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A Story to Kill For

The Death of Arthur Capel, Earl of Essex

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[Histories] are seldom writ in the time of Action, but a long time after, when truth is forgotten; but if they be writ at present, yet Partiality or Ambition, or fear bears too much sway.

Margaret Cavendish, *Assaulted and Pursued Virtue*¹

Introduction

One winter night in 1689, on the heels of the Glorious Revolution, a ghost appeared to Lord George Jeffreys in the Tower of London. The deposed Chancellor, sporting a false beard, had been seized by the mob in the streets and threatened with the fate he had without mercy meted out to hundreds during his much-hated tenure. While his cruelty was legend, there were other incidents relating to the suppression of the Whigs that remained, shall we say, mysterious. Thus the ghost.

I cannot vouch that a ghost really came to a startled and terrified Jeffreys, caught in a cold sweat among the damp stones of the Tower. I was not a witness to the visitation, nor was I present myself during the events that the ghost as if incidentally reveals. I am simply conveying the story as it is reported in a half-sheet circulating in London that winter, undated, unsigned. "What means this thick ill-scented Mist?" the Chancellor asks with alarm; "What Noise is that?"

¹ In *Natures Pictvres Drawn By Fancies Pencil To the Life* (London: J. Martin and J. Allestrye, 1656), 225.

Who's there? Ah! Lightning, and at this Cold Season! Confusion! What's that I see?"² I admit I was not there. Yet when the writer presents Jeffreys as if incongruously speaking to himself, I know he is inviting me to adopt the doomed Chancellors' eyes and voice: it is I who sit in the Tower, I, the mere reader, stare at the stony wall or grated window as the dreadful ghost appears. My desire to speak with the dead, pandered to here through the defenseless Chancellor, may stand as the emblem of the temptation of literature.³ "See! he approaches! he beckons!" Akin to madness, it arouses our emotions, sways our judgment, and – inserting us into a past that in reality we know is irrecoverable – exposes us to the manipulation of charlatans. "Ha! by that Razor it must be he, 'tis Essex!"

On the morning of Friday the 13th of July in 1683, Arthur Capel, the first Earl of Essex, was found in a pool of blood with his throat slit from ear to ear. The government immediately pronounced it suicide, but the circumstances left ample room for doubt. It was not clear the Earl had cause for such extreme measures, nor that he was disposed to them. Officers coming to arrest him found him gathering peaches in his garden at Cassiobury; the evidence that he had participated in the Rye House Plot to assassinate the King and his brother was tenuous at best. Once incarcerated in the Tower, he prepared assiduously for his defense; the night before he had eaten a hearty dinner. Nor do the material details of his death point univocally to suicide. A razor – he had asked for it to pare his nails – lay next to his extended body, but two school-children were later to report they had seen it flung from his window and subsequently retrieved by a woman in white; the inquest noted it was nicked. Not that any of this proves anything, or that anyone really wants to know. The wound was sliced three or four inches deep, while it has been

² *Murder Will Out: Being a Relation of the Late Earl of Essex's Ghost Appearing to My Lord Chancellor in the Tower* (London?: s.n., 1689?). ESTC R2014. Jeffreys was arrested on 12 Dec. 1688 and died on 18 April 1689.

³ See Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: University of California Press, 1988), 1.

demonstrated that the razor might cut at most two.⁴ Maybe. It is not always possible to recover the past; sometimes it is not even desirable; all we really need is a story.

In the following, I examine the treatment of Essex's death in the popular print culture of the period, focusing on how literary fictions play a part in and responds to the destruction of trust. It may be fatuous to invoke such a fragile sentiment for the study of cultural history, yet it forms part of the conditions of possibility of community. Distrust imposes costs on society, not only in terms of missed opportunities of action – we might call this the waste of virtue – but also and perhaps more insidiously of missed opportunities of knowledge: the waste of truth. In literature, these are dimensions of tragedy. On several counts – the killing of a king, the breakdown of community in civil war, political assassinations, a string of insurrections – this period of British history was imaginatively rehearsed in Renaissance drama. In real life, the waste of virtue and of truth in distrust and deception are central to the conflicting aspirations for a new social dispensation that fuel politics from the Civil War to the Revolution. They are the psychological correlates of the question formulated in Plumb's classic *The Growth of Political Stability in England 1675-1725*: what were the social processes that permitted England to move from a perpetual state of insurrection to a comparative and productive political peace? Essex's death marks a pinnacle of suspicion and deceit – a high-level murder mystery that sustained mutual distrust has perhaps rendered unsolvable.

