

of the next Sink or Puddle to the Place of Execution, and that Day he had Water he should have no Bread, and that Day he had Bread he should have no Water; and in this Torment he was to linger as long as Nature could linger out, so that oftentimes Men lived in that Extremity eight or nine Days: Adding further, that as Life left him, so Judgment should find him. And therefore he required him, upon consideration of these Reasons, advise himself to plead to the Country; who notwithstanding absolutely refused.

Hereupon the Lord Chief Justice willed Sir *Lawrence Hyde*, the *Queen's Attorney*, and there of Council for the King, to manifest unto the Audience the Guiltiness of the said *Weston* by his own Confession, signed with his own Hand; and if in the Declaration thereof they may meet with any great Persons whatsoever, as certainly there were Great-Ones confederate in that Fact, he should boldly and faithfully open whatsoever was necessary, and he could prove against them. Whereupon Mr. *Attorney* began his Accusation:

First, he charged the Countess of *Somerset* and the Earl to be principal Movers unto this unhappy Conclusion, Mrs. *Turner* to be of the Confederacy, and the Pay-mistress of the Prisoner's Reward; in which the Attorney's Boldness was very observable, in terming the Countess a dead and rotten Branch, which being lopt off, the Noble Tree, meaning that Noble Family, would prosper the better.

Secondly, He proceeded to the Cause, which he affirmed to be the Malice of the Countess: And the Ground of this Malice he alledged, and by many Inducements he evidently affirmed, That Sir *Thomas Overbury* had dissuaded the Viscount *Rochester* from that adulterate Marriage with the Countess of *Somerset*, then Countess of *Effex*. And for this he alledged as followeth:

Sir *Thomas Overbury* having divers times dissuaded the Earl, then Viscount *Rochester*, from seeking by any means to procure Marriage with the Countess of *Effex*, to which he saw the Earl too much inclined; and having very earnest Conference with the Earl one Night in private in the Gallery at *White-Hall* concerning his Intendment, perceiving the Earl too much at that time to desire that unlawful Communication; in the Ardency of his fervent Affection unto the Earl, and great Prefcience of the future Misery it would inevitably bring unto him, (his well-beloved Lord and Friend) used Speeches to this Effect:

Well, my Lord, if you do marry that filthy base Woman, you will utterly ruin your Honour and your self; you shall never do it by my Advice or Consent; and if you do, you had best look to stand fast.

My Lord replied, bewitched with the Love of the said Countess, moved with Sir *Thomas Overbury* for so slighting her, answered, *My own Legs are streight and strong enough to bear me up; but, in Faith, I will be even with you for this:* and so parted from him in a great Rage.

This Conference was over-heard by some in an adjoining Room, and their Depositions for the Truth thereof were read in Court.

Altho' this Conference moved the Earl to such a sudden Choler, yet it seemed Sir *Thomas Overbury* conceited it no otherwise than a sudden extreme Distemperature or Passion, and not a final Conclusion of their Bosom-Friend as before, in which the Earl seemed reciprocal; howsoever, in his Double-Dealing it seemed to be clearly otherwise.

For upon this the Earl moved the King to appoint Sir *Thomas Overbury* Ambassador for *Russia*. The King, willing to prefer Sir *Thomas Overbury*, as one whose Worth and Valour was not unknown to his Majesty, accordingly adjoined him that Service; the which Sir *Thomas* was most willing to accept of, as a gracious Aspect of the King towards him: which Willingness of his was proved by the Deposition of two or three several Witnesses read in Court, and by the Oath of Sir *Dudly Diggs*, who voluntarily, at the Arraignment in open Court, upon his Oath, witnessed how Sir *Thomas* had imparted to him his Readiness to be employed on an Embassy.

The Earl as well abusing the King's Favours, in moving to shew Favour where he meant the Party should take no Benefit, as bearing dishonest Friendship, in Conference with Sir *Thomas* concerning that Employment, persuaded him to refuse to serve Ambassador, where (quoth he) I shall not be able to perform such Kindness to your advantage, as having you with me; and (quoth he) if you be blamed or committed for it, care not, I will quickly free you from all harm. Sir *Thomas*, thus betrayed by a Friend, refused to serve in that nature; whereupon he was committed to the *Tower*.

Being thus committed, he was presently committed close Prisoner, and a Keeper he must have; and who must that be but this *Weston*, who was commended by the Countess of *Effex* to Sir *Thomas Monson*, to be by him recommended over unto the Lieutenant of the *Tower*, to be Keeper to Sir *Thomas Overbury*. Sir *Thomas Monson*, according to the Countess's Request, commended the said *Weston* to Sir *Jervis Elvis*; whereupon the said Lieutenant entertained the said *Weston*, and appointed him to keep Sir *Thomas Overbury*. The said *Weston*, upon his own Confession read in Court, signed with his Mark, had during the time that she was Countess of *Effex*, been a Procurer and Pander to the said Earl, then Viscount *Rochester*, and the Countess of *Effex*, for the conveying and effecting of their adulterate Desires, which they did divers times consummate, meeting in Mrs. *Turner's* House once between the Hours of Eleven and Twelve, and at *Hammer-smith*, and at divers times elsewhere, for that purpose; that now, by the Procurement of the Countess, (who hated Sir *Thomas Overbury*, for being a good Means to keep them from contaminating themselves with such lustful Embracements, and from the purposed Marriage they mutually laboured to compass) her Pander was become his Keeper, a fit Agent for Lust and Murder.

Weston now being become Sir *Thomas Overbury's* Keeper, kept him so close, that he scarce had the Comfort of the Day's Brightness; neither suffered he any one to visit him, Father, Brother, his best Friends, his nearest Kindred were Strangers to him from the beginning of his Imprisonment unto the end.

Mrs. *Turner*, upon the first day's keeping, promised to give him a contenting Reward, if he should administer such things to Sir *Thomas Overbury*, as should be sent unto him, thinking him a fit Instrument to compass black Murder, that was so well acquainted with foul Lust; and so indeed they found him, for he agreed and did promise to administer whatsoever she would send him. Mrs. *Turner*, upon this murderous Promise, the very same day that *Weston* became Sir *Thomas Overbury's* Keeper, being the 6th day of *May* 1613, sent unto

unto him the said *Weston* certain yellow Poison, called *Rosalgar*, in a Vial.

Weston having received that Poison, the aforesaid 6th of *May* at Night, bringing *Sir Thomas Overbury's* Supper in one hand, and the Vial of Poison in the other, meets with the Lieutenant, and asks him in these terms, *Sir, shall I give it him now?* Upon this word *Now*, the Lord Chief Justice demurs, to aggravate the Maliciousness; affirming that this Particle *Now*, shewed a Resolution to poison him. What shall you give him? replies the Lieutenant. *Weston* replies, As if you did not know, *Sir*. The Lieutenant blaming him, he carries the Poison into an inner Room, which *Weston*, the 9th of *May*, did administer to *Sir Thomas Overbury* in Broth. This was proved both by *Weston* and the Lieutenant's Confession.

Weston having giving this Poison, which wrought very vehemently with him by Vomits and extreme Purging, he presently demands his reward of *Mrs. Turner*, who replies, *That the Man is not yet dead, perfect your Work, and you shall have your Hire.* This was also confessed by *Weston* under his Marks.

Sir Thomas Overbury, by his close Imprisonment, growing sick, and daily languishing, after three or four Weeks space (considering he had not got his Freedom and Release, having no Friends suffered to come unto him, but only such as the Earl sent to comfort him, of his own Followers) writ to the Earl to remember his Imprisonment; who received answer, *The Time would not suffer, but so soon as possible might be, he would hasten his Delivery:* so indeed it seems he intended to do, but not so as *Sir Thomas Overbury* conceived, whose true Affection would not admit his Judgment to debate the strangeness of his Imprisonment, which he might well think the Earl might easily have relieved.

The 5th of *June*, Viscount *Rochester* sent a Letter to *Sir Thomas Overbury*; in the Letter he sent him a white Powder, willing *Sir Thomas* to take it: *It will* (quoth he) *make you more sick, but fear not, I will make this a means for your Delivery, and for the recovery of your Health.* *Sir Thomas Overbury* never dreaming of base Treachery, but conceiving it as a friendly Policy, received the said Powder, which wrought upon him more vehemently; whereupon his Sickness grew more vehement or violent, and his Languishment increased: which white Powder, upon *Weston's* Confession, was Poison.

Sir Thomas Overbury's Sickness increasing, and with it his wondering that he could not in two Months space be released, after his Physick taking, he thus writes to the Earl, lamenting his own Estate; for his Faith being thus shaken with the Earl's Unkindness, gave way for his Judgment to scan those Actions, rather like an understanding Man, than like a loving Friend, as appeareth by his Letter sent to Viscount *Rochester*, the Effect whereof was thus, as it is averred by the Deposition of *Sir Thomas Overbury's* Servants, who saw the Letter.

Sir Thomas Overbury's Letter to the Viscount Rochester.

S I R,

I Wonder you have not yet found means to effect my Delivery, but I remember you said, 'you would be even with me,' [not suspecting, as it seemeth, any Poisoning, but an unkind Forgetfulness of my Lord of *Rochester*] 'and so indeed you are; but assure yourself, my Lord, if you

'do not release me, but suffer me thus to die, my Blood will be required at your hands.'

My Lord comforts him, and excuses, that it cannot yet be compassed: *Sir Thomas*, after the Powder taken, languisheth deadly, and to comfort him, some Followers of my Lord of *Rochester's* are sent to him daily, in the name of my Lord, by the appointment and procurement too of the Lady of *Essex* (as *Weston* confessed) to visit and comfort him, and to intreat him if he desired any Meat, that he should speak, and it might be better perhaps provided for him, than he should have in the Tower: this was about three Months after his Imprisonment.

He (as Men sick desire luscious Meats) desired Tarts and Jellies, which were provided by *Mrs. Turner*, with the knowledge of the said Countess, and sent unto him, of which he did eat; the which Tarts were poisoned with *Mercury Sublimate*, not being so well coloured as other Tarts are, and *Weston* confessed that he was straitly charged not to taste thereof.

Sir Thomas thus continuing languishing with the Extremity of Sickness, until the 6th of *September*, when the aforesaid *Mrs. Turner* did procure an Apothecary's Boy for twenty Pounds to poison a Clyster, which was by the Boy and *Weston* afterwards administered as good Physick, upon the 7th day of *October*; after the Receipt of the Clyster, he fell into a great Extremity of Vomiting, and other Purging, which left him not, till it caused his Soul to leave his poisoned Body: this *Weston* confessed and signed.

Being thus dead, he was presently and very unreverently buried in a Pit, digged in a very mean place; on his Body thus venomously infected, appeared divers Blains and Blisters: whereupon they, to take away as well his good Name, as his Life, did slanderously report, that he died of the *French Pox*; but this Report was cleared in Court, by the Depositions of his Servants, and other Men of Worth there read.

That before his Imprisonment, he had a clean and sound Body, only he had an Issue in his Left Arm, purposely made for the benefit of his Nature, for the avoiding of Rheum and ill Humours, which, with continual sitting at his Study, he had subjected himself unto.

He further observed the Confession of the Lieutenant to be, that if any Prisoner died there, his Body was to be viewed, and Inquisition to be taken by the Coroner.

But *Sir Thomas Overbury's* Friends and others, by no means might be suffered to see his Body; and altho' it was reported, that there was an Inquisition taken, yet it could by no means be found.

After Mr. Attorney had ended his Speech, Mr. *Warr* also of Council for the King, declared to the Court what Familiarity he had with *Sir Thomas*, being both of the *Temple* together, much commending his singular, honest and virtuous Conversation; affirming, That he was addicted to no dishonest Actions: and from this he proceeded to urge his sad Usage in the Tower, where he might have no Company, but the Apothecary and the *Walloon*; and repeating the sending of the Tarts and Jellies in my Lord of *Somerset's* Name, he ended his Speech with this Saying, *Pereat unus, ne pereant omnes; pereat peccans, ne pereat Respub.* Then, by the Commandment of the Court, were read by Mr. *Fenshaw* the Examinations of divers Witnesses

Witnesses taken before my Lord Chief Justice and others, which in effect were as follows.

Laurence Davies, *Servant to Sir Thomas Overbury, examin'd the 15th of October, before the Lord Chief Justice.*

He saith, That he had served Sir *Thomas Overbury* eight or nine Years; in all which time he was very healthful, and never kept his Bed for any Sickness, only he was sometimes troubled with the Spleen, for ease whereof, he had by the Advice of his Physician an Issue made in his Left Arm; but before his Imprisonment, he had no Sores, Blisters, or other Defects in all his Body.

Also he saith, Sir *Thomas* would have gone over upon the Embassage, but was dissuaded by *Somerset*, who promised to bear him out: he complained, he needed not to be Prisoner if *Somerset* would; and that if he died, his Blood would be required at his hands.

That *Somerset* was as good as his word, who told him at *Newmarket*, he would be even with Sir *Thomas Overbury*.

Henry Payton, *another Servant of Sir Thomas Overbury's, examined the 15th of October, 1615.*

He affirmeth, that Sir *Thomas* was of a very good Constitution of Body, that he used sometimes to run, to play at Foils, and such like; that he was of a moderate Diet, never had any Sores, saving the Issue in his Arm.

That Sir *Thomas* wrote Letters to *Somerset*, signifying, that he needed not to lie in Prison if *Somerset* would, and if he died, his Blood should be required at his hands.

That Sir *Thomas*, at one of the Clock at Night, meeting *Somerset* in the Gallery at *Whitehall*, had Speeches with him touching the Countess, whom he called base Woman, and told *Somerset*, he would overthrow all the King's Favours and Honours; and upon Displeasure between them at this Conference, Sir *Thomas Overbury* desired *Somerset* that he might have his Portion due, and he would shift for himself. Whereunto *Somerset* answer'd, And my Legs are straight enough to carry me; and so flung away in Anger. All which this Examinant heard, being in a Chamber next to the Gallery.

Sir *Dudley Diggs* being present in Court, and sworn, declared *viva voce*, that he was sent by a Privy Counsellor (a great Man) to Sir *Thomas Overbury*, to bring him to this great Man, which he did; and coming back together over the Water in a Boat, Sir *Thomas* was much discontented; the Reason whereof he said was, That he was persuaded by the great Man to withdraw himself from the Court for some Reasons which he disclosed not: And Sir *Dudley* afterwards being sent by the Lords, to know the Resolution of Sir *Thomas* touching the Embassage, he found him to rely upon the Lord of *Somerset*, saying, My precious Chief knows the King's Mind better than any, and I the Mind of my precious Chief.

Richard Weston *the Prisoner examined, the 6th of October, 1615. coram Coke & Crew.*

He affirmeth, That before Sir *Thomas Overbury* was in the Tower, he, this Examinant, carried three Letters to *Somerset*, from the Lady *Effex*, to *Royston*, *Newmarket*, and *Hampton-Court*, and he

delivered Answer to Mrs. *Turner*; and that upon the Letter to *Hampton-Court*, he had answer only by word of Mouth, That his Lordship would come: And that coming back, he met with the Countess and Mrs. *Turner* half way, in the Coach, whom he told, that the Lord only answered so; whereupon the Countess strook out of the way into a Farmer's House hard by, whither within a little space *Somerset* came, and that afterwards they met in the Night at Mrs. *Turner's* House in *Pater-noster-Row*. And he confesseth, that of a Year before Sir *Thomas's* Imprisonment, no Man carried Letters between them but he.

Sir *Thomas Monson* *examined the 5th of October, coram Coke & Crew.*

He saith, that he never knew *Weston* until Sir *Thomas Overbury* was Prisoner in the Tower; and that he preferred him to the Lieutenant, to be Keeper of Sir *Thomas Overbury*, at the Request of the Countess.

Anne *Turner Widow, examined the 11th of October, 1615. coram Coke & Crew.*

She saith, That *Weston* was an antient Servant, and her Husband's Bailiff in the Country: She denieth to have any thing to do in placing him in the Tower; but saith, that the Countess of *Effex* did effect it, and used the help of Sir *Thomas Monson* therein.

Sir *Jervis Elves* *examined the 3d of October, 1615, coram Coke & Crew.*

He saith, He had a Letter from Sir *Thomas Monson*, requesting him, that *Weston* might be Keeper of Sir *Thomas Overbury*, and that he did perform it; and afterwards having conference with Sir *Thomas Monson*, he told him, That his Keeper was not to suffer any Letters or Tokens, or any things to be delivered unto him.

Richard Weston *the Prisoner examined again.*

He confesseth, He shewed him the Glass that was delivered him by his Son from the Countess to the Lieutenant, and told him, that it came from the Countess of *Effex*, and that he persuaded him not to give it to Sir *Thomas*.

He saith, That he had divers Tarts from the Countess, to give to Sir *Thomas*, with Caveats that he himself should not taste of them; and confesseth, that he thought they were poisoned.

He saith Mrs. *Turner* appointed him to come to *White-hall*, and that she dealt with him to give Sir *Thomas Overbury* the Water, and told him, he should not drink thereof; and was promised a great Reward, and he suspected it was Poison. His Son afterwards delivered him the Glass, which he shewed to the Lieutenant, who rebuked him, and so he set the Glass in a Study near to Sir *Thomas's* Chamber, but gave it him not; altho' he told Mrs. *Turner*, the next day, he had given the Water, which made Sir *Thomas* to vomit often, and to be exceeding sick.

He saith, Mr. *James* and Mrs. *Rawlins*, Servants to the Countess, came often to know of the Examinant, how Sir *Thomas Overbury* did, and what he would eat; and they delivered him Jellies and Tarts, which he gave Sir *Thomas*, who did eat thereof.

He

He saith, He demanded of Mrs. *Turner* his Reward, who answered, He was to have no Reward until Sir *Thomas* was dead, and he was promised a Pursuivant's Place; but confesseth, that afterwards, at two several times, he received secretly after the Death of Sir *Thomas*, for a Reward of Mrs. *Turner* from the Countess, 180 l.

William Weston, Son to the Prisoner, examined.

He confesseth, He received a Glass from the Countess, (by her Servant) two Inches long, being wrapped in Paper, which he delivered to his Father in the Tower.

Then was read the Confession of the Lieutenant to the King.

He saith, That *Weston* met him, carrying Sir *Thomas's* Supper in the one Hand, and the Glass in the other, and demanded of the Lieutenant this, *Sir, shall I give it him now?* Whereat the Lieutenant stepped to him, and asked him, *What?* to which *Weston* said, *Why Sir, know you not what is to be done?* And so the Lieutenant having made him to confess the Matter, dissuaded him, and he seemed to be resolved not to do it: and afterwards this *Weston* confessed, that an Apothecary had twenty Pounds for administering a Clyster to Sir *Thomas Overbury*.

Weston, the Prisoner, examined before the Lord Zouch and others.

Confesseth, That Sir *Thomas* had a Clyster which gave him sixty Stools and a Vomit; also being confronted, with the Writings of Sir *Jervis Elwes*, and charged therewith, he confesseth the same to be true.

Simon Marson, Musician, examined;

Saith, He served Sir *Thomas Monson* six Years, and is preferred by him to the King's Service, but waiteth sometimes upon Sir *Thomas Monson*; he saith, That he received divers Tarts and Jellies from the Countess of *Essex*, to be carried to the Lieutenant of the Tower for Sir *Thomas Overbury*.

Paul de la Bell, examined;

Saith, That on the 3d of *July*, he made Sir *Thomas Overbury* a Bath by Dr. *Micham's* Advice, to cool his Body, and that he saw his Body very exceeding fair and clear; and again, he saw his Body (being dead) full of Blisters, and so consumed away, as he never saw the like Body.

George Rawlins, a Kinsman to Sir Thomas Overbury, examined;

Saith, That upon the Bruit of the Murder of Sir *Thomas*, he was taxed by some, why he made no Prosecution; he thereupon made a Petition, and delivered it to the King, that the Examination of the Cause might be referred to Law, and denieth that he was persuaded by any to the contrary: he saith, that he coming often to the Tower to see Sir *Thomas*, could not be suffered to see him so much as out at the Windows; and *Weston* told

him, it was the Commandment of the Council, and of the Lieutenant.

The Lieutenant of the Tower examined, coram Coke & Crew.

He saith, That after the Death of Sir *Thomas, Weston* came to him, and told him he was much neglected and slighted by the Countess, and could receive no Reward; but afterwards he confessed he had received 100 l. and should receive more: and the Lieutenant also saith, that Sir *Thomas Overbury* was very angry with his Apothecary at certain Vomits which he had, and also at the Tarts and Jellies he had, which would be found within a day or two standing, ill-coloured, and that no body did eat thereof but Sir *Thomas*; and *Weston* confessed unto him, that the Apothecary had twenty Pounds for administering the Clyster.

These Examinations being read and applied to the purpose, the Lord Chief Justice said, he would discharge his Duty, first to God, in giving all Glory, for the bringing to light of so horrible and wicked a Fact; and next to the King, his great Master, who as in case of the like nature, as in the case of *Zanquer* and *Turner*, so especially in this, hath given straight charge of just and due Examination to be had, without any manner of Partiality or Fear in the World; to the intent, that as well the Innocent might be freed, as the Nocent and Guilty severally punished.

And for this purpose, his Majesty hath with his own Hand written two Sheets of Paper on both sides, concerning Justice to be administered to all Parties which were to be examined; which Writing, the Lord Chief Justice shewed to the Lord Mayor, and the rest of the Commissioners; and then he declared the King's Justice, who, albeit the many Favours and Honours which his Majesty had bestowed on the Lord *Somerset*, and his nearness to his Person, by reason of his Office, yet he had committed him Prisoner to the Dean of *Westminster's* House, under the Custody of Sir *Oliver St. John*, and also had committed his Lady. So having last of all (again) demanded of the Prisoner, if he would put himself to be try'd by the Country? which he refused;

The Court was adjourn'd until Monday following, at two of the Clock in the Afternoon.

On Monday the 23d of *October*, 1615. to which day the Court was adjourned by the said Commissioners, after Proclamation made, the Jury of Life and Death called, the Prisoner *Weston* was set to the Bar, and Mr. *Fenshaw* Clerk of the Crown declared unto him, that he had been formerly arraigned, and had pleaded Not Guilty; so he demanded of him, how he would be tried: whereupon the Prisoner answered, By God and his Country. And thereupon the Jury being sworn, and the Indictment being read as before, Sir *Lawrence Hyde* the Queen's Attorney being of Council with the King, having briefly rehearsed the Effect of the Indictment, shewed how that he must necessarily mention others that were guilty of the same Fact, wherein if any other Man or Woman were touched, the Cause it was, and not he that touched them.

And therefore *Weston* being but a Stranger to Sir *Thomas Overbury*, and one, who by himself could reap no benefit by his Death, it was against

all reason that he would do it of himself, therefore (said he) I must needs open the whole Plot; and he first declared the Worth and Honesty of Sir *Thomas Overbury*, shewed his Familiarity with *Rochester*, and how often he willed him to forbear the Company of the Lady *Essex*, terming her a vile and base Woman, which stirred up the Anger and Malice of the Countess against him.

And that afterwards, the King intended, for the Honour and Preferment of Sir *Thomas Overbury*, to send him upon an Embassage; whereunto he was willing, but was dealt with and persuaded by the Lord *Rochester*, to disobey the King's Direction and Counsel, with Promises that he would bear him out; by which contempt Sir *Thomas* was committed to the Tower the 22d of *April*, 1613. Sir *William Wade* being Lieutenant of the Tower: the 6th of *May* following, Sir *William* was removed, and Sir *Jervis Elwes* put in his place.

And the next day after, *Weston*, by the procurement of the Countess, was preferred to the Service of the Lieutenant, and to be Keeper of Sir *Thomas*; which *Weston* had been Servant to Mrs. *Turner*, and the only Agent in conveying Letters and Messages between *Rochester* and the Countess: and he, whose Office should have been to save and keep, was now appointed to kill and murder him.

He shewed, how the very same day of his Entertainment at the Tower, he was sent for to the Countess, who persuaded him, that if he would give Sir *Thomas* a Water that should be delivered him, he should be well rewarded, and she bid him not taste of it himself.

And that the 9th of the same Month of *May*, the said Water was secretly sent from the Countess to *Weston* by his Son; and the same Night *Weston* meeting with the Lieutenant, and having Sir *Thomas's* Supper in one Hand, and the said Glass in the other, he demanded of the Lieutenant, *Sir, shall I give it him now?* Whereupon the Lieutenant took him aside, and dissuaded him so far forth, that he confessed, he thanked God upon his Knees, that he had met with him.

But Mr. *Attorney* observed this notwithstanding, that the Lieutenant did let him go away with the Poison; and albeit he now denieth he ever gave the Poison, yet said he deliver'd it: he confessed to Mrs. *Turner* he had done it, saying, It made him very sick; and to vomit often, demanding of her his Reward; to which she answered, He was not to have his Reward until Sir *Thomas* were dead. Then he shewed how the last of *June* following, a certain Powder was sent in a Letter to Sir *Thomas Overbury* from *Rochester*, persuading him not to fear, tho' it made him sick, for that should be his Reason to move the King for his Enlargement.

And that the 14th of *September*, *Weston* and the Apothecary ministred the Clyster to Sir *Thomas*, which gave him sixty Stools and Vomits, and that he died the next day; he remember'd the strangeness of the Botches and Blisters on his Body, being dead: he shewed how *Weston* came to Mrs. *Turner* for his Reward, which was deferred till his Death; and that he had received in secret from the Countess by Mrs. *Turner* at several times for his Reward 180*l.* and that the Apothecary had for his Reward 20*l.* All which *Weston* had confessed to be true.

Then remembering how ignominiously they buried him, not suffering any to see him, for fear he should be digged up again, and without any Co-

roner's Inquest that should be found; and thus he ended his Speech.

And to all this opened and set forth by Mr. *Attorney*, Mr. *Warr* only added thus much, which he desired the Jury to consider, That *Weston* was Servant to Mrs. *Turner*, when Sir *Thomas* was committed, and then he was entertained and made Keeper to Sir *Thomas Overbury*; and having dispatched his Business (Sir *Thomas* being dead and poisoned) he stay'd no longer at the Tower, but returns again to Mrs. *Turner*.

Then the Lord Chief Justice exhorted the Jury to take God before their Eyes, and with equal Balance to weigh as well the Answer of the Prisoner, as the Proofs and Examinations against him; declaring unto them how quietly and freely he had examined him from time to time, without menacing or rough Usage, which the Prisoner confessed: and my Lord, for matter of Law, satisfied the Jury, That albeit the Poisoning in the Indictment be said to be with *Rosalgar*, *White Arsenick*, and *Mercury Sublimate*, yet the Jury were not to expect precise Proof in that Point, shewing how impossible it were to convict a Poisoner, who useth not to take any Witnesses to the composing of his libber Sauces: wherefore he declared the Law in the like Case; As if a Man be indicted for murdering a Man with a Dagger, and it fall out upon Evidence to have been done with a Sword or with a Rapier, or with neither, but with a Staff; in this Case the Instrument skilleth not, so that the Jury find the Murder. And so in this Prisoner's Case, if they would be satisfied of the Poisoning, it skilleth not with what; therefore he requireth them to attend the Proof.

Then were read, first the Examinations of *Laurence Davies*, as at the first Arraignment; then of *Henry Payton*, both Servants to Sir *Thomas Overbury*; then of *Weston* himself formerly read.

Then the Examination of Sir *David Wood*, taken the 21st of *October*, 1615. since the first Arraignment.

He saith, He had obtained the King's Consent to a Suit, for which he was a Petitioner, and that he was crossed by the Lord *Rochester* and Sir *Thomas Overbury*: that for certain Words he had received from Sir *Thomas Overbury*, he intended to bastinado him; that his Suit would have been worth 2200*l.* and that *Rochester* would not let it pass, unless he might have 1200*l.*

That the Lady *Essex* sent for this Examinant upon the day that the King and Queen went to *Rochester* with the Lady *Elizabeth*, and told him, she understood that he had received much Wrong from Sir *Thomas Overbury*, and that he was a Gentleman that could revenge himself; and that Sir *Thomas* had much wronged her: and Sir *David* answered, that Sir *Thomas* had refused him the Field; she persuaded him to kill him, and promised him 1000*l.* for his Reward, and Protection from his Enemies: which he refused, saying, He would be loth to hazard going to *Tyburn* upon a Woman's Word; but she still persuaded him he might easily do it, as he returned late home from Sir *Charles Wilmot's* in his Coach.

Then were read the Examinations of Sir *Thomas Monson* and Mrs. *Turner*, as at the first Arraignment.

Next, the Examination of *Weston* before the Lord *Zouch*, and Sir *Ralph Windwood*, Sir *Thomas Parry*,

Parry, and Sir Foulke Grevill, at the Duchy-house, the 29th of September, 1615. where *Weston* did confess, that he was preferred to the keeping of Sir *Thomas Overbury*, by Mrs. *Turner*, upon the means and request of Sir *Thomas Monson*, to the Lieutenant; and that she told him, If he would give Sir *Thomas Overbury* a Water which the Countess would send him, he should be well rewarded; and being confronted with a Relation in Writing, which Sir *Jervis Elves* had made to the King, as touching Sir *Thomas Overbury*, he confessed the same to be all true.

The Examination of the Lieutenant, taken the 5th of October, 1615.

He saith, That having conferred with his Servants about the time of *Weston's* coming to the Tower, he found it to be the very next day after himself was made Lieutenant, and had the Possession of the Tower; and that he had Letters from Sir *Thomas Monson*, that *Weston* might be Keeper to Sir *Thomas Overbury*; which Letters he had lost. Sir *Thomas Monson* told him the chief Purpose of *Weston's* keeping of Sir *Thomas Overbury*, was, to suffer no Letters or other Messengers to pass to or from him, and to that purpose he advised the Lieutenant.

Weston's Examination the 5th of October, 1615.

He confesseth, That the next day he was preferred to the Tower, he had the keeping of Sir *Thomas Overbury*, and soon after he received the Glass by his Son secretly from the Countess; and that the Lieutenant told him, all the Tarts came likewise from her: and he confesseth, the Countess willed him to give them to Sir *Thomas*, but not to taste of them himself.

Weston's Examination the 1st of October, 1615.

Confesseth, That Mrs. *Turner* appointed him to come to *White-hall* to the Countess, the next day that he was at the Tower; and that he went, and the Countess did request him to give to Sir *Thomas Overbury* a Water, which she would deliver him, but not to drink of it himself; she promised to give him a good Reward, and he suspected it was Poison: he received the Glass by his Son, and told the Lieutenant of it, who did rebuke him, and he set the Glass into a little Study. He confesseth, he told Mrs. *Turner* he had given it him, and demanded his Reward; that Mr. *James* and Mr. *Rawlins*, my Lord of *Somerset's* Men, came often to know of him what Tarts, Jellies, or Wine Sir *Thomas* would have, and that they brought divers times Tarts and Jellies, whereof he did eat.

He confesseth to have received of the Countess in Rewards, after Sir *Thomas Overbury's* Death, by Mrs. *Turner* secretly, in all 180 l.

The Confession of the Lieutenant to his Majesty.

After *Weston* was placed in the Tower, he met with me with Sir *Thomas's* Supper, and the Glass, and asked me, Sir, shall I give it him now? Wherein I protest unto your Majesty my Ignorance, as I would also be glad to protest the same to the World: so I privately conferred with *Weston*, and by this means made him assured unto me, and knew all, but dissuaded him; and *Weston* has,

since the Death of Sir *Thomas Overbury*, confessed to me, that the Clyster was his Overthrow, and the Apothecary had 20 l. for administering it.

Your Majesty's Servant,

Sir Jervis Elves.

Here the Lord Chief Justice observed by this Question of *Weston* to the Lieutenant, *Shall I give it him now?* that it was certainly agreed and plotted before what should be done, and that nothing more was doubted on but the time When it should be done.

The Testimony of Lawrence Davies, taken upon Oath before Coke and Crew.

He affirmeth, that *Weston* delivered him a Letter from Sir *Thomas Overbury* to *Rochester*, the Effect whereof was, that he would do his Endeavour in being a means of Friendship between *Rochester* and some others; but as touching the Marriage with the Countess of *Effex*, he would never give his consent: and also bringing a Letter from *Rochester* to Sir *Thomas Overbury*, he delivered it to *Weston*, and a Paper of white Powder fell out, which *Rochester* persuaded Sir *Thomas* to eat, and not to fear, tho' it made him sick, for that should be a means for his Enlargement; so they put the Powder into the Letter again. He saith, that he saw some part of the Powder in *Weston's* hands after the Death of Sir *Thomas Overbury*.

Then were read the Examinations of William Weston and Paul de la Bell, as at the first Arraignment.

The Examination of George Rawlins.

George Rawlins Esq; the 15th of *October, 1615.* saith, That upon the Bruit of poisoning of Sir *Thomas Overbury*, being taxed of divers, for that he stirred not in the Matter, Sir *Thomas* being his Kinsman and Means of his Preferment; he did of himself prefer a Petition to the King, that the Cause might be referred to the Judges of the Law, for ordinary Course of Justice, rather than to the Lords of the Council, by them to be examined; of which he had a gracious Answer: and saith, that of fourteen days before the death of Sir *Thomas Overbury*, he could never be suffered to see him, either in his Chamber, or at the Window; which, *Weston* said, was the Commandment of the Lords and the Lieutenant.

And here the Lord Chief Justice declared what a Scandal they put upon his Majesty and the State, that a Gentleman and a Freeman, being only committed upon Contempt, should be more streightly and closely kept than a Traitor or a Bond-Slave, so that neither his Father, Brother, nor Friend might possibly see him. And to that Point, Mr. *Overbury*, Father to Sir *Thomas*, swore, being present in Court; who said, That his Son being Prisoner in the Tower, and himself not being suffered to have Access unto him, found at last, that *Rochester* was the Man that withstood it.

The Lieutenant examined the 5th of October;

Saith, That after the Death of Sir *Thomas Overbury*, *Weston* told him, That he was neglected by the Countess, and demanded his Reward: Mrs.

Turner told him, The Countess had not Money; but afterwards he confessed, he had received some, and should have more; and that Mr. James told him, my Lord of *Somerset* would reward him for the Pains he took with Sir *Thomas Overbury*. He saith, That the Tarts were sent from the Countess to Sir *Thomas*, which looked ill-favouredly, and that the Jellies, with a little standing, would be furred, and thinketh they were poisoned: also *Weston* told him, that the Apothecary had 20*l.* for giving the Clyster, and that he was poisoned with that Clyster.

Here was well observed by the Court, as by the Queen's Attorney, That *Weston* was not single in his Confession, but whensoever he had confessed any thing in any of his Examinations, it was likewise confirmed by the Examinations of others, as the Lieutenant, his Son, &c.

The Examination of William Goare, one of the Sheriffs of London;

Saith, *Weston* being in his Custody, he often persuaded him to put himself to be tried by his Country, telling him, he would first kill himself, and ask God Forgiveness afterwards: and *Weston* answered, He hoped he would not make a Net to catch little Birds, and let the great ones go.

Then Mr. *Warr* craving leave of the Court to speak, protested, in his Experience he never found a Business so prosecuted with degrees of Malice, which was the Ground of Sir *Thomas Overbury's* Overthrow: he urged the Evidence in the Examination of Sir *David Wood*, and shewed the Reasons of the Malice against him to be, for that he was so great an Impediment to Affections. Then he made the Dependency Mrs. *Turner* had to the Lady, and *Weston* to Mrs. *Turner*, and how they all concluded to kill Sir *Thomas Overbury*, the like whereof he said our Fathers never saw before us; and he lamented the Place from whence the Poison came, should be from the Court, the Place (said he) from whence all Men expect their Safeties and Protection.

Lastly, He observed the *Finger of God*, even in this, that the Poison had been scarcely suspected at all, or enquired after, had it not been for the extraordinary strange Things appearing after his Death, which was the first only cause of Suspicion and Muttering.

