Night, and they did believe I knew where she was. Said I, Madam,

Madam, I have as great a Share in this Misfortune as any of you all, because of your Suspicion; but sure you must have used her very ill and make her do this; and you are much to blame, when you had all that warning from me; why did you not secure her, and lock her up as I advis'd you? Said she, She was lock'd up, but the Key was left in the Door. Upon this I went to *London*, and I had appointed my Lady *Lucy* to meet her on *Monday* Morning, to give an Account what I could learn; but I told her, that I had heard nothing of her, nor is there any Proof that I did see her at any time, till I own'd it before your Lordship at your Chamber. She seem'd not to believe me when I told her so. Madam, said I, It is certainly true; and to convince you that I have no hand in this Matter, I will go immediately into *Suffex*, and there I will stay as long as you will have me; and if you please to go your self with me, or send any Body else, to observe what I do. She thought it not fit for her self to go with me: But my Lady *Berkeley* and she afterwards pitched upon Mr. *Craven*, who had been a long time a Servant in the Family, and I agreed with my Lady in that, to have him, and receive him as a Spy upon me. Discourfing with my Lady *Lucy*, said I, Madam, Now I will tell you the Reason, which I forbore to tell my Lady *Berkeley*, why I had good Ground to suspect my Lady *Harriett* had a Design to go away, and it was this; My Lady *Harriett* came to me one Day, about six Weeks or more ago, in the Court-yard at *St. John's*, and says she to me, I am used like a Dog, I live the Life of a Slave here, I can endure it no longer; by the Eternal God that made me, I will not be alive long, unless I can set my self at Liberty. This I said to my Lady *Lucy*; and these, said I, were Reasons enough for me to warn you to look well after her. I did, according to Agreement, go into *Suffex* immediately; and I then told my Lady *Lucy*, I believed I might have a Letter from my Lady *Harriett* by the *Wednesday* Night's Post, because, said I, she cannot write sooner than that, and if I have, I will send you word. When I was there, Mr. *Craven* came the next Day to my House; and as soon as he came, said I, Here is a Letter I have received from my Lady *Harriett*, and if you will, you may take a Copy of it. I took a Copy of it my self, and sent the Original of it to my Lady *Lucy*, though they have not thought fit to produce the Letter now in Court, that your Lordship and the Jury might see it. But here is mine, which is the first Account what was become of her after she went away, that I received, except what Account I had from my Lady *Lucy* at *Guilford*; and this will shew to all the World, that I was not so much privy to her going away, as they say I was. I had denied to assist her in it, when she complain'd to me of her ill Usage; and when she attempt'd to go away before, I, upon my Lady's telling me of it, gave her sufficient Caution. And for the truth of all this, I appeal to those very Witnesses that have been produced against me. When I had shewn this Letter to Mr. *Craven*, I sent it away by a Servant of my own, to my Lord *Berkeley's*, and writ to my Lady *Lucy*, and desired her to pen whatever Answer she should think fit to send. My Lady *Lucy* did write to me back again, and told me the Substance of what I was to write, but the penning of it she did leave to me, for she believed I would do it effectually. I did write an Answer to my Lady *Harriett's* Letter, and that

Answer I shewed to Mr. *Craven*, and asked him if it were sufficient, and he seem'd to approve of it. The Lady her self is in Court, I know not whether she can give an Account of the Letter, I suppose she can tell you what an one it was. I had afterwards another Letter from her in Answer to mine, and that I have here, and it will appear by both of those Letters, whether I had any Interest in her going away. Tho' perhaps that would not have been such a Crime neither; and yet I think withal, that there is not a tittle of Proof that I had any hand in it, not one Proof of any Circumstance like it. And if there be any Crime, it must be the taking her away, to such an Intent and Purpose as is charged in the Information. Before I came to Town, I was sent for about some other Business, yet I would not come till I had my Lady's Consent; for I sent her word, my Lady *Harriett* writ in her Letter, that she was going beyond Sea, and if I went to *London* I might prevent it, but I would not go without my Lady's or Mr. *Craven's* Consent and Approbation. When I came to Town, I was one Day at the Coffee-house in *Covent-Garden*, I was then sent to by this Lady, who was in an Hackney-Coach at the Door, and when I came to the Coach-side to her, she gave me a tedious History of her ill Usage at home, which made her come away. And when your Lordship's Warrants were out to search for her, I came up to your Lordship, and I dare appeal to your Lordship, whether I did not acquaint you, that she only sought for Protection, and was willing to return home, so she should be satisfied she should not be ill treated again. You then told me, I could not protect her against her Father. I then told your Lordship and my Lady *Berkeley*, She was not in my House, nor in my Custody. They replied, She was in my Power; but how could she be in my Power, when she was not in my Custody, nor in my Lodging? But my Crime was, that I knew where she was. And if I do deserve Punishment for keeping my Word and Faith with her, which I gave her in a Letter, upon her Importunity not to betray her, I must submit to it, I could not in Honour do otherwise. My Lord, I desire this first Letter may be read, which was first sent by my Lady *Harriett* to me.

L. C. J. Surely, my Lord, for all your long Discourse, you cannot but apprehend your self mistaken, when you say there is no Crime charged in the Information, but the taking her away to such an Intent and Purpose. Surely there are other Things besides that. And what you speak, if not proved, your Lordship knows, must pass for nothing.

Mr. Williams. My Lord, your Lordship has made a right Distinction between Discourses and Proofs. Therefore Discourses between Strangers and third Persons, are not to be stood upon, but the Proofs are; and all the Evidence together must be left to the Jury, to consider what is material and pertinent, and what not. We shall therefore go on to our Evidence; and shall begin with my Lady *Berkeley* first, and ask her Ladyship some Questions. And we desire to know whether she hath seen this Letter?

L. C. J. But take notice, the Letter you propose, we cannot read it.

Mr. Williams. But, my Lord, it was agreed between my Lady *Lucy* and my Lord *Grey*, that if he received any Letters from my Lady *Harriett*, he should communicate them to my Lady *Berkeley*,

and this Letter coming to him, he first shews it to *Crown*, this Man that was thus set as a Spy upon him, and after sent it to my Lady *Lucy*, and whatsoever Answer they would have sent, was promised should be, and accordingly was first shewn to *Crown*, and then sent. If this were the Agreement, and these Letters were thus written, then sure we may read them.

L. C. J. You may ask my Lady *Berkeley* any Questions, but must not read any such Letters.

Mr. Serj. Jeffries. Pray, *Mr. Williams*, let us go according to the Course of Law, and give no Evidence, but what is fit to be given as Evidence.

Mr. Williams. Then thus, Madam, pray can you remember the Discourse that past between my Lord *Grey* and your Ladyship in *June*, concerning your Daughter and him?

Lady Berkeley. Where?

Mr. Williams. At *St. John's*.

Lady Berkeley. I do not well know what Discourse you mean; but any particular Discourse that was there I will answer to.

Mr. Williams. That Discourse that past between you the first time that you acquainted my Lord *Grey* that you suspected there was too much Familiarity between him and your Daughter.

Lady Berkeley. The first time, do you say?

Mr. Williams. Yes, Madam; I think you were pleased to say, that upon your first Discovery, you sent for him and talked with him.

Lady Berkeley. I did not say upon my first Discovery, but when I had discovered it. For I would be very punctual to the Truth in my Evidence.