In the shadow of the overarching problem of trust is the near-impossibility in this period of formulating a common interpretation of history. Here literature plays an important part, as literary techniques are utilized to reconstruct and interpret past events imaginatively in ways that are at once emotionally enticing and cognitively effective. Yet the stories that fuel the conflicts of the seventeenth century are not primarily literary, although they sometimes achieve a literary formulation. Rather, they are religious; only technically stories, they are marked not simply as truth, but as the kind of truth that anchors identity, fixes group membership, and demands belief as a principle of allegiance. The interpretation of factual historical events, such as the story of

⁴ Since the razor in question didn't have a handle, it had to be held by the blade. The historian Richard L. Greaves recounts that during a seminar on Essex's death at the Huntington Library, "the persuasive piece of evidence was a knife blade the size of the one associated with his death... There was virtually no way anyone could hold the blade with enough of it showing to slit the throat as deeply as the coroner's report indicated." Personal communication, 11 June 1999. See also Greaves' *Secrets of the Kingdom: British Radicals from the Popish Plot to the Revolution of 1688-1689* (Stanford, CA: Stanford University Press, 1992), 223.

Shaftesbury's opposition to Charles II, and indeed its very construction, as in the case of the Popish Plot and Essex's death, become subordinated to irreconcilable religious convictions that appear to be non-negotiable by design. In 1678, the poet Andrew Marvell's *The Growth of Popery and Arbitrary Government* stirs up popular anti-Catholic paranoia in the name of political freedom, fuelling the Exclusion Crisis. Unable to control the presses, the government tries with some success to pay back with the same coin. Dryden's *Absalom and Achitophel*, uncannily mapping the political events of the day onto the sanctioned stories of the Bible, is composed in the summer of 1681 to persuade the jury to convict Shaftesbury. Although it fails in its immediate design, it brilliantly and effectively discredits the Whigs. The inability to get convictions rankles and over the following year or so, Charles seizes control of the jury selection process, revokes ancient city charters, and cracks down on the opposition. Yet the monarchy cannot rule by force and law alone; it must in the last analysis rely on stories. While the manipulative and deceptive employment of stories affirms their significance in establishing community, such strategies also undermine trust and thus the very possibility of the shared narrative. Without such common narratives, without some control of history, the king has no subjects.

These broad and intractable issues form the backdrop of my investigation into the uses of literature in conveying and interpreting the death of Essex, feeding on and attempting to establish trust in the contemporary reader. The popular print culture of the day was barely beginning to develop near-equivalents of newspapers; the cost of paper could not yet justify a daily schedule of print ephemera, editorial offices had not been established, and no system of authenticating news had yet been put in place. Strategies of publication and authentication from previous genres of textual communication were enlisted for new purposes. Occasional poems, imaginative fancies, and illustrated blackletter ballads sung to popular tunes conveyed important political events, providing interpretation and commentary. They were sold for a penny or less at the printer's shop, in ballad stalls, and by street runners. Literary devices were useful tools to grab people's attention, to make them feel the events reported were relevant to their lives, to simulate thought and perception, and above all, to persuade. Half a century of pamphlet wars – they had flared up again during the Exclusion Crisis – had created a savvy and suspicious reading public.⁵

⁵ Cf. Michael McKeon, *Politics and Poetry in Restoration England: The Case of Dryden's Annus Mirabilis* (Cambridge: Harvard University Press, 1975), 267-8.

Thesis: Suicide

In the half-sheets that were published in the days following Essex death, the news of suicide was shouted abroad without mourning. Under the headline *A True Narrative of the Bloody Murther of the Earl of Essex, Upon Himself, Being Now Prisoner In the Tower*, the pamphleteer writes,

On Friday morning about Seven of the Clock, being the thirteenth of this instant July, His Majesty and Royal highness came down from Whitehall in their Barges to the Tower, to take a view of the Store houses, and was walking there some considerable time about the lines, and coming by the Earl of Essex his chamber, the Earl was struck with such remorse of Conscience, to think what a loyal man his Father was, and how he gave his life a Sacrifice for the late King, of blessed memory, and considering how lately he had free access to his Majesty; but now being under confinement, and the terror of a guilty conscience, desperately cut his own Throat with his Razor and deprived himself of Life immediatly, and from thence was carried to the Captain of the Warders lodgings to be disposed of as his Majesty shall think most fit.⁶

In this single breathless and cascading sentence, the writer strives for an authoritative voice, anchoring it in public facts: the time, the place, the visit by Charles II and his brother. With an empathetic intuition bordering on compassion, he momentarily inhabits the prisoner's now extinguished mind and relays as if from self-report its indubitable logic: the story of a noble family, the terror of a guilty conscience, a desperate and final act. And as we read, we partake of this logic, testing the simulation: does this feel right? Could the sight of the King have reminded him of his father's loyalty and filled him with shame at his own betrayal? Did he prefer death to the confrontation of a trial? Since he is dead, this logic feeds backwards into his motives, the condition of verisimilitude must be met: only the guilt of a plot to kill the King can have induced so terrible an act.