The Evidence being given, *Weston* was demanded what he could say for himself? Who, altho' he had before confessed all his Examinations to be true, yet he seemed to excuse himself in a kind of Ignorance or Unawares: he said, he received the said Glass, and thought it was not good, but denied the giving of it to Sir *Thomas*. Being demanded, Why he had formerly accused one *Franklin*, for delivering him the said Glass from the Countess? (from whom indeed it was sent;) He confessed it was to save his Child: and finally could say nothing that had any colour of material or substantial Point to excuse or argue Innocency in him. So the Court referred him to the Jury; who went together, and within a short Space returned, being agreed upon their Verdict, and there at the Bar gave in, that *Weston* was guilty of the felonious Murdering and Poisoning of Sir *Thomas Overbury*. And then the Clerk of the Crown demanded of *Weston*, What he could say for himself, why Judgment should not

be pronounced against him according to Law? To which he answered, He referred himself to my Lord, and to the Country. And then the Lord Chief Justice, before he pronounced Sentence of Death, spake to this effect, That for the Duty of the Place, he must say somewhat; and that to two several Persons:

First, To the Auditory: And,
Secondly, To the Prisoner.

And that which he spake to the Auditory, he divided into four Parts.

1st, *The Manifestation of the Glory of God, and Honour of the King.*

2dly, The preventing of other damned Crimes of Poisoning.

3dly, An Answer to certain Objections.

4thly, That there is no Practice of Conspiracy in Prosecuting of the Business.

For the 1st, He observed the Finger of God in the Manifestation and bringing to light of this Matter, having slept two Years, being shadowed with Greatness, which cannot overcome the Cry of the People.

He observed also the Providence and Goodness of God, who put into the Hearts of himself and the rest of the Judges, the day of the Prisoner's last Arraignment, when he stood mute, not to give Judgment against him for that time, but defer it till now; and how in the mean time it pleased his Majesty out of his gracious Care and Pity, to send to the Prisoner, first the Bishop of *London*, next the Bishop of *Ely*, to admonish and persuade him for the saving of his Soul; who, after each of them had spent two Hours with him, it pleased God (when they had left him) to move his Heart, so that now he did put himself to be tried by the Country; by which means (using *Weston's* own Words) he said, *The great Flies shall not escape, but receive their Punishment.* For conclusion of his first Point he lastly observed, *Divinum quiddam in vulgi opinione*, that notwithstanding so many uncertain Rumours touching this Case, at last it proved to be true.

2dly, He declared, how for prevention of this damned Crime of Poisoning, Justice was the golden Mean, and declared his Majesty's Resolution straightly to execute Justice for that Treason; and he used this Saying, *Nemo prudens, &c.* and desired God that this Precedent of *Overbury* might be an Example and Terror against this horrible Crime, and therefore it might be called, *The great Oyer of Poisoning.*

3dly, He said, That at the Arraignment there were certain Criticks, who had given out, the Prisoner should deny his Examinations; and found much fault, for that the Examinations were read, the Prisoner standing mute. But for the first, how untrue it was, all the World saw, the Prisoner here confessing them all, being read and shewed unto him: and for the second, besides that it was exceeding discreet and convenient the World should receive some Satisfaction in a Cause of that nature, he cited and shewed, that by the Laws of the Land they ought and were bound to do so, notwithstanding the Greatness of any, who might thereby be impeached; of whom he said, altho' this was *unum crimen*, yet it was not *unicum crimen.*

4thly, As touching the supposed Practice or Conspiracy, he solemnly protested to God, he knew of none, nor of any Semblance for Colour thereof;

thereof; and therefore he much inveighed against the Baseness and Unworthiness of such as went about so untruly and wickedly to slander the course of Justice. And so he came, last of all, to that which he had to speak of *Weston* the Prisoner.

First, Touching the Wickedness of his Fact, he very seriously exhorted him to an unfeigned Confession and Contrition for the same, declaring unto him, how that his Confession would be a Satisfaction to God and the World, and that by his Faith and true Repentance he would lay hold upon the Merits of his Saviour.

He persuaded him, that no vain Hope (which is a Witch) should keep him back from giving Satisfaction to the World, by discovering the Guiltiness of the Great-ones; assuring him, that after this Life, as Death left him, so Judgment should find him.

And lastly, taking occasion there to remember this Poisoning to have been a Popish Trick, which he instanced by Examples of one *Gurnandus de Birlanus*, mentioned 22 *Edw. I. Squier*, that attempted to poison Queen *Elizabeth's* Saddle; *Lopez*, and Mrs. *Turner*: he then proceeded to give Judgment, which was,

That the Prisoner should be carried from thence to the Place from whence he came, and from thence to *Tyburn*, and there to be hanged by the Neck till he was dead.

Judgment being given, the Lord Chief Justice commanded, that the Prisoner might have convenient Respite, and the Company of some godly learned Men to instruct him for his Soul's health.

He was afterwards executed at *Tyburn*, pursuant to the Sentence. At the time of his Execution, Sir *John Hollis* (afterwards Earl of *Clare*) and Sir *John Wentworth*, out of Friendship to the Earl of *Somerset*, rode to *Tyburn*, and urged *Weston* to deny all that he had before confessed: But *Weston* being prepared for Death, resisted their Temptations, sealing penitently the Truth of his Confessions with his last Gasp; and Sir *John Hollis*, Sir *John Wentworth*, together with Mr. *Lumsden*, who had published a Relation of the Proceedings against *Weston* at his Arraignment, were afterwards prosecuted in the *Star-Chamber*, for traducing the King's Justice in those Proceedings*.


* Bacon's Works, Fol. Edit. Vol. I. p. 80—86. Vol. IV. p. 282.



The PROCEEDINGS against Sir John Hollis, Sir John Wentworth, and Mr. Lumsden, in the Star-Chamber, for traducing the Publick Justice, November 10, 1615.
13 Jac. I.

In Camera Stellata decimo Novembris, 13^o Jacobi regis, 1615.

Present,

 HE Lord Chamberlain, Archbishop of *Canterbury*, Lord *Crew*, Lord Steward, Earl of *Pembroke*, Bishop of *London*, Bishop of *Winton*, Lord *Zouch*, Lord *Knowles*, Secretary *Winwood*, Chancellor of the Duchy, Sir *Thomas Lake*, the three Chief Justices.

Being sat,

There were brought to the Bar, Sir *John Hollis* (now Lord *Houghton*) Sir *John Wentworth*, and Mr. *Lumsden*, a *Scotish* Gentleman, as Offenders and Prisoners, committed by the Lords of the Council. Mr. Attorney-General* did inform against them *Ore tenus* in this manner:

The Offence wherewith I shall charge the three Offenders at the Bar, is a Misdemeanor of a high Nature, tending to the Defacing and Scandal of Justice in a great Cause capital. The particular Charge is this:

The King, amongst many his Princely Virtues, is known to excel in that proper Virtue of the im-

perial Throne, which is Justice. It is a royal Virtue, which doth employ the other three cardinal Virtues in her Service. Wisdom to discover, and discern Nocent or Innocent: Fortitude to prosecute and execute: Temperance, so to carry Justice as it be not passionate in the Pursuit, nor confused in involving Persons upon light Suspicion, nor precipitate in time. For this his Majesty's Virtue of Justice God hath of late raised an Occasion, and erected as it were a Stage or Theatre much to his Honour for him to shew it, and act it in the Pursuit of the untimely Death of Sir *Thomas Overbury*, and therein cleansing the Land from Blood. For, my Lords, if Blood spilt pure doth cry to Heaven in God's Ears, much more Blood defiled with Poison.

This great Work of his Majesty's Justice, the more excellent it is, your Lordships will soon conclude the greater is the Offence of any that have sought to affront it, or traduce it. And therefore, before I descend unto the Charge of these Offenders, I will set before your Lordships the Weight of that which they have sought to impeach; speaking somewhat of the general Crime of Imposition, and then of the particular Circumstances of this Fact upon *Overbury*; and thirdly and chiefly, of the King's great and worthy Care and Carriage in this Business.

This

This Offence of Imposition is most truly figured in that Device or Description, which was made of the nature of one of the *Roman* Tyrants, that he was *lutum sanguine maceratum*, Mire mingled or cemented with Blood: for as it is one of the highest Offences in Guiltiness, so it is the basest of all others in the mind of the Offenders. Treasons, *magnum aliquid spectant*: They aim at great things; but this is vile and base. I tell your Lordships what I have noted, that in all God's Books, (both in the Old and New Testament) I find Examples of all other Offences and Offenders in the World, but not any one of an Imposition or an Imposer. I find mention of Fear of casual Imposition: when the wild Vine was shred into the Pot, they came complaining in a fearful manner; Master, *mors in olla*. And I find mention of Poisons of Beasts and Serpents; *the Poison of Aspes is under their lips*. But I find no Example in the Book of God of Imposition. I have sometime thought of the Words in the Psalm, *let their Table be made a Snare*. Which certainly is most true of Imposition; for the Table, the daily Bread, for which we pray, is turned to a deadly Snare: but I think rather that that was meant of the Treachery of Friends that were participant of the same Table.

But let us go on. It is an Offence, my Lords, that hath the two Spurs of offending; *spes perficiendi*, and *spes celandi*: It is easily committed, and easily concealed.

It is an Offence that is *tanquam sagitta nocte volans*; it is the Arrow that flies by Night. It discerns not whom it hits; for many times the Poison is laid for one, and the other takes it: as in *Sander's* Case, where the poisoned Apple was laid for the Mother and was taken up by the Child, and killed the Child: and so in that notorious Case, whereupon the Statute of 22 *Hen. VIII. cap. 9.* was made, where the Intent being to poison but one or two, Poison was put into a little Vessel of Barm that stood in the Kitchen of the Bishop of *Rochester's* House; of which Barm Pottage or Gruel was made, wherewith seventeen of the Bishop's Family were poisoned: nay, divers of the Poor that came to the Bishop's Gate, and had the broken Pottage in Alms, were likewise poisoned. And therefore, if any Man will comfort himself, or think with himself, here is great talk of Imposition, I hope I am safe; for I have no Enemies; nor I have nothing that any body should long for. Why? that is all one; for he may sit at table by one for whom Poison is prepared, and have a Drench of his Cup, or of his Pottage. And so, as the Poet saith, *concidit infelix alieno vulnere*; he may die another Man's Death. And therefore it was most gravely, and judiciously, and properly provided by that Statute, that Imposition should be High-Treason; because whatsoever Offence tendeth to the utter Subversion and Dissolution of human Society, is in the nature of High-Treason.

Lastly, It is an Offence that I may truly say of it, *non est nostri generis, nec sanguinis*. It is (thanks be to God) rare in the Isle of *Britain*: it is neither of our Country, nor of our Church; you may find it in *Rome* or *Italy*. There is a Region, or perhaps a Religion for it: and if it should come amongst us, certainly it were better living in a Wilderness than in a Court.

For in the particular Fact upon *Overbury*. First, for the Person of *Sir Thomas Overbury*: I knew the

Gentleman. It is true, his Mind was great, but it moved not in any good Order; yet certainly it did commonly fly at good things; and the greatest Fault that I ever heard by him was, that he made his Friend his Idol. But I leave him as *Sir Thomas Overbury*.

But take him as he was the King's Prisoner in the *Tower*; and then see how the case stands. In that Place the State is as it were respondent to make good the Body of a Prisoner. And if any thing happen to him there, it may (tho' not in this case, yet in some others) make an Aspersion and Reflection upon the State itself. For the Person is utterly out of his own Defence, his own Care and Providence can serve him nothing. He is in Custody and Preservation of the Law; and we have a Maxim in our Law, (as my Lords the Judges know) that when a State is in Preservation of Law, nothing can destroy it, or hurt it. And God forbid but the like should be for the Persons of those that are in Custody of Law; and therefore this was a Circumstance of great Aggravation.

Lastly, To have a Man chased to death in such manner (as it appears now by matter of Record; for other Privacy of the Cause I know not) by Poison after Poison, first *Roseacre*, then *Arsenick*, then *Mercury Sublimate*, then *Sublimate* again; it is a thing would astonish Man's Nature to hear it. The Poets feign, that the Furies had Whips, that they were corded with poisonous Snakes; and a Man would think that this were the very Case, to have a Man tied to a Post, and to scourge him to death with Snakes: for so may truly be termed diversity of Poisons.

Now I will come to that which is the principal; that is, his Majesty's princely, yea, and as I may truly term it, sacred Proceeding in this Cause. Wherein I will first speak of the Temper of his Justice, and then of the Strength thereof.

First, It pleased my Lord Chief Justice to let me know, (that which I heard with great Comfort) which was the Charge that his Majesty gave to himself first, and afterwards to the Commissioners in this Case, worthy certainly to be written in Letters of Gold, wherein his Majesty did fore-rank and make it his prime Direction, that it should be carried without touch, to any that was innocent; nay more, not only without Impeachment, but without Aspersion: which was a most noble and princely Caution from his Majesty; for Men's Reputations are tender things, and ought to be like Christ's Coat, without Seam. And it was the more to be respected in this case, because it met with two great Persons; a Nobleman that his Majesty had favoured and advanced, and his Lady being of a great and honourable House: tho' I think it be true, that the Writers say, that there is no Pomegranate so fair or so sound, but may have a perished Kernel. Nay, I see plainly, that in those excellent Papers of his Majesty's own Hand-writing, being as so many Beams of Justice issuing from that Virtue which doth shine in him; I say, I see it was so evenly carried without Prejudice, (whether it were a true Accusation of the one part, or a Practice of a false Accusation on the other) as shewed plainly that his Majesty's Judgment was *tanquam tabula rasa*, as a clean Pair of Tables, and his Ear *tanquam janua aperta*, as a Gate not side open, but wide open to Truth, as it should be by little and little discovered. Nay, I see plainly, that at the first (till farther Light did

did break forth) his Majesty was little moved with the first Tale, which he vouchsafeth not so much as the name of a Tale; but calleth it a Rumour, which is an headless Tale.

As for the Strength or Resolution of his Majesty's Justice, I must tell your Lordships plainly: I do not marvel to see Kings thunder out Justice in Cases of Treason, when they are touched themselves; and that they are *vindices doloris proprii*: but that a King should *pro amore justitiæ* only, contrary to the tide of his own Affection, for the Preservation of his People, take such Care of a Cause of Justice, that is rare and worthy to be celebrated far and near. For, I think, I may truly affirm, that there was never in this Kingdom, nor in any other Kingdom, the Blood of a private Gentleman vindicated, *cum tanto motu regni*, or to say better, *cum tanto plausu regni*. If it had concerned the King or Prince, there could not have been greater nor better Commissioners to examine it. The Term hath been almost turned into a *justitium*, or Vacancy; the People themselves being more willing to be Lookers on in this Business, than to follow their own. There hath been no Care of Discovery omitted, no Moment of Time lost. And therefore I will conclude this Part with the Saying of Solomon, *gloria Dei celare rem, & gloria Regis scrutari rem*. And his Majesty's Honour is much the greater, for that he hath shewed to the World in this Business, as it hath relation to my Lord of *Somerset*, (whose Case in no sort I do prejudge, being ignorant of the Secrets of the Cause, but taking him as the Law takes him hitherto, for a Suspect) I say, the King hath to his great Honour shewed, that were any Man in such a Case of Blood, as the Signet upon his right Hand, (as the Scripture says) yet would he pull him off.

Now will I come to the particular Charge of these Gentlemen, whose Qualities and Persons I respect and love; for they are all my particular Friends: But now I can only do this Duty of a Friend to them, to make them know their Fault to the full.

And therefore, first, I will by way of Narrative declare to your Lordships the Fact, with the Occasion of it; then you shall have their Confessions read, upon which you are to proceed, together with some collateral Testimonies by way of Aggravation: and lastly, I will note and observe to your Lordships, the material Points which I do insist upon for their Charge, and so leave them to their Answer. And this I will do very briefly, for the Case is not perplexed.

That wretched Man *Weston*, who was the Actor or mechanical Party in this Impoisonment, at the first Day being indicted by a very substantial Jury of selected Citizens, to the number of nineteen, who found *billa vera*, yet nevertheless at the first stood mute: but after some Days Intermision, it pleased God to cast out the dumb Devil, and that he did put himself upon his Trial; and was by a Jury also of great Value, upon his Confession, and other Testimonies, found guilty: so as thirty-one sufficient Jurors have passed upon him. Whereupon Judgment and Execution was awarded against him. After this, being in Preparation for another World, he sent for Sir *Thomas Overbury's* Father, and falling down upon his Knees, with great Remorse and Compunction, asked him Forgiveness. Afterwards, again, of his own Motion, desired to have his like Prayer of Forgiveness re-

commended to his Mother, who was absent. And at both times, out of the Abundance of his Heart, confessed that he was to die justly, and that he was worthy of Death. And after, again, at his Execution (which is a kind of Sealing-time of Confessions) even at the point of Death, (altho' there were Tempters about him, as you shall hear by and by) yet he did again confirm publicly, that his Examinations were true, and that he had been justly and honourably dealt with. Here is the Narrative, which induceth the Charge. The Charge itself, is this.

Mr. *Lumsden*, whose Offence stands alone single, (the Offence of the other two being in Consort; and yet all three meeting in their End and Center, which was to interrupt or deface this excellent Piece of Justice:) Mr. *Lumsden*, I say, meanwhile, between *Weston's* standing mute and his Trial, takes upon him to make a most false, odious, and libellous Relation, containing as many Untruths as Lines, and sets it down in Writing with his own Hand, and delivers it to Mr. *Henry Gibb*, of the Bed-chamber, to be put into the King's Hand; in which Writing he doth falsify and pervert all that was done the first Day at the Arraignment of *Weston*; turning the Pike and Point of his Imputations, principally upon my Lord Chief Justice of *England*, whose Name (thus occurring) I cannot pass by, and yet I cannot skill to flatter. But this I will say of him, and I would say as much to Ages, if I should write a Story; that never Man's Person and his Place were better met in a Business, than my Lord *Coke* and my Lord Chief Justice, in the Cause of *Overbury*.

Now, my Lords, in this Offence of Mr. *Lumsden's*, for the Particulars of these slanderous Articles, I will observe them unto you when the Writings and Examinations are read; for I do not love to set the Gloss before the Text. But in general I note to your Lordships, first, the Person of Mr. *Lumsden*: I know he is a *Scots* Gentleman, and thereby more ignorant of our Laws and Forms: But I cannot tell whether this doth extenuate his Fault in respect of Ignorance, or aggravate it much, in respect of Presumption; that he would meddle in that that he understood not: but I doubt it came not out of his Quiver; some other Man's Cunning wrought upon this Man's Boldness. Secondly, I may note unto you the Greatness of the Cause, wherein he being a private mean Gentleman, did presume to deal. Mr. *Lumsden* could not but know to what great and grave Commissioners the King had committed this Cause; and that his Majesty in his Wisdom would expect Return of all things from them to whose Trust he had committed this Business. For it is the part of Commissioners, as well to report the Business, as to manage the Business; and then his Majesty might have been sure to have had all things well weighed, and truly informed: and therefore it should have been far from Mr. *Lumsden* to have presumed to put forth his hand to so high and tender a Business, which was not to be touched but by employed Hands. Thirdly, I note to your Lordships, that this Infusion of a Slander into a King's Ear, is of all Forms of Libels and Slanders, the worst. It is true, that Kings may keep secret their Informations; and then no Man ought to enquire after them, while they are shrined in their Breast. But where a King is pleased that a Man shall answer for his false Information; there, I say, the false Information to a King exceeds in Offence the false

false Information of any other kind; being a kind (since we are in matter of Poison) of Imposition of a King's Ear. And thus much for the Offence of Mr. *Lumsden*.

For the Offence of Sir *John Wentworth* and Sir *John Hollis*, which I said was in Consort, it was shortly this. At the time and place of the Execution of *Weston*, to supplant his Christian Resolution, and to scandalize the Justice already past, and perhaps to cut off the Thread of that which is to come; these Gentlemen, with others, came mounted on Horseback, and in a ruffling and facing manner, put themselves forward to re-examine *Weston* upon Questions: and what Questions? Directly cross to that that had been tried and judged; for what was the Point tried? That *Weston* had poisoned *Overbury*. What was Sir *John Wentworth's* Question; whether *Weston* did poison *Overbury* or no? A Contradictory directly: *Weston* answered only, that he did him wrong; and turning to the Sheriff said, you promised me I should not be troubled at this time. Nevertheless, he pressed him to answer; saying, he desired to know it, that he might pray with him. I know not that Sir *John Wentworth* is an Ecclesiastick, that he should cut any Man from the Communion of Prayer. And yet for all this vexing of the Spirit of a poor Man, now in the Gates of Death, *Weston* nevertheless stood constant, and said, I die not unworthily: my Lord Chief Justice hath my Mind under my Hand, and he is an honourable and just Judge. This is Sir *John Wentworth's* Offence.

For Sir *John Hollis*, he was not so much a Questionist; but wrought upon the other's Questions, and like a kind of Confessor, wished him to discharge his Conscience, and to satisfy the World. What World? I marvel! It was sure the World at *Tyburn*. For the World at *Guild-Hall*, and the World at *London*, was satisfied before; *teste* the Bells that rung. But Men have got a fashion now-a-days, that two or three Busy-bodies will take upon them the name of the World, and broach their own Conceits, as if it were a general Opinion. Well, what more? When they could not work upon *Weston*, then Sir *John Hollis* in an Indignation turned about his Horse (when the other was turning over the Ladder) and said, he was sorry for such a Conclusion; that was to have the State honoured or justified: but others took and reported his Words in another Degree: but that I leave, seeing it is not confessed.

Sir *John Hollis's* Offence had another Appendix, before this in time; which was, that at the Day of the Verdict given by the Jury, he also would needs give his Verdict, saying openly, that if he were of the Jury, he would doubt what to do. Marry (he saith) he cannot tell well whether he spake this before the Jury had given up the Verdict, or after; wherein this is little gained. For whether Sir *John Hollis* were a Pre-juror or a Post-juror, the one was as to prejudge the Jury, the other as to taint them.

Of the Offence of these two Gentlemen in general, your Lordships must give me leave to say, that it is an Offence greater and more dangerous than is conceived. I know well that as we have no *Spanish* Inquisitions, nor Justice in a Corner; so we have no gagging of Men's Mouths at their Death, but that they may speak freely at the last Hour; but then it must come from the free Mo-

tion of the Party, not by Temptation of Questions. The Questions that are to be asked, ought to tend to farther revealing of their own or others Guiltiness; but to use a Question in the nature of a false Interrogatory, to falsify that which is *res judicata*, is intolerable. For that were to erect a Court or Commission of Review at *Tyburn*, against the *King's-Bench* at *Westminster*. And besides, it is a thing vain and idle: for if they answer according to the Judgment past, it adds no Credit; or if it be contrary, it derogateth nothing: But yet it subjecteth the Majesty of Justice, to popular and vulgar Talk and Opinion.

My Lords, these are great and dangerous Offences; for if we do not maintain Justice, Justice will not maintain us.

But now your Lordships shall hear the Examinations themselves. *Hereupon the Examinations were read.*

Mr. *Lumsden* for Answer to this Charge said, That himself was not at the Arraignment, but what he had spoken, or set down in writing, he had received of many in common Discourse; who being now demanded to justify the same, do deny it; and therefore he would confess that which was written was false. He pleaded Ignorance of the Law, and that he did it without any Purpose of Prejudice to the publick Business, but only as he conceived out of Duty; and because he had always lived as a Gentleman, he would not so much degenerate from himself and his Birth, nor so much offend against human Society, as to become a base Accuser; but would submit himself and his Offence to the Censure of the Court, and to the favourable Interpretation of their Lordships.

Mr. Attorney reply'd, That his Answer and Submission were modest, and therefore he would not press his Offence farther; yet he would tell him, that in criminal Causes, whosoever would raise a Slander, and refuse to tell his Author, he must tell him that which the Laws tell him, that he was the Author himself. This kind of slandering Judges to Kings and Princes is common. *Popham*, a great Judge in his Time, was complained of by Petition to Queen *Elizabeth*; it was committed to four Privy-Counsellors; but the same was found to be slanderous, and the Parties punished in the Court. He likewise said, I may not admit of this new Learning; I hold it not unworthy a Gentleman to discharge his Fault upon the first Author; and by the Law, the not doing thereof maketh him the first Author; so he becomes a false Accuser of himself.

Sir *John Wentworth's* Answer was, That he would not willingly be conceived to speak more here than he had done heretofore. It was true that he was at the Execution of *Weston*, and did ask those Questions touching the poisoning of Sir *Thomas Overbury*; which he did on two Reasons: The one was because he had seen others do the same at the same time, and especially one *Parkes*; and he thought he might do it as well as he: Another Reason was, because he not being at the Arraignment, and hearing that *Weston* had denied the Fact, he was desirous to be satisfy'd of the Truth from himself; yet he purposed not to ask any Questions when he came thither: but if to ask Questions of a Man going to Execution were offensive to the State, he did humbly submit to their Lordships Censures.

Sir

Sir *John Hollis* answered, That the Matter declared against him contained three Crimes. The first, that whereas at the first upon the Indictment he should fore-judge the Jury, by delivering his Opinion; saying, that he should doubt what to do; and this he confessed, as a Man perhaps more trickish and curious to give his Verdict or Judgment of Life or Death than others: And if a bare word of his Opinion drawn by Discourse (he being but a Stander-by in this Business) be to be censur'd, I appeal to your Judgments. His second Offence was for giving of Counsel, and asking Questions of *Weston* at the Execution: He said, he confest he was there, but carried with a general desire which he had to see the Execution, as he had done in many like cases before. And he had formerly seen that it was a common thing for Men Standers-by to ask Questions of those that were to be executed: and now many asking this Question of the Fact of *Weston*, and he answering in general Terms, I die not unworthily; he also, among many others, did ask him the Question (as hath been opened;) which was not purposed of him when he came thither, but was occasioned by reason of one that stood behind him at the Gallows, who said to *Weston*, that he should confest the Truth of this Fact, for if he had had his Right, he had been hanged many years ago: whereunto *Weston* answer'd, Fact or no Fact I die worthily. Sir *John* said, that Mr. Attorney had so well apply'd his Charge against him, that tho' he carry'd the Seal of a good Conscience with him, he would almost make him believe that he was guilty; but he hoped their Lordships would take the Bird by the Body and not by the Feathers: His Speech he said might be well understood, but the worst end of it was turned towards him; he did but the part of a Christian to persuade *Weston* to discharge his Conscience, and intended not to controvert the Law and Justice that had passed on him. As for the Testimony of *Bearingborne*, I know not what he is that hath deposed against me; but it seems he is some Man of Trade, against whom I think I may now put myself in Opposition, that my Denial may stand against his Affirmation. In his Youth some of your Lordships know, that he [Sir *John Hollis*] had spent some of his Time in the Wars and Travel, and afterwards had lived in place at Court, both in the Time of Queen *Elizabeth*, and his Majesty eight Years: he had served the late most worthy Prince, the Memory of whom he said did grieve him that he should plead his Name at the Bar, whom for the Misery of this State it pleased God to take away; since whose Death he had been as a Fish out of the Water. Thus much he said was pulled out of his Mouth, by reason of his Testimony produced against him; but he knew that not Words but his Cause must help him out of this Mire. And therefore if their Lordships had determined any thing against him for these Offences, he did humbly submit himself to their honourable Censures. The Lord Chancellor said, that this Deposition of *Bearingborne* was not read but in Explanation and Aggravation, and not for Evidence of Condemnation against Sir *John Hollis*.

Mr. Attorney reply'd upon Sir *John* to this Answer of his, That his Speech to *Weston* was occasional, and not resolved on before his coming to the Execution; That it was new Matter thought upon and devised since his being questioned for his Offence; for there was never a word thereof spoken in this Examination: and there this is the Feather

you speak of, and not the Body. Whereunto Sir *John Hollis* answered, that they might very well stand together.

Hereupon Sir *Edward Coke*, the Chief Justice of the *King's-Bench*, pronounced the Sentence; when he said, that he would say of this Business, and his dealing therein, as *Abimelech* said of himself, *Tu scis, Domine, quod feci in simplicitate cordis & munditie manuum*; and therefore would also boldly affirm, that there were none brought into question of this great Business of Poison, but such as in his Soul and Conscience were apparently Guilty: He said he was no fit Man for a Common-Place; yet he had found some Records of Poisoning, which he would shew: as namely in the Treasury 31 *Ed. III.* as the King indeed had two Treasuries, the one of Records, the other of Gold and Silver; where a Woman committed Adultery, and after poisoned her Husband. And 21 *Edw. I.* *Solomon le Roch*, a Judge, was poisoned by a Monk, who afterwards prayed to be deliver'd to the Censure of the Church; and he was denied, because the same was a Wrong to the State to poison a Judge. And it is to be observed in the first Case, that Poison and Adultery go together; and on the second, that Poison and Popery go together. From *Edward III.* down to 22 *Henry VIII.* (which was a great Lump of Time) no mention is made of poisoning any Man; and then a Statute was made, that those that did poison any body should be boiled to death, and were first to be put in at the Tiptoes. In this Business he said he would tell no News, but he was not yet at the Root; God forbid that those kinds of Offences should be unsearched and unpunished, wheresoever they are found: There are divers sorts of Poisoning, by some whereof a Man shall die a Month or a Quarter of a Year after, *ut sic se sentiat mori*; and shall not know in what manner he is poisoned: as one *Squire*, a Priest, should have poisoned Queen *Elizabeth* by poisoning her Saddle. This Poisoning came first from Popery. In this Case of *Weston* he would never confest the Indictment, because the Indictment was, that he poisoned Sir *Thomas Overbury* with Arsenick, Roseaker and Mercury Sublimate; whenas indeed it was not known what Poison killed him. Here the poor Man conceived a Scruple, that if he did not know with which of the Poisons *Overbury* was poisoned, he was not guilty of the Offence laid in the Indictment; and therefore said he was not guilty of the Offence. Now *ut obstruatur os iniqui*, that the Mouth of the wicked Man may be fully stopped; after that it was resolved unto him, that the manner of Killing, laid in the Indictment, was not the Point of the Indictment, but the Matter of Killing; as if the Indictment be, that a Man was killed with a Sword, whereas indeed he was killed with a Dagger; yet the Party is guilty, because the killing of a Man is the Point of the Indictment; then he confessed the Fact. And for this Gentleman, Mr. *Lumsden*, a *Scottish* Gentleman, a Nation that he loved well, (and to his Majesty both *English* and *Scottish* were equally dear) *Scoti & Angli nullo discrimine, &c.* He that infuseth into his Majesty's Ears the least Falshood concerning his Judges unjustly, is like him that infuseth never so little Copper into Coin; they both commit a kind of Treason: and for the Matter of it, which was informed, for *qui non bene respondet, non respondet*; and a little to divert from this Business, you, Mr. *Lumsden*, were a Pander to the Earl of *Somerset*, and were his Favourer in Deed, but his

Follower in Evil. *Afflictio dat intellectum*, let your Affliction now give you sense and feeling of your Sins; your Service of a Pander is apparently to be shewed you by a Letter under my Lord of Somerset's own Hand, and your Answer to it. Let it then enter your Heart and Soul to assure yourself, that there is now no Safety, Protection, nor Assurance, but under a religious Faith in Jesus Christ; and that, *radix justitiæ est pietas*, the Foundation and Root of Justice is Piety. I confess I had a great Suspicion out of whose Quiver the Murder came first; but because I had no certain Proofs, I would never question them. This Resolution of *Weston* to be mute, was very great. When he was persuaded by the Bishop of *London* and *Ely* to plead, he would not: and after being promised that if he would speak, he should have a Popish Priest; he thereunto answer'd, Have I refused the godly Persuasions of the Bishop of *London*, and shall I answer to a Popish Priest? And for your Persuasions, Mr. *Lumsden*, that you will not be an Accuser, this is a contemptuous Answer; for this is not to be an Accuser, being examin'd of another to discover him; but your Refusal in this kind to answer is a manifest Contempt: and for the like Offence, a great Lady of the Land lieth now in the *Tower*, only for refusing to answer being examined. *Quod diabolus ad malum exposuit, Deus ad bonum exposuit*; that which the Devil exposeth to Evil, God disposeth to Good. This refusing to discover an Offender, is a Contempt to a Master of a Family; if he should command any of his Servants to tell him of an Offence committed, and by whom; and the Servant that is so asked shall refuse to tell him, he shall be worthy of Punishment: much more any Subject being examined by the King's Authority and Commissioners, if he shall refuse to make discovery of the Truth. The Statute of the 1 and 2 of *Rich. II.* is, that he that doth raise false News between the King and his Nobles, shall be imprisoned for the space of a Year; I think fit that Mr. *Lumsden's* Imprisonment should be for a Year, and afterwards, until he should produce his Author. As for Sir *John Hollis*, his Fault of questioning and counselling, it is very great, the same being made after a Verdict; for if a Man commit Treason the twentieth day of *May*, and sell his Lands the fifth day, and after is indicted that he did commit the Treason the first day, which goes before the Sale, and after is found guilty of this Indictment; he that is to lose the Land cannot deny this Verdict, and say the Treason was committed the twentieth day, tho' it concern him for all that he hath of laying; if that he that is to be undone by a Verdict shall not speak cross Matter to a Verdict (as the Books of *Edw. III.* and *Edw. I.* are, and 11 *Hen. IV.* 53. *Estoppel* 137.) what shall be done to him that having no Cause in a matter Capital, wherein he had nothing to do, would intermeddle? For as the Law saith, *Turpis est admissio rei ad se non pertinentis*. Sir *John* said, that it hath been a Custom to ask Questions at those times, and that he did usually go to Executions. For his own part he said, that ever since he was a Scholar, and had read those Verses of *Ovid*, *Trist.* iii. 5.

*Et lupus & vulpes instant morientibus—
Et quæcunque minor nobilitate fera est,*

He did never like it; and therefore he said he did marvel much at the Use of Sir *John*. Sir *John* answers here at the Bar, and saith, that if any thing were determined against him, he did humbly submit himself thereto: by which Term so determining, he meant (I think) as if we did give our Censures against him by Conspiracy. For my own Part I talked with none other, nor I think did any of us one speak with other before we came together here. Peradventure he thinks (as some have thought) that all the Carriage of this Business is but a Conspiracy against the Earl of *Somerset*. He saith he hath been since the Prince's Death but as a Fish out of the Water. I know not what he means by a Fish out of the Water: I have heard that *Clericus in oppido, tanquam piscis in arido*, A Clerk in the Town is like a Fish out of the Water: he is a Justice of Peace, a Commissioner of Oyer and Terminer; a Man of fair Lands, 1500*l.* per annum at the least; this Money is enough to be a Privy-Counsellor: and yet Sir *John Hollis* is like a Fish out of the Water. I know he hath travelled many Countries, speaks many Languages, hath seen many Manners and Customs, and knows much of foreign Nations; yet a little Knowledge of the Common-Law of this Land would have been better for him than all these; it would have kept him from asking Questions, and counselling in Scandal of Religion and Justice; two of the main Pillars of the Kingdom, and that in cold Blood. Evidence is above Eloquence; the Party himself acknowledged that he died justly; and those that saw him said he died penitently: So to conclude, as it was sometime said of *Rome*, *Et quæ tanta fuit Romanæ tibi causa videndi*, he might very well now say of Sir *John Hollis* his going to *Tyburn*, with a little Alteration of the Words, *Et quæ tanta fuit Tyburn tibi causa videndi*. For the Censure he agreed with that which had been set; and the Acknowledgment of Mr. *Lumsden* should be also in the Court of Common-Pleas and the Exchequer, because the Justice of all Courts may be wronged with slanderous Petitions. He moved that Information might be made against the other Gentlemen that were asking such Questions as these were; and that they might receive their due Punishment: he meant, he said, Mr. *Sackvil*, Sir *Thomas Vavasor*, and Sir *Henry Vane*, who would be a Baron if Attainders did not lie in the Way: If these be not punished, these Gentlemen will think that they have wrong; for *quæ mala cum multis patimur leviora videntur*. He said he would wish Gentlemen to take heed how they fell into Discourses of these Businesses, when they be at their Chambers; for in the proceeding of these great Businesses and Affairs, if a Man speak irreverently of the Justice thereof, the Bird that hath Wings will reveal it.

