IX.—*On certain Letters of Diego Sarmiento de Acuña, Count of Gondomar, giving an account of the affair of the Earl of Somerset, with Remarks on the career of Somerset as a public man. By SAMUEL RAWSON GARDINER, Esq., in a Letter to C. KNIGHT WATSON, Esq., M.A., Secretary.*

Read March 22nd, 1866.

MY DEAR SIR,

I have the honour to lay before the Society of Antiquaries copies and translations of some original documents from the archives of Simancas and Venice, relating to the passage of English history which formed the subject of a communication from Mr. Spedding on the 1st of March of the present year, and in doing so I can only regret that they were not before Mr. Spedding at the time when he was drawing up his Paper. In that case they would not merely have been in the hands of one who was most capable of making the best use of them, but they would have fallen into their natural place in the narrative which he prepared. He would have found in them the strongest confirmation of many of his arguments; but, amongst the new facts which would have thus been at his service, he would not have encountered one to necessitate the withdrawal or even the modification of a single statement.

As the case stands, it will, I think, be best that I should consider the papers in question as in some manner a supplement to Mr. Spedding's paper; and that, instead of attempting to tell the story over again with a few slight alterations, I should address myself to a question relating to Somerset's conduct which has, as yet, been almost untouched.

The absorbing interest which has been attracted by Somerset's private life has, perhaps, led us to undervalue the importance of the part which he took in the political history of the country.

To understand what that part was it will be necessary to go back to the date of the arrival of Sarmiento in England, in August 1613. He had been sent as a man likely to be successful in preventing the breach between England and Spain,

which appeared to be imminent. Ever since Philip had refused to give his daughter in marriage to Prince Henry, excepting on the condition that the bridegroom would declare himself a convert to the Roman Catholic Church, James had been drawing more closely the bonds which united him to the German Protestants, had given the Princess Elizabeth to the Elector Palatine, and after the death of his eldest son had opened negotiations for a marriage between Prince Charles and the sister of the King of France.

If there was ever in this world a born diplomatist it was Sarmiento, the man who under the name of the Count of Gondomar became afterwards so renowned in England and the world. Behind the ready wit and the courtly manner of a polished gentleman he concealed the iron will and the steadfastness of purpose with which he held in the grasp of his witchery the vacillating mind of James. Still more his own was the consummate skill with which he read the characters of those with whom he had to deal, by which he was enabled in each particular case to cover his hook with the appropriate bait. That without which all these qualities would have been wasted, was the inexhaustible patience with which he could resign himself to do nothing when the time for action had not yet arrived.

The first nine or ten months which he spent in England were passed by Sarmiento in masterly inaction. He wished to engage James in a renewal of the negotiations for the marriage; but he thought, justly, that after what had passed any proposition coming from him would be regarded with suspicion. It would be supposed that his sole object was to throw impediments in the way of the French alliance, with the expectation that any offers which he might make would be repudiated at Madrid as soon as they had served their purpose.

At the time when Sarmiento arrived in England Rochester (as Somerset was still called) was in firm union with the Howards. The Essex divorce case had nearly reached its termination. Overbury was a prisoner in the Tower, and had three or four weeks still to live.

"This Rochester," is Sarmiento's account of him in his first despatch, "is not, as they tell me, ill inclined towards the Catholic religion, nor does he wish to persecute the Catholics.^a He is not ill affected towards your Majesty, for which reason he is opposed to the Duke of Lennox and Lord Hay, who are of the French party, and derive large pensions from France."

The state of parties in the council with respect to the cardinal point of foreign policy, the marriage of Prince Charles, is described in Sarmiento's despatch of

^a Sarmiento to Philip III. ^{August 27.}
^{September 6,} 1613, Simancas MSS.

the 15th of January.^a Archbishop Abbot and the Chancellor Ellesmere stood alone in demanding that the future Queen of England should be a Protestant. The Scotchmen Lennox and Fenton upheld the traditional policy of their country, and with Lord Zouch and Sir Julius Cæsar supported the French alliance. The Howards, Northampton, Suffolk, and Nottingham, together with Suffolk's son-in-law Lord Knollys, Worcester, who was a confessed Roman Catholic, and Lord Wotton, who secretly held the same faith, now that a Spanish match seemed to be impossible, had fallen back upon a project of a marriage with a Princess of the house of Savoy. It was with this last party that Rochester had now identified himself since he had formed the design of marrying Lady Essex, the daughter of the Earl of Suffolk.

For the first four months after Sarmiento's arrival, however, no very close intercourse sprung up, so far as we know, between the favourite and the Spanish ambassador. On the 26th of December the marriage between Rochester, recently created Earl of Somerset, and the divorced poisoner of Sir Thomas Overbury, was solemnised at the Chapel Royal. Amongst the crowd who hastened to heap presents at the feet of the bride and bridegroom was to be found the Spaniard, who brought a jewel valued at 780*l.* for the Earl, and diamonds valued at 768*l.* for the Countess.^b Somerset, before venturing to accept the gift, asked permission of the King to do so.^c

A few days however after the marriage an overture was made by Somerset to the ambassador. He sent Cottington, who had recently been employed as English agent at Madrid, to recommend him to ask for an audience, in order to influence the King against the French alliance. Sarmiento knew his own business far too well to comply with this request.^d

On the 5th of April Sir John Digby, the ambassador at Madrid, returned from Spain in order to give account to the King of the names of the English pensioners of Spain. On the list which he produced were to be found four names of persons still alive and actually in receipt of Spanish gold. They were those of the Earl of Northampton Lord Privy Seal, of Sir William Monson the Admiral of the Narrow Seas, of Mrs. Drummond the confidante of the Queen, under whose influence Anne had all but openly declared her adhesion to the Roman Catholic Church, and of either the Earl or the Countess of Suffolk; for it

^a Sarmiento to Philip III. January $\frac{15}{5}$, 1614, Simancas MSS.

^b Accounts of Sarmiento for the year ending February $\frac{2}{12}$, 1614, Simancas MSS.

^c Sarmiento to Philip III. May $\frac{2}{12}$, 1616, Simancas MSS.

^d Sarmiento to Philip III. January $\frac{15}{5}$, 1614, Simancas MSS.

is not certain whether in this, as in the case of the charges which cost Suffolk his office four years later, the money accepted in his name was not in reality pocketed by his avaricious and intriguing wife. Some of the pensioners were now dead ; amongst them were to be found the honoured names of the Earl of Devonshire the conqueror of Ireland, of the Earl of Dorset the Lord Buckhurst of Elizabeth's court, of the Earl of Salisbury the foremost statesman of the early years of James's reign, and of Lord Kinloss and the Earl of Dunbar the most trusted of his Scottish councillors. Others, such as the Earl of Nottingham, Lord Haddington, Sir Thomas Lake, and Sir James Lindsay, had either relinquished or forfeited their pensions for reasons which cannot at present be in every case ascertained.*

Such a discovery would under ordinary circumstances have disposed James against Spain, and would have rendered Sarmiento's efforts to entangle him in a Spanish alliance hopeless. But within six weeks after Digby's arrival James had quarrelled with the House of Commons, and was anxiously looking to a policy of conciliation towards his Roman Catholic subjects as a means of counterbalancing the power of the malcontents in Parliament. Toleration, granted not from a sense of justice but for the furtherance of political objects, would have been a very questionable policy. What James proposed to do was something far worse ; he proposed to conciliate not his own Roman Catholic subjects, but the King of Spain. Their position for the present was to be something like that of prisoners in old sieges, led out to be tortured before the walls in order to induce the garrison to capitulate. Not a fine was to be remitted, not a priest was to be released from prison, until the King of Spain would consent to give his daughter to the Prince, and with her a portion, far larger than the King of France had offered, which would be sufficient to pay the King's debts and to release him from dependence upon Parliament.

James accordingly sent for Sarmiento and recounted to him his difficulties. Thus urged, the ambassador, who had held his tongue for nearly ten months, now broke silence ; James listened to his vague professions of the friendliness of the King of Spain, and the Parliament of 1614 was dissolved.

What the Spanish Government meant by according to Sarmiento permission to prepare the way for negotiations on the marriage treaty may be learned from the correspondence by which this permission was preceded and accompanied. One only consideration induced Philip III. to waive his demand that Charles

* No account of Digby's communication has reached us, but, as copies of the lists of pensioners still preserved at Simancas were undoubtedly in his hands, there can be no doubt what its tenor was.

should abjure his Protestantism; and that was the assurance that the terms upon which the marriage was to be concluded would ensure, at no distant period, the return of England to its ancient submission to the see of Rome. If Sarmiento urged the acceptance of James's offer, it was on the ground that a mere connivance by the King at the non-execution of the penal laws against the recusants would be sufficient to secure the conversion of England; for it was a fixed belief with him, as with most Spaniards, that if once freedom of discussion was allowed to the clergy of his own church, it was impossible for Protestantism, which in his eyes was nothing more than a mere congeries of absurd opinions, to hold its ground.

Whilst the Spanish Council of State was discussing the terms of the alliance, Somerset was, if possible, rising in the favour of the King. On the 10th of July the Earl of Suffolk was made Lord Treasurer, and Somerset himself became Lord Chamberlain in his father-in-law's place. Sarmiento saw the advantage of drawing closer the bonds which united him to the powerful favourite. He proposed^a to his master that the pension of 1,500*l.* a year which had been vacated at Salisbury's death should be transferred to Somerset, and that a smaller pension of 500*l.* should be granted to Sir Thomas Lake, the candidate of the Howards for the vacant Secretaryship of State. Popular historians are accustomed to set down Sarmiento as the most profuse of ambassadors. The truth is that this 500*l.* a year, paid for about three years and a half to Lake, was the only pension paid at his request by the Spanish Government. Somerset's disgrace put an end to his pension before the first term of payment came round, and, though the name of Buckingham was almost immediately substituted for his, the new favourite resolutely refused to touch a penny of the money.^b

On the 4th of November we find Somerset engaged in a confidential conversation with Sarmiento on the marriage; Sarmiento told him that if only matters of religion could be accommodated, he did not doubt that the King of Spain would listen to the offer. Somerset replied that he would do his best to bring about an agreement.^c

Meanwhile Digby, who had returned to his post at Madrid, was pushing forward the negotiations in an unofficial manner. Digby's position towards the match was peculiar. What it was may be best learned from a letter

^a Sarmiento to Philip III. October $\frac{7}{17}$, 1614, Simancas MSS.

^b Notes to the accounts of the Spanish Embassy in England, August $\frac{1}{2}$, 1622, Simancas MSS.

