

**Notable British Trials**

Guy Fawkes

# NOTABLE BRITISH TRIALS SERIES

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GUY FAWKES.)

*Executed in the Year 1606.*

*for the GUNPOWDER PLOT.*

Published by J. & J. Hatchard, Strand, London.

**Guy Fawkes.**

James Caulfield's "Portraits, Memoirs, and Characters of Remarkable Persons," 1794. Vol. 2, p. 106.

Trial of  
**GUY FAWKES**  
and Others  
(The Gunpowder Plot)

EDITED BY

Donald Carswell

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW

ILLUSTRATED

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*June, 1934*

## P R E F A C E.

No serious historian nowadays regards the Gunpowder Plot as the straightforward melodrama that one learns at school. Roman Catholic writers have always protested that the traditional story is unfair; and in particular it has been examined with great acumen and learning by the Rev. John Gerard, S.J. Father Gerard's zeal sometimes gets the better of his historical discretion: he wants to prove too much. But his criticisms are of the greatest value to all who are interested in one of the most curious of historical mysteries.

Yet for all its curiosity it is not singular. Recent events in Germany suggest that the time-worn adage about history repeating itself is on the pale side as a statement of the truth, and that we should rather say that there is nothing so strange in history that does not sooner or later have its parallel. Between Guy Fawkes and his German analogue, Van der Lubbe, of course, there are obvious differences. The former was the engineer who was to blow King, Lords, and Commons to the moon. The latter had a more limited and humane objective—to destroy the Reichstag building as the great symbol of Parliamentarism—and he succeeded where his more ambitious predecessor failed. But in both cases the crime enured to the benefit of those against whom it was ostensibly directed, that is (to use the jargon of to-day) it turned out to be first-class Government propaganda. One may attribute this happy result to the operation of Divine Providence, or one may have other thoughts. There is much to be said on both sides.

In the introduction to this edition of the trial of the Gunpowder Plotters I have tried to present the facts as

they appear to one who holds no brief for either Protestant or Catholic. It has not been an easy task, for the materials are extremely scanty. The only report of the trial of the conspirators in existence is the official one that was published in 1606, entitled *A True and Perfect Relation of the Whole Proceedings against the late most Barbarous Traitors*, and of which it has justly been said that it is neither true nor perfect. In fact it gives little more than the speeches of Crown counsel and the judges, though by way of introduction it embodies most of a pamphlet, issued by the Government soon after the arrest of Fawkes and entitled *A Discourse of the Manner of the Discovery of the late intended Treason*. There are other printed sources, such as Father Greenway's narrative, and a large number of original documents in the Records Office that will be found digested in the *Calendar of State Papers (Domestic Series)*. But probably by far the most important material is lying hid among the Hatfield Papers. We must wait patiently until the Historical Manuscripts Commission choose to issue their next volume of that series. The last volume, published some years ago, most tantalisingly breaks off just before the relevant period.

I must not fail to express my thanks to Dame Una Pope-Hennessy for her kindness in reading the proofs of the introduction and making many valuable corrections and suggestions.

D. C.

HAMPSTEAD,  
May, 1934.

## CONTENTS.

	PAGE
INTRODUCTION, - - - - -	1
CHRONOLOGY OF THE PLOT, - - - - -	55
THE TRIAL—	
The Indictment, - - - - -	57
Case for the Crown, - - - - -	65
Prisoners' Confessions, - - - - -	90
Verdict, - - - - -	92
Digby's Plea of Guilty, - - - - -	94
Digby's Speech, - - - - -	94
Coke's Reply, - - - - -	95
The Earl of Northampton, - - - - -	97
The Earl of Salisbury, - - - - -	102
Sentence, - - - - -	104
The Execution, - - - - -	104
HISTORY OF THE PLOT, - - - - -	105
TRIAL OF HENRY GARNET, - - - - -	131
The Plea, - - - - -	133
Case for the Crown, - - - - -	133
The Evidence, - - - - -	159
Garnet's Defence, - - - - -	159
Witnesses called, - - - - -	163
The Earl of Salisbury, - - - - -	165
Coke's Reply, - - - - -	168
The Earl of Northampton, - - - - -	171
Further Questions by the Court, - - - - -	182
Verdict and Sentence, - - - - -	187
The Execution, - - - - -	188



## LIST OF ILLUSTRATIONS.

Guy Fawkes, - - - - -	<i>Frontispiece</i>
The Monteagle Letter, - - - - -	<i>Facing page 9</i>
A Group of Conspirators, - - - - -	„ 57
Execution of the Conspirators, - - - - -	„ 104
The Conspirators, - - - - -	„ 128
Henry Garnet, - - - - -	„ 130

# GUY FAWKES.

## INTRODUCTION.

It is a curious fact that until recently the English people held only one event in their history as worthy of annual commemoration, and that one an event that marked no turning point in national affairs and was indeed of very little importance, though it undoubtedly served a temporary political purpose. Yet it is safe to say that the Fifth of November will continue to be celebrated when the Eleventh has been forgotten. The persistence of the popular festival is due to a combination of circumstances, the most important being the time of year, for at bottom Guy Fawkes Day is only the continuation of the ancient pagan fire festival that fell at the end of October and the beginning of November. It is the English analogue of the Scottish Hallowe'en. Secondly, it embodies an extremely good bit of melodrama with a strong popular appeal. Lastly—though this is the least important feature—it is a crude profession of England's unshakeable Protestantism.

But the contrast between the celebrity of the occasion and its intrinsic unimportance is not the only feature that makes the Gunpowder Plot one of the curiosities of history. There is the equally strange contrast between the clear assurance with which the story has been told, even by the most serious historians, and the obscurity and imperfection of the actual records. As a good type of the traditional story we may take J. R. Green's account of the Plot:—

“The breach with the Puritans was followed by a breach with the Catholics. The increase in their numbers since the remission of fines had spread a general panic; and Parliament had re-enacted the penal laws. . . . The despair of the Catholics gave fresh life to a

## Guy Fawkes and Others.

conspiracy that had long been ripening. Hopeless of aid from abroad, or of success in an open rising at home, a small knot of desperate men, with Robert Catesby, who had taken part in the rising of Essex, at their head, resolved to destroy at a blow both King and Parliament. Barrels of powder were placed in a cellar beneath the Parliament House; and while waiting for the fifth of November, when Parliament was summoned to meet, the plans of the little group widened into a formidable conspiracy. Catholics of greater fortune, such as Sir Everard Digby and Francis Tresham, were admitted to their confidence, and supplied money for the larger projects they designed. Arms were brought in from Flanders, horses were held in readiness, a meeting of Catholic gentlemen was brought about to serve as the beginning of a rising. The destruction of the King was to be followed by the seizure of his children and an open revolt, in which aid might be called from the Spaniards in Flanders. Wonderful as was the secrecy with which the plot was concealed, the family affection of Tresham at the last moment gave a clue to it by a letter to Lord Monteagle, his relative, which warned him to absent himself from the Parliament on the fatal day; and further information brought about the discovery of the cellar and of Guido Fawkes, a soldier of fortune, who was charged with the custody of it. The hunting party broke up in despair, the conspirators were chased from county to county, and either killed or sent to the block; and Garnet, the Provincial of the English Jesuits, was brought to trial and executed."

To this, the conventional Protestant view, that there was a highly organised plot which was providentially discovered at the last moment, Roman Catholic writers like Father Gerard, S.J., have argued that there was no plot, but only a diabolical "frame-up" contrived by the Government's secret service for political ends.

There is, thirdly, the critical, mediating view that

## Introduction.

there was a plot, but that it was early known to the Secret Service, who allowed it to proceed and even fostered it, until the time was ripe for a dramatic discovery.

It is not the purpose of this introduction to decide among these views but merely to summarise as fairly as possible the available evidence and leave the reader to form his own conclusions. Let us begin with matters about which there is little or no dispute.

### I.

In the first place, we must understand what a new-fangled notion Protestantism was to the English mind when James Stuart, sixth of the name in Scotland, succeeded to the throne of England as James I. It was little more than two generations old, and for the best part of the earlier generation had been in a precarious position. There were old men alive who could remember when the new uncomfortable doctrine began to disturb people from their old easy-going ways. They had dim recollections of having been enjoined to pay no heed to the Pope of Rome, for that the said Pope was a foreign prince and as such incapable of the obedience of loyal Englishmen, except in so far as that obedience was consistent with obedience to their anointed king, Henry by Grace of God, Defender of the Faith, &c., who was not only no heretic, but a much safer custodian of Catholic truth than any Pope. In this Henry VIII showed how well he understood his subjects. He appealed to their insular pride, but respected their conservatism. The average Englishman has never taken much stock in doctrinal affairs. Public worship he observes, because it is a proper thing, but he has not much religion. Let him stand in the ancient ways of observance and he is content; but present him with an unaccustomed notion, he at once becomes troublesome. Either he resents it, and exasperates everybody by his pigheadedness, or he

## Guy Fawkes and Others.

embraces it and becomes a fanatic and *par consequence* an infernal nuisance.

In this comfortable way things went on for nearly a generation; for although after the death of Henry VIII, first the Reformers and then the Roman Catholics had the upper hand, their contentions were confined to the ruling classes. To the generality of the people it made little difference whether the official religion were Protestant under Edward VI or Roman Catholic under Mary. It was not until Elizabeth had been well established on the throne that Protestantism began to make headway in the sense of becoming a reality in the national life, and even then its progress was slow, if sure.

The position at the end of the sixteenth century has been admirably stated by Mr. Belloc.\* “The historical truth,” he says, “is that so late as the year 1600 something like half the English people were still living in the moral and spiritual traditions of their fathers. It was much more than half, if one were to test those moral and spiritual traditions by language and habit rather than by acts. The plays of Shakespeare are the standing monument to this truth. They are obviously written in what we should call a Catholic atmosphere; and, after all, common sense, which is the essential guide to all historical interpretation and without which documents only mislead, could come to no other conclusion. It was barely fifty years since every Catholic practice had been universal throughout the country—that is, up to the death of Henry VIII in 1547.”

The Protestantising of England, then, owed comparatively little to religious fervour. It was in the main achieved by continuous pressure on the part of the rulers of the country—a pressure that, while cautiously exercised, was not only never relaxed but tended gradually to increase. One cannot but admire the sagacity and determination with which this policy was carried to success

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\* *Charles the First, King of England*, pp. 31, 32.

## Introduction.

by the Cecils, father and son. The elder Cecil was quick to see the essence of the problem. The nobility for the most part accepted the new order, but Rome was still strong among the great landed gentry, particularly in the Midlands. Across England, from the Humber to the Severn, there stretched a solid belt of opulent and obstinate Papist squiredom. That belt had to be broken before the Church of England could be pronounced secure, and it was to that end that the notorious penal laws against Roman Catholics were enacted. No man who refused to take an oath acknowledging the supremacy of the English Crown and abjuring the authority of the Pope could hold any public office; and every man who wilfully absented himself from his parish church was liable to a penalty of £20 (equivalent to £100 to-day) for each month of his "recusancy." This was definitely class legislation; for only men of means could be candidates for any public office that mattered, and only men of large means could pay £20 a month for being excused attendance at the house of Rimmon, which was a poor enough privilege inasmuch as it was strictly negative and implied no permission of the private use of the Roman rite. On the contrary, the private celebration of the Mass involved further penalties.

The penal laws were not uniformly enforced. Parliament in those days was not in a position to scrutinise the actions of the Executive, and in any case had no desire to do so. Many Acts were passed that were not so much statutes as powers that Ministers could use at their discretion. Thus, under the penal laws the victims were judiciously selected from such as were rich enough to pay the fines, care being taken at the same time not to harass any whom it might be advisable to conciliate. And even among the selected victims there was discrimination: some were singled out for specially vindictive treatment.

When James I came to the throne the Roman Catholics expected some relief from persecution in spite of the

## Guy Fawkes and Others.

fact that the younger Cecil remained Secretary of State and high in favour. While Elizabeth was still alive they had sounded James on the subject, who, while refusing to commit himself, had conveyed the impression that he was well disposed. Nor did he disappoint them. One of his first acts as King of England was to summon a representative group of Roman Catholic gentlemen to Hampton Court and give them his Royal word that no more fines would be exacted "so long as they kept themselves upright and civil in all true carriage towards the King and State without contempt." He added the explicit assurance that recusancy alone would not constitute "contempt." He presently gave further evidence of his good-will by conferring honours and Court appointments on Roman Catholics. This was hardly discreet, but Cecil said nothing at the time. No man ever had a finer appreciation of the value of seasonable silence. He let James's policy have a six months' run, and then ventured to suggest that it was bad business to conciliate one's opponents at the expense of alienating one's supporters, and that the Catholics, having been given an inch, were preparing to take an ell. James took alarm. Conciliation was dropped and coercion resumed with greater rigour than ever. In February, 1603-4, a Royal proclamation was issued for the expulsion of all Roman Catholic priests and seminarists on pain of death. Parliament passed an Act enjoining the strict enforcement of the penal laws, which the Treasury, with malicious pleasantry, interpreted retrospectively—that is, the accumulated fines that had been remitted during the interval of conciliation were now exacted. It was an added bitterness that a substantial share of the plunder in money and lands went to the needy Scots who had followed their king to London. If Elizabeth had chastised the Papists with whips, her successor was chastising them with scorpions.

Parliament, having done what was required of it, was prorogued until 7th February, 1604-5, and then, shortly

## Introduction.

before Christmas was further prorogued until 3rd October. At Michaelmas, to the general surprise, a third prorogation was announced, the King and his Council having suddenly discovered that it would suit the convenience of members better if the meeting of Parliament were postponed to Tuesday, 5th November. But when the appointed day dawned, early wayfarers were amazed to find all approaches to Whitehall and the Palace of Westminster barred by soldiers. Immediately the wildest rumours were in circulation, but nothing definite was known save that a Papist plot to blow up the King and Parliament had been discovered and that the meeting of Parliament had been postponed. On the following Saturday Parliament met in an atmosphere of tense excitement. The fact of the plot was confirmed by His Majesty in his gracious speech from the Throne. James rose to the occasion magnificently. In moving and graceful periods he appealed to all and sundry to join with him in giving thanks to God for the marvellous deliverance the commonwealth had had from the devices of Satan. Surely it was more than mere coincidence that now for the second time in his life he had escaped a great danger on a Tuesday that was also the fifth day of the month! (This, of course, was an allusion to the Gowrie affair, which occurred on 5th August, 1600.) No particulars were given, however. "*Vox faucibus hæret,*" said His Majesty after speaking for twenty minutes, and he wound up by announcing that in the circumstances there must be a further prorogation over Christmas.

For the moment London had to be content with the knowledge that a plot had been discovered, that vast quantities of gunpowder had been found stored in a cellar under the House of Lords, and that a rogue who had been taken in the act of leaving the cellar was in custody. But about a week later the London mob had the pleasure of turning out to gape and groan at five haggard and dishevelled men who had been brought up from the



## Guy Fawkes and Others.

country under close guard to be lodged in the Tower. More arrests were made later, but they attracted less attention. The next development was about Christmas, when a semi-official pamphlet was published, entitled *His Majesty's Speech in this last Session of Parliament, together with a Discourse of the Manner of the Discovery of the late intended Treason*, which raised the curtain on a melodrama calculated to make the honest British public's flesh creep. Its merits as *un pièce bien fait* will be apparent if we summarise it in terms of the stage. First we have the

### DRAMATIS PERSONÆ.

King James the First.  
Robert Cecil, Earl of Salisbury, his Principal  
Secretary of State.  
The Lord High Chamberlain.  
The Lord High Admiral.  
The Earl of Worcester,  
The Earl of Northampton,  
Lord Monteagle,  
Sir Thomas Knevet, Kt., J.P., } Courtiers.  
Whyneard, Keeper of the Wardrobe.  
Sir Richard Walsh, Sheriff of Worcester.  
Sir Everard Digby, Kt.,  
Robert Catesby, Esq.,  
Ambrose Rookwood, Esq.,  
Francis Tresham, Esq.,  
Robert Winter, Esq.,  
Guy Fawkes, Gent.,  
Thomas Winter, Gent.,  
John Grant, Gent.,  
Thomas Percy, Gent.,  
John Wright, Gent.,  
Christopher Wright, Gent.,  
Robert Keyes, Gent.,  
Thomas Bates, servant to Catesby,  
Courtiers, soldiers, servants, &c. } Conspirators.

my lord out of the love i bear ~~you~~ To some of your friends  
 I have a care of your preservation therefore I would  
 advise you as you be under your duty to do this some  
 offense to shift of your attendance at this parliament  
 for god and man hath concurred to punish the wickednes  
 of this tyme and to make not scithful of this administration  
 and rather your own good and your contrivance you  
 will expect the event in safe for this  
 appearance of some stir yet I save they shall be in a little  
 time this parliament and yet they shall not see any  
 harme then this convence is not to be a continued heare  
 if maye do you good and can do youe no harme for the  
 danger is passed as soon as youe have burnt the letter  
 and I hope god will give youe the grace to make good  
 use of it to whose holy protection I comend youe



The Montagle Letter.

## Introduction.

Now for the play. It falls into the usual five-act form of the time. The pamphlet, it is true, gave only the material for four acts. The fifth act, viz., the trial and execution of the villains, had yet to be performed, but as it was a foregone conclusion it could be taken for granted.

### ACT I.

*Scene 1.*—A room in Lord Monteaule's lodging at Hoxton, Saturday, 26th October. It is about 7 p.m. Lord Monteaule is discovered making himself neat before going down to supper. He is in high spirits, for at last his claim to the Monteaule peerage has been admitted, and ten days hence he will take his seat in the House of Lords for the first time. He is brimming with loyalty to the King, his only regret being that so excellent a prince should be a heretic.

Enter a lackey: "A letter, my lord." Monteaule takes the letter. The superscription is in a strange and crabbed hand. He opens and reads—

"My lord,—Out of the love I bear to some of your friends I have a care of your preservation, therefore I would advise you as you tender your life to devise some excuse to shift of your attendance at this Parliament, for God and man hath concurred to punish the wickedness of this time, and think not slightly of this advertisement but retire yourself into your country where you may expect the event in safety, for though there be no appearance of any stir yet I say they shall receive a terrible blow this Parliament and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good and can do you no harm, for the danger is passed as soon as you have burnt the letter, and I hope God will give you the grace to make good use of it, to whose holy protection I commend you."

There is no signature or date. His lordship is perplexed and perturbed. He cannot make head or tail of the thing. He questions the page. Who brought the letter? The page says that when he was returning from an errand, a tall man stopped him in the street and put the letter in his hand.

## Guy Fawkes and Others.

The man said it was urgent and forthwith vanished into the darkness. His lordship is still more perplexed and perturbed. There may be more in this than meets the eye. Supper must wait. He orders his horse and is off through mirk and mire to Whitehall.

*Scene 2.*—An ante-room in Whitehall. Monteagle discovered, very hot and bothered, talking to a servant. He must see the Secretary of State at once. The servant protests that his lordship is just sitting down to supper with the Lord High Admiral, the Lord High Chamberlain, and other high officials. At last the servant yields, and presently Salisbury appears, rather cross at being disturbed. Monteagle produces the letter and asks if the Secretary of State does not think it rather odd. Salisbury, after perusing it carefully, is inclined to think it is a hoax. Still Lord Monteagle was quite right to bring it. One never could tell in these days when, as he had good reason to suspect, the Papists were meditating some mischief or other. On the whole it would be well to have a little conference.

So first the Lord High Admiral and then the Earl of Northampton and the Earl of Worcester are called in. There is a good deal of head-shaking. The more the noble lords look at the letter the less they like it. As soon as the King returns to town next week, it must be shown to him, for to his great mind all mysteries are clear as daylight.

### ACT II.

*Scene.*—Whitehall: the King's "privy gallery." Friday morning, 1st November. Salisbury is discovered awaiting the arrival of his master with a pile of papers. After some formal business, Salisbury in an off-hand manner submits the mysterious letter. The King reads and looks grave. What does the Minister think? The Minister is inclined to think there is nothing in it—probably the work of some poor lunatic, for who but a lunatic could write such nonsense as that the danger would be over as soon as the letter was burnt? But the King is not so sure. He does not like that reference to a "terrible blow." The affair must be investigated. Let the Parliament House be searched, especially

## Introduction.

the basement. The Secretary of State is profoundly impressed, for it is so unlike the King (who, as everybody knows, is courageous to a fault) to pay any heed to warnings of personal danger. He retires to report to his colleagues this latest instance of Royal sagacity, and make all necessary arrangements.

### ACT III.

*Scene 1.*—A cellar under the House of Lords. Time, Monday morning, the search having been delayed over the week-end so as not to excite suspicion. There are piles of faggots and billets of wood and a large quantity of coals.

Guy Fawkes, disguised as a servant, is discovered sitting in a corner. He starts up uneasily. Footsteps are heard without. The door is thrown open. Enter the Lord Chamberlain attended by Monteagle and Whyneard. Fawkes shrinks back into his corner, but is reassured when the visitors, although they can see him well enough, pay no attention, but only look around in a perfunctory way. From what he can hear of their conversation he gathers that it is only a casual visit made by the Lord Chamberlain in the course of his duties as custodian of the Royal Palaces. The Lord Chamberlain asks Whyneard about the store of fuel. Whyneard replies that it belongs to Mr. Thomas Percy, who has rented the cellar. The Lord Chamberlain then turns to Fawkes and asks him who he is and what he is doing there. Fawkes replies that he is Mr. Percy's servant and is in charge of the cellar. The visitors withdraw, and Fawkes breathes freely again. Nothing is suspected after all, but what a nasty five minutes!

*Scene 2.*—The King's "privy gallery," afternoon of the same day.

The Lord Chamberlain is making his report to the King and the Secretary of State. It is certainly suspicious that the lessee of the cellar should be Thomas Percy, a notorious Papist, whose name has long been in the Government's black books. The King and the Secretary agree. A thorough search must be made that night. Sir Thomas Knevett is charged with the task. He is to pretend that he is searching

## Guy Fawkes and Others.

for some hangings that Whyneard says have been missing for some time.

*Scene 3.*—Outside the street door of the cellar, midnight, the same date. Enter, from the cellar door, Fawkes, booted and spurred, carrying a lantern. He moves stealthily into the roadway. Enter, with guard of soldiers, Sir Thomas Knevett, who challenges Fawkes and, not getting a satisfactory reply, orders him to be seized.

*Scene 4.*—Same as scene 1. The soldiers burst into the cellar dragging Fawkes with them. The prisoner is searched and found to be in possession of a tinder box and a length of slow match. The soldiers thrust aside faggots, billets of wood, coals, &c., and uncover barrel after barrel of gunpowder. Fawkes, now securely bound, grinds his teeth in impotent rage. He brazenly confesses his guilt, declaring that if he had been inside the cellar when the party arrived he would have blown them and himself to smithereens.

### ACT IV.

*Scene 1.*—An inn at Dunchurch, Warwickshire, Wednesday morning, 6th November. Digby, Rookwood, Keyes, the two Winters, and several local gentry are assembled on pretext of a hunting match.

Enter Catesby, Percy, the Wrights, and Grant in haste with dire news. The plot has been discovered and Fawkes taken. General consternation. What is to be done? There is but one resource—to ride out at once, capture the Princess Elizabeth, who is living not far away, and try to raise a rebellion.

*Scene 2.*—Holbeach House, Staffordshire, Friday, 8th November. The attempt at rebellion has failed. The Sheriff of Worcestershire, who has been in hot pursuit, with his *posse comitatus*, is close at hand. The conspirators decide to sell their lives dear, and make preparations for resistance. They have a good store of arms which they have stolen from various country houses. A quantity of gunpowder explodes, injuring Catesby—a bad omen. The Sheriff arrives and summons the conspirators to surrender. They give no reply, but when the assault is delivered

## Introduction.

they make no resistance and the house is captured. Catesby, Percy, and the two Wrights are slain.

Such was the story of the discovery of the Plot. As for the story of the Plot itself, the pamphlet simply appended the text of confessions alleged to have been made by the prisoners Fawkes and Thomas Winter.

On 27th January, 1605-6, the surviving conspirators were brought to trial in Westminster Hall before a special commission consisting of the Earls of Nottingham, Suffolk, Worcester, Devonshire, Northampton, and Salisbury; Popham, Chief Justice of the King's Bench; Fleming, Chief Baron of the Exchequer; and Warburton and Walmisley,\* Justices of the Common Pleas. There were eight prisoners, viz., Grant, Digby, Fawkes, the two Winters, Rookwood, Keyes, and Bates. A ninth, Tresham, had died in the Tower. All except Digby, who was separately arraigned, pleaded not guilty. The Crown was represented by the Attorney-General (Coke) and the King's Serjeant (Philips). After the latter had "opened the indictment" the former opened the case in a speech which was more of a laboured invective than a statement of facts. The trial was soon over. No oral testimony was offered. Coke simply put in the various confessions and declarations that had been extracted from the prisoners in the Tower. These satisfied the jury. Fawkes, the Winters, Grant, Rookwood, Keyes, and Bates having been dealt with, Digby was arraigned and pleaded guilty. The prisoners were then sentenced to death in the usual barbarous form prescribed for high treason. The sentences were carried out that same week. On the Thursday Digby, Robert Winter, Grant, and Bates were executed in St. Paul's Churchyard; and Rookwood, Thomas Winter, Keyes, and Fawkes in Old Palace Yard on the Friday.

This was not the absolute end, however. There was a

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\* Walmisley's name does not appear in list of Commissioners given in the *True and Perfect Relation*.

## Guy Fawkes and Others.

sequel. The dismembered remains of the conspirators were barely cold on their various posts of ignominy when the London mob turned out again on a new excitement. This was to see the supreme bogey, the Superior of the Jesuits in England, Henry Garnet by name, carried from the Gatehouse to Whitehall to be examined by the Privy Council. Garnet was one of three Jesuits whom the conspirator Bates in his confession had mentioned as privy to the Plot. All had been at once publicly posted as "wanted"; but two of them, Greenwell (*alias* Tesmond) and Gerard, managed to escape to the Continent. Garnet and another Jesuit named Oldcorne were smoked out of a "priests' hole" in Hindlip Hall, Worcestershire, on 30th January. The latter was hanged without undue delay, but the Privy Council had so much to ask Garnet that it was not until 28th March that he was brought to trial. This time the scene was the Guildhall, and the president of the Court was the Lord Mayor, Sir Leonard Holyday. The other Commissioners were Lords Nottingham, Suffolk, Worcester, Northampton, and Salisbury, Chief Justice Popham, Chief Baron Fleming and Yelverton, a Justice of the King's Bench. The Attorney-General and Serjeant Croke prosecuted. The trial, which lasted from eight in the morning until seven in the evening, was a travesty of justice in which Coke excelled himself. The charge was treason, but the evidence, such as it was, only went to show the misprision of treason in that the defendant had knowledge of the Plot and did not disclose it. On the other hand the defendant made a bad impression. He made untrue statements, and when their falsehood was demonstrated he defended himself by pleading the lawfulness of "equivocation" in certain circumstances. He was found guilty and sentenced to a traitor's death. But the Government showed a curious reluctance to carry out the sentence. For more than a month he



## Introduction.

lay in prison in order that he might be further examined by the Privy Council. It was not until 3rd May that he was brought to the scaffold in St. Paul's Churchyard, and then only to be hanged. For by His Majesty's most gracious command the disembowelling and quartering were remitted.

### II.

The Government purported to give the public a full history of the conspiracy by means of (a) the alleged confessions of Fawkes and Thomas Winter that were published with the *Disclosure*, and (b) reports (described as *A True and Perfect Relation*) of the trials of the conspirators and Father Garnet. The former, though manipulated to a certain extent in the interest of the prosecution, may be accepted as at least 75 per cent. genuine. The latter are very unsatisfactory, for they give none of the many documents put in evidence; and although Coke in his opening statements had an unconscionable lot to say, he was more concerned, in the fashion of the time, to dilate on the enormity of the offences charged than to specify the facts on which they were founded. Research has shown that, whatever view one may take of the Plot, the official account must be extensively corrected and amplified.

As a first step towards finding out what actually took place, let us compile a *Who's Who* of the Plot, giving the main facts, as far as they can be ascertained, about the leading characters as they stood in the first year or two of the reign of James I. The figures in square brackets after the names represent their several ages.

#### Discoverers of the Plot.

ROBERT CECIL, Earl of Salisbury (1605), Viscount Cranborne (1604), and Baron Cecil of Essendon (1603), was the younger son of William Cecil, Lord Burghley, Elizabeth's Lord Treasurer. The exact date of his birth

## Guy Fawkes and Others.

is not known, but in 1605 he seems to have been about fifty-two years of age, and had been in high State employment for the past fourteen years as his father's colleague and successor. As Secretary of State he showed great skill in managing the peaceful succession of James, who retained him in his office and raised him to the peerage. He was a singular personage, dwarfish and frail, with a bad spinal curvature, almost a hunchback. Outside his work he had no interests, and he has put it on record that even his duties yielded him little pleasure. His industry was immense. He was for ever at his desk. He knew and watched everything and everybody, and knew how to use his knowledge. Thanks to his father, he had at his disposal a secret service worthy of Tiberius.

WILLIAM PARKER, Lord Monteagle [31], eldest son of Lord Morley, claimed through his mother the barony of Monteagle and styled himself accordingly. He was brought up a Protestant, but became a Roman Catholic on his marriage to Elizabeth, daughter of Sir Thomas Tresham and sister of Francis Tresham (*q.v.*). He seems to have been a distinctly shifty person. He was one of Essex's men and was fined £8000; and he was concerned in the Catholic intrigues with Spain in 1602. But on the accession of James he became a fervid loyalist, and was rewarded by having his claim to the Monteagle peerage allowed. He received his first writ of summons for the meeting of Parliament of 5th November. It is to be noted that Thomas Winter, his wife's kinsman, was in his employ as private secretary.

### The Plotters.

ROBERT CATESBY [32], of Lapworth, Warwickshire, was the son of Sir William Catesby and Anne, daughter of Sir Robert Throckmorton of Coughton, Warwickshire. In addition to Lapworth he had considerable estates in Northamptonshire and Oxfordshire. He joined in Essex's rising (1601), and was lucky to escape with a

## Introduction.

fine of 4000 marks, to pay which he had to sell a portion of his estates. All accounts agree that he was a young man of unusually attractive personality—good-looking, generous, and courageous.

THOMAS PERCY [45] was a gentleman-pensioner of the Court, a position he had obtained through the influence of his second cousin, the Earl of Northumberland. Previously he had been employed by Northumberland as steward of his northern estates, in which office he is said to have behaved so oppressively that some aggrieved tenants promoted a charge against him of embezzling estate moneys. The charge failed, however. Born a Protestant, he had early become an ardent Catholic. In 1602 Northumberland sent him on a mission to Edinburgh to sound James as to his intentions towards the Catholics in the event of his accession to the English throne. He brought back an encouraging report—perhaps exaggerated. His wife was a sister of the Wrights.

JOHN WRIGHT [37] of Ploughland Hill, Yorkshire, and CHRISTOPHER WRIGHT [35], his brother, were, like Fawkes, Percy and others, renegade Protestants. One of their sisters married Percy. John Wright is said to have been a schoolfellow at York of Fawkes and Greenwell. In 1596, when Elizabeth was seriously ill, the two Wrights, along with Catesby, Tresham, and others, were taken into preventive custody as persons likely to be troublesome in the event of the Queen's death. Later both were implicated in the Essex affair. Some time before the Plot John Wright had removed from Ploughland to Twigmore in Lincolnshire, and had become a great harbourer of priests. He was a close friend of Catesby's. Christopher Wright in 1603 was associated with Fawkes in the Roman Catholic mission to Philip III of Spain.

The WINTERS, ROBERT [36] and THOMAS [34], were

## Guy Fawkes and Others.

cousins once removed of Catesby and Tresham (in virtue of common descent from Sir George Throckmorton of Coughton) and brothers-in-law of John Grant. Robert succeeded his father as squire of Huddington, Worcestershire, and seems to have been a quiet country gentleman until he was brought into the Plot by Thomas. The latter for some years served in the Netherlands against the Spaniards until religious scruples made him withdraw. Later he was employed by Monteagle as his secretary and man of business. In 1602, at the instance of Monteagle and Catesby, he went to Spain with Father Greenway to try to induce Philip III to invade England.

GUY FAWKES [35] was the son of Edward Fawkes, who practised as a proctor and advocate of the Ecclesiastical Courts at York. His origins thus were Protestant; but when he was about fifteen his father died, and soon afterwards his mother married a Roman Catholic. Fawkes embraced his stepfather's faith with such ardour that in 1593 he became a volunteer in the Spanish army in Flanders and served for two years. He bore a good character and so favourably impressed Sir William Stanley, the leader of the English Catholic refugees in Flanders, that in 1603 he was chosen along with Christopher Wright for a mission to Madrid to urge Philip III to invade England.

JOHN GRANT, of Norbrook, Warwickshire, came of a family of Worcestershire Catholics. He suffered persecution as a recusant under Elizabeth, and, like Catesby, Tresham, and Monteagle, had been in the Essex affair and heavily fined. He married a sister of the Winters.

AMBROSE ROOKWOOD [27], of Coldham Hall, Stanningfield, Suffolk, was the head of one of the most ancient and wealthy landed families in England. The Rookwoods had never wavered from the ancient faith and had suffered severely in consequence. One of them, Edward Rookwood, of Euston Hall, Suffolk, had been reduced

## Introduction.

to actual want by repeated fines for recusancy, suffered more than one term of imprisonment, and died in jail. Others of the family had fled to Flanders to escape persecution, and it was in Flanders that Ambrose Rookwood received his education. He succeeded to the paternal estates in 1600, and in February, 1604-5, he was indicted for recusancy at the Middlesex Sessions. He had for some years been an intimate friend of Catesby.

ROBERT KEYES was, with the exception of Bates, the obscurest of the conspirators. The date of his birth is unknown, and even his name is uncertain, for it is sometimes given as Key and Kay. But it is believed that he came of good Yorkshire stock, that his father was a parson who had a living in Derbyshire, and that his adherence to the Church of Rome was due to the influence of his mother's family, the Tyrwhitts of Kettleby, in Lincolnshire. Ambrose Rookwood married a Tyrwhitt, and Keyes was in some sort this lady's cousin. He was an impecunious person, a hanger-on of Lord Mordaunt, a Catholic peer, who gave him and his wife and children board and lodging in consideration of Mrs. Keyes's services as governess.

THOMAS BATES was Catesby's trusted personal servant. He was the only man of humble condition admitted to the Plot.

SIR EVERARD DIGBY [27], of Stoke Dry, Rutland, was one of the greatest landowners in the Eastern Midlands, having large estates in Rutland, Leicestershire, and Lincolnshire, in addition to which he had, through his wife, lands in Bucks. He had been brought up a Protestant, but in 1599, shortly after his marriage, he, along with his wife and his mother, went over to Rome. For some reason the Government turned a blind eye to his change of faith and did not enforce the penal laws against him. In 1603 he went to Windsor to welcome

## Guy Fawkes and Others.

the new King, and received the honour of knighthood. He was a very tall, powerful young man, a fine all-round sportsman, honourable and good-natured, but a bit of a booby and easily led by men cleverer than himself.

FRANCIS TRESHAM [38] was the eldest son of Sir Thomas Tresham of Rushton, Northamptonshire, a prominent recusant. He seems to have been a restless, unstable character, ever in some trouble or other, financial or political. He was one of those whom Cecil had put under preventive arrest in 1596, and he joined in Essex's rising, for which he suffered fine and imprisonment. Shortly before the inception of the Plot, his father dying, he had succeeded to the family estates. Through his mother, who was a Throckmorton, he was Catesby's first cousin and a cousin once removed of the Winters. His sister married Monteagle.

### The Jesuits.

HENRY GARNET [51], Superior of the English Jesuits, was the son of Brian Garnet, master of the Nottingham Free School, and had been brought up in the Protestant faith. He early showed talent and obtained a scholarship at Winchester. For reasons that have never been satisfactorily explained, he did not follow the usual course of proceeding to New College, Oxford. After his death a story was circulated that he had been dismissed from Winchester for gross immorality, but there is no evidence of this, though there is good ground for believing that all his life he was over-fond of the bottle. The most probable reason for his failure to go to Oxford was that at Winchester he had shown Papist inclinations. After two years in London, where he worked as proof-reader to Tottel, the famous printer, he went to Rome to study for the priesthood and was admitted to the Society of Jesus. At Rome he had a distinguished career

## Introduction.

as student and, after his ordination, as teacher. In 1586 he returned to England as a missionary and in the following year was appointed Superior of the English Jesuits, a position which he filled with notable success for eighteen years.

JOHN GERARD [41] was the second son of Sir Thomas Gerard of Bryn, Lancashire, a Roman Catholic, who sent him to school at Douai. Later he went to Oxford, but did not stay long, conditions being too difficult for Papists. His next move was to a Jesuit college in Paris, but his studies were interrupted by serious illness which obliged him to go home. Attempting to leave England again without a licence, he was arrested and kept in prison until October, 1585. On his release he went to the English College at Rome and was in due course ordained. In 1588 he became a Jesuit and was at once sent on the English mission. His missionary activities quickly became notorious, and every effort was made by the Government to apprehend him, but for some time without success. Ultimately, however, he was betrayed by a servant and lodged in prison. The Privy Council attached great importance to his capture and had him put to the severest torture in order to extract information about the Jesuit organisation in England. The torture left him practically a cripple for life. Nevertheless, in October, 1597, he managed to make his escape from the Tower in a manner worthy to be compared with Casanova's escape from the Pozzi—by swinging himself along a rope suspended over the Tower Ditch. When James I came to the throne, Gerard, like other Catholics, expected a large measure of toleration, and for that reason assisted the Government in the detection of Watson's Plot, though a powerful contributory motive must not be overlooked, viz., that Watson was a bitter enemy of the Jesuits.

## Guy Fawkes and Others.

[42], was of Northumbrian birth, but little is known of his parentage and early life. When about twenty years of age he became a student at the English College at Rome, and on completing his course was admitted to the Society of Jesus in 1584. After twelve years as a theological professor at Messina, Palermo, and Madrid, he was appointed to the English mission and became the associate of Oldcorne (q.v.).

EDWARD HALL, *alias* OLD CORNE [47], was a native of York, which brings him into the same context with Garnet, Fawkes, and the Wrights. He was of humble parentage, and was originally intended to be an apothecary, but discovered a vocation for the priesthood. After some years of study at Rheims and Rome he was ordained in 1587, and in the following year, along with John Gerard, was admitted to the Society of Jesus. He thereupon returned to England as a missionary under the direction of Garnet, who presently had him installed a domestic chaplain to the family of Habington of Hindlip Hall, Worcestershire.

Four other priests are mentioned in the course of the various proceedings—Creswell, Baldwin, Hammond, and Westmoreland; but apart from the fact of their being Jesuits there is nothing to connect them with the Plot.

### SUMMARY.

Looking at the foregoing list, we note several points—

1. Most of the actual conspirators were rather young men. Of those whose ages are known, only one, Percy, was over forty.

2. Of those conspirators who were squires or younger sons of squires, all except Rookwood belonged to the Midland belt, to which reference has already been made.

3. The Plot was quite a family affair. It included three family groups, *viz.*, (a) Catesby, the Winters, and Tresham, who were cousins, and Grant, who was a cousin



## Introduction.

by marriage, with Bates, Catesby's servant; (b) the Wrights and their brother-in-law, Percy; and (c) Rookwood and his wife's cousin, Keyes. The only unrelated members of the conspiracy were Fawkes and Digby.

4. Catesby, Tresham, and the Wrights were all marked men, having twice been "in trouble." It is difficult to conceive that all their movements were not closely watched and regularly reported upon by Cecil's agents.

5. Monteagle was closely connected with the Catesby group. His wife was the sister of one of them (and hence cousin to the rest) and he employed one of the Winters as his man of business. Monteagle, too, had been in the same "trouble" as Catesby, Tresham and the Wrights; and although he now ranked as a devoted supporter of the Crown, he would not for that reason escape the vigilance of Cecil, as no doubt he well knew.

6. Omitting Bates, whose presence in the Plot was accidental, the conspirators were exactly fifty-fifty Catholics born and bred (Catesby, the Winters, Tresham, Rookwood, and Grant) and ex-Protestants (Percy, the Wrights, Fawkes, Digby, and Keyes). Other ex-Protestants connected with the affair were Monteagle and Garnet.

### III.

Having seen who and what the principal characters were, let us try to reconstruct the actual course of events from such documentary sources as are available. Here, it is to be noted, we are impeded by two serious handicaps. In the first place, for reasons that will presently be apparent, the two most important documents, viz. the confessions of Fawkes and Thomas Winter, are not above suspicion as trustworthy records. Secondly, although the papers in the case are very numerous, comparatively few of them have been published, even in part.

The story begins in the last years of Elizabeth when the English Catholics were trying to arrange a Spanish

## Guy Fawkes and Others.

invasion. Monteagle, Catesby, and Tresham were among those who engaged in this treasonable correspondence. The negotiations were suspended on the accession of James I, whose policy of conciliation won over many Catholics, including Monteagle. When, however, towards the end of 1603\* James suddenly abandoned the conciliation policy, the Spanish negotiations were resumed; and Sir William Stanley, leader of those English Catholics who had fled to the Continent, sent Christopher Wright and Guy Fawkes on a secret mission to Madrid, where they remained some time, but accomplished nothing.

Meanwhile (*i.e.*, early in 1604) Catesby had propounded to Christopher Wright's elder brother, John, the idea of taking vengeance on the oppressors and bringing off a Catholic *coup d'état* by blowing up King, Lords, and Commons at the opening of Parliament. How John Wright received the idea we do not know; but he must have been tolerably well disposed, for he was with Catesby when, in the pious season of Lent, the latter's kinsman, Thomas Winter, met them at a house at Lambeth and was made acquainted with it. Winter at first was more than dubious. He doubted not the righteousness of the end, but thought the means rather too drastic. Catesby's reply was that experience had shown that nothing less drastic would avail the Catholics anything, as it was now clear that there was no faith to be placed in Spain. However, if it would allay Winter's scruples, he could make a last attempt himself. Velasco, the Constable of Spain, was in Flanders on his way to England to negotiate a peace treaty. Let Winter go over to Flanders and persuade the Constable to make a measure of Catholic relief a condition of the treaty.

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\* For simplicity I give the years, though not the months and days, in New Style.

## Introduction.

In any event he might bring back with him a suitable person to act as technical expert in the plot. In this connection Catesby mentioned Fawkes, who had by this time returned from his sleeveless errand to Madrid. Fawkes's qualifications were that he was a stout fellow and, from his experience as a soldier, supposed to be well acquainted with sapping and mining.

Winter went to Flanders. He did not stay long. In April, 1604, he was back in London, accompanied by Fawkes. He had had fair words but no promises from the Constable, and was now inclined to agree with Catesby that only extreme measures would serve. A few days after his arrival in London he repaired by appointment to Catesby's lodging to introduce Mr. Fawkes, who of course knew that some mischief was afoot, though he had as yet been given no particulars. Wright was again of the party, which presently was increased to five by the arrival of Mr. Percy. Proceedings opened with some cautious talk about the sad state of the Catholics and the importance of doing something, which Percy, in his bluff way, cut short with, "Well, gentlemen, shall we always *talk* and never *do* anything?" He proposed that the King should be assassinated. This was the signal for confidences. Catesby said they had an even better plan, which, when they had had it explained to them, Percy and Fawkes heartily approved. The five conspirators thereupon left Catesby's lodging and went to a solitary house in the fields near Clement's Inn. There they first swore themselves to secrecy in solemn form and then went upstairs to a room that had been fitted up as a chapel, where the Jesuit Gerard was waiting for them. Father Gerard said Mass and all took the Sacrament in confirmation of their oath. How far Gerard was a party to the conspiracy is still debated. The conspirators to the end declared that he was not told of it, but the *prima facie* case against him is very

## Guy Fawkes and Others.

strong. It is difficult to believe that he did not know something and suspect much he did not actually know.

The Gunpowder Plot was now regularly launched. Its conception says more for the courage and determination of Catesby and his fellows than for their practical sense. It was indeed the craziest scheme that ever took possession of the minds of desperate men, viz. to drive a mine under the House of Lords, a task which, apart from the risk of discovery, involved a degree of skill that none of the conspirators, except Fawkes, possessed. And, if the confessions are to be believed, Fawkes cannot have been much better than the others; for he seems to have undertaken the direction of the job without working out any estimate of the time and labour it would require. He may have been a brave soldier, but he was no engineer. A competent sapper would have told Catesby that the plan, with the resources immediately at their disposal, was impossible.

On the other hand, by all accounts, Catesby had a wonderful way with him, that combination of personal charm, persuasiveness, and energy that often masks a complete lack of sense. The thing was child's play, he argued, if only they could get, adjacent to the House of Lords, a house from which to drive their tunnel. He went on to say that during Winter's absence in Flanders he had been making inquiries and had found a house actually abutting on the House of Lords that might be had. It was let, to be sure; but, as it happened to be Crown property, Percy as a salaried courtier would have enough interest to get the tenant turned out and the lease transferred to himself. Percy agreed to do his best. He at once approached the official who had the letting the house—one Whyneard, Keeper of the Wardrobe. There is a good deal of mystery about Mr. Whyneard. One would like to know more about him, for from this date onwards his name occurs at crucial

## Introduction.

dates in the history of the Plot, the last being the most crucial of all, 5th November, 1605, when he had a heart seizure and died. However, in the spring of 1604 Mr. Whyneard was apparently in good health and fit for business. He heard what Mr. Percy had to say about the importance of a gentleman-pensioner having a house convenient to the Court, and promised to do what he could. Percy kept pressing him until at last (24th May, 1604) the sitting tenant was got out and Percy took possession. Mr. Whyneard may have noticed that, for all his urgency, Mr. Percy was in no hurry to occupy the premises himself, but contented himself with installing as caretaker a taciturn individual who called himself John Johnson, though his real name was Guy Fawkes. Next, across the river in Lambeth, as nearly opposite the scene of operations as possible, another house was taken, which was to be used as a magazine for the powder and other stores. Naturally a caretaker was needed for these premises also, and for that purpose Robert Keyes was sworn of the conspiracy.

It was now midsummer, 1604, and the conspirators were ready to begin, but the start was delayed pending the outcome of Velasco's peace negotiations. When in the autumn the peace was concluded it was found that Velasco, though he had done his best, had been unable to gain any concessions in favour of the recusants. The measure of his failure was that the penal laws were enforced more harshly than ever. The conspirators accordingly resolved to get to work. They were prevented by a circumstance that threatened to ruin everything. About Michaelmas, Percy's house—which, be it remembered, was Crown property—was suddenly requisitioned for the meetings of the Lords Commissioners appointed in pursuance of the King's project for a complete political union of Scotland and England. After some weeks the negotiations broke down and Percy

## Guy Fawkes and Others.

got his house back, but the delay meant that it was not until the night of 11th December that mining operations were at last begun. All the conspirators except Keyes, who had to be on duty at Lambeth, were engaged, Fawkes acting as sentry above while the others laboured with pick and shovel below. In less than a fortnight they carried their tunnel as far as the foundation wall of the House of Lords, and then their troubles began. The wall was over nine feet thick, and it was obvious that extra help would be needed. Accordingly Keyes was brought over from Lambeth and yet another pair of hands was secured by the admission of Christopher Wright to the Plot; but even so, progress was desperately slow, and it began to be doubtful if they could finish in time.

At this juncture what must have seemed a special Providence intervened. A few days before Christmas, Parliament was suddenly further prorogued until 3rd October. In great relief the conspirators dispersed to their country homes for a short Christmas holiday, leaving only Fawkes in town to keep watch and ward. Early in January they were back at work on the mine, reinforced by three new conspirators—John Grant, Robert Winter, and Catesby's personal servant, Bates, who had to be brought in because he knew too much already. The men toiled without ceasing for more than two months without piercing further than half-way through the wall. And then came the remarkable change of plan to which we owe the popular legend of Guy Fawkes. The circumstances that brought it about are extremely obscure. According to Thomas Winter's confession, early one morning, being still at work, the conspirators were alarmed by a strange "rushing" noise overhead. Fawkes was sent out to reconnoitre. He returned with the assurance that their fears were groundless. All that had happened, he said, was that Mrs. Bright was moving, the meaning of which was

## Introduction.

this. The conspirators were burrowing under the House of Lords, but the actual chamber was not on the street level, but raised upon some low vaults. These vaults were partly used as a lumber room and partly let out to any one who needed storage for coal, &c. For some time a Mrs. Bright had kept her coals there, but was now vacating the premises. The noise had been caused by the clearing out of the coals. The news that the "cellar" was to let (we are still following Winter's account) gave the conspirators a new idea, viz., Why not abandon the mine and use the cellar instead, which would be much more convenient and effective? Accordingly Percy once more approached Whyneard and secured the premises on the pretext that he needed more cellorage than his house afforded.