Mr. Williams. You say, your Ladyship had some Discourse with him in *June*.

Lady Berkeley. I think it was in *June*.

Mr. Williams. Pray, Madam, can you remember what my Lord *Grey* promised your Ladyship then?

Lady Berkeley. He told me then, he would obey me in any thing, even if I would banish him my House.

Mr. Williams. Was there any Letter then produc'd by your Ladyship or my Lord *Grey*?

Lady Berkeley. Of what concern?

Mr. Williams. Any Letter that related to your Daughter?

Lady Berkeley. No; but I told him of a Letter that was found, that she had writ to him.

Mr. Williams. Madam, pray have you that Letter, or any Copy of it?

Lady Berkeley. No, it was torn to Pieces; I can bring the Pieces, I believe, if there were occasion.

Mr. Thompson. Your Ladyship read it, I suppose?

Lady Berkeley. No, my Daughter *Bell* read it, and tore it in Pieces.

Mr. Williams. Was there any Discourse between your Ladyship and my Lord *Grey*, about any other Letter?

Lady Berkeley. Not at that time.

Mr. Williams. Was there at any other time?

Lady Berkeley. Yes, at the *Charter-house* at my Lord's House, one Day my Lord *Grey* desired me to walk into the Gallery, for he had something to communicate to me, and the Discourse that past between us then was this; he shew'd me there a Letter of the passionate Love he had for her, with some good Counsel in it.

VOL. III.

Mr. Williams. Did your Ladyship approve of the Counsel he gave her?

Lady Berkeley. Never when there was so much Love and Passion in the Letter.

Mr. Williams. Pray, Madam, recollect your self, were you not pleased to like of that Letter?

Lady Berkeley. I could never like of the passionate Expressions in it; there might be something in it well said enough, but with the greatest Expressions of Passion and Love; insomuch, that he himself said of it, Madam, I'm asham'd of that Part, and would have had me overlooked it.

Mr. Williams. Did your Ladyship say, Her Father could not give her better Advice?

Lady Berkeley. Not that I know of.

Mr. Thompson. Pray, Madam, did you ever say so?

Lady Berkeley. Surely I did not: For I could not but think he could give her a great deal better Advice.

Mr. Williams. Does your Ladyship, pray Madam, remember any Discourse between my Lord *Grey* and you, upon the *Thursday* before your Daughter went away?

Lady Berkeley. I cannot tell for *Thursday*.

Mr. Williams. Does your Ladyship remember the Letter you received from an unknown Hand?

Lady Berkeley. Yes, I do.

Mr. Williams. Did you shew that Letter, or read it to my Lord *Grey*?

Lady Berkeley. My Lord *Grey* came up to me, and seem'd to be very careful of my Concerns; Madam, said he, Pray take care, for I saw a Letter directed to your Ladyship, without the Mark of the Post, or the Penny-Post upon it. And, said he, I give you this Caution about it before it comes to you. Because my Lord was by, I arose up and went to the other side of the Room, and my Lord *Grey* followed me, and when I took up the Letter, I saw something that I thought to be very odd and unusual in his Carriage, as if he were in great Disorder, as I was; and I went to my Chamber, thither my Lord *Grey* followed me, and that Letter he would see, because, he said, it had put me in some Disorder: I told him he should not see it as then. I sent for my Daughter *Lucy* into my Closet, and shewed it her, and she was in great Disorder about it too.

Mr. Williams. Pray, Madam, can you remember whether that Letter did caution you to look well to your Daughter, or else you were not like to have her Company long?

Lady Berkeley. The Letter did say some such Thing, I must look after my Daughter, or I should lose her.

Mr. Thompson. And this was on the *Friday* before she left your Ladyship, Madam, was it not?

Lady Berkeley. Yes, it was so, I think.

Mr. Williams. Pray, Madam, what did my Lord *Grey* say upon that?

Lady Berkeley. He was extremely earnest to see the Letter, because, he said, it had so disordered me; and at last I was persuaded to let him see the Letter; he turned the Letter up-side down, and looked on the Subscription. Madam, says he, is this all that disorders you so much, I am used to have many such Letters by the Penny-Post; this is nothing but to amuse you. It is a very silly Letter, and written by some Woman, as you may see by the Spelling.

Mr. Williams. Did he caution you to lock up your Daughter a-Nights to secure her?

Lady Berkeley. Not one Word upon this Letter; but the next Morning again talking about this Letter, he said, It was a foolish Letter, and what should I trouble my self about it for?

Mr. Williams. But, Madam, had you any Caution given you by my Lord Grey about this Time, to take care of your Daughter.

Lady Berkeley. Not that I remember, to lock her up.

Mr. Williams. What then did he say?

Lady Berkeley. I will tell you what he said to me once or twice. Madam, whatever you do, do not make her desperate. I asked him what he meant by that Word? Said he, It is not necessary to explain that Word to you; I meant nothing, but do not use her ill. Now, my Lord, I was so far from that, that I used her with all the Tenderness of a Mother, like a Sister rather than a Daughter; nay, he himself has confessed, she was better used than he imagined she was.

Mr. Williams. Did your Ladyship, at any time, intimate to my Lord Grey, that you had any Apprehensions of her intending to go away?

Lady Berkeley. I did tell him, That when I was at London, my Woman that lay with her, did rise about Eight o'Clock, and left my Daughter alone in the Room, and when she came up again, my Daughter had put on her Hood and Scarf, and her Petticoat was pin'd up, as ready to go out, and the Woman being affrighted at this, called up my other Daughter, and so prevented it; and after came and told me she had pin'd up her Petticoat thus about her, and she did not know what she meant to do. Upon this I went to my Daughter, and, said I, What is the Reason that you pin'd up your Petticoat, and put on your Hood and Scarf? Says she, I had not my Scarf on. But says my Woman to me, when I came into the Room, you thrust something into your Gown. It is true, I did so, Madam, said she, but it was upon this Account, I had got a Sheet of Paper, upon which I intended to write, and seeing her come in, I put it in my Gown.

Mr. Williams. Pray, Madam, did my Lord Grey at any time caution your Ladyship about your Daughter, to lock her up, or tell you his Opinion that he thought she would leave you?

Lady Berkeley. I cannot positively say that; but he used to say to me, Madam, do not make her desperate; I do not know that ever he advised me, as to the locking her up.

Mr. Thompson. Did he desire you, Madam, to take care that she did not go away from you?

Lady Berkeley. I do not remember it.

Mr. Williams. Pray, Madam, can you tell who brought that Letter from an unknown Hand to you at Durdants?

Lady Berkeley. It came down with other Letters to my Lord's Steward.

Mr. Serj. Jefferies. But your Ladyship says my Lord Grey was very solicitous about that Letter.

Lady Berkeley. Yes, Sir, he came to me, and very earnestly cautioned me about it; For, said he, I see there is neither the General-Post nor the Penny-Post Mark upon it. And knowing himself guilty of what he was guilty of, he might be afraid lest my Lord should see it, and so his Business come out.

Mr. Williams. Pray, my Lady Lucy, do you remember that ever my Lord Grey advised the locking her up?

Lady Lucy. Upon discoursing of the Letter that came from an unknown Hand, my Mother said to my Lord Grey, Sure that is such a horrid thing that it can never be done; my Lord Grey might then reply and say, If you fear it, you may lock her up; but I do deny that ever I heard him say any thing to caution my Mother, that he thought she was going.