The Sentence was Fine, Imprisonment, and Submission, as followeth:

Lumsden fined two thousand Marks, imprisoned in the *Tower* for a whole Year, and after until he shall, at the King's-Bench-Bar, submit himself and confess his Fault, and also produce his Authors.

Sir *John Hollis* was fined one thousand Pound, imprisoned in the *Tower* for the space of a Year.

Sir *John Wentworth* fined one thousand Marks, imprisoned in the *Tower* for a Year; and both to make Submission at the King's-Bench-Bar.



XXIV. *The Trial of ANNE TURNER Widow, at the King's-Bench, for the Murder of Sir Thomas Overbury, the 7th of November 1615. Mich. 13 Jac. I.*

THE Indictment, whereupon *Richard Weston* took his Trial being repeated *verbatim*, she was indicted for comforting, aiding and assisting the said *Weston*, in the Poisoning to death *Sir Thomas Overbury*; to which she pleaded, Not Guilty, putting herself upon God and the Country*. Whereupon a sufficient Jury of two Knights, and the rest Esquires and Freeholders of *Middlesex*, were sworn and impanelled for the Trial, whereof *Sir Thomas Fowler* was Foreman.

Sir Ed. Coke, Lord Chief Justice told her, That Women must be covered in the Church, but not when they are arraigned, and so caused her to put off her Hat; which done, she covered her Hair with her Handkerchief, being before dressed in her Hair, and her Hat over it.

Sir Laurence Hyde, the Queen's Attorney, open'd the Matter much to the Effect as he did at *Weston's* Arraignment, shewing the Wickedness and Heinousness of Poisoning: He shewed further, That there was one *Dr. Forman*, dwelling in *Lambeth*, who died very suddenly, and a little before his Death desired that he might be buried very deep in the Ground, or else (saith he) I shall fear you all.

To him, in his Life-time, often resorted the Countess of *Essex* and *Mrs. Turner*, calling him Father †: their cause of coming to him was, That by force of Magick, he should procure the now Earl of *Somerset*, then Viscount *Rochester*, to love her, and *Sir Arthur Manwaring* to love *Mrs. Turner*, by whom (as it was there related) she had three Children. About this Business, the Countess of *Essex* wrote two Letters, one to *Mrs. Turner*, another to *Dr. Forman*, as followeth:

The Countess's Letter to Mrs. Turner.

[Burn this Letter.]

Sweet Turner,

I Am out of all hope of any Good in this World, for my Father, my Mother, and my Brother said, I should lie with him; and my Brother *Howard* was here, and said, he would not come from this Place all Winter; so that all Comfort is gone: and, which is worst of all, my Lord hath complained, that he hath not lain with me, and I would not suffer him to use me. My Father and Mother are angry, but I had rather die a thousand times over; for besides the Sufferings, I shall lose his Love if I lie with him. I will never desire to see his Face, if my Lord do that unto me. My Lord is very well as ever he was,

so as you may see in what a miserable case I am. You may send the Party word of all; he sent me word all should be well, but I shall not be so happy, as the Lord to love me. As you have taken pains all this while for me, so now do all you can, for never so unhappy as now; for I am not able to endure the Miseries that are coming on me, but I cannot be happy so long as this Man liveth: therefore pray for me, for I have need, but I should be better if I had your Company to ease my Mind. Let him know this ill News: If I can get this done, you shall have as much Money as you can demand, this is fair Play.

Your Sister,

Frances Essex.

A Letter from the Countess to Dr. Forman.

Sweet Father,

I Must still crave your Love, altho' I hope I have it, and shall deserve it better hereafter: Remember the Galls, for I fear, tho' I have yet no cause but to be confident in you, yet I desire to have it as it is yet remaining well; so continue it still, if it be possible, and if you can you must send me some good Fortune, alas I have need of it. Keep the Lord still to me, for that I desire; and be careful you name me not to any body; for we have so many Spies, that you must use all your Wits, and all little enough, for the World is against me, and the Heavens favour me not, only happy in your Love; I hope you will do me good, and if I be ingrateful, let all Mischiefe come unto me. My Lord is lusty and merry, and drinketh with his Men; and all the Content he gives me, is to abuse me, and use me as doggedly as before: I think I shall never be happy in this World, because he hinders my Good, and will ever, I think so; remember (I beg for God's sake) and get me from this vile Place.

Your affectionate loving Daughter,

Frances Essex.

Give *Turner* warning of all things, but not the Lord: I would not have any thing come out for fear of the Lord Treasurer, for so they may tell my Father and Mother, and fill their Ears full of Toys.

There was also shewed in Court certain Pictures of a Man and Woman in Copulation, made in Lead, as also the Mould of Brass, wherein they were cast, a black Scarf also full of white Crosses,

* 3 Co. Inst. 49. 135.
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† Complete Hist. of England, Vol. III. p. 693.

which Mrs. *Turner* had in her Custody. At the shewing of these, and enchanted Papers and other Pictures in Court, there was heard a crack from the Scaffolds, which caused great Fear, Tumult and Confusion among the Spectators, and throughout the Hall, every one fearing Hurt, as if the Devil had been present, and grown angry to have his Workmanship shewed, by such as were not his own Scholars; and this Terror continuing about a quarter of an hour, after Silence proclaimed, the rest of the cunning Tricks were likewise shewed.

Dr. *Forman's* Wife being Administratrix of her Husband, found Letters in Packets, by which much was discovered; she was in Court, and deposed that Mrs. *Turner* came to her House immediately after her Husband's Death, and did demand certain Pictures which were in her Husband's Study; namely, one Picture in Wax, very sumptuously apparelled in Silks and Sattins, as also one other sitting in form of a naked Woman, spreading and laying forth her Hair in a Looking-glass, which Mrs. *Turner* did confidently affirm to be in a Box, and that she knew in what part or room of the Study they were.

Mrs. *Forman* further deposeth, That Mrs. *Turner* and her Husband would be sometimes three or four hours locked up in his Study together. She did depose further, that her Husband had a Ring would open like a Watch.

There was also a Note shewed in the Court, made by Dr. *Forman*, and written in Parchment, signifying what Ladies loved what Lords in the Court; but the Lord Chief Justice would not suffer it to be read openly in the Court.

Mrs. *Turner* sent *Margaret* her Maid to Mrs. *Forman*, and wished that all such Letters and Papers as concerned the Earl of *Somerset*, or the Countess of *Effex*, or any other great Personages, should be burnt; telling her, That the Council's Warrant should come to search the Study, and that all his Goods might be seized: whereupon she and her Maid *Margaret*, with the consent of Mrs. *Forman*, burnt divers Letters and Papers, but yet she kept some without their Privity.

There was also Enchantments shewed in Court, written in Parchment, wherein were contained all the Names of the blessed Trinity, mentioned in the Scriptures; and in another Parchment, + *B.* + *C.* + *D.* + *E.* and in a third likewise in Parchment, were written all the Names of the Holy Trinity, as also a Figure, in which was written this Word, *Corpus*; and upon the Parchment was fastened a little piece of the Skin of a Man.

In some of these Parchments, were the Devils particular Names, who were conjured to torment the Lord *Somerset* and Sir *Arthur Manwaring*, if their Loves should not continue, the one to the Countess, the other to Mrs. *Turner*.

Mrs. *Turner* also confessed, That Dr. *Savories* was used in succession after *Forman*, and practised many Sorceries upon the Earl of *Effex's* Person.

Mrs. *Turner* being in a manner kept close Prisoner in one of the Sheriff's Houses in *London*, before she was brought to the Bar, knew not that *Weston* was executed; but by the Proceedings, having understanding thereof, and hearing divers Examinations read, it so much dejected her, that in a manner she spake nothing for herself. Also Examinations and Witnessess, *viva voce*, that were produced at *Weston's* Arraignment, and divers others, were now read again, as the Examinations of one *Edward Pain*, *John Wright*, and *Robert Freeman*.

Symcots, *Raulins*, *Payte* and *Williams*, at one of these Examinations, gave evidence, That one *Franklin*, being an Apothecary and Druggist, was the Provider of all the Poisons given to Sir *Thomas Overbury*.

A Chirurgeon there deposed, That he cured *Franklin* of the Pox; and that at several times he demanded of this Chirurgeon, What was the strongest Poison? The Chirurgeon demanding of him what he would do with it, *Franklin* replies, Nothing but for his Experience, and to try Conclusions.

Another Examination of one *Mercer*, who had Conference with the said *Franklin*, calling him Cousin, who demanded of this Examinant, What News? He answered, I hear ill News, I am sorry that my old Lord and Master's Son is found insufficient, and not able to content the Lady.

Franklin replies, I have a hand in that Business; I have a great Friend of my Lady of *Effex*, she allows me 2 s. 6 d. a-day for my Boat-hire, and 10 s. a-week for my Diet, I could have any Money I would. *Mercer* replies, But, Cousin, how can God bless you in this Business? *Franklin* answers, Let them talk of God that have to do with him, my Lord of *Somerset* and the Countess will bear me out in any thing I do; if you have any Suit, wherein you may do your self any good, and I may gain by it, I will warrant you I will get it.

Frances deposeth, that *Franklin* married his Sister, and that he thinketh in his Conscience she was poisoned; and that upon some Discontent, he heard him say, He would be hanged for never a Whore or Quean of them all.

The Lord Chief Justice made a Speech upon divers Examinations there read, That the Earl of *Somerset* gave Directions, that of the Powder he sent to *Overbury*, that which should be left, should be brought back again: his Pretext was, that it should make him sick; which should be the Ground to make the King grant his Liberty, saying further, It would do *Overbury* good; and he had Tarts and Jellies likewise sent him by the Countess, with expresse Commandment, that none must eat of them but Sir *Thomas*, saying, they will do him no harm.

At another time, the Countess sent Tarts, Jellies and Wine, with Directions, that those which had been formerly sent, should be brought back again; and those last brought, should be given him at Supper, and then all should be well; but Directions given, that neither the Lieutenant, nor his Wife might eat of them, but they might drink of the Wine, for in the Tarts and Jellies there might be Letters, but in the Wine there might be none. And afterwards it was openly related, and proved by divers Witnessess, that those words *Letters* were private Tokens between the Countess, and the Lieutenant, and *Weston*, to give notice what things were poisoned, and what not.

In the Examinations that were of *Weston*, it was related, That Mr. *James* told him, that the Earl his Master would pay him for his pains about Sir *Thomas Overbury*.

Then the Lord Chief Justice gave in charge to the Jury, concerning the Evidence they had formerly heard, and told them, That *Weston*, at his Examination, had confessed, that all he had said formerly was true.

He further related, What a great Vexation and Grief it was to the King, that *Somerset* only by making use of his Favour and Love, so foul a Fact

was done: as, First, To be the Occasion to put Sir *Thomas Overbury* to Employment for the Embassage at *Russia*: and, Secondly, To make him refuse the same, and to give right Cause for his Commitment: Thirdly, To bear him in hand, that he would work his Liberty, but still aggravated and laboured the contrary, and gave Directions to the Lieutenant of the *Tower*, to look surely to him, and to keep him close Prisoner, and that he should send to none of his Friends, or they to him, urging great Matters against him.

Sir *Thomas Monson* was often employed to give Directions to the Lieutenant therein; which was a most barbarous Course to be so dealt withal, only for a Contempt: concluding, that *Overbury* was a close Prisoner to all his Friends, but open to all his Enemies, such as *Somerset* would have or send unto him.

Then the Lord Chief Justice told Mrs. *Turner*, that she had the seven deadly Sins; viz. a Whore, a Baud, a Sorcerer, a Witch, a Papist, a Felon, and a Murderer, the Daughter of the Devil *Forman*; wishing her to repent, and to become a Servant of Jesus Christ, and to pray to him to cast out of her those seven Devils.

She desired the Lord Chief Justice to be good unto her, saying, she was ever brought up with the Countess of *Somerset*, and had been of a long time her Servant, and knew not that there was Poison in any of those things sent to Sir *Thomas Overbury*.

Then the Jury went forth, and not long after returned, finding her Guilty.

Who being asked, What she had to say for herself, why Judgment should not be pronounced against her; she only desired Favour, but could not speak any thing for weeping.

Then Judge *Crook* made another grave Speech, exhorting her to Repentance, and to prepare herself ready for Death; and that the little time which should be assigned her to live, she should not spend it either in Hope or in Imagination to get Life, for that Hope was but a Witch. Upon conclusion of which Speech, he gave Judgment, and told her, she had had a very honourable Trial, by such Men as he had not seen for one of her Rank and Quality, and so was delivered to the Sheriffs.

Upon the *Wednesday* following, she was brought from the Sheriff's in a Coach to *Newgate*, and was there put into a Cart; and casting Money often among the People as she went, she was carried to *Tyburn*, where she was executed, and whither many Men and Women of fashion came in Coaches to see her die: to whom she made a Speech, desiring them not to rejoice at her Fall, but to take example by her; she exhorting them to serve God; and abandon Pride, and all other Sins; relating her breeding with the Countess of *Somerset*, having had no other Means to maintain her and her Children, but what came from the Countess: and said farther, That when her hand was once in this Business, she knew the revealing of it would be her Overthrow. The which, with other like Speeches, and great Penitency there shewed, moved the Spectators to great Pity, and Grief for her.



XXV. *The Trial of Sir JERVIS ELWES Kt. Lieutenant of the Tower, at the Guild-Hall of London, for the Murder of Sir Thomas Overbury, the 16th of November, 1615. 13 Jac. I.*

THE Form of the Indictment was the malicious Aiding, Comforting, and Abetting of *Weston* in the Poisoning and Murdering of *Overbury*; whereupon it was laid against him as follows: *

First, When *Weston* received the Vial of Poison of two Inches long, to give Sir *Thomas*, he having the Glass in one Hand, and Broth for Sir *Thomas* in the other Hand, meeting the Lieutenant, asked him thus, *Sir, shall I give it him now?* The Lieutenant reproved him, yet that Night he gave it him in his Broth: Ergo, the Lieutenant knew of the Practice and Poisoning of Sir *Thomas Overbury*: & *qui non propulsat injuriam cum possit, infert.* Cicero.

After this was known to be Poison, yet he kept *Weston* still; he favoured, countenanced and graced him, and one time sent him a Cup of Sack, and bid his Man tell him, that he loved him as well as ever he did: all this while he paid him no Wages, and as soon as *Overbury* died, *Weston* was removed.

The Countess wrote a Letter to the Lieutenant, with the Letter she sent poisoned Tarts to *Overbury*, and Wine to the Lieutenant's Wife; and bade him give the Tarts to *Overbury*, for there were Letters in them, but his Wife and Children might drink the Wine, for she was sure there were no Letters in it.

The Earl of *Northampton* writ a Letter to the Lieutenant, concerning the Imprisonment of *Overbury*; the said Earl writ two Letters to *Rocheſter*, containing these Words.

The Earl of Northampton's Letter to Rocheſter.

Sweet Lord,

‘ **T**HINK not I find Pain in that which gives me
 ‘ sweetest Pleasure, which is any thing that
 ‘ falls from your Pen; three things concur to my
 ‘ exceeding joy in your worthy Letters, Proof of
 ‘ your Love, Comfort in your Words, and Judgment

* 3 Co. Inst. 49. 135.

ment in your Writing : you may believe the Words of him that will rather die than flatter you ; my Heart is full of the Love of you ; your Characters are no more pain for me to peruse, being as well acquainted with your Hand as my own, the Pain is no more than the cracking of a Nut for the sweet Kernel, or my Niece's Pain, in the Silver-dropping Stream of your Pen.'-----
[There the Lord Chief Justice left off reading for the Bawdiness of it ; then after in the Letter followed], I spent two Hours yesterday, prompting the Lieutenant with Cautions and Considerations ; observing with whom he is to deal, that he might the better act his Part, for the Adventure in which he dealeth.'

Henry Northampton.

Another Letter to Rochester.

Sweet Lord,

I Cannot deliver unto you with what Caution and Consideration, &c. and the Lieutenant looking to his Business, which concerns no more than Text affords, that marched in his Affairs, I shall hold him discreet, and love him better whilst I live, for this his Conclusion : For this Negro can no more change his Skin than a Leopard his Spots.'

Henry Northampton.

Another Letter to Rochester.

Sweet Lord,

Overbury being viewed, there was found in his Arm an Issue, and on his Belly twelve Kernels likely to break to issue, each as big as Three-Pence ; one Issue on his Back, with a tawny Plaister on it ; this was strange and ugly. He stunk intolerably, infomuch that he was cast into the Coffin with a loose Sheet over him. God is gracious in cutting off ill Instruments from off the factious Crew : If he had come forth, they would have made use of him. Thus, Sweet Lord, wishing you all Increase of Happiness and Honour, I end,

Your Lordship's, more than any Man,

Henry Northampton.

The Lieutenant writ a Letter to the Earl of Northampton, certifying him, That he undertook Sir Thomas Overbury according to his Instructions : That as soon as he came to the Place, Sir Thomas protested his Innocency upon the Bible ; and then (quoth he) he asked me what they meant to do with him ? I answered, *They mean to refine you, that your Purenests may appear a little better.* After I walked with him in his Chamber, and advised him to give way to the Match between Rochester and the Countess ; but then he grew hot against your Lordship and the Countess of Suffolk, saying, *If he were the Countess of Suffolk's Prisoner, (as he thought he was) then (said he) let her know that I care as little to die, as she to be cruel.* The Countess of Suffolk I find to be joined with you in this Plot, tho' the Chamberlain knows not of it, nor any one else. But Rochester's part I shall much fear,

until I see the Event to be clearly conveyed. And so he concluded his Letter.

Jervis Elwes.

The Answer of Sir Jervis Elwes to the Points proposed.

My Lord, Before I answer to the Matter of Charge against me, let me remember your Lordship of one Speech which I learned from your Mouth : I have heard you speak it at the Council-Table, and you have delivered it at the Assizes in the Country, That when a Prisoner stands at the Bar for his Life, comfortless, allowed no Counsel, but strong Counsel against him, perchance affrighted with the Fear of Death, his Wife and Children to be cast forth out of doors, and made to seek their Bread ; you have always pitied the Cause of such a one : You have protested you had rather hang in Hell for Mercy to such a one, than for Judgment.

My Lord, you have not observed your own Rule in my Cause ; you have paraphrased upon every Examination, you have aggravated every Evidence, and applied it to me, so that I stand clearly condemned before I be found guilty : If I be so vile a Man as your Lordship conceives me, I were unworthy of any Favour ; but I hope your Lordship shall not find it.

So I will deny nothing that hath Evidence of Truth against me, I will not tell a Lye to save my Life, and I beseech your Lordship so to conceive of me, move your Charity towards me.

Then desired he the Court, that the Heads of the Accufations might be collected by the Counsel for the King, which were the same which were mentioned before ; to which he severally answered, &c.

To the first, Shall I give it him now ? he answered, that when Weston asked him the Question, he saw no Poison in his Hand, and therefore said he, in Weston's and mine Examination, the Question was, Shall I give it him now ? not, Shall I give him this now ? for there is a great difference between *Hoc* and *Id* in matter of Prevention.

But further, when Weston had told me that it was Poison which he meant to give, I reprov'd and beat him down with God's Judgment ; nay, I humbled him so, that upon his Knees he thanked God and me, and told me, that he and his had cause to bless God for me, for that I withheld him from doing that Act : and if you call this Comforting and Abetting, to terrify a Man for his Sins, and to make him so confess his Faults to God, and to abhor and detest the Act, then was I an Abettor and Comforter of Weston.

To the second, after I had thus terrified Weston with God's Judgments, and saw him cast down for his Offence ; I could do him no better Office than of Charity, to raise him up, who was thus down, and therefore favoured him ; I shewed him kindness, I drank to him, to the intent I might encourage the Intentions of his Mind, which I found then resolved in abhorring the Fact : and that I gave him no Wages, it is true, I took him from the Commendations of my Lord of Northampton, and Sir Thomas Monson, whom I took to be my Friends, and thought they would commend no Man to be a Keeper, which might any way endanger me.

To the third, I never knew any other meaning to the Countess's words in her Letters, but the bare literal meaning; and sure (quoth he) after I had received the Tarts, and they had stood a while in my Kitchen, I saw them so black and foul, and of such strange Colours, that I did cause my Cook to throw them away, and to make other Tarts and Jellies for him.

To the fourth, he said the Earl of Northampton's Letter to me, was not any thing touching the Poisoning of Overbury, but for a close Restraint; to the end, that Overbury might agree to their Purposes concerning the Marriage to be had between Rochester and the Countess: if the Earl of Northampton had any other Plot to take away his Life, I was not any thing of his Council, or had knowledge therein.

To the fifth, whereas it is said, I received him according to my Instructions, I meant none other thing than I have delivered before, which was concerning the closeness of his Imprisonment. But being asked what he meant by these words; Rochester's part I shall greatly fear, until I see the Event to be clearly carried; in this, he staggered, and wavered much, and gave his Answer: It was long since I wrote this Letter, and for the particular Circumstances that induced me to this Speech, I cannot now call to Memory; but sure I am, that at that time, knowing my self to be innocent, I could the better have satisfied my remembrance, so that I meant nothing the taking away of his Life: but because I was a Stranger to Rochester, and had heard and known of that great League that was between them; I might well think, suspect, and fear, whether he would always countenance these Projects for his restraint. These were the Answers he made to his Accusations, and after he had made many Protestations between God and his Soul, of his Innocency of this malicious plotting and abetting of Overbury's Death, he applied himself to the Jury, and told them thus:

I will prove unto you by many infallible and unanswerable Reasons, that I could not be Aider and Complotter with Weston in this Poisoning.

First, I made a free and voluntary discovery of it my self, I was not compelled: will any Man imagine, that I would discover a thing, whereof I could not clear my self? Nature is more kind than to be its own Accuser.

Besides, that my Clearness might more appear, and remain in the World without any Suspicion, I proceed and accused the Murderer Weston: it had been a senseless thing, and absurd in me, if I had not thought my self clear, to have accused him, who might have done as much for me.

Nay, Weston himself proved me to be an honest Man before the Chancellor of the Exchequer; for he confessed to him, and others being present, that he thought that the Lieutenant knew not of the Poison: and in his Examination before the Lord Chief Justice, and Serjeant Crew, being asked the meaning of these words, Shall I give it him now? he answers, that he thought that those which had set him on work, had acquainted the Lieutenant with their Plot.

Also I was so confident in my own Innocency, that I told my Lord Chief Justice, and my Lord Zouch the way to make Weston confess, and to discover all; which was by fair and gentle intreaty of him, and so by this means they might search the

bottom of his Heart: in this the Lord Chief Justice witnessed with him.

And after Sir Thomas Overbury was dead, Weston and Mrs. Turner were sent to know of me whether I had any inkling of the Death of Sir Thomas? What need they have made this Question, if I had known any thing thereof?

Also that which I do know concerning the Poisoning of Sir Thomas, was after his Death, by Relation of Weston; and here I am indicted as Accessary before the Fact, when I knew nothing till after the Fact.

After that he had confirmed these Reasons by sundry Proofs and Witnesses, he went further in his own Defence: If I be in the Plot, the Lord Treasurer is, I have his Letter to shew in it; he called me to his Lodging, and said the Plots you know them as well as I, the Plots were only to repair her Honour: my Wife hath the Letters from my Lord Treasurer and Monson; for these Plots I will run willingly to my Death, if Circumstances be knit with any manner of Fact.

He proceeded further, and told the Lord Chief Justice, that he spake not this to justify himself, so that no blemish or stain might cleave unto him; for (said he) this Visitation is sent me from God, and whether I live or die, it is the happiest Affliction to my Soul, that I ever received. I have laid open my whole Heart for Blood-guiltiness: I have not repented me other than of Errors of my Judgment, in not detecting what I suspected, and yet I do ask God forgiveness daily for lesser Sins; but of this I know no other, but the gross Error of my Judgment, in not preventing it, when I saw such Intendment and Imaginations against him.

Then he put to my Lord Chief Justice this Case: If one that knoweth not of any Plot to poison a Man, but only suspecteth, is no Actor or Contriver himself, only imagineth such a thing, Whether such a one be accessary to the Murder; for the words of the Indictment are, Abetting and Comforting with Malice: Now if there be any Man that charges me expressly, or in direct Terms, that I was an Abettor, or if the Court shall think in this Case which I have put that such a concealing without Malice, is an Abetting, I refuse not to die, I am Guilty. This was the Sum of his Speech.

Then the Lord Chief Justice replied; That to his knowledge, he spake no more concerning the Evidence than he could in Conscience justify, which was only to express the Evidence of things, and not wresting any thing in prejudice of his Life.

But further he told him, That two Days before Sir Thomas Overbury died, you wished his Man to bring his best Suit of Hangings to hang his Chamber, which you knew were your Fees.

And after he told him, that his Accusation of the Lord Treasurer was very malicious; for in the Examinations he had taken, and in all the exact Speech he could work for the finding out of the Truth, he saw not that honourable Gentleman any way touched.

In conclusion he told him, It is not your deep Protestations, nor your appealing to God, that can sway a Jury from their Evidence, which is not yet answered unto.

But to leave you without Excuse, and to make the Matter as clear as may be, here is the Confession of Franklin, (which he then drew out of his Bosom) saying, This poor Man, not knowing Sir Jervis should come to his Trial, this Morning he

he came unto me at Five of the Clock, and told me, That he was much troubled in his Conscience, and could not rest all that Night until he had made his Confession; and it is such a one (these were his Words) as the Eye of *England* never saw, nor the Ear of *Christendom* never heard.

The Confession of James Franklin, the 16th of November, 1615.

Mrs. *Turner* came to me from the Countess, and wished me from her to get the strongest Poison I could for Sir *Thomas Overbury*. Accordingly I bought seven, viz. *Aquafortis, White Arsenick, Mercury, Powder of Diamonds, Lapis Costitus, great Spiders, and Cantharides*: All these were given to Sir *Thomas Overbury* at several times. And further confesseth, That the Lieutenant knew of these Poisons; for that appeared (said he) by many Letters which he writ to the Countess of *Essex*, which I saw, and thereby knew that he knew of this Matter: One of these Letters I read for the Countess, because she could not read it herself, in which the Lieutenant used this Speech;

Madam, The Scab is like the Fox, the more he is cursed, the better he fareth; and many other Speeches. Sir Thomas never eat White Salt, but there was White Arsenick put into it: Once he desired Pig, and Mrs. Turner put into it Lapis Costitus.

The *White Powder* that was sent to Sir *Thomas* in a Letter, he knew to be *White Arsenick*.

At another time he had two Partridges sent him from the Court; and Water and Onions being the Sauce, Mrs. *Turner* put in *Cantharides* instead of Pepper; so that there was scarce any thing that he did eat, but there was some Poison mix'd. For these Poisons the Countess sent me Rewards: She sent many times Gold by Mrs. *Turner*.

She afterwards wrote unto me to buy her more Poisons. I went unto her, and told her I was weary of it; and I besought her upon my Knees that she would use me no more in those Matters: But she importuned me, bad me go, and enticed me with fair Speeches and Rewards; so she overcame me, and did bewitch me.

The cause of this Poisoning, as the Countess told him, was, Because Sir *Thomas Overbury* would pry so far into their Suit, as he would put them down. He did also say that the *Toothless Maid*, trusty *Margaret*, was acquainted with the Poisoning; so was Mrs. *Turner's* Man *Stephen*; so also Mrs. *Horne*, the Countess's own Hand.

He saith, On the Marriage-Day of the Countess with *Somerset* she sent him 20 *l.* by Mrs. *Turner*; and he was to have been paid by the Countess 200 *l. per Annum* during his Life.

That he was urged and haunted two hundred several times, at least, by the Countess to do it against his Conscience. He saith, she was able to bewitch any Man; and then he wrought the Love between *Rochester* and her; and that he had twelve several Letters from her to prosecute it, and was to have 200 *l.* to continue their Loves until the Marriage; and that all Things were burnt since the first Discovery.

Those were all the *Materials* in *Franklin's* Confession. To this Sir *Jervis Elwes* knew not what to answer, or to make of his own Letters.

Then presently the Jury departed from the Bar, and shortly after returned, and found him Guilty;

and the Lord Chief Justice gave Judgment of Death against him.

ON Monday the 20th of *November, 1615*, he was executed at *Tower-hill*, upon a Gibbet there set of purpose, about six a-clock in the Morning.

He came on foot to the Gibbet from Sheriff *Goare's* House, between Dr. *Whyting* and Dr. *Felton*, two of his Majesty's Chaplains; and coming to the Ladder's Foot, he talked a Word or two to the Executioner.

Then he went up the Ladder four or five Steps, the Executioner sitting over his Head, upon the Top of the Gibbet: Sir *Jervis* finding the Ladder to stand too upright for his Ease, spake to have it amended, which forthwith (he coming down) was done, being fastened in the Ground; and then he went up again six Steps, where after a while, sitting easily, he said:

Nobles, Right Worshipful, and others, I am here come, as well to shew, explain, and unfold that which, at the time of my Arraignment, so many of you as were present expected: as also to shew that then I perceived I had lost the good Opinion of many, in standing so long upon my Innocency, which was my Fault, I confess, hoping now to recover the same, and your good charitable Opinions of me; which Fault I then saw not, being blinded with mine Errors, which made me account it no Sin.

But since my Condemnation, by Means and Help of these two Gentlemen here present (*the two Doctors*) I was persuaded of the Greatness of my Sin, and that it was so much the greater, by how much the more I did conceal it; which by God's Mercy I perceiving, consulted not with Flesh and Blood, but thought, in this my Condemnation, my best way for my Soul's Health, to reveal to the Omnipotent and All-seeing God, the most secret and inward Intentions and Thoughts of my deceitful Heart, not once suspecting the Pains or Dispraifes of the World, which I regard not at all.

It may be some will say, that this Place was most unfit for my Execution, appointed to terrify and daunt me so much the more; but alas! I fear not Death, Place, nor any such like thing, for I account it the King's and Council's special Favour that I die here; for that I requesting the same, it was granted; whereby I see now this Tower, wherein of late I have been called to the State Business, and still might, if I had perform'd a more loyal Service to my King and Country than I did.

Next, That I was not appointed to *Tyburn*, a Place of more publick Reproach than now I am brought, being worthy to die by due and lawful Justice, in prosecuting this bloody and enormous Act against a kind Gentleman, who deserved not ill at my Hands, nor at any Man's else for aught I know.

But were it I had not trusted him, who was a most perfidious Wretch, I had not fallen into this same; which may warn all here present to take heed whom they trust in a bad Matter, and to admonish you that are trusted never to break honest and just Fidelity.

I was by divers Tricks drawn into this Action, which I received from the Earl of *Northampton*, Sir *Thomas Monson*, and none other: but had I remembered the 119th *Psalme* 115th Verse, and said with that holy Prophet, *Away from me ye Wicked,*
for

for I will keep the Commandments of my God; then had I refused such like Tricks. Alas! now too late; there was my Fault, that I did not refuse them, and cast myself upon God's Providence, without any Dependency on Man, tho' never so honourable. Was ever any deceiv'd that did trust in God? there was never any.

Therefore I admonish you all; let none, how honourable soever he be, or the King himself, move you to any thing not agreeable to God's Word, do it not, reject it; for this was my Fault, that I had not at the first opened this Plot to his Majesty, who no doubt would most justly and righteously have punish'd the same.

You Nobles, Worshipful, and others, let my Example teach you thus much, That you prophane not *the holy Sabbath of the Lord*, nor his good Creatures, nor that you turn (by a lascivious Course) Nights into Days and Days into Nights, as I have done; and that in serving God, you must not only read the Scriptures, but join Practice therewith: for what Good else will the same effect, if the Heart be foul, bloody, and impure?

Some here knew my Forwardness therein; but I plead not Innocency that way, but cast it off, and confess, that of this great Assembly I am the most wretched Sinner.

You expect Speeches from me of some concealed Matters, and upon some of my Speeches used at the closing up of my Arraignment; but I stand here *loco Peccatoris, non Oratoris*: yet I will shew you that I have opened to my Lord Chief Justice of England, since my Arraignment, that which to the uttermost of my power I was able to verify, upon which then I took the *Body and Blood of Jesus Christ*; and in further Testimony thereof, I will now seal it with my last and dearest Breath.

Nobles and others, to see your Faces it rejoiceth me, whereby you manifest your Love in granting my Request, to be Witnesses of my Death; I see a Number of my Friends, there, there, there, [*pointing as he spake*] whom, out of their Loves, I entreat to beseech God to strengthen me in Death; tho' ignominious to some, yet to me *a bitter Cup, mingled to me with God's Mercy*, a special Favour this way to call me Home, whereas he might have taken away my Life by shooting the Bridge, or some Fall, or otherwise; and then this unrepented Sin, which I accounted no Sin (such was my Blindness) had been Damnation to me; for God is just, and the unrepented Sinner shall have no Salvation.

There is none of you present here, that knows how or in what sort he shall die, it may be in his Bed, it may be otherwise (God knows); I protest before you all, I never came over this Hill, in the chiefest of all my Prosperity, with more Joy than now I have at this present; for I now know that presently I shall behold the glorious Face and Sight of my Creator.

Take heed, and let my Example incite you to serve God truly and uprightly, better than I have done, lest a shameful Death overtake you, as it doth me, who am unworthy of my Parents Care in bringing me up.

It may be some will say I have a flinty Heart, because I shed no Tears; my Heart is Flesh as any others, and I am as faint-hearted to look Death in the Face as any others: but because my Use hath been not to shed Tears, I cannot now easily, except it be for the Loss of some great Friend; albeit now my Heart beginneth to melt within me, being

wounded [*with that the Tears stood in his Eyes*] to see the Faces of some there present, whom I most earnestly love, and now must depart from with Shame: for worldly Regard I respect not, for well Mr. Sheriff knows, that (to shame this my sinful Flesh the more) I wish (if he had pleased) to have been brought from *Westminster* thro' the City, to have warned all Spectators how they should not escape without Judgment for Blood; for God is just.

I had almost forgotten to shew you a strange thing, which God brought to my Memory the last Night, which was this; I confess I have been a great Gamester, and especially on the other side, have wasted and played many Sums of Money, which exhausted a great Part of my Means; which I perceiving, vowed seriously (not slightly or unadvisedly) to the Lord in my Vow and Prayers, *Lord let me be hanged if ever I play any more!* which not long after is most justly come upon me, whereof you are all Eye-witnesses, because a thousand times since I brake this my Vow.

Then he espied one Sir Maximilian Dallison standing near the Gibbet on horseback, and said unto him: You know, Sir *Maximilian*, what gaming we have had, and how we have turned Days into Nights, and Nights into Days; I pray you in time to leave it off, and dishonour God no more by breaking his Sabbaths, for he hath always enough to punish, as you now see me, who little thought to die thus.

To which Sir Maximilian answer'd him; Sir *Jervis*, I am much grieved for you, and I shall never forget what you have here said; *whereunto Sir Jervis said,* Look to it, do then.

Further, he continued his Speech, saying, Let no Man boast of the Abilities and Gifts of Nature, which God giveth him; for therein I displeased God, being transported with over-much Pride of my Pen; which obsequious Quill of mine procured my just Overthrow, upon the knitting of my Lord Chief Justice's Speech at my Arraignment, by reason of two or three Passages at the bottom of my Letter, subscribed with my own Hand, which I utterly had forgotten, because I felt not any Sin; which when I heard, I saw none other but the *Finger of God* could thus point to this Fact; by this Means I do protest before God, and confess before you all, that I was so far overtaken by this bloody Fact, that for Satisfaction of the same, I willingly yield my dearest Blood, to the Shame of this my Carcass, not being so much grieved for the same as for others, that I wish I had hanged in Chains perpetually, so that I had revealed at first the heinous Plot.