Thus Winter. Whyneard's widow, in her examination before the Privy Council, told a different story. Mrs. Bright, she said, had no thought of moving until Percy came on the scene and demanded the "cellar" with the same insistence and persistence as he had previously demanded the house. If this be true, the inference is that the mine was not abandoned because the cellar had become available, but that the cellar was taken because the conspirators had come to the conclusion that the mine was impracticable. They said that the wall was breaking their hearts as well as their backs and that they were further incommoded by inflows of water. If that were so, why did they not think of the cellar in the first instance and so save themselves long months of backache and privation?

However, from being in the doldrums the Powder Plot now went ahead swimmingly. Percy got possession on Lady Day (25th March), and within six weeks thirty-six barrels\* of gunpowder had been safely stowed

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\* It is uncertain how much powder this represented. The figure has been put as high as four tons—an enormous quantity. S. R. Gardiner's estimate of 32 cwt. is quite large enough.

## Guy Fawkes and Others.

in the cellar along with quantities of large stones and iron bars designed to make the explosion as destructive as possible. Coals, faggots, and billets of wood were heaped over them, so that everything had a perfectly innocent appearance. The main work being now finished, Fawkes was dispatched to Flanders to inform Sir William Stanley of the Plot and pray his countenance. The other conspirators prudently departed from London to their several homes, having arranged the cellar in such a way that they could tell if anybody had been meddling with it during their absence.

Meanwhile Catesby had been active in making plans for the rebellion that was to break out simultaneously with the explosion and complete the *coup d'état*. A force of English Roman Catholics was at that time being got ready for service under the Archduke, and Catesby gave out that he had undertaken to raise a troop. On this pretext he enrolled volunteers, and also purchased horses and munitions, which were distributed among several Midland country houses, but chiefly at Ashby St. Legers, his mother's house, and at Norbrook, Grant's. So far he had borne all the finance of the Plot practically alone, but even his large resources now began to be strained, and much more money would be needed. It was therefore decided between him and Percy—for these two seem to have formed an executive with plenary powers—to find some wealthy Catholics zealous enough to join in the Plot and contribute substantially to its funds. Catesby succeeded in finding three—his cousin, Francis Tresham, and two friends, Sir Everard Digby and Ambrose Rookwood. Tresham guaranteed £2000 and Digby £1500. It does not appear that Rookwood put up any money: his contribution was to be made in horses, of which he was a noted breeder. As his home was in Suffolk, far out of what may be called the Plot area, he rented a house near Stratford-on-Avon. The only qualification these men had was



## Introduction.

their wealth. Digby and Rookwood were very unwilling recruits who needed a great deal of persuasion: while Tresham, though ostensibly willing enough, was a notoriously untrustworthy fellow, as nobody better knew than Catesby. In addition to these three were two gentlemen, Humphrey Littleton, of Holbeach, Staffordshire, and his cousin, Stephen Littleton, who about this time became associated with the Plot, though not actually admitted to it. Another "associate" was Sir Edward Baynham, an old malcontent who, like the leading conspirators, had been of Essex's gang. This person was sent to Rome in order that, when the news of the great "blow" arrived, he might be on the spot and ready to persuade the Pope that the Plot was such a good thing that the plotters were deserving of pardon for any technical trespass upon religion and common humanity that might be involved. Yet, according to Thomas Winter, Baynham was never told anything about the Plot—that is, he undertook a mission to Rome without knowing what his mission was. It is difficult to believe this.

These things took place about Michaelmas, 1605—about the same time, in fact, as Fawkes returned from Flanders with no very good news. He had been unable to see Sir William Stanley, who had gone to Spain, but he had seen his factotum, a notorious intriguer named Hugh Owen,\* who shook his head and said he was afraid Sir William would not like the Powder Plot idea. This discomfiting report was followed in a few days by the news that Parliament would not meet on 3rd October, but was to be further prorogued to 5th November. The conspirators were alarmed as never before. Did the Government suspect something? Thomas Winter was detailed to attend the prorogation

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\* This Welsh adventurer is usually described as "Father" Owen and a Jesuit. There is no evidence to that effect. He seems to have been a soldier of fortune. (*Vide Gerard, What was the Gunpowder Plot?* 184.)

## Guy Fawkes and Others.

ceremony in the Lords, which, as Monteagle's private secretary, he could easily do, without exciting remark. It appeared to be the usual casual affair with which to this day we are familiar—the Lords Commissioners and a sprinkling of other peers, all in an easy-going mood. Cecil and Suffolk were among the Commissioners, and evidently untroubled, strolling about the House, nodding, smiling, and chatting. Reassured by Winter's report, the conspirators completed their plans for "the Day." The capital points of action were these:

1. Digby was to take up residence temporarily at the Throckmortons' place, Coughton, and was to invite all the neighbouring Roman Catholic gentry to assemble on the morning of 5th November at Dunchurch, some thirty miles away on the other side of Warwick, on pretext of a hunting or coursing match over Dunsmore Heath. The person of the nine-year-old Princess Elizabeth, who was then living under the care of Lord Harrington, near Coventry, was to be secured. Warwick Castle was to be raided for horses and Whewell Grange, Lord Windsor's house, for arms.

2. Fawkes was to fire the powder with a slow match that would allow him a clear fifteen minutes to get away and board a vessel that was lying in the river to take him to Flanders.

3. In the confusion following the explosion, Percy, using his free access to Court, was to kidnap Prince Charles—now barely five years old—and convey him with all speed to Dunchurch. (We have the written testimony of "Baby Charles's" Scotch nursemaid that during the month of October he evinced an interest in her charge that was more particular than she liked.)

Such was the programme finally adopted in the last

## Introduction.

days of October. The manner of its miscarriage remains a mystery. But let us see as far as we can what happened.

On the evening of 26th October Lord Monteaule, who had been away for a month or more and was not expected back until the eve of the opening of Parliament, suddenly turned up at his house at Hoxton and ordered supper to be got ready as quickly as possible. This was done and his lordship sat down with his gentlemen and friends. A footman came in and delivered a letter, saying that it had been handed to him, with great insistence, by a tall man who had accosted him in the street while he was returning from an errand. Monteaule after a glance at the letter, handed it to one of his gentlemen, named Ward, to read aloud. The text of the letter, as officially published, has been given already, but it is worth while repeating it in its original extravagance of spelling and innocence of punctuation, which are in notable contrast to a beautifully clear script that suggests a hand accustomed to engrossing deeds.

“ My lord out of the love i beare to some of your friends i have a caer of your preservacion therefor i would advyse youe as youe tender your lyf to devyse some excuse to shift of your attendance at this parleament for god & man hath concurred to punish the wickedness of this tyme and thinke not slightlye of this advertisement but retyere youre selfe into youre countri wheare youwe maye expect the event in safti for thowghe there be no apparence of anni stir yet I saye they shall receyve a terrible blowe this parleament and yet they shall not seie who hurt them this counsil is not to be contemned because it maye do youwe good and can do youe no harme for the dangere is passed as soon as youe have burned the letter and i hope god will give youe the grace to make good use of it to whose holy proteccion i commend youe.”

## Guy Fawkes and Others.

The superscription was "To the right honorable the lord Mowtaegle." There was no signature.

Now, one would suppose that anybody, even in that suspicious age, would have hesitated about taking such a fantastic rigmarole seriously, especially in view of the servant's extremely unsatisfactory account of the manner of its delivery. It conveyed no clear sense except that Lord Monteagle would be well advised not to attend the opening of Parliament, and it had all the marks of a stupid hoax. But instead of telling Ward to throw it in the fire and going on with his supper, Monteagle ordered his horse, and took the letter to Whitehall to show it to Cecil. Still, a nervous man might do such a thing. What is not so easy to understand is why he should have made a particular point of first showing the letter to Ward, who happened to be an intimate friend of Thomas Winter and other members of the conspiracy. Even stranger it is that, while his master was showing the letter to Cecil, Ward was sending word to Winter about the letter and telling him that it was already in the hands of the Secretary of State. What reason had Ward to suppose that Winter was urgently interested?

When Monteagle reached Whitehall, the Secretary of State was at table with the Lord Chamberlain (Suffolk) and other lords of the inner circle of the Court. Having read the letter he passed it round, and his colleagues agreed that it ought to be shown to the King as soon as His Majesty (who was enjoying some sport at Royston) should return to town on the following Thursday. As all this passed on the Saturday it will be observed that their lordships, like Pet Marjorie's hen, were "more than usual calm," and no doubt ate their supper with undiminished appetite. When the King came back to Whitehall among the first papers put before him by the Secretary of State was the mysterious letter.\*

\* I follow here the generally accepted account. Yet Cecil in the despatch, to which reference is made below, does not mention the King's absence, but says that he and his colleagues deliberately withheld the letter from James for several days.

## Introduction.

James was inclined to treat it as nonsense, but Cecil assured His Majesty that during his absence his servants had given the matter very anxious consideration and had come to the conclusion that it was serious—in fact that here was a Gunpowder Plot due for execution on 5th November—though how he and Suffolk and the rest could have come to that conclusion on the sole evidence of the letter it passes the wit of man to say. However, the British Solomon agreed that his servants were nearly as wise as himself and accepted Cecil's advice that "seeing such a matter was possible, that should be done which would prevent all danger, or nothing at all," and the decision was taken that "till the night before his coming [*i.e.* the opening of Parliament] nothing should be done to interrupt any purpose of theirs that had any such Devilish practice, but rather to suffer them to go on to the end of the day."\* The words here quoted are Cecil's own, and they are illuminating of his methods.

Meanwhile Winter had had Ward's message, and immediately consulted with Catesby. Both at once suspected Tresham to have written the letter. He was then in Northamptonshire, but as soon as he returned to London, which was on 30th October, they taxed him with treachery. His denials were so earnest that they were accepted for the moment. Fawkes was sent to see if the cellar had been disturbed in any way. He brought back word that everything was as he had left it. Seeing that the letter had been in Cecil's possession for several days and no action had yet been taken, it might be assumed, either that the warning had been treated with contempt or that the authorities were at a loss to know what the particular danger was that threatened them. There seemed to be no occasion for panic—better to wait and see.

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\* Winwood's Memorials, vol. II, p. 171. Despatch dated 9th November to Cornwallis, English Ambassador at Madrid.

## Guy Fawkes and Others.

It was a false gleam of hope. On the Sunday (3rd November) came a further message from Ward, whose master, Monteagle, seems to have kept him *au fait* with everything that was going forward at headquarters. He was able to report that the King had seen the letter, but was pretending to know nothing—hence the conspirators must beware. On his advice Catesby, Winter, and Percy once more approached Tresham. They found him in a very excited state, hardly able to articulate anything plainly, except that the game was up and that they must all save themselves as best they could. Percy, however, who always emerges as the strong man in every crisis of the Plot, refused to be rushed. Let them wait till the (Monday) morning at least. Then, if it appeared that there was undoubted danger, let Catesby and John Wright ride hell-for-leather to Dunchurch, while Percy, Thomas Winter, and others lay low in London to await events and not take to horse until the last possible moment. The only exception to these arrangements was the intrepid Guy Fawkes. He was to resume his place as caretaker of the cellar.

By some remarkable coincidence Fawkes's resumption of duty at the cellar after many weeks of absence occurred only a few hours before the time appointed by Cecil for an inspection of the cellar. Nothing could have looked more innocent than this inspection. What could be more natural than that the Lord Chamberlain, as custodian of the Parliament House and with many humdrum duties in that respect, should have occasion to visit the "cellar"? And equally naturally he asked a few questions of a fellow he found on the premises—who he was and whose was all the great store of fuel. The fellow answered respectfully that he was a servant of Mr. Percy, who had the adjoining house and had recently taken the cellar for the purpose upon which the Lord Chamberlain had remarked. The Lord Chamberlain seemed to be satisfied and went away.

## Introduction.

Attending at the inspection was Lord Montea<sup>g</sup>le, and as the twain made their way back to Whitehall, Montea<sup>g</sup>le is said to have expressed some concern about the fact that his friend Percy, a known recusant, should be tenant of the cellar. Might it not be that he was the writer of the mysterious letter?

But the apparent indifference of the Lord Chamberlain had not deceived the man on guard in the cellar. Fawkes was alarmed and immediately informed Percy that the affair was known. Percy at once consulted with Catesby and the Wrights. It was decided that Catesby and John Wright should take horse at once for the rendezvous in the Midlands, Percy and Christopher Wright remaining in London to await the last events consistent with safety. Fawkes returned to his post in the cellar with instructions to fire the train and blow up the place on the first indication of danger. Shortly before midnight (4th November) he was surprised by Sir Thomas Knevett, accompanied by a small armed guard. The accounts are conflicting. It is not certain whether Fawkes was taken in the cellar, or going in, or coming out to scout.

By this time Catesby and John Wright were spurring hard for Dunchurch and on the news of Fawkes's arrest Percy and Christopher Wright followed suit. Rookwood and Keyes waited until daylight to see what developments took place. They soon saw enough to convince them that the sooner they took themselves off the better it would be. Westmints<sup>e</sup>r was full of soldiers and all approaches to Whitehall were heavily guarded. Keyes and Rookwood rode off separately. The latter overtook Catesby, Percy, and the Wrights, and all five made top speed for Ashby St. Legers. Here they found Robert Winter waiting for them, and told him the bad news. It was a melancholy party that rode on to Dunchurch. What story they told to the country gentry assembled there is not clear. It could not have been

## Guy Fawkes and Others.

very circumstantial, for only the sworn conspirators knew the exact nature of the Plot; but it was enough to make the company disperse in a hurry.

The sworn conspirators remained to take counsel together. Only eight of the thirteen were present, viz., Catesby, with his servant Bates, the Wrights, Percy, Rookwood, Robert Winter, and Digby. Keyes, who had left London shortly before Rookwood, was missing, not daring to come to Dunchurch, but lurking somewhere in the neighbourhood. Grant was at his house at Norbrook, and Thomas Winter at Huddington, the family seat. Tresham was still in London, making no attempt to hide and apparently quite unconcerned. Fawkes, of course, was in the Tower. The conference of the eight had a curious result that can only be explained on the supposition that they were distraught by the turn of events. Having allowed the company to disperse that had been assembled for the purpose of raising a rebellion, they decided to ride out through Warwickshire, Staffordshire, and Worcestershire, and thence to Wales, in the wild hope that the Catholic gentry of these parts would rally to them in arms. They had particular hopes of Robert Winter's father-in-law, Sir John Talbot of Grafton, a very great Catholic squire, heir presumptive to the Earl of Shrewsbury and son-in-law of Petre, some time Queen Mary's Secretary of State. But when these envoys, Thomas Winter and Stephen Littleton, arrived at Grafton, Talbot indignantly turned them away. The rest of the Catholic squires were equally unresponsive.

Talbot's rebuff came when the conspirators were at Huddington on 6th November. It was a bad blow, but they still had fight in them. Next morning they rode on with fresh "great" (*i.e.* cavalry) horses that they had stolen at Warwick, and made for Stephen Littleton's home, Holbeach House. On the way they raided Lord Windsor's house, Whewell Grange, for arms. They



## Introduction.

reached Holbeach on the evening of Thursday, 7th November. At Norbrook they had picked up Grant, but had lost Bates, who had then been dispatched to Coughton Hall bearing a letter from Digby to Father Garnet, who was in hiding there, to inform the good man that all was lost.

As to what happened next, it is impossible to get any coherent picture, beyond the fact that at Holbeach House the hare-brained adventure was brought to a miserable end by the Sheriff of Worcestershire, Sir Richard Walsh, and his *posse comitatus*, who slew Catesby, Percy, and the two Wrights, and took Grant, Rookwood, and Thomas Winter alive. Digby and Robert Winter had managed to slip away before the Sheriff arrived. The former was captured within a few hours, and Keyes and Bates were also quickly tracked down; but Robert Winter eluded arrest until early in January, when he and Humphrey Littleton were captured at Hagley, the residence of the latter's sister-in-law. Littleton was not conveyed to London, but to Worcester, to be dealt with at the next assizes for misprision of treason.

While Sir Richard Walsh was "liquidating" the conspiracy in the Midlands, Fawkes was undergoing repeated interrogations before the Privy Council Commissioners. He was a stubborn subject. For some time he persisted that his name was John Johnson, that he was Mr. Catesby's servant, but that he alone was guilty and neither his master nor anybody else was privy to his design of blowing up the King and Parliament. Presently, however, in the face of a letter found on his person, he acknowledged his true name, but still denied that he had accomplices. His interrogators then used the "third degree" trick that never fails. They told him that Catesby had been arrested and had confessed everything, whereupon Fawkes admitted that there was a plot and that Catesby was the principal actor.

## Guy Fawkes and Others.

It took the rack, however, to make him disclose any more, and even under that persuasion he gave at first only some details of the Plot and one additional name—that of Percy (8th November). But the effect of the rack is cumulative. Next day (9th November) a further application of the “question” extorted a full “confession” with the names of all the conspirators. This is the document that was put in evidence against him. In the course of the next week the conspirators captured in the country were brought to London and lodged in the Tower, by which time Tresham also was there, after being openly at large for a week and even having had the hardihood to appear at the Court. Before his arrest he volunteered a statement which contained some true particulars but in general was false. After being taken into custody he was only perfunctorily interrogated.

Not so the others, who were kept under constant interrogation for a month, though there is no suggestion that any of them was put to the “question,” for which indeed there was no call, as all of them fully admitted their guilt. On one point only were they recalcitrant. They obstinately denied that any Romish priest, Jesuit or secular, was privy to the Plot, which was the one thing that Cecil was most anxious to establish, for he had information that satisfied him that it was true. Accordingly the interrogations were kept up and the trial of the prisoners was postponed in the hope that the desired evidence, even a mere scintilla, might be obtained. At last, after two months of pressure, the poor serving-man, Bates, gave way. He admitted enough to enable the Government to placard Garnet, Greenway, and Gerard as traitors, and to offer a reward for their apprehension. There was another reason, though it was not mentioned at the time, for the delay in bringing the conspirators to trial. Cecil was anxious to root out the recusant organisation, which he knew

## Introduction.

was directed from the Low Countries by a small group of English *émigrés*. The chief of these were Sir William Stanley, Father Baldwin, S.J., and the mysterious Welshman named Hugh Owen, who seems to have been a sort of organising secretary to the group. Cecil opened up negotiations with Spain to have these men surrendered to be dealt with according to English justice, but Spain saw no reason to agree; and having newly concluded a treaty of peace with Spain, Cecil was not in a position to apply any pressure. To add to his chagrin Greenway and Gerard, in spite of the hue and cry, managed to escape to the Continent. The story goes that Greenway's escape was "a damn near thing." He was actually recognised in a London street and taken by a loyal citizen; but, being a big, powerful man and very ready with his fists, he flung off and felled his captor and disappeared down a side alley, whither no one cared to follow. He lay hid until he found a smack to take him over to Flanders, and so lived to write his own account of the whole affair, which is a valuable source, though no more truthful than any other. The unlucky member of the trio was Garnet, who was captured and dealt with as will be described presently.

On 27th January, 1606, the surviving conspirators were brought to trial at Westminster Hall. There were only eight of them now, for Tresham, while in the Tower, had suddenly fallen ill and died two days before Christmas. All except Digby (who for technical reasons was separately arraigned) pleaded Not Guilty, but that plea was only a formality, meaning that, while not denying the substance of the charge, they did not admit the truth of every particular alleged against them in the indictment. Their apparent readiness to confess their guilt and profess their contrition will not be taken very seriously by any one who is acquainted with the judicial methods of the sixteenth and seventeenth cen-

## Guy Fawkes and Others.

turies in State Trials. These are excellently described by Mr. S. R. Gardiner:

“The examination of the prisoners was concluded in private. Such a system was admirably adapted for procuring the conviction of a guilty person, because he was not likely to persist in denying his crime whilst his confederates might be telling their own story against him, each in their own way. But it by no means afforded equal chances of escape to the innocent, who had no opportunity of meeting his accuser face to face, or of subjecting him to cross-examination, and who, if he were accused of a State crime, would find in the examiners men who by their very position were incapable of taking an impartial view of the affair. In point of fact, these preliminary investigations formed the real trial. If the accused could satisfy the Privy Council of his innocence, he would at once be set at liberty. If he failed in this, he would be brought before a court from which there was scarcely a hope of escape. Extracts from his own depositions and from those of others would be read before him, supported by the first lawyers of the day, who did not disdain to bring against him the basest insinuations, which he had at the moment no means of rebutting. The evil was still more increased by the want of any real responsibility in any of the parties concerned. When the previous depositions formed almost, if not entirely, the whole of the evidence, a jury would be likely to attach considerable weight to the fact that the prisoners had been committed for trial. They would naturally feel a diffidence in setting their unbiased judgments against the conclusions which had been formed by men who were accustomed to conduct investigations of this kind, and who might be supposed, even if the evidence appeared to be weak, to have kept back proofs which for the good of the public service it was inadvisable to publish. On the other hand, the Privy Councillors would view the matter in

## Introduction.

a very different light. They would see in the inquiries nothing more than a preliminary investigation, and would throw upon the jury the responsibility which, in theory, they were bound to feel. Under these circumstances, trial by Jury ceased to be a safeguard against injustice.’’\*

In these circumstances, and with the knowledge that at least they were technically guilty, it is not surprising that the accused humbly submitted to their doom. They had not much option.

### IV.

And now, to round off the curious story, something further must be said about the case of Father Garnet.

As we have seen, he was in hiding at Digby’s temporary residence, Coughton Hall, the seat of the Throckmortons, whither Bates was dispatched to warn him of the discovery of the Plot. He continued to hide there until December 4, when for greater security he removed to Hindlip Hall, Worcestershire, where Father Oldcorne (*alias* Hall) was domestic chaplain. Hindlip Hall was the home of a very learned and ingenious Roman Catholic squire, Thomas Habington, whose wife was Monteaule’s sister. Mr. Habington’s elder brother, Edward, had been executed for complicity in the Babington conspiracy and he himself had spent six years in the Tower as a suspect. The house contained many cunningly contrived hiding-places.

Garnet went there, accompanied by his devoted and devout friend, Anne Vaux. It is a pity that apart from her association with Garnet we know so little of this extraordinary woman, who, when her affections and religion were involved, held social conventions and Acts of Parliament in equal contempt. She was the third

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\* *History of England*, vol. I, 125-6. The words are written of Raleigh’s trial, but they apply with even greater force to the trial of the Powder Plotters.

## Guy Fawkes and Others.

daughter of Lord Vaux of Harrowden. The dates of her birth and death are unknown. There is some reason to suppose that at the time of the Plot she was at least forty years of age, and we know that she was still alive and active in 1635 as head of a Roman Catholic girls' school in the neighbourhood of Derby. But whensoever she died she had no reason to complain of shortness of days. What the precise relations were between her and Garnet has been the subject of much speculation and not a little scandal. That they were extremely intimate is plain enough from Garnet's letters to her, on which a censorious non-Catholic reader might argue that if they are not love-letters, it is because the parties were far beyond that stage. They are of the kind of letters that an affectionate husband would write to an anxious and adoring wife.

For a short time Garnet and Oldcorne seemed to be fairly safe at Hindlip, but by Christmas Cecil was on their track. For Humphrey Littleton, lying under sentence of death at Worcester and hoping to save his neck, betrayed their retreat.\* A local magistrate, Sir Henry Bromley, received a commission from the Lords of the Council to make a rigorous search of Hindlip Hall, and this commission was accompanied by minute directions in Cecil's own hand, setting out the proper methods for the discovery of hiding-places. On January 20, Sir Henry Bromley arrived with his men-at-arms, and announced his mission. The lady of the house—Mr. Habington himself was away from home—received him courteously and without any appearance of constraint, handing over her domestic keys and not obstructing him in any way. She had every confidence that the two "priests' holes" to which Garnet and Oldcorne, and their servants Owen and Chambers, had retreated would defy the most rigorous search. Some hiding places

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\* But all he got out of his treachery was a respite and the ironic honour of being hanged along with Father Oldcorne.

## Introduction.

indeed were discovered, but they were empty, and after three days' diligence Bromley reported disgustedly to Cecil that he could find nothing but "a number of Popish trash hid under boards." But still he did not give up. The search went doggedly on, while every exit from the house was closely guarded. Now the "priests' holes" at Hindlip were secure against a mere raid, but they were not designed to withstand a siege. And so, after a week of suffering, Chambers and Owen came out of their hole and gave themselves up, preferring any fate to the agonies of hunger, thirst, and suffocation to which they had been subjected. Garnet and Oldcorne soon followed. They had been in rather better case than their servants, for Anne Vaux had contrived means to convey a little food and drink to them, but even so the lack of space and ventilation proved intolerable. They surrendered, looking more dead than alive.

The treatment accorded to Garnet and Oldcorne by the authorities was in marked contrast to that which had been meted out to Fawkes and his fellows. They were conveyed to London in comfort and even luxury, and continued to enjoy the same consideration after they were lodged in the Tower. During their earlier interrogations before the Council they were threatened with the rack but were never subjected to it—this, it is said, by the express order of the King. Cecil, however, had a far subtler and more effective device than the rack in his mind. The Lieutenant of the Tower was instructed to redouble his solicitude for the comfort of the prisoners, to express sympathy for them in their misfortunes, especially towards Garnet, and to hint that if they wanted letters to be conveyed to their friends outside the thing could be managed. Garnet fell into the trap. He wrote to Anne Vaux and others letters that were all intercepted and taken to Cecil. It was doubtless on account of these that when Anne Vaux presently came

## Guy Fawkes and Others.

to London she was at once arrested and committed to the Tower. She was treated with much less tenderness than had been shown to Garnet, but her spirit was not to be broken either by harsh prison conditions or bullying interrogation by the Privy Council. Nothing could shake her denials of complicity in the Plot. The Privy Council could make nothing of her, and as the racking of a woman and a peer's daughter was inexpedient, she was ultimately allowed to go.

The intercepted letters were some help, but Cecil had another trap for the Jesuits—a trap so obvious that one doubts the truth of the Scriptural saw about the folly of setting the snare in sight of the bird. The amiability of the Lieutenant of the Tower so increased that one day Garnet was informed that, if he ever wanted to have a word with Oldcorne, who was in the adjoining cell, there was a secret door in the partition wall which would be opened at any time. Garnet, whose artlessness at every turn of the affair is at an almost comic variance with the conventional legend of Jesuit subtlety, took full advantage of this kind offer. Through the aperture he talked very freely with Oldcorne, never suspecting that, in a cavity within hearing distance, Cecil's private secretary and a magistrate were craning their ears and taking a full note of all that passed. When next Garnet was brought before the Privy Council and persisted in his denial of all knowledge of the Plot, he was confronted with the minutes of his conversations with Oldcorne. There was nothing for it but to admit that they were substantially true and that he had been "equivocating," which was an ecclesiastical euphemism for lying. He defended his action with casuistical arguments that not only did not help him but, when elaborated at his trial, did him a great deal of harm. What his conversations with Oldcorne revealed was that on July 26, 1605, he had been informed of the Plot by Father Greenway, who had had it in confession from Catesby. But in impart-



## Introduction.

ing the secret to Garnet, Greenway had not betrayed the confidence of the confessional, for Catesby had authorised him to tell Garnet under colour of his own (Greenway's) confession. At the trial there was some quibbling on this point—whether Greenway's information was technically given in confession. Did he give it on his knees in the attitude of a penitent or *ambulatorie*—walking about the room? But as English law did not then, any more than it does now, recognise the seal of the confessional, the point was not material to the question of guilt, but only as extenuation. Garnet by his own admission was undoubtedly guilty of misprision of treason, *i.e.*, that, having knowledge of a treasonable plot, he did not disclose it. But of actual treason in the sense of aiding and abetting the conspirators there was not a shred of evidence. Nevertheless it was of high treason he was convicted.

But for some reason the case of Garnet seems to have perplexed Cecil and his colleagues from the outset. As we have seen, from the moment of his arrest he was treated with officious consideration, and by the King's express prohibition the rack was never used as an aid to interrogation. At his trial, in answer to a question from Cecil, he frankly said that in the Tower he had had every courtesy and comfort from the officials, and that he was quite sincere in this admission we know from one of the intercepted letters to Anne Vaux. Even the trial, though grossly unfair according to modern standards, was much more decently conducted than that of the conspirators. And even after getting judgment of death upon Garnet, the Government were unwontedly dilatory in executing it. For more than a month he lay in prison, being called before the Council several times for further examination. When at last, on May 3, he was brought to the scaffold in St. Paul's Churchyard, it is said that he fully expected an eleventh-hour reprieve. But although he put off a long time address-

## Guy Fawkes and Others.

ing the crowd and engaging in prayer, no reprieve arrived. The ultimate sum of the Royal mercy was to remit the special penalties of treason and allow him simply to be hanged by the neck till he was dead.

### V.

History is like language: the more distant it is from our own day the less readily do we understand it, and the more subject are we to the extremes of uncritical contempt and uncritical acceptance. But sometimes we can preserve our judgment by a kind of translation—an attempt to express old events in terms of the present day. Let us apply this method to the Gunpowder Plot.

Let us imagine in Great Britain a bitterly anti-Socialist Government in power. It owes its existence to a general election, held two years before, in which fear of "Bolshies" and the alleged machinations of the U.S.S.R. were the deciding factors. From time to time Scotland Yard has detected subversive activities of the British Communist Party, with the usual Old Bailey sequels. The reassembling of Parliament is at hand. One evening, as the Home Secretary is about to sit down to dinner he is told that a Socialist Peer (let us say, with apologies, Lord Passfield) would like to see him, and is waiting in the library. It turns out that Lord Passfield's mission is to show a mysterious anonymous letter that somebody (not the postman) has pushed into his letter box. It warns him in obscure language that, as something very unpleasant is going to happen at the opening of Parliament, he had better stay away, Lord Passfield thinks there may be a Communist plot, of which he, firm in his belief in "the inevitability of gradualness," strongly disapproves. The Home Secretary thanks Lord Passfield, says he is glad there are Socialists who do not forget they are Englishmen, and promises to look into the matter. But he takes no action

## Introduction.

for a week, when he casually submits the letter to an eve-of-session Cabinet Council. The sequel is a midnight police raid on certain premises in Abingdon Street, where a veritable arsenal is discovered—TNT enough to blow up all Westminster, Mills bombs, machine-guns, rifles, automatic pistols, and cylinders of poison gas—as well as documents that indicate an elaborate plan for the destruction of King and Parliament and the proclamation of a Communist republic. Two or three persons found on the premises are taken into custody, and the documents seized by the police enable other arrests to be made. It is found that most of the arrested persons have previously suffered imprisonment for sedition, or at least are on the files of Scotland Yard as suspects.

Now, one can imagine the late Edgar Wallace using such a plot very amusingly, but that is about the measure of it. Nobody could take it even as a plausible speculation, much less as a statement of actual happenings. Yet it is, if anything, more credible than the story that Cecil not only persuaded his contemporaries to accept but also imposed upon posterity. It is true that he was in a more favourable position than the head of a modern Government. Nowadays the trial of persons implicated would give counsel for the defence the opportunity of asking extremely awkward questions, but in the seventeenth century persons accused of treason were not allowed to be represented by counsel. Nowadays judge and jury would have some nasty comments to make about the apparent inefficiency of the police and the Government in failing to discover a monstrous plot that was being carried out under their very noses; but it was the essence of Cecil's "police" that its existence should be unknown to, or only vaguely suspected by, the general public, and hence it could not be criticised. The attitude of the King's Ministers was that they were an honest, hard-working, and utterly innocent body of men, no

## Guy Fawkes and Others.

match for Papists and plotters, and profoundly grateful to God's Providence which somehow always contrived to save the situation at the last moment. Still, in the case of the Gunpowder Plot, Cecil seems to have felt that this fiction might be too rank for even the most prejudiced and credulous jury, so Coke was instructed to make a point of explaining to the Court that the conspirators had managed their design with such fiendish perfection of secrecy that its discovery would have been impossible but for the direct intervention of the Almighty, who first prompted the letter to Lord Montague and then gave his Majesty the divine light that at once illuminated its obscurities.

The modern parallel I have imagined is really an understatement of the difficulty involved in accepting the conventional history of the Gunpowder Plot. That the Government should have allowed a monstrous plot to be elaborated during many months within its very precincts, and that the ringleaders of that plot should be notoriously disaffected men whose every movement, one would suppose, was reported by the Secret Service, is sufficiently hard of belief. What is not only hard of belief but incredible is that, if the Government knew nothing, the conspirators should have been given positive facilities for carrying out their design. Catesby, the admitted originator of the Plot, discovers a convenient house, which is Crown property. It is occupied, but that presents no difficulty; for Percy through his influence at Court, brings pressure to bear on Whyneard, the official who has the letting of it, so that the tenant is turned out. Later, when the plan of tunneling under the Parliament House has been found impracticable, Percy again becomes active, and gets possession of the "cellar," Whyneard being once more very amenable and once more turning out a tenant to oblige him. Mr. Whyneard's evidence on these transactions would have been of great value, but it was never

## Introduction.

obtained, for, as we have seen, on the historic Fifth of November, Mr. Whyneard suddenly died. The oddest thing about the Gunpowder Plot is the mortality of those who could have told most about it.

We turn next to the Monteagle letter, but for which, according to tradition, the Plot would never have been discovered. The original account of the manner in which it came into Lord Monteagle's hands is suspicious enough. A servant who has had to cross the street on some errand is accosted by a stranger, who, in spite of the darkness, recognises his livery, delivers an urgent letter for his lordship, and vanishes into the night. On reading the letter Lord Monteagle is so perturbed that he rushes off at once to Whitehall. But this, as we have seen, is not the whole story or anything like it. The circumstances now known make it clear that the incident of the letter had been carefully pre-arranged. Monteagle's conduct was peculiar. Before taking the letter to Cecil, he made a point of showing it to his parasite, Ward, who at once gave the alarm to the conspirators. Was he "double-crossing," or was he acting on instructions from Cecil, that the conspirators should be encouraged to flee and thus provide the best presumptive evidence of their guilt? Cecil's behaviour is even more significant than Monteagle's. A whole week passed before he took any action. The explanation he chose to give the public was that he attached so little importance to it that he did not think it worth while sending it by courier to the King, who was in the country, but waited until his Majesty returned to town, and then mentioned it in the most casual manner. But in his despatch to Cornwallis he tells an entirely different story. He says that he divined the meaning of the letter at once and that, with his Majesty's full approval, he delayed action until the last possible moment. Is it a fair inference that Cecil's amazing penetration in reading the riddle of the Mont-

## Guy Fawkes and Others.

eagle letter was due to the fact that he knew the answer beforehand? Was the whole thing a rather clumsy comedy of which the primary purpose was to hoodwink the King?

There are other questions one would like to have answered. Why was Parliament twice prorogued? The first prorogation—from spring to autumn—is explicable, but not the sudden second prorogation from October to November. What was the reason for the preliminary and apparently unnecessary visit to the “cellar” by the Lord Chamberlain and Monteagle? Was it to add to the conspirators’ alarm and promote their flight? If so, it certainly succeeded. Why, when it was decided to send Knevett with an armed guard to search the “cellar” *at midnight*, was it deemed necessary to say that he went there on the pretext of searching for some stolen property of no great value? How did it happen that the raid was so well timed that Fawkes was taken at the most opportune moment?

Finally, as to the alleged mine. Apart from the confessions of Fawkes and Thomas Winter, which were made in dubious circumstances, there is no evidence for it. One would expect the story to be verified by testimony that the under parts of Percy’s house had been inspected and traces of mining operations had been found. Why was no such testimony given?

Questions even more curious arise out of the events at Holbeach House. If one thing in all the murkiness of the Plot is comparatively clear, it is that Catesby and Percy, and next to them the Wrights, were the directing spirits. One would expect, therefore, that every effort would have been made to take them alive, and there is nothing in the circumstances to suggest that the task was anything but a simple one. Yet these were the very men who somehow perished. If Thomas Winter’s confession is to be believed, they practically committed suicide by deliberately exposing themselves to

## Introduction.

the assault of the Sheriff's posse. Even so they were not killed outright, but died of wounds. Some explanation of this unfortunate contretemps seems to have been felt desirable, for we find Sir Thomas Lawley, who was with Walsh, reporting to Cecil in the following terms:—

“ One of my servants was the first man that entered upon them at Holbeach, and took Thomas Winter alive and brought him out unto me, whom I delivered to the Sheriff, and thereupon hasted to revive Catesby and Percy and the two Wrights, who lay deadly wounded on the ground, thinking by the recovery of them to have done unto his Majesty better service than by suffering them to die. But such was the extreme disorder of the baser sort, that while I with my men took up one of the languishing traitors, the rude people stripped the rest naked; and their wounds being many and grievous, and no surgeon at hand, they became incurable, and so died.\*”

Even more curious is the fact that one of the sheriff's men, John Streete by name, was awarded a pension of 2s. a day for life (equal to £4 a week at present values) “ for that extraordinary service by him performed in killing those two traitors, Percy and Catesby, with two bullets at one shot out of his musket.”†

Thus the leading traitors were silenced for ever. The coincidence of the death of Whyneard, the only man who could have told how they got their extraordinary facilities, has already been noted.

What of Tresham? Some weeks later he too died in circumstances that have never been explained. By common tradition, Catholic as well as Protestant, he was the Judas of the Plot and the author of the fatal letter to Monteagle. There is very little evidence to support his authorship of the letter—very little evidence,

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\* Additional MSS. in British Museum, 6178, p. 565.

† Cal. State Papers, 1627-1628, p. 222.

## Guy Fawkes and Others.

indeed, that the letter is a genuine document—but the ostentatious unconcern that he showed after the arrest of Fawkes and the Government's exceeding tenderness towards him even after committing him to the Tower, afford some ground for the suspicion that he had been a valuable source of information. And he was spared the ignominy of the gallows.\*

As for my Lord Monteagle, nothing was too good for him. He was praised up to the skies by the Attorney-General. The King awarded him a handsome pension. His previous record as one of Essex's men and a confirmed Papist and intriguer with Spain was hidden in a gracious cloud of oblivion. All awkward references to him were carefully excised from the confessions of the prisoners. The Earl of Northumberland was less fortunate. For a long time Cecil had had his eye on Northumberland, knowing him for a determined Papist, who had sent his cousin Percy on the secret mission to James before the death of Elizabeth. The fact that he was Percy's kinsman and patron was enough to get him brought before the Star Chamber in June, 1606, on a charge of misprision of treason, for which he was fined £30,000, deprived of all Court Offices, and sentenced to be imprisoned for life. The fine was afterwards reduced to £11,000, but he was kept in the Tower for fifteen years.

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\* But (such is the power of principle) not of dismemberment. Although he died in his bed, his remains were hacked to pieces in solemn form—at least one hand was cut off to be set on a spike over the town gate of Northampton.



## Chronology of the Plot.

- |                            |              |  |
|----------------------------|--------------|--|
| 1604.                      | March.       | Catesby imparts the idea of a Gunpowder Plot to John Wright and, shortly afterwards, to Thomas Winter. These three are the nucleus of the conspiracy.  |
| "                          | April.       | T. Winter pays a flying visit to Flanders to sound the Catholic exiles. He returns, bringing with him Guy Fawkes, who has for some time been serving with the Spanish Forces as a volunteer. |
| "                          | May (early). | Percy introduced. Catesby, T. Winter, J. Wright, Fawkes, and Percy take an oath of secrecy. The Plot is now fully in being.  |
| "                          | " 24.        | Percy hires a house adjoining the Parliament House.  |
| "                          | June (?)     | Keyes sworn of the Plot.   |
| "                          | July 7       | New anti-Catholic legislation.   |
| "                          | Dec. (?)     | Christopher Wright sworn.  |
| "                          | " 11         | Work on the mine begun.  |
| "                          | "            | Parliament prorogued to Oct. 3.  |
| (Shortly before Christmas) |              |  |
| 1605.                      | Jan. (?)     | Grant, Robert Winter, and Bates sworn.   |
| "                          | " 18         | Work on the mine resumed.  |
| "                          | March 25.    | Percy hires the cellar under the House of Lords.   |
| "                          | May.         | Fawkes goes to Flanders and sees Owen.   |
| "                          | Aug.         | Fawkes returns. Parliament further prorogued to Nov. 5.  |
| "                          | Sept.        | Digby, Rookwood, and Tresham sworn.  |
| (About Michaelmas)         |              |  |

## Chronology of the Plot.

1605.	Oct. 26.	Anonymous letter delivered to Lord Monteagle.
"	" 27.	Monteagle's retainer, Ward, reports the letter to T. Winter.
"	" 28.	Winter tells Catesby.
"	" 30.	Tresham returns from the country to London.
"	Nov. 1-3.	Meetings of Catesby, Winter, and Tresham.
"	" 4.	Arrest of Fawkes.
"	" 5.	Flight of the conspirators.
"	" 7.	Arrival of the conspirators at Holbeach House.
"	" 8.	Holbeach House taken by the Sheriff of Worcestershire. Catesby, Percy, and the Wrights killed; T. Winter, Rookwood, Grant, Digby, Keyes, and Bates captured.
"	" 12.	Tresham arrested.
"	Dec. 22.	Tresham dies in the Tower.
"	"	R. Winter taken.
	(About Christmas)	
1605-6.	Jan. 27.	Trial of the Conspirators.
"	" 27 or 28.	Garnet taken at Hindlip.
"	" 30.	Execution of Digby, Grant, R. Winter, and Bates.
"	" 31.	Execution of Fawkes, T. Winter, Rookwood, and Keyes.
1606.	March 28.	Trial of Garnet.
"	May 3.	Execution of Garnet.

EYENTLICHE ABILDUNG WIE ETZLICH ENGLISCHE EDELLEUT EINEN RAHT  
schleßen den König samt dem ganz zu Parlament mit Vulfser zuverfugen.



**Group of Conspirators.**

Anonymous. Sometimes attributed to Simon de Pass.

# THE TRIAL.

The Trial of ROBERT WINTER, THOMAS WINTER, GUY FAWKES, JOHN GRANT, AMBROSE ROOKWOOD, ROB. KEYES, THOMAS BATES, and Sir EVERARD DIGBY, at Westminster, for High Treason, being Conspirators in the Gunpowder-Plot.\* 3 Jac. 1. 27th Jan. A.D. 1606.

The Commissioners were: the Earls of Nottingham, Suffolk, Worcester, Devonshire, Northampton, and Salisbury; the Lord Chief Justice of England, Sir John Popham; the Lord Chief Baron of the Exchequer, Thomas Fleming; and Sir Peter Warburton, knight, one of the Justices of the Common Pleas.

## The Effect of the Indictment.

That whereas Our Sovereign Lord the King had, by the advice and assent of his Council, for divers weighty and urgent occasions concerning His Majesty, the State, and defence of the Church and kingdom of England, appointed a Parliament to be holden at his city of Westminster.

That HENRY GARNET, Superior of the Jesuits within the Realm of England (called also by the several names of Wally, Darcy, Roberts, Farmer, and Henry Philips); OSWALD TESMOND, Jesuit, otherwise called Oswald Greenwell; JOHN GERARD, Jesuit (called also by the several names of Lee and Brooke); ROBERT WINTER, THOMAS WINTER, gentlemen; GUY FAWKES, gentleman, otherwise called Guy Johnson; ROBERT KEYES, gentleman; and THOMAS BATES, yeoman, late servant to Robert Catesby, esquire; together with the said ROBERT CATESBY and THOMAS PERCY, esquires; John Wright and Christopher Wright, gentlemen, in open Rebellion and Insurrection against His Majesty, lately slain, and Francis Tresham, esquire, lately dead; as false Traitors against our said Sovereign Lord the King, did traitorously meet and assemble themselves together; and being so met, the said Henry Garnet, Oswald Tesmond, John Gerard, and other Jesuits, did maliciously, falsely, and traitorously move and persuade as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and

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\* For the Proceedings in Parliament respecting this Plot, see 1 Cobb. Parl. Hist. 1052, *et seq.*

## Guy Fawkes and Others.

Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, that our said Sovereign Lord the King, the nobility, clergy, and whole commonalty of the Realm of England (Papists excepted) were heretics; and that all heretics were accursed and excommunicate; and that none heretic could be a king; but that it was lawful and meritorious to kill our said Sovereign Lord the King, and all other heretics within this Realm of England, for the advancing and enlargement of the pretended and usurped authority and jurisdiction of the Bishop of Rome, and for the restoring of the superstitious Romish religion within this Realm of England. To which traitorous persuasions, the said Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Bates, Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham traitorously did yield their assents; And that thereupon the said Henry Garnet, Oswald Tesmond, John Gerard, and divers other Jesuits; Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as also the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, traitorously amongst themselves did conclude and agree, with Gunpowder, as it were with one blast, suddenly, traitorously and barbarously to blow up and tear in pieces our said Sovereign Lord the King, the Excellent, Virtuous, and Gracious Queen Anne, his dearest wife, the Most Noble Prince Henry, their eldest son, and future hope and joy of England; and the Lords Spiritual and Temporal, the reverend Judges of the Realm, the Knights, Citizens, and Burgesses of Parliament, and divers other faithful subjects and servants of the King in the said Parliament, for the causes aforesaid to be assembled in the House of Parliament; and all them, without any respect of majesty, dignity, degree, sex, age or place, most barbarously and more than beastly, traitorously, and suddenly to destroy and swallow up.

AND FURTHER did most traitorously conspire and conclude among themselves that not only the whole Royal Issue-male of our said Sovereign Lord the King should be destroyed and rooted out, but that the persons aforesaid, together with divers other false traitors, traitorously with them to be assembled, should surprise the persons of the noble Ladies Elizabeth and Mary, daughters of our said Sovereign Lord the King, and falsely and traitorously should proclaim the said Lady Elizabeth to be Queen of this Realm: And thereupon should publish a certain traitorous Proclamation in the name of the said Lady Elizabeth, wherein, as it was especially agreed by and between the said conspirators, that no mention should be made at the first, of the alteration of religion established within this Realm of England, neither would the said false traitors therein acknowledge themselves to be authors, or actors, or devisors, of the aforesaid most wicked and horrible treasons until they had got sufficient power and strength for the assured execution and accomplishment of their said conspiracy and treason; and that then they

## The Indictment.

would avow and justify the said most wicked and horrible treasons, as actions that were in the number of those, *quæ non laudantur nisi peracta*, which be not to be commended before they be done; but by the said feigned and traitorous proclamation they would publish, that all and singular abuses and grievences within this Realm of England, should, for satisfying of the people, be reformed.

AND THAT as well for the better concealing, as for the more effectual accomplishing of the said horrible treasons as well, the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright and Francis Tresham, by the traitorous advice and procurement of the said Henry Garnet, Oswald Tesmond, John Gerard, and other Jesuits, traitorously did further conclude and agree, that as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, thereupon severally and traitorously should receive several corporal Oaths upon the Holy Evangelists, and the Sacrament of the Eucharist, that they the treasons aforesaid would traitorously conceal and keep secret, and would not reveal them, directly or indirectly, by words or circumstances, nor ever would desist from the execution and final accomplishment of the said treasons, without the consent of some three of the aforesaid false traitors first in that behalf traitorously had: And that thereupon as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, did traitorously take the said several corporal Oaths severally, and did receive the Sacrament of the Eucharist aforesaid, by the hands of the said Henry Garnet, John Gerard, Oswald Tesmond, and other Jesuits.

AND FURTHER, that the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, by the like traitorous advice and counsel of the said Henry Garnet, John Gerard, Oswald Tesmond, and other Jesuits, for the more effectual compassing and final execution of the said treasons, did traitorously among themselves conclude and agree to dig a certain mine under the said House of Parliament, and there secretly, under the said House, to bestow and place a great quantity of gunpowder; and that according to the said traitorous conclusion, the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright afterwards secretly, not without great labour and difficulty, did dig and make the said mine unto the midst of the foundation of the wall of the said House of Parliament, the said foundation being of the thickness of three yards, with a traitorous

## Guy Fawkes and Others.

intent to bestow and place a great quantity of gunpowder in the mine aforesaid, so as aforesaid traitorously to be made for the traitorous accomplishing of their traitorous purposes aforesaid.

AND THAT the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, finding and perceiving the said work to be of great difficulty, by reason of the hardness and thickness of the said wall; and understanding a certain cellar under the said House of Parliament, and adjoining to a certain house of the said Thomas Percy, then to be letten to farm for a yearly rent, the said Thomas Percy, by the traitorous procurement, as well of the said Henry Garnet, Oswald Tesmond, John Gerard, and other Jesuits, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates as of the said Robert Catesby, John Wright, and Christopher Wright, traitorously did hire the cellar aforesaid for a certain yearly rent and term; and then those traitors did remove twenty barrells full of gunpowder out of the said house of the said Thomas Percy, and secretly and traitorously did bestow and place them in the cellar aforesaid, under the said House of Parliament, for the traitorous effecting of the treason and traitorous purposes aforesaid.