Mr. Williams. Madam, the Question I ask your Ladyship is, whether my Lord Grey did or no direct or advise to lock her up?

Lady Lucy. Upon my Mother's Discourse concerning the unknown Letter, and how sad a Thing that would be, he might say, That if she feared that, she might lock her up; but he never did say that he did think she would go.

Mr. Thompson. Pray, when was this, Madam; how long before she left the Family?

Lady Lucy. The Day before.

Mr. Williams. Then, Madam, for the Discourse you had with him at Guilford, what said he, he would do?

Lady Lucy. It was at London, that he passed his Word to go down into the Country.

Mr. Williams. What did he promise you to do there, Madam?

Lady Lucy. He said he would not stir from Up-Park till he heard from my Father.

Mr. Williams. What did my Lord say to you, Madam, about the Letters he should receive?

Lady Lucy. He did say he would send us all the Letters that came to him from her, and if any came to our Hands we were to open them.

Mr. Williams. Was my Lord Grey willing to receive a Spy, Madam, upon him?

Lady Lucy. Yes, he was.

Mr. Williams. Was there any Letter sent to your Ladyship from my Lord Grey?

Lady Lucy. Yes, there was a Letter with one in it from my Lady Harriett.

Mr. Williams. Have you those Letters by you, Madam?

Lady Lucy. No, I have neither of them here.

Mr. Williams. Can you tell the Contents of it?

Lady Lucy. I have told them already.

Mr. Williams. Pray, Madam, will you please to recollect your self a little, when you were at Guilford, and told my Lord Grey that my Lady Harriett was gone away, did not my Lord tell you, you had not observed the Directions and Advice he gave about her, to lock her up; and did not you then answer him, Yes, the Door was lock'd, but the Key was left in?

Lady Lucy. I did reply, the Woman had not lock'd it carefully enough after her.

Mr. Williams. Did you not say, that the Door was lock'd, but the Key was left in?

Lady Lucy. I do not remember a Word of that.

Mr. Williams. Madam, will you please to cast your Eye upon that Letter, and see if that Paper be a true Copy of the Letter you had?

L. C. J. What Paper is that you offer, Mr. Williams?

Mr. Williams. It is a Letter from the young Lady to my Lord Grey.

L. C. J. You know no use can be made of that Paper, why do you offer it? It is contended that my Lord had the Lady in his Power, and then would not she write any Thing?

Mr. Williams. Then, my Lord, there is the young Lady her self, we desire she may be examined.

Mr. Serj.

Mr. Serj. *Jefferies*. But before we part with my Lady *Lucy*, if you have done, we desire to ask her a Question: It is here insinuated, as if there had been some Hardship put upon this young Lady, or some ill Usage in her Father's Family: Now for the Honour of that noble Family, I would have that Point clear'd; and therefore, pray Madam did you ever observe any Unkindness, any Severity or harsh Usage, that was used to this Lady, by my Lord or my Lady at any time?

Lady *Lucy*. So far from that, that all of us had a Jealousy that she was loved best.

Mr. Serj. *Jefferies*. Pray take Notice of that, Gentlemen.

L. C. J. Pray, Madam, let me ask you one Question. After my Lady had discovered this Evil Affection between my Lord *Grey* and this young Lady, did she then put any indecent Severities upon her, or use her very hardly?

Lady *Lucy*. My Lord, I came out of *France* but two Days before she went away. I saw no such thing.

Mr. *Williams*. We ask her about my Lord *Grey*, and you ask her about a third Person.

Mr. Serj. *Jefferies*. Oh good Mr. *Williams*, we know why we ask her that Question. It is an extraordinary Case. Pray my Lady *Arabella*, will you answer the same Question?

L. C. J. Ay, Madam, pray let me ask you; after this ill Business between my Lord and her was discovered, did my Lady *Berkeley* (I cannot say my Lord, for he knew nothing of the Matter till she was gone away) use her ill or unkindly.

Lady *Arabella*. No, no, my Lord; no Mother in the World could be more indulgent and kind. She did indeed find it necessary to have a stricter Eye over her, and she did put a Woman about her to look after her, and did not permit her to write any Letters. She had, or expressed a greater Kindness for her, than any of us all besides.

Lady *Berkeley*. Ay, and that my Lord *Grey* knows to be true.

L. C. J. No, no, when my Lord *Grey* was in his Passion, he might say so, but he has no Proof to shew of it.

Mr. Serj. *Jefferies*. My Lady *Lucy* and my Lady *Arabella*, what Person did you fear should take her away, pray?

Lady *Arabella*. We were not afraid of any Body but my Lord *Grey*.

Lady *Lucy*. There was no Reason for fear of any Body but him.

Mr. *Williams*. My Lord, there is the young Lady, we desire she may be sworn.

Mr. *Att. Gen.* We oppose it, Sir, and have very good Reason so to do, and we think it is time to do it now, if ever.

L. C. J. Why should she not be sworn, Mr. *Attorney*?

Mr. *Just. Dolben*. If the Lady her self have the Confidence to be sworn, I see no Reason why she should not.

Mr. *Att. Gen.* This Case, my Lord, is in the Nature of a Ravishment of Ward, for it is for taking a young Lady out of the Tuition and Custody of her Father, who is her Guardian by Nature, and it is apparent in the Proofs, she is highly Criminal in this very Matter her self, in consenting to go away in such a Manner, and to such an evil Purpose; and now she comes to excuse one, that is not only a Partaker in her Fault, but the first Seducer. Now, my Lord, when we have proved

this Matter of Love upon her, that is laid in the Information, sure she cannot be a Witness for them, she would be a Witness to excuse her self.

L. C. J. Mr. *Attorney*, I do think truly, that notwithstanding what you say, she may be a Witness, being no Party to the Information. But withal, I think there is very little Credit to be given to what she says.

Mr. *Williams*. Sure these Gentlemen forget themselves much in offering to hinder or oppose one's being a Witness, that is no Party in the Cause.

Mr. Serj. *Jefferies*. Truly, my Lord, we would prevent Perjury if we could.

[*Then she was sworn.*]

L. C. J. Brother *Jefferies*, we cannot oppose it, if they will press it, and she consent; but I tell you what I think of it.

Mr. *Williams*. If she be sworn, my Lord, we would ask her a Question or two. Madam, we would desire your Ladyship to answer whether my Lord *Grey* had any hand in your Escape?

Lady *Henrietta*. No, Sir.

Mr. *Just. Dolben*. You are upon your Oath, Madam; have a care what you say; consider with your self.

Lady *Henrietta*. Yes, I know I am upon my Oath, and I do upon my Oath say it.

Mr. *Williams*. Did my Lord *Grey* advise you to it?

Lady *Henrietta*. No, I had no Advice from him, nor any Body about him, nor did he know any Thing of it, it was all my own Design.

Mr. Serj. *Jefferies*. Madam, I would ask you this Question, and pray consider well before you answer it. Did you see my Lord *Grey* on the *Sunday* after you went away from your Father's?

Lady *Henrietta*. No, I did not.

Mr. Serj. *Jefferies*. Did you see him on *Monday*?

Lady *Henrietta*. No.

Mr. Serj. *Jefferies*. Did you on *Tuesday*?