Then should I have saved the Lives of some already dead, some in the Tower, some in the City, some over Seas; so should I have prevented many from being Widows, some from being Fatherless, and some from being Childless, among whom mine own Wife for one, and eight fatherless Children of mine, which I leave now behind me, and God knows how many be guilty of this Fact, and when it will be ended.

The Lord Chief Justice, upon closing up of my Speeches at my Arraignment, said I was an *Anabaptist*: I would to God I were as clear from all other Sins, as from that, for I always detested that Condition.

As for my Wife, some say she is a Papist; but true it is, she comes so short from a sincere *Protestant*, (I mean in that respect) that when she is among *Papists* she cannot well forbear them.

Then he spake to the Sheriff, saying, If it may be permitted without Offence, I have somewhat to say, and that is this, *Is it lawful for any one here to demand of me any Questions?* To which the Sheriff answer'd, *It is not lawful;* wherefore good Sir Jervis (quoth he) forbear. Sir Jervis thereunto said; with doubling his Words, *It is enough, it is enough.*

I have here (quoth he) one that holdeth my Cloak, may I bestow somewhat on him? *The Sheriff answer'd,* That you may, Sir; whereupon he call'd the young Man to him by his Name, who stood waiting at the Ladder's Foot, and gave him out of his Pocket some Pieces of Gold, or Silver, *Here take this, spend it;* which he with bitter Tears thankfully accepted. *Dr. Whyting and Dr. Felton strained Courtesy, which of them should begin a publick Prayer, fitting for this Party's Condition; one of them willed the other: but at last Dr. Whyting said,* If you Sir Jervis can perform it your self, you of all Men are the fittest to do it, with Efficacy both of Soul and Spirit: whereupon he said, I shall do my best then; but my Hearers, I crave your charitable Construction, if with half Words, and imperfect Speeches, *I chatter like a Crane.*

His Prayer being ended, he asked if he might pray privately; the Doctor said, Yes, Sir.

Then made he a short Prayer to himself, with his Face cover'd; and after he uncover'd it, and said, *Now I have pray'd, now I must pay, I mean, do the last Office to Justice.* With that *Dr. Whyting* said,

Sir Jervis, you may stand one Step lower on the Ladder: To whom the Sheriff answer'd, It is better for him, Mr. Doctor, to be where he is. Stay (quoth the Doctor) *to the Executioner, for he hath given a Watch-word, he is in private Prayer again. Yea,* quoth he, *I know that, for he hath given me a Watch-word, when I shall perform my Office to him.*

He uncover'd his Face after his second short Prayer, and first took his leave of all the Assembly, saying, with a chearful Voice and Countenance, *I pray you pray for me, who shall never more behold your Faces.* Then he said with a great Pervency of Spirit, *Lord, I desire at thy hands this bitter Cup of Death, as the Patient receiveth a bitter Potion, not once demanding what is in the Cup, but takes and drinks it off, be it never so bitter.*

As soon then as he had audibly said, *Lord Jesus receive my Soul;* which, it seems, was the Executioner's Watch-word, he presently turn'd him off the Ladder; and being off, the Executioner's Man caught hold of one of his Feet, his own Man on the other Foot, whereby they suddenly weigh'd his Life; where hanging a small Distance of Time, his Body not once stirred, only his Hands a little stirred and moved, being tied with a little black Ribband, which a little before he had reach'd to the Executioner, putting up his Hands to him for that purpose. All which being ended, both Corps and high Gibbet were from thence removed.



XXVI. *The Trial of JAMES FRANKLIN, at the King's-Bench, for the Murder of Sir Thomas Overbury, 27th of November, 1615. Mich. 13 Jac. I.*

AFTER he had put himself for his Trial upon the Country, a Jury of Esquires and Gentlemen was impanelled to pass upon his Life. Then *Weston's* Indictment was read, and *Franklin* accused as Accessary to the Poisoning of *Sir Thomas Overbury*, and in his Examination formerly taken were these Words:

James Franklin's Confession.

He confesseth, That in a House near to *Doctors-Commons*, *Mrs. Turner* did first come unto him about the Poisoning of *Sir Thomas Overbury*, and prayed him to provide that which should not kill a Man presently, but lie in his Body for a certain time, wherewith he might languish away by little and little; at the same time she gave him four Angels, wherewith he bought a Water called *Aqua fortis*, and sent it to *Mrs. Turner*, who, to try the Operation thereof, gave it to a Cat, wherewith the Cat languished, and pitifully cried for the space of two days, and then died.

Afterwards *Mrs. Turner* sent for *Franklin* to come to the Countess, who told him, that *Aqua fortis* was too violent a Water; but what think you (quoth she) of *White Arsenick*? He told her, it

was too violent. What say you (quoth she) to *Powder of Diamonds*? He answers, I know not the Nature of that. She said, then he was a Fool; and gave him Pieces of Gold, and bade him buy some of that Powder for her. *Franklin* demands of the Countess, what was the reason she would poison *Sir Thomas Overbury*? She told him, He would pry so far into their Estate, that he would overthrow them all.

A little before *Sir Thomas Overbury's* Death, the Countess sent for *Franklin*, and shewed him a Letter written from the Lord of *Rochester*, wherein he read these Words; *I marvel at these Delays, that the Business is not yet dispatched.* Whereby *Franklin* thinketh in his Conscience, was meant the Poisoning of *Sir Thomas Overbury*. And in another Letter from the Lord of *Rochester*, was written, that *Sir Thomas* was to come out of the Tower within two days, and they all should be undone: whereupon the Countess sent for *Weston*, and was very angry with him that he had not dispatched *Sir Thomas Overbury*. *Weston* told her, that he had given him a thing that would have killed twenty Men.

Also a Fortnight after *Weston's* Apprehension, the Countess sent for *Franklin* to her House at *St. James's Park*, where he found the Earl and the Countess walking together; and as soon as he came,

the

the Earl went apart into a Chamber. Then she told him, *Weston* had been sent for by a Pursuivant, and had confessed all, and we shall all be hanged: but on your Life (quoth she) do not you confess that you brought any Poison to me, or to Mrs. *Turner*: for if you do, you shall be hanged, for I will not hang for you; and, says Mrs. *Turner*, I will not hang for you both.

The Countess told him, That the Lord who was to examine him, would promise him a Pardon to confess; but believe him not, for they will hang thee when all is done.

Weston comes to *Franklin's* House, and told him, Now the Countess's Turn is serv'd, she used him unkindly, and they should be poisoned, and that two were set of purpose to poison him.

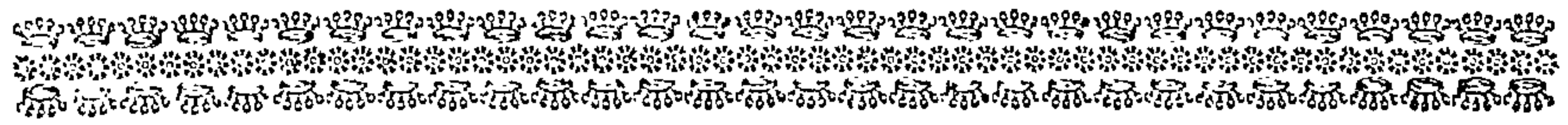
Franklin having confessed his former Examinations under his own Hand, being permitted to

speak for himself, said, That at the Entreaty of the Countess and Mrs. *Turner*, he did buy these Poisons, but protested his Ignorance what they meant to do with them; and for the rest, he referred himself to the Conscience of the Jury: who went from the Bar, and within a quarter of an hour, did return, and pronounc'd him Guilty.

Then Judge *Crook*, after a brief Exhortation, gave the Sentence of Death upon him.

The Lord Chief Justice made a short Exhortation also, with addition of these Words; That knowing as much as he knew, if this had not been found out, neither the Court, City, nor any particular Family had escaped the Malice of this wicked Cruelty.

He was afterwards executed according to the Sentence.



XXVII. The Arraignment of Sir THOMAS MONSON Kt. at the Guild-Hall of London, for the Murder of Sir Thomas Overbury, 4th of December, 1615. 13 Jac. I.

WHEN he came to the Bar, he made a Motion to the Lord Chief Justice; That, whereas he had written unto his Lordship, to ask the Lord Treasurer two Questions, which my Lord would do; he desired then an Answer, and that Sir *Robert Cotton* might be present.

After the Questions were read, he was indicted for conspiring with *Weston* to poison Sir *Thomas Overbury*; to which he pleaded, Not Guilty, and would be tried by God and his Country.

The Lord Chief Justice brake up the Proceedings, and made a Speech to this effect, viz.

He saw a great Assembly, and tho' it had been shewed them often, yet it could not be said too often, that the City was much bound to God, and to his Deputy on Earth the King, his Master, for their great Deliverance, and exact Justice; for God was always just; and for the King, tho' they were never so high in Place, nor so dear to him, tho' his own Creatures, yet his Justice is dearer to him, for which we are upon our Knees to give him Thanks; as also for so mild a Proceeding in so great an Affair: for neither the great Man's House in the Tower, nor his Lady's House, nor this Prisoner's House (to my knowledge) have been searched, neither hath this Prisoner been committed to the Sheriff, but to an Alderman, a Man who of all others might be most kind to him; for, as I take it, lest I should be mistaken, Sir *Francis Anderson* married Sir *Stephen Somes's* Daughter, and Sir *Thomas Monson* married Sir *Francis Anderson's* Sister. I never new the like Favour, nor do I like it so well, but do declare it as a gentle Proceeding from the King.

For other things, I dare not discover Secrets; but tho' there was no House searched, yet such Letters were produced, which make our Deliverance as great, as any that happened to the Children of *Israel*.

For *Weston* and Mrs. *Turner*, they died penitent-

ly, as is worthy to be written in Letters of Gold; and for the Lieutenant, tho' with great Imprecations, and a high hand he denied, yet for the great Glory of the King's Justice, he died most penitently and resolutely: this is spoken to the Praise of God, that hath crowned these just Proceedings, tho' not having need of it, *Justitia confirmata non eget Autoritate*; wherein we may see the great Hand of God, for that Morning the Lieutenant was arraigned, *Franklin* came to me as one afflicted in Conscience, not knowing of his Arraignment, with Evidence against him: which being delivered to the Jury, one of them heard him say, *Then Lord have mercy on me*. But for this present, *Non est cunctatio longa de vita hominis*; therefore he must be conveyed to the Tower as a safer Place, till further Order be taken. Then the Lord Chief Justice addressed his Speech to Sir *Thomas Monson*, saying,

Whereas you name my Lord-Treasurer; every Man's Fame is dear unto him, and he hath ever been honourable, you shall hear what he hath answered to my Letter.

' After my hearty Commendations, I have heard
' that Sir *Thomas Monson* thinks I can clear him,
' but I know nothing of him to accuse or excuse
' him; but I hope he is not guilty of so foul a
' Crime.'

You hear (quoth he) that he will neither accuse you, nor excuse you.

Monson. I do not accuse the Lord-Treasurer, nor calumniate him, for I know he is very honourable, but I desire to have an Answer to my two Questions.

Ld. Ch. Just. You shall hear more of that when the time serveth; do you as a Christian, and as *Joshua* bad *Achan*, *My Son acknowledge thy Sin, and give Glory to God*.

Monson. If I be guilty, I renounce the King's Mercy and God's; I am innocent.

Ld. Ch. Just. There is more against you than you know of,

Monson. If I be guilty, it is of that I know not.

Ld. Ch. Just. You are Popish, that Pulpit was the Pulpit where *Garnet* died, and the Lieutenant as firmly; I am not superstitious, but we will have another Pulpit.

Doderidge. It is an Atheist's word to renounce God's Mercy, you must think the Change of your Lodging means somewhat.

Hyde. I have looked into this business, and I protest my Lord, he is as guilty as the guiltiest.

Monson. There was never Man more innocent than I; in this I will die innocent.

After this Speech, certain Yeomen of his Majesty's Guard, attending for that purpose, conducted him to the Tower, where between the Yeomen and the Warders, there was some Contention about his Entertainment.

The Lord Chief Justice having at this Trial let drop some Insinuations that *Overbury's* Death had somewhat in it of Retaliation, as if he had been guilty of the same Crime against Prince *Henry*, Sir *Thomas Monson's* Trial was laid aside, and himself soon after set at liberty, and the Lord Chief Justice was rebuked for his Indiscretion, and before the next Year expired, remov'd from his Post. *



XXVIII. *The Trial of the Lady FRANCES Countess of SOMERSET, for the Murder of Sir Thomas Overbury, the 24th of May 1616.* 14 Jac. I.

The Summons of the Peers to the Trial.



AFTER our hearty Commendations to your Lordship; Whereas the King's Majesty has resolv'd, that the Earl of *Somerset*, and the Countess his Wife lately indicted of Felony, for the Murder and Poisoning of Sir *Thomas Overbury*, then his Majesty's Prisoner in the Tower, shall now receive their lawful and publick Trial, by their Peers, immediately after the end of this present *Easter* Term; at the Trial of which noble Personages your Lordship's Presence, as being a Peer of the Realm, and one of approv'd Wisdom and Integrity, is requisite to pass upon them: These are to let your Lordship understand, that his Majesty's Pleasure is, and commandeth by these our Letters, that your Lordship make your repair to the City of *London*, by the eleventh Day of the Month of *May* following, being some few days before the intended Trial; at which time your Lordship shall understand more of his Majesty's Pleasure. So not doubting of your Lordship's Care to observe his Majesty's Directions, we commit you to God.

Your Lordship's

Very loving Friends,

From Whitehall
this 24th of
April, 1616.

G. Cant.
T. Ellesmere Canc.
Fenton.
E. Watton.
Tho. Lake.
Lord Darcy, of the South.
C. Edmonds.
E. Worcester.
Lenox.
P. Herbert.
Ralph Winwood.
Fulke Grevyl.
Jul. Caesar.

The Names of the Peers.

The Earl of *Worcester*, Lord Privy-Seal.
The Earl of *Pembroke*, Lord Chamberlain.
The Earl of *Rutland*.
The Earl of *Suffex*.
The Earl of *Montgomery*.
The Earl of *Hertford*.
The Lord Viscount *Lisle*.
The Lord *Zouch*, Warden of the *Cinque-Ports*.
The Lord *Willoughby* of *Eresby*.
The Lord *Delaware*.
The Lord *Dacres*, of the South.
The Lord *Mounteagle*; who being sick, went away before Judgment.
The Lord *Wentworth*.
The Lord *Rich*.
The Lord *Willoughby* of *Parham*.
The Lord *Hunsdon*.
The Lord *Ruffel*, the second Day was not there.
The Lord *Compton*.
The Lord *Norris*.
The Lord *Gerrard*.
The Lord *Cavendish*,
The Lord *Dormer*.
Thomas Lord *Ellesmere*, Chancellor of *England*,
Lord High-Steward *hac vice*.

His Assistants in the Commission there present.

Sir *Edward Coke*, Lord Chief Justice of *England*.
Sir *Henry Hubbart*, Lord Chief Justice of the *Common-Pleas*.
Sir *Lawrence Tanfield*, Lord Chief Baron of the *Exchequer*.
Judge *Altham*, one of the Barons of the *Exchequer*.
Judge *Crooke*, one of the Judges of the *King's-Bench*.

Judge

Judge *Doderidge*, one of the Judges of the *King's-Bench*.

Judge *Houghton*, one of the Judges of the *King's-Bench*.

Judge *Nicholls*, one of the Judges of the *Common-Pleas*.

The Council that were there the first Day.

Sir *Francis Bacon*, the King's Attorney-General.
Serjeant *Montague*.

Serjeant *Crew*.

Sir *Henry Yelverton*, the King's Solicitor.

Francis Moor, the Queen's Serjeant.

Sir *Lawrence Hyde*, the Queen's Attorney.

Mosley, Attorney of the Dutchy.

Sir *John Davis*, the King's Serjeant.

Mr. *Walter*, the Prince's Attorney.

Mr. *Finch*, Keeper of the Records of Attainders.

More the second Day.

Serjeant *Thomas Moor*.

Serjeant *Finch*.

The Peers above-named were all that appear'd at any time at the Trial, tho' there were six others summon'd, but why they absented themselves is not known; and those were,

The Duke of *Lenox*, Lord Steward of the Household.

Earl of *Huntingdon*.

Lord *Darcy of Menell*.

Lord *Eure*.

Lord *Hunsdon*.

Lord *Darcy of Chiche*.

The Form of their Sitting, and their Ceremonies.

When my Lord Chancellor, who for this time was High-Steward of *England*, came into the Court, there came before him six Serjeants at Arms, with their Maces; Sir *George Coppin* with his Patent; Sir *Richard Coningsby* with his white Staff; Mr. *Manwaring* with the great Seal; he himself, at the upper end of the Court, sitting under a Cloth of Estate; on both Hands of him the Peers, under them the Judges; at the farther end the King's Counsel, below the Judges; on one side *Finch*, Keeper of the Records of Attainders; the Clerk of the Crown and his Deputy, in the midst of the Court, the Serjeant-Crier standing by him; Sir *Richard Coningsby*, Sir *George Coppin*, the Seal-bearer, &c. at my Lord Steward's Feet. The Prisoner at the Bar behind the King's Counsel, the Lieutenant of the Tower in a little place adjoining to the Bar.

All being silent, Sir *George Coppin* rises and delivers the Patent to the Lord High Steward, upon his Knee; he receives it and kisses it, then redelivers it to Mr. *Fenshaw*, who takes it kneeling. Then the Serjeant-Crier makes a Proclamation in the Lord High-Steward's Name, to keep silence; then Mr. *Fenshaw* reads the * Commission, which bears date the 10th of *May*: then there is another O yes, to certify my Lord Steward, whether

Weston were convicted as Principal, for the Murder of Sir *Thomas Overbury*. Then the Lord Chief Justice delivers a † Schedule indorsed with a Certificate of four Judges of the *King's-Bench*, and others the Commissioners. This *Fenshaw*, turning to my Lord Steward, reads. A third O yes, for certifying of other Indictments: My Lord *Coke* delivers another Schedule indors'd with the Certificate of my Lady *Somerset's* Indictment; which *Fenshaw*, as before, read. A fourth O yes, for *Walter Lee*, Serjeant at Arms, to return the Precept for the Peers of *Frances Countess of Somerset*; which accordingly, after his three Reverences to the Lord High-Steward, he delivered to Mr. *Fenshaw*: he reads the Indorsement. A fifth O yes, to call the Lords summon'd by the Command of the Lord High-Steward, to answer to their Names, which they accordingly did, beginning at the first; and as every one was named they put off their Hats, and stood up till the next was named. A sixth O yes to the Lieutenant of the Tower, to return his Precept, and bring the Prisoner to the Bar; which he did, and gave his Precept to the Serjeant, who gave it to Mr. *Fenshaw*, and he, as before, read the Indorsement. The Prisoner made three Reverences to his Grace and the Peers; she was in black Tammel, a Cypress Chaperon, a Cobweb Lawn Ruff and Cuffs.

L. H. S. My Lords, the Reason why you be call'd hither this day, is to sit as Peers of *Frances Countess of Somerset*.

Mr. *Fenshaw*, Clerk of the Crown. *Frances Countess of Somerset*, hold up thy Hand.

She does so, and held it up till Mr. Lieutenant told her she might put it down; and then he read the Indictment, containing *Weston's* Accounts, in the poisoning of Sir *Thomas Overbury*, and her abetting of him, the 8th of *May* 1613.

The Countess of *Somerset*, all the while the Indictment was reading, stood, looking pale, trembled, and shed some few Tears; and at the first naming of *Weston* in the Indictment, put her Fan before her Face, and there held it half cover'd till the Indictment was read.

Mr. *Fenshaw*. *Frances Countess of Somerset*, what sayst thou? Art thou guilty of this Felony and Murder, or not guilty?

The Lady *Somerset* making an Obeifance to the Lord High Steward, answer'd Guilty, with a low Voice, but wonderful fearful.

My Lady, upon her Arraignment, having plead- ed || Guilty, the Proceeding after was thus:

Mr. Attorney. May it please your Grace, my Lord High Steward of *England*, I am glad to hear this Lady's so free Acknowledgement, for Confession is noble. Those that have been formerly indicted at their Arraignment, persisted in denial, as *Weston*, *Elwes*, *Franklin* and *Turner*; but you see this Lady's Humility and Repentance by so pleading; and certainly she cannot but be a Spectacle of much Commiseration, if you either respect the Sex, a Woman, or her Parentage, honourable; but this Day and To-morrow is to crown Justice: the Mercy-Seat is the inner part of the Temple, the Throne publick, and therefore I shall now only pray a Record of the Confession and Judgment: but since the Peers are met, for Honour's sake

* See the Commission in Rym. Fœd. Vol. XVI. Pag. 781.
|| 3 Co. Inst. 50. Bacon's Works, Vol. I. p. 87.

† 3 Co. Inst. 135, 136.

fake it is good to declare the King's Justice. This is the second time since the King's coming, these thirteen Years, that any Peers have been arraign'd, and both these times your Grace had the Place of High-Steward; the first were *Grey* and *Cobham*, and tho' they were convicted, yet Execution followed not. No noble Blood hath yet been spilt since his Majesty's Reign. The first was Revenge of Treason amongst Malecontents; and this of a particular Offence to a private Subject, against those that have been so high in the King's Grace and Favour, and therefore deserve to be written in a Sun-beam. But his being the best Master in the World, hinders him not from being the best King; for he can as well plain a Hill, as raise a Valley: a good Lesson to put to my Lords the Peers; he is Lieutenant to him that is no Respector of Persons. This that I should now speak of, may be reduced to that which was acted in the Vault, and since upon the Stage: The first I will not now enter into, because I will neither grieve a Lady that is present, nor touch a Lord that is absent; my Duty requires it not, and my Humanity forbids it. For that which hath been upon the Stage, which is the Theatre of God's Justice, you shall understand that which hath been worthily acted by the King, in this noble Work of Justice, and right well by his Ministers. *Overbury* died poisoned the 15th of *September* 1613, in the Tower of *London*: He was no sooner dead, but there was a certain Rumour and Muttering, that was *Vox Populi*, that *Overbury* came strangely to his Death: And in that time, on the contrary hand, there was another Rumour, but that was *Vox Diaboli*, that he died of a foul Disease, so foul a one as is not fit for me to name. But for two years after this, tho' *Overbury's* Blood cried for Revenge, *Vox Dei* was not heard. *Gloria Dei celare, Regis perscrutare rem*: It is the Glory of God to conceal a thing, of a King to find it out; yet all the while God so dazzled the Eyes of these two great Procurers, and their Instruments, that the first look'd not about them, the other fled not. About the beginning of the last Progress it first brake forth; and as all Murders are strange in their Discovery, so this was miraculous, for it came out in a Compliment thus: My Lord of *Shrewsbury*, who is now with God, commended Sir *Jervis Elwes* to a Counsellor of Estate; and it was by him that Sir *Jervis*, in respect of the good Report he had heard made of his Honour and Worth, desired to be made known unto him. That Counsellor answered, That he took it for a Favour from him; but withal added, there lies a kind of heavy Imputation on him, about *Overbury's* Death: I could wish he would clear himself, and give some Satisfaction in the Point. This my Lord *Shrewsbury* related back, and presently *Elwes* was struck with it, and makes a kind of Discovery, that some Attempts were undertaken against *Overbury*, but took no effect, as check'd by him. Tho' the truth be, he lack'd rather Fortitude in the Repulse, than Honesty. This Counsellor weighing well this Narration from *Elwes*, acquainted the King with the adventure; who commanded presently that *Elwes* should set down his Knowledge in Writing, which accordingly he did, but still reserving himself within his own Compass, not to touch himself, endeavouring rather to discover others than any else should undertake that Office, and so accuse him. The King still endeavours

to search the Truth of this Business, gives Direction for the Examination of the Truth of it, commits it to certain Counsellors; they pick something out of *Weston*; then the further Enquiry is deliver'd over to my Lord *Coke*, who in this Cause was very painful, took two or three hundred Examinations: but when he found it might touch upon greater Persons, then he desired some others might be join'd with him, which was accordingly granted; namely, the Lord Chancellor, Lord Steward, the Lord *Zouch*. But then there were no Practices left untry'd for the Suppression of the Discovery; *Weston* was sollicit to stand mute, but at last this dumb Devil was cast out. Then follows *Elwes*, *Turner*, *Franklin*, all of which were Actors in this Tragedy, without Malice, but no Authors. Now when this Lady comes to her part, she meets Justice in the way, by Confession, which is the Corner-stone either of Mercy or Judgment; yet it is said, that Mercy and Truth be met together. Truth you have in her Confession, and that may be a Degree to Mercy, which we must leave to him in whose Power it resides; in the mean time this Day must be reserved for Judgment. Now to conclude, and give you an Account of the often Procrastinations in this Business; the first was due to Humanity, her Child-birth; the second was for Reason of State; and the last had a grave and weighty Cause. Those Directions the King at the first gave written with his own Hand, for the Examination of his Business, I desire may be read.

The King's Instructions read.

There be two things in this Cause to be try'd, and the Verity can be but in one of them: First, Whether my Lord of *Somerset* and my Lady were the Procurers of *Overbury's* Death; or, That this Imputation hath been by some practis'd to cast an Aspersion upon them. I would first have you diligently enquire of the first; and if you find them clear, then I would have you as carefully look after the other, to the intent such Practices may be discover'd, and not suffered to pass with Impunity.

Mr. Attorney. There be other Directions in these Instructions, by way of Interrogatories, that are not now necessary to be read.

L. H. S. Let the Lords the Peers view these Directions from the King.

Ld. Coke. None of these Interrogatories, which the King desired there should be Examinations upon, came away empty; and whatsoever Whispers there be abroad of the Death of *Weston*, they all (some before the hour of their Death) confess'd the Fact, and died penitent; and if need should require, I have brought their Confessor along, (namely, *Dr. Whyting*.)

L. H. S. My Lords, you see, and have heard those Directions under the King's Hand; give the Glory to God, and Honour to the King.

Mr. Attorney. May it please your Grace, &c. whereas *Frances* Countess of *Somerset* hath been indicted as Accessary before the Fact, of the wilful Poisoning and Murder of Sir *Thomas Overbury*; upon her Indictment, she hath been arraign'd; upon her Arraignment, pleaded guilty: I desire that her Confession may be recorded, and Judgment given against the Prisoner.

Fenshaw. *Frances* Countess of *Somerset*, hold up thine Hand: Whereas thou hast been indicted, arraign'd,

arraign'd, and pleaded guilty, as Accessary before the Fact, of the wilful Poisoning and Murder of Sir *Thomas Overbury*; what canst thou now say for thy self, why Judgment of Death should not be pronounced against thee?

C. of Som. I can much aggravate, but nothing extenuate my Fault; I desire Mercy, and that the Lords will intercede for me to the King. (This she spake humbly, fearfully, and so low, the Lord Steward could not hear it, but Mr. Attorney related it.)

Mr. Attorney. The Lady is so touch'd with Remorse and Sense of her Fault, that Grief surprizes her from expressing of her self; but that which she hath confusedly said, is to this effect, That she cannot excuse herself, but desires Mercy.


Sir Richard Coningsby sitting before the Lord

High Steward, rises, and upon his Knee delivers him the White Staff.

L. H. S. Frances Countess of Somerset, whereas thou hast been indicted, arraigned, pleaded guilty, and that thou hast nothing to say for thy self, it is now my part to pronounce Judgment; only thus much before, Since my Lords have heard with what Humility and Grief you have confessed the Fact, I do not doubt they will signify so much to the King, and mediate for his Grace towards you: but in the mean time, according to the Law, the Sentence must be this, That thou shalt be carried from hence to the Tower of *London*, and from thence to the place of Execution, where you are to be hang'd by the Neck till you be dead; and the Lord have Mercy upon your Soul.



XXIX. The Trial of ROBERT CARR * *Earl of Somerset*, for the Murder of Sir Thomas Overbury. May 25, 1616. 14 Jac. I.

Ser. Cryer.  Yes, my Lord High-Steward of *England* purposes this Day to proceed to the Trial of *Robert Earl of Somerset*. O yes, Whosoever have any Indictments touching this Cause, publickly give them in.

My Lord *Coke* delivers in the Indictment of my Lord of *Somerset* to Mr. *Fenshaw* indors'd.

Ser. Cryer. O yes, *Walter Lee*, Serjeant at Arms, return the Precept for the Lords, which thou hast warn'd to be here this Day. O yes. [*He calls every Lord by his Name, and they stand up as they be called.*]

My Lord High Steward excuses the Lords *Mounteagle* and *Ruffel* of their Absence, in respect of their Sickness.

Serj. Cryer. O yes, Lieutenant of the Tower, return thy Precept, and bring the Prisoner to the Bar. Which he did, and my Lord makes three Reverences to the Lord High Steward and the Lords.

Mr. Fenshaw. *Robert Earl of Somerset*, hold up thy Hand.

He holds it up so long, until Mr. Lieutenant bad him hold it down. The Indictment is read, containing *Weston's* Actions in the poisoning of Sir *Thomas Overbury*, and his abetting of him, the 8th of *May 1613*.

My Lord of *Somerset* was apparelled in a plain black Sattin Suit, laid with two Sattin Laces in a Seam; a Gown of Unent Velvet lined with Unshorn; all the Sleeves laid with Sattin Lace; a pair of Gloves with Sattin-tops; his George about his Neck, his Hair curl'd, his Visage pale, his Beard long, his Eyes sunk in his Head. Whilst his Indictment was reading, he three or four times whisper'd to the Lieutenant.

* 3 Co. Inst 50. Bacon's Works, Vol. I. p. 87.

Mr. Fenshaw. *Robert Earl of Somerset*, What sayst thou, art thou Guilty of this Felony and Murder whereof thou standest indicted, or Not Guilty?

My Lord of *Somerset* making an Obeisance to the Lord High Steward, answered, Not Guilty.

Mr. Fenshaw. How wilt thou be try'd?

Ld. Som. By God and the Country; but presently recalling himself, said, by God and my Peers.

Ser. Cryer. O yes, all you that be to give in Evidence against *Robert Earl of Somerset*, who stands now at the Bar upon his Deliverance, make your Appearance, and you shall be heard what you have to say against him.

My Lord of *Somerset*, upon his Arraignment, having pleaded Not Guilty, the Proceeding after was thus.

† *Lord High Steward.* *Robert Earl of Somerset*, you have been arraigned, and pleaded Not Guilty; now I must tell you, whatsoever you have to say in your own Defence, say it boldly, without Fear; and tho' it be not the ordinary Custom, you shall have Pen and Ink to help your Memory: but remember that God is the God of Truth; a Fault defended is a double Crime; hide not the Verity, nor affirm an Untruth; for, to deny that which is true, increases the Offence; take heed lest your Wilfulness cause the Gates of Mercy to be shut upon you. Now for you, my Lords the Peers, you are to give diligent Attention to that which shall be said; and you must not rest alone upon one piece of Evidence, but ground your Judgment upon the whole. This moreover I would have you remember,

† *Ellesmere, Lord Chancellor.*

her, that tho' you be not sworn as common Juries, upon a Book, yet that you are ty'd in as great a Bond, your own Honour and Fidelity, and Allegiance to the King: and thus I leave the whole Proceeding to your Censures. And for you that be of the King's Counsel, free your Discourse from all Partiality, but let Truth prevail, and endeavour to make it appear.

Serj. Montague. My Lord High Steward of *England*, and you my Lords, this cannot but be a heavy Spectacle unto you, to see that Man that not long since in great Place, with a white Staff, went before the King, now at this Bar hold up his Hand for Blood; but this is the Change of Fortune, nay, I might better say, the Hand of God, and Work of Justice, which is the King's Honour.

But now to the Fact; *Robert Earl of Somerset* stands indicted as Accessary before the Fact, of the wilful Murder and Poisoning of *Sir Thomas Overbury*, done by *Weston*, but procur'd by him; this, my Lord, is your Charge. The Indictment hath been found by Men of good Quality, seventeen Knights and Esquires of the best Rank and Reputation, some of whose Names I will be bold to read unto you; *Sir Thomas Fowler*, *Sir William Slingsby*, and fifteen more; these have return'd *billaverá*. Now an Indictment is but an Accusation of Record in Form thus: *Weston*, at four several times, gave *Overbury* four several Poisons, the first, *May* the 9th, 1613. that was *Rosalgar*, carrying this Poison in one Hand, and his Broth in the other; the second was *June* following, and that was *Arsenick*; the third was *July* the 10th following, and that was *Mercury Sublimate* in Tarts; the fourth was *September* the 14th following, and that was *Mercury Sublimate* in a Clyster, given by *Weston* and an Apothecary yet unknown, and that kill'd him. Of these four several Poisons ministr'd by *Weston*, and procur'd by you, the 15th of *September* 1615. *Overbury* died, and the Author is ever worse than the Actor. The first Poison laid in the Indictment, that *Weston* gave *Sir Thomas Overbury*, was the 9th of *May*; and therefore we say, That the Lord *Somerset*, the 8th of *May*, hir'd, counsel'd and abetted *Weston* to this Fact: and as this Day, my Lord, I do charge you for a King, so heretofore King *David* was charg'd in the like Case, for the Murder of *Uriah*; and tho' *David* was under his Pavilion, and *Uriah* in the Army, yet *David* was the Cause of his Murder: So tho' you were in the King's Chamber, and *Overbury* in the Tower, yet it was you that kill'd him. It was a stronger Hand than *Weston's* that wrought this. The Proof, Mr. Attotney will follow; and I will now conclude with two Desires to the Peers: First, That they will not expect visible Proofs in the Work of Darknes: The Second is, That whereas in an Indictment there be many things laid only for Form, you are not to look that the Proof should follow that, but only that which is substantial; and the Substance must be this, Whether my Lord of *Somerset* procur'd or caus'd the Poisoning of *Sir Thomas Overbury*, or no?

Ld. High Steward. That indeed, my Lords, is that which you are to look after, Whether my Lord of *Somerset* was the Cause of his Poisoning, or not.

Ld. Coke. This was very well mov'd by Mr. Recorder, and the Law is clear in this Point, that the Proof must follow the Substance, not the Form.

The Judges all rising, affirm'd this to be true.

* *Attor. Gen.* May it please your Grace, my Lord High Steward of *England*, and you my Lords the Peers, you have here before you *Robert Earl of Somerset* to be tried for his Life, concerning the procuring and consenting to the Poisoning of *Sir Thomas Overbury*, then the King's Prisoner in the Tower of *London*, as an Accessary before the Fact.

* *Sir Francis Bacon.*

I know your Honours cannot behold this noble Man, but you must remember the great Favours which the King hath conferred on him, and must be sensible, that he is yet a Member of your Body, and a Peer, as you are; so that you cannot cut him off from your Body; but with Grief: and therefore you will expect from us that give in the King's Evidence, found and sufficient Matter of Proof to satisfy your Honours Consciences.

As for the Manner of the Evidence, the King our Master (who amongst other his Virtues, excelleth in that Virtue of the Imperial Throne, which is Justice) hath given us Command, that we should not expatiate nor make Invectives, but materially pursue the Evidence, as it conduceth to the Point in question.

A Matter, that (tho' we are glad of so good a Warrant) yet we should have done of our selves: For far be it from us by any strains of Wit or Arts, to seek to play Prizes, or to blazon our Names in Blood, or to carry the Day otherwise than upon sure Grounds; we shall carry the Lanthorn of Justice (which is the Evidence) before your Eyes upright, and so be able to save it from being put out with any ground of Evasion or vain Defence, not doubting at all, but that the Evidence it self will carry that Force, as it shall need no Advantage or Aggravation.