AND THAT afterwards the said Henry Garnet, Oswald Tesmond, John Gerard, and other Jesuits, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, traitorously did meet with Robert Winter, John Grant, and Ambrose Rookwood, and Francis Tresham, esquires; and traitorously did impart to the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, the treasons, traitorous intentions, and purposes aforesaid; and did require the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, to join themselves as well with the said Henry Garnet, Oswald Tesmond, John Gerard, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, in the treasons, traitorous intentions and purposes aforesaid; and traitorously to provide horse, armour, and other necessaries, for the better accomplishment and effecting of the said treasons. To which traitorous motion and request the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, did traitorously yield their assents, and as well with the said Henry Garnet, Oswald Tesmond, John Gerard, Robert Winter, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, in the said treasons, traitorous intentions and purposes aforesaid, traitorously did adhere and unite themselves: And thereupon several corporal Oaths, in form above said, traitorously did take and the Sacrament of the Eucharist by the

## The Indictment.

hands of the said Jesuits did receive, to such intent and purpose, as is aforesaid; and horses, armour, and other necessaries for the better effecting of the said treasons, according to their traitorous assents aforesaid, traitorously did provide.

AND THAT afterwards all the said false traitors did traitorously provide, and bring into the cellar aforesaid ten other barrels full of gunpowder, newly bought, fearing lest the former gunpowder, so as aforesaid bestowed and placed there, was become dankish; and the said several quantities of gunpowder aforesaid, with billets and faggots, lest they should be spied, secretly and traitorously did cover. And that afterwards the said false traitors traitorously provided, and brought into the cellar aforesaid, four hogsheads full of gunpowder, and laid divers great iron bars and stones upon the said four hogsheads, and the aforesaid other quantities of gunpowder: And the said quantities of gunpowder, bars, and stones, with billets and faggots, lest they should be espied, secretly and traitorously did likewise cover.

AND THAT the said Guy Fawkes afterwards, for a full and final accomplishment of the said treasons, traitorous intentions and purposes aforesaid, by the traitorous procurement, as well of the said Henry Garnet, Oswald Tesmond, John Gerard, and other Jesuits, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as of the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright and Francis Tresham, traitorously had prepared, and had upon his person touchwood and match, therewith traitorously to give fire to the several barrels, hogsheads, and quantities of gunpowder aforesaid, at the time appointed for the execution of the said horrible treasons.

AND FURTHER, THAT after the said horrible treasons were, by the great favour and mercy of God, in a wonderful manner discovered, not many hours before it should have been executed, as well the said Henry Garnet, Oswald Tesmond, John Gerard, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, traitorously did fly and withdraw themselves, to the intent traitorously to stir up and procure such Popish persons as they could to join with them in actual, public, and open rebellion against our said Sovereign Lord the King; and to that end did publish divers feigned and false rumours, that the Papists' throats should have been cut; and that thereupon divers Papists were in arms, and in open, public, and actual rebellion, against our said Sovereign Lord the King, in divers parts of this Realm of England.

To this Indictment they all pleaded "Not Guilty," and put themselves upon God and the country.



# Guy Fawkes and Others.

## Indictment Opened.

Then did Sir EDWARD PHILIPS, knight, His Majesty's Serjeant at Law, open the Indictment to this effect, as followeth :

The matter that is now to be offered to you, my Lords the Commissioners, and to the trial of you, the Knights and Gentlemen of the Jury, is matter of treason; but of such horror, and monstrous nature, that before now,

The Tongue of Man never delivered,  
The Ear of Man never heard,  
The Heart of Man never conceived,  
Nor the Malice of Hellish or Earthly Devil ever practised;  
For, if it be abominable to murder the least,  
If to touch God's Anointed be to oppose themselves against  
God,

If (by blood) to subvert Princes, States and Kingdoms, be  
hateful to God and Man, as all true Christians must  
acknowledge;

Then, how much more than too too monstrous shall all  
Christian hearts judge the horror of this treason, to  
murder and subvert

Such a King,  
Such a Queen,  
Such a Prince,  
Such a Progeny,  
Such a State,  
Such a Government,  
So complete and absolute,  
That God approves :  
The World admires :  
All true English Hearts honour and reverence :  
The Pope and his Disciples only envies and maligns.

*The proceeding wherein is properly to be divided into three  
general heads.*

First, Matter of Declaration.

## Indictment Opened.

Secondly, Matter of Aggravation.

Thirdly, Matter of Probation.

Myself am limited to deal only with the matter of Declaration, and that is contained within the compass of the Indictment only. For the other two, I am to leave to him to whose place it belongeth.

*The substance of which declaration consisteth in four parts.*

First, in the Persons and Qualities of the conspirators.

Secondly, in the Matter conspired.

Thirdly, in the Mean and Manner of the Proceeding and Execution of the Conspiracy.

And fourthly, of the End and Purpose why it was so conspired.

*As concerning the first, being the Persons.*

They were Garnet, Gerard, Tesmond, Jesuits not then taken; Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Bates, Everard Digby, Ambrose Rookwood, John Grant, Robert Winter, at the bar; Robert Catesby, Thomas Percy, John Wright, Christopher Wright, slain in rebellion; Francis Tresham, lately dead.

All grounded Romanists and corrupted scholars of so irreligious and traitorous a school.

*As concerning the second, which is the Matter conspired.*

It was, First, to deprive the King of his Crown,

Secondly, to murder the King, the Queen, and the Prince,

Thirdly, to stir rebellion and sedition in the kingdom,

Fourthly, to bring a miserable destruction amongst the subjects,

Fifthly, to change, alter, and subvert the religion here established,

Sixthly, to ruinate the state of the commonwealth, and to bring in strangers to invade it.

## Guy Fawkes and Others.

*As concerning the third, which is the Mean and Manner how to compass and execute the same.*

They did all conclude :

First, that the King, and his people (the Papists excepted) were heretics.

Secondly, that they were all cursed, and excommunicated by the Pope.

Thirdly, that no heretic could be King.

Fourthly, that it was lawful and meritorious to kill and destroy the King, and all the said heretics.

*The Mean to Effect it, they concluded to be,*

That (1) the King, the Queen, the Prince, the Lords spiritual and temporal, the Knights and Burgesses of the Parliament, should be blown up with powder ;

(2) that the whole Royal issue-male should be destroyed ;

(3) that they would take into their custody Elizabeth and Mary, the King's daughters, and proclaim the Lady Elizabeth Queen ;

(4) that they should feign a Proclamation in the name of Elizabeth, in which no mention should be made of alteration of religion, nor that they were parties to the treason, until they had raised power to perform the same, and then to proclaim all grievances in the kingdom should be reformed.

That they also took several oaths, and received the Sacrament ; first, for secrecy ; secondly, for prosecution ; except they were discharged thereof by three of them.

That after the destruction of the King, the Queen, the Prince, the Royal-issue-male, the Lords Spiritual and Temporal, the Knights and Burgesses, they should notify the same to foreign States ; and thereupon Sir Edmund Baynam, an attainted person of treason, and styling himself prime of the damned Crew, should be sent and make the same known to the Pope, and crave his aid : an ambassador fit both for the message and persons, to be sent betwixt the Pope and the Devil.

That the Parliament being prorogued till the 7th of

## Case for the Crown.

February, they in December made a mine under the House of Parliament, purposing to place their powder there; but the Parliament being then further adjourned till the 3rd of October, they in Lent following hired the vault, and placed therein twenty barrels of powder.

That they took to them Robert Winter, Grant, and Rookwood, giving them the oaths and sacrament as aforesaid, as to provide munition.

20 *Julii*. They laid in ten barrels more of powder, laying upon them divers great bars of iron, and pieces of timber, and great massy stones, and covered the same with faggots, &c.

20 *Septemb*. They laid in more, four hogsheads of powder, with other stores and bars of iron thereupon.

4 *Novem*. (The Parliament being prorogued to the 5th) at 11 o'clock at night, Fawkes had prepared, by the procurement of the rest, touchwood and match, to give fire to the powder the next day.

That the treason being miraculously discovered, they put themselves, and procured others to enter, into open rebellion: and gave out most untruly, it was for that the Papists' throats were to be cut.

## Case for the Crown.

The ATTORNEY-GENERAL (Sir Edward Coke)—It appeareth to your Lordships, and the rest of this most Honourable and Grave Assembly, even by that which Mr. Serjeant hath already opened, that these are the greatest treasons that ever were plotted in England, and concern the greatest King that ever was of England. But when this Assembly shall further hear, and see discovered the roots and branches of that same, not hitherto published, they will say indeed, *Quis hæc posteris sic narrare poterit, ut facta non ficta esse videantur?* That when these things shall be related to posterity, they will be reputed matters feigned—not done. And therefore in this so great a cause, upon the carriage and event whereof the eye of all Christendom is at this day bent, I shall desire that I may with your patience be somewhat more copious, and not so succinct, as my usual manner hath been, and yet

## Guy Fawkes and Others.

### The Attorney-General

will I be no longer than the very matter itself shall necessarily require. But before I enter into the particular narration of this cause, I hold it fit to give satisfaction to some, and those well affected amongst us, who have not only marvelled, but grieved, that no speedier expedition hath been used in these proceedings, considering the monstrousness and continual horror of this so desperate a cause.

1. It is *ordo naturæ*, agreeable to the order of nature, that things of great weight and magnitude should slowly proceed, according to that of the poet, *Tarda solet magnis rebus adesse fides*. And surely of these things we may truly say, *Nunquam ante dies nostros talia acciderunt*; neither hath the eye of man seen, nor the ear of man heard the like things to these.

2. *Veritas temporis filia*, Truth is the daughter of time; especially in this case, wherein by timely and often examinations, first, matters of greatest moment have been lately found out; secondly, some known offenders and those capital, but lately apprehended; thirdly, sundry of the principal arch-traitors before unknown, now manifested, as the Jesuits; fourthly, heretical, treasonable, and damnable books lately found out, one of Equivocation, and another, *De officio Principis Christiani*, of Francis Tresham's.

3. There have been already twenty and three several days spent in examinations.

4. We should otherwise have hanged a man unattainted, for Guy Fawkes passed for a time under the name of John Johnson: so that if by that name greater expedition had been made, and he hanged, though we had not missed of the man, yet the proceeding would not have been so orderly or justifiable.

5. The King, out of his wisdom and great moderation, was pleased to appoint this trial in time of Assembly in Parliament, for that it concerned especially those of the Parliament.

Now touching the offences themselves, they are so exorbitant and transcendent, and aggregated of so many bloody and fearful crimes, as they cannot be aggravated by any inference, argument or circumstance whatsoever; and that in three respects: First, because this offence is *prima impressionis*,

## Case for the Crown.

The Attorney-General

and therefore *sine nomine*, without any name which might be *adæquatum*, sufficient to express it, by the legist, that ever made or writ of any laws. For the highest treason that all they could imagine, they called it only *crimen læsæ majestatis*, the violating of the majesty of the prince. But this treason doth want an apt name, as tending not only to the hurt, but to the death of the King, and not the death of the King only, but of his whole kingdom, *Non Regis sed Regni*, that is to the destruction and dissolution of the frame and fabric of this ancient, famous, and ever-flourishing monarchy; even the deletion of our whole name and nation: "And therefore hold not thy tongue, O God, keep not still silence, refrain not thyself, O God; for so lo thine enemies make a murmuring, and they that hate thee have lift up their heads: They have said, Come, and let us root them out, that they be no more a people, and that the name of Israel may be no more in remembrance" (Psal. lxxxiii. 1-5).

Secondly, it is *sine exemplo*, beyond all examples, whether in fact or fiction, even of the tragic poets, who did beat their wits to represent the most fearful and horrible murders.

Thirdly, it is *sine modo*, without all measure or stint of iniquity; like a mathematical line, which is, *divisibilis in semper divisibilia*, infinitely divisible.

It is treason to imagine or intend the death of the King, Queen, or Prince.

For treason is like a tree whose root is full of poison, and lieth secret and hid within the earth, resembling the imagination of the heart of man, which is so secret as God only knoweth it. Now the wisdom of the law provideth for the blasting and nipping, both of the leaves, blossoms, and buds which proceed from this root of treason; either by words, which are like to leaves, or by some overt act, which may be resembled to buds or blossoms, before it cometh to such fruit and ripeness, as would bring utter destruction and desolation upon the whole state.

It is likewise treason to kill the Lord Chancellor, Lord Treasurer, or any Justice of the one Bench or other; Justices of Assize, or any other judges mentioned in the statute of 25 Edw. 3 sitting in their judicial places, and exercising

## Guy Fawkes and Others.

### The Attorney-General

their offices. And the reason is, for that every judge so sitting by the King's authority, representeth the majesty and person of the King; and therefore it is *crimen læsæ majestatis* to kill him, the King being always in judgment of law present in Court. But in the High Court of Parliament, every man by virtue of the King's authority, by writ under the Great Seal, hath a judicial place; and so consequently the killing of every of them had been a several treason and *crimen læsæ majestatis*. Besides that to their treasons were added open rebellion, burglary, robbery, horse-stealing, &c. So that this offence is such, as no man can express it, no example pattern it, no measure contain it.

Concerning foreign princes, there was here a protestation made for the clearing of them from all imputation and aspersion whatsoever.

First, for that whilst kingdoms stood in hostility, hostile actions are holden honourable and just. Secondly, it is not the King's Serjeant, Attorney, or Solicitor, that in any sort touch or mention them: for we know that great princes and personages are reverently and respectfully to be spoken of; and that there is *lex in sermone tenenda*. But it is Fawkes, Winter, and the rest of the offenders, that have confessed so much as hath been said: and therefore the King's Counsel learned doth but repeat the offender's confession, and charge or touch no other person. They have also slandered unjustly our great master King James, which we only repeat, to show the wickedness and malice of the offenders. Thirdly, so much as is said concerning foreign princes, is so woven into the matter of the charge of these offenders, as it cannot be severed, or singled from the rest of the matter; so as it is inevitable, and cannot be permitted.

Now as this Powder-treason is in itself prodigious and unnatural, so it is in the conception and birth most monstrous, as arising out of the dead ashes of former treasons. For it had three roots, all planted and watered by Jesuits and English Roman Catholics—the first root in England in December and March, the second in Flanders in June, the third in Spain in July. In England it had two branches; one in December was twelve months before the death of the

## Case for the Crown.

The Attorney-General

late Queen of blessed memory; another in March wherein she died.

First in December, A.D. 1601, do Henry Garnet, Superior of the Jesuits in England; Robert Tesmond, Jesuit; Robert Catesby (who was *bono subacto et versuto ingenio et profunda perfidia*), together with Francis Tresham and others, in the names, and for the behalf of all the English Roman Catholics, imploy Thomas Winter into Spain, as for the general good of the Romish Catholic cause; and by him doth Garnet write his letters to Father Creswell, Jesuit, residing in Spain, in that behalf. With Thomas Winter doth Tesmond, *alias* Greenway the Jesuit, go as an associate and confederate in that conspiracy. The message (which was principally committed unto the said Winter) was that he should make a proposition and request to the King of Spain, in the behalf and names of the English Catholics, that the king would send an army hither into England, and that the forces of the Catholics in England should be prepared to join with him and do him service. And further, that he should move the King of Spain to bestow some pensions here in England, upon sundry persons Catholics, and devoted to his service; and, moreover, to give advertisement that the King of Spain, making use of the general discontentment that young gentlemen and soldiers were in, might no doubt, by relieving their necessities, have them all at his devotion.

And because that in all attempts upon England the greatest difficulty was ever found to be the transportation of horses, the Catholics in England would assure the said King of Spain to have always in readiness for his use and service 1500 or 2000 horses against any occasion or enterprise. Now, Thomas Winter undertaking this negotiation, and with Tesmond the Jesuit coming into Spain, by means of Father Creswell, the legier\* Jesuit there, as hath been said, had readily speech with Don Pedro Francesa, second Secretary of State, to whom he imparted his message, as also to the Duke of Lerma, who assured him that it would be an office very grateful to his master, and that it should not want his best furtherance.

Concerning the place for landing of the King of Spain's

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\* Or ledger, *i.e.*, resident.—ED.



## Guy Fawkes and Others.

### The Attorney-General

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The Attorney-General

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## Guy Fawkes and Others.

### The Attorney-General

army, which from the English Romish Catholics he desired might be sent to invade the land, it was resolved that if the army were great, then Essex and Kent were judged fittest (where note by the way, who was then Lord Warden of the Cinque Ports); if the army were small, and trusted upon succour in England, then Milford-haven was thought more convenient.

Now there being at that time hostility betwixt both kingdoms, the King of Spain willingly embraced the motion, saying that he took the message from the Catholics very kindly, and that in all things he would respect them with as great care as his proper Castilians. But for his further answer, and full dispatch, Thomas Winter was appointed to attend the progress. In the end whereof, being in summer time, Count Miranda gave him this answer in the behalf of his master, that the king would bestow 100,000 crowns to that use, half to be paid that year, and the rest the next spring following; and withal required that we should be as good as our promise, for the next spring he meant to be with us, and set foot in England. And lastly, he desired on the King's behalf, of Winter, that he might have certain advertisement and intelligence, if so it should in the mean time happen that the Queen did die. Thomas Winter laden with these hopes, returns into England about a month before Christmas, and delivered answer of all that had passed, to Henry Garnet, Robert Catesby, and Francis Tresham. But soon after set that glorious light, Her Majesty died! *Miracano; sol occubuit, nox nulla secuta est.*

Presently after whose death was Christopher Wright, another messenger, sent over into Spain by Garnet (who likewise did write by him to Cresswell for the furtherance of the negotiation), Catesby and Tresham, in the name and behalf of all the Romish Catholics in England; as well to carry news of Her Majesty's death, as also to continue the aforesaid negotiation for an invasion and pensions, which by Thomas Winter had before been dealt in. And in the Spanish Court, about two months after his arrival there, doth Christopher Wright meet with Guy Fawkes, who upon the 22nd of June was employed out of Flanders from Brussels by

## Case for the Crown.

The Attorney-General

Sir William Stanley, Hugh Owen (whose finger hath been in every treason which hath been of late years detected), and Baldwyn, the legier Jesuit in Flanders; from whom likewise the said Fawkes carried letters to Creswell in Spain for the countenancing and furtherance of his affairs.

Now the end of Fawkes' employment was, to give advertisement to the King of Spain, how the King of England was like to proceed rigorously with the Catholics, and to run the same course which the late Queen did; and withal to intreat that it would please him to send an army into England to Milford-haven, where the Romish Catholics would be ready to assist him; and then the forces that should be transported in Spinola's Galleys should be landed where they could most conveniently. And these their several messages did Christopher Wright and Guy Fawkes in the end intimate and propound to the King of Spain. But the King as then very honourably answered them both that he would in no wise further listen to any such motion, as having before despatched an embassy into England to treat concerning peace. Therefore this course by foreign forces failing, they fell to the Powder-plot, Catesby and Tresham being in it all; in the treason of the Earl of Essex, in the treason of Watson and Clarke, seminary priests, and also in this of the Jesuits; such a greedy appetite had they to practise against the State.

*[The rest of which Mr. Attorney then spake continuedly was by himself divided into three general parts. The first containing certain Considerations concerning this Treason. The second Observations about the same. The third a Comparison of this Treason of the Jesuits with that of the seminary priests and that other of Raleigh and others. For the considerations concerning the Powder-treason, they were in number eight: that is to say, 1. The persons by whom. 2. The persons against whom. 3. The time when. 4. The place where. 5. The means. 6. The end. 7. The secret contriving. And lastly, the admirable discovery thereof.]*

1. For the persons offending, or by whom, they are of two sorts; either of the clergy, or laity, and for each of them there is a several objection made. Touching those of the

## Guy Fawkes and Others.

### The Attorney-General

laity, it is by some given out, that they are such men, as admit just exception, either desperate in estate, or base, or not settled in their wits; such as are *sine religione, sine sede, sine fide, sine re, et sine spe*: without religion, without habitation, without credit, without means, without hope. But (that no man, though never so wicked, may be wronged) true it is, they were gentlemen of good houses, of excellent parts, howsoever most perniciously seduced, abused, corrupted, and Jesuited, of very competent fortunes and states. Besides that Percy was of the house of Northumberland, Sir William Stanley, who principally employed Fawkes into Spain, and John Talbot of Grafton, who at the least is in case of misprision of high-treason, both of great and honourable families. Concerning those of the spirituality, it is likewise falsely said that there is never a religious man in this action. For I never yet knew a treason without a Romish priest; but in this there are very many Jesuits, who are known to have dealt and passed through the whole action: three of them are legiers and statesmen, as Henry Garnet (*alias* Walley), the Superior of the Jesuits, legier here in England; Father Creswell, legier Jesuit in Spain; Father Baldwyn, legier in Flanders, as parsons at Rome; besides their cursory men, as Gerard, Oswald Tesmond (*alias* Greenway), Hammond, Hall, and other Jesuits. So that the principal offenders are the seducing Jesuits, men that use the reverence of religion, yea, even the most sacred and blessed name of Jesus, as a mantle to cover their impiety, blasphemy, treason and rebellion, and all manner of wickedness; as by the help of Christ shall be made most apparent to the glory of God, and the honour of our religion. Concerning this sect, their studies and practices principally consist in two *d's*, to wit in deposing of kings, and disposing of kingdoms: their profession and doctrine is a religion of distinctions, the greatest part of them being without the text, and therefore in very deed, idle and vain conceits of their own brains, not having *membra dividencia*, that is, all the parts of the division warranted by the Word of God, and *Ubi lex non distinguit, nec nos distinguere debemus*. And albeit that princes hold their crowns immediately of and from God, by

## Case for the Crown.

The Attorney-General

right of lawful succession and inheritance inherit by royal blood; yet think these Jesuits with a goose-quill, within four distinctions to remove the crown from the head of any king christened, and to deal with them, as the old Romans are said to have done with their viceroys, or petty kings, who in effect were but lieutenants unto them, to crown and uncrown them at their pleasure. Neither so only, but they will proscribe and expose them to be butchered by vassals which is against their own canons, for priests to meddle in cause of blood. And by this means they would make the condition of a king far worse than that of the poorest creature that breatheth. First, saith Simanca, *Hæretici omnes ipso jure sunt excommunicati, et a communione fidelium diris proscriptionibus separati et quotannis in cæna Domini excommunicantur a Papa* (*De Excom. Lit. 27, sec. 1, fol. 116*). So then every heretic stands and is reputed with them as excommunicated and accursed, if not *de facto*, yet *de jure*, in law and right, to all their intents and purposes; therefore may he be deposed, proscribed and murdered. Ay, but suppose he be not a professed heretic, but dealeth reservedly, and keepeth his conscience to himself—how stands he then? Simanca answers, *Quæri autem solet an hæreticus occultus excommunicatus sit ipso jure, et in alias etiam pœnas incidat contra hæreticos statutas? Cui quæstioni simpliciter jurisperiti respondent, quod etsi hæresis occulta sit, nihilominus occultus hæreticus incidit in, illas pœnas* (*De Occultis, Lit. 42, sec. 2, fol. 193*). Whether he be a known or a secret heretic, all is one, they thunder out the same judgment and curse for both; whereas Christ saith, *Nolite judicare*, judge not, which is, saith Augustine, *Nolite judicare de occultis*, of those things which are secret. But suppose that a prince thus accursed and deposed will eftsoons return and conform himself to their Romish Church, shall he then be restored to his state, and again receive his kingdom? Nothing less: for saith Simanca, *Si reges aut alii principes Christiani facti sint hæretici, protinus subjecti et vassali ab eorum dominio liberantur; nec jus hoc recuperabunt, quamvis postea reconcilientur Ecclesiæ*. Oh, but, *Sancta Mater Ecclesia nunquam claudit gremium redeunti*, our Holy

## Guy Fawkes and Others.

### The Attorney-General

Mother the Church never shuts her bosom to any convert. It is true, say they, but with a distinction, *quoad animam* : therefore so he may, and shall be restored ; that is, spiritually, in respect of his soul's health. *Quoad animam*, he shall again be taken into the Holy Church ; but not *quoad regnum*, in respect of his kingdom, or state temporal, he must not be restored ; the reason is, because all hold only thus far, *Modo non sit ad damnum Ecclesiæ*, so that the Church receives thereby no detriment. Ay, but suppose that such an unhappy deposed prince have a son, or lawful and right heir, and he also not to be touched or spotted with his father's crime, shall not he at least succeed, and be invested into that princely estate ? Neither will this down with them : heresy is a leprosy, and hereditary disease : *Et ex leprosis parentibus leprosi generantur filii*. Of leprous parents come leprous children. So that, saith Simanca, *Propter hæresim regis, non solum, rex regno privatur, sed et ejus filii a regni successione pelluntur, ut noster lupus* (who is indeed, *Vir secundum nomen ejus*, a wolf as well in nature as name) *luculenter probat*. Now, if a man doubt whom they here mean by an heretic, Creswell in his book called *Philopater*, gives a plain resolution : *Regnandi jus amittit* (saith he) *qui religionem Romanam deserit*, he is the heretic we speak of ; even whosoever forsake the religion of the Church of Rome, he is accursed, deprived, proscribed, never to be absolved but by the Pope himself, never to be restored either in himself, or his posterity.

One place amongst many out of Creswell's *Philopater* shall serve to give a taste of the Jesuitical spirits and doctrine ; which is, sec. 2, page 109. *Hinc etiam infert universa theologorum ac jurisconsultorum ecclesiasticorum schola (et est certum et de fide) quemcunque principem Christianum, si a Religione Catholica manifesto deflexerit, et alios avocare voluerit, excidere statim omni potestate ac dignitate, ex ipsa vi juris tum humani tum divini, hocque antedictam sententiam supremi pastoris ac judicis contra ipsum prolatam, et subditos quoscunque liberos esse ab omni jura menti obligatione, quod de obedientia tanquam principi legitimo præstitissent; posseque et debere (sivires habeant) istiusmodi*

## Case for the Crown.

The Attorney-General

*hominem tanquam apostatam, hæreticum, ac Christi Domini desertorem, et reipublicæ suæ inimicum hostemque ex hominum Christianorum dominatu ejicere, ne alios inficiat, vel suo exemplo aut imperio à fide avertat. Atque hæc certa, definita et indubitata virorum doctissimorum sententia.*

That is, this inference also doth the whole school both of divines and lawyers make (and it is a position certain, and to be undoubtedly believed), that if any Christian prince whatsoever, shall manifestly turn from the Catholic religion, and desire or seek to reclaim other men from the same, he presently falleth from all princely power and dignity; and that also by virtue and force of the law itself, both divine and human, even before any sentence pronounced against him by the Supreme Pastor and Judge. And that his subjects, of what estate or condition soever, are freed from all bond of oath of allegiance, which at any time they had made unto him as to their lawful prince. Nay, that they both may and ought, provided they have competent strength and force, cast out such a man from bearing rule amongst Christians, as an apostate, an heretic, a backslider and revolter from our Lord Christ, and an enemy to his own state and commonwealth, lest perhaps he might infect others, or by his example or command turn them from the faith. And this is the certain, resolute, and undoubted judgment of the best learned men. But Tresham in his book, *De Officio Principis Christiani*, goeth beyond all the rest; for he plainly concludeth and determineth, that if any prince shall but favour, or show countenance to an heretic, he presently loseth his kingdom. In his fifth chapter, he propoundeth this problem, *An aliqua possit secundum conscientiam subditis esse ratio, cur legitimo suo regi bellum sine scelère moveant?*—Whether there may be any lawful cause, justifiable in conscience, for subjects to take arms without sin, against their lawful prince and sovereign? The resolution is, *Si princeps hæreticus sit et obstinate ac pertinaciter intolerabilis, summi pastoris divina potestate deponatur, et aliud caput constituatur cui subditi se jungant et legitimo ordine et auctoritate tyrannidem amoveant. Princeps indulgendo hæreticos non solum Deum offendit, sed*



## Guy Fawkes and Others.

### The Attorney-General

*perdit et regnum et gentem.* Their conclusion, therefore, is that for heresy, as above is understood, a prince is to be deposed, and his kingdom bestowed by the Pope at pleasure; and that the people, upon pain of damnation, are to take part with him whom the Pope shall so constitute over them. And thus whilst they imagine with the wings of their light-feathered distinctions to mount above the clouds and level of vulgar conceits, they desperately fall into a sea of gross absurdity, blasphemy, and impiety. And surely the Jesuits were so far engaged in this treason as that some of them stick not to say, that if it should miscarry, that they were utterly undone, and that it would overthrow the state of the whole Society of the Jesuits: and I pray God that in this, they may prove true prophets, that they may become like the Order of Templarii, so called for that they kept near the sepulchre at Jerusalem, who were by a general and universal edict in one day throughout Christendom quite extinguished, as being *ordo impietatis*, an order of impiety. “And so from all sedition and privy conspiracy, from all false doctrine and heresy, from hardness of heart, and contempt of thy word and commandment, Good Lord, deliver us.” Their protestations and pretences, are to win souls to God; their proofs weak, light, and of no value; their conclusions false, damnable, and damned heresies. The first mentioneth God, the second savoureth of weak and frail man, the last of the Devil; and their practice easily appeareth out of the dealing of their Holy Father.

Henry the Third of France for killing a cardinal was excommunicated, and after murdered by James Clement, a monk; that fact doth Sixtus Quintus, then Pope, instead of orderly censuring thereof, not only approve, but commend in a long consistory oration. “That a monk, a religious man,” saith he, “hath slain the unhappy French king, in the midst of his host, it is *rarum insigne, memorabile facinus*—a rare, a notable, and a memorable act; yea further, it is *facinus non sine Dei optimi maximi particulari providentia et dispositione*, &c.—a fact done not without the special providence and appointment of our good God, and the suggestion and assistance of his Holy Spirit; yea, a far greater

## Case for the Crown.

The Attorney-General

work than was the slaying of Holofernes by holy Judith." *Verus monachus fictum occiderat*—a true monk had killed the false monk; for that, as was reported, Henry III sometimes would use that habit when he went on procession; and for France, even that part thereof which entertaineth the Popish religion, yet never could of ancient time brook this usurped authority of the See of Rome, namely, that the Pope had power to excommunicate kings, and absolve subjects from their oath of allegiance; which position is so directly opposite to all the canons of the Church of France, and to all the decrees of the King's Parliament there, as that the very body of Sorbonne, and the whole university at Paris, condemned it as a most schismatical, pestilent, and pernicious doctrine of the Jesuits; as may appear in a treatise made to the French king, and set out 1602, intitled *Le franc Discours*. But to return to the Jesuits, Catesby was resolved by the Jesuits, that the fact was both lawful and meritorious; and herewith he persuaded and settled the rest, as they seemed to make doubt.

Concerning Thomas Bates, who was Catesby's man, as he was wound into this treason by his master, so was he resolved, when he doubted of the lawfulness thereof, by the doctrine of the Jesuits. For the manner, it was after this sort: Catesby noting that his man observed him extraordinarily, as suspecting somewhat of that which he, the said Catesby, went about, called him to him at his lodging in Puddlewharf; and in the presence of Thomas Winter, asked him what he thought the business was they went about, for that he of late had so suspiciously and strangely marked them. Bates answered that he thought they went about some dangerous matter, whatsoever the particular were; whereupon they asked him again what he thought the business might be, and he answered that he thought they intended some dangerous matter about the Parliament-house, because he had been sent to get a lodging near unto that place. Then did they make the said Bates take an oath to be secret in the action; which being taken by him, they then told him that it was true that they were to execute a great matter; namely, to lay powder under the Parliament-house to blow it up.

## Guy Fawkes and Others.

### The Attorney-General

Then they also told him that he was to receive the Sacrament for the more assurance, and thereupon he went to confession to the said Tesmond, the Jesuit: and in his confession told him that he was to conceal a very dangerous piece of work that his master Catesby and Thomas Winter had imparted unto him, and said he much feared the matter to be utterly unlawful, and therefore therein desired the counsel of the Jesuit; and revealed unto him the whole intent and purpose of blowing up the Parliament-house upon the first day of the assembly; at what time the King, the Queen, the Prince, the Lords spiritual and temporal, the judges, the knights, citizens, and burgesses, should all have been there convented and met together. But the Jesuit, being a confederate therein before, resolved and encouraged him in the action; and said that he should be secret in that which his master had imparted unto him, for that it was for a good cause. Adding moreover, that it was not dangerous unto him, nor any offence to conceal it; and thereupon the Jesuit gave him absolution, and Bates received the Sacrament of him in the company of his master Robert Catesby and Thomas Winter. Also, when Rookwood in the presence of sundry of the traitors, having first received the oath of secrecy, had by Catesby imparted unto him the Plot of blowing up the King and State, the said Rookwood, being greatly amazed thereat, answered that it was a matter of conscience to take away so much blood; but Catesby replied that he was resolved, and that by good authority as coming from the Superior of the Jesuits, that in conscience it might be done, yea, though it were with the destruction of many innocents, rather than the action should *quail*. Likewise Father Hammond absolved all the traitors at Robert Winter's house upon Thursday after the discovery of the Plot, they being then in open rebellion; and therefore, *Hos, O Rex magne, caveto*: and let all kings take heed, how they either favour or give allowance or connivance unto them.

2. The second consideration respecteth the persons against whom this treason was intended, which are, first, the King, who is God's anointed. Nay, it hath pleased God to communicate unto him his own name; *Dixi, dii estis*, not sub-

## Case for the Crown.

The Attorney-General

stantially or essentially so, neither yet on the other side *usurpative*, by unjust usurpation, as the devil and the Pope; but *potestative*, as having his power derived from God within his territories. [He is] their natural liege lord, and dread sovereign, whose just interest and title to his crown may be drawn from before the Conquest; and if he were not a king by descent, yet deserved he to be made one for his rare and excellent endowments and ornaments both of body and mind. Look into his true and constant religion and piety, his justice, his learning above all kings christened, his acumen, his judgment, his memory, and you will say that he is indeed *Solus præteritis major, meliorque futuris*. But because I cannot speak what I would, I will forbear to speak what I could. Also, against the Queen, a most gracious and grateful lady, a most virtuous, fruitful, and blessed vine, who hath happily brought forth such olive branches, as that *in benedictione erit memoria ejus*—her memory shall be blessed of all our posterity. Then against the Royal-issue-male, next under God, and after our Sovereign, the future hope, comfort, joy, and life of our State. And as for preserving of the good Lady Elizabeth, the King's daughter, it should only have been for a time to have served for their purposes, as being thought a fit project to keep others in appetite for their own further advantage; and then God knoweth what would have become of her. To conclude, against all the most honourable and prudent counsellors, and all the true-hearted and worthy nobles, all the reverend and learned bishops, all the grave judges and sages of the law, all the principal knights, gentry, citizens, and burgesses of Parliament, the flower of the whole Realm. *Horret animus*, I tremble even to think of it. Miserable desolation! No King, no Queen, no Prince, no Issue-male, no Counsellors of State, no nobility, no bishops, no judges! O barbarous, and more than Scythian or Thracian cruelty! No mantle of holiness can cover it, no pretence of religion can excuse it, no shadow of good intention can extenuate it; God and heaven condemn it, man and earth detest it, the offenders themselves were ashamed of it; wicked people exclaim against it, and the souls of all true Christian subjects abhor it; miserable, but

## Guy Fawkes and Others.

### The Attorney-General

yet sudden had their ends been, who should have died in that fiery tempest and storm of gunpowder. But more miserable had they been that had escaped; and what horrible effects the blowing up of so much powder and stuff would have wrought, not only amongst men and beasts, but even upon insensible creatures, churches, and houses, and all places near adjoining, you who have been martial men best know. For myself, *Vox faucibus hæret*: so that the King may say with the kingly prophet David: "O Lord, the proud are risen against me, and the congregation, even synagoga, the synagogue of naughty men have sought after my soul, and have not set Thee before their eyes" (Psalm lxxxvi. 14). "The proud have laid a snare for me, and spread a net abroad, yea, and set traps in my way" (Psalm cxl. 5). "But let the ungodly fall into their own nets together, and let me ever escape them" (Psalm cxli. 11). "We may say, If the Lord himself had not been on our side; yea, if the Lord himself had not been on our side, when men rose up against us, they had swallowed us up quick, when they were so wrathfully displeased at us: but praised be the Lord, which hath not given us over for a prey unto their teeth. Our soul is escaped even as a bird out of the snare of the fowler, the snare is broken, and we are delivered; our help standeth in the name of the Lord which hath made heaven and earth" (Psalm cxxiv).

3. The third consideration respects the time when this treason was conspired; wherein note that it was *primo Jacobi*, even at that time when His Majesty used so great lenity towards recusants, in that by the space of a whole year and four months he took no penalty by statute of them. So far was His Majesty from severity that, besides the benefit and grace before specified, he also honoured all alike with advancement and favours; and all this was continued until the priests' treason by Watson and Clarke. But as there is *miser cordia puniens*, so is there likewise *crudelitas parcens*: for they were not only by this not reclaimed but (as plainly appeareth) became far worse. Nay, the Romish Catholics did at that very time certify that it was very like the King would deal rigorously with them, and the same do these traitors

## Case for the Crown.

The Attorney-General

now pretend as the chiefest motive; whereas, indeed, they had treason on foot against the King before they saw his face in England; neither afterwards, for all the lenity he used towards them, would any whit desist or relent from their wicked attempts. Nay (that which cometh next to be remembered in this part of their arraignment), they would pick out the time of Parliament for the execution of their hideous treasons, wherein, the flower of the land being assembled for the honour of God, the good of his Church and this Commonwealth, they might as it were with one blow, not wound, but kill and destroy the whole State: so that with these men, *impunitas continuum affectum tribuit peccandi*—lenity, having once bred a hope of impunity, begat not only insolency, but impenitency and increase of sin.

4. We are to consider the place, which was the sacred senate, the House of Parliament. And why there? For that, say they, unjust laws had formerly been there made against Catholics; therefore that was the fittest place of all others to revenge it, and to do justice in. If any ask who should have executed this their justice, it was Justice Fawkes, a man like enough to do according to his name. If by what law they meant to proceed, it was gunpowder-law, fit for justices of hell. But concerning those laws which they so calumniate as unjust, it shall in few words plainly appear that they were of the greatest both moderation and equity that ever were any. For from the year 1 Elizabeth unto 11, all Papists came to our Church and service without scruple. I myself have seen Cornwallis, Beddingfield, and others at church; so that then for the space of ten years they made no conscience nor doubt to communicate with us in prayer. But when once the Bull of Pope Pius Quintus was come and published, wherein the Queen was accursed and deposed, and her subjects discharged of their obedience and oath, yea cursed if they did obey her; then did they all forthwith refrain the Church, then would they have no more society with us in prayer; so that recusancy in them is not for religion, but in an acknowledgment of the Pope's power, and a plain manifestation what their judgment is concerning the right of the Prince in respect of regal power and place.

## Guy Fawkes and Others.

### The Attorney-General

Two years after, viz., 13 Elizabeth, was there a law made against the bringing in of Bulls, &c. Anno 18, came Mayne a priest to move sedition. Anno 20, came Campion the first Jesuit, who was sent to make a party here in England, for the execution of the former Bull; then follow treasonable books. Anno 23, Elizabeth, after so many years sufferance, there were laws made against recusants and seditious books: the penalty or sanction for recusancy was not loss of life, or limb, or whole state, but only a pecuniary mulct and penalty, and that also until they would submit and conform themselves and again come to Church, as they had done for ten years before the Bull. And yet afterwards the Jesuits and Romish priests both coming daily into and swarming within the Realm, and infusing continually this poison into the subjects' hearts, that by reason of the said Bull of Pius Quintus Her Majesty stood excommunicated and deprived of her kingdom, and that her subjects were discharged of all obedience to her, endeavouring by all means to draw them from their duty and allegiance to Her Majesty and to reconcile them to the Church of Rome; then 27 Elizabeth a law was made that it should be treason for any (not to be a priest and an Englishman, born the Queen's natural subject, but for any) being so born her subject, and made a Romish priest, to come into any of her dominions, to infect any of her royal subjects with their treasonable and damnable persuasions and practices; yet so, that it concerned only such as were made priests sithence Her Majesty came to the crown, and not before.

Concerning the execution of these laws, it is to be observed likewise that whereas in the quinquenny, the five years of Queen Mary, there were cruelly put to death about 300 persons for religion in all Her Majesty's time by the space of 44 years and upwards, there were for treasonable practices executed in all not 30 priests, nor above five receivers and harbourers of them, and for religion not any one. And here, by the way, I desire those of Parliament to observe that it is now questioned and doubted whether the law of recusants and reconciled persons do hold for Ireland also, and the parts beyond the seas: that is, whether such as were there

## Case for the Crown.

The Attorney-General

reconciled be within the compass of the statute or not, to the end it may be cleared and provided for.

Now against the usurped power of the See of Rome, we have of former times about 13 several Acts of Parliament: so that the Crown and the King of England is no ways to be drawn under the government of any foreign power whatsoever, neither oweth duty to any, but is immediately under God himself. Concerning the Pope, for 33 of them, namely, unto Sylvester, they were famous martyrs. But *Quicumque desiderat primatum in terris, inveniat confusionem in coelis*—He that desires primacy upon earth, shall surely find confusion in heaven.

5. The fifth consideration is of the end, which was to bring a final and a fatal confusion upon the State. For howsoever they sought to shadow their impiety with the cloke of religion, yet they intended to breed a confusion fit to get new alterations, for they went to join with Romish Catholics and discontented persons.

6. Now the sixth point, which is the means to compass and work these designs, [which] were damnable: by mining, by 36 barrels of powder, having crows of iron, stones and wood laid upon the barrels to have made the breach the greater. Lord, what a wind, what a fire, what a motion and commotion of earth and air would there have been! But as it is in the book of Kings, when Elias was in the cave of the Mount Horeb, and that he was called forth to stand before the Lord, behold a mighty strong wind rent the mountains, and brake the rocks; *sed non in vento Dominus*—“but the Lord was not in that wind.” And after the wind, came a commotion of the earth and air; *Et non in commotione Dominus*—“the Lord was not in that commotion”; and after the commotion came fire; *et non in igne Dominus*—“the Lord was not in the fire.” So neither was God in any part of this monstrous action. The authors whereof were in this respect worse than the very damned spirit of Dives, who, as it is in the Gospel, desired that others should not come *in locum tormentorum*.

7. The next consideration is the secret continuing and



## Guy Fawkes and Others.

### The Attorney-General

carriage of this treason, to which purpose there were four means used. First, Catesby was commended to the Marquis for a regiment of horse in the Low-Countries (which is the same that the Lord Arundel now hath), that under that pretence he might have furnished this treason with horses without suspicion. The second means was an oath which they solemnly and severally took, as well for secrecy as perseverance and constancy in the execution of their plot. The form of the oath was as followeth: *You shall swear by the blessed Trinity, and by the Sacrament you now purpose to receive, never to disclose directly nor indirectly, by word or circumstance, the matter that shall be proposed to you to keep secret, nor desist from the execution thereof, until the rest shall give you leave.*

This oath was, by Gerard the Jesuit, given to Catesby, Percy, Christopher Wright, and Thomas Winter at once; and by Greenwell the Jesuit to Bates at another time, and so to the rest.

The third, was the Sacrament, which they impiously and devilishly profaned to this end. But the last was their perfidious and perjurious equivocating, abetted, allowed, and justified by the Jesuits, not only simply to conceal or deny an open truth, but religiously to aver, to protest upon salvation, to swear that which themselves know to be most false; and all this, by reserving a secret and private sense inwardly to themselves, whereby they are by their ghostly fathers persuaded that they may safely and lawfully elude any question whatsoever.

And here was shown a book written not long before the Queen's death, at what time Thomas Winter was employed into Spain, entituled *A Treatise of Equivocation*. Which book being seen and allowed by Garnet, the Superior of the Jesuits, and Blackwell, the Arch-priest of England, in the beginning thereof, Garnet with his own hand put out those words in the title "of equivocation," and made it thus, *A Treatise against Lying and Fraudulent Dissimulation*, whereas in deed and truth it makes for both; *Speciosaque nomina culpæ imponis, Garnet tuæ*. And in the end thereof, Blackwell besprinkles it with his blessing, saying, *Trac-*

## Case for the Crown.

The Attorney-General

*tatus iste, valde doctus et vere pius, et Catholicus est; certe S. Scripturarum, patrum, doctorum, scholasticorum, canonistarum, et optimarum rationum præsidis plenissime firmat æquitatem æquivocationis; ideoque dignissimus est qui typis propagetur, ad consolationem, afflictorum Catholicorum, et omnium piorum instructionem.* That is, "This treatise is very learned, godly, and Catholic, and doth most fully confirm the equity of equivocation, by strong proofs out of Holy Scriptures, fathers, doctors, schoolmen, canonists, and soundest reasons; and therefore worthy to be published in print, for the comfort of afflicted Catholics, and instruction of all the godly."

Now, in this book there is *propositio mentalis, verbalis, scripta*, and *mixta*—distinguishing of a mental, a verbal, a written, and a mixed proposition; a very labyrinth to lead men into error and falsehood. For example, to give you a little taste of this art of cozening, a man is asked upon his oath this question, "Did you see such a one to-day?" He may by this doctrine answer, "No," though he did see him, viz., reserving this secret meaning, not with purpose to tell my Lord Chief Justice; or, "I see him not *visione beatifica*," or, "not in Venice, &c." Likewise to answer thus, "I was in the company," reserving and intending secretly as added this word "not," as Strange the Jesuit did to my Lord Chief Justice and myself. Take one or two of these out of that very book, as for purpose: A man cometh unto Coventry in a time of suspicion and plague, and at the gates the officers meet him, and upon his oath examine him whether he came from London or no, where they think certainly the plague to be. This man knowing for certain the plague not to be at London, or at least knowing that the air is not there infectious, and that he only rode through some secret place of London, not staying there, may safely swear he came not from London, answering to their final intention in their demand, that is, whether he came so from London that he may endanger their city of the plague, although their immediate intention was to know whether he came from London or no. That man, saith the book, the very light of nature would clear from perjury.

## Guy Fawkes and Others.

### The Attorney-General

In like manner, one being convented in the Bishop's Court, because he refused to take such a one to his wife, as he had contracted with, *per verba de præsenti*, having contracted with another privily before, so that he cannot be husband to her that claimeth him, may answer that he never contracted with her *per verba de præsenti*, understanding that he did not so contract that it was a marriage, for that is the final intention of the judge, to know whether there were a sufficient marriage between them or no.

Never did Father Cranmer, Father Latimer, Father Ridley, those blessed martyrs, know these shifts, neither would they have used them to have saved their lives. And surely let every good man take heed of such jurors or witnesses, there being no faith, no bond of religion or civility, no conscience of truth in such men; and, therefore, the conclusion shall be that of the prophet David, *Domine libera animam meam a labiis iniquis et a lingua dolosa*—"Deliver me, O Lord, from lying lips, and from a deceitful tongue."

S.P.Q.R. was sometimes taken for these words, *Senatus Populusque Romanus*—The Senate and People of Rome; but now they may truly be expressed thus, *Stultus Populus querit Romam*—A foolish People that runneth to Rome.

[And here was very aptly and delightfully inserted and related the apologue or tale of the cat and the mice. The cat having a long time preyed upon the mice, the poor creatures at last, for their safety, contained themselves within their holes; but the cat finding his prey to cease, as being known to the mice that he was indeed their enemy and a cat, deviseth this course following, viz., changeth his hue, getteth on a religious habit, shaveth his crown, walks gravely by their holes. And yet perceiving that the mice kept their holes, and looking out, suspected the worst, he formally, and father-like said unto them, *Quod fueram non sum, frater; caput aspice tonsum!*—"O brother, I am not as you take me for, no more a cat; see my habit and shaven crown!" Hereupon some of the more credulous and bold among them, were again, by this deceit, snatched up; and therefore when afterwards he came as before to entice them forth, they would come out no more, but answered, *Cor*

## Case for the Crown.

The Attorney-General

*tibi restat idem, vix tibi præsto fidem*—"Talk what you can, we will never believe you, you have still a cat's heart within you. You do not watch and pray, but you watch to prey." And so have the Jesuits, yea, and priests too, for they are all joined in the tails like Samson's foxes, Ephraim against Manasses, and Manasses against Ephraim, but both against Judah.]

8. The last consideration is concerning the admirable discovery of this treason, which was by one of themselves, who had taken the oath and Sacrament, as hath been said, against his own will: the means was by a dark and doubtful letter sent to my Lord Monteagle.\* And thus as much as touching the considerations, the observations follow, to be considered in this Powder-treason, and are briefly thus.