Lady *Henrietta*. No.

Mr. Serj. *Jefferies*. Did you on *Wednesday*?

Lady *Henrietta*. No.

Mr. Serj. *Jefferies*. Good God! Pray, Madam, how long afterwards was it that you saw him?

Lady *Henrietta*. Sir, it was a great while after.

Mr. *Williams*. How many Days or Weeks after was it?

Lady *Henrietta*. Sir, I cannot tell.

Mr. Serj. *Jefferies*. As near as you can, Madam, when was it?

Lady *Henrietta*. I can remember the first Place that I saw him at after, but the Time exactly I cannot.

Mr. *Williams*. Where was that, Madam?

Lady *Henrietta*. It was in a Hackney-Coach.

Mr. *Williams*. That was the Time, I suppose, that you sent for him out of the Coffee-House in *Covent-Garden*?

Lady *Henrietta*. Yes, I did so.

Mr. *Williams*. Pray, Madam, did you write any Letter to my Lord *Grey* after your going away?

Lady *Henrietta*. Yes, I did by the next Post.

Mr. *Williams*. When did you write that Letter, Madam?

Lady *Henrietta*. I did write it upon the *Tuesday* after I came away. I hope that is no Offence.

L. C. J. No? Is it not? You should have writ to some Body else sure.

Lady *Henrietta*. I thought him the fittest Person for me to write to, and I did not imagine it would

be any ways scandalous for him, he being the nearest Relation I had in the World, except my own Brother, that could protect me.

Mr. *Williams*. Had you any Answer from my Lord *Grey* to that Matter, Madam?

Lady *Henrietta*. Yes; and a very harsh Letter it was.

Mr. *Williams*. Did you write him any other Letter?

Lady *Henrietta*. Yes; but I received no Answer of it at all.

Mr. *Thompson*. Pray, Madam, did my Lord *Grey*, at any time, persuade you to return to your Father's?

Lady *Henrietta*. Yes, he did so several times.

Mr. Serj. *Jefferies*. Pray, Madam, do you know *Charnock*, that was my Lord *Grey*'s Gentleman?

Lady *Henrietta*. Yes, I do.

Mr. Serj. *Jefferies*. Upon your Oath, did not he carry you away from *Durdants*?

Lady *Henrietta*. No.

Mr. Serj. *Jefferies*. Nor did not his Wife assist you in it?

Lady *Henrietta*. No.

Mr. Serj. *Jefferies*. Nor was she not with you on the *Sunday* Morning?

Lady *Henrietta*. No, nor was not with me.

Mr. *Att. Gen.* Were you not at Mrs. *Hilton*'s then, Madam?

Lady *Henrietta*. No.

Mr. *Att. Gen.* Were you at *Patten*'s?

Lady *Henrietta*. No.

Mr. *Sol. Gen.* Nor at *Jones*'s?

Lady *Henrietta*. No, nor at *Jones*'s upon my Oath.

Mr. *Att. Gen.* Pray who did come with you from *Durdants*?

Lady *Henrietta*. I shall not give any Account of that, for I will not betray any Body for their Kindness to me.

Mr. *Wallop*. If it be no Body in the Information, she is not bound to tell who it was.

Lady *Henrietta*. If I have vowed to them before, not to discover, I will not break my Vow to them.

Mr. Just. *Dolben*. If they ask you of any Body in the Information, you have heard their Names, you must tell if it were any of them, but you are not bound to tell if it were any one else.

Lady *Henrietta*. No, it was none of them. I went away upon another Account.

L. C. J. If you have no further Questions to ask her, pray, Madam, sit down again.

Lady *Henrietta*. Will you not give me leave to tell the Reason why I left my Father's House?

Mr. Just. *Dolben*. If they will ask you it they may. You are their Witnesses.

Mr. *Williams*. No, my Lord, we do not think fit to ask her any such Question; she acquits us, and that is enough.

Lady *Henrietta*. But I desire to tell it my self.

L. C. J. Truly, I see no Reason to permit it, except we saw you were a more indifferent Person to give Evidence than we find you.

Lady *Henrietta*. Will you not give me leave to speak for my self?

Mr. Just. *Dolben*. My Lord, let her speak what she has a Mind to, the Jury are Gentlemen of Discretion enough, to regard it no more than they ought. But, Madam, for God's sake consider you are upon your Oath; and do not add wilful Perjury to your other Faults.

Lady *Henrietta*. I have been very much reflected

upon here to Day, and my Reputation suffers much by the Censure of the World, and therefore—

L. C. J. You have injured your own Reputation, and prostituted both your Body and your Honour, and are not to be believed.

Mr. Just. *Jones*. You are, Madam, to answer only such Questions as are asked you pertinent to the Issue that the Jury are to try, and if the Counsel will ask you no Questions, you are not to tell any Story of your self.

Mr. *Ireton*. My Lord, as to the Evidence of *Patten*, the Case is quite otherwise than they would represent it to be, about *Charnock*'s coming thither for Lodgings, for Mrs. *Patten* is a Midwife, and used to lye in at *Patten*'s House, because it would be inconvenient to lye in at my Lord *Grey*'s.

L. C. J. What does that signify? But prove what you can.

Mr. *Thompson*. Where is Mrs. *Patten*, they would not produce her, because they knew it was against them? [She appearing was sworn.]

L. C. J. Well, what do you ask of this Woman now?

Mr. *Ireton*. I would ask her, my Lord, whether were there any Lodgings bespoke in your House against *September*?

Mrs. *Patten*. I know nothing of that.

Mr. *Ireton*. Was there any Body in *June* or *July* at your House to bespeak Lodgings?

Mrs. *Patten*. I cannot tell the Month nor the Day.

Mr. *Thompson*. Pray Mistress speak what you do know.

Mrs. *Patten*. Mr. *Charnock* and his Wife did come to my House last Summer.

Mr. *Williams*. What was their Business?

Mrs. *Patten*. For Lodgings.

Mr. *Thompson*. Did they tell you who they were for? Did they talk about Lying-in?

Mrs. *Patten*. They were only for his Wife.

Mr. *Ireton*. Did he tell you what time he should come?

Mrs. *Patten*. He did tell me they were not fit to come into yet, but they might at such a Time, but she did not know her own Reckoning: But they were not taken.

Mr. *Ireton*. Are not you a Midwife?

Mrs. *Patten*. I was Mrs. *Charnock*'s.

L. C. J. What is that to this Purpose?

Mr. Serj. *Jefferies*. Now you are sweetly brought to Bed.

Mr. *Ireton*. Pray, Woman, will you tell what they said to you.

Mrs. *Patten*. Mr. *Charnock* and his Wife came to our House for Lodgings. I asked her who they were for; she said they were for a Gentlewoman. I asked her who she was. Says she, For my self to lye in here. Said I, How comes that about? Says she, About the Time that I reckon my Lord's Family will be in Town, and I find it not convenient to lye in at our own House; then my Father and Mother have sent for me into the Country, to lye in there, but I cannot think of going thither, because of changing my Midwife. Then, said I, truly, Mrs. *Charnock*, any thing in my House is at your Service. Said she, I think it convenient rather to be here than to go into the Country; but I do not desire that my Lord's Family should know that I intend to lye-in here, for I would not inconvenience my Lady's House, and yet my Lady, it may be, will not permit me to go out.