^c Sarmiento to Philip III. November $\frac{1}{20}$, 1614, Simancas MSS.

written by him to Prince Charles in the spring or summer of 1617. It ran as follows ^a:—

SIR,—The opinion that I have ever presumed humbly to offer unto his Majestie concerning your Highnes marriage hath beene that bothe in regard of conscience and satisfaction to his Majestie's people and allies, as likewise for the securitie and quiett of his Majestie's Estates, that your Highnes mighte take to wife some Protestant Princesse, although shee were neyther daughter to a King, or had any so ample portion as mighte relieve the King's present necessities; for that there might many meanes bee found for helping of the King's wants, either by some few years' providence, or by the joining of the affection of the people to the supplying of his Majestie by the way of subsidies in Parliament. Whereas contrariwise yf the number and power of the Papists shall bee increased, as undoubtedly yt will bee by your Highnes matching with any Catholic Princesse whatsoever, through the commerce which must bee of necessitie for the exercise of her religion for herselfe and familie within your Highnes Courte; and thereby by degrees these two different Religions shall growe to an equalitie of power, which will bee of greate hazard and disquiett to the State, and not to bee redressed without great danger and courses of greater violence then is proper or usuall for this State to putt in practise. But, in case his Majestie out of his wisdom and considerations best knowne to himselfe, holde yt fittest that your Highnes matche with France or Spayne, or any other Catholick, eyther for that the present tyme affordeth no Protestant Princesse which is for yeares or blood suitable to your Highnes, or that can in any considerable measure by her portion supply his Majestie's present want, I then conceive that the matche by which this State shall suffer leaste inconvenience and cumber, and whereby your Highnes' issue will have the moste undoubted and unquestionable royall blood; and whereby his Majestie's necessities shall (by the greatness of the portion) bee the most relieved, is with Spayne; yf such a matche may bee made with suche conditions of religion as other Catholick Princes will content themselves withall. Thus much I thought fitt humbly to present unto your Highnes, for that I see my imployment lyable to the censure of many worthy and religious men; with whom though I concurre in my opinion, yet I seeme muche to differ from them in my wayes. For that yt is more proper for mee to be true to my master's ends and service then by declaring this to procure theyr satisfaction. Only to your Highnes I thought fitt to make this declaration; and shall bee a suitor for your favour, as you shall see me really labour to putt this in effect. And yf his Ma^{tie} shall eyther upon motion of Parliament, or any other proposition that shall be made unto him, thinke yt fitt to proceede with a Protestante matche, as I shall wishe as well unto yt as any man living, so I hope in suche sorte to manage the present busines that I have in hand, as yt shall rather muche further, then in any way crosse or hinder yt. But in case his Majestie shall not bee drawen to hearken to any proposition for a Protestant matche, I then conceive that your Highnes bothe dothe and will approve that I

^a The letter as here printed is taken from a copy preserved in the writer's defence of his conduct, written in 1624, Tanner MSS. lxxiii. fol. 449. The fact that this defence was to come under the then hostile eye of the Prince is a sufficient guarantee for the correctness of the copy. The letter was afterwards laid before Parliament in 1626, and is to be found printed in the State Trials (ii. 1408), with several verbal discrepancies, and with the omission of one clause:—"and whereby your Highnes' issue will have the most undoubted and unquestionable royall blood."

really and effectually labour to procure a matche for your Highnes with Spayne upon such conditions in point of religion and portion as to his Majestie shall seeme fitt.

With such opinions it can hardly be wondered that Digby, upon his arrival at Madrid, was in a critical mood, and by no means ready to embrace the whole scheme of the Spanish Government.

The consequences of Digby's scrupulousness will be best told in the words of Sarmiento's despatch^a of the 18th of April, 1615, especially as the story affects the history and in some respects the character of a man so deservedly respected as the antiquary Sir Robert Cotton.

"This King and the Earl of Somerset," he writes, "have sent in great secrecy by Sir Robert Cotton (who is a gentleman greatly esteemed here, and very curious about manuscripts, with whom the King has deposited all his archives), to tell me what Sir John Digby has written about the marriage of the Infanta with this Prince, informing me that he was greatly pleased that the negotiation had been so well received in Spain, because he desired its conclusion and success. He enlarged upon the conveniences of the marriage, but said that the King considered that Digby was not a good negotiator, because he was a great friend of the Archbishop of Canterbury and the Earl of Pembroke, who were of the Puritan faction, and was in correspondence with them. This, he said, was very inconvenient, because the King could not speak clearly in matters of religion, nor say or do that which he wished, which was that everything should be done so as to give satisfaction to your Majesty; because it might be that the ambassador would discover it to these other people, and would thereby cause commotions and rebellions in this kingdom, which would be hurtful to himself, to it, and to the business.

"And that therefore it was convenient to treat in great secrecy, so that nothing might be known till it was concluded, and that when it was all arranged this inconvenience would be at an end, because the union settled with your Majesty would give him such force and authority that the malcontents would not dare to execute anything to his hurt.

"In order to make a beginning, he must beg your Majesty to answer three questions. In the first place,—Does your Majesty believe that with a safe conscience you can negotiate this marriage? In the second place,—Is your Majesty sincerely desirous to conclude it upon conditions suitable to both parties? In the third place,—Will your Majesty abstain from asking anything in matters of religion which would compel him to do that which he cannot do without

^a Sarmiento to Philip III. April $\frac{18}{8}$, 1615, Simancas MSS.

risking his life and his kingdom; contenting yourself with trusting that he will be able to settle matters quietly? When an answer is given to these questions he will consider the matter as settled, and will immediately give a commission to the Earl of Somerset to arrange the points with me.

“This Sir Robert Cotton is held here by many to be a Puritan, but he told me that he was a Catholic, and gave me many reasons why no man of sense could be anything else.

“That which I hold to be certain is, that, because Somerset is not a friend of Sir John Digby, he is trying to take the negotiation out of his hands, thinking that, merely by treating concerning it, Digby will gain influence, and much more if it is concluded by his means; and that he himself will obtain authority if it passes through his own hands, and that he will thereby preserve the favour of the King, of which he has suspicions; and that for these reasons he cherishes the King’s jealousy of Sir John Digby.”

Towards the end of the letter he writes, “Sir Robert Cotton, who has treated with me in this business, tells me that after the marriage is agreed upon, before the Infanta arrives in England, matters of religion will be in a much improved condition, and so your Majesty will be pleased to keep Digby in good humour, and to go on with the negotiations both here and there in such a manner that we can make use of them as is most convenient, for, whatever they may tell me, if Digby writes against the marriage he will throw everything into confusion.”

Of Cotton’s share in the business there can be no doubt whatever. From a letter written by him to Somerset, evidently during this very month, which is to be found amongst the Harleian MSS.,^a we know how completely he made himself the mouthpiece of Sarmiento’s policy. It was now only twenty months since he had drawn up, it is said at the King’s request, a treatise, in which he had argued, it is true, that it was better that the Catholic priests should be imprisoned than that they should be put to death; but he had argued his case from a decidedly Protestant point of view, and had taken care to put himself forward as a thorough, if not an extreme, Protestant. It is certainly possible that he may, in the course of twenty months, have changed his opinions; but Sarmiento’s expression, that “he is held by many to be a Puritan,” renders it, I fear, hardly necessary to have recourse to such an explanation of his conduct.

Somerset’s position is equally clear. He had placed himself at the head of the Spanish and Catholic party in England.

^a 7002, fol. 378.

The King's intentions are more difficult to unravel. But at all events the arrival of fresh despatches from Digby forced him to reconsider his position. They contained the points which had been set down in Spain as the basis of negotiation, with Digby's notes written on the margin. Whether it was that Digby's observations struck his fancy, or that the Spanish Articles, now that he saw them for the first time in black and white, disgusted him, it is certain that the shrewd notes which he himself scribbled down by the side of the page showed no readiness to give himself blindly up to Somerset's schemes.

The Articles, with the two sets of notes, are as follows^a :—

ART. 1.

The theologians have found many difficulties touching the marriage, but no impossibilities; these may be overcome according to the greater or less advantage given to the Catholic Religion; and the whole matter is to be arranged with the dispensation of the Pope, and by throwing ourselves at his feet.

Digby's Note.

Although many and very learned Catholics are of opinion that in this case, in which so many and clear advantages are to result to the Catholic Religion, the marriage can be lawfully contracted, even without the Pope's dispensation, yet in this His Majesty proceeds in accordance with his prudence and piety, taking the step which is most safe for his conscience, and which will give the greatest satisfaction to the world. However, it seems just that His Catholic Majesty should obtain from the Pope, before the formal negotiation of the marriage commences, such assurances that the King of England may be certain that, after the conditions are agreed to, everything will not become void by the Pope's refusal to meddle with it.

The King's Note.

Let the King of Spain procure what dispensations he pleases, as may suit his conscience, it being a thing with which I have nothing to do.

ART. 2.

The education of the children is to remain in the charge of the Infanta, as is the law of the Church; and if this is not allowed, let them be left to follow which religion they please, without being compelled to anything.

ART. 3.

They are to be baptized according to the use of the Roman Church, and by a Catholic minister.

^a Paper relating to the marriage, March $\frac{1}{2}$ ^o. The King's notes undated, but before May $\frac{2}{3}$ ^o, 1615, Simancas MSS. This paper, and all others which I have quoted from the Simancas Archives, are in Spanish. For the translation I am answerable.

*Letters of the Count of Gondomar, giving an**Digby's Note on Articles 2 and 3.*

As to the education of the children, it seems that it can be capitulated that they are not to be forced and compelled to be otherwise than Catholics; and as for their baptism, after the use of the Roman Church, and by a Catholic minister, it seems to him that in consideration of the state in which things now are it would be well to have no public agreement on this point, as this is a public ceremony at which the greater part of the realm is accustomed to assist; besides that the Catholic Church holds the baptism which is at present in use in England to be valid and effectual, and so he is of opinion that the Article should stand thus:—"The children of the marriage are to be left to follow whichever religion they choose, without being compelled to anything."

The King's Note on Article 2.

It is clear that I, too, shall be careful to instruct my children in my religion, since I am as confident of its goodness as the King of Spain is of the goodness of his; yet there shall be no compulsion on one side or the other.

On Article 3.

The children are to be baptized after the use of England.

ART. 4.

If the children of this marriage are Catholics, they are not therefore to lose their right to succeed to kingdoms and lordships of their father.

Digby's Note.

In this all possible security will be given.

The King's Note.

The laws of England teach and oblige subjects to obey their King of whatever religion he may be. It is only the Jesuits who teach the contrary.

ART. 5.

The Infanta shall take her household with her, who are to be Catholics, down to the servants of her servants.

ART. 6.

The wet-nurses of the children are to be Catholics, they too being of the household.

Digby's Note on Articles 5 and 6.

