

**GARDINER  
SAMUEL  
RAWSON**

WHAT GUNPOWDER PLOT  
WAS

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*What Gunpowder Plot Was:*

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# Samuel Rawson Gardiner

## What Gunpowder Plot Was

### CHRONOLOGICAL NOTES

(Political events in italics)

1603.	March 24. — <i>Accession of James I.</i>
	June 17. — <i>James informs Rosvy of his intention to remit the Recusancy fines.</i>
	July 17. — <i>James assures a deputation of Catholics that the fines will be remitted.</i>
	Aug. 20. — <i>Parry writes to announce the overtures of the Nuncio in Paris.</i>
1604.	Feb. 22. — <i>Proclamation banishing priests.</i>
	March. — Catesby imparts the design to Winter.
	About the beginning of April. — Winter goes to Flanders.
	Towards the end of April. — Winter returns with Fawkes.
	Early in May. — The five conspirators take an oath, and then receive the sacrament.
	May 24. — Agreement for a lease of part of Wynniamd's block of houses.
	June. — (Shortly before midsummer Keyes sworn in and intrusted with the charge of the powder at Lambeth).
	July 7. — <i>The Royal consent given to a new Recusancy Act.</i>
	Aug. — <i>Executions under the Recusancy Act.</i>
	Sept 5. — <i>Commission appointed to preside over the banishment of the priests.</i>
	Sept. 14. — <i>The Council recommends that the Act shall not be put in force against lay Catholics.</i>
	Nov. 28. — <i>Fines required from thirteen Catholics rich enough to pay 20l. a month.</i>
	About Dec. — Bates sworn.
	About Dec. 11. — The five conspirators begin to dig the mine.
	Before Christmas. — The diggers having reached the wall of the House of Lords, suspend their work.
1605.	Jan. — The day cannot be fixed. — John Grant and Robert Winter sworn.
	About Jan. 18. — Work resumed.
	Jan. — Christopher Wright and Keyes brought to join in the work.
	About Feb. 2. — Wall of House of Lords excavated halfway through.
	Feb. 10. — <i>James orders that the Recusancy Act be fully executed.</i>
	March, before Lady Day. — The conspirators begin to work a third time, but finding that the 'cellar' is to let, hire it, and having moved the powder into it, disperse.
	Oct. 26. — Monteaige receives the letter.
	27. — Ward informs Winter.
	28. — Winter informs Catesby.
	30. — Tresham returns to London.

# CHAPTER I

## HISTORICAL EVIDENCE

In ‘What was the Gunpowder Plot? The Traditional Story tested by Original Evidence,’<sup>1</sup> Father Gerard has set forth all the difficulties he found while sifting the accessible evidence, and has deduced from his examination a result which, though somewhat vague in itself, leaves upon his readers a very distinct impression that the celebrated conspiracy was mainly, if not altogether, a fiction devised by the Earl of Salisbury for the purpose of maintaining or strengthening his position in the government of the country under James I. Such, at least, is what I gather of Father Gerard’s aim from a perusal of his book. Lest, however, I should in any way do him an injustice, I proceed to quote the summary placed by him at the conclusion of his argument: —

“The evidence available to us appears to establish principally two points: that the true history of the Gunpowder Plot is now known to no man, and that the history commonly received is certainly untrue.

“It is quite impossible to believe that the Government were not aware of the Plot long before they announced its discovery.

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<sup>1</sup> London: Osgood, McIlvaine & Co., 1897.

“It is difficult to believe that the proceedings of the conspirators were actually such as they are related to have been.

“It is unquestionable that the Government consistently falsified the story and the evidence as presented to the world, and that the points upon which they most insisted prove upon examination to be the most doubtful.

“There are grave reasons for the conclusion that the whole transaction was dexterously contrived for the purpose which in fact it opportunely served, by those who alone reaped benefit from it, and who showed themselves so unscrupulous in the manner of reaping.”

No candid person, indeed, can feel surprise that any English Roman Catholic, especially a Roman Catholic priest, should feel anxious to wipe away the reproach which the plot has brought upon those who share his faith. Not merely were his spiritual predecessors subjected to a persecution borne with the noblest and least self-assertive constancy, simply in consequence of what is now known to all historical students to have been the entirely false charge that the plot emanated from, or was approved by the English Roman Catholics as a body, but this false belief prevailed so widely that it must have hindered, to no slight extent, the spread of that organisation which he regards as having been set forth by divine institution for the salvation of mankind. If Father Gerard has gone farther than this, and has attempted to show that even the handful of Catholics who took part in the plot were more sinned against than sinning, I, for one, am not inclined to

condemn him very harshly, even if I am forced to repudiate alike his method and his conclusions.

Erroneous as I hold them, Father Gerard's conclusions at least call for patient inquiry. Up to this time critics have urged that parts at least of the public declarations of the Government were inconsistent with the evidence, and have even pointed to deliberate falsification. Father Gerard is, as far as I know, the first to go a step farther, and to argue that much of the evidence itself has been tampered with, on the ground that it is inconsistent with physical facts, so that things cannot possibly have happened as they are said to have happened in confessions attributed to the conspirators themselves. I can only speak for myself when I say that after reading much hostile criticism of Father Gerard's book – and I would especially refer to a most able review of it, so far as negative criticism can go, in the *Edinburgh Review* of January last – I did not feel that all difficulties had been removed, or that without further investigation I could safely maintain my former attitude towards the traditional story. It is, indeed, plain, as the *Edinburgh Review* has shown, that Father Gerard is unversed in the methods of historical inquiry which have guided recent scholars. Yet, for all that, he gives us hard nuts to crack; and, till they are cracked, the story of Gunpowder Plot cannot be allowed to settle down in peace.

It seems strange to find a writer so regardless of what is, in these days, considered the first canon of historical inquiry, that evidence worth having must be almost entirely the evidence of

contemporaries who are in a position to know something about that which they assert. It is true that this canon must not be received pedantically. Tradition is worth something, at all events when it is not too far removed from its source. If a man whose character for truthfulness stands high, tells me that his father, also believed to be truthful, seriously informed him that he had seen a certain thing happen, I should be much more likely to believe that it was so than if a person, whom I knew to be untruthful, informed me that he had himself witnessed something at the present day. The historian is not bound, as the lawyer is, to reject hearsay evidence, because it is his business to ascertain the truth of individual assertions, whilst the lawyer has to think of the bearing of the evidence not merely on the case of the prisoner in the dock, but on an unrestricted number of possible prisoners, many of whom would be unjustly condemned if hearsay evidence were admitted. The historian is, however, bound to remember that evidence grows weaker with each link of the chain. The injunction, "Always leave a story better than you found it," is in accordance with the facts of human nature. Each reporter inevitably accentuates the side of the narrative which strikes his fancy, and drops some other part which interests him less. The rule laid down by the late Mr. Spedding, "When a thing is asserted as a fact, always ask who first reported it, and what means he had of knowing the truth," is an admirable corrective of loose traditional stories.

A further test has to be applied by each investigator for

himself. When we have ascertained, as far as possible, on what evidence our knowledge of an alleged fact rests, we have to consider the inherent probability of the allegation. Is the statement about it in accordance with the general workings of human nature, or with the particular working of the nature of the persons to whom the action in question is ascribed? Father Gerard, for instance, lavishly employs this test. Again and again he tells us that such and such a statement is incredible, because, amongst other reasons, the people about whom it was made could not possibly have acted in the way ascribed to them. If I say in any of these cases that it appears to me probable that they did so act, it is merely one individual opinion against another. There is no mathematical certainty on either side. All we can respectively do is to set forth the reasons which incline us to one opinion or another, and leave the matter to others to judge as they see fit.

It will be necessary hereafter to deal at length with Father Gerard's attack upon the evidence, hitherto accepted as conclusive, of the facts of the plot. A short space may be allotted to the reasons for rejecting his preliminary argument, that it was the opinion of some contemporaries, and of some who lived in a later generation, that Salisbury contrived the plot in part, if not altogether. Does he realise, how difficult it is to prove such a thing by any external evidence whatever? If hearsay evidence can be taken as an argument of probability, and, in some cases, of strong probability, it is where some one material fact is concerned. For instance, I am of opinion that

it is very likely that the story of Cromwell's visit to the body of Charles I. on the night after the King's execution is true, though the evidence is only that Spence heard it from Pope, and Pope heard it, mediately or immediately, from Southampton, who, as is alleged, saw the scene with his own eyes. It is very different when we are concerned with evidence as to an intention necessarily kept secret, and only exhibited by overt acts in such form as tampering with documents, suggesting false explanation of evidence, and so forth. A rumour that Salisbury got up the plot is absolutely worthless; a rumour that he forged a particular instrument would be worth examining, because it might have proceeded from some one who had seen him do it.