L. C. J.

L. C. J. But, Mistress, there came one to your House from Mrs. *Hilton's*, Who was that?

Mrs. *Patten*. I do not know; I was not at Home then.

L. C. J. Did you not come Home before they went away?

Mrs. *Patten*. No, Sir.

Mr. Serj. *Jefferies*. Was that Woman they brought to lye in, in your House, Mistress?

Mrs. *Patten*. Who do you mean, Sir?

Mr. Serj. *Jefferies*. The other Gentlewoman that came with Mrs. *Charnock* and Mrs. *Hilton*. The Lady that spoke just now.

Mrs. *Patten*. I do not know; I never saw her Face in my Life, that I know of; what my Husband saw I cannot tell, I saw her not; it may be she, it may be not, for any thing I know.

L. C. J. Well, Gentlemen, have you done, will you call any more Witnesses?

Mr. *Williams*. We have done, unless they call any more.

Mr. Serj. *Jefferies*. We shall only call a noble Lord, my Lord of *Ailesbury*, to testify what he knows, being very much conversant in the Family, of the Treatment he has observed of this Lady.

L. C. J. That needs not, for there is no Body that fixeth any thing of the Matter upon my Lord or my Lady.

Mr. *Wallop*. We do hope in your Lordship's Observations upon the Evidence to the Jury, you will please to take notice, that there is no Colour of Evidence of any actual Force upon the Lady which is laid in the Information, that my Lord did *vi & armis abducere, &c.*

L. C. J. Oh, Mr. *Wallop*, fear not, I shall observe right to the Jury; but you have read the Book that is written concerning Juries lately, I perceive.

Mr. Serj. *Jefferies*. He has studied such Books no doubt, and has learned very good Counsel from *Whitacre*.

L. C. J. Lock you, Gentlemen of the Jury, here is an Information on the behalf of the King, against my Lord *Grey*, and the other Defendants; and it doth set forth, that my Lord *Grey* having married one of the Daughters of the Earl of *Berkeley*, and having Opportunity thereby of coming to the Earl of *Berkeley's* House, he did unlawfully solicit the Lady *Henrietta*, another Daughter of the Earl of *Berkeley's*, a young Lady, to unlawful Love; and that he did intice her from her Father's House; and that he did cause her to be conveyed away from thence against her Father's Consent; and that he did unlawfully use her Company afterwards in a very ill manner, an unjustifiable manner; and this, Gentlemen, is the Substance of the Information; in truth it is laid, that he did live in Fornication with her. Now, Gentlemen, to this my Lord *Grey* and the other Persons, the *Charnocks* and the *Jones's* have all pleaded not Guilty to it. Now then, the Question before you is, whether there were any such unlawful Solicitation of this Lady's Love; and whether there was any Inveiglement of her to withdraw her self and run away from her Father's House without his Consent; and whether my Lord *Grey* did at any time frequent her Company afterwards. Gentlemen, the Evidence that has been given, you have heard what it is, and it is very plain, (if you do believe these Witnesses that speak it from my Lord's own Mouth) that he hath a long time unlawfully solicited her to Lust. For there is nothing else in it, Gentle-

men, (that is the plain *English* of it all) he has inticed her to unlawful Lust. My Lady she gives Evidence of it from his own Mouth, that there was an Intrigue of unlawful Love between them: She says my Lord *Grey* condemned himself for it several times, but yet prosecuted it; he own'd it was a most disingenuous and dishonourable thing in him, which indeed it was; he did therein in Truth make a right Estimate of the thing. He did own he had betrayed the Family, and brought it into great Scandal, and had abused both Father and Mother by this unlawful Solicitation of their Daughter to this unworthy wicked Affection; but he excused it all with the Greatness of his Passion, and that was all; he pray'd her to consider, it was a great and passionate Love, a Love that he could not resist; he loved her above all Women living, and many fair Promises of Amendment and desisting he made, but you see how he has perform'd them. You hear my Lady *Arabella* tells you there was a Letter written by my Lady *Harriett*, this Lady that appears now in Court as a Witness for my Lord *Grey*, which she had out of her own Hand, and she tells you the Effect of it; it was to invite my Lord another Night, as he had been with her a former Night; and to shew the Greatness of her longing for him, she desires it might be quickly, not to stay till *Monday*, for if he did she should be mighty impatient, if he delay'd so long; and withal she told him, her Sister *Bell*, which I take to be my Lady *Arabella*, had not discovered it, nor heard the Noise that was between them that Night they were together. My Lady *Lucy*, she tells you, he owned there was an unlawful Love between him and her Sister, it must needs then be true if he owned it to her, and he said that it put him upon mighty Inconveniences, and he owned he had done so much wrong to the Family, that he could never repair it. You hear my Lady tells you she forbid him the Family; and you hear likewise, what little Designs he had, and what he pretended that he might continue to come to the Family, if you believe my Lady. For he pretended that this would be the way to make it publick, if he were forbid the House altogether; but he would be under her Direction, he would do nothing but what she should approve of; that he would not apply himself to her Daughter to speak to her, nor write to her. And you hear that for all this, he did, before my Lady *Arabella*, vent a great deal of Passion for her, that she was the only Person in the World he had any Love for; that my Lady *Arabella* tells you she heard him say, when he had seen her fall down like a dead Woman. When he had made my Lady a Promise that he would not come without Leave, he sends his own Wife thither first to beg that he might come down, and very earnest and importunate she was with her Mother, not knowing any thing of the Intrigue, but was made instrumental to get Leave to come down. And at length Leave was given him to dine there, as he went to *Suffex*, but he comes at Nine o'Clock at Night, and then Excuses were made by him for it; and my Lord *Berkeley* desiring him to stay, who was not acquainted with the unlawful Affection that was between his Daughter and him, and accordingly he did stay till *Saturday*. You hear, Gentlemen, what is said to you now, as to her carrying away, for all that has been hitherto observed to you, has been only to the unlawful Solicitation of this Lady to unlawful Love. My Lady tells you, that that very Night that my Lord *Grey* went