In this way, the fact of Essex's death became the story of his guilt in the conspiracy. A mocking Tory broadside, *An Elegy On the Earl of Essex. Who Cut His Own Throat In the Tower*,

⁶ This anonymous half-sheet was published in London by J. Scott in 1683 (ESTC R25688).

likely out on the streets the following day,⁷ picked up the theme:

As every Man were his own Fatal *Catch*,
 'Tis in his Hands to forward the Dispatch ;
 Some in the Field of *Venus*, Some of *Mars*,
 Some meanly Hang themselves, some Hang an Arse:
 But Mighty *Essex*, His Victorious Arm,
 With Griefs Opprest, Receives the Swift Alarm,
 A Meaner Foe then Steel, He Scorns to own ;
 Or Fall by any Hand, but by his Own (ll. 5-12)

His Roman courage does nothing but anticipate the public executioner Jack Ketch's work; in the place of an ignominious hanging and quartering as a traitor he chooses to die by his own hand. Sarcastically, his suicide is cast as an act of loyalty to the King by a member of a failed and discredited opposition:

Achitophel may Hang Himself, and Oats
 With *Judas* Swing, and some may cut their Throats,
 Whom Black Despair, may Urge; but *Essex* He,
 The First that Cut his Throat, for's Loyalty. (ll. 13-16)

The Whigs were indeed in disarray, beaten into submission by the government offensive following the last Exclusion Crisis in 1681. Their popular leader, the Earl of Shaftesbury, had died in Amsterdam that January, indelibly mapped onto King David's faithless advisor by Dryden's *Absolom and Achitophel*, a mapping faithfully repeated from the pulpits. Titus Oates, whose amazingly elaborate stories of an imaginary Popish Plot had sent numerous Catholics to the gallows, had still not been effectively discredited. The Whig's candidate for the succession, Charles II's firstborn but illegitimate son James, Duke of Monmouth, has been cast as Absolom,

⁷ The elegy, an anonymous half-sheet, was published in London by J. Smith in 1683 (ESTC R36134). The date "14 July. 1683" is added by hand on copy L in the British Library. Reprinted in *Poems On Affairs of State, Augustan Satirical Verse, 1660-1714*, general editor George deF. Lord, vol. 3: 1682-1685, edited by Howard H. Schless (New Haven: Yale University Press, 1968), 455-57.

the doomed challenger to David's legitimate reign. Here, Essex is somewhat flatteringly compared to a less ambiguous Biblical hero:

This Mighty *Sampson* of the *Common-Weal*.
Rais'd to Defend, and set his *Israel* Free.
From Popish Rage, Philistian Tyranny,
To Shake the Pillars of the Church and State,
He Crowns it with his own untimely Fate. (ll. 17-21)

A ludicrous Samson, his suicide accomplishes nothing but his own death. And yet the case is not so simple; the Earl's death – or rather, the story of his death – dragged others down with him, just like Samson, in an irony that must have been unintended. In the final stanzas, the poet – is he not a poet? – turns as if to query the dead man directly, ventriloquizing with the dead:

But here thy Rage too Desperate appears,
To Dye a Martyr to thy Doubts and Fears.
Oh Dire Revenge! Oh ! Too Officious Steel,
To make that VVound, which Time can never heal. (ll. 30-33)

These evaluative judgments return us to the crux of the affair: the puzzle of a seemingly insufficient motive. As Essex had not yet stood trial, it was surely too soon to despair. The King might relent; he might be proven innocent. Why would not the accused wait a few days and "stand the Tilt"? Continuing his pretense of speaking as if eye to eye with the dead man, the poet tauntingly suggests the Earl realized he was in the hands of forces greater than himself, that he could not trust himself to witness,

Lest thy false Tongue, shou'd through thy Thoat Impart,
The Bloody Treasons that opprest thy Heart. (ll. 38-39)

Arthur Capel's agency is being figuratively taken over by the King's party: his heart is oppressed with the guilt of the planned regicide; his tongue is false – not to others, but to himself, ready to

reveal his secrets and those of his co-conspirators. Had he not cut his own throat, he would have betrayed himself and his friends through it, in opposition to his own interests and wishes but in accordance with those of his political opponents. After his death, his adversaries are seizing control of his voice and indirectly of his mind. His action of killing himself – given what must have motivated it – forces the inference that he is guilty; it is the only story that is imaginatively and psychologically coherent:

This must convince the World, and thy wrong'd Prince,
Thou with thy Guilt had'st rather hurry hence,
Then stay to Justifie thy Innocence. (ll. 40-42)

These are imaginative fictions, literary forms in the service of politics. The poet's pretense of speaking with the dead lord is a transparent literary device; we are not misled nor is there any attempt to mislead us. Mentions of Mars and Venus, Achitophel and Samson call Classical and Biblical stories to mind, onto which the events of the poem are projected. As readers, we are invited to position ourselves imaginatively in Essex's mind, rehearsing as it were the fatal decision and its bloody consequences. The opening lines even attempt to establish the cognitive decoupling characteristic of literature, inviting the reader to suspend his immediate and personal perspective on the world and place herself in a receptive, trusting state:

How many strange uncertain Fates Attend,
The Wandring Pilgrim to his Journeys End.
Earth turns to Earth, Water, Air, and Fire,
Against the Breath inform'd them, do Conspire (ll. 1-4)

The inevitability of natural processes frame the actions of individuals, pleasingly envisaged as a pilgrimage. Yet the net effect of the poem is not literary enjoyment but perhaps a slight and sickening discomfort that poetic devices and conventions are so blatantly being borrowed to make a political point. Alarm and suspicion are as likely responses as assent and appreciation. Literature is being parasitized: the literary impulse, the pleasure of literature, is being treated as a potentially unguarded gate through which a political message can be inserted, bypassing the

defensive ramparts of the mind. The sham-philosophizing of the opening quatrain is an imitation, however inept, of a Trojan Horse: an aesthetic surface that conceals a political interior. The unease we feel – if this is our response – is our resistance to the intruder and our awareness of his designs.