The Infanta may choose her own household, and the wet-nurses are to be chosen with her consent, and to be of her household.

The King's Note on Art 5.

All who are brought by the Infanta as of her household are to have liberty of religion.

On Art. 6.

The wet-nurses to be such as the physicians shall choose on account of their good health.

ART. 7.

The chapel is to be large, free, and public, and there are to be administered the sacraments and offices in accordance with the use and the ceremonies of the Roman Church.

Digby's Note on Article 7.

The place to be appointed for Divine worship is to be decent, large, free, and public for all those of the Infanta's household, and in it are to be celebrated the sacraments and offices according to the use and the ceremonies of the Roman Church.

The King's Note.

The Infanta is to have a large chapel or oratory.

ART. 8.

If the Infanta has a particular or private oratory, there shall be a public church for all the household, where the sacraments are to be administered and the dead Catholics of the said household interred; and the public exercise of Divine worship is to begin as soon as the Infanta enters England.

Digby's Note on Article 8.

A consecrated place is to be set apart for the interment of the dead of the aforesaid family, and Divine worship is to commence when the Infanta enters England.

The King's Note.

The household will not have any other church or chapel, but a decent place to bury their dead in.

ART. 9.

Ecclesiastical and religious persons of the Royal household are to go about in their proper habits.

Digby's Note on Article 9.

In this it seems there will be no difficulty worth speaking of.

The King's Note.

It will cause scandal.

ART. 10.

After the dispensation has been granted by his Holiness, the marriage is to be celebrated here in Spain per verba de præsente, by proxy, according to the law of the Council of Trent, and the years and ages are to be without supplement, waiting the ten days; and the Infanta shall receive the nuptial benediction.

Digby's Note on Article 10.

As this proposal is totally new, no answer is given to it, yet it seems that it will be easy to understand that many difficulties may arise from it.

Note to the words "years and ages."

He thinks that within this time it will be desirous that the betrothal shall take place.

The King's Note.

They can be married in Spain cum verbis de præsente, and by proxy, yet they will also have to be married personally by an English Bishop.

ART. 11.

That amongst the Catholic ministers there is to be one who has jurisdiction, in order that, in case it shall be necessary, he may correct any of the household who may offend in anything touching our holy faith and religion.

Digby's Note on Article 11.

Amongst the Catholic ministers is to be one who has the necessary power and authority for the necessary government of the rest, and of the household, in all things touching our holy faith and religion.

The King's Note.

They may have the government and rule which they wish.

ART. 12.

Pledges are to be given us that these conditions will be kept.

Digby's Note on Article 12.

In this it seems that when the rest is settled entire satisfaction will be given on this head.

NOTE.

The question of toleration of our religion is not treated here, because it is a thing which has been offered already.

Digby's Answer to the Note.

I do not know what has been offered in England on this head ; but I think that nothing is to be said about it in the way of capitulation, but that his Catholic Majesty will urge the King of England secretly to connive at the non-execution of the laws against the Catholics.

In the copy sent to England the following Articles were substituted for the Note:—

ART. 13.

The Catholics are to be permitted by connivance and forbearance to live in the Catholic religion.

ART. 14.

The execution of the laws against them is to be suspended, the officials not being permitted to vex them.

The King's Note on the Articles 13 and 14.

To this no answer is to be given till we have agreed upon the rest.

Digby's notes are no doubt in accordance with the instructions which he received when he left England. With the unexpected roughness of James's replies Sarmiento was at first puzzled. He was not long in discovering, however, that the change was not owing to any large and worthy motives: partly, James was frightened by the trial of Owen, who had just been convicted of high treason for saying that "the King, being excommunicated by the Pope, might be lawfully deposed and killed by any whatsoever," and partly by the thought that the alliance upon which he had set his heart might turn out to be in the interests of his son rather than in his own. Might not Charles, strong in the support of the King of Spain and of the English Catholics, be persuaded to head a rebellion against his own father? James saw, in the not-distant future, his own dethronement, and he pictured himself as an old and worn-out man, reduced to end his days in a dungeon, of which his son and the wife with which he had provided him would keep the keys. It would be well if that were all; for, as he was heard to say, a deposed king might easily be murdered by his own children. On another occasion he pointedly asked Sarmiento what possible motive Charles V. could have had for abdicating in his son's favour, in a tone which convinced Sarmiento that he had no intention of imitating the example of the Emperor.

On the 22nd of June, however, all this hesitation was at an end. How James got over his scruples we do not know; but it is certain that on that day Cotton returned to the ambassador and told him that, with some not very important modifications, the King was ready to take the Articles for the basis of negotiations.

As soon as Cotton had made this announcement, Sarmiento tells us "he said that the Earl of Somerset had set his rest upon it, and had gained over the Duke

of Lennox, and had induced him to persuade the King that the Spanish alliance was better than one with France; the Earl of Somerset having run the risk either of improving his position and strengthening himself if it succeeded, or of ruining himself if it failed. Cotton concluded the conversation by telling me that he was mad with joy at seeing things brought to this state, as he did not wish or desire anything more than to live and die an openly professed Catholic as his fathers and ancestors had done."

"Upon this," continues Sarmiento, "I gave him an embrace, telling him that God would guide everything as was most conducive to His holy service."

And so, leaving Cotton and Sarmiento locked in one another's arms, we may let the curtain fall upon the first act of the long drama of the Spanish match.

How far James was betrayed by Somerset,—whether the favourite exceeded the instructions which were given him, are questions to which we cannot give any certain answer. Sarmiento, indeed, writes on the $\frac{2}{14}$ of May, that Cotton had been arrested "because the King says that he exceeded his instructions, and some have tried to prove that it was by Somerset's orders: however, Cotton being examined very particularly on this subject, has said that the King himself gave him his instructions to speak as he did, as he believes, and as far as he can recollect; but that it may be that he misunderstood him."^a

It must be remembered that Cotton had lately been engaged in antedating letters for his patron, so that his character for truthfulness cannot be rated very high. But there is something more than mere negative evidence in James's favour. When he received Digby's despatch^b of the 16th of December, in which Somerset's proceedings were unveiled, "The next day, in the afternoon," according to Sarmiento, "he summoned the Chancellor and my Lord Coke, and, although he was confined to bed by the gout, he was conversing with them with closed doors the whole afternoon; and the result of this consultation was, that the Chancellor and the Chief Justice sent for the Lieutenant of the Tower, and ordered him to arrest Sir William Monson, on the pretext that Sir William Monson had spoken and talked about his brother's pension—that if his brother were executed, he would have to die with him. This, however, was an invention."

Sarmiento then goes on to say that the truth was, that there was a desire to investigate the real history of the pensions.^c

Now, considering that Digby's despatch contained, also, a complaint against

^a Sarmiento to Philip III. May $\frac{2}{14}$, 1616, Simancas MSS.

^b Digby to James I. December 16, 1615, State Papers. Spain.

^c Sarmiento to Philip III. January $\frac{29}{30}$, 1616, Simancas MSS.

Somerset for taking the negotiation out of his hands, it seems highly improbable that James, if he had anything to conceal, would have put the matter before Ellesmere and Coke. If he had wished to hush the matter up, nothing would have been more easy. Digby was emphatically what is sometimes called "a safe man"—a hint from the King that he was to ask no questions would have been enough for him.

But, whatever may have been the truth about James, this at least is plain, that it is Somerset, and not the King, who was from beginning to end regarded by Sarmiento as the main support of the alliance. Such being the case, it is equally plain that it was not merely from personal dislike of his unendurable arrogance that the party was formed by which he was hunted down, and which welcomed a charge against him of making away with the crown jewels in the summer, and a charge of poisoning in the autumn, of 1615; in the same way that Buckingham welcomed a charge of embezzlement against Suffolk in 1618, and that the House of Commons welcomed a charge of bribery against Bacon in 1621. In those days a criminal prosecution was the readiest way of waging political warfare.

The Spanish negotiations were to drag their weary length along for eight more years. But never for a moment after Somerset's fall did the Spanish Government venture seriously to hope for the conversion of England. It soon came to be regarded by Philip and his ministers simply as a bait to be dangled before the eyes of James, by which they might influence his foreign policy, and might hinder him from embracing the cause of the German Protestants.

Yours faithfully,

S. R. GARDINER.

APPENDIX.

1.

Diego Sarmiento de Acuña to the Duke of Lerma.

October $\frac{20}{30}$, 1615.

[Archives of Simancas, 2594, fol. 40.]

En algunos despachos he ydo dando cuenta a V. E. de la fortuna del Conde de Somerset, y de la fuerza que han ydo cobrando contra el sus enemigos, y en carta de 28 de Julio dixe a V. E. como Homero me havia dicho que pretendia el Conde que el Rey le diese un perdon general con el sello grande, y que entendia que se lo havia concedido.

Fue assi, y el Rey le dio su perdon firmado de su mano y sellado con su sello privado, ordenando al Gran Canciller que le despachase el privelegio con el sello grande (que es cosa necessaria en este Reyno para que las escrituras y mercedes sean irrevocables). El Chanciller no le quiso passar, y dixo que daria cuenta al Rey y al Consejo de las causas en que lo fundaba, y quitando el Rey el Consejo, el dia que se partio aqui para su progreso (que fue a 30 del mes de Agosto) le hizo el Somerset una oracion que el Rey mismo le avia ordenado (segun tambien me han dicho), diziendo

In some of my despatches I have given account to your Excellency of the fortune of the Earl of Somerset, and of the increasing strength of his enemies; and in a letter of the $\frac{1}{2}^{\frac{28}{30}}$ of July, I informed your Excellency that Homer* had told me that the Earl demanded that the King should give him a general pardon under the great seal, and that he understood that his request had been granted.

This was the case, and the King gave him a pardon signed with his hand and sealed with the privy seal, ordering the Chancellor to pass the patent under the great seal, which is necessary in this kingdom to make grants and concessions irrevocable. The Chancellor would not pass it, and said that he would give account to the King and the Council of the reasons upon which his refusal was founded; and as the King was leaving the Council, the day on which he set out for his progress, which was the $\frac{20}{30}$ of August, Somerset made him a speech, which had been arranged, as I

* This is one of the nicknames employed in this correspondence. I do not know who the person signified is.

que la malicia de sus enemigos le havia forzado a pedir el pardon, alegando razones de la inocencia, y supplicando al Re que mandase al Chanciller que si savia algo contra el, lo dixere allí, y si no, que pusiese el sello. El Rey, sin consentir que hablase nadie, dixo mucho en alavança de Somerset, concluyendo con que havia hecho muy bien en pedir el perdon, y que el se le havia dado con mucho gusto, no porque lo haviese menester en sus dias, que desto bien seguro estaba, y se lo dezia assi, para que se desengañasen todos; pero que queria que el Principe que estaba presente, poniendo le el Rey la mano y diziendo, para que este no pueda deshazer lo que yo he hecho; y volviendose al Chanciller le dixo, “y assy, Milor Chanciller, poned luego el sello, que esta es mi voluntad.”