For these reasons I must regard the whole of Father Gerard's third chapter on 'The Opinion of Contemporaries and Historians' as absolutely worthless. To ask Mr. Spedding's question, 'What means had they of knowing the truth?' is quite sufficient to condemn the so-called evidence. Professor Brewer, Lodge, and the author of the 'Annals of England,'<sup>2</sup> to whose statements Father Gerard looks for support, all wrote in the nineteenth century, and had no documents before them which we are unable to examine for ourselves. Nor is reliance to be placed on the statements of Father John Gerard, because though he is a contemporary witness he had no more knowledge of Salisbury's actions than any indifferent person, and had far less knowledge of the evidence than we ourselves possess. Bishop Talbot, again,

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<sup>2</sup> Gerard, p. 48.

we are told, asserted, in 1658, 'that Cecil was the contriver, or at least the fomenter, of [the plot],' because it 'was testified by one of his own domestic gentlemen, who advertised a certain Catholic, by name Master Buck, two months before, of a wicked design his master had against Catholics.'<sup>3</sup> Was Salisbury such an idiot as to inform his 'domestic gentleman' that he had made up his mind to invent Gunpowder Plot? What may reasonably be supposed to have happened – on the supposition that Master Buck reported the occurrence accurately – is that Salisbury had in familiar talk disclosed, what was no secret, his animosity against the Catholics, and his resolution to keep them down. Even the Puritan, Osborne, it seems, thought the discovery 'a neat device of the Treasurer's, he being very plentiful in such plots'; and the 'Anglican Bishop,' Goodman, writes, that 'the great statesman had intelligence of all this, and because he would show his service to the State, he would first contrive and then discover a treason, and the more odious and hateful the treason were, his service would be the greater and the more acceptable.'<sup>4</sup> Father Grene again, in a letter written in 1666, says that Bishop Usher was divers times heard to say 'that if the papists knew what he knew, the blame of the Gunpowder Treason would not be with them.' "In like manner," adds Father Gerard, citing a book published in 1673, "we find it frequently asserted, on the authority of Lord Cobham and others, that King James himself,

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<sup>3</sup> *Ib.* p. 51, note 2.

<sup>4</sup> *Goodman*, i. 102.

when he had time to realise the truth of the matter, was in the habit of speaking of the Fifth of November as ‘Cecil’s holiday.’”<sup>5</sup>

Lord Cobham (Richard Temple) was created a peer in 1669, so that the story is given on very second-hand evidence indeed. The allegation about Usher, even if true, is not to the point. We are all prepared now to say as much as Usher is represented as saying. The blame of the Gunpowder Treason does not lie on ‘the papists.’ It lies, at the most, on a small body of conspirators, and even in their case, the Government must bear a share of it, not because it invented or encouraged the plot, but because, by the reinforcement of the penal laws, it irritated ardent and excitable natures past endurance. If we had Usher’s actual words before us we should know whether he meant more than this. At present we are entirely in the dark. As for the evidence of Goodman and Osborne, it proves no more than this, that there were rumours about to the effect that the plot was got up by Salisbury. Neither Osborne nor Goodman are exactly the authorities which stand high with a cautious inquirer, and they had neither of them any personal acquaintance with the facts. Yet we may fairly take it from them that rumours damaging to Salisbury were in circulation. Is it, however, necessary to prove this? It was inevitable that it should be so. Granted a Government which conducted its investigations in secret, and which when it saw fit to publish documents occasionally mutilated them to serve its own ends; granted, too, a system of trial which gave

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<sup>5</sup> *Gerard*, pp. 46, 47.

little scope to the prisoner to bring out the weakness of the prosecution, while it allowed evidence to be produced which might have been extracted under torture, and what was to be expected but that some people, in complete ignorance of the facts, should, whenever any very extraordinary charge was made, assert positively that the whole of the accusation had been invented by the Government for political purposes?

Once, indeed, Father Gerard proffers evidence which appears to bring the accusation which he has brought against Salisbury nearer home. He produces certain notes by an anonymous correspondent of Anthony Wood, preserved in Fulman's collection in the library of Corpus Christi College, Oxford.

“These remarkable notes, he tells us,<sup>6</sup> have been seen by Fulman, who inserted in the margin various questions and objections, to which the writer always supplied definite replies. In the following version this supplementary information is incorporated in the body of his statement, being distinguished by italics.”<sup>7</sup>

The paper is as follows: —

“I should be glad to understand what your friend driveth at about the Fifth of November. It was without all peradventure a State plot. I have collected many pregnant circumstances concerning it.

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<sup>6</sup> *Gerard*, p. 159.

<sup>7</sup> I imagine that the notes in Roman type proceed from Wood's correspondent, and that Fulman's marginal questions are omitted; but Father Gerard is not clear on this.

“Tis certain that the last Earl of Salisbury<sup>8</sup> confessed to William Lenthall it was his father’s contrivance; which Lenthall soon after told one Mr. Webb (*John Webb, Esq.*), a person of quality, and his kinsman, yet alive.

“Sir Henry Wotton says, ’twas usual with Cecil to create plots that he might have the honour of the discovery, or to such effect.

“The Lord Monteaule knew there was a letter to be sent to him before it came. (*Known by Edmund Church, Esq., his confidant.*)

“Sir Everard Digby’s sons were both knighted soon after, and Sir Kenelm would often say it was a State design to disengage the king of his promise to the Pope and the King of Spain to indulge the Catholics if ever he came to be king here; and somewhat to his<sup>9</sup> purpose was found in the Lord Wimbledon’s papers after his death.

“Mr. Vowell, who was executed in the Rump time, did also affirm it so.

“Catesby’s man (*George Bartlet*) on his death-bed confessed his master went to Salisbury House several nights before the discovery, and was always brought privately in at a back door.”

Father Gerard, it is true, does not lay very great stress on this evidence; but neither does he subject it to the criticism to which it is reasonably open. What is to be thought, for instance, of the accuracy of a writer, who states that ‘Sir Everard Digby’s two

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<sup>8</sup> *I.e.*, the second Earl.

<sup>9</sup> ? this.

sons were both knighted soon after,' when, as a matter of fact, the younger, Kenelm, was not knighted till 1623, and the elder, John, not till 1635? Neither Sir Kenelm's alleged talk, nor that of Wotton and Vowell, prove anything. On the statement about Catesby I shall have something to say later, and, as will be seen, I am quite ready to accept what is said about Monteagle. The most remarkable allegation in the paper is that relating to the second Earl of Salisbury. In the first place it may be noted that the story is produced long after the event. As the words imply that Lenthall was dead when they were written down, and as his death occurred in 1681, they relate to an event which occurred at least seventy-six years before the story took the shape in which it here reaches us. The second Earl of Salisbury, we are told, informed Lenthall that the plot was 'his father's contrivance,' and Lenthall told Webb. Are we quite sure that the story has not been altered in the telling? Such a very little change would be sufficient. If the second Earl had only said, "People talked about my father having contrived the plot," there would be nothing to object to. If we cannot conceive either Lenthall or Webb being guilty of 'leaving the story better than they found it,' – though Wood, no doubt a prejudiced witness, says that Lenthall was 'the grand braggadocio and liar of the age in which he lived'<sup>10</sup> – our anonymous and erudite friend who perpetrated that little blunder about the knighthood of Sir Everard Digby's sons was quite capable of the feat. The strongest objection against the

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<sup>10</sup> *Athenæ*, iii. 902.

truth of the assertion, however, lies in its inherent improbability. Whatever else a statesman may communicate to his son, we may be sure that he does not confide to him such appalling guilt as this. A man who commits forgery, and thereby sends several innocent fellow creatures to torture and death, would surely not unburden his conscience to one of his own children. *Maxima debetur pueris reverentia*. Moreover the second Earl, who was only twenty-one years of age at his father's death, was much too dull to be an intellectual companion for him, and therefore the less likely to invite an unprecedented confidence.

It is not only on the reception of second-hand evidence that I find myself at variance with Father Gerard. I also object to his criticism as purely negative. He holds that the evidence in favour of the traditional story breaks down, but he has nothing to substitute for it. He has not made up his mind whether Salisbury invented the whole plot or part of it, or merely knew of its existence, and allowed its development till a fitting time arrived for its suppression. Let me not be misunderstood. I do not for an instant complain of a historian for honestly avowing that he has not sufficient evidence to warrant a positive conclusion. What I do complain of is, that Father Gerard has not started any single hypothesis wherewith to test the evidence on which he relies, and has thereby neglected the most potent instrument of historical investigation. When a door-key is missing, the householder does not lose time in deploring the intricacy of the lock, he tries every key at his disposal to see whether it will fit the wards, and only

sends for the locksmith when he finds that his own keys are useless. So it is with historical inquiry, at least in cases such as that of the Gunpowder Plot, where we have a considerable mass of evidence before us. Try, if need be, one hypothesis after another – Salisbury's guilt, his connivance, his innocence, or what you please. Apply them to the evidence, and when one fails to unlock the secret, try another. Only when all imaginable keys have failed have you a right to call the public to witness your avowal of incompetence to solve the riddle.

At all events, this is the course which I intend to pursue. My first hypothesis is that the traditional story is true – cellar, mine, the Monteagle letter and all. I cannot be content with merely negating Father Gerard's inferences. I am certain that if this hypothesis of mine be false, it will be found to jar somewhere or another with established facts. In that case we must try another key. Of course there must be some ragged ends to the story – some details which must be left in doubt; but I shall ask my readers to watch narrowly whether the traditional story meets with any obstacles inconsistent with its substantial truth.