First, my Lords, The Course that I will hold in delivering of that which I shall say (for I love Order) is this:

1st, I will speak somewhat of the Nature and Greatness of the Offence, which is now to be tried, not to weigh down my Lord with the Greatness of it, but rather contrariwise to shew, that a great Offence needs a good Proof. And that the King, howsoever he might esteem this Gentleman heretofore as the Signet upon his Finger, (to use the Scripture Phrase) yet in such a Case as this, he was to put it off.

2dly, I will use some few words touching the Nature of the Proofs, which in such a case are competent.

3dly, I will state the Proofs.

And, lastly, I will produce the Proofs, either out of Examination and Matters of Writing, or Witnesses *viva voce*.

For the Offence it self, it is of Crimes, next unto High-Treason, the greatest; it is the foulest of Felonies. It hath three Degrees; First, It is Murder by Imposition: Secondly, It is Murder committed upon the King's Prisoner in the Tower: Thirdly, I might say, That it is Murder under the colour of Friendship; but that is a Circumstance moral, and therefore I leave that to the Evidence it self.

For Murder, my Lords, the first Record of Justice which was in the World, was Judgment upon a Murderer, in the Person of *Adam's* First-born *Cain*: and tho' it was not punished by Death, but Banishment, and Marks of Ignominy, in respect of the Population of the World; yet there was

a severe Charge given, that it should not go unpunished.

So it appeareth likewise in Scripture, that the Murder of *Abner* by *Joab*, tho' it were by *David* respited in respect of great Services past, or reason of State, yet it was not forgotten. But of this I will say no more, because I will not discourse; it was ever admitted and ranked in God's own Tables, that Murder is, of Offences between Man and Man, next unto High-Treason, and Disobedience to Authority, (which sometimes have been referred to the first Table because of the Lieutenantcy of God in Princes) the greatest.

For Imposition, I am sorry it should be heard of in our Kingdom; it is not *nostri generis, nec sanguinis peccatum*; it is an *Italian Comfit* for the Court of *Rome*, where that Person that intoxicateth the Kings of the Earth, is many times really intoxicated and poisoned himself. But it hath three Circumstances, which make it grievous, beyond other matters.

The first is, That it takes a Man away in full Peace, in God's and the King's Peace, that thinks no harm, but is comforting of Nature with Refection and Food; so that, as the Scripture saith, his *Table is made a Snare*.

The second is, That it is easily committed, and easily concealed; and on the other side, hardly prevented, and hardly discovered: For Murder by Violence, Princes have Guards, and private Men have Houses, Attendants and Arms; neither can such Murder be committed, but *cum sonitu*, with some overt and apparent Acts, that may discover and trace the Offenders: but for Poison, the Cup it self of Princes will scarce serve in regard of many Poisons that neither discolour nor distaste; it comes upon a Man when he is careless, and without suspicion, and every day a Man is within the Gates of Death.

And the last is, Because it concerneth not only the Destruction of the maliced Man, but of every Man, *Quis modo tutus erit?* For many times the Poison is prepared for one, and is taken by another, so that Men die other Men's Deaths, *Concidit infelix alieno vulnere*; and it is, as the *Psalmist* calleth it, *Sagitta nocte volans*, the Arrow that flieth by Night, that hath no Aim nor Certainty. And therefore if any man shall say to himself, Here is great talk of Imposition, but I am sure I am safe, for I have no Enemies, neither have I any thing another Man should long for: Why, that is all one, he may sit next him at the Table, that is meant to be poisoned, and pledge him of his Cup: As we may see in the Example of 21 *Henry VIII.* That where the Purpose was to poison one Man, there was Poison put into Barm or Yeast, and with that Barm, Pottage or Grewel was made, whereby sixteen of the Bishop of *Rocheſter's* Servants were poisoned; nay, it went into the Alms-Basket likewise, and the Poor at the Gate were poisoned. And therefore with great Judgment did the Statute made that Year, touching this Accident, make Imposition High-Treason, because it tends to the dissolving of Human Society; for whatsoever Offence doth so, is in the nature thereof High-Treason.

Now for the third Degree of this particular Offence, which is, that it is committed upon the King's Prisoner, who was out of his own Defence, and merely in the King's Protection, and for whom the King and the State were a kind of Re-

spondent: it is a thing that aggravates the Fault much, for certainly (my Lord of *Somerſet*) let me tell you this, that Sir *Thomas Overbury* is the first Man that was murdered in the Tower of *London*, save the Murder of the two young Princes, by the appointment of *Richard* the Third.

Thus much of the Offence; now to the Proofs.

For the matter of Proofs, you may consider that Imposition, of all Offences, is most secret, even so secret, that if in all cases of Imposition, you should require Testimony, you should as good proclaim Impunity.

Who could have impeached *Livia* by Testimony, for the poisoning of her Figs upon the Tree, which her Husband was wont to gather with his own Hands? Who could have impeached *Parafetis*, for the poisoning of the one side of the Knife she carried with her, and keeping the other side clean, so that her self did eat of the same piece of Meat that they did whom she did poison?

These Cases are infinite, and need not to be spoken of the Secrecy of Imposition; but wise Men must take upon them, in these secret Cases, *Solomon's* Spirit, that when there could be no Witnesses, collected the Act by the Affection: but yet we are not at our Cause, for that which your Lordships are to try, is not the Act of Imposition, for that is done to your hands; all the World, by Law, is concluded to say, that *Overbury* was poisoned by *Weston*: but the Question before you is, of the Procurement only, and, as the Law termeth it, as Accessary before the Fact; which abetting is no more, but to do or use any Act or Means which may aid or conduce to the Imposition.

So that it is not the buying, nor the making of the Poison, nor the preparing, nor confecting, nor commixing of it, nor the giving or sending, or laying of the Poison, that are the only Acts that do amount unto the Abetment: but if there be any other Act or Means done, or used, to give Opportunity of Imposition, or to facilitate the Execution of it, or to stop or divert any Impediments that might hinder it, and that it be with an intention to accomplish and atchieve the Imposition; all these are Abetments and Accessaries before the Fact. As for Example, if there be a Conspiracy to murder a Man, as he journeyeth on the way, by Invitation, or by colour of some Business; and another taketh upon him to dissuade some Friend of his Company, that he is not strong enough to make his Defence; and another hath a part to hold him in talk till the first Blow be given: all these, my Lords, without scruple, are Accessaries to the Murder, altho' none of them give the Blow, nor assist to give the Blow.

My Lords, He is not the Hunter alone, that lets slip the Dog upon the Deer, but he that lodgeth him and hunts him out, or sets a Train or Trap for him, that he cannot escape, or the like. But this, my Lords, little needeth in this Case; for such a Chain of Acts of Impositions as this, I think, was never heard nor seen. And thus much of the Nature of the Proofs.

To descend to the Proofs themselves, I shall keep this course:

First, I will make a Narration of the Fact it self.

Secondly, I will break and distribute the Proofs, as they concern the Prisoner. And,

Thirdly, According to the Distribution, I will produce them, and read them, to use them. So

that there is nothing that I shall say, but your Lordship shall have three Thoughts or Cogitations to answer it.

1st, When I open it, you may take your aim.

2^{dly}, When I distribute it, you may prepare your Answers without Confusion. And,

3^{dly}, When I produce the Witnesses, or the Examinations themselves, you may again ruminate, and re-advise to make your Defence.

And this I do, because your Memory and Understanding may not be oppressed or overloaden with length of Evidence, or with confusion of Order; nay more, when your Lordship shall make your Answer in your time, I will put you in mind, where cause shall be, of your Omission.

First therefore, Sir *Thomas Overbury*, for a time, was known to have great Interest and strait Friendship with my Lord of *Somerset*, both in his meaner Fortunes, and after; insomuch that he was a kind of Oracle of Direction unto him, and if you will believe his own Vaunt (being indeed of an insolent and *Treasonal* Disposition) he took upon him that the Fortunes, Reputation and Understanding of this Gentleman (who is well known to have an able Teacher) proceeded from his Company and Counsel: and this Friendship rested not only in Conversation and Business at Court, but likewise in Communication of Secrets of State; for my Lord of *Somerset* exercising at that time by his Majesty's special Favour and Trust, the Office of Secretary, did not forbear to acquaint *Overbury* with the King's Packets and Dispatches from all parts of *Spain*, *France*, and the *Low-Countries*: and this then not by Glimpses, or now and then rounding in the Ear for a Favour, but in a settled manner; Packets were sent, sometimes opened by my Lord, sometimes unbroken unto *Overbury*, who perused them, copied them, registered them, made Table-talk of them, as they thought good. So I will undertake the time was, when *Overbury* knew more of the Secrets of State, than the Council-Table did; nay, they were grown to such Inwardness, as they made a Play of all the World besides themselves, so as they had Ciphers and Jargons for the King and Queen, and Great Men of the Realm; things seldom used, but either by Princes to their Confederates, or at the least, by such as practise and work against, or, at the least, upon Princes.

But understand me, my Lord, I shall not charge you with Disloyalty at this day; and I lay this for a Foundation, That there was great Communication of Secrets between you and Sir *Thomas Overbury*, and that it had relation to Matters of State, and the great Causes of this Kingdom.

But, my Lords, as it is a Principle in Nature, that the best Things are, in their Corruption, the worst, and the sweetest Wine maketh the sourest Vinegar; so it fell out with them, that this Excess, as I may say, of Friendship, ended in mortal Hatred on my Lord of *Somerset's* part.

I have heard my Lord Steward say sometimes in the Chancery, that Frost and Fraud end foul; and I may add a third, and that is, the Friendship of ill Men, which is truly said to be Conspiracy, and not Friendship. For it fell out some twelve months or more before *Overbury's* Imprisonment in the Tower, that the Earl of *Somerset* fell into an unlawful Love towards that unfortunate Lady, the Countess of *Essex*, and to proceed to a Marriage with her: this Marriage and Purpose did *Overbury*

mainly impugn, under pretence to do the true part of a Friend, for that he accounted her an unworthy Woman. But the truth was, *Overbury*, who (to speak plainly) had little that was solid for Religion, or Moral Virtue, but was wholly possess'd with Ambition and Vain-glory, was loth to have any Partners in the favour of my Lord of *Somerset*; and especially not any of the House of the *Howards*, against whom he had always professed Hatred and Opposition.

And, my Lords, that this is no sinister Construction, will appear to you, when you shall hear that *Overbury* made his Brags, That he had won him the Love of the Lady, by his Letters and Industry; so far was he from Cases of Conscience in this Point.

And certainly, my Lords, howsoever the tragical Misery of this poor Gentleman, *Overbury*, might somewhat obliterate his Faults, yet, because we are not upon point of Civility, but to discover the face of Truth, before the face of Justice, for that it is material to the true Understanding of the state of this Cause, *Overbury* was naught and corrupt; the Ballads must be mended for that point.

But to proceed: When *Overbury* saw that he was like to be Possessor of my Lord's Grace, which he had possessed so long, and by whose Greatness he had promised himself to do Wonders, and being a Man of an unbounded and impudent Spirit, he began not only to dissuade, but to deter him from the Love of that Lady; and finding him fixed, thought to find a strong Remedy; and supposing that he had my Lord's Head under his Girdle, in respect of Communication of Secrets of State, as he calls them himself Secrets of Nature; and therefore dealt violently with him, to make him desist, with Menaces of Discovery, and the like: Hereupon grew two streams of Hatred upon *Overbury*, the one from the Lady, in respect that he crossed her Love, and abused her Name (which are Furies in Women;) the other of a more deep nature from my Lord of *Somerset* himself, who was afraid of *Overbury's* Nature, and if he did break from him and fly out, he would wind into him, and trouble his whole Fortunes. I might add a third stream of the Earl of *Northampton's* Ambition, who desires to be first in favour with my Lord of *Somerset*; and knowing *Overbury's* Malice to himself, and to his House, thought that Man must be removed and cut off, so as certainly it was resolved and decreed, that *Overbury* must die.

That was too weak, and they were so far from giving way to it, as they crossed it; there rested but two ways of Quarrel, Assault and Poison. For that of Assault, after some Proposition and Attempt, they passed from it, as a thing too open, and subject to more variety of Shame; that of Poison likewise was an hazardous thing, and subject to many Preventions and Caution, especially to such a working and jealous Brain as *Overbury* had, except he was first fast in their hands: therefore the way was first to get him into a Trap, and lay him up, and then they could not miss the Mark. And therefore in execution of this Plot, it was concluded, that he should be designed to some honourable Employment in Foreign Parts, and should underhand, by my Lord of *Somerset*, be encouraged to refuse it; and so, upon contempt, he should be laid Prisoner in the Tower, and then they thought he should be close enough, and Death should be his Bail. Yet were they not at their end, for they consider'd,

sider'd, that if there were not a fit Lieutenant of the Tower for their purpose, and likewise a fit Under-keeper of *Overbury*; First, They should meet with many Impediments in the giving and exhibiting of the Poison; Secondly, They should be expos'd to Note and Observation, that might discover them; and, Thirdly, *Overbury*, in the mean time, might write clamorous and furious Letters to his Friends, and so all might be disappointed. And therefore, the next Link of the Chain was to displace the then Lieutenant *Wade*, and to place *Elwes*, a principal Abetter to the Imposition; to displace *Cary* that was Under-keeper in *Wade's* Time, and to place *Weston*, that was the Actor in the Imposition: And this was done in such a while, that it may appear to be done as it were in a Breath.

Then, when they had this poor Gentleman in the Tower, close Prisoner, where he could not escape, nor stir; where he could not feed, but by their Hands; where he could not speak or write, but thro' their Trunks; then was the Time to act the last day of his Tragedy.

Then must *Franklin*, the Purveyor of the Poisons, procure five, six, seven several Poisons, to be sure to hit his Complexion: Then must Mrs. *Turner*, the Lay-mistress of the Poisons, advise what works at present, and what at distance: Then must *Weston* be the Tormenter, and chase him with Poison after Poison, Poison in Salt-meats, Poison in Sweet-meats, Poison in Medicines and Vomits, until at last his Body was almost come by use of Poisons to the state of *Mithridates's* Body, by the use of Treacle and Preservatives, that the Force of the Poisons was blunted upon him; *Weston* confessing, when he was chid for not dispatching him, that he had given him enough to poison twenty Men.

And, lastly, Because all this asked Time, Courses were taken by *Somerset*, both to divert all the true Means of *Overbury's* Delivery, and to entertain him with continual Letters, partly with Hopes and Protestations for his Delivery, and partly with other Fables and Negotiations, somewhat like some kind of Persons which keep in a Tale of Fortune-telling, when they have a felonious Intent to pick Pockets and Purfes. And this is the true Narration of this Act, which I have summarily recited.

Now, for the Distribution of the Proofs, there are four Heads to prove you Guilty, whereof two are precedent to the Imposition, the third is present, and the fourth is following or subsequent: for it is in Proofs, as it is in Lights, there is a direct Light, and there is a Reflexion of Light, and a double Light.

The first Head or Proof is, That there was a Root of Bitterness, a mortal Malice or Hatred, mixed with a deep and bottomless Mischiefe, that you had to Sir *Thomas Overbury*.

The second is, That you were the principal Actor, and had your hand in all those Acts, which did conduce to the Imposition, and gave opportunity to effect it, without which the Imposition could never have been, and which could seem to tend to no other end, but to the Imposition.

The third is, That your Hand was in the very Imposition itself, that you did direct Poison, and that you did deliver Poison, and that you did continually hearken to the Success of the Impoi-

sonment, and that you spurred it on, and called for dispatch, when you thought it lingered.

And lastly, That you did all things after the Imposition, which may detect a guilty Conscience, for the smothering of it, and the avoiding of Punishment for it; which can be but of three kinds.

That you suppressed, as much as in you was, Testimony; that you did deface, destroy, clip and misdate all Writings that might give light to the Imposition; and you did fly to the Altar of Guiltiness, which is a Pardon of Murder, and a Pardon for your self, and not for your self.

In this, my Lord, I convert my Speech unto you, because I would have you alter the Points of your Charge, and so make your Defence the better. And two of these Heads I have taken to my self, and left the other to the King's two Serjeants.

For the first main Part, which is the mortal Malice coupled with Fear, that was in you to Sir *Thomas Overbury*, altho' you did palliate it with a great deal of Hypocrisy and Dissimulation, even to the very End; I will prove it, my Lord Steward, the root of his Hate, was that which cost many a Man's Life, that is, fear of discovering Secrets; I say, of Secrets of a dangerous and high nature: wherein the Course that I will hold, shall be this.

I will shew that a Breach and Malice was betwixt my Lord and *Overbury*, and that it burst forth into violent Threats and Menaces, on both sides.

Secondly, That these Secrets were not of a light, but of an high nature. I will give you the Elevation of the Pole, they were such, as my Lord of *Somerset* had made a Vow, that *Overbury* should neither live in Court, nor Country; that he had likewise opened himself so far, that *either he or himself must die for it*: and of *Overbury's* part, he had threatned my Lord, that *whether he did live or die, my Lord's Shame should never die, but that he would leave him the most odious Man in the World*. And farther, that my Lord was like enough to repent where *Overbury* wrote, which was in the Tower of *London*; he was a Prophet in that: so there is the highest of the Secret.

Thirdly, I will shew you that all the King's business was, by my Lord, put into *Overbury's* hands, so as there is work enough for Secrets whatsoever; they write them, and like Princes they had Confederates, their Ciphers, and their Jargons.

And, Lastly, I will shew you that it was but a Toy, to say the Malice was only in respect he spake dishonourably of the Lady, or for doubt of breaking the Marriage, for that *Overbury* was Co-adjutor to that Love, and the Lord of *Somerset* was as deep in speaking ill of the Lady as *Overbury*: and again, it was too late for that Matter, for the Bargain of the Match was then made and past; and if it had been no more than to remove *Overbury* for disturbing the Match, it had been an easy matter to have landed over *Overbury*, for which they had a fair way, but that would not serve.

And, Lastly, *Periculum periculo vincitur*: to go so far as an Imposition, must have a deeper Malice than Flashes, for the Cause must have a Proportion in the Effect.

For the next general Head or Proof, which consists in the Acts preparatory, or middle Acts, they are in eight several Points of the Compass, as I may term them.

1st, There were divers Devices and Projects to set *Overbury's* Head on work, to dispatch him, and overthrow him, plotted between the Countess of *Essex*, and the Earl of *Somerset*, and the Earl of *Northampton*, before they fell upon the Impoisonment; for always before Men fix upon a course of Mischiefe, there will be some Reflection: but die he must one way or other.

2^{dly}, That my Lord of *Somerset* was principal Practiser, I must speak it, in a most perfidious manner; to set a Trap and Train for *Overbury*, to get him into the Tower, without which they durst not attempt the Impoisonment.

3^{dly}, That the placing of the Lieutenant *Elwes*, one of the Impoisoners, was done by my Lord of *Somerset*.

4^{thly}, That the placing of *Weston* the Under-keeper, who was the principal Impoisoner, and displacing of *Cary*, and the doing all this within the space of fifteen days after *Overbury's* Commitment, was by the means and countenance of my Lord of *Somerset*: and these were the active Instruments of the Impoisonment, and this was a Business the Lady's power could not reach unto.

5^{thly}, That because there must be a Cause of this Tragedy to be acted, and chiefly because they would not have the Poisons work upon the sudden, and for that the strength of *Overbury's* Nature, on the very custom of receiving the Poisons into his Body, did overcome the Poisons that they wrought not so fast; therefore *Overbury* must be held in the Tower, as well as he was laid in: and as my Lord of *Somerset* got him into the Trap, so he keeps him in, and amuseth him with continual hope of Liberty, but diverted all the true and effectual means of his Liberty, and makes light of his Sicknes and Extremities.

6^{thly}, That not only the Plot of getting *Overbury* into the Tower, and the Devices to hold and keep him there, but the strange Manner of the close keeping of him, being in but for a Contempt, was by the Device and Means of my Lord of *Somerset*, who denied his Father to see him, denied his Servants that offered to be shut up close Prisoners with him, and in effect handled it so, that he made him close Prisoner to all his Friends, and exposed to all his Enemies.

7^{thly}, That all the Advertisement the Lady received from time to time, from the Lieutenant or *Weston*, touching *Overbury's* state of Body and Health, were ever sent nigh to the Court, tho' it were in progress, and that from my Lady; such a thirst and listening he had to hear that he was dispatched.

Lastly, That there was a continual Negotiation to set *Overbury's* Head on work, that he should make some offer to clear the Honour of the Lady, and that he should be a good Instrument towards her and her Friends; all which was but Entertainment: For your Lordships shall see divers of my Lord of *Northampton's* Letters, (whose Hand was deep in this Business) written I must say in dark Words and Clauses, that there was one thing pretended, and another thing intended; that there was a real Charge, and somewhat not real; a main Drift and Dissimulation. Nay, farther, there be some Passages which the Peers, in their Wisdoms, will discern to point directly at the Impoisonment.

And now for producing of my Proofs, I will use this Course: Those Examinations that have been taken upon Oath, shall be here read; and

the Witnesses also I have caus'd to be here, that they may be sworn, and to justify or deny what they hear read, and to diminish or add to their Examinations; and besides, that my Lord of *Somerset*, and you my Lords the Peers, may ask them what farther Questions you please.

H. Payton, *Servant of Sir Thomas Overbury, now of his Father, examined before the Lord Chief Justice.*

He saw a Letter of his Master's, whose Hand he knew, to my Lord of *Somerset*, wherein were these Words, *If I die, my Blood lie upon you.* And in that or another Letter there was this Clause, *My Lord, you are now as good as your Word, you have kept your Vow to me.* Moreover, that in the Privy-Gallery at *White-hall*, my Lord of *Somerset* coming late to his Chamber, met there *Sir Thomas Overbury*; *How now*, said my Lord, *are you up yet?* *Nay*, answers *Sir Thomas Overbury*, *what do you here at this time of Night? Will you never leave the Company of that base Woman? And seeing you do so neglect my Advice, I desire that to-morrow Morning we may part; and that you will let me have that Portion you know is due to me; and then I will leave you free to your self, to stand on your own Legs.* My Lord of *Somerset* answer'd, *His Legs were strong enough to bear himself*; and so departed in great displeasure. And to his certain knowledge, they were never perfectly reconcil'd again. And being ask'd how he heard this Discourse, he said, It was in the dead of the Night, and he, being in a Room within the Gallery, heard all that pass'd.

H. Payton. I acknowledge every Part of this Examination to be true: And more, That my Master being in the *Tower*, he sent a Letter by *Weston* to me, to carry to my Lord; and withal, to deliver my Lord this Message, That that Powder he had sent him had made him very sick, and given him in one Night sixty Stools, besides Vomits. This Letter I carried to the Court, and deliver'd to *Mr. Pawlins* to carry in to my Lord, who was then in his Chamber. My Lord presently came out; asked me how my Master did. I told him very sick; and withal, this Message how the Physick had wrought with him. My Lord smiled, and cry'd *Pish*; and so turn'd him away.

L. Davis, *sometime Servant of Sir Thomas Overbury, now of Sir Humphrey May, his Examination before the Lord Coke.*

Saith, That he hath heard his Master say, That he would have gone Embassador, but that my Lord of *Rochester* dissuaded him. He hath seen some Letters of *Sir Thomas Overbury's*, wherein he writ that the Lord of *Rochester* was even with him: But he thinks he (*i. e.* the Lord *Rochester*) never saw those Passages.

Lord of Som. I pray you, my Lords, note he says, I never saw those Passages.

Mr. Attorney. It is true: For those Letters were lost; but after found by him, who knew them to be his Master *Sir Thomas Overbury's* Hand.

Sir Thomas Overbury's First Letter to my Lord Somerset.

‘ IS this the Fruit of my Care and Love to you?
‘ Be these the Fruits of common Secrets, com-
‘ mon Dangers? As a Man you cannot suffer me

‘ to lie in this Misery; yet your Behaviour be-
 ‘ trays you. All I intreat of you is, that you will
 ‘ free me from this Place, and that we may part
 ‘ Friends. Drive me not to Extremities, lest I
 ‘ should say something that you and I both repent.
 ‘ And I pray God that you may not repent the
 ‘ Omission of this my Counsel in this Place,
 ‘ whence I now write this Letter.’

L. Wentworth. How did you know these Letters were sent from him to my Lord of *Somerset*?

L. Coke. They were found in a Cabinet, among some other Things, left in Trust by my Lord of *Somerset* with *Sir Robert Cotton*: And thus they were discover’d; *Sir Robert Cotton*, fearing Searches, delivers them to a Friend of his in *Holborn*, one *Mrs. Farnesorth*; she, to the intent they might be safely kept, sent them to a Merchant’s House in *Cheapside*, where, some nine Months before, she had lodged, and desir’d that they might safely be kept for her, pretending they were some Writings that concern’d her Jointure. On *St. Thomas’s Day* she her self comes to have them again, saying, she must carry them to her Counsel to peruse. He said, *If you will suffer me to open it before you, and that there be nothing else, you shall have them.* But she by no means would consent to the breaking of it open. Then he answer’d, *It is a troublesome Time; I will go to my Lord Chief Justice, and if he find no other Writings than such as concern you, you shall have them again.* So coming to my Chamber, and not finding me within, (for I was gone to *St. Paul’s* to the Sermon) he went to my Lord *Zouch*, one of the appointed Commissioners for this Cause; who himself alone would not break it up, but came to *St. Paul’s* to me; where in a By-room we broke it up, and in it found these Letters, and divers from my Lord of *Northampton*, besides many other Papers.

L. Zouch. I affirm this Relation of my Lord *Coke’s* to be true.

Sir Thomas Overbury’s Second Letter to my Lord Somerset.

‘ THIS comes under Seal; and therefore
 ‘ shall be bold. You told my Brother *Lid-*
 ‘ *cote*, that unreverend Style might make you neg-
 ‘ lect me. With what Face could you do this,
 ‘ who know you owe me for all the Fortune, Wit,
 ‘ and Understanding that you have? [Here were
 ‘ inserted some borrowed Names.]

Mr. Attorney. Under these false Names they meant Great Persons; *Julius* the King, *Dominick* my Lord of *Northampton*, *Unclius* my Lord of *Canterbury*.

The rest of the Letter.

‘ And yet pretend the Reason why you seek
 ‘ not my Liberty, to be my unreverend Style;
 ‘ whilst, in the mean time, you sacrifice me to
 ‘ your Woman, still holding Friendship with those
 ‘ that brought me hither. You bad my Brother
 ‘ *Lidcote* keep my Desire of Liberty secret: Yet
 ‘ this shall not serve your turn; for you and I,
 ‘ ere it be long, will come to a publick Trial of
 ‘ another nature. I upon the Rack, and you at
 ‘ your Ease; and yet I must say nothing! when
 ‘ I heard (notwithstanding my Misery) how you

‘ went to your Woman, curled your Hair, prefer-
 ‘ red *Gibbe* into the Bed-chamber, and in the mean
 ‘ time send me nineteen Projects, how I should
 ‘ cast about for my Liberty; and give me a long
 ‘ Account of the Pains you have taken, and then
 ‘ go out of Town. I wonder to see how you
 ‘ should neglect him, to whom such Secrets of all
 ‘ kinds have pass’d: and suffer my Mother and
 ‘ Sisters to lie here in Town, expecting my Li-
 ‘ berty; my Brother *Lidcote* to be in a manner
 ‘ quite overthrown, in respect of my Imprison-
 ‘ ment; and yet you stand stupid: Nor have
 ‘ neither Servant nor Friend suffer’d to come to
 ‘ me. Well, all this Vacation I have written the
 ‘ Story betwixt you and me: How I have lost my
 ‘ Friends for your sake; what hazard I have run;
 ‘ what Secrets have pass’d betwixt us; how after
 ‘ you had won that Woman by my Letters,
 ‘ and then you conceal’d all your After-proceed-
 ‘ ings from me; and how upon this there came
 ‘ many Breaches betwixt us; of the Vow you
 ‘ made to be even with me, and sending for me
 ‘ twice that Day that I was caught in the Trap,
 ‘ persuading me that it was a Plot of mine Ene-
 ‘ mies, to send me beyond Sea; and urging me
 ‘ not to accept it, assuring me to free me from any
 ‘ long Trouble. On *Tuesday* I made an end of
 ‘ this, and on *Friday* sent it to a Friend of mine
 ‘ under eight Seals; and if you persist still to use me
 ‘ thus, assure your self it shall be publish’d. Whe-
 ‘ ther I live or die, your Shame shall never die, but
 ‘ ever remain to the World, to make you the most
 ‘ odious Man living.’

H. Payton and L. Davis. We both, upon our Oaths, know this to be *Sir Thomas Overbury’s* Hand.

Simcocks’s Examination before my Lord Coke, writ with his own Hand.

He says, That *Weston* many times, when *Sir Thomas Overbury* was in the Tower, told him, That my Lord of *Somerset* charg’d him to look to *Overbury* well; for if ever he came out, one of us two must die.

L. Som. I would fain know whether *Weston* were examin’d, or no.

L. Wentworth. How long is it since this familiar Acquaintance betwixt *Simcocks* and *Weston*?

Simcocks. He and I were of antient and familiar Acquaintance long since.

Mr. Attorney. *Weston* had continual Access to my Lord, had Rewards from him: My Lord charg’d him to look to *Overbury* well. It could not be his Marriage that made him so much fear; but what the Secrets were that caus’d it, it is not the Work of this Day. Now to shew that the greatest Matters of State were communicated to him, read *Davis*.

L. Davis examined. There was a Packet of Letters, and seal’d, which, as he takes, came from *Sir John Digby*, directed to the King; and his Master *Sir Thomas Overbury* open’d it, took brief Notes for my Lord of *Somerset*, and sealing it again, sent both the Notes and Packets to him. Another of this he saw his Master had at *New-Market* from *Sir Thomas Edmundes* to the King, out of which, after he had taken Extracts, he seal’d it up again, and sent both back by this Examinant to my Lord *Somerset*.

Mr.

Mr. Attorney. I will not now, my Lords, endeavour to press the Greatness of this Offence: But I urge it thus, That you may see there were no mean Secrets betwixt my Lord and Sir *Thomas Overbury*, that might rather cause him to fear him, than the Hindrance of his Marriage: If that had been it alone, his going beyond Sea would have serv'd the Turn.

L. of Som. exam. Says, That amongst many other Characters for Names, that pass'd between Sir *Thomas Overbury* and him, *Simonist* was for Sir *Henry Nevil*, *Wolfy* for the now Lord Treasurer, *Duſsius* for my Lord of *Canterbury*.

Mr. Attorney. In good Faith, these two made Plays of all the World besides themselves; but tho' it were a Play then, it hath prov'd tragical since.

A Letter of my Lord of Northampton to my Lord of Somerset.

‘ **N**OW all is concluded about the *Form of the Non-altity*, I doubt not but God will bless the next Bargain. I hope hereafter to find better Pen and Ink in this Lady's Chamber. Be still happy. Underneath subscrib'd *H. Northampton*, and I am Witness to this Bargain,

Fra. Howard.

This Letter was shew'd my Lord of *Somerset*, and he confess'd the Hand.

Mr. Attorney. For the second Branch that I mean to follow; and that is, That you used the Means to expose him to the Tower, and there to keep him close Prisoner. It is a Chain of eight Links, and shall be shewed you upon eight Points of the Compass. But before we come to these, it is to be consider'd, that as no Consultation is ripe in an Hour, so no more was theirs; for they purpos'd at first to have taken away his Life by Assault. And *Franklin* tells you the Cause of this Malice.

Franklin examin'd before my Lord Coke, but not upon Oath.

He saith, That my Lady *Somerset* said the Cause of this Hatred of Sir *Thomas Overbury* was, that he would pry so far into my Lord of *Somerset*, that he would put him down.

Sir D. Woodes examined before Lord Coke.

He saith, My Lady *Somerset* knowing there was some Discontent betwixt *Overbury* and him, in respect of a Suit that he crossed him in, told him, That if he would kill Sir *Thomas Overbury* he should have 1000*l.* and besides she would make his greatest Enemy to become his greatest Friend: And he knew no Enemy he had in Court but my Lord of *Rochester*. He answer'd, That if my Lord of *Rochester* would give him his Hand, or but pass his Word, if he did it, that he should escape, and have his Pardon, he would do it. Upon this she paused, and desir'd some time to give her Answer; and when he came again to her, she told him that could not be: but promis'd all Favour possible

unto him, and warranted him to go on upon her Life.

L. of Som. exam. Saith, It was once resolv'd somebody in Court should fall out with *Overbury*, and offer him some Affront; but that was not follow'd.

Mr. Attorney. Note, my Lords, he does not say it was dislike'd. And now to the Puddle of Blood: The first Link of which is, That the Means to entrap *Overbury* for the Tower, was by the Means of my Lord of *Somerset*.

Sir Dudley Diggs scorn.

Sir *Thomas Overbury* once told me, That he went to undertake the Employment offer'd him to go beyond Sea; but afterwards he sent me word by Sir *Robert Mansel*, that he had chang'd his Mind. And Sir *Robert Mansel* told me farther, That he saw a Letter from the Lord of *Somerset* to *Overbury*, that dissuaded him from that Course. Seeing Mr. Attorney hath call'd me so far out of the Country for this small Testimony, I wish Sir *Robert Mansel* were here to justify it.

My Lord of Somerset's Declaration in Writing to the King.

Being told by my Lord Chief-Justice that I was indicted, and was shortly to expect my Arraignment, I did not then believe him; for I did not look for that Way. Your Majesty hath three Kingdoms, wherein to exercise the Prerogative of your Power, and but few that taste of the first of your Favours; in which number I did think myself, if not the first, yet inferior to very few. And having committed no Offence against your Person, nor the State, I hope your Majesty will not for this bring me to a publick Trial, which for my Reputation's Cause, I humbly desire to avoid. Grace truly given may be a Benefit; for it is not enough to give Life, and not to save Reputation. But if I must come to my Trial, knowing the Presumptions may be strong against me, in respect I consented to, and endeavour'd the Imprisonment of Sir *Thomas Overbury*, (tho' I design'd it for his Reformation, not his Ruin) I therefore desire your Majesty's Mercy, and that you will be pleas'd to give me leave to dispose of my Lands and Goods to my Wife and Child, and graciously to pardon her, having confess'd the Fact. For my self, being uncertain how I shall be judg'd upon Presumptions, I humbly desire that in the mean time you will be pleas'd to give my Lord *Hays* and Sir *Robert Carr* leave to come to me.

Mr. Attorney. The second Link is, How that *Elwes* came to be Lieutenant of the Tower by your means: And yet that must have a Colour; my Lord of *Shrewsbury* and Lord Chamberlain must prefer him to you as their Friend, tho' it was resolv'd before he should have the Place.

Sir *Jervis Elwes* examined, but not on Oath. He saith, Sir *Thomas Monson* told him that *Wade* was to be remov'd; and that if he succeeded Sir *William Wade*, he must bleed, that is, give 2000*l.* And ten Days after *Wade* was removed he came into the Place, and paid 1400*l.* of the Money at his Uncle Alderman *Elwes's* House to Dr. *Campian*.

Mr.

Mr. Attorney. You may see they had Ciphers for Money. He must bleed; a strange Presage! And as it is impossible to serve God and Mammon, so in that kind it is hard to serve a King.

Sir Thomas Monson examined, but not on Oath: Saith, My Lord of *Northampton*, upon the displacing of *Wade*, mov'd the King for *Sir Jervis Elwes*; and that he directed *Sir Jervis Elwes* to go to the Lords of *Sbrewsbury* and *Pembroke*, to move my Lord of *Somerset* to speak for him to the King.

Sir Jervis Elwes's Examinat. When it was resolv'd *Wade* should be removed, and he to succeed him, then he was advis'd to desire my Lord of *Somerset* to move for him; which he did accordingly: But took that only to be but for a Colour, because it was resolv'd before.