1. If the cellar had not been hired, the mine work could hardly, or not at all, have been discovered; for the mine was neither found nor suspected until the danger was past, and the capital offenders apprehended, and by themselves, upon examination, confessed.

2. How the King was divinely illuminated by Almighty God, the only Ruler of Princes, like an Angel of God, to direct and point as it were to the very place, to cause a search to be made there, out of those dark words of the letter concerning a terrible blow.

3. Observe a miraculous accident which befell in Stephen Littleton's house, called Holbach in Staffordshire, after they had been two days in open rebellion, immediately before the apprehension of these traitors: for some of them standing by the fireside, and having set two pounds and a half of powder to dry in a platter before the fire, and underset the said platter with a great linen bag full of other powder, containing some fifteen or sixteen pounds; it so fell out, that one coming to put more wood into the fire, and casting it on, there flew a coal into the platter, by reason whereof the powder taking fire and blowing up, scorched those who were nearest, as Catesby, Grant, and Rookwood, blew up the roof of the house; and the linen-bag which was set under the

\* The letter to Lord Monteagle is inserted in King James's Account of the Discovery of the Gunpowder Plot, which follows this case.—ED.

# Guy Fawkes and Others.

## The Attorney-General

platter being therewith suddenly carried out through the breach, fell down in the courtyard whole and unfired; which if it had took fire in the room, would have slain them all there, so that they never should have come to this trial: and *Lex justior nulla est quam necis artifices arte perire sua?*

4. Note, that gunpowder was the invention of a fryer, one of the Romish rabble, as printing was of a soldier.

5. Observe the sending of Bainham, one of the damned crew, to the High-priest of Rome, to give signification of this blow, and to crave his direction and aid.

6. That for all their stirring and rising in open rebellion, and notwithstanding the false rumours given out by them, that the throats of all Catholics should be cut; such is His Majesty's blessed Government, and the loyalty of his subjects, as they got not any one man to take their parts besides their own company.

7. Observe, the Sheriff, the ordinary minister of justice, according to the duty of his office, with such power as he on a sudden by law collected, suppressed them.

8. That God suffered their intended mischief to come so near the period, as not to be discovered, but within a few hours before it should have been executed.

9. That it was in the entering of the sun into the tropic of Capricorn when they began their mine; noting, that by mining, they should descend; and by hanging, ascend.

10. That there never was any Protestant minister in any treason and murder as yet attempted within this Realm.

I am now come to the last part, which I proposed in the beginning of this discourse; and that is, touching certain comparisons of this Powder-treason of the Jesuits, with that of Raleigh, and the other of the priests Watson and Clarke.

1. They had all one end, and that was the Romish Catholic cause.

2. The same means, by Popish and discontented persons, priests and laymen.

3. They all played at hazard; the priests were at the bye, Raleigh at the main, but these in at all; as purposing to destroy all the King's royal issue, and withal the whole estate.

## Case for the Crown.

The Attorney-General

4. They were all alike obliged by the same oath and Sacrament.

5. The same proclamations were intended, after the fact, to be published for reformation of abuses.

6. The like army provided for invading, to land at Milford-Haven or in Kent.

7. The same pensions of crowns promised.

8. The agreeing of the times of the treason of Raleigh and these men, which was when the constable of Spain was coming hither: and Raleigh said there could be no suspicion of any invasion, seeing that the constable of Spain was then expected for a treaty of peace; and the navy might be brought to the Groyn under pretence of the service in the Low-Countries. And Raleigh further said that many more were hanged for words than for deeds. And before Raleigh's treason was discovered, it was reported in Spain that Don Raleigh and Don Cobham should cut the King of England's throat.

I say not that we have any proofs that these of the Powder-plot were acquainted with Raleigh, or Raleigh with them; but as before was spoken of the Jesuits and priests, so they all were joined in the ends, like Samson's foxes in the tails, howsoever severed in their heads.

The conclusion shall be from the admirable clemency and moderation of the King, in that howsoever these traitors have exceeded all others their predecessors in mischief, and so, *Crescente malitia, crescere debuit et pœna*; yet neither will the King exceed the usual punishment of law, nor invent any new torture or torment for them; but is graciously pleased to afford them as well an ordinary course of trial, as an ordinary punishment, much inferior to their offence. And surely worthy of observation is the punishment by law provided and appointed for high treason, which we call *crimen læsæ majestatis*. For first after a traitor hath had his just trial and is convicted and attainted, he shall have his judgment to be drawn to the place of execution from his prison as being not worthy any more to tread upon the face of the earth whereof he was made; also for that he hath been retrograde to nature, therefore is he drawn backward at a horse-

## Guy Fawkes and Others.

### The Attorney-General

tail. And whereas God hath made the head of man the highest and most supreme part, as being his chief grace and ornament, *Pronaque cum spectent animalia cætera terram os homini sublime dedit*; he must be drawn with his head declining downward, and lying so near the ground as may be, being thought unfit to take benefit of the common air. For which cause also he shall be strangled, being hanged up by the neck between heaven and earth, as deemed unworthy of both, or either; as likewise, that the eyes of men may behold, and their hearts condemn him. Then is he to be cut down alive, and to have his privy parts cut off and burnt before his face as being unworthily begotten, and unfit to leave any generation after him. His bowels and inlayed parts taken out and burnt, who inwardly had conceived and harboured in his heart such horrible treason. After, to have his head cut off, which had imagined the mischief. And, lastly, his body to be quartered, and the quarters set up in some high and eminent place, to the view and detestation of men, and to become a prey for the fowls of the air.

And this is a reward due to traitors, whose hearts be hardened; for that it is physic of State and Government to let out corrupt blood from the heart. But *Pœnitentia vera nunquam, sera sed pœnitentia sera raro vera*—True repentance is indeed never too late: but late repentance is seldom found true; which yet I pray the merciful Lord to grant unto them, that having a sense of their offences, they may make a true and sincere confession both for their souls' health, and for the good and safety of the King and this State. And for the rest that are not yet apprehended, my prayer to God is, *Ut aut convertantur ne pereant, aut confundantur ne noceant*—"That either they may be converted, to the end they perish not, or else confounded, that they hurt not."

### Prisoners' Confessions Put in Evidence.

After this, by the direction of Mr. Attorney-General, were there several examinations (subscribed by themselves) shown particularly unto them and acknowledged by them to be

## Prisoners' Confessions.

their own, and true, wherein every one had confessed the treason.

Then did Mr. Attorney desire that albeit that which hath been already done and confessed at the bar might be all-sufficient for the declaration and justification of the course of justice then held, especially seeing we have *reos confitentes*, the traitors own voluntary confessions at the bar; yet for further satisfaction to so great a presence and audience, and their better memory of the carriage of these treasons, the voluntary and free confessions of all the said several traitors in writing subscribed with their own proper hands, and acknowledged at the bar, by themselves to be true, were openly and distinctly read; by which, amongst other things, it appeared that Bates was absolved for what he undertook concerning the Powder-treason, and being therein warranted by the Jesuits. Also it appeared that Tesmond the Jesuit, after that he knew the Powder-treason was discovered, and that these traitors had been in actual rebellion, confessed them, and gave them absolution: and this was on Thursday, the 7th of November.

Here also was mention made by Mr. Attorney of the confessions of Watson and Clarke, seminary priests, upon their apprehension; who affirmed that there was some treason intended by the Jesuits, and then in hand, as might appear:

1. By their continual negotiating at that time with Spain, which they assured themselves tending to nothing but a preparation for a foreign commotion.

2. By their collecting and gathering together such great sums of money, as then they had done, therewith to levy an army when time should serve.

3. For that sundry of the Jesuits had been tampering with Catholics, as well to dissuade them from acceptance of the King at his first coming, saying, that they ought rather to die than to admit of any heretic (as they continually termed His Majesty) to the crown; and that they might not, under pain of excommunication, accept of any but a Catholic for their sovereigns; as also to dissuade Catholics from their loyalty after the State was settled.

Lastly, in that they had both brought up store of great



## Guy Fawkes and Others.

horses throughout the country, and conveyed powder and shot and artillery secretly to their friends; wishing them not to stir, but keep themselves quiet until they heard from them.

### Verdict.

After the reading of their several examinations, confessions, and voluntary declarations as well of themselves, as of some of their dead confederates, they were all by the verdict of the jury found "Guilty" of the treasons contained in their indictment. And then being severally asked what they could say wherefore judgment of death should not be pronounced against them, there was not one of these (except Rookwood) who would make any continued speech either in defence or extenuation of the fact.

THOMAS WINTER only desired that he might be hanged both for his brother and himself.

GUY FAWKES being asked why he pleaded "Not Guilty," having nothing to say for his excuse, answered that he had so done in respect of certain conferences mentioned in the indictment, which he said that he knew not of, which were answered to have been set down according to course of law, as necessarily pre-supposed before the resolution of such a design.

KEYES said that his estate and fortune were desperate, and as good now as at another time, and for this cause rather than for another.

BATES craved mercy—ROBERT WINTER, mercy.

JOHN GRANT was a good while mute; yet after, submissively said, he was guilty of a conspiracy intended, but never effected.

But AMBROSE ROOKWOOD first excused his denial of the indictment, for that he had rather lose his life than give it. Then did he acknowledge his offence to be so heinous that he justly deserved the indignation of the King, and of the

## Verdict.

Lords, and the hatred of the whole Commonwealth; yet could he not despair of mercy at the hands of a Prince, so abounding in grace and mercy; and the rather, because his offence, though it were incapable of any excuse, yet not altogether incapable of some extenuation, in that he had been neither author nor actor, but only persuaded and drawn in by Catesby, whom he loved above any worldly man; and that he had concealed it not for any malice to the person of the King, or to the State, or for any ambitious respect of his own, but only drawn with the tender respect, and the faithful and dear affection he bare to Mr. Catesby his friend, whom he esteemed dearer than anything else in the world. And this mercy he desired not for any fear of the image of death, but for grief that so shameful a death should leave so perpetual a blemish and blot unto all ages, upon his name and blood. But howsoever that this was his first offence, yet he humbly submitted himself to the mercy of the King; and prayed that the King would herein imitate God, who sometimes doth punish *corporaliter, non mortaliter*—corporally, yet not mortally.

Then was related how that on Friday immediately before this arraignment, Robert Winter having found opportunity to have conference with Fawkes in the Tower, in regard of the nearness of their lodgings, should say to Fawkes, as Robert Winter and Fawkes confessed, that he and Catesby had sons, and that boys would be men, and that he hoped they would revenge the cause; nay, that God would raise up children to Abraham out of stones; also that they were sorry that nobody did set forth a defence or apology of their action, but yet they would maintain the cause at their deaths.

Here also was reported Robert Winter's dream, which he had before the blasting with powder in Littleton's house, and which he himself confessed and first notified, viz., that he thought he saw steeples stand awry, and within those churches strange and unknown faces. And after, when the foresaid blast had the day following scorched divers of the confederates, and much disfigured the faces and countenances of Grant, Rookwood, and others; then did Winter call to mind his dream, and to his remembrance thought, that the faces

## Guy Fawkes and Others.

of his associates so scorched, resembled those which he had seen in his dream.

### Digby's Plea of Guilty.

Then was Sir Everard Digby arraigned, and after his indictment was read, wherein he was charged, not only to have been acquainted with the Powder-treason, and concealed it, and taken the double oath of secrecy and constancy therein, but likewise to have been an actor in this conspiracy; and, lastly, to have exposed, and openly showed himself in the rebellion in the country amongst the rest of the traitors.

All which after he had attentively heard and marked, knowing that he had confessed it, and the strength and evidence of the proofs against him, and convicted with the testimony of his own conscience, showed his disposition to confess the principal part of the said indictment, and so began to enter into a discourse. But being advertised that he must first plead to the indictment directly, either "Guilty," or "Not Guilty," and that afterwards he should be licensed to speak his pleasure, he forthwith confessed the treason contained in the indictment, and so fell into a speech, whereof there were two parts, viz., motives, and petitions.

### Digby's Speech.

The first motive which drew him into this action, was not ambition or discontentment of his estate, neither malice to any Parliament, but the friendship and love he bear to Catesby, which prevailed so much, and was so powerful with him, as that for his sake he was ever contented and ready to hazard himself and his estate. The next motive was the cause of religion, which alone, seeing (as he said) it lay at the stake, he entered into resolution to neglect in that behalf his estate, his life, his name, his memory, his posterity, and all worldly and earthly felicity whatsoever; though he did utterly extirpate and extinguish all other hopes for the restoring of the Catholic religion in England. His third motive was that promises were broken with the Catholics. And, lastly, that they generally feared harder laws from

## Sir Everard Digby.

Sir Everard Digby

this Parliament against recusants, as that recusants' wives and women should be liable to the mulct as well as their husbands and men. And, further, that it was supposed that it should be made a *præmunire* only to be a Catholic.

His petitions were that sithence his offence was confined and contained within himself, that the punishment also of the same might extend only to himself and not to be transferred either to his wife, children, sisters, or others; and therefore for his wife he humbly craved that she might enjoy her jointure; his son, the benefit of an entail made long before any thought of this action; his sisters, their just and due portions, which were in his hands; his creditors, their rightful debts, which that he might more justly set down under his hand, he requested that before his death his man (who was better acquainted both with the men, and the particulars than himself) might be licensed to come unto him. Then prayed he pardon of the King and Lords for his guilt. And, lastly, he entreated to be beheaded; desiring all men to forgive him, and that his death might satisfy them for his trespass.

### Coke's Reply.

To this speech forthwith answered Sir EDWARD COKE, Attorney-General, but in respect of the time (for it grew now dark) very briefly:

1. For his friendship with Catesby, that it was mere folly and wicked conspiracy.

2. His religion, error and heresy.

3. His promises, idle and vain presumptions, as also his fears, false alarms, concerning wives that were recusants, if they were known so to be before their husbands (though they were good Protestants) took them, and yet for outward and worldly respects whatsoever, any would match with such; great reason there is that he or they should pay for it, as knowing the penalty and burden before, for *volenti et scienti non fit injuria*—no man receives injury in that to which he willingly and knowingly agreeth and consenteth. But if she were no recusant at the time of marriage, and yet afterwards he suffer her to be corrupted and seduced, by admitting

## Guy Fawkes and Others.

### The Attorney-General

priests and Romanists into his house; good reason likewise that he, be he Papist or Protestant, should pay for his negligence and misgovernment.

4. Concerning the petitions for wife, for children, for sisters, &c. : O how he doth now put on the bowels of nature and compassion, in the peril of his private and domestical estate! But before, when the public state of his country, when the King, the Queen, the tender Princes, the nobles, the whole kingdom were designed to a perpetual destruction, where was then this piety, this religious affection, this care? All nature, all humanity, all respect of laws both divine and human, were quite abandoned; then was there no conscience made to extirpate the whole nation, and all for a pretended zeal to the Catholic religion and the justification of so detestable and damnable a fact.

Here did Sir EVERARD DIGBY interrupt Mr. Attorney, and said that he did not justify the fact, but confessed that he deserved the vilest death and most severe punishment that might be; but he was a humble petitioner for mercy, and some moderation of justice.

Whereupon Mr. ATTORNEY replied that he should not look by the King to be honoured in the manner of his death, having so far abandoned all religion and humanity in his action, but that he was rather to admire the great moderation and mercy of the King, in that for so exorbitant a crime no new torture answerable thereunto was devised to be inflicted upon him. And for his wife and children, whereas he said that for the Catholic cause he was content to neglect the ruin of himself, his wife, his estate, and all, he should have his desire as it is in the Psalm, "Let his wife be a widow, and his children vagabonds; let his posterity be destroyed, and in the next generation let his name be quite put out." For the paying of your creditors, it is equal and just; but yet fit the King be first satisfied and paid, to whom you owe so much, as that all you have is too little: yet these things must be left to the pleasure of His Majesty, and the course of justice and law.

# The Earl of Northampton.

## The Earl of Northampton.

THE EARL OF NORTHAMPTON—You must not hold it strange, Sir Everard Digby, though at this time being pressed in duty, conscience, and truth, I do not suffer you to wander in the labyrinth of your own idle conceits, without opposition, to seduce others, as yourself have been seduced, by false principles, or to convey yourself by charms of imputation, by clouds of error, and by shifts of lately devised equivocation, out of that strait wherein your late secure and happy fortune hath been unluckily entangled, but yet justly surprised by the rage and revenge of your own rash humours. If in this crime (more horrible than any man is able to express) I could lament the estate of any person upon earth, I could pity you; but thank yourself and your bad counsellors for leading you into a crime of such a kind as no less benumbeth in all faithful, true, and honest men, the tenderness of affection, than did in you the sense of all humanity.

That you were once well thought of and esteemed by the late Queen I can witness, having heard her speak of you with that grace which might have encouraged a true gentleman to have run a better course. Nay, I will add further, that there was a time wherein you were as well affected to the King our master's expectation, though perhaps upon false rumours and reports that he would have yielded satisfaction to your unprobable and vast desires; but the seed that wanted moisture (as our Saviour himself reporteth) took no deep root; that zeal which hath no other end or object than the pleasing of itself, is quickly spent; and Trajan, that worthy and wise emperor, had reason to hold himself discharged, of all debts to those that had offended more by prevarication than they could ever deserve by industry.

The grace and goodness of His Majesty in giving honour at his first coming unto many men of your own affection, and (as I think) unto yourself; his facility in admitting all, without distinction of Trojan or of Tyrian to his royal presence upon just occasions of access; his integrity in setting open the gate of civil justice unto all his subjects equally and indifferently, with many other favours that succeeded by the

## Guy Fawkes and Others.

The Earl of Northampton

progression of peace; are so palpable and evident to all men that have either eyes of understanding, or understanding of capacity, as yourself and many others have been driven of late to excuse and countenance your execrable ingratitude with a false and scandalous report of some further hope and comfort yielded to the Catholics for toleration of connivance, before his coming to the Crown, than since have been performed, made good or satisfied.

I am not ignorant that this seditious and false alarm hath awakened and incited many working spirits to the prejudice of the present State that might otherwise have slept as before with silence and sufferance; it hath served for a shield of wax against a sword of power; it hath been used as an instrument of art to shadow false approaches, till the Trojan horse might be brought within the walls of the Parliament, with a belly stuffed, not as in old times with armed Greeks, but with hellish gunpowder. But howsoever God had blinded you and others in this action, as He did the king of Egypt and his instruments, for the brighter evidence of His own powerful glory; yet every man of understanding could discern that a Prince whose judgment had been fixed by experience of so many years upon the poles of the North and the South, could not shrink upon the sudden; no, nor since with fear of that combustion which Catesby, that arch-traitor, like a second Phaeton, would have caused in an instant in all the elements. His Majesty did never value fortunes of the world, in lesser matter than religion, with the freedom of his thoughts; he thought it no safe policy (professing as he did, and ever will) to call up more spirits into the circle than he could put down again; he knew, that *omne regnum in se divisum desolabitur*, philosophy doth teach that whatsoever any man may think in secret thought, that where one doth hold of Cephass, another of Appollo, openly dissension ensues, *quod insitum alieno solo est in id quo alitur natura vertente degenerat*; and the world will ever apprehend, that *Quorum est commune symbolum, facillimus est transitus*.

Touching the point itself of promising a kind of toleration to Catholics, as it was divulged by these two limbs of Lucifer, Watson and Percy, to raise a ground of practice and con-

## The Earl of Northampton.

The Earl of Northampton

spiracy against the State and person of our dear Sovereign, let the kingdom of Scotland witness for the space of so many years before his coming hither, whether either flattery or fear, no, not upon that enterprise of the 17th of November which would have put the patience of any prince in Europe to his proof, could draw from the King the least inclination to this dispensative indifference, that was only believed, because it was eagerly desired.

Every man doth know how great art was used, what strong wits sublimed, how many Ministers suborned and corrupted many years both in Scotland and in foreign parts, to set the King's teeth on edge with fair promises of future helps and supplies, to that happy end of attaining his due right in England, when the sun should set, to rise more gloriously in the same hemisphere, to the wonder both of this island and of the world. But all in vain; for *jacta erat alea*, the King's compass had been set before, and by a more certain rule, and they were commonly cast off as forlorn hopes in the King's favour, that ran a course of ranking themselves in the foremost front of foreign correspondency.

Upon notice given to His Majesty from hence some years before the death of the late Queen, that many men were grown suspicious of his religion, by rumours spread abroad, that some of those in foreign parts that seemed to be well affected to his future expectation had used his name more audaciously, and spoken of his favour to the Catholics more forwardly than the King's own conscience and unchangeable decree could acknowledge or admit (either with a purpose to prepare the minds of foreign princes, or for a practice to estrange and alienate affections at home) not only utterly renounced and condemned these encroachments of blind zeal, and rash proceedings, by the voices of his own Ministers, but was careful also for a caution to succeeding hopes, so far as lay in him, that by the disgrace of the delinquents in this kind, the minds of all English subjects chiefly might be secured, and the world satisfied.

No man can speak in this case more confidently than myself, that received in the Queen's time, for the space of many years, directions and warnings to take heed that neither



## Guy Fawkes and Others.

### The Earl of Northampton

any further comfort might be given to Catholics, concerning future favours than he did intend, which was to bind all subjects in one kingdom to one law, concerning the religion established, howsoever in civil matters he might extend his favour as he found just cause; nor any seeds of jealousy and diffidence sown in the minds of Protestants by Semeis and Achitophels, to make them doubtful of his constancy, to whom he would confirm with his dearest blood, that faith which he had sucked from the breasts of his nurse, apprehended from the cradle of his infancy, and maintained with his uttermost endeavour, affection, and strength; since he was more able out of reading and disputing, to give a reason of those principles which he had now digested and turned to nutriment.

He that wrote *The Book of Titles* before the late Queen's death declares abundantly by seeking to possess some foreign prince of the King's hereditary crowns, when the cause should come to the proof, and may witness instead of many, what hope there was of the King's favour or affection to Catholics in the case of toleration or dispensation, with exercise of conscience. For every man may guess that it was no slight or ordinary degree of despair that made him and other of his suit renounce their portion in the son and heir of that renowned and rare lady Mary Queen of Scotland, a member of the Roman Church; as some did in David, *Nulla nobis pars in David, nec hæreditas in filio Isai*; for hereof by letters intercepted in their passage into Scotland, the records and proofs are evident. His Majesty, so long as he was in expectation of that which by the work and grace of God he doth now possess, did ever seek to settle his establishment upon the faith of Protestants in generality, as the most assured sheet anchor. For though he found a number on the other side, as faithful and as well affected to his person, claim, and interest, as any men alive, as well in respect of their dependency upon the Queen his mother, as for the taste which they had of the sweetness of himself; yet finding with what strength of blood many have been over-carried out of a fervency in zeal in former times, observing to what censures they were subject, both in points of faith and limitation of loyalty; and last of all, forecasting to what end their

## The Earl of Northampton.

### The Earl of Northampton

former protestation would come, when present satisfaction should shrink, he was ever fearful to embark himself for any further voyage and adventure in this strait than his own compass might steer him and his judgment level him.

If any one green leaf for Catholics could have been visibly discerned by the eye of Catesby, Winter, Garnet, Fawkes, &c., they would neither have entered into practice with foreign princes during the Queen's time for prevention of the King's lawful and hereditary right, nor have renewed the same both abroad and at home by missions and combinations, after His Majesty was both applauded and entered. It is true, that by confessions we find that false priest Watson and arch-traitor Percy to have been the first devisors and divulgers of this scandalous report, as an accursed ground whereon they might with some advantage, as it was conceived, build the castles of their conspiracy.

Touching the first, no man can speak more soundly to the point than myself; for being sent into the prison by the King to charge him with this false alarm, only two days before his death, and upon his soul to press him in the presence of God, and as he would answer it at another bar, to confess directly whether at either of both these times he had access unto His Majesty at Edinburgh, His Majesty did give him any promise, hope, or comfort of encouragement to Catholics concerning toleration; he did there protest upon his soul that he could never win one inch of ground, or draw the smallest comfort from the King in those degrees, nor further than that he would have them apprehend, that as he was a stranger to this State, so till he understood in all points how those matters stood, he would not promise favour any way; but did protest that all the crowns and kingdoms in this world, should not induce him to change any jot of his profession, which was the pasture of his soul, and earnest of his eternal inheritance. He did confess that in very deed, to keep up the hearts of Catholics in love and duty to the King, he had imparted the King's words to many, in a better tune, and a higher kind of descant, than his book of plain song did direct; because he knew that others like sly bargemen looked that way when their stroke was bent another way. For this he craved pardon of the King in humble manner,

## Guy Fawkes and Others.

### The Earl of Northampton

and for his main treasons of a higher nature than those figures of hypocrisy; and seemed penitent, as well for the horror of his crime, as for the falsehood of his whisperings.

It hindered not the satisfaction which may be given to Percy's shadow (the most desperate Boutefeu in the pack) that as he died impenitent, for any thing we know, so likewise he died silent in the particulars. For first, it is not strange that such a traitor should devise so scandalous a slander out of the malice of his heart, intending to destroy the King by any means, and to advance all means that might remove obstructions and impediments to the plot of gunpowder. The more odious that he could make him to the party malecontent, and the more sharply that he could set the party malecontent upon the point and humour of revenge, the stronger was his hope at the giving of the last blow, to be glorified and justified. But touching the truth of the matters, it will be witnessed by many that this triator Percy, after both the first and second return from the King, brought to the Catholics no spark of comfort, of encouragement, of hope; whereof no stronger proof of argument doth need than that Fawkes and others were employed both into Spain and other parts for the reviving of a practice suspended and covered, after Percy's coming back, as in likelihood they should not have been, in case he had returned with a branch of olive in his mouth or yielded any ground of comfort to resolve upon.

Therefore I thought it thus far needful to proceed, for the clearing of those scandals that were cast abroad, by these forlorn hopes and graceless instruments. It only remains that I pray for your repentance in this world for the satisfaction of many, and forgiveness in the next world, for the saving of yourself, having had by the King's favour so long a time to cast up your account, before your appearance at the Seat of the Great Auditor.

### The Earl of Salisbury.

Then spake the Earl of SALISBURY, especially to that point of His Majesty's breaking of promise with recusants, which

## The Earl of Salisbury.

The Earl of Salisbury

was used and urged by Sir Everard Digby as a motive to draw him to participate in this so hideous a treason. Wherein his Lordship, after acknowledgment that Sir Everard Digby was his ally, and having made a zealous and religious protestation concerning the sincerity and truth of that which he would deliver, shortly and clearly defended the honour of the King herein, and freed His Majesty from all imputation and scandal of irresolution in religion, and in the constant and perpetual maintaining thereof, as also from having at any time given the least hope, much less promise, of toleration. To which purpose he declared how His Majesty, as well before his coming to this Crown, as at that very time, and always since, was so far from making of promise, or giving hope of toleration, that he ever professed he should not endure the very motion thereof from any.

And here his Lordship showed what was done at Hampton Court at the time of Watson's treason, where some of the greater recusants were convented; and being found then not to have their fingers in treason, were sent away again with encouragement to persist in their dutiful carriage, and with promise only of thus much favour. That those mean profits which had accrued since the King's time to His Majesty for their recusancy should be forgiven to the principal gentlemen, who had both at his entry shown so much loyalty, and had kept themselves so free since from all conspiracies.

Then did his Lordship also (the rather to show how little truth Sir Everard Digby's words did carry in anything which he had spoken) plainly prove, that all his protestations wherein he denied so constantly to be privy to the Plot of Powder were utterly false, by the testimony of Fawkes (there present at the bar) who had confessed that certain months before that session the said Fawkes being with Digby at his house in the country, about what time there had fallen much wet; Digby, taking Fawkes aside after supper, told him that he was much afraid that the powder in the cellar was grown dank, and that some new must be provided, lest that should not take fire.

Next, the said earl did justly and greatly commend the Lord Monteaule for his loyal and honourable care of his

# Guy Fawkes and Others.

## The Earl of Salisbury

Prince and country, in the speedy bringing forth of the letter sent unto him; wherein he said that he had shown both his discretion and fidelity.

Which speech being ended, Digby then acknowledged that he spake not that of the breach of promise out of his own knowledge, but from their relation whom he trusted, and, namely, from Sir Thomas Tresham.

## Sentence.

Now were the jury returned, who having delivered their verdict, whereby they jointly found those seven prisoners arraigned upon the former indictment "Guilty," Serjeant Phillips craved judgment against those seven upon their conviction and against Sir Everard Digby upon his own confession.

Then the LORD CHIEF JUSTICE OF ENGLAND, after a grave and prudent relation and defence of the laws made by Queen Elizabeth against recusants, priests, and receivers of priests, together with the several occasions, progresses and reasons of the same; and having plainly demonstrated and proved that they were all necessary, mild, equal, moderate, and to be justified to all the world, pronounced judgment.

Upon the rising of the Court, Sir Everard Digby, bowing himself towards the Lords, said, "If I may but hear any of your Lordships say you forgive me, I shall go more cheerfully to the gallows."

Whereunto the Lords said, "God forgive you, and we do."

## Execution.

And so according to the sentence, on Thursday following, being the 30th of January, execution was done upon Sir Everard Digby, Robert Winter, John Grant, and Thomas Bates, at the west end of Paul's Church; and on Friday following upon Thomas Winter, Ambrose Rookwood, Robert Keyes, and Guy Fawkes, within the old Palace Yard, at Westminster, not far from the Parliament-House.



Execution of the Conspirators.

By N. de Visscher.

# History of the Plot.

## APPENDIX.

The following History of the Gunpowder-plot, written by King James himself, is extracted from the first Collection of his Works published during his life-time by Mountague, Bishop of Winchester.\*

While this land and whole monarchy flourished in a most happy and plentiful peace, as well at home as abroad, sustained and conducted by these two main good pillars of all good government, piety and justice, no foreign grudge nor inward whispering of discontentment any way appearing; the King, being upon his return from his hunting exercise at Royston, upon occasion of the drawing near of the Parliament-time, which had been twice prorogued already, partly in regard to the season of the year and partly of the term; as the winds are ever stillest immediately before a storm, and as the sun bleaks often hottest to foretell a following shower, so, at that time of greatest calm, did this secretly hatched thunder begin to cast forth the first flashes, and flaming lightnings of the approaching tempest. For the Saturday of the week immediately preceding the King's return, which was upon a Thursday, being but ten days before the Parliament, the Lord Monteagle, son and heir to the Lord Morley, being in his own lodgings ready to go to supper at seven of the clock at night, one of his footmen, whom he had sent of an errand over the street, was met by a man of a reasonable tall personage, who delivered him a letter, charging him to put it in my lord his master's hands; which my lord no sooner received, but that, having broken it up and perceiving the same to be of an unknown and somewhat unlegible hand, and without either date or superscription, did call one of his men unto him, for helping him to read it. But no sooner did he conceive the strange contents thereof, although he was somewhat perplexed what construction to make of it, as whether of a matter of consequence, as indeed it was, or

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\* So described in *State Trials*. It is in fact the main part of the *True and Perfect Relation*. The attribution to King James must not be taken seriously. The narrative was compiled by some Government official, perhaps Francis Bacon.—Ed.

## Guy Fawkes and Others.

whether some foolish devised pasquil by some of his enemies to scare him from his attendance at the Parliament, yet did he, as most dutiful and loyal subject, conclude not to conceal it, whatever might come of it. Whereupon, notwithstanding the lateness and darkness of the night in that season of the year, he presently repaired to His Majesty's Palace at Whitehall, and there delivered the same to the Earl of Salisbury, His Majesty's Principal Secretary. Whereupon the said Earl of Salisbury, having read the letter and heard the manner of the coming of it to his hands, did greatly encourage and commend my lord for his discretion, telling him plainly, that, whatsoever the purport of the letter might prove hereafter, yet did this accident put him in mind of divers advertisements he had received from beyond the seas, wherewith he had acquainted as well the King himself as divers of his Privy Counsellors concerning some business the Papists were in, both at home and abroad, making preparations for some combination amongst them against this Parliament-time for enabling them to deliver at that time to the King some petition for toleration of religion, which should be delivered in some such order and so well backed as the King should be loth to refuse their requests; like the sturdy beggars, craving alms with one open hand, but carrying a stone in the other in case of refusal. And therefore did the Earl of Salisbury conclude with the Lord Monteagle that he would, in regard of the King's absence, impart the same letter to some more of His Majesty's Council, whereof my Lord Monteagle liked well, only adding this request, by way of protestation that, whatsoever the event hereof might prove, it should not be imputed to him as proceeding from too light and too sudden an apprehension that he delivered this letter; being only moved thereunto for demonstration of his ready devotion and care for preservation of His Majesty and the State. And thus did the Earl of Salisbury presently acquaint the Lord Chamberlain with the said letter. Whereupon they two, in presence of the Lord Monteagle, calling to mind the former intelligence already mentioned, which seemed to have some relation with this letter, the tender care which they ever carried to the preservation of His Majesty's person made



## History of the Plot.

them apprehend that some perilous attempt did thereby appear to be intended against the same, which did the more nearly concern the said Lord Chamberlain to have a care of, in regard that it doth belong to the charge of his office to oversee as well all places of assembly where His Majesty is to repair as His Highness's own private houses. And therefore did the said two Counsellors conclude that they should join unto themselves three more of the Council, to wit, the Lord Admiral, the Earls of Worcester and Northampton, to be also particularly acquainted with this accident, who, having all of them concurred together to the re-examination of the contents of the said letter, they did conclude that how slight a matter it might at the first appear to be, yet it was not absolutely to be contemned in respect of the care which it behoved them to have of the preservation of His Majesty's person; but yet resolved for two reasons first to acquaint the King himself with the same before they proceeded to any further inquisition in the matter, as well for the expectation and experience they had of His Majesty's fortunate judgment in clearing and solving obscure riddles and doubtful mysteries as also because the more time would, in the meantime, be given for the practice to ripen, if any was, whereby the discovery might be more clear and evident and the ground of proceeding thereupon more safe, just, and easy. And so according to their determination did the said Earl of Salisbury repair to the King in his gallery upon Friday, being Allhallow's-day, in the afternoon, which was the day after His Majesty's arrival, and none but himself being present with His Highness at that time, where, without any other speech, or judgment given of the letter, but only relating simply the form of the delivery thereof, he presented it to His Majesty. The contents whereof follow :

My Lord, Out of the love I bear to some of your friends, I have a care of your preservation : therefore I would advise you, as you tender your life, to devise some excuse, to shift off your attendance at this Parliament. For God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety. For, though there be no appearance of any stir, yet I say, they shall receive a terrible blow this Parliament,

## Guy Fawkes and Others.

and yet they shall not see who hurts them. This counsel is not to be condemned, because it may do you good, and can do you no harm, for the danger is past so soon as you have burnt the letter; and I hope God will give you grace to make good use of it; to whose holy protection I commend you.\*

The King no sooner read the letter but, after a little pause and then reading it once again, he delivered his judgment of it in such sort, as he thought it was not to be contemned, for that the stile of it seemed to be more quick and pithy than is usual to be in any pasquil or libel, the superfluities of idle brains. But the Earl of Salisbury, perceiving the King to apprehend it deeplier than he looked for, knowing his nature, told him, that he thought, by one sentence in it, that it was like to be written by some fool, or madman, reading to him this sentence in it: "For the danger is past, as soon as you have burnt the letter"; which, he said, was likely to be the saying of a fool; for, if the danger was past, so soon as the letter was burnt, then the warning behoved to be of little avail, when the burning of the letter might make the danger to be eschewed. But the King, on the contrary, considering the former sentence in the letter, "that they should

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\* "Who it was," observes Kennet, "that wrote this Letter to the Lord Monteaule was never known, or how it came that king James suspected its meaning to be what it really was, is in a great part a mystery to this day. Yet I cannot give myself leave to doubt, but king James had some light given him from Henry 4th of the designs of the Papists against him; for in the duke of Sully's Memoirs, there is more than once mention made of some 'sudden Blow' they intended in England about that time: and in one Letter, king James is desired to take warning from the fate of Henry 3. I am the more confirmed in this opinion, that in the Harangue pronounced at Rome in praise of Ravilliac the Assassin of Henry 4, which has since been so often quoted by several authors, both Papist and Protestant, as an argument that the Jesuits approved the murder: it is there said, 'That Henry 4, was not only an inveterate enemy to the Catholick religion in his heart, but had obstructed the glorious enterprises of those that would have restored it in England, and occasion'd them to be crown'd with Martyrdom.' Now it's well known, Garnet and the rest that were executed for the Gun-Powder-Plot, were reputed Martyrs for the Catholick cause by the college of Jesuits at Rome, where that Harangue was pronounced." See also Welwood. It is now a common opinion that the above letter to Lord Monteaule was sent by his sister Mary, the wife of Thomas Habington or Abingdon. Some particulars of this family and of their concern with the treasonable transactions in the reigns of Elizabeth and James 1st. are to be found in Nash's History of Worcestershire.

## History of the Plot.

receive a terrible blow at this Parliament, and yet should not see who hurt them," joining it to the sentence immediately following, already alledged, did thereupon conjecture that the danger mentioned should be some sudden danger by a blowing up of powder; for no other insurrection, rebellion or whatsoever other private and desperate attempt could be committed or attempted in time of Parliament, and the authors thereof unseen, except only if it were by a blowing up of powder, which might be performed by one base knave in a dark corner. Whereupon he was moved to interpret and construe the latter sentence in the letter, alledged by the Earl of Salisbury against all ordinary sense and construction in grammar, as if by these words, "For the danger is past, as soon as you have burnt the letter," should be closely understood the suddenness and quickness of the danger, which should be as quickly performed and at an end, as that paper should be a blazing up in the fire; turning that word of "as soon" to the sense of "as quickly"; and therefore wished that, before his going to the Parliament, the under-rooms of the Parliament-house might be well and narrowly searched. But the Earl of Salisbury, wondering at this His Majesty's commentary, which he knew to be so far contrary to his ordinary and natural disposition, who did rather ever sin upon the other side in not apprehending nor trusting due advertisements of practices and perils when he was truly informed of them, whereby he had many times drawn himself into many desperate dangers; and interpreting rightly this extraordinary caution at this time to proceed from the vigilant care he had of the whole State more than of his own person, which could not but have all perished together, if this designment had succeeded, he thought good to dissemble still unto the King, that there had been any just cause of such apprehension; and, ending the purpose with some merry jest upon this subject, as his custom is, took his leave for that time.

But, though he seemed so to neglect it to His Majesty, yet, his customable and watchful care of the King and the State still boiling within him, and having, with the Blessed Virgin Mary, laid up in his heart the King's so strange judgment

## Guy Fawkes and Others.

and construction of it, he could not be at rest, till he acquainted the aforesaid lords what had passed between the King and him in private. Whereupon they were all so earnest to renew again the memory of the same purpose to His Majesty, that it was agreed that he should the next day, being Saturday, repair to His Highness; which he did in the same privy gallery, and renewed the memory thereof, the Lord Chamberlain then being present with the King. At which time it was determined that the said Lord Chamberlain should, according to his custom and office, view all the Parliament-houses, both above and below, and consider what likelihood or appearance of any such danger might possibly be gathered by the sight of them. But yet, as well for staying of idle rumours as for being the more able to discern any mystery, the nearer that things were in readiness, his journey thither was ordained to be deferred till the afternoon before the sitting down of the Parliament, which was upon the Monday following. At which time he (according to his conclusion) went to the Parliament-house, accompanied with my Lord Monteagle, being, in zeal to the King's service, earnest and curious to see the event of that accident, whereof he had the fortune to be the first discoverer; where, having viewed all the lower rooms, he found in the vault under the upper house great store and provision of billets, faggots, and coals; and, inquiring of Whyneard, Keeper of the Wardrobe, to what use he had put those lower rooms and cellars, he told him that Thomas Percy had hired both the house, and part of the cellar, or vault, under the same; and that the wood and coal therein were the said gentleman's own provision. Whereupon the Lord Chamberlain, casting his eye aside, perceived a fellow standing in a corner there, calling himself the said Percy's man and keeper of that house for him, but indeed was Guido Fawkes, the owner of that hand which should have acted that monstrous tragedy.

The Lord Chamberlain, looking upon all things with a heedful indeed, yet in outward appearance with but a careless and rackless eye, as became so wise and diligent a Minister, he presently addressed himself to the King in the said privy gallery; where, in the presence of the Lord Treasurer, the

## History of the Plot.

Lord Admiral, the Earls of Worcester, Northampton, and Salisbury, he made his report what he had seen and observed there; noting that Monteagle had told him that he no sooner heard Thomas Percy named to be the possessor of that house but, considering both his backwardness in religion and the old dearness in friendship between himself and the said Percy, he did greatly suspect the matter and that the letter should come from him. The said Lord Chamberlain also told that he did not wonder a little at the extraordinary great provision of wood and coal in that house, where Thomas Percy had so seldom occasion to remain; as likewise it gave him in his mind, that his man looked like a very tall and desperate fellow.

This could not but increase the King's former apprehension and jealousy; whereupon he insisted as before that the house was narrowly to be searched and that those billets and coals should be searched to the bottom, it being most suspicious\* that they were laid there only for covering of the powder. Of this same mind also were all the Counsellors then present; but upon the fashion of making of the search was it long debated. For, upon the one side, they were all so jealous of the King's safety that they all agreed that there could not be too much caution used for preventing his danger; and yet, upon the other part, they were all extreme loth and dainty that, in case this letter should prove to be nothing but the evaporation of an idle brain, then a curious search, being made and nothing found, should not only turn to the general scandal of the King and the State as being so suspicious of every light and frivolous toy, but likewise lay an ill-favoured imputation upon the Earl of Northumberland, one of His Majesty's greatest subjects and Counsellors, this Thomas Percy being his kinsman and most confident familiar. And the rather were they curious upon this point, knowing how far the King detested to be thought suspicious or jealous of any of his good subjects, though of the meanest degree; and therefore, though they all agreed upon the main ground, which was to provide for the security

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\* *I.e.*, "there being all the more ground for suspecting."—Ed.

## Guy Fawkes and Others.

of the King's person, yet did they much differ in the circumstances, by which this action might be best carried with least din and occasion of slander. But, the King himself still persisting that there were divers shrewd appearances and that a narrow search of those places could prejudice no man that was innocent, he at last plainly resolved them that either must all the parts of those rooms be narrowly searched, and no possibility of danger left unexamined, or else he and they all must resolve not to meddle in it at all, but plainly to go the next day to the Parliament, and leave the success to fortune, which, he believed, they would be loth to take upon their conscience, for, in such a case as this an half-doing was worse than no doing at all. Whereupon it was last concluded that nothing should be left unsearched in those houses, and yet, for the better colour and stay of rumour in case nothing were found, it was thought meet that, upon a pretence of Whyneard's missing some of the King's stuff, or hangings, which he had in keeping, all these rooms should be narrowly ripped for them. And, to this purpose, was Sir Thomas Knevet (a gentleman of His Majesty's Privy-chamber) employed, being a Justice of Peace in Westminster and one of whose ancient fidelity both the late Queen and our now Sovereign have had large proof; who, according to the trust committed unto him, went, about the midnight next after, to the Parliament-house, accompanied with such a small number as was fit for that errand; but before his entry in the house finding Thomas Percy's alleged man standing without the doors, his clothes and boots on, at so dead a time of the night he resolved to apprehend him, as he did, and thereafter went forward to the searching of the house where, after he had caused to be over-turned some of the billets and coals, he first found one of the small barrels of powder, and afterwards all the rest, to the number of 36 barrels, great and small; and thereafter, searching the fellow whom he had taken, found three matches and all other instruments fit for blowing up the powder ready upon him; which made him instantly confess his own guiltiness; declaring also unto him that if he had happened to be within the house when he took him, as he was immediately before (at the ending of his

## History of the Plot.

work), he would not have failed to have blown him up, house and all.

Thus, after Sir Thomas had caused the wretch to be surely bound and well guarded by the company he had brought with him, he himself returned back to the King's Palace, and gave warning of his success to the Lord Chamberlain, and Earl of Salisbury, who, immediately warning the rest of the Council, that lay in the house, as soon as they could get themselves ready, came, with their fellow counsellors to the King's bed-chamber, being at that time near four of the clock in the morning. And at the first entry of the King's chamber-door, the Lord Chamberlain, being not any longer able to conceal his joy for the preventing of so great a danger, told the King in a confused haste that all was found and discovered and the traitor in hands and fast bound.

Then, order being first taken for sending for the rest of the Council that lay in the town, the prisoner himself was brought into the house, where, in respect of the strangeness of the accident, no man was stayed from the sight or speaking with him. And, within a while after, the Council did examine him, who, seeming to put on a Roman resolution, did, both to the Council and to every other person that spoke with him that day, appear so constant and settled upon his grounds, as we all thought we had found some new Mutius Scaevola born in England. For, notwithstanding the horror of the fact, the guilt of his conscience, his sudden surprising, the terror which should have been struck in him, by coming into the presence of so grave a Council, and the restless and confused questions that every man all that day did vex him with, yet was his countenance so far from being dejected as he often smiled in scornful manner, not only avowing the fact but repenting only, with the said Scaevola, his failing in the execution thereof, whereof, he said, the Devil, and not God, was the discoverer; answering quickly to every man's objection, scoffing at any idle questions which were propounded unto him, and jesting with such as he thought had no authority to examine him. All that day could the Council get nothing out of him, touching his accomplices, refusing to answer to any such questions which he thought

## Guy Fawkes and Others.

might discover the plot, and laying all the blame upon himself; whereunto, he said, he was moved only for religion and conscience sake, denying the King to be his lawful sovereign, or the anointed of God, in respect he was a heretic, and giving himself no other name than John Johnson, servant to Thomas Percy. But the next morning being carried to the Tower, he did not there remain above two or three days, being twice or thrice in that space re-examined, and the rack only offered and showed unto him, when the mask of his Roman fortitude did visibly begin to wear and slide off his face; and then did he begin to confess part of the truth, and, thereafter, to open the whole matter, as doth appear by his depositions immediately following:

*The true Copy of the DEPOSITION OF GUIDO FAWKES, taken in the Presence of the Counsellors, whose names are underwritten.*

I confess that a practice in general was first broken unto me against His Majesty for relief of the Catholic cause, and not invented or propounded by myself. And this was first propounded unto me about Easter last was twelve-month, beyond the seas, in the Low-Countries, of the Archduke's obeisance, by Thomas Winter, who came thereupon with me into England, and there we imparted our purpose to three other gentlemen more, namely, Robert Catesby, Thomas Percy, and John Wright, who, all five, consulting together, of the means how to execute the same; and taking a vow, among ourselves, for secrecy, Catesby propounded to have it performed by gunpowder, and by making a mine under the Upper House of Parliament, which place we made choice of the rather, because religion has been unjustly suppressed there, it was fittest that justice and punishment should be executed there.

This being resolved amongst us, Thomas Percy hired a house at Westminster for that purpose, near adjoining to the Parliament-house, and there we began to make our mine, about the 11th of December, 1604.

The five that first entered into the work were Thomas Percy, Robert Catesby, Thomas Winter, John Wright, and myself, and soon after we took another unto us, Christopher Wright, having sworn him also, and taken the Sacrament for secrecy.

When we came to the very foundation of the wall of the house, which was about 3 yards thick, and found it a matter of great difficulty, we took unto us another gentleman, Robert Winter, in like manner, with the oath and Sacrament as aforesaid.

It was about Christmas when we brought our mine unto the wall, and about Candlemas we had wrought the wall half through:



## History of the Plot.

and, whilst they were in working, I stood as sentinel, to descry any man that came near, whereof I gave them warning, and so they ceased until I gave notice again to proceed.

All we seven lay in the house, and had shot and powder, being resolved to die in that place before we should yield or be taken.

As they were working upon the wall, they heard a rushing in a cellar, of removing of coals; whereupon we feared we had been discovered; and they sent me to go to the cellar, who finding that the coals were a-selling and that the cellar was to be let, viewing the commodity thereof for our purpose, Percy went and hired the same for yearly rent.

We had before this provided and brought into the house twenty barrels of powder, which we removed into the cellar and covered the same with billets and faggots, which were provided for that purpose.

About Easter, the Parliament being prorogued till October next, we dispersed ourselves, and I retired into the Low-Countries by advice and direction of the rest; as well to acquaint Owen with the particulars of the Plot, as also, lest, by my longer stay, I might have grown suspicious, and so have come in question.

In the meantime, Percy, having the key of the cellar, laid in more powder and wood into it. I returned, about the beginning of September next, and, then, receiving the key again of Percy, we brought in more powder and billets to cover the same again, and so I went for a time into the country, till the 30th of October.

It was further resolved amongst us that, the same day that this act should have been performed, some other of our confederates should have surprised the person of the Lady Elizabeth, the King's eldest daughter, who was kept in Warwickshire, at the Lord Harrington's house, and presently have proclaimed her Queen, having a project of a proclamation ready for that purpose; wherein we made no mention of altering religion, nor would have avowed the deed to be ours, until we should have had power enough to make our party good, and then we would have avowed both.