Before proceeding further, it will be well to remind my readers what the so-called traditional story is – or, rather, the story which has been told by writers who have in the present century availed themselves of the manuscript treasures now at our disposal, and which are for the most part in the Public Record Office. With this object, I cannot do better than borrow the succinct narrative

of the *Edinburgh Reviewer*.<sup>11</sup>

Early in 1604, the three men, Robert Catesby, John Wright, and Thomas Winter, meeting in a house at Lambeth, resolved on a Powder Plot, though, of course, only in outline. By April they had added to their number Wright's brother-in-law, Thomas Percy, and Guy Fawkes, a Yorkshire man of respectable family, but actually a soldier of fortune, serving in the Spanish army in the Low Countries, who was specially brought over to England as a capable and resolute man. Later on they enlisted Wright's brother Christopher; Winter's brother Robert; Robert Keyes, and a few more; but all, with the exception of Thomas Bates, Catesby's servant, men of family, and for the most part of competent fortune, though Keyes is said to have been in straitened circumstances, and Catesby to have been impoverished by a heavy fine levied on him as a recusant.<sup>12</sup> Percy, a second cousin of the Earl of Northumberland, then captain of the Gentleman Pensioners, was admitted by him into that body in – it is said – an irregular manner, his relationship to the earl passing in lieu of the usual oath of fidelity. The position gave him some authority and license near the Court, and enabled him to hire a house, or part of a house, adjoining the House of Lords. From the cellar of this house they proposed to burrow under the House of Lords; to place there a large quantity of powder, and to

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<sup>11</sup> *Edin. Review*, January 1897, p. 192.

<sup>12</sup> This is a mistake. The fine of 3,000*l.* was imposed for his part in the Essex rebellion. (See *Jardine*, p. 31.)

blow up the whole when the King and his family were there assembled at the opening of Parliament. On December 11, 1604, they began to dig in the cellar, and after a fortnight's labour, having come to a thick wall, they left off work and separated for Christmas.

Early in January they began at the wall, which they found to be extremely hard, so that, after working for about two months,<sup>13</sup> they had not got more than half way through it. They then learned that a cellar actually under the House of Lords, and used as a coal cellar, was to be let; and as it was most suitable for their design, Percy hired it as though for his own use. The digging was stopped, and powder, to the amount of thirty-six barrels, was brought into the cellar, where it was stowed under heaps of coal or firewood, and so remained under the immediate care of Guy Fawkes,<sup>14</sup> till, on the night of November 4, 1605 – the opening of Parliament being fixed for the next day – Sir Thomas Knyvet, with a party of men, was ordered to examine the cellar. He met Fawkes coming out of it, arrested him, and on a close search, found the powder, of which a mysterious warning had been conveyed to Lord Monteagle a few days before. On the news of this discovery the conspirators scattered, but by different roads rejoined each other in Warwickshire, whence, endeavouring to raise the country, they rode through Worcestershire, and were

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<sup>13</sup> Off and on, a fortnight at the end of January and beginning of February, and then again probably for a very short time in March.

<sup>14</sup> Fawkes was absent part of the time.

finally shot or taken prisoners at Holbeche in Staffordshire.

It is this story that I now propose to compare with the evidence. When any insuperable difficulties appear, it will be time to try another key. To reach the heart of the matter, let us put aside for the present all questions arising out of the alleged discovery of the plot through the letter received by Monteagle, and let us take it that Guy Fawkes has already been arrested, brought into the King's presence, and, on the morning of the 5th, is put through his first examination.

# CHAPTER II

## GUY FAWKES'S STORY

First of all, let us restrict ourselves to the story told by Guy Fawkes himself in the five<sup>15</sup> examinations to which he was subjected previously to his being put to the torture on November 9, and to the letters, proclamations, &c., issued by the Government during the four days commencing with the 5th. From these we learn, not only that Fawkes's account of the matter gradually developed, but that the knowledge of the Government also developed; a fact which fits in very well with the 'traditional story,' but which is hardly to be expected if the Government account of the affair was cut-and-dried from the first.

Fawkes's first examination took place on the 5th, and was conducted by Chief Justice Popham and Attorney-General Coke. It is true that only a copy has reached us, but it is a copy taken for Coke's use, as is shown by the headings of each paragraph inserted in the margin in his own hand. It is therefore out of the question that Salisbury, if he had been so minded, would have been able to falsify it. Each page has the signature (in copy) of

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<sup>15</sup> Mrs. Everett Green in her 'Calendar of Domestic State Papers,' adds a sixth (*Gunpowder Plot Book*, No. 50); but this is manifestly the deposition of November 17. It must be remembered that, when she produced this volume, Mrs. Everett Green was quite new to the work. She was deceived by an indorsement in the handwriting of the eighteenth century, assigning the document to the 8th.

‘Jhon Jhonson,’ the name by which Fawkes chose to be known.

The first part of the examination turns upon Fawkes’s movements abroad, showing that the Government had already acquired information that he had been beyond sea. Fawkes showed no reluctance to speak of his own proceedings in the Low Countries, or to give the names of persons he had met there, and who were beyond the reach of his examiners. As to his movements after his return to England he was explicit enough so far as he was himself concerned, and also about Percy, whose servant he professed himself to be, and whose connection with the hiring of the house could not be concealed. Fawkes stated that after coming back to England he ‘came to the lodging near the Upper House of Parliament,’ and ‘that Percy hired the house of Whynniard for 12*l.* rent, about a year and a half ago’; that his master, before his own going abroad, *i. e.*, before Easter, 1605, ‘lay in the house about three or four times.’ Further, he confessed ‘that about Christmas last,’ *i. e.*, Christmas, 1604, ‘he brought in the night time gunpowder [to the cellar under the Upper House of Parliament.]’<sup>16</sup> Afterwards he told how he covered the powder with faggots, intending to blow up the King and the Lords; and, being pressed how he knew that the King would be in the House on the 5th, said he knew it only from general report and by the making ready of the King’s barge; but he would have ‘blown up the Upper House whensoever the King was there.’ He further acknowledged that there was more than one person concerned in

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<sup>16</sup> The words between brackets are inserted in another hand.

the conspiracy, and said he himself had promised not to reveal it, but denied that he had taken the sacrament on his promise. Where the promise was given he could not remember, except that it was in England. He refused to accuse his partners, saying that he himself had provided the powder, and defrayed the cost of his journey beyond sea, which was only undertaken 'to see the country, and to pass away the time.' When he went, he locked up the powder and took the key with him, and 'one Gibbons' wife, who dwells thereby, had the charge of the residue of the house.'

Such is that part of the story told by Fawkes which concerns us at present. Of course there are discrepancies enough with other statements given later on, and Father Gerard makes the most of them. What he does not observe is that it is in the nature of the case that these discrepancies should exist. It is obvious that Fawkes, who, as subsequent experience shows, was no coward, had made up his mind to shield as far as possible his confederates, and to take the whole of the blame upon himself. He says, for instance, that Percy had only lain in the house for three or four days before Easter, 1605; a statement, as subsequent evidence proved, quite untrue; he pretends not to know, except from rumour and the preparations of the barge, that the King was coming to the House of Lords on the 5th, a statement almost certainly untrue. In order not to criminate others, and especially any priest, he denies having taken the Sacrament on his promise, which is also untrue. What is more noticeable is that he makes no mention of the mine, about which so much was afterwards heard,

evidently – so at least I read the evidence – because he did not wish to bring upon the stage those who had worked at it. If indeed the passage which I have placed in square brackets be accepted as evidence, Fawkes did more than keep silence upon the mine. He must have made a positive assertion, soon afterwards found to be untrue, that the cellar was hired several months before it really was.<sup>17</sup> This passage is, however, inserted in a different hand from the rest of the document. My own belief is that it gives a correct account of a statement made by the prisoner, but omitted by the clerk who made the copy for Coke, and inserted by some other person. Nobody that I can think of had the slightest interest in adding the words, whilst they are just what Fawkes might be expected to say if he wanted to lead his examiners off the scent. At all events, even if these words be left out of account, it must be admitted that Fawkes said nothing about the existence of a mine.

Though Fawkes kept silence as to the mine, he did not keep silence on the desperate character of the work on which he had been engaged. “And,” runs the record, “he confesseth that when the King had come to the Parliament House this present day, and the Upper House had been sitting, he meant to have fired the match and have fled for his own safety before the powder had taken fire, and confesseth that if he had not been apprehended this last night, he had blown up the Upper House, when the King, Lords, Bishops, and others had been there, and saith that he spake

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<sup>17</sup> It was not actually hired till about Lady Day, 1605.

for [and provided]<sup>18</sup> those bars and crows of iron, some in one place, some in another, in London, lest it should be suspected, and saith that he had some of them in or about Gracious Street.”<sup>19</sup>

After this it will little avail Father Gerard to produce arguments in support of the proposition that the story of the plot was contrived by the Government as long as this burning record is allowed to stand. Fawkes here clearly takes the whole terrible design, with the exception of the incident of the mine, on his own shoulders. He may have lied to save his friends; he certainly would not lie to save Salisbury.