The suggestion that politics in some ways parasitizes literature is perhaps incongruous, as it appears to imply that the literary at some level of analysis is "special," that it constitutes a distinct category with a function of its own. It is commonly agreed this is a point of view that has been resoundingly discredited, a myth that has long since been put to rest. We now suppose that literature is never disinterested, that its veneer of aesthetics always already conceals a political agenda. Yet it may be considered loss of sorts that it is no longer possible to distinguish between the use and the abuse of literature, that the very notion that literature can be "abused" must be branded recidivist. All we have left is a method of reading, a universal hermeneutics of suspicion.

A similar distrust affected the political culture of the 1680s. Print had lost much of its authority after the pamphlet wars of the 1640s; the cost of paper was slowly falling and the government found it impossible to control the proliferation of presses. The unresolved struggles of the civil war maintained a high level of domestic hostility between Dissenters and Anglicans, Protestants and Catholics, Royalists and Republicans. From the early '70s until the end of his reign, Charles enters into a string of secret treaties with Louis XIV, selling his country's foreign policy for cash behind the backs of Parliament: these are not confidence-inspiring measures. Parliament retaliates; Shaftesbury organizes an opposition, and in 1678 the Commons let the Licencing Act lapse, depriving the Crown of the right to vet manuscripts before they are printed. The Whigs stage a vicious anti-Catholic purge; ironically, they are being partly financed by the French King, whose Continental ambitions are well served by keeping the English fighting with each other.⁸ Faith in anyone's testimony falls so low that a consensus is hard to reach, not only in the case of policy but for simple historical facts, such as the murder of the Earl of Essex at the Tower of London in the near-presence of the King.

The story is advanced a few more steps under the headline "Great News From the

⁸ See Anne Barbeau Gardiner's *Ancient Faith and Modern Freedom in John Dryden's The Hind and the Panther* (Washington: Catholic University of America Press, 1998), 191-8.

Tower," an anonymous pamphlet of uncertain provenance which appeared within a week.⁹ It is subtitled, "A True and Perfect Relation of the Dreadful end of the Earl of Essex, lately committed Prisoner to the Tower, on account of the Horrid Phanatical Plot, against His Sacred Majesty, His Royal Highness, and all Lovers of Monarchy. Giving an Account how he was found Murdered in the Tower, about ten of the Clock this instant Friday, the thirteenth of July, 1683." The appellation "true relation" is symptomatic of the times, a hopeful device to instill confidence through explicit labeling. It signals, if not exactly the epistemological crisis Zimbardo envisions, then a climate of endemic distrust.¹⁰ Nearly three out of four of the close to two thousand titles that use this term in the *ESTC* cluster in the half-century of the "Troubles" (1640-1690).¹¹ As Montherlant notes, "*C'est quand la chose manque qu'il faut y mettre le mot.*"¹²

The pamphlet – a two-sided folio – provides its own carefully measured presentation of the incident in the Tower. The fact that this is a speculative reconstruction is subtly signaled:

my Lord having appeared very much dejected since his Seizure and Commitment, he delighted not in Company, but no doubt spent his time in reflecting on his past Life, and the ill success that attended such Actions. This grew so fast upon him, that on Friday Morning about Ten of the Clock, his Servant had not left him long in his Chamber, but he returned and found him dead, a great Wound having been given in his Throat which reached almost to each Ear; upon which all the Care imaginable was taken for his Recovery, but too late; information of which was immediately dispatched to His Majesty (who together with his Royal Highness was then viewing the Tower) and afterwards to the Court at the Old Bailey, which did not a little astonish all that heard of it... (*Great News* 2)

⁹ The subtitle dates the event to "this instant Friday" (*ESTC* R36580). "Great" means "very important" rather than "very good;" the latter sense first appears after 1800 (*OED*, 1st ed., A16 b).

¹⁰ Rose A. Zimbardo, *At Zero Point: Discourse, Culture, and Satire in Restoration England* (Lexington, KY: University Press of Kentucky, 1998).

¹¹ The *ESTC* lists 1,954 publications from 1473 to 1800 with the words "true relation" in the title; of these, a full 1,400 occur in the period 1640-90.

¹² "It is when the thing is missing that it is necessary to use the word," said by Ferrante in Henry de Montherlant's *La reine morte* (Paris: Gallimard, 1942).