Concerning Duke Charles, the King's second son, we had sundry consultations how to seize on his person: but, because we found no means how to compass it, the Duke being kept near London, where we had not force enough, we resolved to serve our turn with the Lady Elizabeth.

The names of other principal persons that were made privy afterwards to this horrible conspiracy: Everard Digby, knt., Ambrose Rookwood, Francis Tresham, John Grant, Robert Keyes.

Commissioners: Nottingham, Suffolk, Worcester, Devonshire, Northampton, Salisbury, Marre, Dunbarr, Popham.—Edward Coke, W. Waad.

## Guy Fawkes and Others.

And in regard that, before this discourse could be ready to go to the press, Thomas Winter, being apprehended, and brought to the Tower, made a confession, in substance agreeing with the former of Fawkes, only larger in some circumstances: I have thought good to insert the same likewise in this place, for the further clearing of the matter, and greater benefit of the reader.

THOMAS WINTER'S CONFESSION, *taken the 23rd of November, 1605, in the presence of the Counsellors, whose names are underwritten.*

My most honourable lords, Not out of hope to obtain pardon; for, speaking of my temporal part, I may say the fault is greater than can be forgiven; nor affecting hereby the title of a good subject; for I must redeem my country from as great a danger, as I have hazarded the bringing of her into, before I can purchase any such opinion; only at your honours' command I will briefly set down my own accusation, and how far I have proceeded in this business: which I shall the faithfuller do, since I see such courses are not pleasing to Almighty God, and that all, or the most material parts, have been already confessed.

I remained with my brother in the country from Allhallow's-tide, until the beginning of Lent, in the year of our Lord 1603, the first year of the King's reign; about which time Mr. Catesby sent thither, intreating me to come to London, where he and other my friends would be glad to see me. I desired him to excuse me; for I found myself not very well disposed; and, which had happened never to me before, returned the messenger without my company. Shortly I received another letter, in any wise to come. At the second summons I presently came up, and found him with Mr. John Wright, at Lambeth, where he broke with me how necessary it was not to forsake our country, for he knew I had then a resolution to go over, but to deliver her from the servitude in which she remained, or at least to assist her with our uttermost endeavours. I answered that I had often hazarded my life upon far lighter terms and now would not refuse any good occasion wherein I might do service to the Catholic cause, but for myself I knew no mean probable to succeed. He said that he had bethought him of a way at one instant to deliver us from all our bonds, and without any foreign help to replant again the Catholic religion; and withal told me in a word, it was to blow up the Parliament-house with gunpowder; for, said he, in that place have they done us all the mischief, and perchance God hath designed that place for their punishment. I wondered at the strangeness of the conceit, and told him that true it was this struck at the root, and would breed a confusion fit to beget new alterations;

## History of the Plot.

but if it should not take effect, as most of this nature miscarried, the scandal would be so great which the Catholic religion might hereby sustain as not only our enemies, but our friends, also would with good reason condemn us. He told me the nature of the disease required so sharp a remedy, and asked me if I would give my consent. I told him "Yes," in this or what else soever, if he resolved upon it, I would venture my life. But I proposed many difficulties, as want of an house, and of one to carry the mine, noise in the working, and such like. His answer was, "Let us give an attempt, and where it faileth, pass no further. But first," quoth he, "because we will leave no peaceable and quiet way untried, you shall go over and inform the Constable of the state of the Catholics here in England, intreating him to solicit His Majesty, at his coming hither, that the penal laws may be recalled and we admitted into the rank of his other subjects; withal, you may bring over some confident gentleman, such as you shall understand best able for this business," and named unto me Mr. Fawkes. Shortly after, I passed the sea, and found the Constable at Bregen, near Dunkirk, where, by help of Mr. Owen, I delivered my message; whose answer was that he had strict command from his master, to do all good offices for the Catholics, and for his own part he thought himself bound in conscience so to do, and that no good occasion should be omitted; but spoke to him nothing of this matter.

Returning to Dunkirk with Mr. Owen, we had speech whether he thought the Constable would faithfully help us or no. He said he believed nothing less, and that they sought only their own ends holding small account of Catholics. I told him that there were many gentlemen in England, who would not forsake their country, until they had tried the uttermost, and rather venture their lives, than forsake her in this misery. And to add one more to our number, as a fit man both for counsel and execution of whatsoever we should resolve, wished for Mr. Fawkes, whom I had heard good commendations of. He told me the gentleman deserved no less, but was at Brussels, and that, if he came not, as happily he might before my departure, he would send him shortly after into England. I went soon after to Ostend, where Sir William Stanley as then was not, but came two days after. I remained with him three or four days, in which time I asked him, if the Catholics in England should do any thing to help themselves, whether he thought the Archduke would second them. He answered "No," for all those parts were so desirous of peace with England, as they would endure no speech of other enterprise; neither were it fit, said he, to set any project afoot, now the peace is upon concluding. I told him there was no such resolution, and so fell to discourse of other matters, until I came to speak of Mr. Fawkes, whose company I wished over into England. I asked of his sufficiency in the wars, and told him we should need such as he, if occasion required. He gave very good commendations

## Guy Fawkes and Others.

of him. And as we were thus discoursing, and ready to depart for Newport [Nieupoort], and taking my leave of Sir William, Mr. Fawkes came into our company, newly returned, and saluted us. "This is the gentleman," said Sir William, "that you wished for," and so we embraced again. I told him, some good friends of his wished his company in England, and that, if he pleased to come to Dunkirk, we would have further conference, whither I was then going: so taking my leave of them both, I departed. About two days after came Mr. Fawkes to Dunkirk, where I told him that we were upon a resolution to do somewhat in England, if the peace with Spain helped us not, but as yet resolved upon nothing.

Such or the like talk we passed at Graveling [Gravelines], where I lay for a wind, and when it served came both in one passage to Greenwich, near which place, we took a pair of oars, and so came up to London, and came to Mr. Catesby, whom we found in his lodging. He welcomed us into England, and asked me what news from the Constable. I told him, "Good words," but I feared the deeds would not answer.

This was the beginning of the Easter term; and about the midst of the same term, whether sent for by Mr. Catesby, or upon some business of his own, up came Mr. Thomas Percy. The first word he spoke, after he came into our company, was, "Shall we always, gentlemen, talk, and never do anything?" Mr. Catesby took him aside, and had speech about somewhat to be done, so as first we might all take an oath of secrecy, which we resolved within two or three days to do; so as there we met behind St. Clement's. Mr. Catesby, Mr. Percy, Mr. Wright, Mr. Guy Fawkes, and myself; and having upon a Primer given each other the oath of secrecy, in a chamber where no other body was, we went after into the next room and heard mass, and received the Blessed Sacrament upon the same. Then did Mr. Catesby disclose to Mr. Percy, and I, together with Jack Wright, tell to Mr. Fawkes, the business for which we took this oath, which they both approved. And then was Mr. Percy sent to take the house which Mr. Catesby in my absence had learned did belong to one Ferris, which with some difficulty in the end, he obtained, and became, as Ferris before was, tenant to Whiniard. Mr. Fawkes underwent the name of Mr. Percy's man, calling himself Johnson, because his face was the most unknown, and received the keys of the house, until we heard the Parliament was adjourned to the 7th of February. At which time we all departed several ways into the country to meet again at the beginning of Michaelmas term. Before this time, also, it was thought convenient to have a house that might answer to Mr. Percy's, where we might make provision of powder and wood for the mine, which, being there made ready, should in a night be conveyed by boat to the house by the parliament, because we were loth to foil that with often going in and out. There was none that we could devise so fit as Lambeth, where Mr.

## History of the Plot.

Catesby often lay; and to be keeper thereof, by Mr. Catesby's choice, we received into the number Keys, as a trusty honest man. This was about a month before Michaelmas.

Some fortnight after towards the beginning of the term, Mr. Fawkes and I came to Mr. Catesby at Morcrofts, where we agreed that now was time to begin and set things in order for the mine. So as Mr. Fawkes went to London, and the next day sent for me to come over to him; when I came, the cause was, for that the Scottish Lords were appointed to sit in conference of the Union in Mr. Percy's house. This hindered our beginning until a fortnight before Christmas, by which time both Mr. Percy and Mr. Wright were come to London, and we, against their coming, had provided a good part of the powder; so as we all five entered with tools fit to begin our work, having provided ourselves of baked-meats, the less to need sending abroad. We entered late in the night, and we never saw save only Mr. Percy's man until Christmas Eve. In which time we wrought under a little entry to the wall of the Parliament-house, and underpropped it, as we went, with wood.

Whilst we were together we began to fashion our business, and discoursed what we should do after this deed was done. The first question was how we might surprise the next heir. The Prince haply would be at the Parliament with the King his father; how should we then be able to seize on the Duke? This burthen Mr. Percy undertook, that by his acquaintance, he, with another gentleman, would enter the chamber without suspicion, and having some dozen others at several doors to expect his coming, and two or three on horseback at the Court-gate to receive him, he would undertake (the blow being given, until which he would attend in the Duke's chamber) to carry him safe away; for he supposed most of the Court would be absent, and such as were there not suspecting, or unprovided for any such matter. For the Lady Elizabeth, it were easy to surprise her in the country, by drawing friends together at an hunting, near the Lord Harrington's and Ashby, Mr. Catesby's house, being not far off, was a fit place for preparation.

The next was for money and horses, which if we could provide in any reasonable measure, having the heir apparent, and the first knowledge by four or five days, was odds sufficient.

Then what Lords we should save from the Parliament, which was first agreed in general, as many as we could that were Catholick or so disposed; but after we descended to speak of particulars.

Next, what foreign princes we should acquaint with this before, or join with after. For this point we agreed, that first we could not enjoin princes to that secrecy, nor oblige them by oath, so to be secure of their promise; besides, we knew not whether they will approve the project, or dislike it. And, if they do allow thereof, to prepare before might beget suspicion; and, not to provide until the business were acted, the same letter that carried news of the thing done,

## Guy Fawkes and Others.

might as well intreat their help and furtherance. Spain is too slow in his preparations to hope any good from in the first extremities, and France too near and too dangerous, who, with the shipping of Holland we feared of all the world might make away with us.

But while we were in the middle of these discourses, we heard that the Parliament should be anew adjourned until after Michaelmas; upon which tidings, we broke off both discourse and working until after Christmas. About Candlemas, we brought over in a boat the powder which we had provided at Lambeth, and laid it in Mr. Percy's house, because we were willing to have all danger in one place.

We wrought also another fortnight in the mine against the stone wall which was very hard to beat through; at which time we called in Kit Wright, and near to Easter, as we wrought the third time, opportunity was given to hire the cellar in which we resolved to lay the powder and leave the mine.

Now, by reason that the charge of maintaining us all so long together, besides the number of several houses, which, for several uses, had been hired, and buying of powder, &c., had lain heavy on Mr. Catesby alone to support, it was necessary for him to call in some others to ease his charge; and to that end desired leave, that he, with Mr. Percy, and a third, whom they should call, might acquaint whom they thought fit and willing to the business; "for many," said he, "may be content that I should know, who would not therefore that all the company should be acquainted with their names." To this we all agreed.

After this Mr. Fawkes laid into the cellar (which he had newly taken) a thousand billets and five hundred faggots, and with that covered the powder, because we might have the house free, to suffer any one to enter that would. Mr. Catesby wished us to consider, whether it were not now necessary to send Mr. Fawkes over, both to absent himself for a time, as also to acquaint Sir William Stanley and Mr. Owen with this matter. We agreed that he should (provided that he gave it them with the same oath that we had taken before) viz. to keep it secret from all the world. The reason why we desired Sir William Stanley should be acquainted herewith was to have him with us as soon as he could; and for Mr. Owen, he might hold good correspondency after with foreign princes. So Mr. Fawkes departed about Easter for Flanders, and returned the latter end of August. He told me that, when he arrived at Brussels, Sir William Stanley was not returned from Spain, so as he uttered the matter only to Owen, who seemed well pleased with the business, but told him, that surely Sir William would not be acquainted with any plot, as having business now afoot in the Court of England; but he himself would be always ready to tell it him, and send him away as soon as it were done.

## History of the Plot.

About this time did Mr. Percy and Mr. Catesby meet at the Bath, where they agreed that, the company being yet but few, Mr. Catesby should have the others' authority to call in whom he thought best; by which authority he called in after Sir Everard Digby, though at what time I know not, and last of all Mr. Francis Tresham. The first promised, as I heard Mr. Catesby say, fifteen hundred pounds; the second two thousand pounds. Mr. Percy himself promised all he could get out of the Earl of Northumberland's rents, which was about four thousand pounds, and to provide many galloping horses, to the number of ten.

Meanwhile Mr. Fawkes and myself alone bought some new powder, as suspecting the first to be dank, and conveyed it into the cellar, and set it in order, as we resolved it should stand. Then was the Parliament anew prorogued until the fifth of November, so as we all went down until some ten days before, when Mr. Catesby came up with Mr. Fawkes to an house by Enfield-Chace, called White-Webbes, whither I came to them, and Mr. Catesby willed me to inquire, whether the young prince came to the Parliament. I told him that I heard that his Grace thought not to be there. "Then must we have our horses," said Mr. Catesby, "beyond the water, and provision of more company to surprise the Prince, and leave the Duke alone."

Two days after, being Sunday at night, in came one to my chamber, and told me that a letter had been given to my Lord Monteagle, to this effect: that he wished his Lordship's absence from the Parliament, because a blow would there be given. Which letter he presently carried to my Lord of Salisbury.

On the morrow I went to White-Webbes and told it Mr. Catesby, assuring him withal that the matter was disclosed, and wishing him in any case to forsake his country. He told me he would see further as yet, and resolved to send Mr. Fawkes to try the uttermost, protesting, if the part belonged to himself, he would try the same adventure.

On Wednesday Mr. Fawkes went, and returned at night, of which we were very glad.

Thursday I came to London, and Friday Mr. Catesby, Mr. Tresham, and I met at Barnet, where we questioned how this letter should be sent to my Lord Monteagle, but could not conceive, for Mr. Tresham forswore it, whom we only suspected.

On Saturday night I met Mr. Tresham again in Lincoln's-Inn walks; wherein he told such speeches, that my Lord of Salisbury should use to the king, as I gave it lost the second time, and repeated the same to Mr. Catesby who hereupon was resolved to be gone, but staid to have Mr. Percy come up, whose consent herein we wanted. On Sunday Mr. Percy, being dealt with to that end, would needs abide the uttermost trial.

The suspicion of all hands put us into such confusion, as Mr.

## Guy Fawkes and Others.

Catesby resolved to go down into the country, the Monday that Mr. Percy went to Sion, and Mr. Percy resolved to follow the same night, or early the next morning. About five of the clock, being Tuesday, came the younger Wright to my chamber, and told me of a nobleman called the Lord Monteagle, saying, "Arise, and come along to Essex House, for I am going to call up my Lord of Northumberland"; saying withal, "The matter is discovered." "Go back, Mr. Wright," quoth I, "and learn what you can about Essex Gate." Shortly he returned, and said, "Surely he is lost; for Lepton is gone on horseback at Essex door, and, as he parted, he asked if their Lordships would have any more with him; and being answered "No," is rode fast up Fleet Street as he can ride." "Go you then," quoth I, "to Mr. Percy, for sure it is for him they seek, and bid him be gone, I will stay and see the uttermost." Then I went to the Court-gates, and found them straightly guarded, so as nobody could enter. From thence I went down towards the Parliament-house, and in the middle of King Street found the guard standing, that would not let me pass. And, as I returned, I heard one say, "There is a treason discovered, in which the King and the Lords should have been blown up." So then I was fully satisfied that all was known, and went to the stable where my gelding stood, and rode into the country.

Mr. Catesby had appointed our meeting at Dunchurch, but I could not overtake them until I came to my brother's which was Wednesday night. On Thursday we took the armour at my Lord Windsor's, and went that night to one Stephen Littleton's house, where the next day, being Friday, as I was early abroad to discover, my man came to me, and said that a heavy mischance had severed all the company, for that Mr. Catesby, Mr. Rookwood, and Mr. Grant were burnt with gunpowder, upon which sight the rest dispersed. Master Littleton wished me to fly, and so would he. I told him I would first see the body of my friend, and bury him, whatsoever befell me. When I came, I found Mr. Catesby reasonable well, Mr. Percy, both the Wrights, Mr. Rookwood, and Mr. Grant. I asked them what they resolved to do. They answered, We mean here to die. I said again, I would take such part as they did. About eleven of the clock came the company to beset the house, and, as I walked into the court, I was shot into the shoulder, which lost me the use of my arm; the next shot was the elder Wright struck dead; after him the younger Mr. Wright; and fourthly, Ambrose Rookwood. Then said Mr. Catesby to me (standing before the door they were to enter), "Stand by me, Tom, and we will die together." "Sir," quoth I, "I have lost the use of my right arm, and I fear that will cause me to be taken." So, as we stood close together, Mr. Catesby, Mr. Percy and myself, they two were shot, as far as I could guess, with one bullet, and then the company entered upon me, hurt me in the belly with a pike, and gave me other wounds, until one came



## History of the Plot.

behind, and caught hold of both my arms. And so I remain, yours, &c.

Commissioners: Nottingham, Suffolk, Worcester, Devonshire, Northampton, Salisbury, Marr, Dunbar, Popham.—Edw. Coke, W. Waad.

The names of those that were first in the treason, and laboured in the mine: Robert Catesby, Robert Winter, esqrs.; Thomas Percy, Thomas Winter, John Wright, Christopher Wright, Guido Fawkes, gentlemen, and Bates, Catesby's man.

Those that were made acquainted with it, though not personally labouring in the mine, nor in the cellar: Everard Digby, knt., Ambrose Rookwood, Francis Tresham, esqrs., John Graunt, gent., Robert Keyes.

But here let us leave Fawkes in a lodging fit for such a guest, and taking time to advise upon his conscience, and turn ourselves to that part of the history, which concerns the fortune of the rest of their partakers in that abominable treason. The news was no sooner spread abroad that morning, which was upon a Tuesday, the fifth of November and the first day designed for that session of Parliament; the news, I say, of this so strange and unlooked-for accident was no sooner divulged, but some of those conspirators, namely, Winter, and the two brothers of Wright's, thought it high time for them to hasten out of the town (for Catesby was gone the night before, and Percy at four of the clock in the morning the same day of the discovery), and all of them held their course with more haste than good speed to Warwickshire, towards Coventry, where the next day morning, being Wednesday and about the same hour that Fawkes was taken in Westminster, one Graunt, a gentleman, having associated unto him some others of his opinion, all violent Papists and strong recusants, came to a stable of one Benocke, a rider of great horses, and, having violently broken up the same, carried along with them all the great horses that were therein, to the number of seven or eight, belonging to divers noblemen and gentlemen of that country, who had put them into the rider's hands to be made fit for their service. And

## Guy Fawkes and Others.

so both that company of them which fled out of London, as also Graunt and his accomplices, met altogether at Dunchurch, at Sir Everard Digby's lodging, the Tuesday at night, after the discovery of this treacherous attempt; the which Digby had likewise, for his part, appointed a match of hunting, to have been hunted the next day, which was Wednesday, though his mind was, Nimrod-like, upon a far other manner of hunting, more bent upon the blood of reasonable men than brute beasts.

This company and hellish society, thus convened, finding their purpose discovered and their treachery prevented, did resolve to run a desperate course; and, since they could not prevail by so private a blow, to practise by a public rebellion, either to attain to their intents or, at least, to save themselves in the throng of others. And, therefore, gathering all the company they could unto them, and pretending the quarrel of religion, having intercepted such provision of armour, horses, and powder, as the time could permit, thought, by running up and down the country, both to augment piece and piece their number (dreaming to themselves that they had the virtue of a snow-ball, which, being little at first and tumbling down from a great hill, groweth to a great quantity, by increasing itself with the snow that it meeteth by the way), and also that they, beginning first this brave show in one part of the country, should, by their sympathy and example, stir up and encourage the rest of their religion in other parts of England to rise, as they had done there. But, when they had gathered their force to the greatest, they came not to the number of fourscore; and yet were they troubled, all the hours of the day to keep and contain their own servants from stealing from them; who, notwithstanding all their care, daily left them, being far inferior to Gideon's host in number, but far more in faith or justness of quarrel.

And so, after that this Catholic troop had wandered a while through Warwickshire to Worcestershire, and from thence to the edge and borders of Staffordshire, this gallantly armed band had not the honour, at the last, to be beaten with

## History of the Plot.

a King's lieutenant, or extraordinary commissioner sent down for the purpose, but only by the ordinary Sheriff of Worcestershire were they all beaten, killed, taken, and dispersed. Wherein ye have to note this following circumstance so admirable and so lively displaying the greatness of God's justice, as it could not be concealed without betraying, in a manner, the glory due to the Almighty for the same.

Although divers of the King's Proclamations were posted down after these traitors with all the speed possible, declaring the odiousness of that bloody attempt, the necessity to have had Percy preserved alive, if it had been possible, and the assembly together of that rightly damned crew, now no more darkened conspirators, but open and avowed rebels; yet the far distance of the way, which was above a hundred miles, together with the extreme deepness thereof, joined also with the shortness of the day, was the cause that the hearty and loving affections of the King's good subjects in those parts prevented the speed of his Proclamations. For, upon the third day after the flying down of these rebels, which was upon the Friday next after the discovery of their plot, they were most them all surprised by the sheriff of Worcestershire at Holbeech about the noon of the day, and that in manner following—

Graunt, of whom I have made mention before for taking the great horses, who had not all the preceding time stirred from his own house till the next morning, after the attempt should have been put in execution; he, then, laying his accounts without his host, as the proverb is, that their plot had, without failing, received the day before their hoped-for success, took, or rather stole, out those horses, as I said before, for enabling him, and so many of that foulest society that had still remained in the country near about him, to make a sudden surprise upon the King's elder daughter the Lady Elizabeth, having her residence nearby that place, whom they thought to have used for the colour of their treacherous design, His Majesty, her father, her mother, and male children being all destroyed above; and to this purpose, also, had that Nimrod, Digby, provided his hunting-match against that same time, that, numbers of people being flocked

## Guy Fawkes and Others.

together upon the pretence thereof, they might the easier have brought to pass the sudden surprise of her person.

Now the violent taking away of those horses long before day did seem to be so great a riot in the eyes of the common people that knew of no greater mystery; and the bold attempting thereof did engender such a suspicion of some following rebellion in the hearts of the wiser sort, as both great and small began to stir and arm themselves upon this unlooked-for accident. But, before twelve or sixteen hours past, Catesby, Percy, the Winters, Wrights, Rookwood, and the rest, bringing then the assurance that their main plot was failed and betrayed, whereupon they had built the golden mountain of their glorious hopes, they then took their last desperate resolution to flock together in a troop and wander, as they did, for the reasons aforetold. But as, upon the one part, the zealous duty to their God and their sovereign was so deeply imprinted in the hearts of all the meanest and poorest sort of the people, although then knowing of no further mystery, than such public misbehaviours, as their own eyes taught them, as, notwithstanding of their fair shows and pretences of their Catholic cause, no creature, man or woman, through all the country would, once so much as give them willingly a cup of drink or any sort of comfort or support, but with execrations detested them: so, on the other part, the sheriffs of the shires through which they wandered, conveying their people with all speed possible, hunted as hotly after them, as the evilness of the way, and the unprovidedness of their people, upon that sudden, could permit them. And so at last, after Sir Richard Verney, sheriff of Warwickshire, had carefully and straightly been in chace of them to the confines of his county, part of the meaner sort being also apprehended by him, Sir Richard Walsh, sheriff of Worcestershire, did likewise dutifully and hotly pursue them through his shire; and, having gotten sure trial of their taking harbour at the house above-named, he did send trumpeters and messengers to them, commanding them, in the King's name, to render unto him, His Majesty's minister; and knowing no more at that time of their guilt than was publicly visible, did promise, upon their dutiful

## History of the Plot.

and obedient rendering unto him, to intercede at the King's hands for the sparing of their lives; who received only from them this scornful answer, they being better witnesses to themselves of their inward evil consciences, "That he had need of better assistance, than of those few numbers that were with him before he could be able to command or control them." But here fell the wonderous work of God's justice, that, while this message passed between the sheriff and them, the sheriff's and his people's hearts being justly kindled and augmented by their arrogant answer, and so, they preparing themselves to give a furious assault, and the other party making themselves ready, within the house, to perform their promise by a defence as resolute, it pleased God that in the mending of the fire in their chamber one small spark should fly out and light among less than two pound-weight of powder, which was drying a little from the chimney; which, being thereby blown up, so maimed the faces of some of the principal rebels, and the hands and sides of others of them, blowing up with it also a great bag full of powder, which, notwithstanding, never took fire, as they were not only disabled and discouraged hereby, from any further resistance, in respect Catesby\* himself, Rookwood, Grant, and divers others of greatest account among them, were thereby made unable for defence, but also, wonderfully struck with amazement in their guilty consciences, calling to memory, how God had justly punished them with that same instrument, which they should have used for the effectuating of so great a sin, according to the old Latin saying, *In quo peccemus, in eodem plectimur*; as they presently (see the wonderful power of God's justice upon guilty consciences), did all fall down upon their knees, praying God to pardon them for their bloody enterprise; and, thereafter, giving over any further debate, opened the gate, suffered the sheriff's people to rush in furiously among them, and desperately sought their own present destruction: The three specials of them

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\* Catesby, who was the first inventor of this treason in general, and of the manner of working the same by powder, in special, himself now first maimed with the blowing up of powder, and, next, he and Percy both killed with one shot proceeding from gunpowder.

## Guy Fawkes and Others.

joining backs together, Catesby, Percy and Winter, whereof two with one shot, Catesby and Percy, were slain, and the third, Winter, taken and saved alive.

And thus these resolute and high-aspiring Catholics, who dreamed of no less than the destruction of kings and kingdoms, and promised to themselves no lower estate than the government of great and ancient monarchies, were miserably defeated and quite overthrown in an instant, falling in the pit which they had prepared for others; and so fulfilling that sentence, which His Majesty did in a manner prophesy of them in his oration to the Parliament; some presently slain, others deadly wounded, stripped of their clothes, left lying miserably naked, and so dying, rather of cold than of the danger of their wounds; and the rest, that either were whole or but lightly hurt, taken and led prisoners by the sheriff, the ordinary minister of justice, to the jail, the ordinary place, even of the basest malefactors, where they remained till their sending up to London, being met with a huge confluence of people of all sorts, desirous to see them, as the rarest sort of monsters: fools to laugh at them, women and children to wonder, all the common people to gaze, the wiser sort to satisfy their curiosity in seeing the outward cases of so unheard of a villainy; and, generally, all sorts of people to satiate and fill their eyes with the sight of them, whom, in their hearts, they so far admired and detested; serving so for a fearful and public spectacle of God's fierce wrath and just indignation.

What, hereafter, will be done with them is to be left to the justice of His Majesty and the State; which, as no good subject needs to doubt, will be performed in its own due time by a public and exemplary punishment; so have we, all that are faithful and humble subjects, great cause to pray earnestly to the Almighty, that it will please Him Who hath the hearts of all princes in His hands to put in His Majesty's heart to make such a conclusion of this tragedy to the traitors, but tragi-comedy to the King and all his true subjects, as thereby the glory of God and his true religion may be advanced, the future security of the King and his estate procured and provided for, all hollow and dishonest



**The Conspirators.**  
 Attributed to Simon de Pass.

## History of the Plot.

hearts discovered and prevented, and this horrible attempt, lacking due epithets, to be so justly avenged; that whereas they thought by one Catholic, indeed, and universal blow, to accomplish the wish of that Roman tyrant, who wished all the bodies in Rome to have but one neck, and so, by the violent force of powder, to break up, as with a petard, our triple-locked peaceful gates of Janus, which, God be thanked, they could not compass by any other means; they may justly be so recompensed for their truly viperous intended parricide, as the shame and infamy that otherwise would light upon this whole nation for having unfortunately hatched such cockatrice-eggs, may be repaired by the execution of famous and honourable justice upon the offenders, and so the kingdom purged of them may hereafter perpetually flourish in peace and prosperity by the happy conjunction of the hearts of all honest and true subjects with their just and religious Sovereign.

And thus, whereas they thought to have effaced our memories, the memory of them shall remain, but to their perpetual infamy; and we, as I said in the beginning, shall, with all thankfulness, eternally preserve the memory of so great a benefit. To which let every good subject say *Amen*.





*Si quid patimini propter iustitiam, beati i. petri  
Henricus Garnetus anglus e societate IESV professus  
- 3. May. 1606. -*

IGLIAN - WIERIX - F. EXCVI - COM - U - ET - PRIVILE. - REG - D - SVABIA -

**Henry Garnett.**  
Medallion Portrait by Wierix.

## Trial of Henry Garnet.

The Trial of HENRY GARNET, Superior of the Jesuits in England, at the Guild Hall of London, for a High Treason, being a Conspirator in the Gunpowder Plot: 4 Jac. I. 28th of March, A.D. 1606.

The Commissioners present were: Sir Leonard Holyday, Lord Mayor; the Earls of Nottingham, Suffolk, Worcester, Northampton, and Salisbury; the Lord Chief Justice of England, Sir John Popham; the Lord Chief Baron of the Exchequer; Sir Christopher Yelverton, kt., one of His Majesty's Justices of the King's Bench.

The substance and effect of the indictment of Henry Garnet, Superior of the Jesuits in England, appeareth before in the relation of the former arraignment, and therefore unnecessary to be repeated again; (3 Co. Inst. 27) which indictment was summarily and effectually repeated by Sir John Croke, kt., His Majesty's Serjeant-at-law, in this manner—

This person and prisoner here at the bar, this place, and this present occasion and action do prove that true which the Author of all Truth hath told us; that *Nihil est occultum quod non manifestabitur; et nihil est secretum quod non revelabitur et in palam veniet*—"There is nothing hid that shall not be made manifest; there is nothing secret that shall not be revealed and come in public." And that God by whom kings do reign, *Consilium pravorum dissipat*—doth scatter and bring to nought the counsel of the wicked.

That he spake with fear and trembling, and with horror and amazedness, against that rotten root of that hideous and hateful tree of treason, and of that detestable and unheard of wickedness he did crave pardon for it; affirming that no flesh could mention it without astonishment.

He showed that Henry Garnet, of the profession of the Jesuits, otherwise Wally, otherwise Darcy, otherwise Roberts, otherwise Farmer, otherwise Philips (for by all those names he called himself) stood indicted of the most barbarous and damnable treasons, the like whereof was never heard of: that he was a man *multorum nominum*, but not *boni nominis*;

## Guy Fawkes and Others.

His Majesty's Serjeant-at-law

of many names, as appeared by the indictment, but of no good name; adorned by God and Nature with many gifts and graces, if the grace of God had been joined with them, but that wanting, *quanto ornatior* in other gifts *tanto nequior*.

That this Garnet (His Majesty summoning his Parliament to be holden at Westminster the 19th of March, in the first year of his reign, and by divers prorogations continuing it till the third of October last), together with Catesby, lately slain in open rebellion, and with Oswald Tesmond, a Jesuit, otherwise Oswald Greenwell, as a false traitor against the most mighty and most renowned king, our Sovereign Lord King James, the 9th of June last traitorously did conspire and compass: to depose the King and to deprive him of his government: to destroy and kill the King and the noble Prince Henry, his eldest son—such a King and such a Prince, such a son of such a father, whose virtues are rather with amazed silence to be wondered at than able by any speech to be expressed: to stir sedition and slaughter throughout the kingdom: to subvert the true religion of God, and whole government of the kingdom: to overthrow the whole state of the Commonwealth.

The manner how to perform these horrible treasons, the Serjeant said, *Horreo dicere*, his lips did tremble to speak it, but his heart praised God for His mighty deliverance. The practice so inhuman, so barbarous, so damnable, so detestable as the like was never read nor heard of, or ever entered into the heart of the most wicked man to imagine. And here, he said, he could not but mention that religious observation so religiously observed by His Religious Majesty, wishing it were engraven in letters of gold in the hearts of all his people; the more hellish the imagination, the more divine the preservation.

This Garnet, together with Catesby and Tesmond, had speech and conference together of these treasons, and concluded most traitorously and devilishly: That Catesby, Winter, Fawkes, with many other traitors lately arraigned of high treason, would blow up with gunpowder in the Parliament-house the King, the Prince, the Lords Spiritual and

# Trial of Henry Garnet.

His Majesty's Sergeant-at-law

Temporal, the Judges of the Realm, the Knights, Citizens and Burgesses, and many other subjects and servants of the King assembled in Parliament, at one blow, traitorously and devilishly to destroy them all and piecemeal to tear them in asunder, without respect of majesty, dignity and degree, age or place.

And for that purpose, a great quantity of gunpowder was traitorously and secretly placed and hid by these conspirators under the Parliament-house.

## The Plea.

This being the substance and the effect of the indictment, Garnet did plead "Not Guilty" to it; and a very discreet and substantial jury, with allowance of challenges unto the prisoner, were sworn at the bar for the trial of him.

To whom the Serjeant showed that they should have evidences to prove him guilty, that they should be *lucē clariores*—that every man might read them running. They should have *testimonia rerum*, and *loquentia signa*—witnesses and testimonies of the things themselves, *reum confitentem*, or rather *reos confitentes, accusantes invicem*—that every one may say unto him, *Serve nequam*, "thou wicked subject, thou wicked servant," *ex ore tuo te judico*—"of thine own mouth I judge thee, of thine own mouth I condemn thee." And this shall be made so manifest by him that best can do it, as shall stop the mouth of all contradiction.

## Case for the Crown.

The ATTORNEY-GENERAL (Sir Edward Coke): Your Lordships may perceive by the parts of the indictment which have been succinctly opened, that this is but a latter act of that heavy and woeful tragedy, which is commonly called the Powder-treason; wherein some have already played their parts, and according to their demerits suffered condign punishment and pains of death. We are now to proceed against this prisoner for the same treason; in which respect the necessary repetition of some things before spoken, shall

## Guy Fawkes and Others.

### The Attorney-General

at the least seem tolerable: for that *Nunquam nimis dicitur quod nunquam satis dicitur*—it is never said too often, that can never be said enough. Nay, it may be thought justifiable to repeat in this case; for that in respect of the confluence and access of people at the former arraignment, many could not hear at that time; and yet, because I fear it would be tedious, for the most of all my Lords Commissioners and of this Honourable and Great Assembly were present at the arraignment, and for that I am now to deal with a man of another quality, I will only touch, and that very little, of the former discourse or evidence; and that little also shall be mingled with such new matter, as shall be worth the hearing, as being indeed of weight and moment, and all this with very great brevity.

But before I further proceed to the opening of this so great a cause, I hold it fit and necessary to give satisfaction to two divers and adverse sorts of men, who, according to the divers affections of their hearts, have divined and conjectured diversly of the cause of the procrastination and delay of proceeding, especially against this person: the matter where-with he stands charged being so transcendent and exorbitant as it is. The first sort of these, out of their hearty love and loyalty to their natural liege Lord and King and to their dear country and this State, have feared the issue of this delay, lest that others might be animated by such protraction of judgment to perpetrate the like: for they say, and it is most true, *Quia non profertur cito contra malos sententia, absque timore ullo filii hominum perpetrant mala*—because speedy justice is not executed against wicked men, the people without all fear commit wickedness. And pity it were that these good men should not be satisfied. The other sort are of those who, in respect no greater expedition hath been used against this prisoner at the bar, fall to excusing of him, as gathering these presumptions and conjectures: first, that if he, or any of the Jesuits, had indeed been justly to be touched with this most damnable and damned treason, surely they should have been brought forth and tried before this time: secondly, that there was a Bill exhibited in Parliament concerning this treason and this traitor, but that it was deferred

## Trial of Henry Garnet.

The Attorney-General

and proceeded not, for want of just and sufficient proofs: nay, thirdly, there was a particular apology spread abroad for this man, and another general for all Jesuits and priests, together with this imputation, that king-killing and queen-killing was not indeed a doctrine of theirs, but only a fiction and policy of our State, thereby to make the Popish religion to be despised and in disgrace.

Now for these men, pity it were that the eye of their understanding should not be enlightened and cleared, that so being by demonstrative and luculent proofs convinced, they may be to their prince and country truly converted. First, therefore, concerning the delay (though it be true, *Quod flagellatur in corde, qui laudatur in ore*) yet must I remember the great pains of my Lords the Commissioners of His Majesty's Privy Council in this cause: for Garnet, being first examined upon the 13th of the last month, hath sithence been again examined and interrogated above twenty several times, which lasted to the 26th of March, within two days of this arraignment. Touching the Bill in Parliament, it was indeed exhibited before Garnet was apprehended; but His Majesty's gracious pleasure was, that albeit this treason be without all precedent and example, yet they should quietly and equally be indicted, arraigned, publicly heard, and proceeded withal in a moderate, ordinary, and just course of law. Concerning their apologies and the fictions of State (as they term them), answer shall be made, by God's grace, in the proper place when I come to lay open the plots and practices of the Jesuits, to the satisfaction of all this Honourable and Great Assembly. But first I have a humble petition to present to your Lordships and the rest of this grave auditory for myself, in respect that I am necessarily to name great princes, yet with protestation and caution, that no blot is intended to be laid upon any of them. I know there is *Lex in sermone tenenda*—a law and rule to be observed in speaking, especially in this kind; and that kings and great princes and the mighty men of this earth are to be reverently and respectfully dealt withal: and therefore I humbly recommend unto you these considerations concerning this point of mentioning foreign states. First, that the kingdoms were at those times in open

## Guy Fawkes and Others.

### The Attorney-General

enmity and hostility, and that might be honourable at one time which was not so at another ; so that hostile actions were then justifiable and honourable, as being in times of hostility and war. Secondly, in these things it is not the King's Attorney that speaks, but Garnet the Jesuit : as also that it proceedeth from an inevitable necessity ; for that the examinations as well of this, as of the rest of the traitors, cannot otherwise be opened and urged against them : so is the mention of great men, by the impudency of these wicked traitors, woven into their confessions, as they cannot be severed.

And with this comfort I conclude the preface, that I hope in God this day's work, in the judgment of so many as shall be attentive and well disposed, shall tend to the glory of Almighty God, the honour of our religion, the safety of His Most Excellent Majesty and his Royal Issue, and the security of the whole Commonwealth.

For memory and method, all that I shall speak may be contracted to two general heads. 1. I will consider the offences, together with certain circumstances, precedent before the offence, concurrent with the offence, subsequent after the offence. 2. I will lay down some observations concerning the same.

For the proper name of this offence, because I must speak of several treasons for distinction and separation of this from the other, I will name it the Jesuits' treason, as belonging to them both *ex congruo et condigno* ; they were the proprietaries, plotters and procurers of it : and in such crimes *plus peccat auctor quam actor*—the author, or procurer, offendeth more than the actor or executer : as may appear by God's own judgment given against the first sin in Paradise, where the serpent had three punishments inflicted upon him as the original plotter ; the woman two, being as the mediate procurer ; and Adam but one, as the party seduced.

Circumstances precedent and subsequent so termed here, are indeed in their proper natures all high treasons ; but yet in respect of the magnitude, nay monstrousness of this treason, may comparatively, without any discountenance to them in this case, be used as circumstances. And because

## Trial of Henry Garnet.

The Attorney-General

I am to deal with the Superior of the Jesuits, I will only touch such treasons as have been plotted and wrought by the Jesuits, of whom this man was Superior; and those treasons also sithence this Garnet his coming into England, whereof he may truly say, *Et quorum pars magna fui.*

The coming of this Garnet into England (which very act was a treason) was about twenty years past, viz., in July, 1586, in the 28th year of the reign of the late Queen, of famous and blessed memory: whereas the year before, namely the 27th year of Elizabeth, there was a statute made, whereby it was treason for any who was made a Romish priest by any authority from the See of Rome sithence the first year of her reign to come into her dominions: which statute the Romanists calumniate as a bloody, cruel, unjust and a new upstart law, and abuse that place of our Saviour, "O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them that are sent unto thee, &c." (Matt. xxiii. 37) to that purpose: but indeed it is both mild, merciful and just, and grounded upon the ancient fundamental laws of England. For (as hath already in the former arraignments been touched) before the Bull of Impius Pius Quintus, in the 11th year of the Queen, wherein Her Majesty was excommunicated and deposed and all they accursed who should yield any obedience unto her, &c., there were no recusants in England; all came to church (howsoever Popishly inclined, or persuaded in most points) to the same divine service we now use. But thereupon presently they refused to assemble in our churches, or join with us in public service, not for conscience of anything there done against which they might justly except out of the Word of God, but because the Pope had excommunicated and deposed Her Majesty and cursed those who should obey her: and so upon this Bull ensued open rebellion in the North and many garboils. But see the event. Now most miserable, in respect of this Bull, was the state of Romish recusants; for either they must be hanged for treason in resisting their lawful sovereign, or cursed for yielding due obedience unto Her Majesty. And therefore of this Pope it was said by some of his own favourites that he was *Homo pius et doctus, sed nimis credulus*—a holy and



## Guy Fawkes and Others.

### The Attorney-General

a learned man, but over credulous; for that he was informed and believed that the strength of the Catholics in England was such, as was able to have resisted the Queen. But when the Bull was found to take such an effect, then was there a dispensation given, both by Pius Quintus himself and Gregory the Thirteenth, that all Catholics here might show their outward obedience to the Queen, *ad redimendam vexationem, et ad ostendendam externam obedientiam*; but with these cautions and limitations: 1. *Rebus sic stantibus*—things so standing as they did. 2. *Donec publica bullæ executio fieri posset*—that is to say, they might grow into strength until they were able to give the Queen a mate that the public execution of the said Bull might take place. And all this was confessed by Garnet under his own hand, and now again openly confessed at the bar.

In the 20th year of Queen Elizabeth came Campion the Jesuit and many others of his profession with him, purposely to make a party in England for the Catholic cause to the end that the Bull of Pius Quintus might be put in execution. And though all this while recusancy, being grounded upon such a disloyal cause, were a very dangerous and disloyal thing, yet was there no law made in that behalf until the 23rd year of Her Majesty's reign; and that also imposing only a mulct or penalty upon it until conformity were offered and shown. *Anno* 26 Eliz. came Parry with a resolution from Cardinal de Como and others that it was lawful to kill Her Majesty, as being excommunicated and deposed. Whereupon Her Majesty, entering into consultation how (together with her safety and the protection of her subjects) she might avoid the imminent dangers and yet draw no blood from these priests and Jesuits, found out this moderate and mild course as the best means to prohibit their coming at all into her land; there never being any king who would endure or not execute any such persons within their dominions as should deny him to be lawful king, or go about to withdraw his subjects from their allegiance, or incite them to resist or rebel against him. Nay, the bringing in of a Bull by a subject of this Realm against another in the time of Edward I was adjudged treason. But by the way, for that

## Trial of Henry Garnet.

The Attorney-General

Garnet had exclaimed, saying, "Shew us where was your Church before Luther, design the place, name the persons," and so forth, it is answered by a comparison of a wedge of pure gold, which, coming into the hands of impostors, is by their sophistications and mixtures, for gain and worldly respects, increased and augmented into a huge body and mass and retaining still an outward fair show and tincture of gold. "Where is now the pure gold?" said one, "shew me the place." I answer, "In that mass; but for the extracting thereof, and purifying it from dross, that must be done by the art of the workman, and the trial of the touchstone." So the true religion and service of Almighty God, being for human respects and worldly pomp mixed and overladen with a number of superstitious ceremonies and inventions of man, yet ever had God His true Church, holding His Truth, which hath been by skilful workmen, with the touchstone of the Word of God, refined and separate from the dross of man's inventions.

But to proceed. In the 28th year of Queen Elizabeth, being the year 1586 in June, came Garnet into England, breaking through the wall of treason; being in truth *totus compositus ex proditione*: and this was at that time when the Great Armada of Spain, which the Pope blessed and christened by the name of "The Invincible Navy," was, by the instigation of that High Priest of Rome, preparing and collecting together of many parcels, out of divers parts where they could be bought, or hired, or borrowed, and therefore may be called a compounded navy, having in it 158 great ships. The purveyors and fore-runners of this navy and invasion were the Jesuits, and Garnet among them, being a traitor, even in his very entrance and footing in the land. But the Queen with her own ships and her own subjects did beat this Armada, God Himself (whose cause indeed it was) fighting for us against them by fire and seas and winds and rocks and tempests, scattering all and destroying most of them: for *offenso Creatore, offenditur omnis creatura*—the Creator being offended, every creature is readily armed to revenge his quarrel: in which respect he is called the Lord of Hosts. So that of 158 scarce 40 of their ships returned to

## Guy Fawkes and Others.

### The Attorney-General

the bar of their own haven; and, as it is reported, most of them also perished, insomuch that in this respect we may say of Queen Elizabeth, as the poet writeth of the Christian emperor :

*O nimium dilecta Deo, cui militat æther,  
Et conjurati veniunt ad classica venti.*

Observe here that about the time of this invasion, there being in Spain met in consultation about that business the Cardinal of Austria, the Duke of Medina, Count Fuentes, two Irish bishops, with sundry military men and amongst others Winslade, an Englishman, the Irish bishops, perceiving that they expected a party of Catholics in England, resolved that true it was that it was not possible to do any good here in England unless there were a party of Catholics made beforehand. But such, said they, was the policy of England, as that could never be effected: for if any suspicion or fear arose, the Catholics should quickly be either shut up, or quite cut off. "Oh," saith an old soldier there present, "*Hoc facit pro nobis*"—that makes for us; for by that means their souls shall go to Heaven for their religion, their bodies to the earth for their treasons, and their lands and goods to us as conquerors." This was indeed that they principally aimed at.

Note here that sithence the Jesuits set foot in this land there never passed four years without a most pestilent and pernicious treason, tending to the subversion of the whole State.

After that hostile invasion in '88, the Jesuits fell again to secret and treasonable practices; for in the year '92 came Patrick Cullen, who was incited by Sir William Stanley, Hugh Owen, Jaques Fraunces, and Holt the Jesuit, and resolved by the said Holt to kill the Queen; to which purpose he received absolution and then the Sacrament at the hands of the said Jesuit, together with this ghostly counsel, that it was both lawful and meritorious to kill her. "Nay," said Jaques, that base laundress's son (who was a continued practiser both with this Cullen and others to destroy Her Majesty), "the State of England is and will be so settled that, unless Mistress Elizabeth be suddenly taken away, all the devils in Hell will not be able to prevail against it or shake it."

# Trial of Henry Garnet.

## The Attorney-General

Now Cullen's treason was accompanied with a book called *Philopater*, written for the abetting and warranting of such a devilish act in general by Cresswell, the legier Jesuit in Spain, under the name of Philopater.

*Anno* '94 came Williams and Yorke to the same end, viz., to kill the Queen; being wrought to undertake so vile and detestable a fact by Father Holt the Jesuit and other of his complices: and thereupon the said Williams and Yorke in the Jesuits' College received the Sacrament together of Father Holt and other Jesuits to execute the same. And that treason likewise was accompanied with a book written by the legier Jesuit and Rector of Rome, Parsons, under the name of Doleman, concerning titles or rather titles—a lewd and a lying book, full of falsehood, forgery, and malediction.

*Anno* '97 came Squire from Spain to poison Her Majesty, incited, directed, and warranted by Walpole a Jesuit, then residing there; at whose hands likewise, after absolution, he received the Sacrament, as well to put the practice in execution as to keep it secret. All these treasons were freely and voluntarily confessed by the parties themselves under their own hands, and yet remain extant to be seen.

In the year 1601, when practices failed, then was foreign force again attempted; for then, as in the former arraignment hath been declared, was Thomas Winter employed to the King of Spain, together with Tesmond the Jesuit, by this Garnet, who wrote his letters to Arthur, *alias* Joseph Cresswell, the only man whom I have heard of to change his Christian name, the legier Jesuit in Spain, for the furtherance of that negotiation; which was, as hath been said, to offer the services of the English Catholics to the King, and to deal further concerning an invasion, with promise from the Catholics here of forces, both of men and horses, to be in readiness to join with him. This negotiation, by the means of Cresswell, to whom Garnet wrote, took such effect that, the two kingdoms standing then in hostility, the proposition of the English Roman Catholics was accepted and entertained; an army to invade, as hath been specified in the former arraignment, promised, and 100,000 crowns, to be distributed amongst Romanists and discontented persons, making of a party in

## Guy Fawkes and Others.

### The Attorney-General

England and for the furtherance of the said service, granted. In the meantime the King earnestly desired that if the Queen of England should happen to die, he might receive present and certain advertisement thereof.