El Chanciller se hincó de rodillas, suplicando al Rey le oyese las causas que tenia para no poner el sello, ponderandolas, y diziendo que las clausulas que llevaba eran cosas generales, y sin exception nunca vistas, añadiendo que, pues el Rey havia hecho al Conde de Somerset guarda y alcaýde de su palacio, desseaba saber si era su voluntad darle las joyas, colgadas, tapicerias, y todo lo que havia en palacio, pues mandaba en el perdon que no se le pudiese pedir quenta de nada, concluyendo con suplicar al Rey que, pues daba este genero de perdón a Somerset, y queria que el lo pasase, le diese al mismo Chanciller orden por escrito, perdonandole el delito y culpa de pasallo; pues de otra manera no lo podria hazer, ni lo havia; de que el Rey se enfado mucho; diziendo que el mandaba que lo pasase, y que lo pasase. Levantandose con esto del Consejo, y entrandose en su aposento; pero sabiendo la Reyna, fue luego al Rey, y ella y los enemigos de Somerset hizieron tales dili-

was told, by the King himself, saying that the malice of his enemies had forced him to ask for a pardon, giving reasons to prove his innocence, and praying the King to order the Chancellor, if he knew anything against him, to say it there. The King, without permitting anything to be said, spoke at length in praise of Somerset, concluding by saying that he had done very well in asking for a pardon, and that he had granted it to him with great pleasure, not because he would have any need of it in his own days, for during his life he was quite safe (and this he said in order that they might all undeceive themselves), but because he wished that the Prince (who was present)—here the King put his hand upon him, and said: “that he may not be able to undo that which I have done. And so, my Lord Chancellor, seal it immediately; for that is my will.”

The Chancellor threw himself upon his knees, praying the King to listen to the reasons which hindered him from sealing the pardon, making the most of them, and saying that its clauses were general, and without a single precedent; adding that since the King had made the Earl of Somerset guardian and keeper of his palace, he wished to know whether it was his will to give him the jewels, the hangings, and the tapestry, and everything that was in the palace, since it was in the pardon that no account was to be taken of him for anything; concluding by praying the King that, since he gave this kind of pardon to Somerset, and wished him to pass it, he would give to himself, the Chancellor, an order in writing, pardoning him his fault and offence in passing it; for in no other way would he be able to do it, nor would he do it. With this the King grew very angry, saying that he ordered him to pass it, and that he was to pass it. With this he rose from the Council, and went to his apartments; but the Queen, hearing what had happened, went straight to the King, and she and the enemies of Somerset were so busy with him, and perplexed him so, that

gencias, embaraçandolo de manera que en fin el Rey se fue sin que el perdon se despachase, ni se ha despachado.

Aunque se tiene por cierto que el Rey ha continuado el amar al Conde de Somerset, y tener con el muy estrecha confidencia, y le ha ydo dando particularissima quenta de todo lo que hazen y dizen contra el, y por su intercession hizo pocas dias ha del Consejo de Estado al Obispo de Venchestre a pesar del Arçobispo de Cantuaria, y de todos los de la faccion contraria, y ha hecho otras acciones emprueba de la continuacion desta gracia ; y al Vilers que es el nuevo privado, aunque le haze muchos favores publicos, y le va dando renta, no se ha visto por su mano salir accion ni demonstracion de importancia:—

Pero el aver visto que el Rey tolero el no pasarse al perdon de Somerset, y mostraba oyr gratamente los males que le dezian del, ha dado tanta fuerz a asus enemigos, que esto, y el ampararlos la Reyna, en que no ha havido cura ni el Somerset ni ha savido ni querido ayudar, lo puso en estado que havia en la misma camara del Rey donde el es Camarero Mayor, personas que ni le hablaban, ni le quitaban el sombrero, y han ydo buscando cosas contra el Somerset, y empeñando al Rey de manera que se veen oy el Conde y el Rey mismo en sumo cuydado y embaraço.

Tubo el Conde de Somerset un entrechissimo amigo que llamaba Don Thomas Ovarberi, Cavallero de buenas partes y entendimiento. Este tenia tanta autoridad con el Conde de Somerset que el Rey vino a dessear apartarsele, y assi le nombro por Embaxador a Flandes. No lô accepto ni

in the end he went away without the pardon being completed, and it has never been completed to this day.

Although it is thought to be certain that the King has continued his affection to the Earl; and that he treats him as his intimate confidant; and that he gives him most particular account of all that is done or said against him; and that at his intercession a few days ago he placed in the Council the Bishop of Winchester, to counterbalance the Archbishop of Canterbury and all those of the contrary faction, and that he has done other actions in proof of the continuance of his favour; and that, although he shows much favour in public to Villiers the new favourite, and has given him a pension, yet no act or demonstration of importance has been known to pass through his hands:—

Nevertheless, it being seen that the King put up with the keeping back of Somerset's pardon, and that he seems to hear with pleasure the evil things that are said of him, has given such strength to his enemies, that this, and the support given to them by the Queen (to whom Somerset did not pay sufficient respect, nor has he known how to protect himself against her, nor shown any disposition to do so,) have brought him to such a condition, that in the very chamber of the King, where he is Lord High Chamberlain, there are persons who will neither speak to him nor take off their hats to him: and they have been searching for charges against Somerset, and throwing their toils round the King to such an extent that at present both the Earl and the King himself are in the greatest trouble and embarrassment.

The Earl of Somerset had a most intimate friend, who was called Sir Thomas Overbury, a gentleman of good parts and understanding. He had such authority with the Earl of Somerset that the King came to desire to separate them, and accordingly named him ambassador to Flanders. He

quiso salir de aqui, y por esto y algunas palabras que dixo, le mando el Rey poner in la Torre. Ay opiniones de que y a el Conde de Somerset estaba cansado del, y lo cierto es que este Ovarberi con gran fuerça persuadia al Conde de Somerset que de ninguna manera tratase de dexarse a la Condesa de Essex, a lo menos para casarse con ella. Y dizen tambien que el Conde de Somerset le havia dado la palabra de hazerlo assi.

Murio este Ovarberi presso en la Torre dos años a, y agora Don R. Genut, Secretario del Estado, alentado del Conde del Gerosueri y del de Arundel, y del Arçovispo Cantuariense, dixo al Rey que por orden de la Condesa de Somerset y del Conde havian atosigado y muerto con ponzona al Ovarberi, y que el Alcayde de la Torre dezia que un criado del Ovarberi se lo havia dicho assi, y aun havia querido valerse del Alcayde para hazello fiado, en que el Alcayde lo savia o por lo menos ayudaria a ello, siendo causa de personas tan favorecidas como el Conde de Somerset y la Condesa, que era hija del Conde de Sufolc.

El Rey y el Conde de Somerset, o porque tuvieron esto por cosa que no se podia provar, y que antes dexaria al Somerset acreditado y vitorioso, y al Rey le acreditaria tambien de justo en dessear que se averiguase^a resolucion que se pusiese en justicia; y assi hizo el Rey desto en el Consejo una gran protestacion ante Dios, y que deseaba que se hiziese justicia, y que ni privado ni su mismo hijo ni cosa del mundo se lo estorbaria, y con gusto del Conde de Somerset nombro para la averiguacion dello a Milor Cuq, Justicia Mayor de Inglaterra, que era hechura y intimo amigo del

did not accept the post, and refused to leave England; and for this reason, and for some words that he uttered, the King ordered him to be sent to the Tower. Some are of opinion that the Earl of Somerset was already tired of him; and it is certain that this Overbury vehemently persuaded him in no way to abandon himself to the Countess of Essex, at the least not so as to marry her. And they also say that the Earl of Somerset had promised him that he would do as he wished.

This Overbury died a prisoner in the Tower, two years ago; and now Sir Ralph Winwood, the Secretary of State, animated by the Earls of Shrewsbury and Arundel, and the Archbishop of Canterbury, has told the King that, by the order of the Countess of Somerset and of the Earl, Overbury was poisoned and murdered; and that the Lieutenant of the Tower said that a servant of Overbury's told him so, and even wished to make use of the Lieutenant, so as to make a confidant of him, on the supposition that the Lieutenant knew what was going on, or at least would be ready to help in it, as it was the cause of persons in such favour as the Earl of Somerset and the Countess, who was a daughter of the Earl of Suffolk.

The King and the Earl of Somerset, either because they considered this a thing which it was impossible to prove, and which would be more likely to leave Somerset with credit and victory, and which would also bring credit to the King as being just in desiring the investigation (or for some other reason), took the resolution that he should be brought to justice; and so the King made in the Council a great protestation before God of his desire to see justice done, and that neither his favourite, nor his son himself, nor anything else in the world, should hinder him; and with the good pleasure of the Earl of Somerset, he named for the investigation my Lord Coke,

^a Some words must be omitted here, perhaps "o por otra razon, tomaron una."

Somerset, pero animoso, eloquente, y deseoso de opinion y credito con el pueblo ; y esto y la fuerza de los enemigos del Conde de Somerset en solos tres dias le hizieron trocar forma, y yrse cebando y encarnando en la averiguacion, retinandose del Somerset y de sus amigos y de dalles cuenta de lo que havia y hazia.

El Alcayde de la Torre dixo que esta assi que Don Thomas Monson, hermano del Almirante del estrecho Don Guillermo Monson, que son muy de la casa del Conde de Suffolc, havia embiado a la Torre con orden del Conde de Somerset a Guarston, para que serviese a Don Thomas Ovarberi, y que, dentro de dos dias que llevo en su presencia, quiso hechar unos polvos de veneno en un caldo que se daba al Ovarberi, preguntando al Alcayde si seria buenó hechar alli aquello, y que diziendole el Alcayde, que era ello ; le respondio, pues aun no lo save, es el veneno para Ovarberi, y a mi sue havian dicho que aun sue ayudaria ; que el Alcayde se lo estorbo y hecho los polvos a mal, reprehendiendo mucho al criado Guarston, que no hiziese tal traycion, y que tan poco dixese que el se lo havia estorbado, que el criado le prometio lo uno y lo otro.

Que despues vino a morir dentro de pocos dias el Ovarberi con una medicina que le hecharon con que hizo sesenta y tantas cameras hasta que espiro, que el Alcayde no se atrevio por entonces a dezir nada por ser tan grandes las personas a quien aquello tocaba, pero que esta esto la verdad.