Mr. Attorney. Now the third Link concerns the placing of *Weston* for his Keeper.

Sir Thomas Monson, exam. Saith, He recommended *Weston* to the Service of *Sir Jervis Elwes*, and to keep *Sir Thomas Overbury*, upon the Countess of *Somerset's* Entreaty: And farther saith, That my Lord of *Northampton* was acquainted with the placing of him.

R. Weston exam. My Lord and Lady *Somerset* gave good Words of him to the Lieutenant.

L. of Som. exam. He denies the Knowledge of *Weston*, either before his coming into the Tower, or since.

Simcocks exam. *Weston*, during the time *Sir Thomas Overbury* was in his keeping, came often to my Lord, had much Money of him, and wonder'd *Sir Thomas Overbury* had so good Opinion of my Lord; and thought he had not so much Wit as the World esteem'd, for there was no Man hinder'd his Liberty but he: And whenever he came to my Lord, he might use such Means as *Racolins* his Man must not know.

[In this interim a Scaffold broke, and there was a great Noise and Confusion; but after Silence was proclaim'd, all hush'd and quiet.]

Mr. Attorney. All the Confessions of *Weston* were taken before Conviction: And these two last Witnesses are merely to his denying the Knowledge of *Weston*. Now for the fourth Link, which is the placing and displacing Officers.

Sir Jervis Elwes exam. Saith, That *Overbury* was committed *April* the 30th, and *May* the 6th himself came to be Lieutenant of the Tower; and that *Weston* was preferr'd to be *Sir Thomas Overbury's* Keeper *May* the 7th; and that all this time he serv'd, he never had Wages from him.

Mr. Attorney. Now the fifth Link or Point of the Compass I promis'd to shew you, was, That this must not be done suddenly, but by degrees; and so he must be poisoned leisurely, to avoid Suspicion. And in the mean space you entertain'd his Father and Mother with frivolous Hopes; and yet indeed hinder'd and made opposition (but underhand) to all the Means that were used for his Delivery.

Mr. Overbury the Father sworn. After my Son was committed, I heard that he was very sick; I went to the Court, and deliver'd a Petition to the King: The Effect whereof was, That in respect of my Son's Sicknes some Physicians might have Access unto him. The King answer'd, That his own Physician should go to him: And then instantly sent him word by *Sir William Button*, that his Physician should presently go. Upon this I only address'd myself to my Lord of *Somerset*, and none

else; who said my Son should be presently deliver'd, but dissuaded me from preferring any more Petitions to the King: Which notwithstanding, I (seeing his Freedom still delay'd) did deliver a Petition to the King to that purpose; who said I should have a present Answer. And my Lord of *Somerset* told me, he should be suddenly reliev'd; but with this, That neither I nor my Wife must press to see him, because that might protract his Delivery; nor deliver any more Petitions to the King, because that might stir his Enemies up against him. And then he wrote a Letter to my Wife, to dissuade her from any longer Stay in *London*.

My Lord of Somerset's Letter to Mrs. Overbury.

' MRS. *Overbury*, Your Stay here in Town
' can nothing avail your Son's Delivery;
' therefore I would advise you to retire into the
' Country, and doubt not before your coming
' home you shall hear he is a Freeman.'

Mr. Overbury. Then after my Son's Death, he writ another Letter to me.

My Lord of Somerset's Letter to Mr. Overbury.

' SIR, Your Son's Love to me got him the Ma-
' lice of many, and they cast those Knots on
' his Fortune that have cost him his Life; so, in
' a kind, there is none guilty of his Death but I:
' And you can have no more cause to commiserate
' the Death of a Son, than I of a Friend. But
' tho' he be dead, you shall find me as ready as
' ever I was to do all the Courtesies that possibly
' I can to you and your Wife, or your Children.
' In the mean time I desire Pardon from you and
' your Wife for your lost Son, tho' I esteem my
' Loss the greater. And for his Brother that is in
' *France*, I desire his Return, that he may succeed
' his Brother in my Love.'

Mr. Attorney. By this you see my Lord's Dissimulation. And I think he was a piece of a Lawyer, by his insinuating with his next Kindred, for fear of Appeals. Now to come to the sixth Link, which shews how light my Lord of *Somerset* made both of *Sir Thomas Overbury's* Fortunes and Sicknes, read *Simcocks*.

Simcocks exam. Saith, That *Weston* told him he wonder'd *Sir Thomas Overbury* should have so great Confidence in my Lord of *Somerset*, and think that he lov'd him so well; for he knew that he could not abide him, and thought of nothing less than his Liberty.

Sir John Lidcote sworn. Saith, He desir'd my Lord of *Somerset* that either he or *Sir Robert Kiligrew* might have leave to see *Sir Thomas Overbury* in his Sicknes, which my Lord obtain'd from the King: And so they had a Warrant from my Lord of *Northampton*, and some other Counsellors, to see him; and found him very sick in his Bed, his Hand dry, his Speech hollow. And at this time he desired me to write his Will; I propos'd to come to him again the next Day. Now being ready to depart, the Lieutenant going out before, *Overbury* ask'd me softly this Question, Whether *Somerset* juggled with him, or not? But I then told him, as I believed, that I thought not. But the Lieutenant looking back, and perceiving that some

some Whispering had pass'd, swore that I had done more than I could justify. But afterwards, coming to press my Lord of *Somerset* about Sir *Thomas Overbury*, I perceived he dealt not plainly with him. And once speaking with my Lord about him, he gave a counterfeit Sigh, (as this Deponent conceiv'd) for at that instant he smil'd in my Face.

Mr. Attorney. The seventh Link is to shew you the Manner of his Keeping; which was close Prisoner in the Tower, his Offence being only a Contempt: And who was the Author of this, read Sir *Thomas Monson*.

Sir *Thomas Monson* examined, but not upon Oath, saith, My Lord of *Northampton* and my Lord of *Somerset* gave Directions to the Lieutenant of the Tower to keep him close Prisoner.

L. Davis exam. Saith, That he was a Suitor to my Lord of *Somerset*, that he might wait upon his Master Sir *Thomas Overbury* in the Tower, tho' he were shut up with him. But my Lord answered, He shortly purpos'd to procure his total Liberty, and this might hinder it.

Mr. Attorney. Now the eighth and last Link is, In the interim that *Overbury* in the Tower was ply'd with Poisons, my Lord thirsted after the News, to know what became of him, and continual Posts went between him and my Lady; and all this while bore him in hand with other Pretences.

Franklin (but not upon Oath) saith, That being with my Lady *Essex*, she told him that she had that Day received a Letter from my Lord of *Rochester*, wherein he writ, That if *Weston* did not presently dispatch, Sir *Thomas Overbury* would be out.

Sir *Jervis Elwes exam.* Saith, He received divers Letters from my Lady *Essex*, wherein she desir'd to know how *Overbury* did, that she might certify to the Court.

Lord of Som. exam. Saith, That there pass'd many Letters betwixt my Lady and him, but not concerning *Overbury*. But then desir'd that this Point might be altered; for it might be that some Letters concerning *Overbury* might have then pass'd betwixt them.

Mr. Attorney. My Lord knew not whether any of these Letters were extant, and therefore desir'd that this might be alter'd.

Loubell, an Apothecary, a *Frenchman*, saith, That coming to my Lord of *Somerset*, he ask'd him of *Overbury*, and how he did? and he said ill. Another time also he sent for him to enquire about *Overbury*; and then he answer'd him, That he was ill, but hoped he might recover. What, says my Lord, do you think he would recover if he were at Liberty? And he answer'd, Yes. Again, my Lord sent for him a third time; and carrying him into the Gallery at *Whitehall*, ask'd him how *Overbury* did. He answer'd, He was very sick: And farther added, He found him ill before the 25th of *June*, that he came to him.

L. of Som. exam. Denies that ever he saw *Loubell* but once at *Theobalds*.

Mr. Attorney. Here again you see my Lord falsify'd: But it seems, imagining or not knowing that *Loubell* could say more against him than he hath done, he denied the Knowledge of him, as he did of *Weston*.

L. Coke. It was doubted *Loubell* might be a Delinquent; and therefore I durst not examine him

upon Oath, no more than I did *Franklin*. But when in their Testimony they accuse themselves, it is as strong as if upon Oath.

Mr. Attorney. Now in respect *Overbury* had a working Brain, my Lord of *Northampton* must in shew negotiate about his Delivery, and the Terms of his coming out, whilst they intended his Poisoning: That was real, and the other but in pretence.

My Lord of Northampton's First Letter to my Lord of Somerset.

' I N this Business concerning *Overbury* there must be a main Drift, and a real Charge: You may imagine the Meaning.'

My Lord of Northampton's Second Letter to my Lord of Somerset.

' I Yesterday spent two Hours in prompting the Lieutenant, with as great Caution as I could, and find him to be very perfect in his Part. And I long exceedingly to hear his Report of this Adventure.'

My Lord of Northampton's Third Letter to my Lord of Somerset.

' Y O U need not use many Instruments, so long as I am in Town, with the Lieutenant.'

My Lord of Northampton's Fourth Letter to my Lord of Somerset.

' I Cannot deliver with what Caution and Discretion the Lieutenant hath undertaken *Overbury*. But for his Conclusion, I do and ever will love him the better; which was this, That either *Overbury* shall recover, and do good Offices betwixt my Lord of *Suffolk* and you; which if he do not, you shall have reason to count him a Knave: or else, that he shall not recover at all, which he thinks the most sure and happy Change of all; for he finds sometimes from *Overbury* many Flashes of a strong Affection to some Enemies of his.'

L. of Som. I acknowledge these Letters to be my Lord of *Northampton's*; and all those that I sent to him were deliver'd me after his Death by Sir *Robert Cotton*: all which the Evening before my Commitment to the Dean of *Westminster's*, I burnt.

Mr. Attorney. These Letters of *Northampton*, were found in the Box Sir *Robert Cotton* gave Mrs. *Farnforth*. And here my Part ends: And that that rests behind, I leave to the two Serjeants.

Lord High-Steward. My Lord, you have heard what hath been urged against you, and may imagine that there rests much behind: And therefore you had best confess the Truth; otherwise you will but more and more wind in your self.

L. of Som. My Lord, I came with a Resolution to defend my self.

After this my Lord High-Steward and the rest of the Lords retir'd themselves.

Serj Montague. May it please your Grace, my Lord High-Steward of *England*, it falls to my part to discover those Secrets that were concurrent and present with the Murder of Sir *Thomas Overbury*. And there be three Things that make evidently that my Lord of *Somerset* was the principal Procurer: 1. A Powder that was sent Sir *Thomas* from your own hand, which was Poison, and taken by him. 2. Poison in Tarts, which you occasioned to be sent. 3. That you thirsted after the Success, and wonder'd that he was no sooner dispatch'd. How the first general Light of this Poisoning came out, Mr. Attorney yesterday excellently observ'd that it was by a Compliment; so now I shall shew how out of the Compunction of an Offender's Heart these came to be discover'd: *Franklin* confesses the Poisons he bought for this purpose, and the trial that he made of them before they were sent. And 1. For the Powder, it was sent in a Letter written with my Lord's own Hand to *Overbury*: And you writ that it would make him a little sick, (which it did in a high degree;) and that upon this you would take occasion to speak for him to the King. And this Letter, with the Powder, you sent to him by *Davis*; and the Powder was Poison. 2. For the poisoned Tarts: At first you sent them good, to disguise the bad; but after came the poisoned Tarts which you sent him. And to make this appear that they came from you, continual Posts ran between you and my Lady; and she writes to the Lieutenant, 'I was bid to tell you, That in the 'Tarts and Jellies there are Letters; but in the 'Wine none: And of that you may take your 'self, and give your Wife and Children; but of 'the other not. Give him these Tarts and Jelly 'this Night, and all shall be well.' And it appears that the Letters did signify Poison. 3. The third Charge that I lay upon you, is, That you writ to my Lady that you wonder'd these things were not dispatch'd. She presently sent for *Franklin*, and shew'd him your Letters; which he read, and remembers the Words. She then also sent for *Weston* to dispatch him quickly; who answer'd, That he had already given him as much as would poison twenty Men. And in all these things, my Lord, I shall prove you as guilty as any whosoever hath been formerly arraign'd: And *Weston*, upon his Arraignment, affirm'd all these things to be true. Now to the Proof: He sends a Petition to the Lord *Coke*, to desire to speak with him, the very Night before *Elwes*'s Arraignment, he knowing nothing of it; and says, That his Conscience troubles him so, that he cannot sleep, and therefore desires to reveal something to him; and that until he had done it, he could never be at quiet.

Franklin's Exam. Mrs. *Turner* desir'd him to buy some of the strongest Poisons he could get; which he did, and brought them to Mrs. *Turner* and my Lady; and at that time they both swore him to Secrecy. And afterwards he perceiv'd that these Poisons were sent to the Tower; and amongst the rest a kind of white Powder called *Arsenick*, which she told him was sent *Overbury* in a Letter; and after shew'd him, and told him of many more Poisons that were sent, and to be sent by *Weston* to *Overbury*. And those Poisons which my Lady shew'd him, were wrapp'd in a Paper, written with a Roman Hand. And they try'd some of the Poisons upon a Cat, or a Dog, which was wonderfully tormented, and died.

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Weston's Exam. My Lady told him that he should be well rewarded; but before she could procure that, the Fact must be done: And that he had already given him as many Poisons as would poison twelve Men.

Ld. of Som. exam. Saith, That he caus'd a Vomit to be sent him at his own request, which was a white Powder; and it was the same that he had had before of Sir *Robert Killebrew*, and sent by *Rawlins*; and it may be that this second sent by *Davis* was in a Letter.

L. Davis exam. Saith, That three Weeks after Sir *Jervis Elwes* came to be Lieutenant of the Tower, my Lord sent, in a Letter by him, a white Powder to Sir *Thomas Overbury*; and that it would make him a little sick, so he might have the better Opportunity to speak for him to the King; and he saw this Letter. Next Day *Weston* told him how sick *Overbury* had been, and shew'd him what loathsome stuff he had vomited, which he would have had to have carried to the Lord *Somerset*; but *Weston* would not let him, saying, It was an unfit Sight to shew him.

H. Payton exam. Saith, That this Powder gave Sir *Thomas* fifty or sixty Stools and Vomits for four or five days.

Serj. Mont. Four several Juries have found that this Powder was Poison, and of this Poison Sir *Thomas Overbury* died; now for the Proof of the poison'd Tarts.

La. of Som. exam. She saith, She knoweth of no Tarts were sent Sir *Thomas Overbury*, but either from her self or my Lord.

Sir Jervis Elwes exam. Saith, By Letters my Lady meant Poison, but the Word was then used to clear his Eyes.

The Lady Somerset's Letter to Sir Jervis Elwes.

'I Was bid to bid you say, that these Tarts came
'not from me; and again, I was bid to tell
'you, that you must take heed of the Tarts, be-
'cause there be Letters in them, and therefore
'neither give your Wife nor Children of them,
'but of the Wine you may, for there are no Letters
'in it; Sir *Thomas Monson* will come from the Court
'this day, and then we shall have other News.'

La. of Som exam. Saith, That by Letters she meant Poison.

Serj. Mont. Now for my Lord's haste to spur this on, (and here I end) read *Franklin's Examination*.

Franklin exam. Saith, in a Letter which my Lady told him was sent her from my Lord, there were these Words, *That he wondred things were not yet dispatch'd*; and *that he thinks was meant about Overbury, by reason of her then Speeches to him, and present sending for Weston*.

Serj. Crew. My Part is now to discover those Acts that succeeded the Fact, and then my Lord begins to sew Fig-leaves; 1. Practices to suppress all Testimonies. 2. To surprize all Letters. 3. To get a Pardon, and desires a Pattern of the most large Pardon. Now for your Practice to suppress the Testimony of *Franklin*; you come from Court and tell my Lady, that *Weston* was apprehended; then Mrs. *Turner* sends to *Franklin* to come to my Lady at one a Clock at Night. Then my Lady tells him that *Weston* had confess'd all,

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and

and that we shall all be hang'd; and at that time did again give him another Oath for Secrecy. And, during this Dialogue, she went into an inner Room, to speak with one, (whom he took to be my Lord of *Somerset*;) when she came out, then she instructs *Franklin* what to say, if he were examin'd, but by no means to confess the Knowledge of her, or of Mrs. *Turner*: That the Lords will promise him, upon his Confession, hope of a Pardon, but that by no means he should believe their fair Words; for if he did, then they should all be hang'd. Now for the Course you took in suppressing of Letters, *Lawrence Davis*, after his Master's Death, made suit to serve my Lord, then his Suit was rejected; but last Summer, fearing this might break out, sends *Rawlins* to him, proffers him all Courtesy, and desires that he would send to him all those Letters, and Copies of Letters, which had past between Sir *Thomas Overbury* and him. *Davis* did so; and upon this my Lord gave him 30*l*. After *Weston* and Mrs. *Turner* were committed, there was a Trunk, wherein were many Letters: This Trunk stood at the House of *Weston's* Son's Master. For this Trunk, my Lord (after he was commanded to forbear the Court) makes a Warrant to the Constable to break it open, and to send unto him those Bundles of Writings that were in it; pretending they were certain Bonds and Writings belonging to Mistress *Hide*, a Sister of Mrs. *Turner's*. According to this Direction, those Letters that were in the Trunk were brought unto him. Now for those Letters that pass'd betwixt my Lord of *Northampton* and you; thirty of those you had sent him, were deliver'd you after his Death by Sir *Robert Cotton*; and all these the Night before your Commitment to the Dean of *Westminster* you burnt. For those Letters of *Overbury's* that you had, Sir *Robert Cotton* advis'd you not to burn, but keep them: And all of them being without Dates, *Cotton* told you there might be such Dates given them as would be much to your advantage: So you gave him Order for that purpose, to give Dates to those Letters. According to your Directions he did so; but not till after *Weston's* Arraignment: And then understanding at what Time the Poisons in the Indictment were said to be deliver'd, he dated some of them with a Purpose to cross the Indictment; and some of the Letters he razes, some pastes, some pares, as they were advantageous or disadvantageous to him; and all this to obscure the Fact. My next Aggravation is, That my Lord went about to get a Pardon; and that Precedents should be sought of the largest that ever were granted; and they were brought him. Why should he seek this, but to be freed from this Murder? And in the Precedent of *Henry the VIII's* Pardon to Cardinal *Wolfey*, after many Offences were forgiven, both in the Beginning and Ending, then in the Midst come in all Treasons and Murders. Lastly, Now I urge the Declaration you sent to the King; wherein you seem'd to doubt your self, because that you endeavour'd and consented to the Punishment of Sir *Thomas Overbury*; and in respect you had formerly been so much in the King's Favour, thought you might expect Mercy; and seeing you had never done any Offence against the King, nor the State, hoped that you should never be call'd in question for this: But if you should, then you implor'd Grace for your Wife; but you never sought a Pardon for her, as you did for your self. And then, lastly, you desire to have

leave to dispose of your Lands to your Wife and Child. Now for the Proofs of all this that I have said, first read *Franklin*, for the Suppression of his Testimony.

Franklin's Exam. When my Lord of *Somerset* came to Town, after *Weston's* Apprehension, he (*Franklin*) was sent for to the *Cock-Pit*; and there my Lady swore him again to Secrecy, told him *Weston* was taken, and that it was likely he should be so shortly, and that they should all be hang'd. Then retiring into an Inner-room, to speak with one, (whom he verily believes to be my Lord of *Somerset*) she came again, and told him, That the Lords, if they examin'd him, would put him in hope of a Pardon upon Confession: But, said she, believe them not; for when they have got out of you what they would, we shall all be hang'd. Nay, saith Mrs. *Turner*, Madam, I will not be hang'd for you both.

Mary Erwin's Examination, (not upon Oath)
Mrs. Turner's Maid.

Mrs. *Turner* sent her for *Franklin*, to bring him to the *Cock-Pit*, at Ten a-Clock at Night; and is sure that Night my Lord of *Somerset* came from Court, and was at the *Cock-Pit* when she came.

Lady Som. exam. She confesseth all that *Franklin* said concerning her Discourse with him; and that my Lord was with her that Night in the *Cock-Pit*.

Mr. Serj. Crew. Next follows the Proof for surprising Letters.

L. Davis exam. Saith, That in Summer last my Lord sent *Rawlins* to him, to desire that if he had any Letters, either from my Lord to Sir *Thomas*, or from him to my Lord, that he would send them by him; which he did: And for this my Lord did afterwards send him by *Rawlins* 30*l*.

George Errat the Constable's Examination.

Saith, That *Poulter*, a Messenger, brought him a Warrant from my Lord of *Somerset*, to break open and search a House for certain Writings, which were pretended to be one Mrs. *Hide's*, a Sister of Mrs. *Turner's*; and that he shewed him a part of the Warrant only, but not all; so that for that cause he would not execute it. Whereupon, *Poulter* got Smiths himself to break open the House and Doors, and found in the Cellar a Box and Bag of Writings, where he saw the Name of Mrs. *Turner*; and those were carried to my Lord.

L. of Som. For these Letters, Sir *Robert Cotton* deliver'd them me back after my Lord of *Northampton's* Death; and concerning the Dates, you need not trouble yourself, for it now grows late, and I shall have very little time to answer for my self. I confess, Sir *Robert Cotton* deliver'd me back those Letters I had sent my Lord of *Northampton*, and that I burnt them; and that some Parts were cut off as impertinent.

Sir R. Cotton exam. Saith, my Lord deliver'd into his hands many of Sir *Thomas Overbury's* Letters; and that he cut and dated them by my Lord's Direction; and that he put in Dates the next Day to some of the Letters, after *Weston's* Arraignment.

Mr. Serj. Crew. I desire my Lord will be pleas'd to look upon this Book of *Overbury's* Letters. And now for the Copy of the largest Pardon:

Sir

Sir Robert Cotton saith, That at my Lord of *Somerset's* Intreaty, a little before *Michalēmas*' last, he got him a Draught of the largest Pardon, and the Precedent was of one that King *Henry* the Eighth granted to Cardinal *Wolfey*: and if he desired such a one, I told him the best way was to follow Precedents.

The Pardon was read; wherein, amongst other Offences, before and after, of small account, Treason and Murder be foisted in.

Mr. Serj. Crew. And this was it that made *Weston* fear that the Net was for the little Fishes, and that the great ones could break through.

Alderman Bowles exam. Saith, That after he had persuaded *Weston* from standing mute, he told him That he fear'd the Net was laid for the little Fishes, and that the great ones would break through.

Mr. Serj. Crew. The last thing I urge, is my Lord's Declaration to the King, which I desire should be read.

The same that were noted before, after he understood by my Lord *Coke* that he was to be arraign'd, &c.

Mr. Attorney. You see, my Lords, in this Declaration of my Lord *Somerset* there is a Brink of Confession; I would to God it had a Bottom. He urges that in respect he hath formerly been so great in the King's Favour, and had never committed any Treason, neither against his Person nor State, that he should never have been call'd to an Account for this Fault, though he had been guilty: That Grace timely given is a Benefit; and that it is not only enough to give Life, but to save Reputation. But if he must be urg'd, then he desires his Wife might be pardon'd, having confess'd the Fact: And that if he must be put upon the Hazard of a Trial, the King will before give him leave to dispose of his Lands and Goods to the Use of his Wife and Child; and that in the mean time he will give my Lord *Hay* and Sir *Robert Carr* leave to come to him.

Mr. Serj. Crew. This Declaration is an implicative Confession.

Mr Attorney. I think there is none here but wonders, seeing that all Poisons be Works of Darknes, how this should so clearly appear: But it seems, his Greatness in Fortune caus'd this Grossness in offending.

L. High-Steward. My Lord of *Somerset* hath behav'd himself modestly in the Hearing: And only this, (before you speak for your self) by way of Advice, I will say unto you, in giving you two Examples: Your Wife, that yesterday confess'd the Fact; and there is great hope of the King's Mercy, if you now mar not that which she made. On the contrary, *Bryon*, who when the King of *France* used all the means he possibly could, to bring him to the Acknowledgement of his Offence, which if he had done, there was no question to be made of the King's Grace. And I think there never was, nor is, a more gracious and merciful King than our Master. But *Bryon* still persisting in the Denial of his Fact, you know his End.

L. of Som. I am confident in mine own Cause, and am come hither to defend it. And in respect the King's Counsel have been so long in speaking against me, that neither my Memory nor Notes will give me leave to answer every Particular in order, I will begin with some of the last Things that they seem'd most to urge against me, and so answer the rest that I think do any thing at all

touch me. For the Powder that was sent *Overbury* to make him sick, that so I might have the better occasion to speak for him to the King for that purpose, he himself desir'd it, and upon his Letter I sent it. And though it be true that I consented to his Imprisonment, to the end he should make no Impediment in my Marriage; yet I had a care of his Lodgings, that they should be where he might have the best Air, and Windows both to the Water and within the Tower, so that he might have liberty to speak with whom he would; So you see it was against my Intention to have him close Prisoner.

Whereas the Breach of Friendship betwixt *Overbury* and me is used for an Aggravation against me; it is no great wonder for Friends sometimes to fall out, and least of all with him; for I think he had never a Friend in his Life that he would not sometime fall out with, and give Offence unto: And this they term'd Insolence in him; but I give it a better Name.

For the great Trust and Communication of Secrets between *Overbury* and me, and for the Extracts that he took of Ambassadors Letters, I confess this; I knew his Ability; and what I did was by the King's Commission. For other Secrets; there were never any betwixt us.

And for his fashion of braving both in Words and Writing, there was none that knew it better; nor fear'd it less than my self. At that time he was in disgrace with the Queen, and for that cause was enforc'd for a time to absent himself from Court; and this was for some particular Miscarriage of his towards her Majesty; and tho' I labour'd his Reconcilement and Return, yet he with main violent Terms laid the cause of his Disgrace upon me. And another time my Lord of *Salisbury* sent for him, and told him, That if he would depend upon his Favour, he would presently help him with a Suit that should benefit him 2000 *l.* which presently *Overbury*, coming to me, told me of: To which I answer'd, He did not need to rely upon any body but me; and that, if he would, he might command my Purse, and presently have more than that; and so he had. And yet afterwards, upon some causeless Discontent, in a great Passion he said, That his Love to me had put him out of my Lord of *Salisbury's* Favour, and made him lose 2000 *l.* Whereas it was urg'd that I caus'd him to refuse the Employment that was impos'd upon him; it is not so; for I was very willing he should have undertaken it, but he not. My Lord of *Canterbury* mov'd him to it, but not without my privity; for I should have been glad to have remov'd him, both in respect of my Marriage and his Insolence. But *Overbury* came to me, and said, I will tell Sir *Dudley Diggs* I will undertake this Embassage, that he may so return Answer to my Lord of *Canterbury*; but then you must write to me not to do so, and so take it upon you. Whereas it is pretended that I should cause poison'd Tarts to be sent him to the Tower; my Wife in her Confession saith, That there were none sent but either by me or her; and some were wholesome, and some not: Then it must needs follow, that the good ones were those which I sent, and the bad hers.

L. Lisle. If you had sent him good Tarts, you should have seen them convey'd by a trusty Messenger.

L. Compton. My Lady, in her Letter to the Lieutenant, writes, I was bid to bid you do this. Who should bid her?

Mr. Serjeant Montague. The continual Letters between my Lord and her argues that.

L. of Som. If *Franklin* knew me so well, and that I was privy to the Plot, why should then my Wife and I (as he pretends) when he was there, speak so closely, and always out of his Hearing and Sight? But for *Overbury*, my furthest Intent in his Imprisonment was, that he should be no Impediment to my Marriage; and this I communicated to my Lord of *Northampton* and *Elwes*.

Serj. Montague. You could not couple your self worse than with them two.

L. of Som. Whereas *Simcocks* says, from the Relation of *Weston*, That he so often came to me; I protest I never saw him till after *Overbury's* Death, and then *Rawlins* brought him to me.

Serj. Crew. Sir *Jeris Elwes* in his Examination saith, that *Weston* many times told him, that my Lord of *Somerset* many times sent for him: And for this purpose you shall have *Weston's* Examination.

Weston's Examin. Saith, That my Lord of *Somerset* many times sent him Directions, before *Overbury's* going to the Tower, to appoint Meetings betwixt him and my Lady.

L. of Som. This may hold, and yet that I never spake to him: So for those Messages he spoke of, he might receive Directions from me by a third Person. And for that which *Payton* alledges about the Powder which I sent, and made Sir *Thomas Overbury* so sick; that Powder I sent was one of them which I receiv'd from Sir *Robert Killegrew*.

Serj. Crew. But this, my Lord, was none of the Powders you receiv'd from Sir *Robert Killegrew*, for you had three from him: The first was lost; the second you sent him by *Rawlins*; and the third your self took at *Buly*: Now a fourth, which was sent by *Davis*, was that that made him so sick, and gave him so many Stools; and that was poison, and sent three Weeks after that that *Rawlins* carried.

Sir *Robert Killegrew* saith, That my Lord desir'd him to give him Powders, which he himself sometimes used to take for a Vomit; but he thought it had been only for himself, not that he had had a Purpose to send it to Sir *Thomas Overbury*; and that my Lord never had of this Powder of him but thrice.

Mr. Rawlins exam. Saith, That the first Vomit Sir *Robert Killegrew* gave my Lord, was laid upon a Tester of a Bed, and lost; and that then upon that he got another, which my Lord sent to Sir *Thomas Overbury* by him; and afterwards a third, which my Lord took at *Buly*: But he never heard that Sir *Thomas Overbury* desir'd my Lord to send him any.

Franklin exam. Saith, That he provided a white Powder, which was Poison, for my Lady called it *Arsenick*; which, as my Lady did afterwards tell him, was sent to Sir *Thomas Overbury* in a Letter.

L. of Som. I do not think you can take *Franklin* for a good Witness. Now for the Antedates which are used as a Circumstance against me; Sir *Robert Cotton* mov'd me to it, saying, That the Dates might prove useful to me at this time. Whereas my Lord of *Northampton* writes in one of his Letters, that he had promoted the Lieutenant; I conceive his Meaning to be, That he should endeavour to make *Overbury* to be a good Instrument betwixt my Lord of *Suffolk* and me; and to that end, those whom he thought to be his principal Enemies should be the only Causes of his Freedom. And

what I understand by *Elwes's* Conclusion, which my Lord of *Northampton* relates in the end of one of his Letters to me, That Death is the best Way; I wish that my Answers to those Letters were now to be seen: and if I had ever thought that those Letters of my Lord of *Northampton's* would be dangerous to me, it is likely I would never have kept them. For the Warrant I made, my Wife desir'd me to do it for Mrs. *Turner's* sake: *Packer* formed it; and told me, I might do it as a Counsellor alone, without other Hands; for I would have had at that time my Lord *Knowles* to have joined with me, but that he was at Council. And when this Warrant was sent, I was not commanded from Court, as is pretended.

L. High-Steward. All the Council together could not justify the making of such a Warrant.

L. of Som. For my endeavouring to get a Pardon; having had many things of Trust under the King, and the Custody of both the Seals, without particular Warrant, I desir'd by this means to be exonerated. And for all general Words, the Lawyers put them in without my privacy. And for the Precedent of the largest Pardon, which I had from Sir *Robert Cotton*, it was upon this occasion: Sir *Robert Cotton* said, In respect you have receiv'd some Disgrace in the Opinion of the World, in having past that Pardon which the last Summer you desir'd, especially seeing there be many Precedents of larger; I would have you now get one after the largest Precedent, that so by that Addition you might recover your Honour. And upon this I had him search for the largest.

Serj. Mont. Sir *Robert Cotton* says otherwise.

Sir *R. Cotton exam.* Saith, My Lord desir'd to seek Precedents of the largest Pardons.

L. of Som. For the Declaration which I lately sent to the King, and particularly the Word [*Mercy*], which is now so much urg'd against me, it was the Lieutenant's; for I would have used another, but he said it could be nothing prejudicial unto me: But when I writ it, I did not think thus to be sifted in this Declaration; for I in that, in all Humility, did so far endeavour to humble and yield my self, that the King might the better express his Grace. And for the Words, [That I did consent to and endeavour the Imprisonment of Sir *Thomas Overbury*] it is true, for the Reason there alledg'd.

Mr. Attorney. May it please your Grace, my Lord here hath had a most gracious Hearing, and hath behav'd himself modestly and wittily.

L. High-Steward. If you have any more to say, my Lord, you shall be heard at length; we will not straiten you in Time.

L. of Som. For *Loubell*, I never saw him but twice: he affirms the contrary, I deny it; and there is none else that proves it but himself. For Sir *Robert Cotton*, I could wish that he were here to clear many things that now be obscure.

Mr. Attorney. If he were here, he could not be sworn, for Reason of State, being held for a Delinquent.

L. of Som. For Sir *David Wood*, there was a Suit wherein he might have benefited himself 1200 *l.* which I was willing to further him in, conditionally, that *Overbury* should have been a Sharer: But for the not effecting of it, it seems, he took some dislike of Sir *Thomas Overbury*. The Money that is said Sir *Jervis Elwes* gave for his Place, I had no part of it. Whereas the shifting
of

of Offices is urg'd against me, to make the more easy way for *Elwes's* Entrance; it is well known, the reason of *Wade's* displacing was in respect of his Carelessness, in suffering the Lady *Arabella* to have a Key, by which she might have convey'd herself out of Prison. More I cannot call to mind; but desire Favour.

Mr. Attorney. It hath, my Lord, formerly at Arraignments been a Custom, after the King's Counsel and the Prisoner's Defence hath been heard, briefly to sum up what hath been said: But in this we have been so formal in the Distribution, that I do not think it necessary: And therefore now there is no more to be done, but that the Peers will be pleas'd to confer, and the Prisoner to withdraw 'till the Censures be past.

E. of Som. My Lords, before you go together, I beseech you give me leave to recommend myself and Cause unto you: As the King hath rais'd me to your Degree, so he hath now dispos'd me to your Censures. This may be any of your own Cases, and therefore I assure myself you will not take Circumstances for Evidence; for if you should, the Condition of a Man's Life were nothing. In the mean time, you may see the Excellence of the King's Justice; which makes no Distinction, putting me into your Hands for a just and equal Censure. For my part, I protest before God I was neither guilty of, nor privy to, any Wrong that *Overbury* suffer'd in this kind. A Man sensible of his own Preservation, had need to express himself.

So he being withdrawn from the Bar, my Lord High-Steward briefly reported to the Lord the Proofs against my Lord of *Somerset*. Then the Lords by themselves (and my Lord Steward for his Ease, but returning before the rest) staid some time together; in which Interim they sent for the two Chief Justices. Being return'd, the Serjeant-Cryer *Mr. Fenshaw*, call'd every Lord by his Name, *Robert Lord Dormer*, and so to the rest, before my Lord High-Steward spake.

L. H. Steward. *Robert Lord Dormer*, How say you? Whether is *Robert Earl of Somerset* guilty of the Felony, as Accessary before the Fact, of the wilful Poisoning and Murder of *Sir Thomas Overbury*, whereof he hath been indicted and arraigned, or not guilty? And so particularly to every Lord, one by one.

L. Dormer. Guilty, my Lord: Standing up, and bare-headed; then sitting again. My Lord *Norris*, when it came to him, said, Guilty of Murder: But being told by my Lord High-Steward that he must say either Guilty, or Not Guilty to the Indictment, he said, Guilty. Then *Mr. Lieutenant* brought the Prisoner again to the Bar: But he had before taken off his George himself.

Mr. Attorney. My Lord High-Steward, *Robert Earl of Somerset* hath been indicted and arraigned, and put himself upon his Peers, who all, without the Difference of one Voice, have found him guilty; I pray Judgment.

Mr. Fenshaw. *Robert Earl of Somerset*, hold up thy Hand. Whereas thou hast been indicted, arraign'd, and pleaded Not guilty, as Accessary before the Fact, to the wilful Poisoning and Murder of *Sir Thomas Overbury*, and hast put thyself upon thy Peers, who have found thee guilty; what hast thou to say for thyself, why Sentence of Death should not be pronounc'd against thee?