The approach is more modest and the projections hedged. The writer attempts to build a plausible case by moving systematically from an easily granted supposition to its desired conclusion. We can well believe Essex "delighted not in Company," having just been arrested; that he "no doubt" reflected on his past life might suggest some degree of guilt, which his arrest alone would surely warrant in the eyes of many contemporary readers. Yet the writer is only suggesting Essex was disappointed by failures, a rather different matter. A subtle gap opens up between these emotions and the cause of death: "This grew so fast upon him, that" – the construction is never completed. A causal link between the presumed guilt and the fact of death is left implicit, a lacunae most easily filled by inferring an act of suicide. But the pamphlet is curiously careful to point out that, as the subtitle announces, all we really know is that he is "found murdered" – the seventeenth-century usage encompassing suicide. Agency at the crucial moment is deflected onto the actions of the servant discovering the body; we are absent at the moment of death.

It is very difficult to gauge how seriously the repeated claims of a causal link between despair and death were intended and how literally they were taken at the time. The fact that the pamphlet-writers so consistently make them might suggest that they were not entirely ineffective. Yet the notion that readers at this period were naive in such matters, or that their metarepresentational abilities were inferior to ours, is surely implausible. We have no reason to think London's readers of news were unable to smell a rat or any less assiduous in reading between the lines. *Great News From the Tower* conveys several important pieces of information: nobody saw Essex kill himself, his wound was a cut from ear to ear (an unlikely self-inflicted wound and a very plausible one for murder), and the news was instantly relayed to the Old Bailey, to great effect. This potentially subversive information is ideologically contained by the ending, which again interprets Essex's death as self-incriminating, "an Example to all those that love their Private Interests before that of the Publick; that love only their King but as it is subservient to some Private Design, and that make it their business under the cloke of Religion to destroy Kings, and bring to utter Ruin the best of Governments" (*Great News*, 2).

The fact is that the story of Essex's death was more important to his enemies than the death itself. That same morning, Lord Russell had been led from the Tower to the Old Bailey, where he was being tried on charges of high treason for his involvement in a plot to assassinate the King and his brother. The case against him was flimsy. Russell had in fact plotted an

insurrection – though in the course of the trial and at the scaffold he persistently denied even this – but he was not involved in a plan to assassinate the King. Lord Howard, Rumsey, Shephard, and West had turned state's evidence; with the judicial travesties of the Popish Plot fresh in mind, their confessions had failed to inspire confidence and there was a genuine risk the jury would not attach credence to their testimony. "Innocent men begin to fear," the Bishop of Oxford wrote before the trials, "least the really guilty should atone for treason by perjury."¹³ James complained some people saw the whole affair as "a made plot of the court."¹⁴ Since the Whig party had formed in the effort to exclude him from the succession, he must – rightly – have felt himself to be the plotters' real target; the revelations provided him with a chance to strike. Events following Shaftesbury's *ignoramus* verdict in 1681 suggested that a failure to convict could only lead to further and increasingly more desperate attempts to keep him from the throne.

Charles was stepping into his barge to leave the Tower when he was notified of Essex's death;¹⁵ he gave immediate orders that the witnesses should be detained and that the body should remain untouched until examined by a coroner's jury.¹⁶ This was not done. Before the interrogations could begin, the person in charge was countermanded – it is unclear by whom – to go to the Old Bailey and inform the court. Russell's trial had just begun when Sir Robert Sawyer, the attorney general, announced that Essex "hath, this morning, prevented the hand of justice upon himself." Howard was visibly shaken. Jeffreys – urbane, confident, with the face of a child – concluded the case for the prosecution by arguing this suicide demonstrated the reality of the plot: "Who should think that my lord of Essex, who had been advanced so much in his estate and honour, should be guilty of such desperate things! which had he not been conscious of, he would scarcely have brought himself to that timely end, to avoid the methods of public justice."¹⁷ Essex's honor and credibility is the capital that is being cashed in; it allows the thesis that his

¹³ British Library Additional Manuscripts MSS 29582, fol. 23r, quoted in Greaves, *Secrets*, 206-7.

¹⁴ G. Groen van Prinsterer (ed.), *Archives ou correspondance inedite de la maison d'Orange-Nassau* (Utrecht: Kemink, 1857-1861), 579, quoted in Greaves, *Secrets*, 206.

¹⁵ Gilbert Burnet, *History of His Own Time*, vol. 1 (London: printed for Thomas Ward, 1724), 553.