Prendieron luego el criado, el qual al principio lo nego todo, pero careado con el Alcayde, y apurada la causa, lo confesso en la misma forma que el Alcayde lo havia dicho, diziendo que Madama

Chief Justice of England, who was the creature and intimate friend of Somerset, but a man of high spirit, eloquent, and desirous of credit with the people ; and this, together with the pressure of Somerset's enemies, made him, in no more than three days, turn round, and become excited and bloodthirsty in the investigation, withdrawing himself from Somerset and his friends, and ceasing to give them information of what he was doing.

The Lieutenant of the Tower said that the case was that Sir Thomas Monson, the brother of Sir William Monson, the Admiral of the Narrow Seas, both of them being closely dependent upon the house of the Earl of Suffolk, had sent to the Tower an order from the Earl of Somerset to Weston, that he should attend upon Sir Thomas Overbury ; and that within two days of his coming he wished to put a poisonous powder into some broth which was to be given to Overbury, asking the Lieutenant if it would be well to put it in ; and that when the Lieutenant said to him : " What is it ? " he answered, since he did not know : " It is the poison for Overbury ; they told me that you would help me." That the Lieutenant was troubled and threw the powder away, blaming the servant Weston much, and telling him not to commit such treachery, nor to say that he had interrupted him ; and that the servant promised both one and the other.

He also said that a few days afterwards Overbury died of a medicine which was given him, which produced sixty or more stools till he expired : and that the Lieutenant did not then dare to speak because so great persons were touched by it, but that this is the truth.

The servant was immediately arrested, who at first denied everything, but after he had been confronted with the Lieutenant and the case had been sifted, confessed that it was exactly as the Lieutenant had said, saying that Mrs. Turner, a highly favoured servant of the present Countess of

Torner, una criada muy favorecida de la Condesa que oy es de Somerset, que entonces lo era de Essex, havia hecho estetrato con el, y dadole los mismos polvos de la ponzona para que los diese.

Fue luego presa la criada, y, aunque nego, y ha estado firme en la negativa, con los demas y la buena voluntad, y otras circunstancias se tubo la causa por probada, y el Justicia Mayor se partio a Royston, que es treynta y tantas leguas de aqui, a donde el Rey estaba, a darle quenta dello.

El Conde de Somerset, que estaba con el Rey, haviendo tenido aviso de lo que pasaba, venia aqui a hablar a Milor Cuq, y, encontrandole en el camino, le pidio que se volviese a Londres; pero ni esto ni el dezirle el estado que tenia el negocio lo quiso hazer; y pareciendole al Conde de Somerset que estaba muy seguro del Rey, y que era indignidad que hazer mucho caso del negocio volverse con Milor Cuq, le dixo yr al Rey, y el se vino a Londres, diziendo que benia a ver a su muger, y, aunque el dia siguiente muy temprano se volvio a partir en busca de Rey, ya topo a vuelta a Milor Cuq, que con solo saludarse passaron el uno por el otro.

Luego que llego a Londres el Milor Cuq, hizo juntar el Consejo de Estado, que el es tambien del, y exhibio una comission que el Rey daba para este casso al mismo Milor Cuque, al Chanciller, a Milor Suche, y al Duque de Lenox, y que si ellos quisieren agregar a si dos de los jueces de las leyes del Reyno, lo pudiesen hazer; y traxo tambien comission para que el Vizconde Fenton, Capitan de la Guardie, les diese asistencia y ayuda que le pidiesen, y executase lo que le dicesen.

Estos quatro Comisarios se juntaron con el Consejo el Domingo 25 de este, y estubieron toda la

Somerset, who was at that time Countess of Essex, had made the proposal to him, and had given him the poisonous powder in order that he might administer it.

The woman was immediately apprehended, and, although she denied, and has persisted in denying, the charge, the case was considered as proved against her by the other witnesses, with the good will they had, and from other circumstances; and the Chief Justice set off for Royston, which is more than thirty leagues from this, to give account of the matter to the King, who was there.

The Earl of Somerset, who was with the King, having received intelligence of what was passing, came here to speak to my Lord Coke, and, meeting him on the way, he begged him to return to London; but neither this nor what he told him of the state of the business could induce him to do so; and as it appeared to the Earl of Somerset that he was quite secure of the King, and that it was unworthy of him to make much of the business by going back with my Lord Coke, he told him to go to the King, and he himself went to London, saying that he was going to see his wife, and, although he started very early the next morning to repair to the King, and met my Lord Coke upon his return, they passed one another with nothing more than a mutual salute.

Immediately upon the arrival of my Lord Coke in London, he summoned a meeting of the Privy Council, of which he too is a member, and exhibited a commission which the King had given with respect to this affair to my Lord Coke, the Chancellor, Lord Zouch, and the Duke of Lennox, with power, if they wished it, to add two of the judges to their number; and he also brought a commission to Viscount Fenton, the Captain of the Guard, to give them aid and assistance if they required it, and to execute their orders.

These four Commissioners met the Council on Sunday the 1st of this month, and they remained in consideration of this matter the whole afternoon, doubting in what form they could proceed

tarde en este negocio, dudando de la forma como podrian proceder contra il Conde y Condesa de Somerset, y sobre lo mismo se tornaron a juntar el Martes en la tarde en casa del Chanciller.

El Conde de Somerset havia venido ya aqui, y tenido noticia de quan mal andaban las cosas, deseando recoger unos papeles que tenia en su poder la Madamasela Tornel, que estaba pressa en casa de un Jarife (que es como Alcayde de Corte) hizo el Conde de Somerset una cosa que ha parecido gran error ; y fue que como Camarero Mayor y persona que por privado y favor particular del Rey tenia el sello secreto y la autoridad de dar en nombre del Rey los decretos, dio orden a su portero de camara en nombre del Rey para que fuese en casa del Jarife, donde estaba pressa la Tornel, y la tomase todos los papeles que le hallase, y se los traxese.

Fue el portero ; pero el Xarife no quiso obedecir la orden sin dar quenta al Milor Cuque ; autes detubo en su casa al portero, y se fue con la orden en busca del Justicia Mayor, y hallandole en la

against the Earl and Countess of Somerset, and upon the same matter they again met on Tuesday, in the afternoon, in the Chancellor's house.^a

The Earl of Somerset having already come here, and having notice of the bad course which things were taking, desiring to recover some papers which were in the possession of Mrs. Turner, who was prisoner in the house of one of the Sheriffs (who is what an *Alcayde de Corte* is with us), he committed what has appeared to be a great error. This was, that having as Lord Chamberlain, and as the particular favourite and confidant of the King, the privy seal and authority to issue orders in the King's name, he ordered the porter of his chamber to go in the King's name to the Sheriff's house, where Mrs. Turner was imprisoned, and to take all the papers he should find there and to bring them to him.

The porter went. But the Sheriff was unwilling to obey the order without giving account to my Lord Coke. He therefore detained the porter in his house, and went with the order to look

^a From this we may arrive with tolerable certainty at the date of the Commission. The Commission first met on Sunday, the 15th of October. If no time had been lost, and we are told that Coke assembled the Council immediately upon his return from Royston, he must have left Royston early on Saturday morning, and the Commission would have been signed on the evening of Friday 13th. This, too, accords with Somerset's probable movements. If we suppose him to have left Royston on the morning of the 13th, he would have gone back on the Saturday, and, hearing from the King of Coke's complaints of him, would hurry up to London on the Sunday to be ready to search for the papers of which he was in need on the Monday morning. Weldon, it will be remembered, makes the last parting on Friday, and as the language which he puts into Somerset's mouth about his intention to go to London for the sake of visiting his wife, coincides with that here ascribed to him when he met Coke, there can be little doubt that the affectionate leave-taking took place at the first parting on Friday. I cannot help suspecting that the words "I shall never see him more" were spoken on the Sunday, at the second parting. If so, the sting of Weldon's story is gone. It was at this visit of Coke to the King no doubt that he laid down the law in that curious form which appears from Sir George More's notes. Whatever may be thought of the doctrine, that the King had no right to know anything of the evidence in a case of blood, it is plain that Coke, knowing the King's extreme attachment to Somerset, was anxious even by inventing a little law on the spur of the moment to keep the investigation in the hands of the Commissioners.

junta en casa del Chanciller, dio a todos cuenta dello, exhibiendoles el decreto de letra y firma del Conde de Somerset y sellado con el sello del Rey, y viendo ellos que, no estando aqui el Rey, no podia ser aquello orden suya, se quedaron con el papel, y dixeron al Xarife que havia procedido bien en todo, y que al portero le tuviese preso.

Sabiendo esto el Conde de Somerset, les embio a dezir que pues no havian dexado cumplir la orden del Rey le volviesen el decreto. No se le quisieron volver, pero embiaronle a dezir que se los queria hablar o dezir algo, que podia venira dezillo alli a aquella junta, que le oyrian y le darian en ella el lugar que le tocaba per su antigüedad de Consejero, y calidad de su persona y officios. El les respondió que estaba ocupado, y que no podia yr, y mando prevenir luego coches para volverse al Rey, y sabiendo esto los de la junta se resolvieron en detenelle, embiandole orden que no saliese de su aposento, que es en Palacio, el mismo que solia tener la Princesa; y anteayer, Miercoles 28 deste le prendieron declaradamente, embiandole con guardas a casa del Dean de Guesmester; y a la Condesa, que esta preñada de nueve meses, la han prendido tambien con guardas en esta ciudad en su casa; cosa que ha asombrado a todos, pues los de una facion y de otra no creen lo que vean: y al Rey y al Conde de Somerset pienso que los sucede lo mismo, porque tengo por cierto que ni el uno ni el otro creyeron que esto podria ser como ha sido.

Y Homero, y los demas enemigos del Somerset bien entendian la voluntad que el Rey le tenia, y assi le han ydo engañando con acreditarle las conveniencias de hazer justicia, y los inconvenientes

for the Chief Justice, and finding him at the meeting at the Chancellor's house, he gave account of what had happened to all of them, showing them the order in the writing and with the signature of the Earl of Somerset, and sealed with the King's seal, and they seeing that, as the King was not here, it was impossible that this could be by his order, kept the paper, and told the Sheriff that he had done well in everything, and that he was to keep the porter in confinement.

The Earl of Somerset having been informed of this, sent to request them, as they had not allowed the King's order to be carried out, to return him the warrant. They refused to do so; but they sent to tell him that if he wished to speak to them, or to tell them anything, he might come and tell them there at their meeting, where they would listen to him, and give him the place which befitted him by his seniority as a councillor, and the quality of his person and offices. He replied that he was busy, and could not come; and immediately ordered coaches to go back to the King. As soon as the Commissioners heard of it, they determined to detain him, sending him an order not to leave his apartments, which were in the Palace, and were the same which the Princess used to occupy; and the day before yesterday, being Wednesday the $\frac{1}{2}$ ⁸th of the present month, they openly arrested him, sending him under guard to the house of the Dean of Westminster; and they also arrested the Countess, who is in her ninth month of pregnancy, placing guards over her in her own house in this city; a thing which has astonished every one, since neither those who are of one faction nor the other can believe what they see; and I think that the same is the case with the King and the Earl of Somerset; for I hold it to be certain that neither the one nor the other believed that it would come to this.