L. of Som. The Sentence that is past upon me must be just: I only desire a Death according to my Degree. For that *Simcocks* said—

L. H. Steward. My Lord, you are not now to speak any more in your Defence; but why Judgment of Death should not be pronounc'd.

L. of Som. Then I have no more to say; but humbly beseech you my Lord High-Steward, and the rest of the Lords to be Intercessors to the King for his Mercy towards me, if it be necessary.

My Lord High-Steward, taking the White-Staff from *Sir Richard Coningsby*, pronounc'd Sentence.

L. High-Steward. *Robert Earl of Somerset*, Whereas thou hast been indicted, arraign'd, and found guilty, as Accessary before the Fact, of the wilful Poisoning and Murder of *Sir Thomas Overbury*; you are therefore to be carried from hence to the Tower, and from thence to the Place of Execution, where you are to be hang'd 'till you be dead: And the Lord have Mercy upon you.

L. of Som. My Lords the Peers, I beseech you, as you have been the Judges of this Day, so you will be my Intercessors.

Then my Lord Steward broke his Staff, the Court dissolv'd, and the Prisoner was carried away.

Afterwards the Earl and his Countess receiv'd several Reprieves, during which he wrote to the King the following obscure Letter*.

May it please your Majesty,

BY this Gentleman your Majesty's Lieutenant, I understand of some halt you made, and the cause of it, at such time as he offer'd to your Majesty my Letters; but soon after your Majesty could resolve your self, and behold me nothing so diffident of you, but in humble Language petitioning your Favour; for I am in hope that my Condition is not capable of so much more Misery, as I need to make my Passage to you by such way of Intercession.

This which follows after, I offer your Majesty, tho' not as to your self, for upon less Motive you can find Favour for me.

Now I need only move, not plead before your Majesty, as my Case doth stand; for what I seek to have done, follows upon what you have already done, as a Consequence and succeeding Growth of your own Act.

But to the intent that your Majesty may see that there is enough to answer those (if any such there be) as do go about to pervert the exercise of your Power, and to turn it from its own clear Excellency, for to minister unto their Passions; I have presum'd to this end to awake your Majesty's own Conceit upon this Subject, which can gather to it self better and more able Defences in my behalf upon this View. For tho' the Acts of your Mercy which are not communicable, nor the Causes of them with others; as derived from those secret Motives which are only sensible and privy to your own Heart, and admit of no search or discovery to any general Satisfaction; and that under this Protection I might guard my Particular sufficiently; yet my Case need not hide itself, but attend the Dispute with any, that would put it upon a monstrous and heavy Shape: tho' that I must acknowledge,

that

* 'Tis not improbable, that some Expressions in this Letter may have relation to a Report spread about at that time, of *Somerset's* threatening Message sent to King James by the Lieutenant of the Tower, That if he had not his Pardon, he would discover an important Secret, which it was the King's interest to have conceal'd.

‘ that both Life and Estate are forfeited to you by
 ‘ Law; yet so forfeited, that the same Law gives
 ‘ you the same Power to preserve, as it doth to
 ‘ punish, whereby your Majesty’s higher Prero-
 ‘ gative doth not wrestle with it, nor do you in-
 ‘ fringe those Grounds by which you have ever
 ‘ governed, so as the Resistance is not great, that
 ‘ your Majesty hath for to give Life, and which
 ‘ is less in the Gift of Estate, for that the Law casts
 ‘ wholly upon your self, and yields it as fit matter
 ‘ for Exercise of your Goodness.

‘ Once it was your Majesty’s Gift to me, so it
 ‘ may be better not taken, for to avoid to take
 ‘ that, which hath been once their own; and I
 ‘ may say farther, that the Law hath not been se-
 ‘ vere upon the Ruin of innocent Posterity, nor
 ‘ yet cancelled nor cut off the Merits of Ancestors,
 ‘ before the Politick Hand of State had contriv’d
 ‘ it into these several Forms, as fitted to their Ends
 ‘ of Government.

‘ To this I may add, that whereupon I was
 ‘ judged, even the Crime it self might have been
 ‘ none, if your Majesty’s Hand had not once
 ‘ touched upon it, by which all Access unto your
 ‘ Favour was quite taken from me. Yet as it did
 ‘ at length appear, I fell rather for want of well
 ‘ defending, than by the Violence or Force of any
 ‘ Proofs; for I so far forsook my self, and my
 ‘ Cause, as that it may be a question whether I was
 ‘ more condemned for that, or for the matter it
 ‘ self, which was the subject of that day’s Contro-
 ‘ versy.

‘ Then thus far nothing hath appeared, wherein
 ‘ your Majesty hath extended for me your Power,
 ‘ beyond the reasonable bound; neither doth any
 ‘ thing stand so in the way of your future Pro-
 ‘ ceedings, but rather make easy your Majesty’s
 ‘ favour for my Relief.

‘ What may then be the Cause that Malice can
 ‘ pitch upon, wherefore your Majesty should not
 ‘ proceed to accomplish your own Work? Asper-
 ‘ sions are taken away by your Majesty’s letting
 ‘ me loose to the utmost power of Law, with
 ‘ the Lives of so many Offenders, which yieldeth
 ‘ the World Subjects of Sorrow rather than Ap-
 ‘ petite to more Blood. But Truth and Innocen-
 ‘ cy protect themselves in poor Men, much more
 ‘ in Kings; neither was there such Aspersions
 ‘ (God knows) in any possibility towards your Ma-
 ‘ jesty, but among those who would create these
 ‘ Pretences to mislead your Majesty, and thereby
 ‘ make me miserable; if not this (whereof the
 ‘ Virtue and Use was in the former time and is
 ‘ now determined) there is not any but your
 ‘ Pleasure.

‘ It is true, I am forfeited to your Majesty, but
 ‘ not *against* you by any treasonable or unfaithful
 ‘ Act; besides, there is to be yielded a distinction
 ‘ of *Men*, as in *Faults*; in which I am of both
 ‘ under the nearest degrees of Exception.

‘ Yet your Majesty hath pardoned Life and
 ‘ Estate to Traitors and Strangers, sometimes the
 ‘ one, sometimes the other; nay, to some con-
 ‘ cerned in this Business, wherein I suffer, you
 ‘ have pardoned more unto them, than I desire,
 ‘ who (as it is reputed) if they had come to the
 ‘ Test, had proved Copper, and should have
 ‘ drunk of the bitter Cup as well as others.

‘ But I do not by this envy your Favours to any
 ‘ Persons, nor seek I to draw them into the Yoke
 ‘ with my self, but applaud your Majesty’s Good-

ness, being in that respect in a near possibility
 ‘ to come at me; besides this, to *Elwes* your Ma-
 ‘ jesty has given an Estate, (which is a greater
 ‘ Gift than Life, because it extends to Posterity,)
 ‘ who was the worst deserfer in this Business, an un-
 ‘ offended Instrument, who might have prevented
 ‘ all After-mischief, but for his own Ends suffered
 ‘ it, and by the like Arts afterwards betrayed it.

‘ To this I may add *Tresham* in the *Powder-*
 ‘ *Treason*, upon whose Successors I do not cast any
 ‘ of his Infamy, yet he preserved himself to Poste-
 ‘ rity; so as what he, or others such as he, have
 ‘ defrauded by the Arts of Law, and whom their
 ‘ own unfaithfulness made safe; I have much ado
 ‘ to hold my Ingenuity and Confidence, how it
 ‘ may be, because I distrusted not your Majesty,
 ‘ or because it returned in your Power from whom
 ‘ I had it. Is it in danger to be broken or dis-
 ‘ membred? Let me hope that there is nothing,
 ‘ which by Favour may be excused, or by In-
 ‘ dustry might have been avoided, that will fail
 ‘ me, where your Majesty is to determine. It is
 ‘ not I, that put your Majesty in mind oppor-
 ‘ tunely, it is he, that was your *Creature*; it is
 ‘ *Somerset* with all your Honours and envious
 ‘ Greatness, that is now in question. Kings
 ‘ themselves are protected from the breach of
 ‘ Law, by being Favourites and God’s Anointed;
 ‘ which gives your Majesty like Privilege over
 ‘ yours, as I took from Doctor *Donne* his Sermon,
 ‘ That the Goodness of God is not so much ac-
 ‘ knowledged by us in being our *Creator*, as in
 ‘ being our *Redeemer*; nor in that he hath chosen
 ‘ us, as that nothing can take us out of his hand;
 ‘ which in your Majesty’s remembrance let me
 ‘ challenge and hope for: for the first access of
 ‘ Favour, they may be ascribed unto one’s own
 ‘ pleasing themselves, but that appears to be for
 ‘ our Sakes, and for our Good, when the same for-
 ‘ sakes not our civil Desires.

‘ This Redemption I crave, not as to my own
 ‘ Person, but with your Benefits once given; nor
 ‘ do I assume them very deep, for I have volun-
 ‘ tarily departed from the hopes of my Pension,
 ‘ Place, Office; I only cleave to that which is so
 ‘ little, as that it will suffer no parting or dimi-
 ‘ nution.

‘ And as in my former Letters, so by this, I
 ‘ humbly crave of your Majesty not to let the
 ‘ Practices of Court work upon your Son the
 ‘ *Prince*, not fearing the Sufferings of my Loss
 ‘ in that particular so much (for I cannot lose it
 ‘ but willingly all with it,) as for to take off the
 ‘ Stage, that which in the attempt may prove
 ‘ inconvenient.

‘ But if your Majesty have any respects to move
 ‘ you to suspend your Goodness towards me, let
 ‘ that which is mine rest in your own Hands, till
 ‘ that you find all opposite Humours conformed
 ‘ to your Purpose.

‘ I have done wrong to myself, thus to enter-
 ‘ tain such a doubt of your Majesty; but the un-
 ‘ relenting of Adversaries, which, when you will
 ‘ have them, will soon alter; and that all this while
 ‘ I have received nothing of present Notice for
 ‘ Direction, or to comfort me from your Maje-
 ‘ sty, hath made me to expostulate with my self
 ‘ thus hardly: for God is my Judge, Sir, I can
 ‘ never be worthy of it, if I have these Marks put
 ‘ upon me of a *Traitor*, as that tumbling and dis-
 ‘ ordering of that Estate, would declare. The

Divorce

Divorce from your Presence, lays too much upon me, and this would upon both.

I will say no further, neither in that which your Majesty doubted my aptness to fall into: for my Cause nor my Confidence is not in that Distress, as for to use that Mean of Intercession or any thing besides; but to remember your Majesty that I am the Workmanship of your Hands, and bear your Stamp deeply imprinted in all the Characters of Favour; that I was the first Plant ingrafted by your Majesty's Hand in this Place, therefore not to be unrooted by the same Hand, lest it should taint all the same kind with the Touch of that fatalness; and that I was even the Son of a Father, whose Services are register'd in the first Honours and Impressions I took of your Majesty's Favour, and laid there as a Foundation-Stone of that Building.

These and your Majesty's Goodness for to receive them, is what I rely upon, praying for your Majesty's Prosperity; I am in all humbleness,

Your Majesty's

Loyal Servant and Creature,

R. Somerset.

On the 18th of January 1621, the King by Order of Council granted them the Liberty of retiring to a Country-House.

At White-hall, January the 18th, 1621.

Present,

L. Keeper.	L. Brooke,
L. Treasurer	Mr. Treasurer.
L. President,	Mr. Secretary Calvert.
L. M. Hamilton,	Mr. Chancellor of the Ex-
Earl Marshal	chequer,
L. Vis. Falkland,	Master of the Rolls.
L. Digby,	

Whereas his Majesty is graciously pleased to enlarge and set at liberty the Earl of Somerset and his Lady, now Prisoners in the Tower of London; and that nevertheless it is thought fit that both the said Earl and his Lady be confined to some convenient Place: It is therefore, according to his Majesty's gracious Pleasure and Command, ordered, That the Earl of Somerset and his Lady do repair either to Grays or Cowsham, the Lord Wallingford's Houses, in the County of Oxon, and remain confined to one or either of the said Houses, and within three Miles Compass of either of the same, until farther Order be given by his Majesty.

At last in the Year 1624, about four Months before the death of the King they obtain'd their Pardons notwithstanding the King had formerly made a solemn Declaration *, that he would never pardon any Person who should appear to have been concerned in this Murder.

The Countess of Somerset's Pardon.

Jacobus Rex,

REX omnibus ad quos, &c. salutem. Cum tam

justic. quam misericord. fontes a folio Regis promanare consueverint & debeant ex quibus prior

ille justitiae in memorabili casu mortis & interfectionis Thomae Overbury mil. cursu constanti, & recto a nobis, & cura nostra regia fluxit, & derivatus est, in nostram & subditorum satisfactionem plenariam: Cumque diversae & multiplices causae, & Motiva clementiae nostrae occurrant, quae misericordiam nostrae regiae erga Franciscam Carr nuper Comitissae Somerset promovere possint, praesertim cetera illa tota & talia exemplis justitiae jam antea expiata, praecipue vero duae, quarum prima ad patrem ejus & amicos spectat, familiamque & prosopiam praenobil. altera ad eam ipsam, quod lib. & spontaneè delictum suum confessum sit, se submitendo & prosternendo ad misericordiae nostrae altare, non solum durante tempore incarcerationis suae, verum etiam publice & in judicio. Cumque Tho. Dominus Ellesmere Cancellar. Angliae, & magnus Senescallus noster Angliae ea vice existens, necnon omnes pares ejus per quorum judicium convicta fuit ad humil. Petitionem ejusdem Franciscae publice factae promisso suo ad intercedend. pro misericordia nostra regia erga eam solenniter se obstrinxerint. Imprimis autem nobiscum perpendentes naturae delicti ejus unde ipsa indictat' arraignat' convict' & condemnat' sit (viz.) quod non fuer' process. & judicium tanquam de principal. sed de accessoria ante facti' eaque ipsa procuratio ex conscelerata instigatione hominum quorundam ignobilium originem suscepisse videtur. Sciatis quod nos pietate moti de gratia nostra speciali ac certa scient' & mero motu nostr' pardonavimus, remisimus, & relaxavimus, ac per praesentes pro nob' hered' & succ' nostris pardonamus, remittimus, & relaxamus praefat' Franciscae Carr nuper Comitissae Somerset, seu quocunque alio nomine, cognomine sive additione nominis vel cognominis, dignitatis, loci vel locorum eadem Franciscam sciatur, censeatur, vocetur, sive nuncupetur, aut nuper sciebatur, censebatur, vocabatur, sive nuncupabatur, occisionem, necem, venenationem, intoxicationem, mortem, feloniam, & feloniam interfectionem praed. Thomae Overbury mil. seu quocunque alio nomine, cognomine, sive additione nominis vel cognominis loci vel locorum idem Thomas Overbury mil. sciatur, censeatur, vocetur sive nuncupetur, aut nuper sciebatur, censebatur, vocabatur, sive nuncupabatur, per ipsam Franciscam per se solam sive cum aliqua alia persona sive aliquibus al' personis quibuscunque, quomodocunque qualitercunque, quandocunque seu ubicunque fact' commiss' sive perpetrat' ac omnes & omnimodas conspirationes, felonias, abettationes, procurationes, incitationes, confortation' manutention' auxiliations, conductiones, mandat' consilia, crimina, transgressiones, malefacta, offens. & delict' quaecunque praed. mortem, occisionem, necem, venenationem, intoxicationem, feloniam & feloniam interfectionem praed. Thomae Overbury mil. in aliquo tangen. sive concern. ac accessar. eorundem tam ante factum, quam post factum, ac fugam, & fugas superinde fact. licet eadem Franciscam de permiff. vel aliquo praemissor. indictata impetit. appellat. recitat. vocat. waviat. convict'. condemnat. attinet. sive adjudicat. per judicium parium suorum coram praed. magno Senescallo nostro Angl. vel alr. quomodocunque existit vel non existit, aut indictari, impetiri, appellari, recitari, vocari, waviari, convinci, condemnari, attingi, sive adjudicari contigerit in futur. ac omnia & singula indictamenta, judicium condemnationes, executiones, penas, mortis penas, corporal. punitiones, ac omnes al.

* At the time when this Prosecution was first set on foot, the King gave a strict Charge to the Judges to make a diligent search and inquiry into the truth, and told them, If ever he spared any that were guilty, he wish'd the Curse of God might light on him, and his Posterity.

pœnas, & pœnalitat. quascunque de pro sive concern. mortem, occisionem, necem, venenationem, intoxicationem, feloniam, & feloniam interfectionem præd. Thomæ Overbury mil. in sup. vel versus ipsam Franciscam hab. fact. reddit. sive adjudicat. aut imposter. habend. fiend. reddend. sive adjudicand. aut que nos versus ipsam Franciscæ pro præmiss. vel aliquo præmissor. habuim⁹ habem⁹ seu impost. habere poterimus, aut hæred. seu suc. habere poterint. in futur. (Imprisonament. ad arbitrium nr⁹ regium aut restric. ullo modo ad locum certum Anglicè confining, tantum except.) Pardonamus insuper ac per præsent⁹ pro nob. hæred. & succr. nr⁹ remitt. & relax. præfat. Franciscæ omn. & singul. utlagar. si que versus ipsam Franciscæ. ratione, sive occasione præmissor. seu eor. alicujus promulgat. fuer. sive imposter. erunt promulgand. ac omn. & omnimod. sect. querel. impetitiones, & demand. quæcunque, que nos versus ipsam Franciscam pro præmiss. vel aliquo præmissor. habuimus, habem. seu in futur. habere poterimus, Sectamque pacis nostræ, que ad nos versus ipsam Franciscæ. pertinet, seu pertinere poterit ratione præmissor. seu eor. alicujus, & firmam pacem nr⁹ eidem Franciscæ indedamus & concedimus per præsentis: Nolentes quod eadem Franc. per Just. Vic. Escaetor. Ballivos, seu aliquos Ministr⁹ nr⁹ occasionibus præd. seu eor. aliquo molestetur, perturbetur, seu in aliquo gravetur; ita tamen quod stet rect. in cur. nr. si quis versus eam loqui voluerit de præmissis vel aliquo præmissor⁹ Licet eadem Franciscæ bonam & sufficient. securitat. non inveniatur secundum formam & effectum cujusdam Actus Parliament. Domini Edwardi nuper Regis Angliæ tertii, progenitor. nr. anno regni sui decimo apud Westm. tent. edit. de se bene gerend. ex nunc erga nos hæred. ad succ. nr⁹ & cunctum populum nr⁹ Et ulterius pro nobis hæred. & succ. nostris de ampliori gratia nostra speciali, ac ex certa scienc. & mero motu nostris volumus & concedimus per præsentis, quod hæ Litt. nræ. Paten. pardonationis, ac omnia & singula in eisdem content. bone, firme, valide sufficient. & effectual. in lege stabunt, & existent, & dehinc nullo modo vacue devenient; Quodque imposter. eadem Franciscæ ullo modo non indictetur, arreñetur, impetatur, vexetur, seu gravetur de pro vel concernend. mort. occisionem, necem, venenationem, intoxicationem, feloniam aut feloniam interfectionem præd. Thomæ Overbury mil. qualitercunque seu quocunque modo idem Thomas Overbury mil. ad mortem suam devenit. Statut. in Parliament. Domini Richardi nuper Regis Angliæ secundi, anno regni sui decimo tertio tent. edit. aut aliquo alio statut. actū, ordination. provisione, sive restrictione in contrar. inde non obstan. In cujus rei, &c. Teste, &c.

Ex per Francis Bacon.

May it please your excellent Majesty.

THIS Bill containeth your Majesty's gracious Pardon unto the Lady Frances late Countess of Somerset, for being Accessary before the Fact, of the Death and Imposition of Sir Thomas Overbury.

It hath inserted, as Motives to your Majesty's Mercy, four respects; that is to say: The respect of her Father, Friends and Family.

Her Voluntary Confession, both when she was Prisoner, and at the Bar.

The Promise made publicly by the Lord High Steward, and her Peers, to intercede for your Majesty's Mercy.

And that the Crime was not of a Principal, but of an Accessary, before the Fact, by the Instigation of base Persons.

The like Pardon formerly passed your Majesty's Signature, and is now amended by your Majesty's special Direction from your Royal Mouth, in two Points: The one is, That Imprisonment in the Tower, or other Confining at your Majesty's Pleasure, is not pardoned. The other, that the solemn Promise made at her Arraignment by the Lord Steward and the Peers to intercede to your Majesty for your Mercy, is inserted.

Francis Bacon.

The aforesaid Bill translated into English.

James Rex,

THE King to whom, &c. Greeting. Where as the Fountains, as well of Mercy as Justice, are wont and ought to flow from the King's Throne; of which the former of Justice in the memorable Case of the Death and Murder of Sir Thomas Overbury, in a constant and right Course, hath flowed and is derived from us and our Royal Court, for the full Satisfaction of our Self and Subjects. And whereas divers and manifold Causes of our Clemency occur, which may move our Regal Mercy towards Frances Carr, late Countess of Somerset; chiefly, that Murder, with so many and such Examples of Justice, before this time expiated; especially two, whereof the first respecteth her Father, and Friends, and Family, and noble Progeny; the other hath respect to herself, because she freely and willingly confessed her Offence, submitting and prostrating her self at the Altar of our Mercy, not only during the time of her Imprisonment, but also publicly, and in her Trial. And forasmuch as Thomas Lord Ellesmere, our Chancellor of England, and being our High Steward of England in that behalf, and all her Peers, by whose Judgment she was convicted, at the humble Petition of the said Frances publicly made, solemnly bound themselves by their Promise, to intercede for our Royal Mercy towards her: And first weighing with ourselves the nature of her Offence, upon which she was indicted, arraigned, convicted and condemned, viz. That the Process and Judgment were not as of a Principal, but as of an Accessary before the Fact, and that she seemed to have begun by the Procurement and wicked Instigation of certain base Persons: Know ye, that we, moved with Pity, of our special Grace, and of our certain Knowledge, and our mere Motion, have pardoned, remitted and remised, and by these Presents for us, our Heirs and Successors, do pardon, remise, and release to the aforesaid Frances Carr, late Countess of Somerset, or by whatsoever other Name, or Surname, or addition of Name, or of her Surname of Dignity, Place, or Places, the same Frances may be known, esteemed, called, or named, or lately was known, esteemed, called or named, the Slaughter, Killing, Poisoning, Bewitching, Death, Felony and felonious Murdering of the aforesaid Sir Thomas Overbury; or by whatsoever other Name, Surname, or addition of Name or Surname, of Place or Places, the said Sir Thomas Overbury may be known, esteemed, called or named, or lately was known, esteemed, called or named, by the said Frances, by herself alone,

alone, or with any other Person, or any other Persons whatsoever, howsoever, in what manner soever, whensoever, or wheresoever done, committed, or perpetrated; and all, and all manner of Conspiracies, Felonies, Abetments, Procurements, Incitations, Partnerships, Maintainances, Helps, Hirings, Commands, Counsels, Crimes, Transgressions, Wrongs, Offences and Faults whatsoever, the aforesaid Death, Slaughter, Killing, Poisoning, Bewitching, Felony and felonious Murdering of the aforesaid Sir Thomas Overbury, in any wise touching or concerning. And the Accessary of them, as before the Fact, as after the Fact, and Flight and Flights made thereupon, altho' the said Frances of the said Premises, or any of the Premises stand, or not stand indicted, impeached, *appellat. vocat. restat. waviat.* convicted, condemned, attainted, or adjudged by the Judgment of her Peers, before the aforesaid High Steward of England, or otherwise howsoever, or thence in time to come shall appear to be indicted, impeached, *appellar. restari, vocari, waviari,* convicted, condemned, attainted or adjudged. And all and singular Indictments, Judgments, Condemnations, Executions, Pains of Death, Pains of Corporal Punishments, and all other Pains and Penalties whatsoever of, for, or concerning the Death, Slaughter, Killing, Poisoning, Bewitching, Felonies, and felonious Murdering of the aforesaid Sir Thomas Overbury, in, upon, or against the same Frances, had, made, returned, or adjudged; or hereafter to be had, made, returned, or adjudged, or which we against the same Frances may have in time to come (Imprisonment at our Royal Pleasure, or Restraint, confining to a certain Place only excepted.) Moreover, we do pardon, and by these Presents for us, our Heirs and Successors, remit and remise to the aforesaid Frances, all and every Outlawries which against the same Frances, by reason or occasion of the Premises, or any of them, have been proclaimed, or hereafter shall be proclaimed; and all, and all manner of Suits, Complaints, Impeachments, and Demands whatsoever, which we against the same Frances, for the Premises, or any of the Premises, have had, have, or in time to come shall have; and the Suit of our Peace which appertained to us against the same Frances, or may appertain by reason of the Premises, or any of them. And by these Presents, We do give and grant our firm Peace to the same Frances, willing that the same Frances, by the Justices, Sheriffs, Licheators, Bailiffs, or any other our Ministers, by the Occasions aforesaid, or any of them, be not molested, troubled, or in any manner vexed; so as nevertheless she stand right in our Court: if any towards her should speak concerning the Premises, or any of the Premises, although the said Frances do not find good and sufficient Security, according to the Form of a certain Act of Parliament, of the Sovereign Lord Edward the Third, late King of England, our Progenitor, held at Westminster, in the tenth Year of his Reign, for her good Behaviour from henceforth towards us, our Heirs and Successors, and all our People. And farther, for us, our Heirs, and Successors, of our more ample special Grace, and out of our certain Knowledge, and our mere Motion, we will and grant by these Presents, That these our Letters-Patent of Pardon, and all and singular the Things contained in the same, shall stand, and be

good, firm, valid, sufficient and effectual in the Law, and from henceforth shall by no means become void. And that in time to come, the said Frances, by any means, shall not be indicted, arrested, accused, vexed or troubled of, for, or concerning the Death, Murder, Slaughter, Poisoning, Bewitching, Felony, or felonious Killing of the aforesaid Sir Thomas Overbury, howsoever, or by whatsoever Means the said Sir Thomas Overbury came to his End: The Statute of the Sovereign Lord Richard the Second, late King of England, in the thirteenth Year of his Reign, or any other Statute, Act, Ordinance, Provision, or Restriction to the contrary thereof notwithstanding. In Testimony whereof, &c. Witness, &c.

Ex. per Francis Bacon.

De Pardonatione speciali pro Roberto Karr, nuper Comiti Somerset.*

‘ REX omnibus ad quos, &c. Salutem. Cum
 ‘ per quandam Inquisitionem captam apud
 ‘ Civitatem Westm. in Comitatu Middlesexie, in
 ‘ magnâ Aula Placitorum ibidem, Die Veneris
 ‘ decimo nono die Januarii, Anno Regni nostri
 ‘ Angliæ, Franciæ & Hiberniæ tertio decimo,
 ‘ & Scotiæ quadragesimo-nono, coram
 ‘ Edwardo Coke Milite, Capitali Justiciario
 ‘ nostro ad Placita coram nobis tenenda assignato,
 ‘ uno de Privato Concilio nostro:
 ‘ Julio Cæsar Milite, Magistro Rotulorum
 ‘ Cancellariæ nostræ, altero de Privato Concilio
 ‘ nostro:
 ‘ Henrico Hobarte Milite, Capitali Justiciario
 ‘ nostro de Banco:
 ‘ Laurentio Tanfield Milite, Capitali Barone
 ‘ Scaccarii nostri:
 ‘ Jacobi Altham Milite, uno Baronum Scaccarii
 ‘ nostri:
 ‘ Johanne Croke Milite, uno Justiciariorum
 ‘ nostrorum ad Placita coram nobis tenenda as-
 ‘ signato:
 ‘ Johanne Dodderidge Milite, altero Justiciario
 ‘ ad Placita coram nobis tenenda assignato:
 ‘ Roberto Houghton Milite, altero Justiciario
 ‘ nostro ad Placita coram nobis tenenda as-
 ‘ signato:
 ‘ Rogero Wilbraham Milite, Supervisore Curie
 ‘ nostræ Wardorum & Liberationum:
 ‘ Daniele Dunn Milite, uno Magistrorum Curie
 ‘ nostræ Requisitionum:
 ‘ Jacobo Ley Milite, Attornato Nostro Curie
 ‘ nostræ Wardorum & Liberationum:
 ‘ Et Edwardo Moseley Milite, Attornato Curie
 ‘ Ducatus nostri Lancastriæ:
 ‘ Ad tunc Justiciariis nostris, per Literas Pa-
 ‘ tentes nostras eis, & quibuscunque quatuor vel
 ‘ pluribus eorum, inde confectas; ad inquirendum
 ‘ per Sacramentum proborum & legalium Ho-
 ‘ minum de Comitatu Middlesexie, ac aliis viis,
 ‘ modis & mediis quibus melius sciverint aut
 ‘ poterint, tam infra Libertatis quam extra, per
 ‘ quos rei Veritas melius sciri poterit, de quibus-
 ‘ cunque Proditionibus, Misprisionibus Proditio-
 ‘ num, Insurrectionibus, Rebellionibus, Contra-
 ‘ facturis, Tonsuris, Loturis, falsis Fabricationibus,
 ‘ & aliis Falsitatibus Monetæ hujus Regni nostri
 ‘ Angliæ, & aliorum Regnorum sive Dominiorum

* 22 Jac. I. A. D. 1624 Rymer's Fœdera, Vol. XVII. p. 625, & seq. Edit. 1717.

nostrorum quorumcunque; ac de quibuscunque
 Murdris, Feloniis, Homicidis, Interfectionibus,
 Burglariis, Raptibus Mulierum, Congregationi-
 bus & Conventiculis illicitis, Verborum Prola-
 tionibus, Coadunationibus, Misprisionibus, Con-
 foederationibus, falsis Allegationibus, Transgres-
 sionibus, Riotis, Routis, Retentionibus, Escapiis,
 Contemptibus, Falsitatibus, Negligentiis, Con-
 celamentis, Manuinentiis, Oppressionibus, Cam-
 bipartiis, Deceptionibus, & aliis Malefactis, Of-
 fensis & Injuriis quibuscunque; Nec non Ac-
 cessariis eorundem infra Comitatum prædictum,
 tam infra Libertates quam extra, per quoscunque
 & qualitercunque factis, habitis, perpetratis sive
 commissis, & per quos vel per quem, cui vel
 quibus, quando, qualiter & quomodo; ac de
 aliis Articulis & Circumstantiis præmissa, & eo-
 rum quodlibet, sive eorum aliquod vel aliqua
 qualitercunque concernentibus plenius veritatem;
 & ad easdem Proditiones, & alia Præmissa au-
 diendi & terminandi, secundum Legem & Con-
 suetudines Regni nostri Angliæ assignatis, reci-
 tantes quod cum Ricardus Weston, nuper de
 London, Yeoman, Deum præ Oculis suis non ha-
 bens, nec acerbissimas Pœnas & Punitiones con-
 tra Malefactores per Leges & Statuta hujus
 Regni Angliæ edita & provisâ, atque quotidie
 in Exemplum & Terrorem eorundem in Exe-
 cutionem posita, aequaliter verens; sed Instiga-
 tione Diabolicâ motus & seductus, machinans &
 intendens quendam Thomam Overbury Militem,
 non solum in gravissimos, odiosissimos & peri-
 culosissimos Morbos inducere, verum etiam præ-
 fatum Thomam Overbury de Vitâ suâ felonice
 & voluntariè deprivare atque spoliare, & ne-
 quissimam Intentionem illam atque Animi sui
 impium propositum prædictum efficere; Nono
 die Maij Anno Regni nostri Angliæ, Franciæ,
 & Hiberniæ undecimo, & Scotiæ quadragesimo-
 sexto, apud Turrim London, in Parochiâ Om-
 nium Sanctorum Barking, in Warda Turris Lon-
 don, ex Malitia sua præcogitata, quoddam Ve-
 nenum Coloris subviridis & subflavi (Anglicè
 of a greenish and yellowish Colour) vocatum Rose-
 acre, in Manus suas obtinuerit & acquisiverit:
 Ac prædictus Ricardus Weston, eisdem Die & An-
 no apud Turrim London prædictam in Parochia
 & Warda prædictis, sciens prædictum Venenum,
 vocatum Roseacre fore Venenum mortale, idem
 Ricardus Weston Venenum prædictum vocatum
 Roseacre, cum quodam genere Jusculi (Anglicè
 Broth) in quodam Disculo per ipsum Ricardum
 Weston, ad tunc apud Turrim London prædictam,
 in Parochiâ & Wardâ prædictis, composuit &
 miscuit, & Jusculum prædictum cum Veneno
 prædicto, vocato Roseacre, ad tunc apud Turrim
 London prædictam in Parochia & Warda præ-
 dictis, vitiaverit & infecerit eâ Intentione, ut
 idem Ricardus Weston præfatum Thomam Over-
 bury cum Veneno prædicto, sic, ut præfertur,
 composito & mixto, interficeret & murdraret.
 Et prædictus Ricardus Weston, Jusculum præ-
 dictum sic per ipsum Ricardum Weston, ut præ-
 fertur, vitiatum & infectum, & cum Veneno
 prædicto compositum & mixtum, præfato Thomæ
 Overbury, ad tunc apud Turrim London præ-
 dictam, in Parochiâ & Wardâ prædictis, felo-
 nicè, voluntariè & ex Malitia sua præcogitata,
 tanquam salubre Jusculum ad edendum præ-
 buerit & dedit: Super quo prædictus Thomas
 Overbury credens prædictum Jusculum, sic, ut
 præfertur, cum Veneno prædicto per præfatum

Ricardum Weston compositum, mixtum, vitiatum
 & infectum, fore salubre, idem Thomas Overbury
 postea, scilicet, eisdem Die & Anno apud Turrim
 London prædictam, in Parochiâ & Wardâ præ-
 dictis, prædictum Jusculum sic, ut præfertur,
 per præfatum Ricardum Weston, cum Veneno
 prædicto compositum, mixtum, vitiatum & in-
 fectum, ad tunc apud Turrim London, in Paro-
 chia & Warda prædictis, ceperit & comederit.

Cumque etiam prædictus Ricardus Weston
 postea, scilicet, primo Die Junii Annis undecimo
 & quadragesimo-sexto suprædictis, in Parochia
 & Warda prædictis, ex Malitia sua præcogitata,
 quoddam aliud Venenum in Pulvere vocatum
 white Arsenick, in Manus suas obtinuerit & ac-
 quisiverit, & prædictus Ricardus Weston ad tunc,
 scilicet, prædicto primo Die Junii Annis supra-
 dictis, sciens prædictum Pulverem, vocatum
 white Arsenick, fore mortale Venenum, idem
 Ricardus Weston, eâ Intentione ut idem Ricardus
 Weston cum Veneno prædicto, vocato white
 Arsenick, præfatum Thomam Overbury magis
 celeriter interficeret & murdraret, Venenum
 illud, vocatum white Arsenick, tanquam salubrem
 pulverem, ad edendum præfato Thomæ Overbury
 ad tunc, scilicet, prædicto primo Die Junii Annis
 suprædictis, apud Turrim London prædictam, in
 Parochia & Warda prædictis, felonice, volun-
 tariè & ex Malitia sua præcogitata, præbuerit &
 dedit; super quo prædictus Thomas Overbury,
 credens prædictum Pulverem, vocatum white
 Arsenick, fore salubrem Pulverem, idem Thomas
 Overbury Pulverem prædictum, vocatum white
 Arsenick, ad tunc, scilicet, prædicto primo Die
 Junii Annis suprædictis, apud Turrim London
 prædictam, in Parochia & Warda prædictis,
 sumpserit & comederit.