So far, however, there is no proof that Salisbury was not long ago cognisant of the plot through one of the active conspirators. Yet, in that case, it might be supposed that the accounts that he gave of his discoveries would be less dependent than they were on the partial revelations which came in day by day. There is, however, no hint of superior knowledge in the draft of a letter intended to be sent by Salisbury to Sir Thomas Parry, the English ambassador in Paris, and dated on November 6, the day after that on which Fawkes's first examination was taken:

Sir Thomas Parry, it hath pleased Almighty God, out of his singular goodness, to bring to light the most cruel and detestable practice against the person of his Majesty and the whole estate of this realm, that ever was conceived by

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<sup>18</sup> Inserted in the same hand as that in which the words about the cellar were written. It will be observed that the insertion cannot serve any one's purpose.

<sup>19</sup> Gracechurch Street.

the heart of man at any time or in any place whatsoever, by which practice there was intended not only the extirpation of the King's Majesty and his issue royal, but the whole subversion and downfall of this estate, the plot being to take away at an instant the King, Queen, Prince, Council, Nobility, Clergy, Judges, and the principal gentlemen of this realm, as they should have been yesterday altogether assembled at the Parliament House, in Westminster, the 5th of November, being Tuesday. The means how to have compassed so great an act, was not to be performed by strength of men or outward violence, for that might have been espied and prevented in time; but by a secret conveying of a great quantity of gunpowder into a vault under the Upper House of Parliament, and so to have blown up all at a clap, if God out of his mercy and his just revenge against so great an abomination had not destined it to be discovered, though very miraculously even some twelve hours before the matter should have been put into execution. The person that was the principal undertaker of it, is one Johnson, a Yorkshire man, and servant to one Thomas Percy, a gentleman pensioner to his Majesty, and a near kinsman and a special confidant to the Earl of Northumberland. This Percy had about a year and a half ago hired a part of Whynniard's house in the old palace, from whence he had access into this vault to lay his wood and coal, and as it seemeth now, taken this place of purpose to work some mischief in a fit time. He is a Papist by profession, and so is this his man Johnson, a desperate fellow, whom of late years he took into his service.

Into this vault Johnson had, at sundry times, very

privately conveyed a great quantity of powder, and therewith filled two hogsheads and some thirty-two small barrels; all which he had cunningly covered with great store of billets and faggots, and on Tuesday<sup>20</sup> at midnight, as he was busy to prepare the things for execution was apprehended in the place itself with a false lantern, booted and spurred.<sup>21</sup>

There is not much knowledge here beyond what Salisbury had learnt from Fawkes's own statement with all its deceptions. Nor, if there had been any such knowledge, was it in any way revealed by the actions of the Government on the 5th or on the morning of the 6th. On the 5th a proclamation was issued for the apprehension of Percy alone.<sup>22</sup> On the same day Archbishop Bancroft forwarded to Salisbury a story, afterward known to be untrue, that Percy had been seen riding towards Croydon; whilst Popham sent another untrue story that he had been seen riding towards Gravesend.<sup>23</sup> A letter from Waad, the Lieutenant of the Tower, of the same date, revealed the truth that Percy had escaped northwards. Of course, Percy's house was searched for papers, but those discovered were of singularly little interest, and bore no relation to the plot.<sup>24</sup> An examination of a servant of Ambrose Rokewood, a Catholic gentleman afterwards known to

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<sup>20</sup> A mistake for Monday if midnight is to be reckoned with the day preceding it.

<sup>21</sup> The remainder of the draft is occupied with the discovery of the plot.

<sup>22</sup> *Proclamation Book, R.O.*, p. 114.

<sup>23</sup> Bancroft to Salisbury, Nov. 5. Popham to Salisbury, Nov. 5 —*G. P. B.* Nos. 7, 9.

<sup>24</sup> Points and names of persons. —*S. P. Dom.* xvi. 9, 10.

have been involved in the plot, and of the landlady of the house in London in which Rokewood had been lodging, brought out the names of persons who had been in his company, some of whom were afterwards found to be amongst the conspirators; but there was nothing in these examinations to connect them with the plot, and there is no reason to suppose that they were prompted by anything more than a notion that it would generally be worth while to trace the movements of a noted Catholic gentleman. On the same day a letter from Chief Justice Popham shows that inquiries were being directed into the movements of other Catholics, and amongst them Christopher Wright, Keyes, and Winter; but the tone of the letter shows that Popham was merely acting upon general suspicion, and had no special information on which to work.<sup>25</sup> Up to the morning of November 6th, the action of Government was that of men feeling in the dark, so far as anything not revealed by Fawkes was concerned.

Commissioners were now appointed to conduct the investigation further. They were – Nottingham, Suffolk, Devonshire, Worcester, Northampton, Salisbury, Mar, and Popham, with Attorney-General Coke in attendance.<sup>26</sup> This was hardly a body of men who would knowingly cover an intrigue of Salisbury's: – Worcester is always understood to have been professedly a Catholic, Northampton was certainly one, though he attended the King's service, whilst Suffolk was friendly

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<sup>25</sup> Popham to Salisbury, November 5. (*G. P. B.* No. 10.) The P.S. only is of the 6th.

<sup>26</sup> Narrative, *G. P. B.* No. 129.

towards the Catholics;<sup>27</sup> and Nottingham, if he is no longer to be counted amongst them,<sup>28</sup> was at least not long afterwards a member of the party which favoured an alliance with Spain, and therefore a policy of toleration towards the Catholics. It is not the least of the objections to the view which Father Gerard has taken, that it would have been impossible for Salisbury to falsify examinations of prisoners without the connivance of these men.

Before five of these Commissioners – Nottingham, Suffolk, Devonshire, Northampton, and Salisbury – Fawkes was examined a second time on the forenoon of the 6th. In some way the Government had found out that Percy had had a new door made in the wall leading to the cellar, and they now drew from Fawkes an untrue statement that it was put in about the middle of Lent, that is to say, early in March 1605.<sup>29</sup> They had also discovered a pair of brewer's slings, by which barrels were usually carried between two men, and they pressed Fawkes hard to say who was his partner in removing the barrels of gunpowder. He began by denying that he had had a partner at all, but finally answered that 'he cannot discover the party, but' —*i. e.* lest – 'he shall bring him in question.' He also said that he had forgotten where he slept on Wednesday, Thursday or Friday in the week

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<sup>27</sup> In a letter of advice sent to the Nuncio at Paris, on Sept. 10/20, he is distinctly spoken of as a Catholic, as well as Worcester. —*Roman Transcripts, R.O.*

<sup>28</sup> On July 20/30, 1605, Father Creswell writes to Paul V. that Nottingham showed him every civility 'that could be expected from one who does not profess our holy religion.'

<sup>29</sup> The 'cellar' was not really hired till a little before Easter, March 31.

before his arrest.<sup>30</sup>

Upon this James himself intervened, submitting to the Commissioners a series of questions with the object of drawing out of the prisoner a true account of himself, and of his relations to Percy. A letter had been found on Fawkes when he was taken, directed not to Johnson, but to Fawkes, and this amongst other things had raised the King's suspicions. In his third examination, on the afternoon of the 6th, in the presence of Northampton, Devonshire, Nottingham, and Salisbury, Fawkes gave a good deal of information, more or less true, about himself; and, whilst still maintaining that his real name was Johnson, said that the letter, which was written by a Mrs. Bostock in Flanders, was addressed to him by another name 'because he called himself Fawkes,' that is to say, because he had acquired the name of Fawkes as an alias.

'If he will not otherwise confess,' the King had ended by saying, 'the gentler tortures are to be first used unto him, *et sic per gradus ad ima tenditur.*' To us living in the nineteenth century these words are simply horrible. As a Scotchman, however, James had long been familiar with the use of torture as an ordinary means of legal investigation, whilst even in England, though unknown to the law, that is to say, to the practice of the ordinary courts of justice, it had for some generations been used not infrequently by order of the Council to extract evidence from a recalcitrant witness, though, according to Bacon, not for the purpose of driving him to incriminate himself. Surely, if

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<sup>30</sup> Second examination of Fawkes, November 6. —*G. P. B.* No. 16 A.

the use of torture was admissible at all, this was a case for its employment. The prisoner had informed the Government that he had been at the bottom of a plot of the most sanguinary kind, and had acknowledged by implication that there were fellow-conspirators whom he refused to name. If, indeed, Father Gerard's view of the case, that the Government, or at least Salisbury, had for some time known all about the conspiracy, nothing – not even the Gunpowder Plot itself – could be more atrocious than the infliction of torments on a fellow-creature to make him reveal a secret already in their possession. If, however, the evidence I have adduced be worth anything, this was by no means the case. What it shows is, that on the afternoon of the 6th all that the members of the Government were aware of was that an unknown number of conspirators were at large – they knew not where – and might at that very moment be appealing – they knew not with what effect – to Catholic landowners and their tenants, who were, without doubt, exasperated by the recent enforcement of the penal laws. We may, if we please, condemn the conduct of the Government which had brought the danger of a general Catholic rising within sight. We cannot deny that, at that particular moment, they had real cause of alarm. At all events, no immediate steps were taken to put this part of the King's orders in execution. Some little information, indeed, was coming in from other witnesses. In his first examination, on November 5, Fawkes had stated that in his absence he locked up the powder, and 'one Gibbons' wife who dwells thereby had

the charge of the residue of the house.’ An examination of her husband on the 5th, however, only elicited that he, being a porter, had with two others carried 3,000 billets into the vault.<sup>31</sup> On the 6th Ellen, the wife of Andrew Bright, stated that Percy’s servant had, about the beginning of March, asked her to let the vault to his master, and that she had consented to abandon her tenancy of it if Mrs. Whynniard, from whom she held it, would consent. Mrs. Whynniard’s consent having been obtained, Mrs. Bright, or rather Mrs. Skinner – she being a widow remarried subsequently to Andrew Bright<sup>32</sup> – received 2*l.* for giving up the premises. The important point in this evidence is that the date of March 1605, given as that on which Percy entered into possession of the cellar, showed that Fawkes’s statement that he had brought powder into the cellar at Christmas 1604 could not possibly be true. On the 7th, Mrs. Whynniard confirmed Mrs. Bright’s statement, and also stated that, a year earlier, in March 1604, ‘Mr. Percy began to labour very earnestly with this examine and her husband to have the lodging by the Parliament House, which one Mr. Henry Ferris, of Warwickshire, had long held before, and having

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<sup>31</sup> Examination of Gibbons, November 5. —*S. P. Dom.* xvi. 14.