¹⁶ Lawrence Braddon, *Essex's Innocency and Honour Vindicated: Or, Murther, Subornation, Perjury, and Oppression, Justly Charg'd On the Murtherers of That Noble Lord and True Patriot, Arthur (Late) Earl of Essex. As Proved Before the Right Honourable (Late) Committee of Lords, Or Ready to Be Deposed. In a Letter to a Friend. Written by Lawrence Braddon (of the Middle-Temple) Gent. who was upwards of five years prosecuted or imprisoned, for endeavouring to discover this murther the third day after the same was committed* (London: printed for the author; and sold by most booksellers, 1690), 48.

suicide demonstrates his guilt to be extended to his co-conspirators. Was it effective? We cannot know for sure, but it seems likely. Evelyn, a personal friend of Essex, noted in his diary that "This fatal newes coming to Hicks-hall, upon the article of my L: Russels Trial, was said to have no little influenc'd the Jury, & all the bench, to his prejudice."¹⁸ We know that Russell was convicted and that this successful prosecution opened for a string of subsequent convictions. We know the government used the argument of Essex's suicide repeatedly, whether it worked or not. The Whig opposition was reduced to shambles; the succession was assured. James and his supporters got the perfect story and used it to the hilt. Did they kill for it?

Antithesis: Murder

As amongst the many Deeds of Darkness, which Providence in its Good Time will bring to Light," an anonymous pamphleteer writes in 1689, "None can be Blacker, or more Hideous, than the Murder of this Noble and Innocent Lord; So nothing can be of Greater, and more Universal Satisfaction (though no less Horror too) than the Detection of that Bloody Assassination."¹⁹ It should perhaps come as no surprise that such universal satisfaction has proved elusive. Three hundred years after the event, we are no closer to a consensus concerning the agency behind his death. In contrast with the views of the passionate pamphleteer, the record indicates that very few have derived any satisfaction from the story that Arthur Capel was murdered, sensational and horrible though it is. His closest friends and most intimate family in particular show remarkably little interest in revising the *fe lo da se* hypothesis. This is not to say he lacked supporters; Essex was a peaceable man of great integrity, praised for combating corruption during his tenure as lord lieutenant of Ireland, though as Treasurer he may have pursued this course too far for the King's liking. Evelyn confessed that the "accident exceedingly amaz'd me, my Lord of Essex being so well known by me to be a person of so sober & religious a deportment, so well at his ease, so much obliged to the King" (*Diary*, 326), but he was no activist. Essex's father had helped Charles I escape in 1647 and Charles himself is said to

¹⁷ W. Cobbett and T.B. Howell, eds., *Cobbett's Complete Collection of State Trials and Proceedings* (London: R. Bagshaw, 1809-1828), 9: 633. Quoted in Greaves, *Secrets*, 215.

¹⁸ John Evelyn, *The Diary of John Evelyn*, edited by E.S. de Beer, vol. 4 (Oxford: Clarendon, 1955), 327.

¹⁹ *An Account of the Examination of Capt. Holland, Before a Committee of Lords, Upon the Murther of the Earl of Essex* (London: printed for R. Hayhurst, 1689), 1.

have expressed surprise: "My Lord Essex might have tried my mercy; I owe a life to his family."²⁰

The mishandling of the inquest did raise eyebrows. When it convened the day after the "murder," the body had been washed and dressed and the original clothing was gone, in direct contravention of the King's command. The coroner's grisly account left ample room for rumors. "It was wondrous yet by some how it was possible he should do it, in the manner he was found," Evelyn writes, "for the wound was so deepe & wide, as being cut through the Gullet, Wind-pipe, & both the jugulars, it reached to the very Vertebræ of the neck, so as the head held to it by a very little skin as it were, which tack'd it from being quite"... (*Diary*, 326). The scenario is faced with a failure of the imagination: the coroner confidently rules that the cut would have caused death almost instantly, but to accept the verdict of suicide we must be able to visualize, as it were from the point of view of the agent, the hand holding the knife and initiating the cut, severing the first artery, cutting the windpipe and into the bone, and then somehow creating in the mind's reconstructive eye not only the motivation to continue as air is no longer reaching the brain, but the strength to do so as blood is welling out like a fountain, and the self-control to keep slicing through tendons and a second artery. There is something nearly unimaginable about cutting your own throat from ear to ear, and the suicide theory suffered from it.

The story of the razor did not help. Webster, one of the proposed assassins, as he later admitted, in confusion threw the bloody razor out the window.²¹ A teenager who had come to see the King went over to pick it up, but someone called from within to retrieve it and a woman in white beat him to it. The inquest was later told the razor was found lying next to the body; several large nicks were ascribed to the encounter with the bone of the neck. There were others nearby to see it tossed below, but none of the adults would testify; later, it surfaced that the soldiers had joked that "my Lord had a good Resolution, first, to cut his Throat, and after to throw the Razor out of the Window" (*Essex's Innocency* 41), again highlighting that such a

²⁰ *The Dictionary of National Biography* (London: Oxford University Press, 1908), 926.