Now this treason was accompanied with the Pope's own writing: for now doth the Holy Father cause to be sent hither to Garnet two Briefs or Bulls, one to the clergy and another to the laity, wherein observe the title, the matter, the time. The title of the one was *Dilectis Filiis Principibus et Nobilibus Catholicis Anglicanis, Salutem et Apostolicam Benedictionem*—that is, To our beloved Sons the Nobles and Gentlemen of England, which are Catholics, Greeting and Apostolical Benediction. The title of the other was, *Dilectis Filiis Archipresbytero, et reliquo Clero Anglicano, &c.*—To our beloved sons, the archpriest, and the rest of the Catholic clergy. The matter was, that after the death of Her Majesty, whether by course of nature or otherwise, whosoever should lay claim or title to the Crown of England, though never so directly and nearly interested therein by descent and blood royal, yet unless he were such an one as would not only tolerate the Catholic (Romish) religion, but by all his best endeavours and force promote it, and according to the ancient custom would, by a solemn and sacred oath, religiously promise and undertake to perform the same, they should admit or receive none to be King of England. His words are these—*Quantumcunque propinquitate sanguinis niterentur, nisi ejusmodi essent qui fidem Catholicam non modo tolerarent, sed omni ope ac studio promoverent, et more majorum jure jurando se id prestituros susciperent, &c.*

As for King James (at whom the Pope aimed), he hath indeed both *propinquitatem* and *antiquitatem regalis sanguinis*—propinquity and antiquity of blood royal, for his just claim and title to this Crown, both before and since the Conquest. To insist upon the declaration and deduction of this point and pass along through the series and course of so many ages and centuries, as it would be over long for this place, so further I might herein seem as it were to gild gold: only in a word, His Majesty is lineally descended from Margaret the Saint, daughter of Edward, son of King

## Trial of Henry Garnet.

The Attorney-General

Edmund, grandchild of great Edgar, the British monarch. Which Margaret, sole heir of the English-Saxon king, was married to Malcolm, King of Scotland; who by her had issue David the Holy their King, from whom that race royal at this day is deduced; and Maud the Good, wife of the first and learned Henry, King of England, from whom His Majesty directly and lineally proceedeth, and of whom a poet of that time wrote:

*Nec decor effecit fragilem, non sceptrâ superbam,  
Sola potens humilis, sola pudica decens.*

And lastly, His Majesty cometh of Margaret also, the eldest daughter of Henry the Seventh, who was descended of that famous union of those two fair Roses, the White and the Red, York and Lancaster; the effecting of which union cost the effusion of much English blood, over and besides fourscore or thereabouts of the blood royal. But a more famous union is by the goodness of the Almighty perfected in His Majesty's person of divers lions, two famous, ancient, and renowned kingdoms, not only without blood or any opposition, but with such a universal acclamation and applause of all sorts and degrees, as it were with one voice, as never was seen or read of. And therefore, most excellent king, for to him I will now speak:

*Cum triplici fulvum conjunge leone leonem,  
Ut varias atavus junzerat ante rosas:  
Majus opus varios sine pugna unire leones,  
Sanguine quam varias consociâsse rosas.*

These four noble and magnanimous lions, so firmly and individually united, are able, without any difficulty or great labour, to subdue and overthrow all the letters and Bulls, and their calves also, that have been, or can be sent into England.

Now for the time, observe that these Bulls or Briefs came upon the aforesaid negotiation of Thomas Winter into Spain, at what time an army should shortly after have been sent to invade the land: and this was to be put in execution, *quandounque contingeret miseram illam feminam ex hac vita excedere*—whensoever it should happen that that miserable

## Guy Fawkes and Others.

### The Attorney-General

woman (for so it pleased the High Priest of Rome to call great Queen Elizabeth) should depart this life. Was Queen Elizabeth miserable? It is said that *miseria constat ex duobus contrariis, scilicet, copia et inopia; ex copia tribulationis, et inopia consolationis*—Was she, I say, miserable, whom Almighty God so often and so miraculously protected both “from the arrow that flieth by day,” their great Armada, “and from the pestilence that walketh in the darkness,” their secret and treacherous conspiracies? that did beat her most potent enemies? that set up a king in his kingdom? that defended nations, and harboured and protected distressed people? that protected her subjects in peace and plenty, and had the hearts of the most and the best of her subjects? that reigned religiously and gloriously, and died Christianly and in peace? O blessed Queen, our late dear Sovereign, *semper honos nomenque tuum laudesque manebunt*. But Queen Elizabeth of famous memory (for *Memoria ejus semper erit in benedictione*), as a bright morning-star, in fullness of time lost her natural light, when the great and glorious sun appeared in our horizon.\* And now sithence the coming of our great King James, there have not passed, I will not say four, nay not two months, without some treason. First, in March, 1603, upon the death of Her Majesty and before they had seen His Majesty’s face, was Christopher Wright employed into Spain, by Garnet, Catesby and Tresham, to give advertisement of the Queen’s death, and to continue the former negotiation of Thomas Winter; and by him also doth this Garnet write to Cresswell the Jesuit in commendation and for assistance and furtherance of his business. As also on the 22nd of June following was Guy Fawkes sent out of Flanders by Baldwin the Jesuit, by Sir William Stanley, and Hugh Owen about the same treason, and by letters from Baldwin directed and commended to Cresswell, the legier Jesuit in Spain, for the procuring of his dispatch, as in the former arraignment hath been declared.

In the same June doth Garnet the Superior, together with

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\* It is interesting to note how Coke here anticipates the famous figure used in the first paragraph of the Dedication of the Authorised Version of the Bible.—Ed.

## Trial of Henry Garnet.

The Attorney-General

Gerard and other Jesuits and Jesuited Catholics, labour not only in providing of horses, which by Thomas Winter and Christopher Wright, upon their several negotiations, they, in the names of all the Catholics in England, had promised the King of Spain, to assist and do him service withal, at such time as the said king should send his forces to invade, either at Milford-Haven, or in Kent, as hath before been shown; but also did, by force of the said two Bulls or Briefs, dissuade the Romish Catholics from yielding their due obedience to His Majesty for that he was not of the Roman religion: contrary to the practice of the true Church and Churchmen, that undergo wars, *ferendo, non feriendo*—with patience not with strokes; their weapons being properly *orationes et lachrymæ*—prayers and tears.

On the same 9th of June, which was in 1603, 1 Jac., broke out likewise the treason of the Romish priests, Watson and Clarke, as also that other of Sir Walter Raleigh and others. But the Jesuits, seeing that the peace was now in great forwardness, and having advertisement also that the King of Spain did now distaste their propositions, so that there was no further hope left for force, then fell they again to secret practice. As for the Bulls or Briefs before mentioned, when Catesby had informed Garnet that King James was proclaimed and the State settled, they were by Garnet, as himself hath affirmed, burnt. But to proceed.

In March, 1603, Garnet and Catesby (a pestilent traitor) confer together, and Catesby in general telleth him (though most falsely) that the King had broken promise with the Catholics and therefore assuredly there would be stirs in England before it were long. In September following meets Catesby and Thomas Percy, and after an unjust but a grievous complaint made by Catesby of the King's proceedings for that, contrary to their expectations, His Majesty both did hold and was like continually to run the same course which the Queen before had held; Percy presently breaks forth into this devilish speech, that there was no way but to kill the King, which he, the said Percy, would undertake to do. But Catesby, as being *versuto ingenio et profunda perfidia*—a cunning, a wily, and a deep traitor, intending to



## Guy Fawkes and Others.

### The Attorney-General

use this so furious and fiery a spirit to a further purpose, doth as it were stroke him for his great forwardness, yet with sage and staid counsel tells him, "No, Tom, thou shalt not adventure thyself to so small purpose: if thou wilt be a traitor, there is a plot to greater advantage, and such a one as can never be discovered," viz., the Powder-treason.

In January, in the first year of His Majesty, Garnet took out a general pardon under the Great Seal of England of all treasons (which pardon His Majesty of his grace granted to all men at his first entrance into his kingdom) under the name of Henry Garnet, of London, gent., but therein he never used any of his *alias dictus*, Walley, Farmer, or any other of his feigned names. But Catesby, fearing lest any of those whom he had or should take into confederacy, being touched in conscience with the horror of so damnable a fact, might give it over and endanger the discovery of the Plot, seeks to Garnet (as being the Superior of the Jesuits, and therefore of high estimation and authority amongst all those of the Romish religion) to have his judgment and resolution in conscience, concerning the lawfulness of the fact, that thereby he might be able to give satisfaction to any who should in that behalf make doubt or scruple to go forward in that treason. And therefore Catesby coming to Garnet, propounded unto him the case, and asketh whether for the good and promotion of the Catholic cause against heretics (the necessity of time and occasion so requiring) it be lawful or not amongst many nocents to destroy and take away some innocents also. To this question Garnet, advisedly and resolvedly, answered that, if the advantage were greater to the Catholic part, by taking away some innocents together with many nocents, then doubtless it should be lawful to kill and destroy them all. And to this purpose he alleged a comparison of a town or city which was possessed by an enemy, if at the time of taking thereof there happen to be some few friends within the place, they must undergo the fortune of the wars in the general and common destruction of the enemy. And this resolution of Garnet, the Superior of the Jesuits, was the strongest, and the only bond whereby Catesby afterwards kept and retained all the traitors in

## Trial of Henry Garnet.

### The Attorney-General

that so abominable and detestable a confederacy; for in March following Catesby, Thomas Winter and others resolve upon the Powder-plot: and Fawkes, as being a man unknown and withal a desperate person and a soldier, was resolved upon as fit for the executing thereof, to which purpose he was in April following by Thomas Winter sought and fetched out of Flanders into England.

In May, in the second year of His Majesty, Catesby, Percy, John Wright, Thomas Winter, and Fawkes meet, and having, upon the Holy Evangelists, taken an oath of secrecy and constancy\* they all were confessed, had absolution, and received thereupon the Sacrament by the hands of Gerard the Jesuit then present.

In June following Catesby and Greenwell the Jesuit confer about the Powder-treason. And at midsummer, Catesby having speech with Garnet of the Powder-treason, they said that it was so secret as that it must prevail before it could be discovered. Then Garnet seemed to desire that the Pope's consent might be obtained; but Catesby answered that he took that as granted by the Pope in the two Bulls or Briefs before; "For that," said he, "if it were lawful not to receive, or to repel him, as the said Bulls or Briefs did import, then is it lawful also to expel or cast him out."

Upon the 7th of July, 1604, was the Parliament prorogued until the 7th of February. And in November following, Thomas Bates, being (as hath been declared more at large in the former arraignment) fetched in by Catesby, his master, to participate in the Powder-treason for better assurance of his secrecy and prosecution thereof, is by Greenwell the Jesuit confessed, encouraged, and told that, being for a good cause, he might and ought not only conceal it as committed unto him in secret by his master, but further said that it was no offence at all, but justifiable and good.

About this time was Robert Keyes taken into the confederacy and by Catesby resolved of the lawfulness thereof from the Jesuits.

On the 11th of December they entered the mine; and in

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\* Here Coke read the other terms of the oath which have already been given.—*Vide* p. 84.—ED.

## Guy Fawkes and Others.

### The Attorney-General

March following, which was in 1605, was Guy Fawkes sent over to Sir William Stanley with letters from Garnet to Baldwin, the legier Jesuit there, to take order that against the time of the blow the forces might be brought near to the seaside to the end that they might suddenly be transported into England. And there doth Fawkes, by consent of the confederates, give Owen the oath of secrecy and perseverance, and then acquaints him with the whole treason: who, having been a most malicious and inveterate traitor, greatly applauded it, and gave his consent and counsel for the furtherance thereof.

In May, 1605, fell out certain broils in Wales by the Romish Catholics; at what time also Rookwood was by Catesby acquainted with the Powder-treason, and resolved of the lawfulness of the fact by him as from the Jesuits.

Now doth Garnet write to the Pope that commandment might come from His Holiness, or else from Aquaviva, the General of the Jesuits, for the staying of all commotions of the Catholics here, in England, intending indeed to set their whole rest of the Catholic Romish cause upon the Powder-plot, and in the meantime to lull us asleep in security, in respect of their dissembled quietness and conformity; as also lest impediment might be offered to this main plot by reason of any suspicion of the stirring of Papists, or of inquiry after them upon occasion of any petty commotions or broils. But when he further desired that it might be so enjoined upon censures, that latter request was not granted, lest it might indeed be an impediment to the Powder-plot.

In June following doth Greenwell the Jesuit consult with Garnet, his Superior, of the whole course of the Powder-treason at large; wherein observe the politic and subtle dealing of this Garnet. First, he would not, as he saith, confer of it with a layman (other than Catesby whom he so much trusted). Why so? Because that might derogate from the reverence of his place that a Jesuit, and a Superior of them, should openly join with laymen in cause of so much blood. And therefore, secondly, as he would consult of it with a priest and a Jesuit, one of his own Order and his subject; so for his further security, he would consult thereof with

## Trial of Henry Garnet.

**The Attorney-General**

Greenwell the Jesuit, as in a disguised confession. And being informed that the discourse would be too long to repeat kneeling, he answered that he would consult with him of it in concession walking; and so accordingly, in an ambulatory confession, he at large discoursed with him of the whole plot of the Powder-treason; and that a protector, after the blow given, should be chosen out of such of the nobility as should be warned and reserved.

In this month, likewise, was there a great conference and consultation betwixt Garnet, Catesby, and Francis Tresham, concerning the strength of the Catholics in England, to the end that Garnet might by letters send direct advertisement thereof to the Pope; for that His Holiness would not be brought to show his inclination concerning any commotion or rising of the Catholic party until such time as he should be certainly informed that they had sufficient and able force to prevail.

And in August following Garnet in a conference had about the acquainting of the Pope with the Powder-treason, named and appointed Sir Edmund Baynam for to carry that message to the Pope, yet not to him as Pope, but to him as a temporal prince; and by him doth Garnet write letters in that behalf, as also for staying of commotions under pain of censures, well knowing that, before his letters could be answered, the House of Parliament, according to their designs, should have been blown up and the whole State overthrown. But this trick he used like a thief that, going to steal and take partridges with a setting-dog, doth rate his dog for questing, or going too near, until he hath laid his net over them, for fear the game should be sprung and the purpose defeated.

In this month also doth Garnet write to Baldwin, the legier Jesuit in the Low-Countries, in the behalf of Catesby that Owen should move the Marquis for a regiment of horses for him, the said Catesby; not with any intent, as it was agreed, that Catesby should undertake any such charge, but that under colour of it horses and other necessities might be provided without suspicion to furnish the traitors.

In September following doth Parsons the Jesuit write to Garnet to know the particulars of the project in hand, for

## Guy Fawkes and Others.

### The Attorney-General

the journey to St. Winifred's Well in this month. It was but a jargon to have better opportunity, by colour thereof, to confer and retire themselves to those parts.

In October doth Garnet meet the other traitors at Coughton in Warwickshire, which was the place of rendezvous, whither they resorted out of all countries.

Upon the first of November Garnet openly prayeth for the good success of the great action, concerning the Catholic cause in the beginning of the Parliament: and prayer is more than consent; for *Nemo orat, sed qui sperat et credit*. He in the prayer used two verses of a hymn, *Gentem auferte perfidam credentium de finibus ut Christo laudes debitas per solvamus alacriter*.

Now was the letter with the Lord Monteaule, whose memory shall be blessed. On the 4th of November, by the providence of the Almighty, not many hours before the treason should have been executed, was it fully discovered.\*

On the 5th of November, being the time when the traitors expected that their devilish practice should have taken effect, they convented at Dunchurch, under colour of a great hunting-match appointed by Sir Everard Digby as being a man of quality and account thereabout; purposing by this means to furnish themselves with company for their intended insurrection and rebellion, for that, men being gathered together, and a tumult suddenly raised, the traitors thought that every or most of them would follow the present fortune, and be easily persuaded to take part with them; and that they might easily surprise the person of the Lady Elizabeth, then being in those parts, in Lord Harrington's house.

Upon the 6th of November, early in the morning, Catesby and the said confederates dispatched Thomas Bates with a letter to Garnet, the Superior of the Jesuits, who was (as they well knew) then ready at Coughton, near unto them, earnestly entreating his help and assistance for the raising of Wales and putting so many as he could into open rebellion. At what time Garnet and Greenwell (who then of purpose was

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\* The original text is obviously corrupt here. I have made it into something like sense by altering the punctuation.—Ed.

## Trial of Henry Garnet.

**The Attorney-General**

there with Garnet) then certainly perceiving that the Plot was indeed discovered and knowing themselves to be the chiefest authors thereof, prophesied the overthrow of the whole Order of the Jesuits; saying that they feared that the discovery and miscarrying of this practice would utterly undo and overthrow the whole Society of the Jesuits. But Greenwell the Jesuit, being carried with a more violent and fiery spirit, posteth up and down to incite such as he could to rise up in open rebellion: and meeting in Mr. Abington's house with Hall, another Jesuit, adviseth him, the said Hall, likewise to lose no time, but forthwith to seek to raise and stir up so many as he could; but Hall seeming to deliberate thereof, whether seeing no end of so rash an attempt or fearing by that means to be himself apprehended, Tesmond told him that he was a phlegmatic fellow, and said a man may herein see the difference betwixt a phlegmatic man (such as he meant Hall was) and a choleric, as he said himself was; and further added that he was resolved to do his best endeavours for the raising of a rebellion, under this false pretext and colour that it was concluded that the throats of all the Catholics in England should be cut, so persuading himself to incite them to take arms for to stand upon their guard and defence, and with this devise he posted away into the county of Lancaster. Afterwards Hall the Jesuit, otherwise called Oldcorn, being urged by Humphrey Littleton with the evil success of their intended treason that surely God was displeased and offended with such bloody and barbarous courses, instead of a humble acknowledgment of the justice of God and a sense of the wickedness of the treason, fell rather Satanically to argue for the justification of the same, and said, "Ye must not judge the cause by the event; for the Eleven Tribes of Israel were by God Himself commanded to go and fight against Benjamin, yet were they twice overthrown: so Lewis of France fighting against the Turk, his army was scattered and himself died of the plague; and lastly, the Christians, defending of Rhodes, were by the Turks overcome." And these he applied to the Powder-treason, and persuaded Littleton not to judge it ungodly or unlawful by the event.

## Guy Fawkes and Others.

### The Attorney-General

Observe here a double consequent of this Powder-treason. First, open rebellion, as hath been shown both immediately before and more at large in the former arraignment; and since that, blasphemy in Garnet, the superior of the Jesuits; for, he having liberty in the Tower to write, and sending a letter [which letter was openly shown in the Court before him] to an acquaintance of his in the Gate House, there was nothing therein to be seen but ordinary matter, and for certain necessaries; but in the margin, which he made very great and spacious, and underneath, where there remained clean paper, he wrote cunningly with the juice of an orange or of a lemon to publish his innocency, and concerning his usage; and there denieth those things which before he had freely and voluntarily confessed; and said, that for the Spanish treason he was freed by His Majesty's pardon; and as for the Powder-treason, he hoped for want of proof against him to avoid that well enough; but concludeth blasphemously, applying the words which were spoken of our blessed Saviour, to himself in this damnable treason, and saith, *Necesse est ut homo moriatur pro populo*—"It is necessary that one man die for the people," which words Caiaphas spake of Christ. Wherein note his prevarication and equivocation; for before the Lords Commissioners he truly and freely confessed his treasons, being (as himself under his own hand confesseth) overwhelmed *tanta nube testium*; and yet, *ad faciendum populum*, in his letters which he wrote abroad he clearth himself of the Powder-treason. And thus much concerning the two circumstances subsequent, which were rebellion and blasphemy.

The circumstances concurring are concerning the persons both offending and offended. For the principal person offending, here at the bar, he is, as you have heard, a man of many names, Garnet, Wally, Darcy, Roberts, Farmer, Philips; and surely I have not commonly known and observed a true man that hath had so many false appellations; he is by country an Englishman, by birth a gentleman, by education a scholar, afterwards a corrector of the Common Law print with Mr. Tottle the printer, and now is to be corrected by the law. He hath many gifts and endowments of nature,

## Trial of Henry Garnet.

*The Attorney-General*

by art learned, a good linguist, and by profession a Jesuit, and a Superior, as indeed he is superior to all his predecessors in devilish treason; a doctor of Jesuits, that is, a doctor of five D's, as Dissimulation, Deposing of princes, Disposing of kingdoms, Daunting and Deterring of subjects, and Destruction.

Their dissimulation appeareth out of their doctrine of equivocation, concerning which it was thought fit to touch something of that which was more copiously delivered in the former arraignment, in respect of the presence of Garnet there, who was the superior of the Jesuits in England, concerning the treatise of equivocation seen and allowed by Garnet, and by Blackwell the archpriest; wherein, under the pretext of the lawfulness of a mixed proposition to express one part of a man's mind, and retain another, people are indeed taught not only simple lying, but fearful and damnable blasphemy. And whereas the Jesuits ask why we convict and condemn them not for heresy, it is for that they will equivocate, and so cannot that way be tried or judged according to their words.

Now for the antiquity of equivocation, it is indeed very old, within little more than three hundred years after Christ, used by Arius the heretic, who, having in a General Council been condemned and then by the commandment of Constantine the Emperor sent into exile, was by the said Emperor, upon instant intercession for him and promise of his future conformity to the Nicene faith, recalled again; who, returning home and having before craftily set down in writing his heretical belief and put it into his bosom, when he came into the presence of the Emperor, and had the Nicene faith propounded unto him, and was thereupon asked whether he then did indeed and so constantly would hold that faith, he (clapping his hand upon his bosom where his paper lay) answered and vowed that he did, and so would constantly profess and hold that faith (laying his hand on his bosom where the paper of his heresy lay), meaning fraudulently (by way of equivocation) that faith of his own which he had written and carried in his bosom.

For these Jesuits, they indeed make no vow of speaking



## Guy Fawkes and Others.

The Attorney-General

truth, and yet even this equivocating and lying is a kind of unchastity against which they vow and promise: for as it hath been said of old, *Cor linguæ foederat naturæ sanctio, veluti in quodam certo connubio: ergo cum dissonent cor et loquutio, sermo concipitur in adulterio*—that is, “The law and sanction of nature hath, as it were, married the heart and tongue, by joining and knitting of them together in a certain kind of marriage; and therefore, when there is discord between them two, the speech that proceeds from them is said to be conceived in adultery, and he that breeds such bastard-children offends against chastity.”

But note the heavy and woeful fruit of this doctrine of equivocation. Francis Tresham, being near his natural death in the Tower, had of charity his wife permitted for his comfort to come unto him; who, understanding that her husband had before directly and truly accused Garnet of the Spanish treason, lest belike her husband should depart this life with a conscience that he had revealed anything concerning the Superior of the Jesuits, a very little before he died, drew him to this; that, his own hand being so feeble as that he could not write himself, yet he caused his servant then attending on him to write that which he did dictate, and therein protested upon his salvation, that he had not seen the said Garnet of sixteen years before, and thereupon prayed that his former confession to the contrary might in no wise take place; and that this paper of his retractation which he had weakly and dyingly subscribed might, after his death, be delivered to the Earl of Salisbury; whereas Master Garnet himself hath clearly confessed the Spanish treason, and now acknowledged the same at the bar; and he and Mrs. Vaux and others directly confess and say that Garnet and Tresham had, within two years space, been very often together and also many times before; but, *qualis vita, finis ita*. And Garnet himself, being at the bar afterwards urged to say what he thought of such the departure of Francis Tresham out of this life, answered only this, “I think he meant to equivocate.”

Thus were they stained with their own works, and went a-whoring with their own inventions, as it is in the psalm.

# Trial of Henry Garnet.

The Attorney-General

So that this is indeed *Gens perfida*, according to the hymn, a perfidious people; and therefore, *Jurat? crede minus, non jurat? credere noli. Jurat, non jurat hostis, ab hoste cave.*

For their doctrine of deposing of princes, Simanca and Philopater are plain [as hath in the former arraignment been more amply declared, and was now again at large to Garnet's face repeated]. If a prince be a heretic, then is he excommunicated, cursed, and deposed, his children deprived of all their right of succession, himself not to be restored to his temporal estate upon repentance. And by a heretic they profess that he is intended and meant, namely, whosoever doth not hold the religion of the Church of Rome. Nay, there is an easier and more expedite way than all these to fetch off the crown from off the head of any king christened whatsoever, which is this, that *Princeps indulgendo hæreticis, amittit regnum*—if any prince shall but tolerate or favour heretics, he loseth his kingdom. Nay, whereas Garnet, in defence of his usurped power of the High Priest of Rome, alleged *Nos Sanctorum*, &c., out of the Decretals, in the very next title before that, there is another decree that passeth all we have recited; wherein it is shown that Zachary the Pope deposed Childerick of France for nothing else there specified *sed quam inutilis*, but only for that he was reputed unprofitable to govern.

Now as concerning their daunting and deterring of subjects, which is a part of the Jesuits' profession; it were good that they would know and remember how that the most noble and famous Kings of England never were afraid of Pope's Bulls, no not in the very midnight of Popery, as Edward the Confessor, Henry I, Edward I, Richard II, Henry IV, Henry V, &c. And in the time of Henry VII, and in all their times, the Pope's legate never passed Calais, but stayed there, and came not to England until he had taken a solemn oath to do nothing to the detriment of the Crown or State.

For the persons offended, they were these—

1. The King, of whom I have spoken often, but never enough, a king of high and most noble ancient descent, as hath been briefly declared, and in himself full of all imperial

## Guy Fawkes and Others.

### The Attorney-General

virtues, religion, justice, clemency, learning, wisdom, memory, affability, and the rest.

2. The Queen, and she, in respect of her happy fruitfulness, is a great blessing, insomuch that of her, in that respect, may be said she is, *Ortu magna, viro major, sed maxima, prole*—great in birth, greater in her marriage, but to all posterity greatest, in the blessed fruit of her womb, as having brought forth the greatest prince that ever England had.

3. The noble Prince, of whom we may say, with the poet, *Quæ te tam læta tulere secula? Qui tanti talem genuere parentes?*—Never prince, true heir-apparent to the imperial crown, had such a father, nor ever king had such a son.

4. Then the whole Royal-issue, the Council, the Nobility, the Clergy, nay our Religion itself, and especially this City of London, that is famous for her riches, more famous for her people, having above 500,000 souls within her, and her liberties, most famous for her fidelity, and more than most famous of all the cities of the world for her true religion and service of God. Hold up thy head, noble city, and advance thyself, for that never was thy brow blotted with the least taint or touch or suspicion of disloyalty. Thou mayest truly say with the Prophet David, "I will take no wicked thing in hand, I hate the sin of unfaithfulness, there shall no such cleave unto me." Therefore for thy fidelity thou art honoured with the title of "The King's Chamber," as an inward peace of his greatest safety: and for thy comfort and joy this day, hath Britain's great king honoured thee with the proceeding upon this Great and Honourable Commission. After the heavy and doleful rumours this other day, when it was certainly known that King James was in safety, well did the fidelity of this city appear (whereof I was an eye-witness). *Una voce conclamaverunt omnes, salvum Londinium, salva patria, salva religio, Jacobus rex noster salvus*—Our city, our country, our religion is safe, for our King James is in safety.

The observations are many, and only in a word to be touched:

1. That in the Spanish treason before mentioned and this

## Trial of Henry Garnet.

The Attorney-General

Powder-treason there was the same order, cause, and end. The order was, first, to deal by secret practice and treason, and then by force and invasion. The cause which they pretend, was the Romish Catholic religion. The end was the final destruction of the Royal succession, yea even *Occidere regnum*, to overthrow and dissolve the whole kingdom.

2. Note that even the enemy hath acknowledged that our State is so settled and established as neither strength nor stratagem can prevail unless there be a party made in England.

3. We shall never have Bull more to come from Rome to England, because they shall never have a party strong enough to encounter with so many lions.

4. All their canons, decrees, and new-found doctrines tend to one of these two ends—either worldly pride, or wicked policy; for the amplitude and enlargement of the Pope's authority and for the safety of the Jesuits, priests, &c.

5. Observes that Baynam, a layman, and one of the damned crew and so naming himself, was sent to inform the Pope as a temporal prince.

6. I conceive their fall to be near at hand, both by divinity and by philosophy. For the first, there are now in England about 400 priests; so many were there in Israel in the days of Ahab, "Who," said God, "shall go and deceive Ahab, that he may fall?" A lying spirit in the mouths of his 400 prophets undertook and effected it; their fall was near, when once a lying spirit had possessed the priests, according to the vision of Micheas, as it now hath possessed the Jesuits; secondly, the imitation of good for the most part comes short of the pattern, but the imitation of evil ever exceeds the example. Now no imitation can exceed this fact, and therefore their time is at an end.

7. Many condemn it now that would have commended it if it had taken effect; for this, say they, is *e numero eorum quæ non laudantur nisi peracta*.

8. They and their adherents spread abroad false rumours, as that the King should have broken promise with them concerning toleration; which mixture of God's service, rather than he, would suffer, he would lose children, crown, life,

## Guy Fawkes and Others.

### The Attorney-General

and all. Nay, they may see there is no such hope left, for that His Majesty bringeth up his Royal-issue in the true religion and service of the Almighty.

Lastly, observe the wonderful Providence of God in the admirable discovery of this Superior Jesuit to be party to this treason, and that in two respects.

First, in respect of the means of secrecy, used by him in conference only with Catesby of the laity.

Secondly, they had a strong and deep oath given them both for secrecy and perseverance.

Thirdly, they hereupon received the Holy Sacrament.

Fourthly, they were allowed and taught by the Jesuits to equivocate upon oath, salvation, or otherwise, and how then should it be discovered?

Fifthly, their secret intelligence was such as that it was impossible by the wit of man to be found out. And therefore the second thing is, how this treason, being long sithence plotted, the Providence of God did continually from time to time divert, and put off the executing thereof, by unexpected putting off the times of assembly in Parliament. For the Parliament began the 19th of March in the first year of His Majesty's reign, and continued till the 7th of July following, before which time the conspirators could not be ready: from thence it was prorogued until the 7th of February, against which time they could not make the mine ready, in respect that they could not dig there, for that the commissioners of the Union sat near the place, and the wall was thick, and therefore they could not be provided before the 7th of February; and on the 7th of February the Parliament was prorogued until the 5th of October. After this, they found another course, and altered the place from the mine to the cellar. O blessed change of so wicked a work! Oh, but these fatal engineers are not yet discovered, and yet all things are prepared! Oh, prorogue it once more! And accordingly God put it into His Majesty's heart (having then not the least suspicion of any such matter) to prorogue the Parliament; and, further, to open and enlighten his understanding, out of a mystical and dark letter, like an angel of God to point to the cellar, and command that to

# Trial of Henry Garnet.

The Attorney-Genera

be searched, so that it was discovered thus miraculously but even a few hours before the design should have been executed.

The conclusion thereof shall be this, *Qui cum Jesu itis, non itis cum Jesuitis*—"for they encourage themselves in mischief, and commune among themselves secretly how they may lay snares, and say that no man shall see them. But God shall suddenly shoot at them with a swift arrow, that they shall be wounded: insomuch that whoso seeth it shall say, this hath God done; for they shall perceive that it is his work."

## The Evidence.

Then were repeated the proofs for each of the particular accusations aforesaid, by the express and voluntary confessions of Garnet and of his complices themselves, and of two credible witnesses sworn at the bar, and openly heard *viva voce*, and acknowledged by Garnet himself to be men without exception.\*

## Garnet's Defence.

Then Mr. GARNET, having licence of the Court to answer what he could for himself, spake and divided all which had been objected, to his remembrance, into four parts, viz., containing matter of, first, doctrine; secondly, recusants; thirdly, Jesuits in general; fourthly, himself in particular.

First, in doctrine, he remembered two points—

I. Concerning equivocation: whereunto he answered that their Church condemned all lying, but especially if it be in cause of religion and faith, that being the most pernicious lie of all others, and by St. Augustine condemned in the Priscillianists; nay, to lie in any cause is held a sin and evil. Howsoever of eight degrees which St. Augustine maketh, the lowest indeed is to lie for to procure the good of some, without hurting of any. So then our equivocation is not to maintain lying, but to defend the use of certain proposi-

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\* The oral evidence, however, was not actually taken at this point, but interposed during Garnet's answer and later. See below.—ED.

## Guy Fawkes and Others.

Mr. Garnet

tions; for a man may be asked of one, who hath no authority to interrogate, or examined concerning something which belongeth not to his own cognisance who asketh, as what a man thinketh, &c. So then no man may equivocate when he ought to tell the truth, otherwise he may. And so St. Augustine upon John saith that Christ denied he knew the Day of Judgment, viz., with purpose to tell it to his disciples; and so St. Thomas and others who handle this matter, chiefly under the title of confession.

2. For the second point, which was the power of the Pope in deposing of princes, his answer was threefold. (1) That therein he only propounded and followed the general doctrine of the Church. (2) That this doctrine of the power of the Pope was by all other Catholic princes tolerated without grievance. (3) That yet for his own part he always made a difference in the matter of excommunicating and deposing of princes, betwixt the condition and state of our King and of others, who having sometimes been Catholics, did or shall afterwards fall back. As for Simanca, and other writers, whatsoever they set down of the deposing of heretics, it is to be understood of those princes who, having sometimes professed the faith of the Church of Rome, do afterwards make a defection from the same.

Secondly, for recusants:

1. I desire them not to impute any offence or crime of mine to the prejudice of the cause of religion.

2. Concerning their not going to Church, whereas it was urged by Mr. Attorney that the ground of their not going to Church was the excommunication and Bull of Pius Quintus, and that now they may go, for that His Majesty is not denounced excommunicate, I answer that it followeth not; for the Arians and the Catholics had the same service in their Churches, yet came they not together; and I know divers myself who, before the Bull, refused to go to Church all the time of Queen Elizabeth, though perhaps most Catholics did indeed go to Church before. It was about the end of the Council of Trent where this matter was discussed by twelve learned men and concluded not lawful. And this was

## Trial of Henry Garnet.

Mr. Garnet

occasioned for that Calvin himself held it not lawful for any Protestant to be present, not only at our Mass, wherein perhaps they may say there is idolatry, but not at our Evensong, being the same with theirs.

Thirdly, concerning the Jesuits, he said that if any were privy to such horrible treasons, it was impious, especially in men of their profession; but said that he talked with some of them about it, and that they denied it.

Fourthly, touching myself. The negotiation into Spain was indeed propounded unto me, and I was also acquainted with the negotiation for money, but ever intended it should be bestowed for the relief of poor Catholics; but when they were there, they moved for an army, which, when they afterwards acquainted me withal, I misliked it, and said it would be much disliked at Rome; only I must needs confess I did conceal it after the example of Christ, Who commands us, when our brother offends, to reprove him; for if he do amend, we have gained him. Yet I must needs confess that the laws made against such concealing are very good and just, for it is not fit the safety of a prince should depend upon any other man's conscience. So that I am verily persuaded, if they yielded to me, it had been good; but what their intent and meaning was in desiring an army I knew not, and I was charged not to meddle therein, no, not with the money that was to be sent for pensions, though it was to maintain the title of the King.

The Earl of SALISBURY: To maintain whose title?

GARNET: The title of the King of Spain.

The Earl of NORTHAMPTON asked him why he did not oppose himself against it, and forbid it, as he might have done. For *qui cum possit non prohibet, jubet*.

Whereupon GARNET answered that he might not do it; and for sending of letters, and commending some persons thereby, he confessed he did it often, as they were commended to him without knowing either their purposes, or some of their persons; for he never knew Mr. Wright, for whom he writ.

The Earl of SALISBURY then replied to Garnet: I must now remember you how little any of your answers can make for your purpose when you would seek to colour your dealing



## Guy Fawkes and Others.

**Mr. Garnet**

with Baynam by professing to write to Rome to procure a countermand of conspiracies; and yet you know, when he took his journey towards Rome, the blow must needs have been passed before the time he could have arrived to the Pope's presence (such being your zeal and his haste for any such prevention), as it was about the 20th of our October when he passed by Florence towards Rome.

To which GARNET made no great answer, but let it pass; and then went on with his defence of sending letters in commendation of many of those with which he had been formerly charged, and so confessed that he had written commendation of Fawkes, thinking that he went to serve as a soldier, not knowing then of any other purpose he had in hand. And as for Sir Edmund Baynam, what he or Mr. Catesby intended he knew not in particular; only Mr. Catesby asked him in general the question of the lawfulness to destroy innocents with nocents, as had been before objected against him; "which at first I thought," said Garnet, "had been an idle question, though afterwards I did verily think he intended something that was not good." Whereupon, having shortly after this received letters from Rome to prohibit all insurrections intended by Catholics which might perturb this State, Garnet informed Catesby thereof, and told him that if he proceeded against the Pope's will he could not prevail: but Catesby refused and said he would not take notice of the Pope's pleasure by him. Notwithstanding, he showed to Catesby the general letter which he had received from Rome, but said he would inform the Pope and tell Garnet also in particular what attempt he had in hand, if he would hear it, which afterwards he offered to do, but Garnet refused to hear him, and at two several times requested him to certify the Pope what he intended to do.

And when Sir Edmund Baynam (as he pretended) was to go over into Flanders for a soldier, Garnet thought good to send him to the Pope's Nuncio, and to commend him to other friends of his that they should send him to inform the Pope of the distressed estate of Catholics in England; the rather, that the Pope, having a layman there, might be acquainted with all their proceedings; and that Baynam might then

# Trial of Henry Garnet.

Mr. Garnet

learn of the Pope what course he would advise the Catholics in England to take for their own good; but wished Baynam in no case to use Garnet's name to the Nuncio in that behalf.

## Witnesses Called.

Then were the two witnesses called for, both of them persons of good estimation, that overheard the interlocution betwixt Garnet and Hall the Jesuit, viz., Mr. Fauset, a man learned and a Justice of Peace, and Mr. Lockerson. But Mr. Fauset being not present, was sent for to appear; and in the meantime Mr. Lockerson, who being deposed before Garnet, delivered upon his oath, that they heard Garnet say to Hall: "They will charge me with my prayer for the good success of the great action in the beginning of the Parliament, and with the verses which I added in the end of my prayer—

*Gentem auferite perfidam  
Credientium de finibus,  
Ut Christo laudes debitas  
Persolvamus alacriter.*

It is true, indeed, said Garnet, that I prayed for the good success of that great action; but I will tell them, that I meant it in respect of some sharper laws, which I feared they would then make against Catholics, and that answer shall serve well enough."

Here GARNET replied that, for the two gentlemen that heard the interlocution, he would not charge them with perjury, because he knew them to be honest men; yet he thought they did mistake some things, though in the substantial parts, he confessed, he could not deny their relation. And for the main Plot, he confessed, that he was therewithal acquainted by Greenwell particularly; and that Greenwell came perplexed unto him to open something, which Mr. Catesby with divers others intended; to whom he said he was contented to hear by him what it was so as he would not be acknown to Mr. Catesby, or to any other that he was made privy to it. Whereupon Father Greenwell told him the whole Plot and

## Guy Fawkes and Others.

Mr. Garnet

all the particulars thereof, with which he protested that he was very much distempered, and could never sleep quietly afterwards, but sometimes prayed to God that it should not take effect.

To that the Earl of SALISBURY replied that he should do well to speak clearly of his devotion in that point, for otherwise he must put him in remembrance, that he had confessed to the Lords that he had offered sacrifice to God for stay of that Plot, unless it were for the good of the Catholic cause. "And in no other fashion," said his Lordship, "was this State beholden to you for your masses and oblations," adding thus much further that he wondered why he would not write to his superior Aquaviva as well of this particular Powder-treason as to procure prohibition for other smaller matters.

GARNET faintly answered he might not disclose it to any, because it was matter of secret confession, and would endanger the life of divers men.

Whereunto the Earl of NORTHAMPTON replied that that matter of confession, which before he refused to confess, because he would save lives, he confessed it now to endanger his own life, and therefore his former answer was idle and frivolous.

Then GARNET told the Lords that he commanded Greenwell to dissuade Catesby, which he thought he did; and if Catesby had come to him upon Allhallow-day, he thought he could so far have ruled him as he would have been persuaded to desist.

The Earl of SALISBURY: Why did you refuse to hear Catesby tell you all the particulars, when he would have told you, if you had been desirous to prevent it?

GARNET replied that after Greenwell had told him what it was which Catesby intended, and that he called to mind what Catesby said to him, at his first breaking with him in general terms, his soul was so troubled with mislike of that particular, as he was loth to hear any more of it.

"Well, then," said the Earl of SALISBURY, "you see his heart." And then turning to the Lords Commissioners, he desired leave of them that he might use some speech concern-

# Trial of Henry Garnet.

The Earl of Salisbury

ing the proceeding of the State in this great cause from the first beginning until that hour; and so began to this effect:

## Salisbury's Statement.

That although the evidence had been well distributed and opened by Mr. Attorney, as he had never heard such a mass of matter better contracted, nor made more intelligible to the jury, to whom it was not his part to speak, nor his purpose to meddle with Mr. Garnet in divinity or in the doctrine of equivocation, in which latter he saw how he had played his master-prize; yet because he had been particularly used in this service with other of the Lords Commissioners, by whom nothing was more desired, next the glory of God, than to demonstrate to the world with what sincerity and moderation His Majesty's justice was carried in all points, he would be bold to say somewhat of the manner of this arraignment, and of the place where it was appointed. For the first, he said that, seeing there was nothing to which this State might more attribute the infinite goodness and blessings of God than to the protection of the true religion, which had groaned so long under the bitter persecutions of men of his\* profession, he confessed that he held himself greatly honoured to be an assistant amongst so many great lords at the seat of justice, where God's cause should receive so much honour by discrediting the person of Garnet, on whom the common adversary had thought to confer the usurpation of such an eminent jurisdiction; for otherwise, who did not know that the quality of poor Henry Garnet might have undergone a more ordinary form of trial and haply in some other place of less note and observation? And so his Lordship took an occasion to declare that the City of London was so dear to the King, and His Majesty so desirous to give it all honour and comfort as, when this opportunity was put into his hands whereby there might be made so visible an anatomy of Popish doctrine, from whence these treasons have their source and support, he thought he could not choose a fitter stage than the City of London, which

\* *I. e.* Garnet's.—Ed.

## Guy Fawkes and Others.

The Earl of Salisbury

was not only rightly termed "The Chamber of his Empire," but was by His Majesty esteemed as his greatest and safest treasury, who accounteth no riches comparable to his subjects hearts, and acknowledgeth that such a circuit did never contain so many faithful subjects within the walls; a matter well appearing to his own eyes amongst others upon the decease of the late Queen of precious memory, when he, attending most of the Peers and Privy Counsellors of this Kingdom, who were accompanied with no small number of noble and faithful gentlemen, had seen them all stayed from entry within the gates of this city until they had publicly declared with one voice that they would live and die with the King our Sovereign Lord.

"To you, therefore, Mr. Garnet," said the Earl of SALISBURY, "must I address myself, as the man in whom it appeareth best what horrible treasons have been covered under the mantle of religion, which heretofore have been petty treason for a Protestant to have affirmed. Such has been the iniquity of false tongues, who have always sought to prove the truth a liar. Of which impudent calumnies the State is so tender, as you do best know, Mr. Garnet, that since your apprehension, even till this day, you have been as Christianly, as courteously, and as carefully used as ever man could be, of any quality or any profession: yea, it may truly be said that you have been as well attended for health or otherwise as a nurse-child. Is it true or no?"

"It is most true, my lord," said Garnet, "I confess it."

"Well then," said the EARL, "if your strange doctrine of equivocation be observed, and your hardness of heart to deny all things, let it not be forgotten that this interlocution of yours with Hall, overheard by others, appears to be *digitus Dei*; for thereby had the Lords some light and proof of matter against you, which must have been discovered otherwise by violence and coercion, a matter ordinary in other kingdoms, though now forboren here: but it is better as it is for the honour of the State, for so were your own words, that you thought it best to tell the truth at last, when you saw you were confounded *tanta nube testium*. In which I protest that I do confidently assure myself that you would

## Trial of Henry Garnet.

The Earl of Salisbury

as easily have confessed yourself to be the author of all the action as the concealer, but that His Majesty and my Lords were well contented to draw all from you without racking, or any such bitter torments. I pray you, Mr. Garnet, what encouraged Catesby that he might proceed but your resolving him in the first proposition? What warranted Fawkes but Catesby's explication of Garnet's arguments?—as appears infallibly by Winter's confession, and by Fawkes, that they knew the point had been resolved to Mr. Catesby by the best authority."

Then GARNET answered that Mr. Catesby was to blame to make such application.

To that the EARL replied that he must needs be bold with him, to drive him from the trust he had, to satisfy the world by his denials, by putting him in mind how, after the interlocution betwixt him and Hall, when he was called before all the Lords and was asked, not what he said, but whether Hall and he had conference together, desiring him not to equivocate; how stiffly he denied it upon his soul, reiterating it with so many detestable execrations as, the Earl said, it wounded their hearts to hear him; and yet as soon as Hall had confessed it, he grew ashamed, cried the Lord's mercy, and said he had offended if equivocation did not help him.

To this GARNET answered that when one is asked a question before a magistrate he was not bound to answer before some witnesses be produced against him, *Quia nemo tenetur prodere seipsum*.

Then Garnet, falling into some professions of his well-wishing to His Majesty, and being put in mind of the answer he made concerning the excommunication of kings, wherein he referred himself to the canon of *Nos Sanctorum*, he answered that His Majesty was not yet excommunicated.

Then the Earl of SALISBURY bade him deal plainly, for now was the time, whether in case the Pope, *per sententiam orthodoxam*, should excommunicate the King's Majesty of Great Britain, his subjects were bound to continue their obedience.

To this Garnet denied to answer.

From that matter he began to make request that, where

# Guy Fawkes and Others.

## The Earl of Salisbury

he had confessed the receiving of two Briefs or Bulls from the Pope in the Queen's time, by which all Catholics were forbidden to adhere to any successor that was not obedient to the Church of Rome, His Majesty would be pleased to make a favourable interpretation, because he had shown them to very few Catholics in England in the Queen's time; and when he understood that the Pope had changed his mind, then he burnt the Bulls.

To that it was said that belike the Pope changed his mind when the King was so safely possessed of his estate, and Garnet with his complices began to feel their own impiety, and so, as Catesby said to Percy, did resolve roundly of that treason which would speed all at once.

Then Garnet began to use some speeches that he was not consenting to the Powder-treason.

Whereupon the Earl of SALISBURY said: Mr. Garnet, give me but one argument that you were not consenting to it that you can hold in any indifferent man's ear or sense, besides your bare negative.

But Garnet replied not.

## Coke's Reply to the Defence.

Then Mr. ATTORNEY-GENERAL spake in answer to Garnet more particularly, to this effect:

1. For equivocation, it is true indeed that they do outwardly to the world condemn lying and perjury, because the contrary were too palpable and would make them odious to all men; but it is open and broad lying and forswearing, not secret and close lying and perjury, or swearing a falsehood, which is most abominable and without defence or example. And if they allow it not generally in others, yet at least in themselves, their confederates and associates in treasonable practices, they will both warrant and defend it, especially when it may serve their turn for such purposes and ends as they look after.

2. Concerning the usurped power of the Pope in deposing of princes, neither is it the general doctrine of the Church,

## Trial of Henry Garnet.

The Attorney-General

as he falsely said, neither allowed nor tolerated by all princes who are otherwise of their religion, as may appear out of the French discourse written to the French king against the re-admitting of the Jesuitical faction. And whereas he would pick-a-thanke in seeming to spare and exempt King James our Sovereign, it is not possible to avoid their distinction of being excommunicated *de jure* if not *de facto*, howsoever it be true also that the Pope doth *de facto* curse all heretics. For recusants not going to Church, the example of the Catholics not joining in service and prayer with the Arians, who denied a main article of the Christian Creed, doth no ways hold, neither can it agree to us, of whom no such impious blasphemy can be shown or imagined. That Garnet said he knew some who, before the Bull came, went not to church, it may be true perhaps in some one or two perverted and perverse men like himself; but whereas he produced the Council of Trent, as if there the matter had been determined, and thereupon inferreth that after that all Romish Catholics refused to meet with us at church in time of prayer, it is a gross error, for the last session of that Council was in the year of our Lord 1563, which was in the fifth year of Queen Elizabeth; whereas I showed, and am able to justify and prove, that their Romish English Catholics came to our service in our churches until the nineteenth year of Her Majesty, which was many years after that Council was ended.