And Homer and the other enemies of Somerset well knew the King's good will towards him, and so they have entrapped him by recommending to him the convenience of doing justice, and the

y peligros de embaraçarla, y el numero grande de enemigos que tenia el Conde de Somerset; con lo qual, y esta ultima resolucion han hecho el negocio incurabile en tan grande daño de l'autoridad del Rey, porque ha governado este negocio contra todos derechos, siendo (a lo que se tiene por cierto por todos los desapasionados) el Conde de Somerset sin culpa ni noticia deste caso que se le achaca, porque todo lo a que se puede estender la malicia es a que su muger, vista la autoridad que Overbury tenia con el Conde de Somerset, et que le estorbava el ayydar a que ella se descasase de con el Conde de Essex y se cassaria con el, ayudo o desseo su muerto. Pero el Conde de Somerset ni entonces era cassado con ella, ni havia menester matar a un pobre cavallero que estaba en la Torre, para no ser persuadido del, y demas desto. Aunque el Conde ha sido retirado y amigo de pocos, tambien ha sido templado im hazer offenzas ni agravios; pero no ha querido tomar consejo de los que le aconsejaban, bien pareciendole que no havia menester mas de obrar como el Rey le dezia, porque en esto entiendo que ha sido puntualissimo. De ayer aca no tiene ya un hombre por si, y comiençan a dezir que dio ponçona al Principe muerto, y otras cien cosas que le probaran, aunque no ayan sido. Y assi han muerto Reynas, y grandes, y privados, y otros machos ynjustamente.

V. E. se servira de dar quenta desto a su Mag^d y yo la yre dande de lo demas que se fuere offreciendo. Dios guarde, &c.

Aora me dizen que estan componiendo en la Torre el aposento dondo murio Madama Arbela para meter en el al Conde de Somerset.

inconvenience and danger of throwing anything in its way, and by reminding him of the great number of Somerset's enemies; with which, and with the last resolution, they have made matters incurable, to the great injury of the King's service, because he has managed this affair contrary to all right, the Earl of Somerset being (as is certainly believed by all who are devoid of passion) without any fault, or knowledge of this matter of which he is accused; because all that malice can reach to is, that his wife, seeing the authority which Overbury had over the Earl of Somerset, and that he was throwing obstacles in the way of her divorce from the Earl of Essex and her marriage with Somerset, helped on or desired his death. But the Earl of Somerset was not at that time married to her, nor had he the means to kill a poor gentleman in the Tower, because he was not sure of him, and the rest of it. And although the Earl has been solitary, and a man with few friends, yet he has been moderate, without offending or injuring anyone. But he has not been willing to take counsel from those who offered it to him, thinking that all that was requisite for him was to do as the King told him, for in this I understand that he has been most punctual. Since yesterday he has not a man left to take his part; and they begin to say that he gave poison to the Prince who is dead, and a hundred other things which they will prove, though they never took place. And so they have killed queens, and great people, and private men, and many others unjustly.

Your Excellency will be good enough to give account of this to his Majesty, to whom I will send information of anything more that may happen. God preserve, &c.

P.S. They now tell me that they are preparing for the Earl of Somerset the room in the Tower in which Madam Arabella died.

2.

A. Foscari and G. Barbarigo to the Doge of Venice.

[Extract.]

October 28,
November 7, 1615.

[Archives of Venice. Despacci. Inghilterra.]

Questo alcuni mesi sonno fu detto haversi appropriato quantità considerabile delle gioie della corona; et egli, per assicurarsi da questa et da ogn' altra colpa, supplico S. M^{ta}. di un perdono assoluto, anche in quello che potesse toccare Maestà lesa, et ne ottene la parola, et sottoscrizione, mandato l' ordine al Gran Canciller; perchè vi metesse il gran sigillo, negò egli di farlo, et chiamati l' uno et l' altro alla prezenza del Rè ambi in ginocchi parlano; uno addasse gli inconvenienti di tal perdono grandissimi, et che in ogni caso, per mettervi il sigillo, era necessario che S. M^{ta}. le concedesse un particolar perdono a lui per haverlo messo; che altrimenti, essendo questo contra li constitutioni del Regno, con reductione di Parlamento haverebbe perduto la vita; l' altro chiamando il Gran Canciller nemico, si estese in supplicatione; et mentre i maggiori del consiglio presenti stavano pendenti della bocca del Rè, disse sua Maestà ch' haveva amato Somerset, stimandolo di bontà, et così haverebbe continuato; et, voltatosi al Canciller et a gli altri, disse che non era in suo poter, ni in alcun di loro divertirlo di tal affetto, ma di Somerset solo, quando se ne fosse vero indegno; et commando al Cancillero, senz' altra replica di metter il sigillo, perchi lo voleva et commandava di autorità Regia; et se ne passo alle sue stanze. Ciò venuto alla notitia della Regina,

Somerset some months ago was said to have appropriated a considerable quantity of the crown jewels, and he, to assure himself against this and every other charge, begged his Majesty for an absolute pardon, even to include high treason, and obtained the promise of it and the King's signature; but the order being sent to the Chancellor to put the great seal to it, he refused to do it, and both one and the other being called into the King's presence, both spoke upon their knees. One spoke at large on the very great inconveniences of such a pardon, and said that in any case if he was to put the seal to it it would be necessary for His Majesty to grant him a special pardon for having done so; and that otherwise, as it was against the constitution of the kingdom, when Parliament met again he should lose his life. The other, calling the Chancellor his enemy, made supplication at length; and whilst the principal councillors present remained in suspense upon the King's mouth, His Majesty said that he had loved Somerset, esteeming him for his goodness, and so he had continued to do. Then turning to the Chancellor and the rest, he said that it was not in his power nor in that of any of them to turn him away from his affection—Somerset alone could do it, if he became truly unworthy of it. He then commanded the Chancellor without any reply to put the seal to the pardon, for he willed it and commanded it of his royal authority; and then passed to his apartments. This coming to the Queen's knowledge, she immediately went

se ne andò ella immediata del suo palazzo a quello del Rè, et si adoperò in maniera che fece sospendere l'ordine dato di metter il sigillo al perdono; il qual doppo non pure non è stato posto, ma anco Somerset resta aggravato di altre, et particolarmente di haver fatto avvelenare un cavallier di gran stima, amico suo, che si trovava per commando del Rè in Torre.^a

from her own palace to the King's, and worked upon him so that she got the order suspended for putting the seal to the pardon. It has never since been done, but Somerset is now charged with other crimes, and especially of having caused to be poisoned a gentleman of great estimation, a friend of his own, who was by the King's orders in the Tower.^a

^a This was not the pardon which was read at Somerset's trial. That one, the second pardon, was, according to Cotton's evidence, prepared a little before Michaelmas, about a month after this scene in the Council. Of that pardon Somerset said in his defence: "And for the precedent of the largest pardon which I had from Sir Robert Cotton, it was upon this occasion Sir R. Cotton said, 'In respect you have received some disgrace in the opinion of the world, in having past that pardon which the last summer you desired, 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 may recover your honour.'" This is a very probable statement. Somerset is taxed with embezzlement. He obtains a pardon to cover such charges, and only misses forcing it past the great seal by the Queen's interference. He then determines by way of bravado to obtain a pardon "after the largest precedent" (whether at Cotton's suggestion or his own is quite immaterial), but is unable to carry it through, partly from Yelverton's objection to it, and still more because there was not time to fight the battle out before the charge of murder was raised against him. If this explanation is the true one, and if it can not be said to be established by legal evidence it is at least far more in accordance with the facts that are known than any other, the whole edifice which was built upon these pardons by the crown lawyers at the trial falls at once to the ground.

3.

Diego Sarmiento de Acuña to the Duke of Lerma.

[Extract.]

November $\frac{7}{17}$, 1615.

[Archives of Simancas 2594, fol. 38.]

Muy encontrados y opuestos andan aqui todos los de palacio unos con otros, y el Conde de Somerset tiene muchos y declarados enemigos que tornan agora a hazer fuerza con el Rey, en que llame a Parlamento, persuadiendole que es solo esto el camino para remediar sus necessidades, y dificultandole los demás remedios; y los cuerdos tienen este por peligroso en el estado presente, y estando tan fresco lo sucedido en el Parlamento pasado.

There is very much faction and opposition here between the courtiers, and the Earl of Somerset has many declared enemies, who are now again trying to drive the King to summon a Parliament, persuading him that this is the only way to remedy his necessities, and showing him how difficult other remedies will be. The prudent hold this to be dangerous in the present state of affairs, that which happened in the last Parliament being so recent.

4.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

January $\frac{20}{30}$, 1616.

[Archives of Simancas 2595, fol. 23.]

Embio la Condesa con un cavallero que la guardo al Rey con recado, supplicandole humilissamente que la embiare dos personas de los de quien mas se se fiase, a quien ella pudiese hablar y embiarle

The Countess sent a gentleman who guarded her with a message to the King, supplicating him most humbly to send two persons from amongst those whom he trusted most, to whom she might

un recado. El Rey embio Martes a 12 deste al Vizconde Fenton y al Conde de Montgomery, ambos de su camara, para que le hablasen. Fueron, y he sabido que los hablo confessando llanamente la parte que havia tenido en dessear y ayudar a la muerte del Obarbury, como moça agravada y offendida que el hablaba indignissimamente de su persona; pero que el Conde de Somerset, que entonces aun no era su marido, ni lo havia sabido ni tenido parte en ello. Antes ella se guardava y recatava del en esto, porque le tenia por muy verdadero amigo del Obarbury, que esto era la verdad, aunque el aver sido ella sola en ello fuese mas culpa.^a

speak, and by whom she could send him a message. The King sent on Tuesday, the $\frac{2}{11}$ of this month, Viscount Fenton and the Earl of Montgomery, both of his chamber, to speak to her. They went, and I have learned that she spoke to them, plainly confessing the part which she had taken in desiring and aiding the death of Overbury, as being a girl aggrieved and offended by the most unworthy things which he had said about her person; but that the Earl of Somerset, who at that time was not yet her husband, neither knew anything about it, nor took any part in it. She had rather guarded herself and kept the secret from him, because she held him to be a very true friend of Overbury. This was the truth, though it was the greater blame to her that she had been alone in the matter.^a

^a We learn from this for the first time the nature of this confession of the 1st of January. It is of course no evidence of any great weight in itself; but it is in accordance with many of the facts which are known. It is known now from papers which were apparently not in the hands of the prosecution at the trial [Harl. MSS. 7002, fol. 281] that there was an independent intrigue going on between Somerset and Overbury, in which, as Overbury at least believed, Somerset was to give Overbury medicine in order to make him ill, so as to excite the King's compassion. Now if Somerset wished to keep Overbury out of the way till the divorce case was at an end, from fear lest he should stop it by deposing to the fact of an adulterous connexion between his patron and the lady, whilst he wished him to leave the Tower finally under supposed obligation to him, it does not seem improbable that a strong-willed and vindictive woman, seeing tarts and jellies passing through her hands for purposes of correspondence, should take hold of the opportunity to poison the man whom she detested without telling Somerset anything about the matter. In his defence at the trial Somerset brought forward this very account of his actions, though only in a general way. He said that "true it is, he did plot with Northampton concerning Overbury how to imprison him . . .; but, he said, by this plot whereof Northampton wrote unto this prisoner, nothing was understood by this prisoner beyond the imprisonment of Overbury, and especially to make him unable to cross or any way hinder his intended marriage with the then Countess of Essex." . . . "If Northampton, the Lieutenant, Frances (for so he termed his wife), or any other of the executed persons during the time of his imprisonment consented in any other contrivance of his death, it was more than ever this prisoner knew or conceived to be plotted."