²¹ *The tryal of Laurence Braddon and Hugh Speke, gent., upon an information of high-misdemeanor, subornation, and spreading false reports. Endeavouring thereby to raise a belief in His Majesties subjects, that the late Earl of Essex did not murder himself in the Tower, contrary to what was found by the coroners inquest. Before the Right Honourable Sir George Jeffreys, Knight and baronet, Lord Chief Justice of His Majesties Court of Kings-Bench, and the rest of the reverend judges of that court, holden at Westminster, on Friday the 7th. of February, 1683* [Lady Day dating; i.e. 1684] (London: Printed for Benjamin Tooke, 1684), 42.

scenario suffers from the difficulty of simulating it imaginatively. These details transpired at once and became widely known; Evelyn mused that the "gapping too of the razor, & cutting his owne fingers, was a little strange, but more, that having passed the Jugulars he should have strength to proceede so farr, as an Executioner could hardly have don more with an axe, and there were odd reflections upon it" (*Diary*, 326). These doubts about the verdict – later, a member of the coroner's jury was prosecuted for claiming they were put under pressure – is displaced onto others, but it is clear that Evelyn himself shares them.

Others had the courage of their convictions. When Lawrence Braddon, a Whig attorney, heard the story of the boy's claim of seeing the razor, he drew his own consequences. "If this was true," he reasoned, "what was sworn before the Coroner must be false; and I did not believe that they had sworn false for nothing; but must conclude my Lord was murdered" (*Essex's Innocency* 5). He argued with his friends that if nobody looked into the possibility of murder because of the personal risk, whoever was behind it would feel emboldened to do it again. That Monday he bought the coroner's report and looked up the boy, William Edwards. Will's sister had warned him he would be hanged and he was afraid to speak, but he confirmed the story. Braddon disasterously brings him to Sunderland, the Secretary of State, whom he later was to discover may have been less than disinterested. The boy is questioned by James and the King, at which point he breaks down in tears. Braddon was accused of suborning him; when he persisted in his investigations, he was slapped with thousands of pounds in fines and thrown in jail. The three people assigned to personally guard Essex at the Tower – his servant Paul Bomeny and the warders Russel and Monday, responsible for the stairs and door – testify against him and are believed; they are as Braddon wryly notes the prime targets of his accusations. He was not released until just before the Revolution.

Nobody really wanted this story. Ruddle, a soldier present at the Tower that morning, reported that two women had overheard James telling the King in French that Essex "ought to be taken off" (the King disagreed); shortly after, he saw James dispatch two men to the house where Essex was staying. Ruddle's account was given little credence; he was reassigned to the East Indies and shot at Fort St. George. Flaunting instructions not to talk, a sentry told some of his acquaintances he had seen two men enter the house; he was found dead in the Tower ditch. One of the warders present went on record that the death was "a piece of Villany altogether;" his mangled body turned up in the river near Rochester (*Essex's Innocency*, 49).

Perhaps more surprising than the lack of interest on the part of the Court and its employees was the silent stance adopted by the Countess Dowager, Lady Essex. She asked Gilbert Burnet to look into the matter, or more likely, to appear to do so. Burnet laudably focused on the living: he comforted Russell during his last days, even drafting his gallows speech, and fled to the Continent in August (*DNB*). In *A History of His Own Time*, he argues that Essex killed himself to secure his estate,²² but this may be putting the cart before the horse. The goods of a suicide were as subject to forfeiture as those of a traitor;²³ when the King spared the estate, he gave the widow a tangible reason not to put matters to the test. It was the *story* of his suicide rather than his suicide that preserved the estate, a distinction worth making. With Braddon in prison, Burnet disinclined, and the leading Whigs abroad or dead, years of silence followed.

After the Revolution, the Whigs quickly seized on the glorious opportunity to rewrite history. Already on the 5th of February 1689, a week after the Commons have resolved that James has abdicated and the day before the Lords Spiritual and Temporal resolved that William and Mary should be made king and queen, a Close Committee of Lords is set up to reopen the case of Essex's death. Many felt that, like Lord Russell, he deserved a place in the emerging Whig hagiography. Russell's father, the Earl of Bedford, was one of the four initial members of the committee; he was soon to receive a dukedom, due in no small part to the merits of his son's martyrdom. More than sixty witnesses are questioned, most notably the prime suspect, Captain John Holland, "a Creature of the Earl of Sunderlands," *An account of the Taking of Captain Holland* proclaims, "from whom he has had very great Rewards; and 'tis generally said, and I doubt not but will be proved, that he has received a Pension of Five Pounds per Week, for these several Years past, from the said Earl."²⁴ The committee met that spring but was suspended for the summer; in October it resumed its work.

During this period, the ballad literature takes hold of the news. On the *Barbarous, Execrable, and Bloody Murder of the Earl of Essex* comes out after Holland's arrest; it focuses on his motives and implicates Bomeny, the French servant that attended on Essex in the Tower:²⁵

²² Burnet, *Own Time*, vol. 1, 569-70, and *A Supplement to Burnet's History of My Own Time*, vol. 1, ed. Osmund Airy (Oxford: Clarendon Press, 1902), 119-23.

²³ Cf. de Beers' note in Evelyn, *Diary*, 237.

²⁴ *An account of the Taking of Captain Holland, Who (It's Said) Is the Very Man by Whose Hands Was the Late Earl of Essex Murthered* (London: printed for J. Bowers, 1689), 1.