<sup>32</sup> “Mrs. Whynniard, however, tells us,” writes Father Gerard (p. 73), “that the cellar was not to let, and that Bright had not the disposal of the lease, but one Skinner.” What Mrs. Whynniard said was that the vault was ‘let to Mr. Skinner of King Street; but that she and her husband were ready to consent if Mrs. Skinner’s good will could be had.’ ‘Mr.’ in the first writing of the name is evidently a slip of the clerk’s, as Mrs. Whynniard goes on to speak of ‘Mrs. Skinner then, and now the wife of Andrew Bright.’ —*G. P. B.* No. 39.

obtained the said Mr. Ferris's good will to part from it after long suit by himself and great entreaty of Mr. Carleton, Mr. Epsley,<sup>33</sup> and other gentlemen belonging to the Earl of Northumberland, affirming him to be a very honest gentleman, and that they could not have a better tenant, her husband and she were contented to let him have the said lodging at the same rent Mr. Ferris paid for it.<sup>34</sup> Mrs. Whynniard had plainly never heard of the mine; and that the Government was in equal ignorance is shown by the endorsement on the agreement of Ferris, or rather Ferrers, to make over his tenancy to Percy. 'The bargain between Ferris and Percy for the bloody cellar, found in Winter's lodging.' Winter's name had been under consideration for some little time, and doubtless the discovery of this paper was made on, or more probably before, the 7th. The Government, having as yet nothing but Fawkes's evidence to go upon, connected the hiring of the house with the hiring of the cellar, and at least showed no signs of suspecting anything more.

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<sup>33</sup> Probably 'Hippesley.'

<sup>34</sup> Father Gerard, (p. 91, note 5) accepts Goodman's assertion that it was said that Whynniard 'as soon as ever he heard of the news what Percy intended, he instantly fell into a fright and died: so that it could not be certainly known who procured him the house, or by whose means.' That Whynniard was alive on the 7th is proved by the fact that Susan Whynniard is styled his wife and not his widow at the head of this examination. As he was himself not questioned it may be inferred that he was seriously ill at the time. That his illness was caused by fright is probably pure gossip. Mrs. Bright, when examined (*G. P. B.* No. 24) speaks of Mrs. Whynniard as agreeing to change the tenancy of the cellar, which looks as if the husband had been ill and inaccessible at least six months before his death.

On the same day, the 7th, something was definitely heard of the proceedings of the other plotters, who had either gathered at Dunchurch for the hunting-match, or had fled from London to join them, and a proclamation was issued for the arrest of Percy, Catesby, Rokewood, Thomas Winter, Edward<sup>35</sup> Grant, John and Christopher Wright, and Catesby's servant, Robert Ashfield. They were charged with assembling in troops in the counties of Warwick and Worcester, breaking into stables and seizing horses.<sup>36</sup> Fawkes, too, was on that day subjected to a fourth examination.<sup>37</sup> Not very much that was new was extracted from him. He acknowledged that his real name was Guy Fawkes, that – which he had denied before – he had received the Sacrament not to discover any of the conspirators, and also that there had been at first five persons privy to the plot, and afterwards five or six more ‘were generally acquainted that an action was to be performed for the Catholic cause, and saith that he doth not know that they were acquainted with the whole conspiracy.’ Being asked whether Catesby, the two Wrights, Winter, or Tresham were privy, he refused to accuse any one.

The increase of the information received by the Government left its trace on Salisbury's correspondence. Whether the letter to Parry, from which a quotation has already been given, was sent away on the 6th, is unknown; but it was copied and completed,

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<sup>35</sup> Properly ‘John.’

<sup>36</sup> *S. P. Dom.* xvi. 20.

<sup>37</sup> *G. P. B.* No. 37. Witnessed by Northampton and Popham only.

with sundry alterations, for Cornwallis and Edmondès, the ambassadors at Madrid and Brussels, and signed by Salisbury on the 7th, though it was kept back and sent off with two postscripts on the 9th, and it is likely enough that the letter to Parry was treated in the same way. One of the alterations concerns Fawkes's admission that he had taken the Sacrament as well as an oath to keep the secret. What is of greater significance is, that there is absolutely no mention of a mine in the letter. If it had really been written on the 9th, this silence would have gone far to justify Father Gerard's suspicions, as the existence of the mine was certainly known to the Government at that date. On the 7th the Government knew nothing of it.<sup>38</sup>

That Fawkes had already been threatened with torture is known,<sup>39</sup> and it may easily be imagined that the threats had been redoubled after this last unsatisfactory acknowledgment. On the morning of the 8th, however, Waad, who was employed to worm out his secrets, reported that little was to be expected. "I find this fellow," he wrote, "who this day is in a most stubborn and perverse humour, as dogged as if he were possessed. Yesternight I had persuaded him to set down a clear narration of all his wicked plots from the first entering to the same, to the end they

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<sup>38</sup> The letter to Cornwallis, printed in Winwood's *Memorials*, ii. 170, is dated Nov. 9, as it is in Cott. MSS. Vesp. cix. fol. 240, from which it is printed. That volume, however, is merely a letter book. The letter to Edmondès, on the other hand, in the Stowe MSS. 168, fol. 213, is the original, with Salisbury's autograph signature, and its date has clearly been altered from 7 to 9.

<sup>39</sup> Waad to Salisbury, Nov. 7. – Hatfield MSS.

pretended, with the discourses and projects that were thought upon amongst them, which he undertook [to do] and craved time this night to bethink him the better; but this morning he hath changed his mind and is [so] sullen and obstinate as there is no dealing with him.”<sup>40</sup>

The sight of the examiners, together with the sight of the rack,<sup>41</sup> changed Fawkes’s mind to some extent. He was resolved that nothing but actual torture should wring from him the names of his fellow plotters, who so far as was known in London were still at large.<sup>42</sup> He prepared himself, however, to reveal the secrets of the plot so far as was consistent with the concealment of the names of those concerned in it. His fifth examination on the 8th, the last before the one taken under torture on the 9th, gives to the inquirer into the reality of the plot all that he wants to know.

“He confesseth,” so the tale begins, “that a practice was first broken unto him against his Majesty for the Catholic cause, and not invented or propounded by himself, and this was first propounded unto him about Easter last was twelvemonth, beyond the seas in the Low Countries, by an English layman,<sup>43</sup> and that Englishman came over with him in his company, into England, and they two and

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<sup>40</sup> Waad to Salisbury, Nov. 8. —*G. P. B.* No. 48 B.

<sup>41</sup> In ‘The King’s Book’ it is stated that Fawkes was shown the rack, but never racked. Probably the torture used on the 9th was that of the manacles, or hanging up by the wrists or thumbs.

<sup>42</sup> The principal ones were either killed or taken at Holbeche on that very day.

<sup>43</sup> Thomas Winter.

three more<sup>44</sup> were the first five mentioned in the former examination. And they five resolving to do somewhat for the Catholic cause (a vow being first taken by all of them for secrecy), one of the other three<sup>45</sup> propounded to perform it with powder, and resolved that the place should be (where this action should be performed and justice done) in or near the place of the sitting of the Parliament, wherein Religion had been unjustly suppressed. This being resolved, the manner of it was as followeth: —

“First they hired the house at Westminster, of one Ferres, and having his house they sought then<sup>46</sup> to make a mine under the Upper House of Parliament, and they began to make the mine in or about the 11 of December, and they five first entered into the works, and soone after took an other<sup>47</sup> to<sup>48</sup> them, having first sworn him and taken the sacrament for secrecy; and when they came to the wall (that was about three yards thick) and found it a matter of great difficulty, they took to them an other in like manner, with oath and sacrament as aforesaid;<sup>49</sup> all which seven were gentlemen of name and blood, and not any<sup>50</sup> was employed

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<sup>44</sup> Catesby, Percy, and John Wright.

<sup>45</sup> *I.e.* Catesby. In a copy forwarded to Edmondes by Salisbury (Stowe MSS. 168, fol. 223) the copyist had originally written ‘three or four more,’ which is altered to ‘three.’

<sup>46</sup> ‘Then,’ omitted in the Stowe copy.