The obvious question upon this is, why Somerset, if he were innocent, did not go into further detail. It may very possibly however have been the case that, worn out as he was, he shrunk from doing so for fear of the consequences which might be drawn by the lawyers from the full confession of his intrigues. Besides, if he ever thought of reading those letters, which have come down to us, in Court, he must have known that there were expressions in them relating to the King which would only exasperate James, and would cut himself off from the hope of pardon.

Que sobre todo se hechaba a los pies del Rey, pidiendo su gracia y misericordia con mucho dolor de aver offendido in esto a Dios y a el. Los cavalleros a quien ella dio este recado han hecho y hazen por ella muy buenos officios ; y he savido tambien que demas desto se han offrecido por su parte a Don Jorge Vilers el nuevo favorecido 20,000 libros, que son 80,000 ducados, porque alcance el pardon del Rey, y assi, con ser ella la culpada, se tiene mejor esperanza de su vida que de la del Conde; y una persona bien intelligente me dixo a noche que el mayor peligro que tiene la vida de la Condesa es que no saven como podra morir el Conde sin ella no muere, siendo la principal culpada; porque, en orden a que muera el Conde, han precipitado las muertes de los demas, que han ahorcado; y ay quien dixa que podra ser que con lo que ha traydo el Secretario del Embaxador Don Juan Digby se resuelvan en sacalle a juicio sin aguardar la venida del Embaxador; y por diferentes vias le confirmado que contra el Conde no se averigua cosa de sustancia en lo de la muerte del Ovarberi; y de la del Principe no ha permitido el Rey que se hable en ella; y todo lo demas probado hasta agora viene a parar en que dio un decreto antes que le prendiesen, para recojer unos papeles, diziendo que era orden del Rey sin haverla tenido para ello. Fue lo que causo su prision, y el aver entregado despues todos los papeles que tenia de importancia con algunas joyas a un amigo suyo, para que lo guardase que se coxieron. Y el Rey ha sentido infinito que se ayan visto

For all this she threw herself at the feet of the King, begging for his grace and pity, with much grief at having in this offended God and him. The gentlemen to whom she gave this message have done and are doing good offices for her; and I have learned that besides this there have been offered on her part 20,000*l.*, that is to say 80,000 ducats, to Sir George Villiers the new favourite, that he may obtain her pardon from the King; and so, although she is the guilty person, there is more hope of her life than of that of the Earl; and a very intelligent person told me last night that the greatest danger to the life of the Countess arises from their not knowing how to put the Earl to death, if they save her alive, as she is the principal culprit; since, in order that the Earl may be put to death, they have hurried on the deaths of the remainder, whom they have executed; and some say that they will, upon the information brought by the secretary of the ambassador Sir John Digby, bring him to trial without waiting for the ambassador's arrival; and, by different ways, I have found confirmation of my belief that against the Earl nothing of importance can be proved in the matter of Overbury's death; and as to that of the Prince, the King has not allowed a word to be spoken about it; and every thing else that is proved up to this time comes to this, that he gave an order before he was arrested for the recovery of some papers, saying that it was by the King's directions, though he had never received them from him. This was that which caused his imprisonment, together with his having entrusted all the papers of importance which he had, together with some jewels, to a friend of his, to prevent them being found. And the King is very

It must be remembered, however, that the difficulty is not got over by the assumption of Somerset's guilt. If the whole intrigue with Overbury was got up as a cloak for poisoning it must have been carefully prepared to be produced at the right time. True or false it would have accounted for many facts. A reason must be found, why did not Somerset bring it forward at length, even if he were guilty?

algunos papeles que havia suyos para el Conde de Somerset, y assi carga agora toda la yra sobre el Conde, y algunos papeles que se hallaron entre ellos de los que Don Juan Digby embio de ahy tocantes a confidentes, dize agora el Rey que el Conde no le mostro estos papeles por ser culpado en ellos el Conde de Nortanton y otros parientes de la Condesa su muger; y tambien me dizen que hallaron entre estos papeles, algunos del Conde de Nortanton para el Conde de Somerset con avisos y documentos santos y buenos en materia de la religion Catolica, de que induzen que el Conde de Somerset lo queria introducir en este Reyno con el casamiento deste Principe en España, o con qualquiera otro medio que pudiese.

Todos estos papeles y las joyas llevaron los Comisarios del Rey, y el embio de las joyas a la Regina una cadena de diamantes muy buena, y ella la embio al Don Jorge Villers, que la trae puesta de ordinario. Guarde Dios, &c.

Despues de escrita esenta he savido que ayer se vio privadamente por Juezes la causa del Conde y Condesa de Somerset, que es costumbre que se tiene aqui hazer esta diligencia en ausencia de los reos, para ver si aya materia para que mueran, antes que ellos y sus causas vean y lleven al tribunal publico; y dizenme que estos Juezes declararon que havia causa bastante en lo probado para ser condenados porque contra la Condesa constaba que era culpada de la muerte del Ovaberi, y contra el Conde indicios de que lo supo, y no lo denunció y declaro, y por esto dizen que es justo que muera. No se trato en esto juicio de ninguna otra cosa, y pienso que si esta los parece bastante

angry at the Commissioners seeing some papers of his which Somerset had, and so he now discharges all his anger upon the Earl; and he now says that the Earl never showed him some papers which were found amongst those which Sir John Digby sent from Spain^a, and which mentioned my confidants, because the Earl of Northampton and other relations of the Countess his wife were inculpated by them; and I am also told that amongst those papers were found some from the Earl of Northampton written to the Earl of Somerset, containing good and holy advice, and other writings relating to the Catholic religion, to induce the Earl of Somerset to attempt to introduce it into this kingdom, together with the marriage of this Prince in Spain, or by any other means he could.

All these papers and jewels were taken by the Commissioners to the King, and he sent from the jewels a very good chain of diamonds to the Queen, and she sent it to Sir George Villiers, who wears it ordinarily. May God preserve, &c.

P.S.—Since writing this, I have learned that yesterday the case of the Earl and Countess of Somerset was privately examined by the Judges, it being customary here to do this in the absence of the accused to see whether there is matter against them sufficient to put them to death before they bring them and their case before the public tribunal; and I am told that these Judges will declare that, in what is proved, there is sufficient to condemn them, since against the Countess it is proved that she was guilty of the death of Overbury; and against the Earl there are proofs that he knew of it, and did not denounce or declare it, and they say that for that reason it is just that he suffer death. In that decision nothing else was mentioned, and I think that, if this seems to them

^a This was a mistake, as appears from Digby's letter of the 3rd of April, 1616. State Papers. Spain.

no se valdran de mas; aunque se duda que los Pares del Reyno, que son los Condes y los Varones, que han de juzgarle en el juicio publico, tengan esto per sufficiente contra el Conde, y assi no esto aun señalado el dia de quando le llamaran para este juicio ni a la Condesa tan poco.

enough, they will not make use of more; although it is doubted whether the Peers of the Realm, that is to say the Earls and Barons, who have to sit as judges in the public trial, will hold this to be sufficient against the Earl, and so the day is not yet appointed for his trial, and as little for that of the Countess.

5.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

May 31.
June 10, 1616.

[Archives of Simancas 2595, fol. 99.]

El mismo dia del juicio del Conde de Somerset me envio dezir el Rey que se holgaria le viese en Greenwich. Estuba con el gran rato.

The very day of the Earl of Somerset's trial the King sent to tell me that he would be glad if I would come to see him at Greenwich. I was a long time with him.^a

^a This would seem to show that too much must not be made of the King's excitement during the trial. The conversation turned upon the marriage.

6.

Diego Sarmiento de Acuña to Philip III.

[Extract.]

May 31,
June 10, 1616.

[Archives of Simancas 2595, fol. 101.]

En 25 del mes pasado de Mayo de cuenta a V. Mag^d como estando señalado para aquel dia el sacar a juicio publico al Conde y Condesa de Somerset, y estando ellos y los Condes y Varones que los havian de juzgar prevenidos para esto acto, ovia venida orden del Rey que se suspendiese para los 2 deste.

Publicose que esta dilacion la avia causado que el Conde de Somerset avia embiado a dezir al Rey que queria descubrir y declarar grandes cosas, y la Reyna me lo dijo a mi asi el dia siguiente; pero havianla informada mal, porque lo cierto es que, pareciendoles a los comisarios que dizieron la averignacion que no havia suficientes pruebas para condenalle fueron de parecer que se suspendiese la causa del Conde para ver si se podian hallar mas pruebas, y que se hiziesen nuevas diligencias con el para que confesase sus culpas.

Y assi Viernes a 27 de Mayo a las 2 de la tarde escrivio el Rey al Duque de Lenox y al Varon de Hey, que estuvieron con la Condesa mas de una hora persuadiendole de nuevo que declarase lo que savia contra su marido. Ella dixo que en la muerte del Cavallero Obarberi avia declarado y confesado su misma culpa, y aun encarecidola, para que tuviese mas en que obrar la piedad y clemencia del Rey; pero que del Conde ni en esto ni en otra cosa sabia que fuese culpado.