from her House was her Daughter carried away. You see then, the Question will be, whether my Lord had any hand in carrying her away, and for that you must weigh these Circumstances. It is pretty manifest that this Coach-man, that is, *Charnock*, did carry her away. Now the Chaplain tells you, that my Lord was earnest in several Discourses that Day with *Charnock*, and under some great Trouble, he could discern that in his Countenance; and several times he was sent for to him, as tho' there was some mighty earnest Business imposed upon *Charnock* to do. *Charnock* made as tho' he went away, it seems, with his Lord, who went away about Four o'Clock; and the Lady was carried away in the Morning between Twelve and One, which is the Time spoken of. Now to prove that *Charnock* carried her away, you have these Circumstances; She was brought to the House of *Hilton*, there was a Lady brought in there that Morning about Nine o'Clock by *Charnock*; *Charnock* was the Afternoon before going to *Up-Park* with his Lord, but it is manifest that he was back that Morning at *London*, and so brought the Lady thither that Morning. If you believe *Hilton* the Witness, it is manifest she had been a Journey, and was very weary, so that she was fain to go to Bed at Nine o'Clock. This Lady that was there brought by *Charnock* and his Wife, was afterwards carried to *Patten's* House, Mrs. *Hilton* swears it; and Mr. *Patten* swears they did come in there. There was a great deal of Policy used in the Case, and Care taken; and Mrs. *Hilton* tells you why; they saw some Men about the Door, which they were afraid might be Men that came to look after the Lady, and so they slid away thro' the Back-door, which proves something in that she was to be conceal'd. Then consider the Circumstances of the Clothes that do so exactly agree. There was a Gown with red and green Flowers striped, and there was a Petticoat striped with red, and a white quilted Petticoat under that the Lady had on that came to *Patten's*; and the Lady's Woman who lay with her and look'd after her, describes to you her Gown and Petticoat to be the same as tho' were that the Lady had on, who was hurried away from *Patten's* House at Night to another Lodging. We cannot indeed discover where that was. Now then, after this, my Lord *Grey* he undertakes to my Lady *Berkeley*, that he would go to *Up-Park*, and stay there till he had Leave to come to Town. *Patten*, who saw the Lady, swears this is the very Lady that sits here, and who has been examined, but denies it. If she was the Lady that was brought to *Patten's*, she was the same that was brought to *Hilton's*, whither *Charnock* brought her, and so there is a full Evidence of the Guilt of *Charnock* and his Wife, who was the Solicitor about the Business, took Lodgings for her, help'd her away from *Hilton's*, and help'd her to *Patten's*, and from *Patten's* somewhere else. So that if you believe them, *Charnock* and his Wife are both Guilty. As to my Lord *Grey*, who went to *Up-Park* on the *Wednesday*, soon after he came to Town again, and it is positively sworn that he came to *Jones's* upon the *Tuesday*, and sent for *Jones* out to come to him, who was in a Hackney-Coach, where he discoursed with him a pretty while, and afterwards the Room is provided for the Lady up two pair of Stairs in *Jones's* House. She is brought thither, my Lord *Grey* came twice to the House, and both times without his Perriwig, as the Maid swears she knew him very well, and there he took Lodgings for a

Lady, and that Lady came afterwards. Now if this falls out to be my Lord *Berkeley's* Daughter, then you have it push'd home upon my Lord *Grey*. That this was my Lord *Berkeley's* Daughter, you have this Evidence made up of Circumstances. First, The Policy used in the Case by my Lord, to have all so privately managed. Another Circumstance there is, tho' at first it seems but slight, yet if it be well consider'd will signify very much, and that is what the Maid does testify. She says her Linnen was brought down to be washed, and there was a Shift that was very remarkable, for it had the Body of one sort of Cloth, and the Sleeves of another, and that she took special Notice of it, and thence would have concluded that the Lady was not a Person of Quality; and another of those very Shifts that belonged to my Lady *Harriett* was brought to her afterwards, and she swears it was of the same Fashion and Make with that which the Lady had that lodged in their House; and it was, as all do agree, just in the same manner as this was, with the Body of one Cloth and the Sleeves of another. Then, there is Colonel *Fitz-Gerrard* was in those very Lodgings at that time; and he comes and tells you, that having heard of my Lord *Berkeley's* Daughter's Departure from her Father, and considering the Circumstances that he had heard the Maid say that it was my Lord *Grey's* Mistress that was brought in thither, and such other Circumstances concurring, he did conclude this to be the Lady, and he tells *Jones* his Suspicions concerning it (whose Wife was by the way so very officious to conceal the Lady, that she would not suffer her Maids to come up Stairs, but would rather shut up the Shop-windows her self, than the Maids should come to see her.) Mr *Jones* having Discourse with the Colonel about this, and finding the Lady was smok'd, was angry at the Colonel's Curiosity, which increased the Colonel's Suspicion. He told *Jones*, This must needs be the Lady, and I will see her. Which he very much fearing, intreated him not to disturb his House at that time of Night, and upon Promise to let him see her the next Morning, he desisted; but told him, He knew not what he was doing, he did a very ill thing to conceal a young Lady from her Friends; her Father and Mother not knowing where she was, might give her over for Dead. But in the Morning the Lady was convey'd away. This, to me, is a shrewd Circumstance that *Jones* knew her to be the Lady, and to conceal all the Matter, got so much time to send her away. To what purpose else was she carried away, when the Colonel was to see her, that he might be satisfied about his Suspicion, and so acquaint her Father? But she was conveyed away presently. Gentlemen, it is manifest by all the Witnesses, and by what the Defendants Counsel themselves opened, that under this Absence of the Lady from her Father, he had an Intercourse of Letters with her, which is a great Circumstance to prove that she was carried away by his Contrivance. He could tell the Lady *Lucy*, That she should never be brought back again, without he might have leave to visit her. So that, it seems, he had full Power over her. There is another Gentleman, who has told you he was set as a Spy over him; and if you believe him, my Lord *Grey* has made a Confession to him as he would to his Ghostly Father; he has told you the Intrigue of all his unlawful Love, from the Beginning to the End; how long he was engaged in it before he had any Comfort from the Lady, when he had the

first Demonstration of Kindness from her, and the whole Matter all along. There is another Gentleman that was sent to treat with my Lord (Mr. *Smith*) concerning this; he tells you my Lord *Grey* and he being in a long Discourse, he offered that he would deliver her to one Person, but not to another: She should be first sent to his Brother-in-law, Mr. *Nevil's* in *Berkshire*; afterwards to another Place, Mr. *Petit's*, so as he might have Access to her; but he tells you also, this was the Conclusion of all, He would never part with her, nor never deliver her, upon any other Terms, than that he might have Access to her whenever he would. Now lay all this together, and see what it amounts to. He that had so great a Passion for her, he that could not be without the Sight of her, but used such Ways to come to speak to her; he that had Letters from her all along; he that had such Power over her, that he could deliver her, as he said, or not, and would keep her in Spite of her Father, unless he might have Leave to visit her as often as he pleased; and consider then, I say, whether it is not more than probable, that he had a Hand in carrying her away. It is plain beyond all Contradiction, she was carried away by his Man, who was in his Company that Night; he pretended to go to *Up-Park*, but was in *London* the next Morning by nine o'Clock. My Lord came afterwards to take Lodgings for her, two Days one after another. Whether then he be not as guilty as *Charnock*, or any of the rest, nay indeed, the main Mover of this ill Thing, you are to consider upon the Evidence that has been given. But you must, withal, take into your Consideration, what my Lord *Grey* says for himself. He has asked several Questions of the Ladies that were examined, but truly never a one worth the remembring, that I know of, or that made to his Purpose. He does indeed pretend that the young Lady was hardly used at Home, and that she fled to him as to a Sanctuary for Protection; and you hear the several Witnesses examined to that Point; and they all say she was used, notwithstanding the Discovery of this ill Business, with the greatest Kindness and Respect that a Child could be used with by her Mother, and no Hardship put upon her, but only she was forbid to write any Letters to my Lord *Grey*, and had a Maid put upon her, to keep her from running away, because once before she attempted it, as her Mother did believe. The Lady herself is here, she has been examined; she indeed denies this all along; she says that this Coach-man *Charnock* did not carry her away; she says she was not at *Hilton's*, nor at *Patten's*, nor at *Jones's*; that she never see my Lord *Grey* till a long Time after she went from her Father's. But this is all disproved by the other Witnesses; and so whether you will believe her single Testimony, or theirs, I must leave it to you. You must consider under what Circumstances she is, and truly she doth not seem to be any Way fit to be believed in this Matter. *Jones* and his Wife are as guilty as any of the rest, for their Contrivance to keep her secret, especially, after that he had promised *Fitz-Gerrard* to let him see her. Look you, as to the long Discourse my Lord *Grey* made, I must tell you, it is not to be believed further than it is proved. Now my Lord *Grey* did tell us, that he from Time to Time had given Caution to my Lady, that she should look to her Daughter, and lock her up, for else she would, as he believed, run away. My Lady denies it all, and so it goes all for nothing, and you

are to take no Notice of it. I must leave it to you; whether you do believe what these Witnesses have sworn, if you do believe the Evidence produced for the King, most certainly they are all five guilty of the Charge in the Information.