<sup>47</sup> Christopher Wright.

<sup>48</sup> ‘Unto,’ in the Stowe copy.

<sup>49</sup> Robert Winter. The question whether Keyes worked at this time will be discussed later on.

<sup>50</sup> ‘Any man,’ in the Stowe copy.

in or about this action (no, not so much as in digging and mining) that was not a gentleman. And having wrought to the wall before Christmas, they ceased until after the holidays, and the day before Christmas (having a mass of earth that came out of the mine), they carried it into the garden of the said house, and after Christmas they wrought the wall till Candlemas, and wrought the wall half through; and saith that all the time while the other<sup>51</sup> wrought, he stood as sentinel, to descry any man that came near, and when any man came near to the place upon warning given by him, they ceased until they had notice to proceed from him, and sayeth that they seven all lay in the house, and had shot and powder, and they all resolved to die in that place, before they yielded or were taken.

“And, as they were working, they heard a rushing in the cellar, which grew by one<sup>52</sup> Bright’s selling of his coals,<sup>53</sup> whereupon this examinant, fearing they had been discovered, went into the cellar, and viewed the cellar<sup>54</sup> and perceiving the commodity thereof for their purpose, and understanding how it would be letten,<sup>55</sup> his master, Mr. Percy, hired the cellar for a year for 4*l.* rent; and confesseth that after Christmas twenty barrels of powder were brought by themselves to a house, which they had on the Bankside

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<sup>51</sup> ‘Others,’ in the Stowe copy.

<sup>52</sup> ‘One’ is inserted above the line.

<sup>53</sup> This is an obvious mistake, as the widow Skinner was not at this time married to Bright, but one just as likely to be made by Fawkes himself as by his examiners.

<sup>54</sup> ‘Viewed it,’ in the Stowe copy.

<sup>55</sup> ‘Taken,’ in Stowe copy.

in hampers, and from that house removed<sup>56</sup> the powder to the said house near the Upper House of Parliament; and presently, upon hiring the cellar they themselves removed the powder into the cellar, and covered the same with fagots which they had before laid into the cellar.

“After, about Easter, he went into the Low Countries (as he before hath declared in his former examination) and that the true purpose of his going over was, lest, being a dangerous man, he should be known and suspected, and in the mean time he left the key of the cellar with Mr. Percy, who, in his absence caused more billets to be laid into the cellar, as in his former examination he confessed, and returned about the end of August, or the beginning of September, and went again to the said house, near to the said cellar, and received the key of the cellar again of one of the five,<sup>57</sup> and then they brought in five or six barrels of powder more into the cellar, which also they covered with billets, saving four little barrels covered with fagots, and then this examinant went into the country about the end of September.

“It appeareth the powder was in the cellar placed as it was found the 5 of November, when the Lords came to prorogue the Parliament, and sayeth that he returned again to the said house near the cellar on Wednesday the 30 of October.

*“He confesseth he was at the Earl of Montgomery’s marriage, but, as he sayeth, with no intention of evil having a sword about him, and was very near to his Majesty and*

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<sup>56</sup> ‘Thence,’ in Stowe copy.

<sup>57</sup> Percy.

*the Lords there present.*<sup>58</sup>

“Forasmuch as they knew not well how they should come by the person of the Duke Charles, being near London, where they had no forces (if he had not been also blown up) he confesseth that it was resolved among them that, the same day that this detestable act should have been performed, the same day should other of their confederacy have surprised the person of the Lady Elizabeth, and presently have proclaimed her Queen, *to which purpose a proclamation was drawn, as well to avow and justify the action, as to have protested against the Union, and in no sort to have meddled with religion therein, and would have protested also against all strangers,* and this proclamation should have been made in the name of the Lady Elizabeth.

“Being demanded why they did not surprise the King’s person, and draw him to the effecting of their purpose sayeth that so many must have been acquainted with such an action as it<sup>59</sup> would not have been kept secret.

“He confesseth that if their purpose had taken effect, until they had had power enough, they would not have avowed the deed to be theirs; but if their power (for their defence and safety) had been sufficient, they themselves would then<sup>60</sup> have taken it upon them. They meant also to have sent for the prisoners in the Tower to have come to them, of whom particularly they had some consultation.

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<sup>58</sup> The words in italics are marked by penstrokes across them for omission.

<sup>59</sup> ‘With that practice, that,’ in the Stowe copy.

<sup>60</sup> ‘Then,’ omitted in the Stowe copy.

“He confesseth that the place of rendezvous was in Warwickshire, and that armour was sent thither, but<sup>61</sup> the particular thereof<sup>62</sup> he knows not.

“He confesseth that they had consultation for the taking of the Lady Mary into their possession, but knew not how to come by her.

“And confesseth that provision was made by some of the conspiracy of some armour of proof this last summer for this action.

“He confesseth that the powder was bought by the common purse of the confederates.

L. Admiral [Earl of Nottingham] L. Chamberlain [Earl of Suffolk] Earl of Devonshire Earl of Northampton Earl of Salisbury Earl of Mar Lord Chief Justice [Popham]	} Attended by Mr. Attorney-General [Coke].”
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*G. P. B.*, No. 49. In the Stowe copy the names of the Commissioners are omitted, and a list of fifteen plotters added. As the paper was inclosed in a letter to Edmondess of the 14th, these might easily be added at any date preceding that.

Father Gerard, who has printed this examination in his Appendix,<sup>63</sup> styles it a draft, placing on the opposite pages the published confession of Guy Fawkes on November 17. That

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<sup>61</sup> ‘But,’ omitted in the Stowe copy.

<sup>62</sup> ‘Whereof,’ in the Stowe copy.

<sup>63</sup> *Gerard*, p. 268.

later confession, indeed, though embodying many passages of the earlier one, contains so many new statements, that it is a misapplication of words to speak of the one as the draft of the other. A probable explanation of the similarity is that when Fawkes was re-examined on the 17th, his former confession was produced, and he was required to supplement it with fresh information.

In one sense, indeed, the paper from which the examination of the 8th has been printed both by Father Gerard and myself, may be styled a draft, not of the examination of the 17th, but of a copy forwarded to Edmondess on the 14th.<sup>64</sup> The two passages crossed out and printed above<sup>65</sup> in italics have been omitted in the copy intended for the ambassadors. All other differences, except those of punctuation, have been given in my notes, and it will be seen that they are merely the changes of a copyist from whom absolute verbal accuracy was not required. Father Gerard, indeed, says that in the original of the so-called draft five paragraphs were 'ticked off for omission.' He may be right, but in Winter's declaration of November 23, every paragraph is marked in the same way, and, at all events, not one of the five paragraphs is omitted in the copy sent to Edmondess.

In any other sense to call this paper a draft is to beg the whole question. What we want to know is whether it was a copy of the rough notes of the examination, signed by Fawkes himself, or a

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<sup>64</sup> *Stowe MSS.*, 168, fol. 223.

<sup>65</sup> *Gerard*, p. 170.

pure invention either of Salisbury or of the seven Commissioners and the Attorney-General. Curiously enough, one of the crossed out passages supplies evidence that the document is a genuine one. The first, indeed, proves nothing either way, and was, perhaps, left out merely because it was thought unwise to allow it to be known that the King had been so carelessly guarded that Percy had been admitted to his presence with a sword by his side. The second contains an intimation that the conspirators did not intend to rely only on a Catholic rising. They expected to have on their side Protestants who disliked the union with Scotland, and who were ready to protest 'against all strangers,' that is to say, against all Scots. We can readily understand that Privy Councillors, knowing as they did the line taken by the King in the matter of the union, would be unwilling to spread information of there being in England a Protestant party opposed to the union, not only of sufficient importance to be worth gaining, but so exasperated that even these gunpowder plotters could think it possible to win them to their side. Nor is this all. If it is difficult to conceive that the Commissioners could have allowed such a paragraph to go abroad, it is at least equally difficult to think of their inventing it. We may be sure that if Fawkes had not made the statement, no one of the examiners would ever have committed it to paper at all, and if the document is genuine in this respect, why is it not to be held genuine from beginning to end?

Father Gerard, indeed, objects to this view of the case that the document 'is unsigned; the list of witnesses is in the same

handwriting as the rest, and in no instance is a witness indicated by such a title as he would employ for his signature. Throughout this paper Fawkes is made to speak in the third person, and the names of accomplices to whom he refers are not given.<sup>66</sup> All this is quite true, and unless I am much mistaken, are evidences for the genuineness of the document, not for its fabrication. If Salisbury had wished to palm off an invention of his own as a copy of a true confession by Fawkes, he surely would not have stuck at so small a thing as an alleged copy of the prisoner's signature, nor is it to be supposed that the original signatures of the Commissioners would appear in what, in my contention, is a copy of a lost original. As for the titles Lord Admiral and Lord Chamberlain being used instead of their signatures, it was in accordance with official usage. A letter, written on January 21, 1604-5, by the Council to the Judges, bears nineteen names at the foot in the place where signatures are ordinarily found. The first six names are given thus: – 'L. Chancellor, L. Treasurer, L. Admirall, L. Chamberlaine, E. of Northumberland, E. of Worcester.'<sup>67</sup> Fawkes is made to speak in the third person in all the four preceding examinations, three of which bear his autograph signature. That the names of accomplices are not given is exactly what one might expect from a man of his courage. All through the five examinations he refused to break his oath not to reveal a name, except in the case of Percy in which concealment

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<sup>66</sup> *Gerard*, p. 169.