Cumque etiam prædictus Ricardus Weston
 postea, scilicet, decimo Die Julii Annis undecimo
 & quadragesimo-sexto suprædictis, apud Turrim
 London prædictam, in Parochia & Warda præ-
 dictis, ex Malitia sua præcogitata, quoddam
 alium Venenum, vocatum Mercury sublimate, in
 manus suas obtinuerit & acquisiverit, ac præ-
 dictus Ricardus Weston ad tunc, scilicet, præ-
 dicto decimo Die Julii Annis suprædictis, apud
 Turrim London prædictam, in Parochia & Warda
 prædictis, sciens Venenum prædictum, vocatum
 Mercury sublimate, fore mortale Venenum, idem
 Ricardus Weston postea, scilicet, prædicto decimo
 Die Julii Annis suprædictis, apud Turrim London
 prædictam, in Parochia & Warda prædictis, Ve-
 nenum prædictum, vocatum Mercury sublimate in
 Placentis, Anglicè Tarts, posuerit; & Venenum
 prædictum, vocatum Mercury sublimate cum Pla-
 centis illis ad tunc, scilicet, prædicto decimo
 Die Julii Annis suprædictis, apud Turrim London
 prædictam in Parochia & Warda prædictis, miscu-
 erit; & Placentas prædictas cum Veneno prædicto,
 vocato Mercury sublimate ad tunc, scilicet, præ-
 dicto decimo Die Julii Annis suprædictis, apud
 Turrim London prædictam in Parochia & Warda
 prædictis, vitiaverit & infecerit, eâ Intentione ut
 idem Ricardus Weston præfatum Tho. Overbury
 cum Veneno prædicto, vocato Mercury sublimate
 sic, ut præfertur, per præfatum Ricard. Weston in
 Placentis prædictis posito, & cum Placentis præ-
 dictis sic, ut præfertur, mixto, magis celeriter
 interficeret & murdraret. Et prædictus Ricardus
 Weston prædictas Placentas sic, ut præfertur, per
 præfatum Ricardum Weston cum Veneno præ-
 dicto, vocato Mercury sublimate mixtas, vitiatas

& infectas postea, scilicet, prædicto decimo die
 Julii, annis undecimo & quadragesimo-sexto
 prædictis apud Turrim London prædictam, in
 parochia & warda prædictis, felonice, voluntariè
 & ex Malitia sua præcogitata tanquam salubrem
 placentam præfato Thomæ Overbury ad edendum
 præbuerit & dederit; super quo prædictus Thomas
 Overbury, credens prædictas placentas sic, ut præ-
 fertur, per præfatum Ricardum Weston cum Ve-
 neno prædicto, vocato Mercury Sublimate, mixtas,
 vitiatas & infectas, fore salubres placentas; idem
 Thomas Overbury postea, scilicet, prædicto decimo
 die Julii, annis undecimo & quadragesimo-sexto
 supradictis, apud Turrim London prædictam, in
 parochia & warda prædictis, placentas prædictas
 sic, ut præfertur, per præfatum Ricardum Weston,
 cum Veneno prædicto, vocato Mercury Sublimate,
 mixtas, vitiatas & infectas sumpserit & comederit.
 Cumque etiam prædictus Ricardus Weston, &
 quidam homo ignotus existens Pharmacopola,
 (Anglicè, an Apothecary) Deum præ oculis suis
 non habentes, sed instigatione Diabolicâ moti &
 seducti, postea, scilicet, quarto-decimo die Sep-
 tembris, anno regni nostri Angliæ, Franciæ &
 Hiberniæ undecimo, & Scotiæ quadragesimo-sep-
 timo, apud Turrim London prædictam, in paro-
 chia & warda prædictis, ex Malitiis suis præco-
 gitatis, quoddam Venenum, vocatum Mercury
 Sublimate in manus suis obtinuerunt & acquisive-
 runt, ac prædictus Ricardus Weston & præfatus
 Pharmacopola ad tunc, scilicet, prædicto quarto
 decimo die Septembris, annis undecimo & quadra-
 gesimo-septimo supradictis, scientes prædictum
 Venenum, vocatum Mercury Sublimate, ultimò
 mentionatum, fore Mortale Venenum, idem Ri-
 cardus Weston & præfatus Pharmacopola postea,
 scilicet, prædicto quarto-decimo die Septembris,
 annis undecimo & quadragesimo-septimo supra-
 dictis, apud Turrim London prædictam, in paro-
 chia & warda prædictis, Venenum prædictum,
 vocatum Mercury Sublimate, ultimò mentionatum
 in quoddam Clisterium (Anglice a Clister) ma-
 litiosè, diabolicè, felonice & voluntariè imposue-
 rint, & Clisterium prædictum cum Veneno præ-
 dicto, vocato Mercury Sublimate, ultimo mentio-
 nato ad tunc, scilicet, quartodecimo die Septem-
 bris, annis undecimo & quadragesimo-septimo
 supradictis, apud Turrim London prædictam in
 parochia & warda prædictis, vitiaverint & infe-
 cerint, ea intentione ut idem Ricardus Weston &
 præfatus Pharmacopola, præfatum Thomam Over-
 bury cum Veneno prædicto, vocato Mercury Sub-
 limate, ultimo mentionato, sic ut præfertur, in
 Clisterium prædictum, per præfatum Ricardum
 Weston & prædictum Pharmacopolam, impositum
 magis celeriter interfecerent & murdrarent; & præ-
 dictus Pharmacopola pro iniquo lucro viginti li-
 brarum ei in ea parte dandarum & solvendarum,
 Clisterium prædictum sic ut præfertur, per præ-
 fatum Ricardum Weston & ipsum Pharmacopolam
 prædictum, cum Veneno prædicto, vocato Mer-
 cury Sublimate, ultimo mentionato vitiatum & infe-
 ctum præfato Thomæ Overbury, tanquam bonum,
 medicabile & salutare Clisterium pro corpore
 ipsius Thomæ Overbury ad tunc, scilicet, prædicto
 quarto-decimo die Septembris, annis undecimo &
 quadragesimo-septimo supradictis, apud Turrim
 London prædictam, in parochia & warda prædictis,
 felonice, voluntariè, & ex Malitia sua præcogi-
 tata suppeditaverint (Anglicè, did minister) & in
 intestina (Anglicè, the Guts) ipsius Thomæ Overbury

infuderint (Anglicè, did infuse and put up;) & quod
 prædictus Ricardus Weston ad tunc, scilicet, præ-
 dicto quarto-decimo die Septembris, annis undeci-
 mo & quadragesimo-septimo supradictis, apud
 Turrim London prædictam, in parochia & warda
 prædictis, felonice, voluntariè, & ex Malitia sua
 præcogitata, fuerit præfatus & auxilians eidem
 Pharmacopolæ in suppeditatione & infusione præ-
 dicti Clisterii sic, ut præfertur, per præfatum
 Ricardum Weston & prædictum Pharmacopolam
 cum Veneno prædicto, vocato Mercury Sublimate
 ultimo mentionato, vitiati & infecti, in intestina
 prædicti Thomæ Overbury; & quod immediatè,
 tam post prædictas separales captiones & comestu-
 ras separalium Venenorum prædictorum, per præ-
 fatum Thomam Overbury in forma prædicta, quam
 post prædictam infusionem & suppeditationem
 Clisterii prædicti in intestina prædicti Thomæ
 Overbury, per præfatum Pharmacopolam in forma
 prædicta, idem Thomas Overbury apud Turrim
 London prædictam, in parochia & warda prædictis
 ægrotaverit, & in diversa genera morborum, tam
 ratione prædictarum captionum & comesturarum
 separalium Venenorum prædictorum per prædic-
 tum Thomam Overbury in forma prædicta, quam
 ratione Infusionis & Suppeditationis Clisterii præ-
 dicti in Intestina ipsius Thomæ Overbury, per præ-
 fatum Pharmacopolam in forma prædicta, inci-
 derit, & in Corpore suo variè distemperatus &
 disturbatus devenerit: Et prædictus Thomas Over-
 bury de separalibus Venenis prædictis & opera-
 tione inde prædictis separalibus temporibus, tam
 captionis & comesturæ separalium Venenorum
 prædictorum per præfatum Thomam Overbury in
 forma prædicta, quam prædictæ Infusionis & Sup-
 peditationis Clisterii prædicti in Intestina ipsius
 Thomæ Overbury per præfatum Pharmacopolam
 in forma prædicta usque in quintum-decimum
 diem Septembris, anno regni nostri Angliæ, Fran-
 ciæ & Hiberniæ undecimo, & Scotiæ quadragesi-
 mo-septimo supradictis, apud Turrim London præ-
 dictam, in parochia & warda prædictis, graviter
 languebat & intoxicatus fuit; quo quidem quinto-
 decimo die Septembris, annis undecimo & quadra-
 gesimo-septimo supradictis, prædictus Thomas
 Overbury apud Turrim London prædictam in paro-
 chia & warda prædictis de separalibus Venenis
 prædictis obiit venenatus: Et sic prædictus Ricar-
 dus Weston præfatum Thomam Overbury modo &
 forma supradictis, felonice, voluntariè & ex Mali-
 tia sua præcogitata, venenaverit, interfecerit &
 murdraverit, contra Pacem nostram, Coronam
 & Dignitatem nostras, & in Jurium & Legum
 nostrarum contemptum manifestum, & in pessim-
 um exemplum omnium aliorum in tali casu de-
 linquentium, nec non contra formam Statuti in
 hujusmodi casu editi & provisi.

Robertus Karr nuper Comes Somerset, per no-
 men Roberti Comitis Somerset nuper de parochia
 Sanctæ Margaretæ in Westm. in Comite Middlesex
 indictatus fuit, pro eo quod ipse, Deum præ ocu-
 lis suis non habens, sed instigatione Diabolicâ mo-
 tus & seductus, ante Feloniam & Murdrum præ-
 dicta, per præfatum Ricardum Weston modo &
 forma prædictis felonice facta & perpetrata (vi-
 delicet) octavo die Maii anno regni nostri Angliæ,
 Franciæ & Hiberniæ undecimo, & Scotiæ qua-
 dragesimo-septimo supradictis, prædictum Ricardum
 Weston, apud prædictam parochiam Sanctæ Mar-
 garetæ in Westm. in dicto Comite Middlesex ad Fe-
 loniam & Murdrum prædicta modo & forma præ-
 dictis

‘ dictis facienda & perpetranda malitiosè, felonice,
 ‘ voluntariè & ex Malitiâ suâ præcogitatâ, incita-
 ‘ vit, movit, præcepit, conduxit, auxiliatus fuit,
 ‘ abbetavit, procuravit & consuluit contra Pacem
 ‘ nostram, Coronam & Dignitatem nostras, nec non
 ‘ contra formam Statuti in hujusmodi casu editi &
 ‘ provisi, prout per Indictamentum prædictum in
 ‘ Curiâ nostrâ coram nobis de Recordo remanens,
 ‘ plenius liquet & apparet.

‘ Cumque præfatus *Robertus Karr* nuper Comes
 ‘ *Somerfet*, super prædictam Inquisitionem in modo
 ‘ & forma prædictis captam, de & super Accessa-
 ‘ riis Feloniæ & Murdri prædictorum, ante Felo-
 ‘ niam & Murdrum illa facta & perpetrata in ea-
 ‘ dem Inquisitione contenta mentionata, arreçtatus,
 ‘ convictus, attinctus & adjudicatus existit, prout
 ‘ per Recordum inde plenius liquet & apparet.

‘ Sciatis quòd Nos,

‘ Oculis verè regis & gratiosis Præmissa intuen-
 ‘ tes, nec non gratissima & fidelissima servitia quæ
 ‘ *Thomas Karr de Farniberst* in Regno nostro *Scotie*
 ‘ Miles, Pater præfati *Roberti* nuper Comitis *So-*
 ‘ *merfet*, tam præcharissimæ Matri nostræ Dominæ
 ‘ *Mariæ* nuper *Scotie & Francie* Reginæ, ob cujus
 ‘ causam prædictus *Thomas Karr* exilium & fortu-
 ‘ narum suarum jacturam & ruinas constanti Animo
 ‘ & Fide passus est, quam nobis ipsis summa cum
 ‘ Fide & Alacritate multifariè præstiterit, Animo
 ‘ benigno recolentes, Pietate etiam moti erga ip-
 ‘ sum nuper Comitem *Somerfet* & innocentem So-
 ‘ bolem suam; qui etiam ipsi *Robertus* multa Fi-
 ‘ delia & perquam acceptabilia Servitia Nobis ante-
 ‘ hac impendit.

‘ De Gratia nostra speciali, ac ex certâ Scientia
 ‘ & mero Motu nostris, pardonavimus, remisimus,
 ‘ & relaxavimus, ac per præsentem, pro Nobis, Hæ-
 ‘ redibus & Successoribus nostris, pardonamus,
 ‘ remittimus & relaxamus præfato *Roberto Karr*
 ‘ nuper Comiti *Somerfet*, aliàs dicto *Roberto* com-
 ‘ munitè dicto Comiti *Somerfet*, aliàs dicto *Roberto*
 ‘ nuper Comiti *Somerfet*, aut quocunque alio No-
 ‘ mine, Cognomine, sive Additione Nominis vel
 ‘ Cognominis Officii, Honoris, Dignitatis, Loci
 ‘ vel Locorum idem *Robertus Karr* sciatur, cen-
 ‘ seatur, vocetur sive nuncupetur, aut nuper scieba-
 ‘ tur, censetur, vocabatur sive nuncupabatur,
 ‘ omnes & omnimodas Conspirationes, Felonias,
 ‘ Abattationes, Procurationes, Incitationes, Mo-
 ‘ tiones, Confortationes, Manutationes, Præcep-
 ‘ tiones, Auxiliationes, Conductiones, Mandata,
 ‘ Consilia, Crimina, Transgressiones, Malefacta,
 ‘ Offensa & Delicta quæcunque in Indictamento
 ‘ sive Inquisitione prædicta specificata, Mortem,
 ‘ Occisionem, Necem, Venenationem, Intoxicatio-
 ‘ nem, Feloniam, & feloniam Interfectionem præ-
 ‘ dicti *Thomæ Overbury* Militis, in aliquo tangentia
 ‘ sive concernentia: Ac Accessaria eorundem tam
 ‘ ante Factum quam post Factum, ac Fugam &
 ‘ Fugas superinde factas, licet idem *Robertus Karr*
 ‘ nuper Comes *Somerfet* de Præmissis vel aliquo
 ‘ Præmissorum indictatus, impetitus, appellatus,
 ‘ arreçtatus, utlagatus, convictus, condemnatus;
 ‘ attinctus sive adjudicatus existit vel non existit, aut
 ‘ inde indictari, impetiri, appellari, rectari, utla-
 ‘ gari, convinci, condemnari, attingi sive adju-
 ‘ dicari contigerit in futurum; ac omnia & singula
 ‘ Indictamenta, Judicia, Condemnationes, Execu-
 ‘ tiones, Pœnas Mortis, Pœnas Corporales, Pec-
 ‘ niarias Punitiones, Imprisonamentas, Restrictio-
 ‘ nes ad locum certum vel loca certa (Anglicè

‘ *Confining*) Pœnas & Pœnalitates quascunque, de,
 ‘ pro, sive concernentes Mortem, Occisionem, Necem,
 ‘ Venenationem, Intoxicationem, Feloniam, & fe-
 ‘ loniam Interfectionem prædicti *Thomæ Overbury*
 ‘ Militis, in aliquo tangentia sive concernentia:
 ‘ Ac Accessaria eorundem tam ante Factum quam
 ‘ post Factum, ac Fugam & Fugas superinde Fac-
 ‘ tas, licet idem *Robertus Karr* nuper Comes *So-*
 ‘ *merfet* de Præmissis vel aliquo Præmissorum in-
 ‘ dictatus, impetitus, appellatus, arreçtatus, utlaga-
 ‘ tus, convictus, condemnatus, attinctus sive adju-
 ‘ dicatus existit vel non existit; aut inde indictari,
 ‘ impetiri, appellari, rectari, utlagari, convinci,
 ‘ condemnari, attingi sive adjudicari contigerit in
 ‘ futurum; ac omnia & singula Indictamenta, Judi-
 ‘ cia, Condemnationes, Executiones, Pœnas Mortis,
 ‘ Pœnas Corporales, Pecunarias Punitiones, Im-
 ‘ prisonamenta, Restrictiones ad Locum certum
 ‘ vel Loca certa (Anglicè *Confining*) Pœnas & Pœ-
 ‘ nalitates quascunque, de, pro, sive concernentes
 ‘ Mortem, Occisionem, Necem, Venenationem, In-
 ‘ toxicationem, Feloniam & feloniam Interfec-
 ‘ tionem prædicti *Thomæ Overbury* Militis, in, su-
 ‘ per vel versus ipsum *Robertum Karr* nuper Comi-
 ‘ tem *Somerfet* habita, facta, reddita, sive adjudicata,
 ‘ aut imposterum habenda, fienda, reddenda, sive
 ‘ adjudicanda; aut quæ Nos versus ipsum *Robertum*
 ‘ *Karr* nuper Comitem *Somerfet*, pro Præmissis vel
 ‘ aliquo Præmissorum habuimus, habemus seu im-
 ‘ posterum habere potuimus, aut Hæredes vel Suc-
 ‘ cessores nostri ullo modo habere poterint in fu-
 ‘ turum.

‘ Pardonavimus insuper, ac pro Nobis, Hæredibus
 ‘ & Successoribus nostris remittimus, pardonamus &
 ‘ relaxamus præfato *Rob. Karr* nuper Com. *Somerfet*
 ‘ omnes & singulas Utlagaria, si quæ verius præ-
 ‘ dictum *Rob. Karr* nuper Comitem *Somerfet*, ratione
 ‘ sive occasione præmissorum, sive eorum alicujus
 ‘ promulgatæ fuerint, sive imposterum erint pro-
 ‘ mulgandæ; ac omnes & omnimodas Sectas, Que-
 ‘ relas, Impetitiones & Demanda quæcunque, quæ
 ‘ Nos, versus ipsum *Robertum Karr* nuper Comitem
 ‘ *Somerfet*, pro Præmissis vel aliquo Præmissorum
 ‘ habuimus, habemus, seu in futurum habere po-
 ‘ tuerimus: Sectamque Pacis nostræ quæ ad nos
 ‘ versus ipsum *Robertum Karr* nuper Comitem *So-*
 ‘ *merfet* pertinet seu pertinere poterit ratione præ-
 ‘ missorum, sive eorum alicujus, & firmam Pacem
 ‘ nostram eidem *Roberto Karr* nuper Comiti *So-*
 ‘ *merfet* damus & concedimus per Præsentem.

‘ Nolentes quòd idem *Robertus Karr* nuper Co-
 ‘ mes *Somerfet*, per Vicecomites, Justiciarios, Es-
 ‘ cautores, Ballivos sive alios Ministros nostros oc-
 ‘ casionibus prædictis seu eorum aliquo, molestetur,
 ‘ occasionetur, perturbetur, seu in aliquo gravetur,
 ‘ licet idem *Robertus Karr*, nuper Comes *Somerfet*,
 ‘ non inveniat sufficientes Manuptiones sive Securi-
 ‘ tates, juxta formam & effectum cujusdam Actus
 ‘ in Parlamento Domini *Edwardi* nuper Regis
 ‘ *Angliæ* Tertii Progenitoris nostri, Anno Regni
 ‘ sui decimo, apud *Westmonasterium* tento, editi, de se
 ‘ bene gerendo, exnunc, erga Nos, Hæredes & Suc-
 ‘ cessores nostros & cunctum Populum nostrum.

‘ Sciatis ulterius quòd nos, de uberiori Gratiâ
 ‘ nostrâ speciali, & ex certâ Scientiâ & mero Motu
 ‘ nostris, pro Nobis, Hæredibus & Successoribus no-
 ‘ stris concedimus præfato *Roberto Karr*, nuper
 ‘ Comiti *Somerfet*, & Hæredibus suis, quantum in
 ‘ nobis est, quòd idem *Robertus Karr*, nuper Co-
 ‘ mes *Somerfet*, de cætero plenè & integrè ad-
 ‘ judicetur, habeatur & reputetur in lege de &
 ‘ in

' in eisdem hujusmodi & consimilibus honore,
 ' statu, ordine, dignitate, stilo, sanguine, & loco
 ' honoris & præcedentiæ, ad omnes intentiones &
 ' proposita, ac si prædictæ feloniam, venenatio, in-
 ' toxicatio & felonica interfectio præfati *Thomæ*
 ' *Overbury*, militis & accessaria eorundem, & præ-
 ' dictæ conspirationes, feloniam, abettationes, pro-
 ' curationes, incitationes, motiones, confortationes,
 ' proscriptiones, auxiliations, condemnationes,
 ' mandata, consilia, & alia malefacta, transgressiones
 ' & offensæ, per ipsum, per se solum, aut cum
 ' aliis nunquam facta commissa sive perpetra-
 ' ta fuissent, & prout prædictæ convictiones, con-
 ' demnationes, judicia, utlagaria sive attincturæ
 ' nunquam habita, data, seu promulgata fuissent :
 ' Aceundem *Robertum Karr*, nuper Comitem
 ' *Somerset*, & hæredes suos ad omnia & singula
 ' dignitates, status, præheminentias sanguinis, loci
 ' honoris, ordinis & præcedentia quæcunque, quæ
 ' idem *Robertus Karr*, nuper Comes *Somerset*,
 ' ratione aliquorum prædictorum convictionum,
 ' judiciorum, utlagariarum sive attincturarum, seu
 ' eorum alicujus, amisit seu forisfecit plenariè
 ' quantum in nobis est damus, reddimus & re-
 ' stituimus per Præsentes, adeo plenè, liberè &
 ' integrè ad omnes intentiones & proposita, ac
 ' si idem *Robertus Karr*, nuper Comes *Somerset*,
 ' prædicta Felonia aut alia Malefacta nunquam com-
 ' misisset aut perpetrasset ; aut pro eidem indic-
 ' tatus, arrestatus, convictus, utlagatus aut attinctus
 ' nunquam extitisset : quodque idem *Robertus*
 ' *Karr*, nuper Comes *Somerset*, & hæredes sui
 ' de cætero & deinceps (quantum in nobis est)
 ' sunt & erunt in lege capaces & habiles in san-
 ' guine, ac de cætero & deinceps fore hæredes
 ' ad omnes & singulos antecessores lineales sive
 ' collaterales suos quoscunque, & (quantum in
 ' nobis est) ad petendum, habendum, hæreditan-
 ' dum & gaudendum omnia & singula, honores,
 ' maneria, dominia, terras, jura, titulos, actiones &
 ' hereditamenta quæcunque impostèrùm descen-
 ' dentia seu devenientia, per descensum hæredi-
 ' tarium ab aliquo antecessorum suorum quorum-
 ' cunque.

' Et ulterius de ampliori Gratiâ nostrâ speciali,
 ' ac ex certa scientiâ & mero motu nostris volumus
 ' & concedimus per præsentes, pro Nobis, hæ-
 ' redibus & successoribus nostris, præfato *Roberto*
 ' *Karr*, nuper Comiti *Somerset*, hæredibus & af-
 ' signatis suis, quod hæ Literæ nostræ Patentis,
 ' & omnia & singula in eisdem contenta vel ir-
 ' rotulamentum earundem, erunt in omnibus &
 ' per omnia firmæ, validæ, bonæ, sufficientes &
 ' effectuales in lege erga & contra nos, hæredes
 ' & successores nostros, tam in omnibus curiis no-
 ' stris quam alibi infra Regnum nostrum *Ang-*
 ' *liæ*, absque aliquibus Confirmationibus, Licen-
 ' tiis vel Tolerationibus, de Nobis, hæredibus vel
 ' successoribus nostris per prædictum *Robertum*
 ' *Karr*, nuper Comitem *Somerset*, aut hæredes
 ' sive assignatos suos, procurandis vel obtinen-
 ' dis ; quodque impostèrùm idem *Robertus Karr*,
 ' nuper Comes *Somerset*, ullo modo non judice-
 ' tur, arrestetur, impetatur, vexetur, seu grave-
 ' tur de, pro, vel concernente mortem, occisio-
 ' nem, necem, venenationem prædicti *Thomæ O-*
 ' *verbury* militis qualitercunque, seu quocunque
 ' modo idem *Thomas Overbury* miles ad mor-
 ' tem suam devenerit : Non obstante statuto in
 ' Parlamento Domini *Ricardi*, nuper Regis
 ' *Angliæ* secundi, Anno Regni sui decimo ter-

' tio, tento, Edito : Et non obstante male
 ' aut non vere recitando vel mentionando præ-
 ' dictum Indictamentum sive Inquisitionem su-
 ' perius in præsentibus mentionatum, vel ali-
 ' quam inde Parcellam : Et non obstante non
 ' recitando vel non mentionando aliquam inqui-
 ' sitionem de, pro, aut concernentem præmissa
 ' per præsentis pardonata sive relaxata, aut eo-
 ' rum aliquod vel aliqua, aut aliquo alio Sta-
 ' tuto, Actu, Ordinatione, Provisione, Restricti-
 ' one, Materiâ vel Re, in contrarium inde non
 ' obstantibus.

In Cujus Rei, &c.

Teste Rege apud *Westmonasterium* septimo
die *Octobris*.

Per Breve de Privato Sigillo.

When King *Charles* came to the Crown, *Somerset* used great Sollicitations for the Recovery of his Estate ; for which end he presented the following Petition.

To the King's most Excellent Majesty : The humble
Petition of Robert Earl of Somerset.

Sheweth,

' THAT in the Year 1616, after your Peti-
 ' tioner's Troubles were over, the King
 ' (your Majesty's Father) was pleased by the Earl
 ' of *Suffolk*, the Lord Treasurer, the Earl of *Wor-*
 ' *cester*, Lord Privy-Seal, and the Duke of *Rich-*
 ' *mond*, Lord Steward, to make known to your
 ' Petitioner his favourable Intentions towards him,
 ' as well touching his Pardon and Inlargement, and
 ' the Payment of his Debts, as for his Estate, of
 ' which they shewed him that his Majesty did mean
 ' to take some part to the Crown ; but would make
 ' up to your Petitioner in other Lands to as much
 ' in Value : and in particular, that with a Manor
 ' which he had in *Northamptonshire*, of a Thousand
 ' Pounds *per Ann.* there was four Thousand Pound
 ' of the King's Lands to be given him, which
 ' should be improvable, and be esteem'd at six
 ' Thousand Pounds *per Ann.* But your Petitioner,
 ' in that he had never taken any Lands of Gift
 ' from the King, as for some other Reasons, did
 ' delay to take hold of that Offer, desiring that he
 ' might be allow'd to keep that Estate which he
 ' had formerly got, without Prejudice to his Ma-
 ' jesty or any Person. In which Hope he rested,
 ' until he found that some Pieces of it had been
 ' disposed of. Whereupon, being urged by his
 ' Wife's Friends, he was content, in the behalf of
 ' her and his Daughter, to give way that they
 ' should sue to his Majesty for the Performance of
 ' that which had been proffer'd to your Petitioner ;
 ' but in that he would not appear therein himself,
 ' (doubting lest that might be understood to imply
 ' an Assent on his part to that which had been done
 ' with his Estate) it was given otherwise than as
 ' it was at first intended. Notwithstanding where-
 ' of, and that your Petitioner continued in the same
 ' mind, without craving any Reparation therein
 ' for the space of eight or nine Years after, yet he
 ' found cause at last to sue both for his Freedom
 ' and Pardon, and for that Part of his Estate which
 ' rested in the Crown ; which Pardon he had not
 ' above four Months before God took the King.
 ' And

‘ And his Majesty being moved a little before
 ‘ concerning your Petitioner’s Estate, (he being
 ‘ then at *New-Market*) professed that he would
 ‘ give Order therein at his coming to *Whitehall*;
 ‘ which it pleased God to prevent.

‘ Since that time he hath sued to your Majesty
 ‘ by the Duke of *Buckingham*, the Earl of *Port-*
 ‘ *land*, and afterwards by my Lord of *Canterbury*,
 ‘ my Lord of *Cottingham*, and others. At the Mar-
 ‘ riage of his Daughter with the now Earl of *Bed-*
 ‘ *ford*, he was by the Dutcheſs of *Buckingham* and
 ‘ the Earl of *Pembroke* desired, for Reasons they
 ‘ then gave him, not to press your Majesty there-
 ‘ in at that time; being assured by them, that
 ‘ whatsoever he had to demand justly of your Ma-
 ‘ jesty, or should make appear to have been meant
 ‘ of him by your Father, you would do him right
 ‘ in it. Whereupon he went on, and engaged him-
 ‘ self to the late Earl of *Bedford*, and for his Use,
 ‘ in which he stands yet bound, to his exceeding
 ‘ great Prejudice: All which notwithstanding, and
 ‘ that he afterwards did petition your Majesty for
 ‘ a Reference in this same Cause, yet he could not
 ‘ then neither obtain any.

‘ Your Petitioner humbly prayeth, That your
 ‘ Majesty will be pleased to take into your Consi-
 ‘ deration this Suit of his, of a nature far differing
 ‘ from all others that are made to you; that which
 ‘ he craves being only the Performance of what
 ‘ your Father intended for him, in lieu of so much
 ‘ as he had taken of his, and the same no other-
 ‘ wise in your Majesty to give him, than as he hath
 ‘ forborn to take hold of it; and for which your
 ‘ Majesty may conceive there hath been a Cause,
 ‘ and that not a common one, which had made
 ‘ him so long dispute with himself the Receipt of
 ‘ so great a Benefit, and wherein his whole For-
 ‘ tune consisted, and all that he had been getting
 ‘ for many Years. However, he being the first
 ‘ that hath left in the Crown that which he might
 ‘ have had from it, may well hope that his Consi-

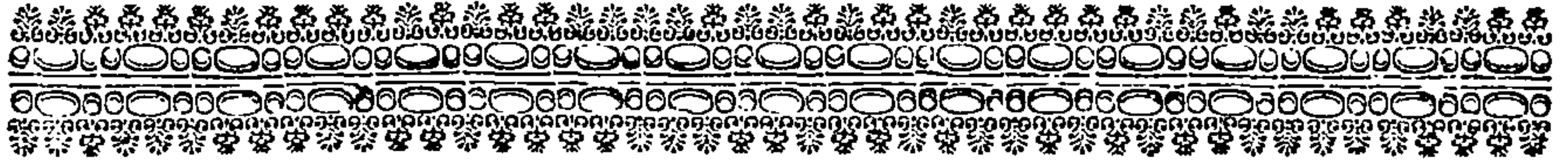
‘ dence will not be imputed to him for a Crime, or
 ‘ that your Majesty (if he had thereby given you
 ‘ any Advantage) would think fit to make use of
 ‘ it, against one whom you may have cause to find,
 ‘ when it comes to be enquired into, that he hath
 ‘ been more than any trusted by the Crown, and
 ‘ hath more Proofs to shew than any other, that
 ‘ he hath deserved well of the King your Father,
 ‘ of your Majesty, and of all these your three
 ‘ Kingdoms.

‘ His last and humble Suit to your Majesty is,
 ‘ That in respect of the many Crosses he hath met
 ‘ with in this present Cause, and that Time hath
 ‘ taken away those great Men before-mentioned,
 ‘ as also the Earl of *Carlisle* and others, that were
 ‘ employed by the King to your Petitioner, or pre-
 ‘ sent when he received his Message from the
 ‘ Lords, there remaining only now some noble
 ‘ Persons of a greater Number in this Kingdom,
 ‘ that can testify so much as will give Credit to
 ‘ that which is deliver’d here; that your Majesty
 ‘ will therefore please to be inform’d by them
 ‘ what your Petitioner hath further to say herein
 ‘ for himself, and what they themselves can re-
 ‘ port touching the Intentions of the King, your
 ‘ Majesty’s Father, towards him in this Particular
 ‘ which is now sought of you: That after the ma-
 ‘ ny Losses he hath sustained by his want of Access
 ‘ to your Majesty, and the Assistance of those a-
 ‘ bout you, such Course may be taken now at
 ‘ length by your Majesty for the repairing him a-
 ‘ gain, either out of that Estate which was his own,
 ‘ or otherwise, as may accord with the Purpose
 ‘ of the King your Father, with your Majesty’s
 ‘ Justice, and is due to the Demand of your
 ‘ Petitioner.

*And he shall pray for your Majesty’s long and
 happy Reign.*

The Request of this Petition was never granted,
 and he and his Countess both died in Obscurity.





XXX. Proceedings in Parliament against Francis Bacon Lord Verulam, Viscount St. Albans, Lord-Chancellor of England, upon an Impeachment for Bribery and Corruption in the Execution of his Office, March 19, &c. 1620. 18 and 19 Jac. I.

PROCEEDINGS in the House of Commons.

Jovis 15^o die Martii 1620.



MR Robert Phillips reports from the Committee appointed to enquire into Abuses in the Courts of Justice, viz.

I am commanded from the said Committee to render an Account of some Abuses in the Courts of Justice, which have been presented unto us. In that which I shall deliver, are three Parts.

First, The Person against whom it is alledged.

Secondly, The Matter alledged.

Thirdly, The Opinion of the Committee.

1. The Person against whom it is alledged, is no less than the Lord Chancellor*, a Man so endued with all Parts, both of Nature and Art, as that I will say no more of him; being not able to say enough.

2. The Matter alledged, is Corruption.

3. The Persons by whom this is presented to us, are two, viz. Awbrey and Egerton.

Awbrey's Petition saith, that he having a Cause depending before the Lord Chancellor, and being tir'd by Delays, was advised by some that are near my Lord, to quicken the way by more than ordinary Means, viz. by presenting my Lord with one hundred Pounds.

The poor Gentleman, not able by any means to come to his wish'd-for Port, struck Sail at this, and made a shift to get an hundred Pounds from the Usurer; and having got it, went with Sir George Hastings and Mr. Jenkins to Grays-Inn: and being come to my Lord's House, they took the Money of him, and carry'd it in to my Lord Chancellor, and came out to him again, saying, my Lord, was thankful, and assured him of good Success in his Business.

Sir George Hastings acknowledgeth the giving of Advice, and carrying in of the Money to my Lord,

and saith he presented it to my Lord as from himself, and not from Awbrey.

This is all confirm'd by divers Letters, but it wrought not the Effect which the Gentleman expected; for notwithstanding this, he was still delay'd.

Egerton sheweth, that he desiring to procure my Lord's Favour, was persuaded by Sir George Hastings and Sir Richard Young, to present my Lord with a Sum of Money.

Before this Advice, he had given a Present of 52 l. and odd Shillings in Plate, as a Testimony of his Love; but is doubtful whether before his calling to the Seal, or since: But now by mortgaging his Estate he got up 400 l. and sends for Sir George Hastings and Sir Richard Young, desires their Assistance in presenting this Money, and told them how much it was.

They took it and carry'd it to my Lord Chancellor as a Gratuity from the Gentleman; for that my Lord (when he was Attorney) stood by him. My Lord (as they say) started at first, saying it was too much, he would not take it; but at length was persuaded, because it was for Favours past, and took it, and the Gentlemen return'd him Thanks; saying that their Lord said, that he did not only enrich him, but laid a Tie on him to assist him in all just and lawful Business.

Sir George Hastings and Sir Richard Young acknowledged the Receiving and Delivery of the Purse; but said they knew not what was in it.

Then a Question was proposed, Whether there were any Suit depending during those Offerings, either in the Chancery, or the Star-Chamber; but there was no certain Evidence of it.

Thus you see Corruption laid to the Charge of a Judge too, a great Judge; nay, to the Great Keeper of the King's Conscience.

Another Point came in by the by, shewing that some indirect Means are sometimes open (I fear too often) to the Courts of Justice.

It concerns no less a Man than a Divine, (who is now a Bishop †) but then called Dr. Field. Mr. Egerton and he being acquainted, and Mr. Egerton's Mind being troubled with the ill Success of his Business, vented it to the Divine, who (contrary

* Francis Lord Verulam, Viscount St. Albans.

† Bishop of Landaff.