Mr. Just. *Dolben*. There is no Evidence against *Rebecca Jones*.

L. C. J. No, there is not.

Mr. Serj. *Jefferies*. No, we cannot insist upon it that there is, you must find her not guilty.

Mr. Just. *Jones*. I must remember you of one Thing, Gentlemen, and that is, what drop'd from my Lord *Grey's* own Mouth, that when my Lord, as he says, gave his Advice that she should be looked after carefully, he would not give his Reason for it, but after he did, as he says, tell it my Lady *Lucy*, that she complained to him at *St. John's*, that she led the Life of a Dog, or a Slave, and she would not endure it any longer, and desired him to assist her, or she would do herself a Mischief. Why was not this told before?

L. C. J. Ay, but Brother, my Lady *Berkeley* denies it all too.

[Then the Jury began to withdraw.]

Earl of *Berkeley*. My Lord Chief Justice, I desire I may have my Daughter delivered to me again.

L. C. J. My Lord *Berkeley* must have his Daughter again.

Lady *Henrietta*. I will not go to my Father again.

Mr. Just. *Dolben*. My Lord, she being now in Court, and there being a *Homine replegiando* against my Lord *Grey*, for her, upon which he was committed, we must now examine her. Are you under any Custody or Restraint, Madam?

Lady *Henrietta*. No, my Lord, I am not.

L. C. J. Then we cannot deny my Lord *Berkeley* the Custody of his own Daughter.

Lady *Henrietta*. My Lord, I am married.

L. C. J. To whom?

Lady *Henrietta*. To Mr. *Turner*.

L. C. J. What *Turner*? Where is he?

Lady *Henrietta*. He is here in Court.

[He being among the Crowd, Way was made for him to come in, and he stood by the Lady and the Judges.]

L. C. J. Let's see him that has married you. Are you married to this Lady?

Mr. *Turner*. Yes, I am so, my Lord.

L. C. J. What are you?

Mr. *Turner*. I am a Gentleman.

L. C. J. Where do you live?

Mr. *Turner*. Sometimes in Town, sometimes in the Country.

L. C. J. Where do you live when you are in the Country?

Mr. *Turner*. Sometimes in *Somersetshire*.

Mr. Just. *Dolben*. He is, I believe, the Son of Sir *William Turner* that was the Advocate, he is a little like him.

Mr. Serj. *Jefferies*. Ay, we all know Mr. *Turner* well enough. And to satisfy you this is all a Part of the same Design, and one of the foulest Practices that ever was used, we shall prove he was married to another Person before, that is now alive, and has Children by him.

Mr. *Turner*. Ay, do, Sir *George*, if you can, for there never was any such Thing.

Mr. Serj. *Jefferies*. Pray, Sir, did not you live at *Bromley* with a Woman as Man and Wife, and had divers Children, and living so intimately, were you

you not questioned for it, and you and she owned yourselves to be Man and Wife?

Mr. *Turner*. My Lord, there is no such Thing; but this is my Wife I do acknowledge.

Mr. *Att. Gen.* We pray, my Lord, that he may have his Oath.

Mr. *Turner*. My Lord, here are the Witnesses ready to prove it that were by.

Earl of *Berkeley*. Truly, as to that, to examine this Matter by Witnesses, I conceive this Court, though it be a great Court, yet has not the Cognizance of Marriages: And though here be a Pretence of a Marriage, yet I know you will not determine it, how ready soever he be to make it out by Witnesses, but I desire she may be delivered up to me her Father, and let him take his Remedy.

L. C. *J.* I see no Reason but my Lord may take his Daughter.

Earl of *Berkeley*. I desire the Court will deliver her to me.

Mr. *Just. Dolben*. My Lord, we cannot dispose of any other Man's Wife, and they say they are married. We have nothing to do in it.

L. C. *J.* My Lord *Berkeley*, your Daughter is free for you to take her; as for Mr. *Turner*, if he thinks he has any Right to the Lady, let him take his Course. Are you at Liberty and under no Restraint?

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Hussey, you shall go with me Home.

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Hussey, you shall go with me, I say.

Lady *Henrietta*. I will go with my Husband.

Mr. *Williams*. Now the Lady is here, I suppose my Lord *Grey* must be discharged of his Imprisonment.

Mr. *Serj. Jefferies*. No, my Lord, we pray he may be continued in Custody.

L. C. *J.* How can we do that, Brother, the Commitment upon the *Writ de Homine replegiando* is but till the Body be produced, and here she is, and says, she is under no Restraint.

Mr. *Serj. Jefferies*. My Lord, if you please to take a little Time to consider of it, we hope we may satisfy you that he ought still to be in Custody.

L. C. *J.* That you can never do, Brother.

Mr. *Serj. Jefferies*. But your Lordship sees upon the Proofs to Day, this is a Cause of an extraordinary foul Nature, and what Verdict the Jury may give upon it we do not know.

Mr. *Att. Gen.* The Truth of it is, we would have my Lord *Grey* forth-coming, in Case he should be convicted, to receive the Judgment of the Court.

L. C. *J.* You cannot have Judgment this Term, Mr. *Attorney*, that is to be sure, for there are not four Days left. And my Lord *Grey* is to be found to be sure, there never yet before this was any Thing that reflected upon him, though this, indeed, is too much and too black if he be guilty.

Mr. *Just. Dolben*. Brother, you do ill to press us to what cannot be done; we, it may be, went further than ordinary in what we did, in committing him being a Peer, but we did it to get the young Lady at Liberty; here she now appears, and says she is under no Restraint; What shall we do? She is properly the Plaintiff in the *Homine replegiando*, and must declare, if she please, but we cannot detain him in Custody.

L. C. *J.* My Lord shall give Security to answer her Suit upon the *Homine replegiando*.

Mr. *Williams*. We will do it immediately.

L. C. *J.* We did, when it was moved the other Day by my Brother *Maynard*, who told us of ancient Precedents, promise to look into them, and when we did so, we found them to be as much to the Purpose, as if he had cast his Cap into the Air, they signified nothing at all to his Point. But we did then tell him (as we did at first tell my Lord so) if he did produce the Lady, we would immediately bail him. And she being now produced, we are bound by Law to bail him. Take his Bail.

[And accordingly he was bailed at the Suit of the Lady *Henrietta Berkeley*, by Mr. *Forrester*, and Mr. *Thomas Wharton*.]

Earl of *Berkeley*. My Lord, I desire I may have my Daughter again.

L. C. *J.* My Lord, we do not hinder you, you may take her.

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Then all that are my Friends seize her I charge you.