<sup>67</sup> *S. P. Dom.* xii. 24.

was impossible. It required the horrible torture of the 9th to wring a single name from him.

Moreover, Father Gerard further urges what he intends to be damaging to the view taken by me, that a set of questions formed by Coke upon the examination of the 7th, apparently for use on the 8th, is ‘not founded on information already obtained, but is, in fact, what is known as a “fishing document,” intended to elicit evidence of some kind.’<sup>68</sup> Exactly so! If Coke had to fish, casting his net as widely as Father Gerard correctly shows him to have done, it is plain that the Government had no direct knowledge to guide its inquiries. Father Gerard’s charge therefore resolves itself into this: that Salisbury not only deceived the public at large, but his brother-commissioners as well. Has he seriously thought out all that is involved in this theory? Salisbury, according to hypothesis, gets an altered copy of a confession drawn up, or else a confession purely invented by himself. The clerk who makes it is, of course, aware of what is being done, and also the second clerk,<sup>69</sup> who wrote out the further copy sent to Edmond. Edmond, at least, received the second copy, and there can be little doubt that other ambassadors received it also. How could Salisbury count on the life-long silence of all these? Salisbury, as the event proved, was not exactly loved by his colleagues, and if his brother-commissioners – every one of them men of no slight influence at Court – had discovered

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<sup>68</sup> *Gerard*, p. 175. Coke’s questions are in *S. P. Dom.* xvi. 38.

<sup>69</sup> The handwriting is quite different.

that their names had been taken in vain, it would not have been left to the rumour of the streets to spread the news that Salisbury had been the inventor of the plot. Nay, more than this. Father Gerard distinctly sets down the story of the mine as an impossible one, and therefore one which must have been fabricated by Salisbury for his own purposes. The allegation that there had been a mine was not subsequently kept in the dark. It was proclaimed on the house-tops in every account of the plot published to the world. And all the while, it seems, six out of these seven Commissioners, to say nothing of the Attorney-General, knew that it was all a lie – that Fawkes, when they examined him on the 8th, had really said nothing about it, and yet, neither in public, nor, so far as we know, in private – either in Salisbury's lifetime or after his death – did they breathe a word of the wrong that had been done to them as well as to the conspirators!

# CHAPTER III.

## THE LATER

### DOCUMENTARY EVIDENCE

Having thus, I hope, established that the story of the mine and cellar is borne out by Fawkes's own account, I proceed to examine into the objections raised by Father Gerard to the documentary evidence after November 8, the date of Fawkes's last examination before he was subjected to torture. In the declaration, signed with his tortured hand on the 9th, before Coke, Waad and Forsett,<sup>70</sup> and acknowledged before the Commissioners on the 10th, Fawkes distinctly refers to the examination of the 8th. "The plot," he says, "was to blow up the King with all the nobility about him in Parliament, as heretofore he hath declared, to which end, they proceeded as is set down in the examination taken (before the Lords of the Council Commissioners) yesternight." Here, then, is distinct evidence that Fawkes acknowledged that the examination of the 8th had been taken in presence of the Commissioners, and thus negatives the theory that that examination was invented or altered by Salisbury, as these words came on the 10th under the eyes of

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<sup>70</sup> This declaration, therefore, was not, as Mrs. Everett Green says, 'made to Salisbury.'

the Commissioners themselves.<sup>71</sup>

The fact is, that the declaration of the 9th fits the examination of the 8th as a glove does a hand. On the 8th, before torture, Fawkes described what had been done, and gave the number of persons concerned in doing it. On the 9th he is required not to repeat what he had said before, but to give the missing names. This he now does. It was Thomas Winter who had fetched him from the Low Countries, having first communicated their design to a certain Owen.<sup>72</sup> The other three, who made up the original five, were Percy, Catesby, and John Wright. It was Gerard who had given them the Sacrament.<sup>73</sup> The other conspirators were Sir Everard Digby, Robert Keyes, Christopher Wright, Thomas<sup>74</sup> Grant, Francis Tresham, Robert Winter, and Ambrose Rokewood. The very order in which the names come perhaps shows that the Government had as yet a very hazy idea

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<sup>71</sup> If anyone chooses to argue that this examination was drawn up regardless of its truth, and only signed by Fawkes after torture had made him incapable of distinguishing truth from falsehood, he may be answered that, in that case, those who prepared it would never have added to the allegation that some of the conspirators had received the Sacrament from Gerard the Jesuit to bind them to secrecy, the passage: – “But he saith that Gerard was not acquainted with their purpose.” This passage is marked for omission by Coke, and it assuredly would not have been found in the document unless it had really proceeded from Fawkes.

<sup>72</sup> About whom more hereafter.

<sup>73</sup> Gerard afterwards denied that this was true, and the late Father Morris (*Life of Gerard*, p. 437) argues, with a good deal of probability, that Fawkes mistook another priest for Gerard. For my purpose it is not a matter of any importance.

<sup>74</sup> This should be John.

of the details of the conspiracy. The names of those who actually worked in the mine are scattered at hap-hazard amongst those of the men who merely countenanced the plot from a distance.

However this may be, the 9th, the day on which Fawkes was put to the torture, brought news to the Government that the fear of insurrection need no longer be entertained. It had been known before this that Fawkes's confederates had met on the 5th at Dunchurch on the pretext of a hunting match,<sup>75</sup> and had been breaking open houses in Warwickshire and Worcestershire in order to collect arms. Yet so indefinite was the knowledge of the Council that, on the 8th, they offered a reward for the apprehension of Percy alone, without including any of the other conspirators.<sup>76</sup> On the evening of the 9th<sup>77</sup> they received a letter from Sir Richard Walsh, the Sheriff of Worcestershire: —

“We think fit,” he wrote, “with all speed to certify your Lordships of the happy success it hath pleased God to give us against the rebellious assembly in these parts. After such time as they had taken the horses from Warwick upon Tuesday night last,<sup>78</sup> they came to Mr. Robert Winter's

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<sup>75</sup> Probably, as Father Gerard suggests, what would now be known as a coursing match.

<sup>76</sup> *Proclamation Book, R.O.* p. 117.

<sup>77</sup> A late postscript added to the letter to the Ambassadors sent off on the 9th (*Winwood*, ii. 173) shows that before the end of the day Salisbury had learnt even more of the details than were comprised in the Sheriff's letter.

<sup>78</sup> Nov. 5.

house to Huddington upon Wednesday night,<sup>79</sup> where – having entered – [they] armed themselves at all points in open rebellion. They passed from thence upon Thursday morning<sup>80</sup> unto Hewell – the Lord Windsor’s house – which they entered and took from thence by force great store of armour, artillery of the said Lord Windsor’s, and passed that night into the county of Staffordshire unto the house of one Stephen Littleton, Gentleman, called Holbeche, about two miles distant from Stourbridge whither we pursued, with the assistance of Sir John Foliot, Knight, Francis Ketelsby, Esquire, Humphrey Salway, Gentleman, Edmund Walsh, and Francis Conyers, Gentlemen, with few other gentlemen and the power and face of the country. We made against them upon Thursday morning,<sup>[81]</sup> and freshly pursued them until the next day,<sup>81</sup> at which time about twelve or one of the clock in the afternoon, we overtook them at the said Holbeche House – the greatest part of their retinue and some of the better sort being dispersed and fled before our coming, whereupon and after summons and warning first given and proclamation in his Highness’s name to yield and submit themselves – who refusing the same, we fired some part of the house and assaulted some part of the rebellious persons left in the said house, in which assault, one Mr. Robert Catesby is slain, and three others verily thought wounded to death whose names – as

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<sup>79</sup> Nov. 6.

<sup>80</sup> Nov. 7.

<sup>81</sup> Nov. 8.

far as we can learn – are Thomas Percy, Gentleman, John Wright, and Christopher Wright Gentlemen, and these are apprehended and taken Thomas Winter Gentleman, John Grant Gentleman, Henry Morgan Gentleman, Ambrose Rokewood Gentleman, Thomas Ockley carpenter, Edmund Townsend servant to the said John Grant, Nicholas Pelborrow, servant unto the said Ambrose Rokewood, Edward Ockley carpenter, Richard Townsend servant to the said Robert Winter, Richard Day servant to the said Stephen Littleton, which said prisoners are in safe custody here, and so shall remain until your Honours good pleasures be further known. The rest of that rebellious assembly is dispersed, we have caused to be followed with fresh suite and hope of their speedy apprehension. We have also thought fit to send unto your Honours – according unto our duties – such letters as we have found about the parties apprehended; and so resting in all duty at your Honours’ further command, we take leave, from Stourbridge this Saturday morning, being the ixth of this instant November 1605.

“Your Honours’ most humble to be commanded,

“Rich. Walsh.”