On the $\frac{1}{2}$ th of May I gave an account to your Majesty that the public trial of the Earl and Countess of Somerset being appointed for that day, and the Earls and Barons, who were to try them, being summoned, an order had come from the King to postpone it to the

23rd of May
2nd of June

It was given out that this postponement had been caused by a message sent by the Earl of Somerset to the King, to the effect that he wished to discover and declare great matters, and the Queen told me so the next day; however, she had been ill-informed, for the fact was, that the Commissioners who conducted the examination, not thinking that they had sufficient proofs to condemn the Earl, were of opinion that the trial should be postponed, to see if they could find fresh proofs, and that they might urge him again to confess his faults.

And so on Friday, the $\frac{1}{2}$ th of May, at 2 o'clock in the afternoon, the King wrote to the Duke of Lennox and to Lord Hay, who were with the Countess more than an hour, persuading her afresh to declare what she knew against her husband. She said that with respect to Overbury's death, she had declared and confessed her own fault, and had even enhanced it, in order to have more to work upon the pity and clemency of the King; but that she did not know that the Earl was guilty of this, or of anything else.

Con esto pasaron el Duque y el Varon de Hey al parte donde en la misma Torre esta el Conde preso. Dixerón le la confesion de la Condesa su muger, añadiendo para movelle que, con aver confesado la Condesa su culpa llanamente, y puestose en las manos y misericordia del Rey, avia gauado mucho merito, y que assi tenia muy buenas esperanzas de su vidu, y que del Conde seria lo mismo; que como buenos Escoceses y sus amigos le aconsejaban que lo hiciese, porque en lo contrario aventuraba el l'alma, la hourra, y la vida.

El Conde dixo que se espantaba mucho que alabasen en aquel casso la clemencia del Rey con su muger, pues estaba mandada sacar a juicio, y que de lo quiere hazen con el mismo Conde, no podia dexar de espantarse, tambien pues despues de estar prevenida su causa, y su dia para llamar le a juicio publico le venian de nuevo a preguntar sus culpas y a aconsejalle que las confesase; que el no tenia que dezir sino quejar de ser tan mal tratado sin causa, y que assi esperaba de la prudencia del Rey, y de los quienes le aconsejaban, que no permitieran que se hiziese un horror tan grande, como llamarle a el a juicio, donde si se llevaban, pues savia a que era para morir alli, diria lo que supiese para morir alli, diria lo que supiese para su defensa, sin que el Rey se pudiese quejar, pues era la causa dello.

Dixole el Varon de Hey, que se reportase en aquel modo de hablar, y que el via en su semblante que era reo y culpado, y que le parecia que tenia en la boca, y aun en los labios la confesion de sus culpas; que las dixese, y tomase aquel consejo de un hombre que en aquel punto le hablaba como hermano y fiel amigo, aunque hasta alli confesaba que era quien mas malas hobras le avia hecho

After this the Duke and Lord Hay passed to the part of the same Tower in which the Earl was confined. They told him of the confession of the Countess his wife, adding, with the purpose of moving him, that by confessing her fault plainly and placing herself in the King's hands, she had gained much merit, and that thus she had good hope of her life; and that it would be the same with the Earl; that as good Scotchmen and friends to him, they counselled him to do as she had done, for if he did not, he would risk his soul, his honour, and his life.

The Earl said that he was much surprised that in this case they praised the King's clemency towards his wife, as she was to be sent to trial; and that he could not help being surprised at that which he wished to do with himself, especially as after his trial had been fixed, and the day for his being brought publicly into Court, they came to inquire into his faults afresh, and to counsel him to confess them. He had nothing to say, except that he complained that he had been so badly treated without any cause, and that he hoped so much from the prudence of the King and of those who counselled him, as that they would not permit so great an error to be committed as to bring him to trial, for if they took him there, since he knew that it would only be done that he might die there, he would say that which he knew in his own defence, without the King being able to complain of it, since he was the cause of it.

Lord Hay said to him that he should abstain from talking in this way, and that he saw in his face that he was guilty, and that he thought that he could see the confession of his faults in his mouth, and even in his lips. He had better speak it out, and take the advice of a man who, at that moment, was speaking to him as a brother and a faithful friend, though he acknowledged that formerly it had been he who had done him the worst turn to have him imprisoned, because he had

para su prision, porque el Conde le avia sido ingrato; pero que sabia que, confesando, y poniendose en las manos de su Rey, veria su gracia y misericordia.

El Conde le dixo que siempre le avia deseado de servir, y que le pesaba de no avello acertado a hazer como quisiera, y que sin embargo deste ni sabia ni esperaba que le habiese hecho ni havia malas obras, pero que quando asi fuese le avia hecho antes tantas buenas que le obligaban a tomar y seguir sus consejos como lo havia en lo possible; pero que la confesion de lo que no era ni sabia no podia estar en la boca ni en otra parte; con que, aviendo gastado en estas persuasiones mas de tres horas, se fueron sin sacar ningun fructo; y el Alcayde del Torre estuvo aquella misma noche con el Conde haziendo el mismo officio sin mas effecto.

El Jueves a 2 deste mes que era el dia señalado para el juicio se suspendio para el Viernes y Sabádo siguiente, y el mismo Jueves volvio el Varon de Hay a persuader y aconsejar al Conde que confesase, y, visto que en esto no havia que esperar, le aconsejo con muy vivas razones la templanza y sufrimento sin exceder ni meterse, pues con aquello obligaria al Rey; asegurandole (segun me afirman), mucho deste, y del amor y buena voluntad que el Rey le tenia; tornandole a protestar que no haziendolo asi lo aventuraba todo.

* * * * *

Con esto que fue todo lo que tuvo, el Doctor Francesco Bacon, Procurador y Fiscal General del

been ungrateful to him; yet he knew that, if he confessed and put himself into the hands of his King, he would obtain grace and mercy.

The Earl replied that he had always wished to serve him, and he regretted that he had not been successful in this as he had wished, but that, nevertheless, he did not know that he had done him a bad turn, nor did he expect that he would do so; but even if this were the case, he had before done him such good service, that he was bound to take his advice, and to follow it as far as was possible: but that a confession of that which had never been, and of which he knew nothing, could not be in his mouth nor anywhere else. After this, having spent more than three hours in attempting to persuade him without effect, they departed; and the Lieutenant of the Tower was with the Earl the same night trying, with no more effect, to accomplish the same object.

Thursday the ^{23rd of May}_{2nd of June} was the day appointed for the trial, but it was postponed to the Friday and Saturday following; and that same Thursday Lord Hay returned to persuade and advise the Earl to confess, and, seeing that there was no hope of that, counselled him, with very lively arguments, to moderation and patience, so as not to break bounds or to meddle with what did not concern him, since by this he would oblige the King; strongly assuring him (as I am told), of this, and of the King's affection and good will towards him; again assuring him that if he did not do this he would risk all.^a

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After this [viz. the evidence] which was all that he had, Dr. Francis Bacon, the Attorney-

^a There is little that is new in the long account of the two trials which follows. All there is, is contained in the extracts given.

Rey, hechura y confidentissimo amigo del Conde antes de la prision, le acuso en una larga oracion.

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Estavo el Conde en el juicio siempre en pie y descubierto y tan flaco y tan decaydo, y lo que dixo fue tan tibio y tan bajo que el mismo Fiscal de Rey pridio al Chanciller que para mayor justificacion de la causa y aver sido el Conde tan gran persona en este Reyno se le diese alli papel y tinta para si quisiese escriver algo.

Hizose assi, y el Conde escrivio mucho, pero no quiso leer sino muy poco y de muy poca sustancia; solo me dizen que a la postre en el punto general de su causa, hablo atinadamente, diziendo a los Juezes que considerasen que era ygnocente, y su companero, Par del Reyno, y que condenalle por indicios tan flacos era condenarse ellos assimismos, y a sus sucessores para otros casos semejantes: y dizen me que despues quando le leyeron la sentencia condenandole a ahorcar beso la mano, y hizo una reverencia con el mismo semblante que pudo era hazello si tuviera de que estar muy agradecido, y el mismo si quito del cuello y de la pierna las insignias de la orden de San Jorge y de la Jarratera.

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En la execucion de las sentencias ay oy varios pareceres, porque la piedad de la causa de la Condesa y el favor que tiene da mucha esperanza de que no morira, y esta es la que ay para la vida del Conde; y por esto mismo lo que mas dificulta la de la Condesa, porque dizen muchos

General, a creature and most intimate friend of the Earl before his imprisonment, accused him in a long oration.

* * * * *

During the trial the Earl stood the whole time and had his head uncovered, and what he said was so lukewarm and so dispirited, that even the Attorney-General asked the Chancellor to give him paper and ink if he wished to write anything, both for the better justification of the cause, and because he had been so great a personage in the realm.

This was done, and the Earl wrote much, but he would only read a very little of it, and that of very little substance, only they tell me that in the end, upon the general view of his case, he spoke to the point, telling the judges to consider that he was innocent, and their fellow as a peer of the realm, and that to condemn him upon such poor evidence was to condemn themselves and their successors in other cases of the like kind, and I am told that afterwards, when the sentence condemning him to be executed was read, he kissed his hand and made a reverence with a look such as he might have had if he had been much favoured; and that he himself took off from his neck and his leg the insignia of the Order of St. George and the Garter.

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As to the execution of the sentences there are now various opinions, because the pitifulness of the Countess's case and the favour she is in give great hope that her life will be spared; and it is this which is in favour of the life of the Earl; and for the same reason there arises a difficulty in the Countess's way, because many say that if she does not die, being the principal, it will not be right

que, no muriendo ella que es la principal, no sera razon que muera el Conde, condenado por solos indicios ; pero todavia se dudo suas de su vida que de la de la Condesa. Dizen que tambien lo detiene la consideracion de que un hombre de tantos grados muera ahorcado, y lo que se puede pensar de que muriendo tan publicamente diga algo que duela a alguno, y assi esta cerradissimo, y se entiende que se buscara traza para que haviendo de morir se degollado privadamente en la misma Torre, y me dizen que se han hecho ya sobre esto algunas proposiciones, y al mismo Alcayde de la Torre, diziendole que lo haya, y que despues se le dara perdon, y el no ha querido sin que se le de la orden para ello por escrito y primero.

that the Earl should die, being condemned only on presumption ; nevertheless there is greater doubt of his life than of hers. They tell me that there is also an obstacle in the consideration of the impropriety of executing a man of such degree, and of the possibility that, if he dies in public, he may say something which will give pain to some one, and so the matter is kept very close ; and it is understood that a proposal has been made that, as the Earl is to die, he should be executed privately within the walls of the Tower ; and I am told that they have made on this subject some propositions, even to the Lieutenant of the Tower, telling him to do it, and that afterwards he shall have a pardon, and that he refused, unless he had the warrant for it in writing beforehand.