Concerning Garnet himself: 1. For that answer of his that he knew of the Powder-treason by confession, it is true, which before was spoken, that such acts as this is *non laudantur nisi peracta*, are then only commended when they are performed; but otherwise, first, Greenwell's was no Sacramental Confession, for that the confidant was not penitent; nay, himself hath clearly delivered under his hand that the Powder-treason was told him, not as a fault, but by way of consultation and advice. 2. It was a future thing to be done, and not already then executed. 3. Greenwell told it not of himself, that he should do it, but of Fawkes, Percy, Catesby, Winter, and others, and therefore he ought to have discovered them, for that they were no confidants. 4. He



## Guy Fawkes and Others.

### The Attorney-General

might and ought to have discovered the mischief, for preservation of the State, though he had concealed the persons. 5. Catesby told it unto him *extra confessionem*—out of confession; saying, they might as well turn him out, as have kept him out. Lastly, By the common law, howsoever it were (it being *crimen læsæ majestatis*) he ought to have disclosed it. Now, for that Garnet denied that he was a principal author and procurer of this treason, but only that he had received knowledge thereof; the contrary is clear and manifest, both out of his own confessions, by himself acknowledged and apparently proved, in that he resolved Catesby concerning the lawfulness and merit thereof, and that he prayed for the good success of the Powder-treason, which is more than either consultation or consent. Besides, he must remember him of the old versicle, *Qui non prohibet quod prohibere potest consentire videtur*. Garnet might have commanded Greenwell, that told him of the Powder-treason, to have desisted, but did not; but Greenwell went still on with the treason, and when it was disclosed, went into the country to move rebellion, which doubtless he would never have done, if Garnet had forbidden him; therefore, he said, he might say with the orator Tully, *Cui adsunt testimonia rerum, quid opus est verbis?* Moreover, Mr. Attorney added, how Garnet wrote first for Thomas Winter, then for Kit Wright, after that for Guy Fawkes, then for Sir Edward Baynam, and afterwards for Catesby for a regiment of horse; and that Garnet was for the Infanta, and by his briefs intended to keep out the King, except he should tolerate and swear to maintain the Romish religion.

Then Mr. Attorney spake of the interlocution betwixt Garnet and Hall, and said that in all their speeches they never named God, nor confessed their innocence, but as soon as they spake together, Hall spake first; and then Garnet said he suspected one, whose name they that were set to overhear them could not hear, to have disclosed something against them; but it may be otherwise, for he said he was much subject to that frailty of suspicion. He said he received a note from Rookwood that Greenwell was gone over seas; and another, that Gerard was gone to Father Parsons, and

## Trial of Henry Garnet.

The Attorney-General

that Mrs. Ann was in town, meaning Mrs. Ann Vaux, and many other things were by them uttered in that conference.

By this time came in Mr. Forest, who being deposed, affirmed likewise that their examination and the matter therein contained were true; saying further that both of them took notes of that which they heard from Garnet and Hall as near as possibly they could, and set down nothing in their examinations but those things wherein both their notes and perfect memories agreed and assented; and that many things that were very material and of great moment were left out of their examinations, because both their notes and memories did not perfectly agree therein.

And now one of the letters which were written with sack was shown to the Court, by which appeared that Hall and Garnet had interlocution together.

Mr. Attorney here inferred that the necessary end of justice was *ut poena ad paucos, metus ad omnes perveniat*; and urged the examination of Garnet, wherein he confessed that when Tesmond *alias* Greenwell, made relation to him of the great blow by the Powder-treason, who should have the protection, Greenwell said, the lords that should be left alive should chuse a Protector. And further, Mr. Attorney urged the writing of another letter, written with sack, to Sayer *alias* Rookwood, a priest in the Gatehouse. But of this point much is formerly mentioned.

### Northampton's Strictures.

Here Mr. Attorney ending, my Lord of NORTHAMPTON spake to the prisoner this speech following—

Though no man alive can be less apt or willing than myself to add the least grain or scruple of improvement to the weight of any man's calamity that groans under the heavy burden of a distressed state, *vel gravatis addere gravamina*, whereof I have as many witnesses as the world hath eyes, yet as the case stands now in this trial, Mr. Garnet, between my dear Sovereign (*Ex cujus spiritu*, as one said of

## Guy Fawkes and Others.

### The Earl of Northampton

Alexander, *nos omnes spiritum ducimus*), and you that were so well content to let the course of conspiracy run forward to the stopping of this breath before the time which God by nature doth prescribe; between his honour and your error, his just proceedings and your painted shows, his sincerity and your hypoerisy; I could wish it possible than in any person of some other quality you might hear the echoes of our unperfect and weak answers, and thereupon judge more indifferently and evenly of the true state of the cause that you have done hitherto; being distracted with fear, or forestalled by prejudice, or, to borrow your own phrase, which is more proper to the point than any I can use, oppressed *tanta nube testium* with so thick a cloud of witnesses as concur with one voice, heart, and spirit, for the confusion of your audacity.

I confess that never any man in your state gave less hold or advantage to examiners than you have done in the whole course of proceeding to us that were in Commission; sometime by forswearing, as upon the confession of Hall, your fellow; sometime by dissembling, as about the places of your rendezvous, which was the Lapwing's Nest; sometime by earnest expostulation; sometime by artificial equivocation; sometime by sophisticating true substances; sometime by adding false qualities; yet *sat superest*, as may appear, to the defeat of your inventions and the defence of the King's Majesty, *quia magna est veritas, et praevalet*.

Your parts by nature, simply considered and in another person, would rather move compassion than exasperate humanity; for whom would not the ruin of such a person touch as is in appearance temperate, and in understanding ripe? But our end at this time is the same with Decius in Livy, *ut quem vos obrutum reliquistis ignem, &c.*, that we may quench that fire by prevention, which you have only raked up in ashes; *ut novum daret incendium*, that it might cause a new combustion so soon as it might hit upon matter that were fit and suitable. Wherefore I must rather draw your answers to the true touch for discharge of rumours, than *verberare aërem*, beat the air; for the substance of all your evasions and sly shifts is, as the innkeeper of Chalcius

## Trial of Henry Garnet.

The Earl of Northampton

confessed of his dishes to his guests, admiring *tantam ferularum diversitatem*—that they were only compounded of pork, howsoever your fine cookery may vary them.

The two Bulls that in the late Queen's time entered the land (with a purpose by their loud lowing to call all their calves together for the making of a strong party, at the shutting up of the evening (against your dread Sovereign) were grazed in your pastures, Mr. Garnet; or to speak more properly (because they durst neither endure the light, nor admit the air) they were stall-fed at your crib, as yourself confess; and therefore, *serve nequam, ex ore tuo te judico*. And what answer make you to this? Marry, that the purpose was imparted to very few. So much the worse: for out of publication grows discovery; and yet experience hath justified that those very few were the very souls and spirits of that pack of conspirators, and such as for want of patience and temperance to tarry the time, when the game had been brought to bearing, should have played the chiefest parts in the late smoking tragedy. You say the Bulls were after sacrificed in the fire by yourself; but not before the King's good angel had cut their throats and the best part of their proof were past, and your hopes dead of that good which in likelihood they should have brought with them. For to what use could these dumb beasts serve in seeking to prevent that lawful and undoubted right which heaven had now proclaimed and earth acknowledged? But let the proof be what it will, I look into the root. I wonder, Mr. Garnet, what Apostle warrants you in undertaking wicked plots, in hope that good may follow; neglecting what all laws, and the laws of England above all, what all states and nations conclude of men that slyly practise and combine for anticipation of the future rights of lawful successors.

In excuse of letters, written with your own hand\* by Thomas Winter to Father Cresswell when he was employed about the procurement of an army to invade with supplies of treasure proportionable for the quicker execution of so desperate an enterprise, you answer that the persons were com-

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\* Sc., "and carried."—Ed.

## Guy Fawkes and Others.

### The Earl of Northampton

mended in your letters, not the plot. *Spectatum admissi, risum teneatis, amici?* As though the minister had any other errand or instruction than the main plot itself; as though you, Mr. Garnet, being then *Magister in Israel* and *Rector Chori*, could or would be ignorant of their prefixed end; as though so grave a person as yourself were likely to set his hand to blanks like a baby, and to leave the rest to the disposition of a man wholly transported with fiery humours; or, as though in this very point other men's confessions in particular, besides your own in generality, had not left us marks and traces evident and plain enough to descry doubleness with diversity! You confess privity to a practice, but not for an army; foreknowledge of a course for getting treasure, but with a purpose, as you conceived, to employ it wholly for the relief of Catholics. So as the reason of the reservedness of Catesby, Winter and the rest toward you must be undoubtedly their suspicion of your over great affection and duty to the Queen: for otherwise it is certain they would have trusted you as well with their intention as with their means, with their hopes as with their instruments, especially considering how hard it was for them to compass their own vast desires without help both of your credit and of your industry.

Wright was in like manner and with like expedition commended by you afterwards for the quickening of Winter's project, if any life were in it upon the slacking of the passions of Spain with the propositions of peace, that no time might be lost, no stone left unremoved that might give a knock to the peace of our policy. Your head wrought upon all offers, your head walked in all regions, your spirit steered all attempts and undertakings, and yet, if protestations, qualified and protected by equivocations, may carry weight all this while your mind was, as good pastors ought to be, patient, your thoughts were obedient, and your counsels innocent. But now to search your cunning somewhat nearer to the quick, we must observe that when your hopes of invasion began to cool by likelihood of peace, your desires of supplies by the cold answers that came from Spain, your expectation of new mischief to be wrought at home without

# Trial of Henry Garnet.

The Earl of Northampton

complots abroad ; when malice itself was cast into so desperate a swoon, as neither Rosasolis when Spain relented, nor Iscobah when Tyrone submitted, nor dissension within the kingdom when discontentments ended could put it by any fresh adventure into life ; when you for your own part, Mr. Garnet, having been once washed and regenerated in the fountain of the King's free pardon, from the leprous spots of former treasons, were determined to begin upon another stock and return as a dog to the vomit ; though washing can avail no man (as the Preacher warns) that *iterum tangit mortuum*—toucheth the dead the second or third time after he hath been made clean : for secretly Catesby resorts to you, as Mahomet might to Sergius (for now I speak according to the matter, and not the men), to inquire whether it were lawful, considering the necessity of the time, to undertake an enterprise for the advancement of the Catholic religion, though it were likely that among many that were nocent some should perish that were innocent. A man that is religious in any kind, or but morally honest in his own kind, would expect that a priest, a Jesuit (which title doth imply salvation, and not destruction), nay, the Superior of English Jesuits, upon this rash demand should have resorted for a safe resolution to God's Own Book ; where he should have found that God was pleased to withdraw His wrathful hand from Sodom, so as there had been only *decem justi*—ten just men within that town, and for their sakes ; that the wise householder in St. Matthew, marking how hard it would be before the corn was ripe to make separation, gave order to his servants to abstain from plucking up the tares, *ne simul eradicarent triticum*—lest withal they plucked up the wheat by the roots. Ye should have found in the stories of the Church that the godly bishops in the first spring of religion suspended process against the Priscillian heretics, *ne Catholici cum illis perirent*—lest the Catholics might also perish with them. And the church of Milan taxed Theodosius the Emperor, *quod insontes una cum sontibus trucidasset*—that he had proceeded both against the guilty and the guiltless with one stroke and in one measure of severity. But far beside the warrant either of Holy Writ, or holy pre-

## Guy Fawkes and Others.

### The Earl of Northampton

cedents, your answer, Mr. Garnet, was such as I both abhor to think and quake to utter; that if any great advantage were to grow to the Church this way, they might destroy them all.

*Tantane animis caelestibus iræ?* O Mr. Garnet, be not offended though I ask of you, as a worthy emperor did once of a traitor in a case by many degrees inferior to this, *Quid facit in pectore humano lupi feritas, canis rabies, serpentis venenum?* But that which ought most to torture and afflict the spirit (if you be the child of Him Whose name and badge you bear) is that your doctrine was confidently delivered, and so speedily digested and converted to nutriment from such a mouth as yours (considering that, according to the Prophet, knowledge should depend upon the lips of a priest), as Rookwood, Bates and others, that did shrink at the horror of the project when it was first laid down, received satisfaction upon the very sound of your assent, though masked with the title of a man as grave and learned as any in the land. And Catesby, doubting of the fickleness of men's affections in cases that concern the soul, used your admittance as a charm or spell to keep quick spirits within the circle of combined faith, which otherwise perhaps, when Hell broke loose, would have sought liberty. Your charter only (whereupon I beseech you for your own soul's health to meditate for the time you tarry in this world) for the base whereon some grounded their bad conscience in proceeding with this plot, not only to the destruction of their bodies but to the peril of their souls, without sound and true repentance, which by the merit of Christ's Passion will serve *in quacunq; hora peccator ingemuerit*. For though Christ were joyful that he had not lost one of those whom His Father gave him in charge, and came to save and not to destroy; yet your advice was to destroy them all. Such was your burning charity!

Some men, surprised with a question upon the sudden, might answer sharply and shrewdly at some time, I confess, without thinking or intending ill; but this man, Mr. Garnet, cannot be you, that have confessed clearly under your own hand, your suspicion and fear of some mischief purposed and intended in their hearts, by this quick question of nocents

## Trial of Henry Garnet.

The Earl of Northampton

and innocents: and therefore *quod dubitas ne feceris*. It seems the heart of Catesby was a fertile soil for sprouting of stinking weeds hastily, into which the seed of your securing confidence was cast. For the Powder-plot, which in January was barely *embryo*, became *formatus fetus* in the March next following; it quickened the next December, when the pioneers began to dig in the thick wall; Catesby not long after imparted his conceit secretly to you of the great likelihood he foresaw of a lucky time of birth; and thereupon was Guy Fawkes sent over, by your knowledge and encouragement, to deal with Sir William Stanley about the drawing down of forces somewhat nearer to the seaside for speedy transport, which, if need were, might carry torches at the solemnity. But what is your answer to this employment of Guy Fawkes? Forsooth, that your purpose was only to commend him as a soldier, but not as a conspirator. O lucky treason that comes to be excused by so poor an advocate! when Fawkes himself meant nothing less than to be a soldier, having so strange a part to play soon after in the Powder-train, but used this retreat as a colour to disguise the secret purpose that did only tarry time, and to eschew those watchful eyes that nearer hand would have observed both his inlets and his outlets in that place more narrowly. The point is clear. The confessions are direct. The purpose is palpable. All the lines of your level are drawn to the centre of the Powder-mine.

All letters are either drawn or interlined *manu scorpionis*, to use the word of Jerome; and yet, under pain of censure, we must believe all this while you were in charity, because all this while (which it grieves me to remember) you were not afraid to communicate.

But now to weigh your answers that concern the Powder-plot itself, which is paramount in respect of the longitude and latitude to all that have been or ever shall be. Yourself cannot deny, Mr. Garnet, that Greenwell's overture (as you say, in confession), coming after the notice which you took of Catesby's question about innocents, was but a fruit of your own doctrine, an effect of your own instruction, and a conclusion drawn wholly out of your own propositions and



## Guy Fawkes and Others.

The Earl of Northampton

principles. Now when we press to know what reason drew you to the concealment of a project so pernicious both to Prince and State, without revealing it either to the King himself (*tanquam præcellenti*, to use St. Peter's term) or to his Ministers subordinate, you start to the shift of confession for a formal help, which comes too short in respect of Catesby's first discovery, which your own words aver plainly to have wrought with you. I will not argue in this place what course a confessor should take, or how far he ought to strain for the securing of a prince's life that is otherwise sure to perish by the rage and ignorance invincible of a base villain (whose life answers not in value the least hair of a prince's head), because time suffers not; but I am sure that for a matter of less weight than this, and a crime of less importance than the life both of prince and state, confession received a deep wound for a long time more than a thousand years past in the Church of Constantinople. For God forbid that matters of such weight should hang by such feeble threads. But to this excuse of tenderness in the point of confession I would answer by making a great doubt whether this course of conference were a confession or not. For against your bare words, which equivocation supports, I object some likelihood that, since you kneeled sometimes and sometimes walked up and down, since matter of conspiracy were interlaced with matter of confession, not for ease of conscience as should appear, but for advice in execution; since Greenwell was absolved instantly, which excludes the shift of reference; and Greenwell should be found to lie to the Holy Ghost, in case this were a true confession, in promising, Mr. Garnet, as you say, to dissuade the project which he prosecuted even to the last point, as is evident, and after the powder camp broke up. I conclude that, though this discovery were by confession, yet it was no *supersedeas* to your former knowledge from Catesby your trusty friend; and if it were none, then it can be no protection for faith petrified. What need we seek light through cobweb-lawns, when the drift of your whole device in seeking to conclude from one what you learned of another, and from all what you affected and abetted in your heart doth evidently prove your counsels to have been carried along with such a temper of reservedness

# Trial of Henry Garnet.

The Earl of Northampton

as, whensoever mischief should be brought to light, the world might rather wonder at your caution than commend your fidelity.

By shaping such weak answers to demonstrations so manifest, you must either work by the ring of Gyges in making your audacity and presumption invisible, or hold a very weak conceit of our capacities in supposing that they can be either dazzled or deluded by such poor sophistry. For though you pretend to have received a deep wound in conscience at the first revealing of the plot, to have lost your sleep with vexation of spirit, to have offered and prayed to God for His preventing grace, to have required Greenwell's help and furtherance in crossing and diverting the design; yet all this while you suffered the project to proceed, you helped and assisted their endeavours that were labourers, you wrote earnest letters both to Baldwin and to Cresswell for their furtherance of ordinary means; you gave order for a prayer to be said by Catholics for their prosperous success; you kept measure with the two first dimensions of Friar Bacon's brazen-head; time is, time was till, thanks be to God, the third time was passed you had ever an ear open to listen for the crack, and were in the same agony for the Powder-plot that Charles V was for the Pope's duress, giving order in all his dominions, that prayer should be made for his release, when in the meantime he kept and held him in his own hand prisoner. The least word of your mouth or labour of your pen might have secured both Prince and State, while you pretend to have broken both your sleeps and your brains, and that with a greater advantage to the cause which you would advance than can ever grow by combustion and conspiracy. But your tenderness herein was suitable with another dutiful desire of yours to dissuade Catesby from the plot at his coming into Warwickshire, who never meant to come thither but as to the rendezvous, when the Parliament had been blown up and the storm had been blown over. It may be that your mind was perplexed and disquieted upon the meditation of strange events; for so was the mind of Cain, Achitophel, and Judas that betrayed his Master. The reason is very pregnant in the word of God itself, that *cum sit timida nequitia dat testimonium condemnationis*—since

## Guy Fawkes and Others.

### The Earl of Northampton

wickedness is cowardly and timorous, it gives evidence of condemnation against itself; *et semper præsumit sæva perturbata conscientia*. But Satan prevailing his angels execute.

I will now conclude this address to you, Mr. Garnet, by observing some special points how strangely and preposterously the Devil in his last project of powder hath altered his old properties. For the curse that God laid upon the serpent after the first transgression was *ut graderetur super pectus suum*, to creep upon his breast; but now we find him mounted upon the wings of an espraie to the highest region of the air and among the fireworks. The other part of his curse was that he should eat *pulverem*, that is, dust or powder; but now since Sodom was destroyed by sulphur and the wife of Lot transmuted into salt, the proper materials of that mean by which Satan wrought in this hot fire, it appears that the serpent from eating powder, which was a plain device, fell for a worse purpose to snuff gunpowder. Then the serpent did *insidiari calcaneo*, now *capiti*, from which the body draweth both sense and influence. Then he began to Eve with a modest question, *Cur præcepit Deus?*—Why hath God commanded? now with a resolution, *præcepit Deus*—God hath commanded. His words in those carried a flourish of great comfort, *Nequaquam moriemini*, but now terror, *Moriemini*, for a great advantage destroy them all. The Devil at that time did only nibble about the text of Holy Writ, *tanquam mus ponticus*, as Tertullian terms Marcion; but now he draws the grounds of equivocation concerning princes' lives out of the very Scripture and by scholastical authority. Satan tempted Christ with a fair offer, *dandi omnia*, of giving all upon the top of the pinnacle; but now he sets upon the great lieutenant of God's authority and dignity with an *auferam tibi omnia*, both life and crown, *ex penetralibus ubi Christus non est*, as we are taught by his Evangelist. The Dragon's ambition extended no further than the sweeping away with his tail of the third part of the stars in the firmament: but now the plot of him and his disciples was to sweep away the sun, the moon and the stars, both out of Star Chamber and Parliament, that no light be given in this kingdom to the best labourers. In the time of

# Trial of Henry Garnet.

The Earl of Northampton

Saul the Devil was so modest as to suspend his illusions and oracles till the visions of the prophets began to cease; but now though we have both Moses and the prophets *et firmiorem sermonem propheticum*, yet he rustles among the robes, *et inaudita fundit oracula*. In the beginning of the Christian Church the very name of Christ was sufficient to make Satan pack and to quit the possession of tormented men; but he hath learned a more cunning trick of late, under the banner of Christ to fight against the lieutenants of his Imperial Majesty. In one point I find no change—that is, in labouring and working by all means to draw men from their trust in God's direction to a fickle kind of confidence in themselves and their own weak knowledge of good and ill. And as that error was the cause of Adam's exile from Paradise, which was *hortus conclusus*, so had such another almost divided us and our heirs both from our lives and estates: *et penitus toto divisos orbe Britannos*.

I have stood the longer on this point to let you know how idly, and yet how wilfully, you strive both against the Providence of God and the justice of the land, *Quæ tuo te jugulavit gladio*—the more you labour to get out of the wood, having once lost the right way, the further you creep in. For the wisdom of the world is folly before God; and impossible it is, that those counsels or proceedings should either have good proof in this world, or reward in the next, that are embued with blood and pursued with tyranny. If, then, there be no other way to Heaven than by the destruction of God's anointed and their heirs, I will conclude with you, Mr. Garnet, as Constantius did with Ascesius, *Erigito tibi scalam, et in cælum solus ascendito*—set up a ladder for yourself, and climb up to Heaven alone; for loyal minds will not suit themselves with such bad company. The worst I wish to your person standing now to be convicted at the bar is remorse and repentance for the safeguard of your soul; and for the rest, *Fiat justitia, currat lex, et vincat veritas*.\*

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\* Northampton's speech, as here reported, smells strongly of the lamp. Nevertheless, he later composed (or had composed for him) a much longer speech *ex post facto*. It was inserted in the *True and Perfect Relation* and reproduced in *State Trials*, where anybody who has a taste for prolixity and pedantry may find it. I have omitted it as irrelevant.—Ed.

# Guy Fawkes and Others.

## Further Questions by the Court.

Hereunto GARNET said that he had done more than he could excuse and he had dealt plainly with them, but he was bound to keep the secrets of confession and to disclose nothing that he heard in Sacramental Confession.

Whereupon the Earl of NOTTINGHAM asked him, if one confessed this day to him that to-morrow morning he meant to kill the King with a dagger, if he must conceal it.

Whereunto GARNET answered that he must conceal it.

Then the Earl of SALISBURY desired liberty of him to ask him some questions of the nature of confession.

GARNET said his Lordship might, and he would answer him as well as he could.

The Earl of SALISBURY: Why then, must there not be confession and contrition before absolution?

GARNET: Yes.

Then the EARL demanded whether Greenwell were absolved by him or no.

GARNET said he was.

The EARL then asked him what Greenwell had done, to show that he was sorry for it, and whether did he promise to desist.

GARNET answered that Greenwell said he would do his best.

To that the EARL replied that it could not be so; for as soon as Catesby and Percy were in arms, Greenwell came to them from Garnet, and so went from them to Hall at Mr. Abington's house, inviting them most earnestly to come and assist those gentlemen in that action. "Hereby," saith he, "it appears that either Greenwell told you out of confession, and then there needs no secrecy; or, if it were in confession, he professed no penitency, and therefore you could not absolve him."

To which the EARL added: This one circumstance must still be remembered, and cannot be cleared—that when Greenwell told you what Catesby meant in particular, and you then called to mind also what Catesby had spoken to you in the general before, if you had not been so desirous to have the plot take effect, you might have disclosed it out of your

## Trial of Henry Garnet.

general knowledge from Catesby; but when Catesby offered to deliver you the particulars himself, as he had done to Greenwell, you refused to hear him, lest your tongue should have betrayed your heart.

To this GARNET weakly replied that he did what he could to dissuade it, and went into Warwickshire with a purpose to dissuade Mr. Catesby, when he should have come down. And for Mr. Greenwell's going to Father Hall to persuade him to join, Garnet said he did very ill in so doing.

To that the Earl of SALISBURY replied that his first answer was most absurd, seeing he knew Catesby would not come down till the 6th of November, which was the day after the blow should have been given, and Garnet went into the country ten days before. And for the second, he said that he was only glad that the world might now see that Jesuits were condemned by Jesuits; and treason and traitors laid naked by the traitors themselves; yea, Jesuits by that Jesuit that governs all Jesuits here and without whom no Jesuit in England can do anything.

GARNET (as it should seem), being here mightily touched with remorse of his offence, prayed God and the King that other Catholics might not fare the worse for his sake.

The Earl of SALISBURY: Mr. Garnet, is it not a lamentable thing that, if the Pope or Claudius Aquaviva or yourself command poor Catholics anything, that they must obey you, though it be to endanger both body and soul? And if you maintain such doctrine among you, how can the King be safe? Is it not time, therefore, the King and the State should look to you that spend your time thus in his kingdom?

GARNET (very passionately): My lord, I would to God I had never known of the Powder-treason.

The LORD CHIEF JUSTICE: Garnet, you are Superior of the Jesuits, and if you forbid, must not the rest obey? Was not Greenwell with you half an hour at Sir Everard Digby's house when you heard of the discovery of your treason? And did you not there confer and debate the matter together? Did you not send him to Hall, to Mr. Abington's house, to stir him up to go to the rebels, and encourage them? yet

## Guy Fawkes and Others.

you seek to colour all this; but that's but a mere shift in you. And notwithstanding all this, you said no man living, but one, did know that you were privy to it; then, belike, some that are dead did know it. Catesby was never from you (as the gentlewoman that kept your house with you confessed), and by many apparent proofs and evident presumptions you were in every particular of this action, and directed and commanded the actors; nay, I think verily you were the chief that moved it.

GARNET: No, my Lord, I did not.

Then it was exceedingly well urged by my Lord Chief Justice how he writ his letters for Winter, Wright, Fawkes, Baynam, and Catesby, principal actors in this matchless treason. Besides, his Lordship told him of his keeping the two bulls to prejudice the King, and to do other mischief in the realm, which, when he saw the King peaceably to come in, then being out of hope to do any good, he burned them.

Here Mr. ATTORNEY caused to be read the confession of Hall, *alias* Oldcorne, the Jesuit, under his own hand (which he said was *Omni exceptione majus*) against him; wherein he confessed that Humphry Littleton told him, that Catesby and others were sore hurt with powder, and said that he was exceeding sorry that things took no better effect; whereat Hall wished him not to be discouraged nor to measure the cause by the event for though the Eleven Tribes of Israel went twice by the special commandment of God against the tribe of Benjamin, yet they both times received the overthrow. So Lewis the French King, in his voyage into the Holy Land against the Infidels, was overthrown, and his whole army discomfited, though his cause were good. And so likewise the Christians, when they defended Rhodes against the Turks, lost the city, and the Turks had the upper hand. And this he confessed, and applied to the fact of Catesby and others for the Powder-treason, and said it would have been commendable when it had been done, though not before.

After this, Mr. Attorney opened how Francis Tresham, a delinquent Romanist even *in articulo mortis* (a fearful thing), took it upon his salvation that he had not seen Garnet in sixteen years before, when Garnet himself had confessed he

## Trial of Henry Garnet.

had seen him often within that time; and likewise, that Garnet knew not of the Spanish Invasion, which Garnet himself confessed also, and which two things Tresham himself had formerly confessed to the Lords; yet for a recantation of these two things upon his death-bed he commanded Vavasor, his man ("whom I think," said Mr. Attorney, "deeply guilty in this treason"), to write a letter to the Earl of Salisbury. And to show this his desperate recantation, Mr. Tresham's letter was offered to be read.

But before the reading thereof my Lord of SALISBURY said, because there was matter incident to him and to that which should be read, he thought fit to say something. To which purpose he said his desire was truly to lay open what cause there was for any faith to be given to these men's protestations; when they, to colour their own impieties and to slander the King's justice, would go about to excuse all Jesuits, how foul soever, out of an opinion that it is meritorious so to do, at such time as they had no hope of themselves. Such is to be doubted that Sir Everard Digby's protestations might be at the bar, who sought to clear all Jesuits of those practices which they themselves had now confessed *ex ore proprio*. That such was also Tresham's labour, who being visited with sickness, and his wife in charity suffered to come to him, this letter was hatched by them and signed by himself some few hours before his death, wherein he taketh that upon his salvation, which shall now by Garnet be disproved.

Then the letter was read, being to this effect: That whereas since the King's time he had had his pardon, and that to satisfy the Lords who heretofore examined him, he had accused Garnet; that now, he being weak, desired that his former examinations might be called in, because they were not true; and set down upon his salvation that he had not seen Garnet in sixteen years before.

Then my Lord of SALISBURY showed and said it was a lamentable thing: for within three hours after he had done this, he died: and asked Garnet what interpretation he made of this testamental protestation.

GARNET: It may be, my lord, he meant to equivocate.

Here was the examination and confession of Mrs. Anne



## Guy Fawkes and Others.

Fawkes offered to be read, also to confirm Tresham's perjury, who confessed that she had seen Mr. Tresham with Garnet at her house three or four times since the King's coming in and divers times before, and that he had dined with him; and that Garnet always gave him good counsel, and would say sometimes to him and others, "Good gentlemen, be quiet; for we must obtain that which you desire by prayer." She confessed also that they were at Erith together the last summer.

After all this, Garnet being demanded if these examinations were true, he affirmed they were. And then were his own examinations likewise read to the same effect wherein he both confessed the seeing of Mr. Tresham and his sending into Spain about an invasion.

Here my Lord of SALISBURY concluded that that which was said of Mr. Tresham and others was not done against charity to the dead, but upon inevitable necessity, to avoid all their slanderous reports and practices; for he said that even now there was current throughout the town a report of a retraction under Bates's hand, of his accusation of Greenwell, which are strange and grievous practices to think upon. "But this day shall witness to the world that all is false and yourself condemned not by any but yourself, your own confessions and actions. Alas! Mr. Garnet, why should we be troubled all this day with your poor man, were it not to make the cause appear as it deserveth? Wherein God send you may be such an example as you may be the last actor in this kind."

Hereupon my LORD ADMIRAL said to Garnet that he had done more good this day in that pulpit which he stood in (for it was made like unto a pulpit wherein he stood) than he had done all the days of his lifetime in any other pulpit.

Then was another examination of Mrs. ANNE FAWKES read, wherein she confessed that Mr. Garnet and she were not long since with Mr. Tresham at his house in Northamptonshire, and stayed there.

After this my Lord of SALISBURY said: Mr. Garnet, if you have not yet done, I would have you to understand, that the King hath commanded that whatsoever made for you, or

## Trial of Henry Garnet.

against you, all should be read, and so it is; and we take of you what you will. This gentlewoman that seems to speak for you in her confessions, I think, would sacrifice herself for you to do you good, and you likewise for her. Therefore, good Mr. Garnet, whatsoever you have to say, say on in God's name, and you shall be heard.

Then GARNET desired the jury that they would allow of and believe those things he had denied and affirmed, and not to give credit unto those things whereof there was no direct proof against him, nor to condemn him by circumstances or presumptions.

The Earl of SALISBURY: Mr. Garnet, is this all you have to say? If it be not, take your time. No man shall interrupt you.

GARNET: Yea, my lord.

Mr. ATTORNEY humbly desired all the Lords Commissioners, that if he had forgotten to speak of any thing material, that their Lordships would be pleased to put him in mind of it; who was assured by my Lord of Salisbury, that he had done very well, painfully, and learnedly.

### Verdict and Sentence.

Then Mr. ATTORNEY desired the jury might go together, who upon his motion going together forth of the Court, within less than a quarter of an hour returned, and found Henry Garnet "Guilty."

Whereupon Mr. Serjeant CROOKE prayed judgment.

Then Mr. WATERHOUSE, the Clerk of the Crown, demanding what he could say for himself why judgment should not be given against him.

GARNET made answer that he could say nothing, but referred himself to the mercy of the King and God Almighty.

Then the LORD CHIEF JUSTICE, making a pithy preamble of all the apparent proofs and presumptions of his guiltiness, gave judgment that he should be drawn, hanged and quartered.

And my Lord of SALISBURY demanded if Garnet would say any thing else.

## Guy Fawkes and Others.

GARNET answered, " No, my lord ; but I humbly desire your lordships all to commend my life to the King's Majesty " ; saying that at his pleasure he was ready either to die or live, and do him service.

And so the Court arose.

### Garnet's Execution.

On the 3rd of May, Garnet, according to his judgment, was executed upon a scaffold set up for that purpose at the west end of St. Paul's Church. At his arise up the scaffold he stood much amazed, fear and guiltiness appearing in his face. The Deans of Paul's and Winchester being present, very gravely and Christianly exhorted him to a true and lively faith to God-ward, a free and plain acknowledgment to the world of his offence, and, if any further treason lay in his knowledge, to unburden his conscience and show a sorrow and detestation of it ; but Garnet, impatient of persuasions and ill-pleased to be exhorted by them, desired them not to trouble him ; he came prepared and was resolved.

Then the RECORDER of London, who was by His Majesty appointed to be there, asked Garnet if he had any thing to say unto the people before he died. It was no time to dissemble, and now his treasons were too manifest to be dissembled, therefore, if he would, the world should witness what at last he censured of himself, and of his fact, it should be free to him to speak what he listed.

But GARNET, unwilling to take the offer, said his voice was low, his strength gone, the people could not hear him, though he spake to them ; but to those about him on the scaffold, he said the intention was wicked, and the fact would have been cruel, and from his soul he should have abhorred it had it been effected ; but he said he had only a general knowledge of it by Mr. Catesby, which in that he disclosed not, nor used means to prevent it, herein he had offended. What he knew in particulars was in confession, as he said.

But the RECORDER wished him to be remembered that the King's Majesty had under his handwriting these four points

## Trial of Henry Garnet.

amongst others: 1. That Greenway told him of this, not as a fault, but as a thing which he had intelligence of, and told it him by way of consultation. 2. That Catesby and Greenway came together to him to be resolved. 3. That Mr. Tesmond and he had conference of the particulars of the Powder-treason in Essex long after. 4. Greenway had asked him who should be the Protector, but Garnet said that was to be referred till the blow was past. "These prove your privity besides confession, and these are extant under your hand."

GARNET answered [that] whatsoever was under his hand was true. And for that he disclosed not to His Majesty the things he knew, he confessed himself justly condemned; and for this did ask forgiveness of His Majesty.

Hereupon the Recorder led him to the scaffold to make his confession public.

Then GARNET said: "Good countrymen, I am come hither this blessed day of the Invention of the Holy Cross to end all my crosses in this life. The cause of my suffering is not unknown to you. I confess I have offended the King, and am sorry for it, so far as I was guilty, which was in concealing it; and for that I ask pardon of His Majesty. The treason intended against the King and State was bloody; myself should have detested it, had it taken effect. And I am heartily sorry that any Catholics ever had so cruel a design." Then turning himself from the people to them about him, he made an apology for Mrs. Anne Vaux saying, "There is such an honourable gentlewoman who hath been much wronged in report, for it is suspected and said that I should be married to her, or worse. But I protest the contrary: she is a virtuous gentlewoman, and for me a perfect pure virgin." For the Pope's breves, Sir Edmund Baynam's going over seas, and the matter of the Powder-treason, he referred himself to his arraignment, and his confessions: "for whatsoever is under my hand in any of my confessions," said he, "is true."

Then addressing himself to execution, he kneeled at the ladder-foot, and asked if he might have time to pray, and how long. It was answered he should limit himself; none

## Guy Fawkes and Others.

should interrupt him. It appeared he could not constantly or devoutly pray: fear of death, or hope of pardon, even then so distracted him; for oft in those prayers he would break off, turn and look about him, and answered to what he overheard, while he seemed to be praying. When he stood up, the Recorder, finding in his behaviour as it were an expectation of a pardon, wished him not to deceive himself, nor beguile his own soul; he was come to die, and must die; requiring him not to equivocate with his last breath; if he knew anything that might be danger to the King or State, he should now utter it.

GARNET said: "It is no time now to equivocate; how it is lawful and when, I have shown my mind elsewhere; but I do not now equivocate, and more than I have confessed I do not know."

At his ascending up the ladder he desired to have warning before he was turned off. But it was told him he must look for no other turn but death. Being upon the gibbet, he used these words: "I commend me to all good Catholics, and I pray God preserve His Majesty, the Queen, and all their posterity, and my Lords of the Privy Council, to whom I remember my humble duty, and I am sorry that I did dissemble with them; but I did not think they had such proof against me till it was shown me; but when that was proved, I held it more honour for me at that time to confess than before to have accused. And for my brother Greenway, I would the truth were known; for the false reports that are make him more faulty than he is. I should not have charged him but that I thought he had been safe. I pray God the Catholics may not fare the worse for my sake; and I exhort them all to take heed they enter not into any treasons, rebellions, or insurrections against the King." And with this ended speaking, and fell to praying; and crossing himself, said, "*In nomine Patris et Filii, et Spiritus Sancti*"; and prayed, "*Maria mater gratiæ, Maria mater misericordiæ, tu me a malo protege, et hora mortis suscipe.*" Then, "*In manus tuas, Domine, commendo spiritum meum*": Then, "*Per crucis hoc signum*" (crossing him-

## Trial of Henry Garnet.

self) "*fugiat procul omne malignum. Infige crucem tuam in corde meo, Domine*"—let me always remember the Cross.

And so he returned again to "*Maria mater gratiæ,*" and then was turned off, and hung till he was dead.

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THE SERIES OF  
NOTABLE BRITISH TRIALS

## CONTENTS.

	PAGE		PAGE
Annesley Case, The	10	Lovat, Lord	10
Aram, Eugene	12	M'Lachlan, Mrs.	18
Armstrong, H. Rowse	32	Mary Queen of Scots	7
Baccarat Case, The	24	Maybrick, Mrs.	23
Bartlett, Adelaide	23	Merrett, John Donald	33
Beck, Adolf	26	Monson, A. J.	25
Blandy, Mary	11	Morrison, Steinie	28
Bloody Assizes, The	8	Müller, Franz	19
"Bounty" Mutineers, The	14	Nairn, Katharine	12
Brodie, Deacon	13	Palmer, William	17
Browne and Kennedy	33	Peace, Charles	22
Burke and Hare	16	Porteous, Captain	9
Bywaters and Thompson	31	Pritchard, Dr.	19
Casement, Sir Roger	30	Rouse, Alfred Arthur	34
Chantrelle, Eugene Marie	20	Royal Mail Case, The	34
Chapman, George	25	Rush, J. Blomfield	16
Charles I., King	7	Seddons, The	29
City of Glasgow Bank	21	Sheppard, Jack	9
Cream, Thomas Neill	25	Slater, Oscar	27
Crippen, Hawley Harvey	27	Smethurst, Dr.	18
Dickman, John A.	28	Smith, G. J.	29
Dougal, S. Herbert	26	Smith, Madeleine	17
Douglas Cause, The	12	Stauntons, The	20
Fautleroy, Henry	15	Stewart, James	11
Greenwood, Harold	30	Thornton, Abraham	14
Kidd, Captain William	8	Thurtell and Hunt	15
Kingston, Duchess of	13	True, Ronald	31
Knowles, Benjamin	33	Vaquier, Jean Pierre	32
Larson, Dr. G. H.	22	Wainwrights, The	19
Laurie, John W.	23	Webster, Kate	21

### IN PREPARATION

Robert Wood.  
Field and Gray

William Gardiner  
Sidney H. Fox.



# THE SERIES OF NOTABLE BRITISH TRIALS.

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## INTRODUCTION.

The history of the *Notable British Trials Series* is easy to write, so successful has been its career since the first volume was published in 1905. In a quarter of a century the Series has swollen to some sixty volumes, and has consistently won golden opinions in the legal, medical, and lay press. It is now a complete library of historical and criminal trials, the most famous British *causes célèbres* between 1586 and 1931 (Mary Queen of Scots to the Royal Mail Case) having been dealt with. To-day, readers of the *Trials* are to be found in every part of the British Empire, translations of some have been made into German, and new volumes are nowadays reviewed at length in the press of America, Italy, France, Holland, and Russia, besides the countries of the Empire. The Series has, in fact, enjoyed an overwhelming success, and has come to be regarded by many people as one of the greatest British publishing ventures of the twentieth century.

If at the outset justification had been needed for this publication it might have been found in these words of Edmund Burke: "The annals of criminal jurisprudence

exhibit human nature in a variety of positions, at once the most striking, interesting, and affecting. They present tragedies of real life, often heightened in their effect by the grossness of the injustice and the malignity of the prejudices which accompanied them. At the same time real culprits, as original characters, stand forward on the canvas of humanity as prominent objects for our special study. I have often wondered that the English language contains no book like the *causes célèbres* of the French, particularly as the openness of our proceedings renders the records more certain and accessible, while our public history and domestic conflicts have afforded so many splendid examples of the unfortunate and the guilty. Such a collection, drawn from our own national resources, would exhibit man as he is in action and in principle, and not as he is usually drawn by poets and speculative philosophers."

The object of the Series, then, was to supply the want in our literature indicated above. To judge the result of this endeavour let us look again at Burke's complaint "that the English language contains no book like the *causes célèbres* of the French," and then turn to a more recent commentary on the same matter. Some months ago, in a leading article devoted to *Notable British Trials*, the *Daily Mail* said: "The Series is a great publishing triumph. We know of no foreign country which possesses so clear, adequate and instructive a record of famous trials."

A *Notable British Trial*, it may be explained, is neither a camouflaged "shocker" nor a legal textbook. Sensation and human interest abound, certainly, and the book's value

to the lawyer, historian, and medical man is beyond dispute; but its greatest attribute lies undoubtedly in its interest for the ordinary member of the community. So very few people can hear an important trial, and yet the things that take place in Court are done in the name of every citizen. It is, therefore, of moment that the public should have the means of studying at leisure, in a carefully prepared record, the working of the immensely important legal machine. In this connection the ordinary newspaper report is of no use whatever. It is inevitable that only the matters of more lurid interest in the trial can be set forth there, and this condensation of the evidence may often serve to distort the reader's view of a case.

Each volume of the *Notable British Trials Series* lays the entire case before the reader in precisely the same manner as it was laid out before the judge and jury. No pains are spared to include the best and fullest information possible in every volume, official records being consulted where they are available; and in many cases speeches and expert evidence are revised in proof by judges, counsel, and witnesses. Each opens with an exhaustive Introduction, in which the editor traces the history of the case, and this is followed by a verbatim report of the proceedings at the trial: appendices, containing usually much new and unpublished matter, and illustrations complete the volume. In addition, every *Trial* is—to use the words of Professor Wigmore in *Principle of Judicial Proof*—"critically edited by a competent and scholarly editor." Thus each provides a permanent record of the case with which it deals, and

the utmost reliance can be placed upon its contents—a fact already appreciated in official circles since quotations from volumes of the Series have sometimes been made in Courts of Law.

The Series is intended to exhibit a comprehensive view of famous trials, both modern and historical, and from a bibliographical point of view is well worth collecting. In the following pages we print a list of the cases included in the Series to date, together with a brief description of their facts.

## LIST OF TRIALS.

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### **Trial of Mary Queen of Scots. (1586.)**

Edited by A. FRANCIS STEUART, Advocate.

Dedicated to His Grace, the Most Reverend  
DONALD MACKINTOSH, Archbishop of Glasgow.

The trial of Mary Queen of Scots took place in the Star Chamber, and was the first formal trial of a crowned and accredited Sovereign in historic times. The unfortunate queen was not tried, as many people think, for any deeds or misdeeds done during her reign in Scotland, but on account of her alleged complicity in the Babington plot which designed to free her and to kill Queen Elizabeth of England, a plot into which she, a prisoner for eighteen years of that Queen in England, had been entrapped by Queen Elizabeth's faithful creature Walsingham. This volume gives the State Trial, the legal processes which led up to it, the tortuous policy of the English lawyers, and a rare account of the Queen's last miseries borne with such dignity and bravery.

### **Trial of King Charles the First. (1649.)**

Edited by J. G. MUDDIMAN, M.A.(Oxon).

With a Foreword by the EARL OF BIRKENHEAD. Dedicated to the LORD BISHOP OF LONDON.

King Charles the First was beheaded outside Whitehall on 30th January, 1649, by order of a tribunal set up to try him by about one-eighth of the members of the House of Commons. The present book relates the story of this so-called trial by printing in full the original "Journal" of the regicides, compiled by a com-

mittee with the aid of the regicides' clerks, Phelps and Broughton, and by adding to it details from other sources. Thus the reader has the whole story before him, so far as it is capable of being known. The history of the King before 1649 is largely based upon the journals of the times. And these last authorities supply the bulk of the material for the conclusion of the book, describing the execution of the King. At the end many minor questions, about which there has been much discussion, are fully dealt with, and a large amount of new information has been brought to light. The illustrations, many of which are unknown, include some excellent portraits.

**The Bloody Assizes.** (1685.) Edited by J. G. MUDDIMAN, M.A.(OXON.). Dedicated to the EARL OF BIRKENHEAD.

The objects of the present book are, in the first place, to reprint the material portions of the book commonly called the "Bloody Assizes," of which Macaulay and many lesser writers have made such copious and uncritical use. For this purpose the origin and various editions of the book have been examined and the career of its principal author, John Tutchin, and his friends described in detail. Secondly, the Western Circuit of September, 1685, has been described from manuscript, newsletters, and other documents, either unknown, or which have not hitherto received consideration. The names, dates of trial, sentence, &c., of every rebel tried or indicted in the course of the circuit appears in a full and exhaustive appendix, compiled chiefly from the judges' own lists. Lastly, the biography of Lord Jeffreys, given at the end of the "Bloody Assizes" has received examination, and the causes of the hatred of him shown by contemporary whigs and Tories have been brought into relief. A full index, which it is hoped will be of use to genealogists, completes the book.

**Trial of Captain Kidd.** (1701.) Edited by GRAHAM BROOKS, Barrister-at-Law.

The name of Captain Kidd has been saddled with a degree of infamy far in excess of that wretched man's deserts. True, in middle age, after a successful career of meritorious service, he stooped to play the buccaneer; but in an age when pirates

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" Fascinating stories of real life with real characters."—*Morning Post.*

massacred or enslaved their victims, sacked and burned towns on which they descended for provisions, Kidd had but one murder and one arson to his discredit, and to some extent was but the victim of circumstances. Yet, such are traditions vagaries, that whilst the names of such as Morgan, Avery, and Lolonais are scarce remembered, that of Captain Kidd remains a nursery byword. This volume furnishes a complete report of four trials which took place at the Old Bailey on 8th and 9th May, 1701. In each of these Kidd was the principal figure. He was tried alone for the murder of William Moore, a gunner, on the high seas off the coast of Malabar, and was then arraigned with some of his crew for different piracies.

**Jack Sheppard.** (1724). Edited by HORACE BLEACKLEY, M.A., F.S.A., and S. M. ELLIS.

Jack Sheppard is the most famous criminal in the records of English crime: not by reason of his actual offences, which were merely petty thefts, but because he accomplished three remarkable escapes from the prisons of Clerkenwell and Newgate. In the most celebrated of these escapes he effected his release unaided and alone, in darkness, and with merely a nail and an iron bar (wrenched from a chimney) for "tools." His pluck, gaiety, strength, and endurance, and the bravery with which he met his cruel death at the gallows at the age of twenty-two, have tinted his otherwise sordid story with pitiful romance. Through the course of two centuries his brief career has formed the subject of numerous romances, dramas in the theatre, and literary allusions by famous writers.

This volume provides a full account of Jack Sheppard's life and achievements, and of his Trial in 1724; an Epilogue relating his posthumous fame in Literature and Drama; an extensive Bibliography; three contemporary accounts of his career—two of them attributed to the pen of Defoe; a note on Jonathan Wild, and a rare contemporary memoir of that arch-criminal, who was the associate of Jack Sheppard and the main factor in the early termination of his life.

**Trial of Captain Porteous.** (1736.) Edited by WILLIAM ROUGHEAD, W.S. Dedicated to LORD ARDWALL. (At present out-of-print.)

The trial of Captain John Porteous, "a name memorable in the traditions of Edinburgh as well as in the records of criminal

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"A wonderful storehouse of information as to the many sides of human nature."—*Times Literary Supplement.*

jurisprudence" (Sir Walter Scott), took place in July, 1736, and in view of the strange and far-reaching events by which it was attended is certainly one of the most remarkable that ever came before the High Court of Justiciary. The editor has been fortunate enough to find in the British Museum and Public Record Office much unpublished material, throwing light upon what Professor Hume Brown, in his *History of Scotland*, describes as "one of the most dramatic incidents in the national history." Much new matter has also been obtained from the Records of Edinburgh Town Council and other original MSS.