Percy and the two Wrights died of their wounds, so that, in addition to Fawkes, Thomas Winter was the only one of the five original workers in the mine in the hands of the Government. Of the seven others who had been named in Fawkes’s confession of the 9th, Christopher Wright had been killed; Rokewood, Robert Winter, and Grant had been apprehended at Holbeche; Sir Everard Digby, Keyes, and Tresham were subsequently arrested,

as was Bates a servant of Catesby.

That for some days the Government made no effort to get further information about the mine and the cellar cannot be absolutely proved, but nothing bearing on the subject has reached us except that, on the 14th, when a copy of Fawkes's deposition of the 8th was forwarded to Edmondes, the names of the twelve chief conspirators are given, not as Fawkes gave them on the 9th, in two batches, but in three, Robert Winter and Christopher Wright being said to have joined after the first five, whilst Rokewood, Digby, Grant, Tresham, and Keyes are said to have been 'privy to the practice of the powder but wrought not at the mine.'<sup>82</sup> As Keyes is the only one whose Christian name is not given, this list must have been copied from one now in the Record Office, in which this peculiarity is also found, and was probably drawn up on or about the 10th<sup>83</sup> from further information derived from Fawkes when he certified the confession dragged from him on the preceding day.[\[84\]](#)

What really seems to have been at this time on the minds of the investigators was the relationship of the Catholic noblemen to the plot. On the 11th Talbot of Grafton was sent for. On the 15th Lords Montague and Mordaunt were imprisoned in the Tower.

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<sup>82</sup> The question whether Winter or Keyes was one of two workers will be subsequently discussed.

<sup>83</sup> Mrs. Everett Green suggests Nov. 8 (*G. P. B.* No. 133), but this is merely a deduction from her mistaken date of the examination of the 17th (see p. 17, note 1). In Fawkes's confession of the 9th Keyes's Christian name appears to have been subsequently added.

On the 16th Mrs. Vaux and the wives of ten of the conspirators were committed to various aldermen and merchants of London.<sup>84</sup> When Fawkes was re-examined on the 16th,<sup>85</sup> by far the larger part of the answers elicited refer to the hints given, or supposed to have been given, to Catholic noblemen to absent themselves from Parliament on the 5th. Then comes a statement about Percy buying a watch for Fawkes on the night of the 4th and sending it 'to him by Keyes at ten of the clock at night, because he should know how the time went away.' The last paragraph alone bears upon the project itself. "He also saith he did not intend to set fire to the train [until] the King was come to the House, and then he purposed to do it with a piece of touchwood and with a match also, *which were about him when he was apprehended on the 4th day of November at 11 of the clock at night* that the powder might more surely take fire a quarter of an hour after."

The words printed in italics are an interlineation in Coke's hand. They evidently add nothing of the slightest importance to the evidence, and cannot have been inserted with any design to prejudice the prisoner or to carry conviction in quarters in which disbelief might be supposed to exist. Is not the simple explanation sufficient, that when the evidence was read over to the examinee, he added, either of his own motion or on further question, this additional information. If this explanation is accepted here, may

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<sup>84</sup> Extracts from the Council Registers, *Add. MSS.* 11,402, fol. 108. The volume of the Council Book itself which recorded the transactions of these years has been lost.

<sup>85</sup> *G. P. B.* No. 101. There is a facsimile in *National MSS.* Part iv. No. 8.

it not also be accepted for other interlineations, such as that relating to the cellar in the first examination?<sup>86</sup>

That the examiners at this stage of the proceedings should not be eager to ask further questions about the cellar and the mine was the most natural thing in the world. They knew already quite enough from Fawkes's earlier examinations to put them in possession of the general features of the plot, and to them it was of far greater interest to trace out its ramifications, and to discover whether a guilty knowledge of it could be brought home either to noblemen or to priests, than to attain to a descriptive knowledge of its details, which would be dear to the heart of the newspaper correspondent of the present day. Yet, after all, even in 1605, the public had to be taken into account. There must be an open trial, and the more detailed the information that could be got the more verisimilitude would be given to the story told. It is probably, in part at least, to these considerations, as well as to some natural curiosity on the part of the Commissioners themselves, that we owe the examinations of Fawkes on the 17th and of Winter on the 23rd.

“Amongst all the confessions and ‘voluntary declarations’ extracted from the conspirators,” writes Father Gerard, “there are two of exceptional importance, as having furnished the basis of the story told by the Government, and ever since generally accepted. These are a long declaration made by Thomas Winter, and another by Guy Fawkes,

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<sup>86</sup> See pp. 18, 20.

which alone were made public, being printed in the 'King's Book,' and from which are gathered the essential particulars of the story, as we are accustomed to hear it."

If Father Gerard merely means that the story published by the Government rested on these two confessions, and that the Government publications were the source of all knowledge about the plot till the Record Office was thrown open, in comparatively recent years, he says what is perfectly true, and, it may be added, quite irrelevant. If he means that our knowledge at the present day rests on these two documents, he is, as I hope I have already shown, mistaken. With the first five examinations of Fawkes in our hands, all the essential points of the conspiracy, except the names, are revealed to us. The names are given in the examination under torture, and a day or two later the Government was able to classify these names, though we are unable to specify the source from which it drew its information. If both the declarations to which Father Gerard refers had been absolutely destroyed we should have missed some picturesque details, which assist us somewhat in understanding what took place; but we should have been able to set forth the main features of the plot precisely as we do now.

Nevertheless, as we do gain some additional information from these documents, let us examine whether there are such symptoms of foul play as Father Gerard thinks he can descry. Taking first Fawkes's declaration of November 17, it will be well to follow Father Gerard's argument. He brings into collocation

three documents: first the interrogatories prepared by Coke after the examination of the 7th, then the examination of the 8th, which he calls a draft, and then the full declaration of the 17th, which undoubtedly bears the signature of Fawkes himself.

That the three documents are very closely connected is undeniable. Take, for instance, a paragraph to which Father Gerard not unnaturally draws attention, in which the repetition of the words ‘the same day’ proves at least partial identity of origin between Coke’s interrogatories and the examination founded on them on the 8th.<sup>87</sup>

“Was it not agreed,” asks Coke, “the same day that the act should have been done, the same day, or soon after, the person of the Lady Elizabeth should have been surprised?” “He confesseth,” Fawkes is stated to have said, “that the same day this detestable act should have been performed the same day should other of their confederacy have surprised the Lady Elizabeth.” Yet before setting down Fawkes’s replies as a fabrication of the Government, let us remember how evidence of this kind is taken and reported. If we take up the report of a criminal trial in a modern newspaper we shall find, for the most part, a flowing narrative put into the mouths of witnesses. John Jones, let us say, is represented as giving some such evidence as this: “I woke at two o’clock in the morning, and, looking out of window, saw by the light of the moon John Smith opening the stable door,” &c. Nobody who has attended a law court imagines John Jones

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<sup>87</sup> Gerard, p. 174.

to have used these consecutive words. Questions are put to him by the examining counsel. When did you wake? Did you see anyone at the stable door? How came you to be able to see him, and so forth; and it is by combining these questions with the Yes and No, and other brief replies made by the witness, that the reporter constructs his narrative with no appreciable violation of truth. Is it not reasonable to suppose that the same practice prevailed in 1605? Fawkes, I suppose, answered to Coke's question, "Yes, others of the confederates proposed to surprise her," or something of the sort, and the result was the combination of question and answer which is given above.

What, however, was the relation between the examination of the 8th and the declaration of the 17th? Father Gerard has printed them side by side,<sup>88</sup> and it is impossible to deny that the latter is founded on the former. Some paragraphs of the examination are not represented in the declaration, but these are paragraphs of no practical importance, and those that are represented are modified. The modifications admitted, however, are all consistent with what is a very probable supposition, that the Government wanted to get Fawkes's previous statements collected in one paper. He had given his account of the plot on one occasion, the names of the plotters on another, and had stated on a third that they were to be classified in three divisions – those who worked first at the mine, those who worked at it afterwards, and those who did not work at all. If the Government drew up

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<sup>88</sup> *Gerard*, p. 268.

a form combining the three statements and omitting immaterial matter, and got Fawkes to sign it, this would fully account for the form in which we find the declaration. At the present day, we should object to receive evidence from a man who had been tortured once and might be tortured again; but as this declaration adds nothing of any importance to our previous knowledge, it is unnecessary to recur to first principles on this occasion.<sup>89</sup>

Winter's examination of the 23rd, as treated by Father Gerard, raises a more difficult question. The document itself is at Hatfield, and there is a copy of it in the 'Gunpowder Plot Book' in the Public Record Office. "The 'original' document," writes Father Gerard,<sup>90</sup> "is at Hatfield, and agrees in general so exactly with the copy as to demonstrate the identity of their origin. But while, as we have seen, the 'copy' is dated November 23rd, the 'original' is dated on the 25th." In a note, we are told 'that this is not a slip of the pen is evidenced by the fact that Winter first wrote 23, and then corrected it to 25.' To return to Father Gerard's text, we find, "On a circumstance so irregular, light is possibly thrown by a letter from Waad, the Lieutenant of the Tower, to Cecil<sup>91</sup>

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<sup>89</sup> The erasure of Winter's name, and the substitution of that of Keyes, will be dealt with later.

<sup>90</sup> *Gerard*, p. 168.

<sup>91</sup> Father Gerard appears to show his dislike of Salisbury by denying him his title.

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