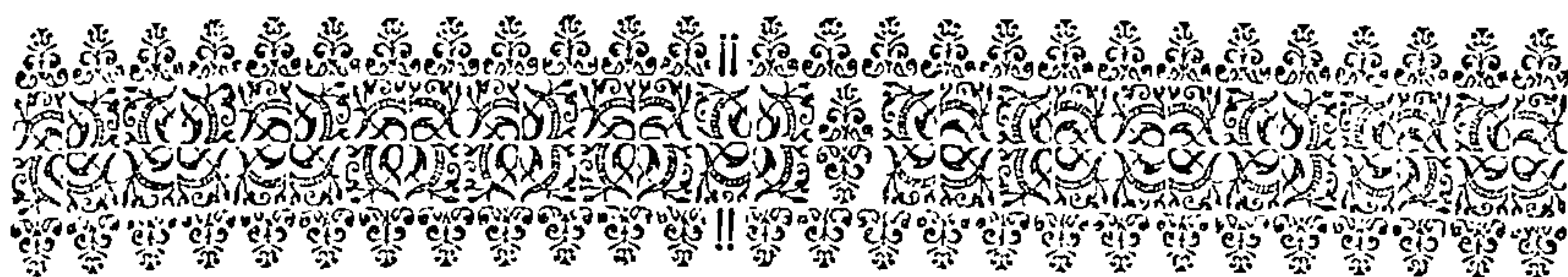
L. C. *J.* Nay, let us have no breaking of the Peace in the Court. But, my Lord *Cavendish*, the Court does perceive, you have apprehended yourself to be affronted by that Gentleman Mr. *Crown's* naming you in his Evidence; and taking Notice of it, they think fit to let you know, that they expect you should not think of righting yourself, as they have some Thoughts you may intend. And therefore you must lay aside any such Thoughts of any such Satisfaction. You would do yourself more Wrong by attempting to right yourself in any such Way.

Lord *Cavendish*. My Lord, I am satisfied that your Lordship does think it was impertinently spoken by him, and shall not concern myself any further, but only desire that the Court would give him some Reproof for it.

Then the Court broke up, and passing through the Hall there was a great Scuffle about the Lady, and Swords drawn on both Sides, but my Lord Chief Justice coming by, ordered the Tipstaff that attended him (who had formerly a Warrant to search for her and take her into Custody) to take Charge of her, and carry her over to the *King's Bench*; and Mr. *Turner* asking if he should be committed too, the Chief Justice told him, he might go with her if he would, which he did, and, as it is reported, they lay together that Night in the *Marshall's-House*, and she was released out of Prison, by Order of the Court, the last Day of the Term.

On the Morning after the Trial, being *Friday* the 24th of *November*, the Jury that tried the Cause, having (as is usual in all Cases not Capital tried at the Bar, where the Court do not sit long enough to take the Verdict) given in a private Verdict the Evening before, at a Judge's Chamber, and being now called over, all appeared, and being asked if they did abide by the Verdict that they gave the Night before, they answered, *Yes*; which was read by the Clerk of the Crown to be, *That all the Defendants were guilty of the Matters charged in the Information, except Rebecca Jones, who was not guilty*; which Verdict being recorded, was commended by the Court and the King's Counsel, and the Jury discharged.

But in the next Vacation, the Matter was compromised, and so no Judgment was ever prayed, or entered upon Record, but Mr. *Attorney General* was pleased before the next *Hillary-Term*, to enter a *Noli Prosequi* as to all the Defendants.



*Proceedings between the King and the City of London,
on an Information in nature of a Quo Warranto †, in
the King's Bench, 168²/₃. Hil. 35 Car. II.*

Mich' 33 Car. II. in B. R. Rot. 137. Sir Robert Sawyer, Knight, His Majesty's Attorney General, against the Lord Mayor, and Commonalty, and Citizens of London.

The Information in nature of a Quo Warranto sets forth,

THAT the Mayor, and Commonalty, and Citizens of the City of London, by the space of a Month then last past, and more, used, and yet do claim to have and use, without any lawful Warrant, or regal Grant, within the City of London aforesaid, and the Liberties and Privileges of the same City, the Liberties and Privileges following, *viz.*

- I. To be of themselves a Body Corporate and Politick, by the Name of *Mayor and Commonalty, and Citizens of the City of London.*
- II. To have Sheriffs *Civitatis & Com' London' & Com' Midd'*, and to name, elect, make, and constitute them.
- III. That the Mayor and Aldermen of the said City should be Justices of the Peace, and hold Sessions of the Peace.

All which Liberties, Privileges, and Franchises the said Mayor and Commonalty, and Citizens of London, upon the King did by the space aforesaid usurp, and yet do usurp.

Plea. **T**HE Mayor and Commonalty, and Citizens, appear by their Attorney, and plead,

- I. As to their being a Body Politick and Corporate, they prescribe, and say,
 1. That the City of London is, and time out of mind hath been, an ancient City, and that the Citizens of that City are, and by all that time have been, a Body Corporate and Politick, by Name of *Mayor and Commonalty, and Citizens of the City of London.*

That in *Magna Charta de libertatib' Angliæ*, in the Parliament holden 9 Hen. III. it was enacted, *Quod civitas London' habeat omnes libertates suas antiquas, & consuetudines suas.*

That in the Parliament 1 Ed. III. that King by his Charter *De assensu Prelatorum, Comitum, Ba-*

ronum, & totius communitatis regni sui, and by Authority of the same Parliament, having recited that the same Citizens, at the time of the making *Magna Charta*, and also in the time of *Edward the Confessor, William the Conqueror*, and other his Progenitors, had divers Liberties and Customs, Wills and Grants by Authority aforesaid, That the same Citizens shall have their Liberties according to *Magna Charta* — And that for any personal Trespas *alicujus ministri ejusdem civitatis, libertas civitatis illius in manus ejusdem Domini Regis Ed. III. vel heredum suorum, non caperetur, sed hujusmodi minister prout qualitatem transgressionis puniretur.*

They plead also,

That in the Parliament holden 7 R. II. *Omnes consuetudines, libertates, franchesias, & privilegia civitatis predict' tunc civibus civitatis illius, & eorum successoribus, licet usi non fuerint, vel abusi fuerint, autoritate ejusdem Parliamenti ratificat' fuerunt.*

Then they plead the Confirmation of several later Kings by their Charters; as of

King Henry VI. by his Charter, dated 26 Octob. 23 H. VI.

King Edward IV. by his Charter, dated 9 Novemb. 2 Ed. IV.

King Henry VII. by his Charter, dated 23 July, 20 H. VII.

King James I. by his Charter, dated 25 Sept. 6 Jac. I.

King Charles I. by his Charter, dated 18 Oct. 14 C. I.

King Charles II. by his Charter, dated 24 Jan. 15 C. II.

Ac eo Warranto they claim to be, and are a Body Politick, &c. and traverse their usurping upon the King.

- II. As to the having, electing, making, and constituting Sheriffs of London and Middlesex, they plead,

That they are, and time out of mind were, a Body Politick and Corporate, as well by the Name of *Mayor and Commonalty, and Citizens, quam per nomen Civium London.* And that King John, by his Letters Patents under the Great Seal of England, in Court produced, dated 5 Julii, anno regni sui primo, granted to the Citizens of London, that they should have the electing,

† Burn. Hist. own. Times, Vol. I. p. 533.