**The Annesley Case. (1743.)** Edited by ANDREW LANG.

The Annesley Case, in which James Annesley claimed to be the legitimate heir of Arthur, third Lord Altham, was tried in Ireland in November, 1743. The claimant, James Annesley, enjoyed a life of adventure and romance that is seldom met with outside the pages of fiction. On the death of his father, Lord Altham, he was destitute of all friends and depended upon the charity of others for his livelihood. The Earl of Anglesey, the defendant in the case, then came forward and claimed the title of Lord Altham, as brother and heir to the deceased lord, upon the supposition that the late lord had died without male issue. About four months after the death of his father, James Annesley was, through the instrumentality of the Earl of Anglesey, kidnapped, sent to America, and there sold for a common slave. Some years later he was enabled to return once more to Great Britain, and his case was taken up with such vigour that a verdict was secured in his favour.

**Trial of Lord Lovat. (1747.)** Edited by DAVID N. MACKAY. Dedicated to LORD REAY. (At present out-of-print.)

Lord Lovat's trial in 1747 and his condemnation to death for treason marked the close of an epoch in Scottish history, the end of the clan period in the Highlands. When a hundred and seventeen peers answered, with weary monotony, "Guilty, upon my honour," the public career of the last Scottish clan dictator came to an end. Thenceforward the name "chief" was to be a thing of polite conceit, except when the bearer had other claims to respect. Till then clan feeling had been a matter of vital importance, now it was to become one of the sentiments.

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"Vibrant with drama and much more interesting than fiction."—*Sphere*.



**Trial of Mary Blandy.** (1752.) Edited by  
WILLIAM ROUGHEAD, W.S. Dedicated to LORD  
DUNSANY.

The heroine of this eighteenth century *cause célèbre* was convicted at Oxford Assizes in 1752 for the murder of her father at Henley by poisoning him with arsenic. Her defence was that she gave him the drug believing it to be a love philtre, with the view of making him "kind" to her lover, Captain Cranstoun, and removing his opposition to their marriage. Cranstoun escaped and died abroad, leaving Mary Blandy to pay the penalty at Oxford Castle. Much new and unpublished material from the British Museum and Record Office, &c., is contained in the book, which affords a graphic view of eighteenth century life and manners.

**Trial of James Stewart.** (1752.) Edited  
by DAVID N. MACKAY. Dedicated to the  
Right Hon. JAMES RAMSAY MACDONALD.

The story of the tragedy of Lettermore and of its grim sequel at Inveraray and Ballachulish is familiar to all readers of those splendid Stevenson romances—"Kidnapped" and "Catriona." It takes the imagination back to a time when the Highlander still revenged his wrongs as near as possible to the spot where he suffered them, and when the blood feud still passed from father to son; it tells of strong local passions, political and social, and the old enmities of the Stewarts and Campbells are herein sharply outlined; and the romance of loyalty to chief and clan is preserved in it for the instruction of a generation that finds some difficulty in realising the intensity of those relationships. Such qualities in the story, however, would not of themselves have conferred immortality on the name of James Stewart. They were present in many post-rebellion tales. In this Appin story we have surer preservatives—the mystery of a crime, and the mystery of the entanglements which that crime produced. A man was hanged, and no one has ever been able to justify the doleful deed. In West Highland belief James Stewart was an innocent victim of the law, and to the individual whom fate serves thus, the thoughts of posterity will always revert.

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"Fascinating books . . . excellently edited."—*John O'London's Weekly.*

**Eugene Aram: His Life and Trial. (1759.)**

By ERIC R. WATSON, LL.B., Barrister-at-Law.

Eugene Aram was executed on the 6th of August, 1759, for a murder committed at Knaresborough on the 8th of February in the year 1744-5. From then until now his genius and his fate have engaged the interest and activities of minds distinguished in every department of knowledge. Bulwer's famous novel and Tom Hood's poem have helped to keep the mystery alive and "The extraordinary story of Eugene Aram" has been told a thousand times. But it has remained for the present volume to present this famous case in its true light, free from the theories and sentiments expressed in those hasty compilations which appeared within a few days of the trial.

**Trial of Katharine Nairn. (1765.)** Edited

by WILLIAM ROUGHEAD, W.S. Dedicated to EDMUND LESTER PEARSON.

The case of Katharine Nairn presents innumerable points of interest to the criminologist and the psychologist. A girl of nineteen, daughter of a Perthshire baronet, Sir Thomas Nairn of Dunsinnan, she married Thomas Ogilvy of Eastmiln, a bonnet-laird and small farmer, more than twenty years her senior, in January, 1765. Four months afterwards he died suddenly, and suspicions that his wife had poisoned him, with the connivance of his brother, Lieutenant Patrick Ogilvy, culminated in their arrest on a double charge of incest and murder. The trial of Katharine Nairn, which took place at Edinburgh in August, 1765, is one of the most celebrated of Scottish *causes célèbres*, but until now has been available to very few. The book sheds a strong light upon the extraordinary, often incredible, customs of the time, and will appeal to all lovers of romance.

**The Douglas Cause. (1761-1769.)** Edited by

A. FRANCIS STEUART, Advocate. Dedicated to LORD GUTHRIE. (At present out-of-print.)

The "Douglas Cause" is probably the greatest civil trial affecting *status* that Scotland will ever know, and no trial of its time created so great a sensation or aroused so much popular

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"As an exact criminological record the series is unrivalled in English letters."—*Graphic*.

feeling. The Cause lasted in all for eight years. In 1761 Archibald Steuart or Douglas was served heir, as nephew, of the late Duke of Douglas. This service was at once challenged by the tutors of the Duke's heir male, the young Duke of Hamilton, who alleged that Archibald Douglas had no right to the Douglas estates, being a supposititious child. The legal proceedings came to their first halt in 1767, when the Court of Session—the fourteen judges of which were equally divided—gave, by the vote of the Lord President only, their judgment against the popular hero, young Douglas. He appealed to the House of Lords, and in 1769 had the satisfaction of being replaced in his position as heir to the Duke of Douglas, though not without the protest of five peers.

### **Trial of the Duchess of Kingston. (1776.)**

Edited by LEWIS MELVILLE.

In 1776 Elizabeth Chudleigh, Duchess Dowager of Kingston, was tried by her peers in Westminster Hall on a charge of bigamy. It was alleged by the Crown that while her marriage with Augustus John Hervey, third Earl of Bristol, remained undissolved, she had bigamously married Evelyn Pierrepont, second Duke of Kingston. Tremendous public interest was aroused in the trial—there was a vast estate involved, and the notoriety of the accused was world-wide. The life-story of this remarkable woman, skilfully told in the introduction, makes lively reading.

### **Trial of Deacon Brodie. (1788.)** Edited

by WILLIAM ROUGHEAD, W.S. Dedicated to  
LORD DUNDAS.

The trial of William Brodie for breaking into and robbing the General Excise Office for Scotland took place at Edinburgh, on 27th and 28th August, 1788. No more picturesque and striking figure than Deacon Brodie ever appeared at the bar of the High Court of Justiciary, and the story of his strange career, as unfolded in the course of the trial, is as enthralling as any romance. The double life which he so long and successfully led—as a respected citizen and town councillor by day, and by night the captain of a band of housebreakers—was the wonder of the country at the time, and is still remembered as a triumph of skilful duplicity. His fame has acquired fresh lustre from the interest which his

“One volume is worth a whole library of imaginary mystery tales.”—*Tattler*.

character aroused in Robert Louis Stevenson, who embodied Deacon Brodie in a play and owed to him the original conception of *Dr. Jekyll and Mr. Hyde*.

**The "Bounty" Mutineers.** (1792.) Edited  
by OWEN RUTTER. Dedicated to LORD  
BLANESBURGH.

In 1787 the "Bounty" under the command of Lieutenant Bligh, was sent on a special mission to Tahiti to secure a collection of bread-fruit plants for the West Indies. Trouble was brewing during their three months' stay on the island, Bligh's overbearing disposition making him unpopular with most of the crew. In addition, he had a series of clashes with Fletcher Christian, one of the master's mates. On the homeward voyage, three hundred miles out from Tahiti, the mutineers led by Christian forced Bligh and eighteen of the crew into an open boat and turned them adrift. Six weeks later Bligh brought the boat to Timor—a remarkable feat of navigation and one of the finest in the annals of the sea. Meanwhile, the mutineers had returned to Tahiti, where fourteen of them elected to remain. The rest, under Christian, sailed away in the "Bounty" and later settled on Pitcairn Island. In due course H.M.S. "Pandora" was despatched from England in search of the mutineers, and apprehended those who had remained on Tahiti. On 12th September, 1792, they were court-martialed on board H.M.S. "Duke." Four were acquitted and the remainder were sentenced to death. The Christian party escaped capture; but, with the exception of two of their number, all met with untimely deaths on Pitcairn Island.

**Trial of Abraham Thornton.** (1817.) Edited  
by Sir JOHN HALL, Bart.

On the morning of Whit Tuesday, May 27th, 1817, the body of Mary Ashford was found in a pond near Sutton Coldfield. The surrounding circumstances suggested that she had been criminally assaulted and murdered. The night before she had attended a village dance at which Abraham Thornton, a young man in a somewhat superior station of life, had paid her marked attentions. Public opinion with one voice pronounced him guilty. Nevertheless, at the subsequent assizes at Warwick, he was acquitted. So unpopular was this verdict that an obsolete

process of law was revised, an appeal of murder was "sued out," Abraham Thornton was re-arrested and had to plead at Westminster Hall to a charge of which, three months earlier, he had been declared "not guilty" by a jury of his countrymen. The legal arguments occupied the attention of Lord Ellenborough and three of his learned brethren for several months, and when at last Thornton was discharged the feeling against him was still so strong that he was obliged to emigrate to America.

### **Trial of Henry Fauntleroy. (1824.)** Edited by HORACE BLEACKLEY, M.A.(OXON.).

Henry Fauntleroy, the banker, was brought to trial for forging a power of attorney on October 30, 1824. The accused was a gentleman of position, and the crime with which he was charged was punishable by death in the open street at the hands of the common hangman. The evidence at the trial was clear to conclusive. Fauntleroy had swindled the Bank of England to the amount of £265,000, and he was found guilty and condemned to death. Great efforts were made to secure a reprieve, but the unfortunate banker was hanged in front of Newgate Prison, on November 30, 1824. This volume contains the fullest report of the trial that has yet been published, together with a full account of Fauntleroy's very interesting career and a complete description of his various forgeries. There are also lengthy accounts of the lives and crimes of the following forgers, most of whom suffered the penalty of death:—John Ayliffe, John Rice, Daniel and Robert Perreau, Dr. William Dodd, William Wynne Ryland, Henry Cook, Henry Weston, John Hadfield, Joseph Blackburn, Henry Savary, Captain John Montgomery, Joseph Hunton, Rowland Stephenson, M.P., Thomas Maynard.

### **Trial of Thurtell and Hunt. (1824.)** Edited by ERIC WATSON, LL.B., Barrister-at-Law. Dedicated to Sir HARRY B. POLAND.

At Hertford Assizes on 6th and 7th January, 1824, Thurtell and Hunt were tried, before Mr. Justice Park, for the murder of Mr. Weare in Gill's Hill Lane, near Elstree. The trial is "notable" for two reasons: it was almost the last famous trial to take place under the old Tudor procedure, rightly described by Mr. Justice Park as "inquisitorial"; and it was

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"These pages form a fascination for minds interested in the doings of men."  
—*Spectator.*

the first trial "by newspaper" and the first in which there was any very serious collision between the bench and the press. There are many other points of interest in the trial, not the least fascinating of which is the marked contrast in the characters of the accused. Thurtell, courageous and defiant, making an impassioned speech full of theatricals for his defence and taking snuff while being sentenced to death; Hunt, cringing of manner and thoroughly dejected, offering feeble resistance throughout the trial and in the utmost distress at the end.

**Burke and Hare.** (1828.) Edited by WILLIAM  
ROUGHEAD, W.S. Dedicated to Professor  
HARVEY LITTLEJOHN.

The names of Burke and Hare are familiar as household words wherever the English language is spoken. The magnitude of their crimes—they confessed to a minimum of sixteen murders—established a record in homicide. These miscreants, incited by the large sums paid by anatomists for subjects for dissection, conceived the scheme of establishing in Edinburgh a sort of murder factory, in order regularly to supply surgeons with material. Throughout the year 1828 the business was successfully conducted, the purchaser in every instance being the notorious Dr. Knox, the extra-mural rival of the Professor of Anatomy. The discovery of their last crime resulted in the apprehension of the gang, including Burke's mistress, M'Dougal, and Hare's wife. Owing to the difficulty of securing a conviction the Crown was forced to accept the Hares as King's evidence. At the trial Burke was found guilty and M'Dougal was acquitted.

**James Blomfield Rush.** (1849.) Edited by  
W. TEIGNMOUTH SHORE.

At his trial at Norwich, in March, 1849, James Blomfield Rush, a farmer, was charged with the murders of Isaac Jermy, his landlord, and a recorder of Norwich, and his son, Isaac Jermy Jermy. Briefly, the circumstances of the case are that Rush, after a great deal of premeditation, surprised his victims in their own house and shot them. Although he laid his plans carefully, and endeavoured by leaving false clues and other means to detract suspicion from himself, he was apprehended. At his trial the motive for these crimes was supplied by the fact that the murderer was very deeply in debt to Mr. Jermy. The most

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interesting and amazing feature of this trial was the behaviour throughout of the accused. Rush conducted his own defence, delivering on his own behalf a most remarkable speech, perhaps the most vivid ever made in a Criminal Court. After three days he was found guilty, and was executed on 21st April, 1849.

**Trial of William Palmer.** (1856.) Edited by GEORGE H. KNOTT, Barrister-at-Law. Dedicated to Sir HARRY B. POLAND. Second Edition, edited by ERIC R. WATSON, LL.B.

The events which led up to this trial occurred in November, 1855, at Rugeley, in Staffordshire, where William Palmer, who was about thirty-one years of age, had been a medical practitioner until two or three years previously. Mr. John Parsons Cook, whom Palmer was charged with poisoning, was a young man of about twenty-eight, who had been articled as a solicitor, but he inherited some £12,000 and did not follow his profession. He went on the turf, kept racehorses, and betted, and it was in this common pursuit that Palmer and Cook became acquainted. Three judges were appointed to try the case, a very rare occurrence in England. The bar on each side was exceedingly strong, and during the course of the trial some of the most celebrated chemists and physicians were called upon to testify either for or against the accused. In the end Palmer was found guilty of the crime charged against him and suffered the last penalty of the law.

**Trial of Madeleine Smith.** (1857.) *Second Edition.* Edited by F. TENNYSON JESSE.

Madeleine Smith, the daughter of a well-known and respected citizen of Glasgow, was tried at Edinburgh in June, 1857, for the murder of Pierre Emile L'Angelier. When still young Madeleine made the acquaintance of L'Angelier, who was a clerk in a Glasgow warehouse and much below her in social station. From the first their association was of a clandestine nature; meetings and interviews became frequent, and when these were found impracticable, affectionately worded missives were exchanged. On becoming engaged to a gentleman in her own station of life, Madeleine endeavoured to get back from L'Angelier the compromising letters she had written him, but without success. At her trial, which followed the sudden death of L'Angelier, the case for

the Crown was that his death was due to arsenical poisoning, and that on several occasions the accused had supplied L'Angelier with cocoa or coffee poisoned with arsenic. In this new edition are printed for the first time the complete letters of Madeleine Smith.

**Trial of Dr. Smethurst.** (1859.) Edited by  
LEONARD A. PARRY, M.D. Dedicated to the  
Right Hon. J. R. CLYNES.

On 3rd May, 1859, Miss Isabella Banks died suddenly after an obscure illness, and the doctors in attendance came to the conclusion that she had been poisoned with arsenic. Dr. Thomas Smethurst was arrested and charged with the death of the lady, whom he had bigamously married shortly before. He was tried at the Old Bailey, found guilty, and sentenced to death. The verdict was unpopular, and was denounced in the medical press as unjust. The Home Secretary, Sir George C. Lewis, then took an unprecedented course, submitting all the facts to a well-known surgeon for an opinion as to the justice of the verdict. As a result Smethurst was reprieved and subsequently received a free pardon. Later he was tried for bigamy, and convicted. A curious echo of the case was heard, two years later, when Dr. Smethurst brought an action in the Probate Court to prove the will of his alleged victim, and actually won it.

**Trial of Mrs. M'Lachlan.** (1862.) Edited by  
WILLIAM ROUGHEAD, W.S. Dedicated to  
ANDREW LANG.

This case created an enormous sensation in its day, and is still remembered by its once famous name of "The Sandyford Mystery." After the accused had been convicted of the murder of her friend and fellow-servant, Jessie M'Pherson, the Government took the unusual step of appointing a Crown Commissioner to take fresh evidence to test the truth of a statement the prisoner had made after the verdict of guilty had been returned against her, with the result that the sentence of death was commuted to penal servitude. The action of the Government was the subject of lengthy debates in the House of Commons. The dramatic scene in which the convicted woman in the dock denounced the chief witness for the Crown as the actual murderer is unparalleled in the records of criminal trials.



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**Trial of Franz Muller.** (1864.) Edited by  
H. B. IRVING. Dedicated to LORD HALSBURY.

On the night of Saturday, the 9th of July, 1864, a suburban train on the North London Railway arrived at Hackney about ten minutes past ten. A passenger who was about to enter a compartment noticed that it was covered with blood, and in the carriage a hat, stick, and bag were found. About twenty minutes past ten on the same night a driver of a train noticed the body of a man lying on the six-foot way between Hackney Wick and Bow stations. The unfortunate man was still alive, but his skull had been fractured, and late the following night he expired from his injuries. Great public indignation was aroused by the crime, and the inquiries which followed resulted in suspicion falling upon a man named Müller who was found to have left London for America. He was followed by two detectives and subsequently arrested on board the "Victoria" when it arrived in New York harbour. An eminent array of counsel were engaged in the case, and after a four days' trial Müller was found guilty and sentenced to death. Müller was executed on the 14th November, 1864.

**Trial of Dr. Pritchard.** (1865.) Edited  
by WILLIAM ROUGHEAD, W.S. Dedicated to  
Sir DAVID BRAND.

Dr. Pritchard, a well-known medical practitioner in Glasgow, was charged with the double murder of his wife and mother-in-law by poisoning them. After a trial which lasted five days and abounded in sensational incidents, Pritchard was found guilty, and was executed on 28th July, 1865, this being the last public execution in Scotland. The amazing hypocrisy of Dr. Pritchard affords a psychological study of high interest. Seldom has a more cruel and crafty miscreant graced the gallows. The sensational evidence of Dr. Paterson, who had seen the victims when alive and believed that they were being poisoned, yet maintained that it would have been contrary to medical etiquette for him to have interfered to save their lives, was one of the features of the trial.

**Trial of the Wainwrights.** (1875.) Edited  
by H. B. IRVING and Sir EDWARD MARSHALL  
HALL, K.C.

The Wainwright brothers were tried at the Central Criminal Court, London, on 22nd November, 1875, and following days,

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"Amazing and amusing."—*Glasgow Bulletin.*

before Lord Chief Justice Cockburn. Henry Wainwright, a married man, had long led a double life, and when his affairs became embarrassed, he determined to murder his mistress, Harriet Lane, who was pressing him for money. His brother Thomas, under an assumed name, pretended that he was going to provide for her, and on 11th September she left her lodgings and was never again seen alive. Twelve months afterwards Henry Wainwright was apprehended in the act of transferring from a cab to his brother's premises two parcels which were found to contain the dismembered body of a female. At his own place of business in Whitechapel Road, a grave was found in which the remains had been buried. At the trial the defence denied that the body found was that of the missing woman; but the facts were too strong for them, and Henry was sentenced to death, Thomas to seven years' penal servitude.

**Trial of the Stauntons.** (1877.) Edited by J. B. ATLAY, Barrister-at-Law. Dedicated to Sir EDWARD CLARKE, K.C. (At present out-of-print.)

The case of the Stauntons, or, as it was more generally known, the Penge mystery, was tried in September of 1877 at the Old Bailey before Sir Henry Hawkins, recently appointed to the bench, and the trial lasted for a week. There were four people on trial, Louis Staunton, his brother, Patrick Staunton, Mrs. Patrick Staunton, and Alice Rhodes, a sister of Mrs. Patrick Staunton. They were charged with the murder of Mrs. Louis Staunton by starvation and were all found guilty and sentenced to death. Strong representations, however, were made to the Home Secretary by the leaders of the medical profession in favour of the hypothesis of natural disease and the prisoners were reprieved, though only on the day before the date fixed for their execution. Alice Rhodes, against whom there was practically no evidence of anything but adultery, was at once released; the Stauntons were sentenced to long terms of penal servitude.

**Trial of Eugene Marie Chantrelle.** (1878.) Edited by A. DUNCAN SMITH. Dedicated to Sir HENRY D. LITTLEJOHN.

Eugene Marie Chantrelle, a teacher of languages resident in Edinburgh, had become almost penniless through extravagance

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“A whole library of profoundly interesting human narrative.”—*Saturday Review*.

and debauchery when he insured his wife's life for £1000. The policy was so framed as to take effect only in the case of her death by accident. Fifteen months later Mrs. Chantrelle died suddenly and her husband tried to make it appear that she had died as a result of an accidental escape of gas in her bedroom. The authorities, however, viewed the case differently, and Chantrelle was arrested, charged with administering poison to her. The evidence at his trial was entirely circumstantial, and it undoubtedly derived its force from a continuous series of particulars, any one of which would in itself have justified no more than a mere suspicion against the accused. After four days, Chantrelle was found guilty.

**Trial of Kate Webster.** (1879.) Edited  
by ELLIOTT O'DONNELL. Dedicated to Sir  
HARRY B. POLAND, K.C.

When Kate Webster was engaged by Mrs. Thomas, a somewhat eccentric widow, as domestic servant, her criminal record was considerable. She had spent at least six years of her life in jail paying for various thieving exploits. Mrs. Thomas was reputed to be a wealthy woman and, after careful premeditation, Webster murdered her. The crime was an excessively brutal one; it is probable that the murderess commenced her task of dismembering the body while the victim was still alive. She then hid the remains. Before Webster could sell Mrs. Thomas's property, as she had planned to do, she was forced to fly to Ireland, where she was later arrested. Her trial at the Central Criminal Court, London, lasted for a week. During the proceedings the accused made ingenious attempts to incriminate several innocent men, and she very nearly succeeded. She was executed at Wandsworth prison after making a confession.

**Trial of the City of Glasgow Bank  
Directors.** (1879.) Edited by WILLIAM  
WALLACE, Advocate. (At present out-of-print.)

On 1st October, 1878, a sensation was caused in business circles by the stoppage of the City of Glasgow Bank following a resolution of the Directors. The affairs of the Bank were investigated, and the story set forth in the report was one of the most disgraceful in the history of banking. Accounts had been deliberately falsified, securities entered at fictitious values, bad debts taken as

good assets, and the gold which ought to have been held against the note issue deliberately squandered to the extent of over £300,000. The Government had been deceived by false returns and the shareholders by "cooked" balance sheets. The Manager and Directors were at once arrested. Great public interest was aroused in their trial, which is unique in the annals of our criminal jurisprudence.

**Trials of Charles Peace.** (1879.) Edited by  
W. TEIGNMOUTH SHORE.

Charles Peace, the gallant adventurer of many legends, something of a Robin Hood, was in effect a thorough-paced scoundrel. On the evening of 29th November, 1876, he shot and killed a Mr. Dyson, with whose wife he was in love. He escaped, adopted various *aliases*, and thereafter enjoyed a fairly successful career as a burglar. Eventually he was arrested, convicted of attempting to murder a policeman, and sentenced to penal servitude for life. While in Pentonville Prison his antecedents were investigated. "Mr. Thompson" alias "Mr. Ward" was in truth no other than the long sought after Charles Peace. He was found guilty of the murder of Mr. Dyson and was sentenced to death. While awaiting his execution he confessed to another murder, that of a policeman, for which a man was serving a life sentence.

**Trial of Dr. Lamson.** (1882.) Edited by  
HARGRAVE L. ADAM. Dedicated to Sir  
CHARLES MATHEWS.

Dr. Lamson was tried at the Old Bailey, London, for the murder of his nephew, Percy Malcolm John. This is one of the few cases recorded where the poison used was aconitine. Lamson visited John, who was in residence at Blenheim House School, and, in presence of the headmaster, gave him a piece of cake and a capsule, the latter supposedly as medicine. Lamson then left hurriedly and the young man became suddenly ill; he died the same evening after suffering great agony. A motive for the murder was found in the fact that John possessed some small property, part of which was to revert to Lamson on the former's death; at the time the murderer was in considerable financial difficulty. The trial took place before Mr. Justice Hawkins, and Lamson was found guilty. Although great pressure was brought to bear, especially from America, to obtain a commutation of the sentence, he was eventually hanged.

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"They are admirably written."—*Week-end Review.*

**Trial of Adelaide Bartlett.** (1886.) Edited  
by Sir JOHN HALL, Bart. Dedicated to Sir  
EDWARD CLARKE.

Following the sudden death of Mr. Bartlett on 1st January, 1886, and a report from the Home Office Analyst that death was due to chloroform poisoning, a coroner's jury returned a verdict of "wilful murder," against Mrs. Bartlett, and found that the Rev. George Dyson a friend of the Bartlett's, had been an accessory before the fact. When the trial opened at the Old Bailey an early sensation was caused by the withdrawal of the charge against Dyson, who then became the principal witness for the prosecution. A feature of the trial was the brilliant defence of Mrs. Bartlett by Mr. (now Sir) Edward Clarke, to whose skilful advocacy the verdict of "not guilty" was mainly due. Seldom has there been a more popular verdict; but Sir James Paget has said that, once it was all over, she should have told us in the interests of science how she did it!

**Trial of Mrs. Maybrick.** (1889.) Edited  
by H. B. IRVING. Dedicated to Sir WILLIAM  
PICKFORD.

James Maybrick, a Liverpool cotton broker, died at his residence, Battlecrease House, Aigburth, on Saturday, the 11th of May, 1889, under mysterious circumstances. He was fifty years old at the time of his death. A suspicion had arisen in the minds of some of those attending Mr. Maybrick during his illness that his wife was attempting to poison him. She was arrested after his death, and tried for his murder at the Liverpool Assizes. She was convicted, and sentenced to death on the 7th of August, 1889. On the 22nd of August this sentence was commuted by the Home Secretary to one of penal servitude for life. Mrs. Maybrick served fifteen years of imprisonment, and was released on the 25th of January, 1904. The justice of Mrs. Maybrick's conviction was gravely questioned at the time, and has been the subject of criticism ever since.

**Trial of John Watson Laurie.** (1889.)  
Edited by WILLIAM ROUGHEAD, W.S. Dedi-  
cated to VISCOUNT DUNEDIN.

John Watson Laurie was tried and convicted at Edinburgh in 1889 for the Arran murder, described by the Judge in passing

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"Tense dramas—without sensationalism."—*Daily Sketch.*

sentence as "one of the most terrible crimes that our country has ever known." The victim was Edwin Rose, a London clerk, whose acquaintance Laurie, a young Glasgow workman, made while on holiday in Rothesay. They went together to Arran, where on 15th July they climbed Goatfell. Rose was never again seen alive. Next morning Laurie left the island secretly, taking with him his friend's luggage. On 4th August, after long search, Rose's body was found hidden beneath a boulder on the mountain, his head battered in and his pockets rifled. Laurie successfully evaded capture until 3rd September, when he was taken in a wood and attempted suicide. Tried for the murder on 8th and 9th November, he was found guilty and received sentence of death; but this was afterwards commuted to penal servitude for life, on the ground of his alleged insanity. He died in Perth Penitentiary on 4th October, 1930, after forty-one years' imprisonment.

**The Baccarat Case.** (1891.) Edited by W.  
TEIGNMOUTH SHORE. Dedicated to Sir  
PERCIVAL CLARKE.

This volume is an attempt to win justice for the memory of a man much wronged and to clear away the scandal so stupidly attached by press and public to the Prince of Wales (King Edward VII) in connection with what was called the Baccarat Case. Here, briefly, are the facts of this gripping Society drama:—On 8th September, 1890, a house party assembled at Tranby Croft for the Doncaster Races. The guests included the Prince of Wales, his personal friend Sir William Gordon-Cumming, Bart., and many other notables. At the house party Sir William Gordon-Cumming was accused of cheating at cards. No attempt was made to thrash the matter out properly, but Sir William signed a document tantamount to an admission of guilt. This was an undertaking never again to play cards. In return, secrecy in the affair was to be observed by all concerned. There is no reason to doubt that Sir William's reason for signing that document was, as he maintained, to avoid a scandal in which the Prince would be involved. Gossip, however, spread abroad and he was obliged to bring an action for slander against his accusers, Mrs. Arthur Wilson and Others. The trial began on 1st June, 1891, concluding upon 9th June, and was marked by brilliant advocacy on both sides.

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"I cannot understand why people read detective novels when they can have 'Notable British Trials.'"—*Compton Mackenzie.*

**Trial of Thomas Neill Cream. (1892.)**

Edited by W. TEIGNMOUTH SHORE.

Born in Glasgow in 1850, Thomas Neill Cream was taken as a boy to Canada, where he was well educated. He studied medicine, and qualified as a physician and surgeon both there and in this country. From the start of his professional career in Canada and Chicago he adopted murder as a means of livelihood and seemingly of pleasure, the climax being the series of murders he committed in Lambeth in the year 1891. In the end he very nearly escaped the just recompense of his crimes. He was hung for murdering an unfortunate named Matilda Clover, his guilt being brought home to him by his having shown an intimate knowledge of the cause of her death before any one had suspected foul play. Also at the trial in October, 1892, Mr. Justice Hawkins admitted as evidence against the accused proof that he had made a practice of buying poison such as had been administered to Matilda Clover, and that he was almost certainly guilty of other and similar crimes.

**Trial of A. J. Monson. (1893.)** Edited byJOHN W. MORE, Advocate. Dedicated to the  
LORD JUSTICE-CLERK.

Alfred John Monson was tried at Edinburgh for the murder of Cecil Hambrough, a boy of seventeen, to whom he was acting as tutor. Hambrough was killed at Ardlamont, Argyllshire, by a shot from a sporting gun while out shooting with Monson and a man named Scott. Both declared that he had accidentally shot himself. No suspicion was aroused until Monson applied for payment of two life insurance policies value £20,000, which the boy had taken out before his death and assigned to him. Shortly afterwards Monson was arrested, but Scott, whose real name was Edward Sweeney, had disappeared. When the proceedings against Monson began the judge passed sentence of outlawry against Sweeney. The trial lasted for ten days, but at the end of that time the "Ardlamont Mystery" was still a mystery, the verdict being the peculiarly Scottish one of Not Proven.

**Trial of George Chapman. (1903.)** Editedby HARGRAVE L. ADAM. Dedicated to LORD  
CARSON OF DUNCAIRN.

George Chapman's criminal career ended on the gallows at Wandsworth on 7th April, 1903. It had been proved at the

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"Excellent and enormously impressive volumes."—*Glasgow Herald*.

Central Criminal Court in London on 16th March and following days that he had murdered at least three persons—all of them young women who had lived with him. In each case his method of murder had been the same, namely, to dispose of his victim by poisoning her with antimony. Chapman, whose real name was Severin Klosowski, might have escaped detection but for several gross blunders made through over-confidence. Yet, in another respect, he may indeed have baffled the law. For this volume provokes the question: Was this Borough publican also the mysterious murderer of the Whitechapel streets known as "Jack the Ripper"? In the considerable literature that has evolved concerning the latter's identity no theory yet advanced has had the support of such a chain of facts and circumstances as is set forth here. The Chapman theory is more plausible than any yet propounded.

### **Trial of Samuel Herbert Dougal. (1903.)**

Edited by F. TENNYSON JESSE.

Samuel Herbert Dougal had been several times in undesirable contact with the law, when, almost penniless, he met Camille Cecile Holland, an independent lady, possessed of some private means. He immediately captured the heart, if not at first the purse, of the lady, and together they retired to the dreary isolation of the Moat Farm, near Clavering, Essex. Although Miss Holland disappeared shortly after her arrival there, it is remarkable that four years passed before any inquiry was set on foot as to her fate. At length an exhaustive search of Moat Farm was carried out, and her decomposed body, with a bullet hole in the skull, was found in a ditch near the farm-house. The case against Dougal was, of course, a purely circumstantial one, and the issue at his trial depended entirely upon the evidence of identification of the body; but two days sufficed for the prosecution to establish its case. On the 8th of July, 1903, after confessing to the murder of Miss Holland, Dougal was hanged at Chelmsford prison.

### **Trial of Adolf Beck. (1904.)** Edited by

ERIC R. WATSON, LL.B.

This case is a most remarkable instance of a genuine miscarriage of justice. On 5th March, 1896, Adolf Beck was sentenced to seven years' penal servitude for various frauds on women, after

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what seemed conclusive identification by a number of his alleged victims. The strange frauds ceased while he was in prison and began again after his release on licence in 1901. He was again arrested, identified as before, and in due course convicted. The judge delayed passing sentence, however, having some doubts about the case. A few days later the real offender was arrested. He was a known criminal, whom the police believed to be in Germany. By mere chance he had been using the same haunts as Beck and wearing very similar clothes. Persistence in his crimes after Beck was again in custody brought the truth to light. Beck received free pardons in respect of his two convictions and £5000 as compensation.

**Trial of Oscar Slater.** (1909-1928.) *Third Edition.* Edited by WILLIAM ROUGHEAD, W.S.  
Dedicated to Sir ARTHUR CONAN DOYLE.

Oscar Slater was tried at Edinburgh in 1909 for the murder of Miss Marion Gilchrist, an old lady, in her flat in Glasgow. The case for the Crown was based on evidence of identity alone, and it had many weak links. In what other murder case, for instance, has the supposed right man been arrested on what was an admittedly wrong clue? Nevertheless, Slater was convicted, the jury voting as follows: for Guilty, nine; for Not Proven, five; and for Not Guilty, one. Slater was sentenced to death, but he was afterwards reprieved and sent to Peterhead. An official inquiry was held into the case in 1914, but it increased rather than diminished the mystery. In 1927 Slater was liberated from Peterhead, having served nineteen years in prison; and shortly afterwards this long legal tragedy was brought to a close when the case was taken to the Scottish Court of Criminal Appeal and the conviction quashed.

**Trial of Hawley Harvey Crippen.** (1910.)  
Edited by FILSON YOUNG. Dedicated to Sir  
BASIL HORNE THOMSON, C.B.

On the evening of 31st January, 1910, Dr. Crippen and his wife entertained friends at their house, 39 Hilldrop Crescent, London. That was the last occasion on which Mrs. Crippen was seen alive by anyone other than her husband. Crippen said that she had gone to California; later he announced that she had died

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—*New Statesman.*

there. He then brought his mistress, Ethel Le Neve, to live with him at Hilldrop Crescent. In June, a Mr. Nash went to Scotland Yard and raised the whole question of Mrs. Crippen's disappearance. Inquiries were set on foot and the house at Hilldrop Crescent was searched, without revealing any trace of the missing woman. Then, just at a time when the matter might have been dropped, Crippen and Miss Le Neve injudiciously took to flight. A further search of the house was made, and the remains of Mrs. Crippen were discovered beneath the floor of a cellar. Crippen was arrested at sea, off Father Point, and brought back to London for trial.

### **Trial of John Alexander Dickman. (1910.)**

Edited by S. O. ROWAN-HAMILTON, Barrister-at-Law. Dedicated to LORD COLERIDGE.

John Alexander Dickman was executed for a murder committed in a railway carriage on the main line of the North Eastern Railway, near Morpeth. The murdered man was John Innes Nisbet, who was carrying a bag containing £370 to pay wages at a colliery. Dickman was convicted upon purely circumstantial evidence, and the identification of him as the man seen with the victim in the train was far from being conclusive. In the witness box, however, the accused gave a very unsatisfactory account of his conduct and movements on the day of the crime, and this was mainly accountable for the verdict. After the Court of Criminal Appeal had refused to interfere with the conviction, his friends made great efforts to secure a reprieve; but without success. Dickman was executed at Newcastle prison on 10th August, 1910.

### **The Trial of Steinie Morrison. (1911.)**

Edited by the Hon. H. FLETCHER MOULTON, B.A.(Cantab.), Barrister-at-Law. Dedicated to LORD DARLING.

Steinie Morrison was convicted of murdering Leon Beron, a Russian Jew, who was found dead on Clapham Common on New Year's Day, 1911. His face had been mutilated by a knife and two large S's—"the mark of vengeance"—had been cut on the cheeks. The sentence of death was commuted to one of penal servitude, and Morrison, still protesting his innocence, died

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"These stories of real life drama make most detective fiction look poor stuff."—*Aberdeen Press and Journal.*

from semi-starvation in Parkhurst Prison Infirmary some years later. What makes this trial of continued interest is the picture it gives of a life in London almost unaffected by ordinary conditions, a life in which men who do no work stay all day in restaurants; where a man with an income of fifteen shillings a week is described as a retired gentleman living on his means, and where a man is one day a waiter and the next day a customer in the same eating-house.

**The Trial of the Seddons.** (1912.) Edited by  
FILSON YOUNG. Dedicated to Sir EDWARD  
MARSHALL HALL, K.C.

The trial of Mr. and Mrs. Seddon for the murder of Miss Barrow, their wealthy lodger, took place at the Old Bailey, and occupied ten days. Miss Barrow's death was originally certified as being due to natural causes. No suspicion was aroused until relatives inquired about her property and the money she was known to have had in her possession. Seddon explained that she had parted with her property to him for an annuity, and that he had found a sum of only £10 in her possession. Two months later Miss Barrow's body was exhumed, and it was found that arsenic was present in the remains. At the trial the possession of that poison was not brought home to the accused; but other facts were strong. The jury convicted Seddon and acquitted his wife, although the evidence against him pressed just as heavily, if not more so, upon her.

**The Trial of George Joseph Smith.** (1915.)  
Edited by ERIC R. WATSON, LL.B., Barrister-  
at-Law. Dedicated to ARTHUR NEIL.

George Joseph Smith was executed for the first of a series of murders which are now best remembered as the "Brides in the Bath Murders." The trial at the Central Criminal Court was the most important murder case heard in England since *Rex v. Palmer*. The method of this murderer was entirely novel, and demonstrated the ease with which an adult woman could be drowned in a bath without bruising her. It is known that he killed at least three women in this fashion, and the motive in each case was purely mercenary. An old reformatory boy and jailbird, so ignorant that in 1915 he spelt "German" with an initial "J," he yet succeeded in winning golden opinions from

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most men and women with whom he came in contact, the chaplain who finally attended him and the bishop who confirmed him in Maidstone gaol being amongst those who could scarcely believe in his guilt.

### **Trial of Sir Roger Casement. (1916.)**

Edited by GEORGE H. KNOTT, Barrister-at-Law. Dedicated to the LORD CHIEF JUSTICE and Mr. JUSTICE DARLING.

Though the trial of Casement for High Treason in the High Court of Justice in 1916 was but one of the minor sensations of the Great War, yet its intrinsic interest and historical importance well warrant this authentic report of the proceedings. Casement, having held divers high appointments under the British Crown, having been knighted for his services, and having retired on a pension, upon the outbreak of hostilities proceeded to Germany where he was actively employed in inciting the Irish prisoners of war to join the German arms against England. The frustration of his attempt to run men, arms, and ammunition with a view to raising a rebellion in Ireland reads more like some tale of strange adventure than sober history. A full report of the trial is here given, as well as of the no less important proceedings in the Court of Criminal Appeal.

### **Trial of Harold Greenwood. (1920.)** Edited

by WINIFRED DUKE. Dedicated to Sir EDWARD MARLAY SAMSON, K.C.

The trial of Harold Greenwood, a Llanelly solicitor, took place at the Assizes, Carmarthen, South Wales. Greenwood was charged with having poisoned his wife. At the time of her death the Greenwoods were living together at Rumsey House, Kidwelly, an eminently respectable and apparently happily married couple. In the early morning of 16th June, 1919, Mrs. Greenwood died suddenly after a few hours' illness. Her doctor granted a certificate to the effect that death was due to valvular disease of the heart, and she was buried in Kidwelly churchyard. This lengthy and extraordinary case began some months later, when, following upon sinister village gossip chiefly aroused by Greenwood's second marriage, the police instituted inquiries into his first wife's death.

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"They are of real value to earnest students of human nature."—*Arnold Bennett.*

Her body was exhumed, and an expert's examination revealed the presence of a small quantity of arsenic in the organs. Greenwood was then arrested. His trial lasted for seven days, and terminated in a verdict of "Not Guilty."

**The Trial of Ronald True.** (1922.) Edited by DONALD CARSWELL. Dedicated to the LORD JUSTICE ATKIN.

Ronald True early evinced signs of abnormality, which increased in later life when he became a drug addict, suffered from syphilis, and had two bad aeroplane crashes in England and two in America. These things undoubtedly affected his never too secure mental balance. Finally, after living a vagabond life, True murdered a prostitute for her valuables—some £8 in cash and a little jewellery. He was tried at the Central Criminal Court before Mr. Justice M'Cardie, found guilty and sentenced to death. This was later respited by the Home Secretary on the ground of insanity. A great outburst of protest followed this decision, and Mr. Secretary Shortt was called on to face a tornado of execration from the press and the public. The controversy aroused even in responsible circles made it clear that few people have any appreciation either of the legal or medical difficulties involved where insanity is pleaded as a defence to a criminal charge.

**The Trial of Frederick Bywaters and Edith Thompson.** (1922.) Edited by FILSON YOUNG. Dedicated to HERBERT AUSTIN.

Frederick Bywaters and Edith Thompson were jointly charged at the Old Bailey with the murder of Percy Thompson, the woman's husband. It had come out in the Police Court proceedings that Mrs. Thompson had written a long series of letters to Bywaters, who was at sea. In these letters were the most direct and definite references to alleged attempts which she represented herself as making on the life of her husband. When read in court, these letters produced a great effect upon the jury. Nevertheless, the case for the prosecution was a weak one, inasmuch as there was no witness of the murder, except possibly Mrs. Thompson. But Mrs. Thompson insisted on going into the witness-box, and, under a searching cross-examination, she made some damaging admissions. As a result both were found guilty. If Mrs. Thompson had not gone into the box it is unlikely that

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the jury could have convicted Bywaters of anything more than manslaughter, or that they could have convicted her at all.

### **The Trial of H. R. Armstrong.** (1922). Edited by FILSON YOUNG.

Herbert Rowse Armstrong practised as a solicitor in the small town of Hay in Brecon. He has been described as "the tea-time poisoner." In his opinion either butter or tea itself was an admirable vehicle in which to administer arsenic. Armstrong was tried at the Shire Hall, Hereford, for the murder of his wife; if he had been acquitted of that there was another charge on the indictment accusing him of the attempted murder of Mr. Martin, a fellow solicitor and business rival. And there is considerable support for the view that if the exhumation of Mrs. Armstrong's body, ten months after its burial, had not revealed the presence of arsenic, and led to Armstrong's conviction, other graves in this pleasant little town would have been disturbed and other tragedies brought to light. This was the last murder case tried by Lord Darling, undoubtedly the greatest criminal judge of his day.

### **Trial of Jean Pierre Vaquier.** (1924.) Edited by R. H. BLUNDELL and R. E. SEATON, Barristers-at-Law. Dedicated to Mr. JUSTICE AVORY.

The curtain rose on the first act of this drama when Mrs. Mable Theresa Jones, an Englishwoman holidaying in France, met a Frenchman named Jean Pierre Vaquier at Biarritz. She was the wife of a country hotel-keeper and he a wireless operator and adventurer. These two became friendly, then intimate, and when Mrs. Jones returned to England and the Blue Anchor Hotel at Byfleet, Surrey, Vaquier followed her. Here, Mr. Jones—an apparently unsuspecting husband—his wife, and her paramour all lived for a time under the same roof; but the little Frenchman was very deeply in love with Mrs. Jones and he determined to poison the innkeeper. He did so on 29th March, 1924, employing strychnine for the purpose. At his trial at Guildford Vaquier made strenuous, but unsuccessful, efforts to save his neck by implicating other innocent persons. He was found guilty after four days, and was executed at Wandsworth on 12th April, 1924.

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"Stories of passion . . . human documents of absorbing interest."—  
*Illustrated London News.*

**Trial of John Donald Merrett. (1927.)**

Edited by WILLIAM ROUGHEAD, W.S. Dedicated to LORD ALNESS, LL.D.

John Donald Merrett, a University student, was tried at Edinburgh for the murder of his mother, Bertha Merrett, in a flat at 31 Buckingham Terrace, and for uttering forged cheques upon her banking account. Mrs. Merrett died on 1st April, 1926, as the result of a bullet wound. The bullet had been fired from a small automatic pistol which belonged to her son. The authorities at first believed that she had committed suicide. It is a remarkable feature of this case that no suspicion was raised in the official mind for eight months. In December, 1926, Merrett was arrested in England and brought to Edinburgh for trial. The proceedings occupied seven days. Merrett was most skilfully defended, and the jury returned a verdict of "Not Proven" on the charge of murder; he was, however, found guilty of uttering, and received a sentence of twelve months' imprisonment.

**Trial of Browne and Kennedy. (1927.)**

Edited by W. TEIGNMOUTH SHORE.

On Tuesday, 27th September, 1927, the body of a policeman was found on a lonely Essex road. The murdered man, Police Constable Gutteridge, had been shot dead while patrolling his beat in the early hours of the morning. For nearly four months his murderers remained at large. Then in January, 1928, when most people had concluded that here was another murder mystery that would not be solved, the authorities arrested Frederick Guy Browne and William Henry Kennedy on a charge of stealing a motor car. Soon afterwards the men were also charged with the murder of Gutteridge. Their trial was truly notable; it opened at the Central Criminal Court, London, on 23rd April, and was a great legal battle which ended on the fifth day with the jury's answer of "Guilty." Browne was executed at Pentonville Prison and Kennedy at Wandsworth.

**Benjamin Knowles. (1928). Edited by ALBERT LIECK.**

The right to trial by jury, which has bulked so largely in English history, was involved in the Knowles Case. Dr. Knowles

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"Unrivalled in richness, poignancy, and variety of human interest."—*Birmingham Post.*

was charged with the murder of his wife by shooting her in their bungalow at Beckwai, and he was tried before the Acting Circuit Judge of Ashanti; sitting without a jury. In accordance with the law of Ashanti the accused was not allowed to have legal aid. It appeared that, when a surgeon called at the Knowles' bungalow on 21st October, 1928, Dr. Knowles said to him, "there has been a domestic fracas," and the visitor found that Mrs. Knowles was severely wounded. She died shortly after making a deposition in which she said that her husband's revolver had accidentally discharged when she sat on it. This statement was read at the trial, and the accused conducted his case with some ability. Nevertheless, on the ninth day of the proceedings he was convicted and sentenced to death. The sentence was afterwards commuted to one of imprisonment for life, but Dr. Knowles then carried an appeal to the Privy Council, and he was brought to London, where the matter was argued and the conviction quashed.

### **Trial of Alfred Arthur Rouse. (1931.)**

Edited by HELENA NORMANTON. Dedicated to Sir E. TINDALL ATKINSON.

The "Blazing Car" case surpasses in interest all other modern murder trials; it demonstrates a new means of murder, which, curiously, had been employed in Germany some months before. The crime was committed in the early morning of Thursday, 6th November, 1930, the victim, an unknown man, being burned to death in a motor car on a lonely road near the small village of Hardingstone in Northamptonshire. The suggestion of the prosecution at the trial was that Rouse, who was in embarrassed circumstances, calculated by this means to obscure his identity, and that his plan only miscarried because he was seen on the road near the burning car by two young men. Rouse maintained that the car had been accidentally set alight by the dead man while he (the accused) was out of it. After a six days' trial at the County Hall, Northampton, Rouse was found guilty and sentenced to death.

### **The Royal Mail Case. (1931.)** Edited by COLLIN BROOKS. Dedicated to Lord WRIGHT of Durley.

The trial of Lord Kylsant in 1931 marked a turning point in the history of company finance. Upon its lessons future

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reforms of company law will turn and present practice already turns. A study of this case is essential to all company directors, accountants, commercial lawyers, and investors. The report is prepared from the official shorthand notes of the trial. It is introduced by a discussion of the vital points which emerged during the hearing and of the special circumstances of the time which made the trial of unusual importance even before its ending was known. The Kysant case cannot be understood unless the financial background of 1928-31 is properly envisaged. After the boom of the former year, crashes and crises were many, ranging from the conviction of Brandreth of the "Ner-Sag" companies to the frauds of Clarence Hatry; but the Royal Mail Case assumes a greater importance to investors from the fact that those charged were felt to be not rogues but honest men.

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