My Life and My Death



The *Chief Actor* in it is brought to the *Light*,
 Who, by *Money*, was tempted to act this great *Spight*;
 His *Conscience*, and Actions now fly in his *Face*,
 And says, He *deserves* to die with *Disgrace* :
 His *Soul* he did venture for luker of *Gains* ;
 In *Showres* of *Gold* he was paid for his *Pains*.

But the great Villain *Bomene*, he is not yet found,
 Who provided the *Razor* that gave the great *Wound*;
 His *Lord* and his *Master*, this *Judas* betray'd,
 And to see his *Blood spilt* was no ways *afraid* :
 But this *Valet de Chambre* I hope to see *hang'd*,
 And *Popery* banish'd quite out of the *Land*. (ll. 7-18)

That Bomeny should have provided the razor is hardly criminal, as Essex asked for it, but he was believed to have been complicit. His betrayal of his master is in familiar fashion compared to a sin against the divine. By producing alternative agents of Essex's demise, the moment of death itself can finally be explicitly reimagined: in the woodcut, a group of four standing men cluster leisurely yet menacingly behind the seated victim; eyes are trained on him while he gazes upwards, his arms restrained, the knife on his throat.

²⁵ *On the Barbarous, Execrable, and Bloody Murder of the Earl of Essex* ([London]: printed and sold by J. Wallis [c. 1689]). Reprinted in *Pepys Ballads*, edited by W.G. Day (Cambridge: D.S. Brewer, 1987), 2: 172.

The depiction shows a bedroom rather than the small water closet where Essex was found; at the back, a window where the razor will be or has been thrown out has been left open. Cuts in his hands and cravat suggested to Braddon and others there had been a struggle; the artist shows him seated and immobilized by a force that is confidently superior. The scene is composed as a frozen tableau, even while it leaves cues of a fleeting moment: one might read into the murderer's chiseled face a firm determination to proceed as the knife is moving to slit the man's throat and a black devil – an emblem that the years of Pope-burning parades had securely associated with Catholicism – emerges with hooves, tail, and horns from behind a curtain. His chubby human hand waves as if for our benefit to cheer on the fatal stroke, unseen by the assassins.



A more detailed inventory for the systematic rewrite of history was issued in another illustrated blackletter ballad, *Romes Cruelty*; the language is unusually straightforward.²⁶ To the plaintive tune of "There is one black and sullen hour," it sung the other story of the noble lord:

²⁶ *Romes Cruelty: Or, The Earl of Essex Barbarously Murthered in the Tower* ([London]: Printed for P.B., [c. 1689]). Reprinted in *Pepys Ballads*, 2: 177.

There Is One Black and Sullen Hour



The Earl of Essex in the Tower,
he did not cut his own dear Throat,
But Ruffians did him over-power,
as by the Sequel you may note. (ll. 1-4)

Clearly partisan, it nevertheless eschews the customary verbiage and stays on task. The now long-since familiar argument of the excessive cut is put forward:

His Throat was cut from Ear to Ear,
the Jug'lar Veins and Gullet too,
The which this worthy Noble Peer,
could not have life nor strength to do (ll. 36-39)

The inappropriate preparations for the inquest are also presented, allowing us to imagine those parts of the story that the suicide theory had deliberately backgrounded:

When he was found upon the Floor,
by those whom we may well suspect,
Bathed in reeking purple Gore,

let us observe the first neglect :

By Cor'ners Inquest, Jury men I mean,

He was not suffered to be seen,

Till they had stript and wash'd him clean : (ll. 45-50, 52)

The Room and Closet where he lay,
most carefully was cleansed too.

Nay, and his Cloaths convey'd awy,
and ne'r was brought to open view :

From whence a grand suspition straight arose,

Besides, a Young Man would depose,

He see upon his Master's Hose,

a bloody Foot stept on his Hose. (ll. 54-59, 61-62)



In this way a different story was constructed: Essex had been brutally murdered, the evidence covered up, and the fiction of a suicide used to convict others:

This black and bloody dismal Day,
 sweet Russel was to Tryal brought,
 That all the World might think and say,
 Dispair had Essex ruine wrought
 Rather then bring his Crimes to open view (ll. 27-31)

Turning this story on its head, Braddon reports that before being brought to the Tower, Essex was discretely offered a chance to escape; when he decided not to, it was because he did not want any presumed guilt to reflect on the others charged with the plot (*Essex's Innocency*).

The Lords' commission met regularly until the King dissolved the Convention Parliament in early February of 1690. Even though several witnesses were dead, new evidence suggestive of murder came to light. These details survive only in Braddon's account; the official report was never produced. Greaves suggests Lady Essex may have continued to wish the matter to be put aside (personal communication); we are left guessing. By default, the suicide story was left standing.

In Memoriam

IT is hard to argue when you are dead. The living have each other to contend with, and their memories of betrayals that like fly-paper trap the buzz of thought. The "grand suspicion" that "straight arose" when the details of the inquest came out was no more than an episode in a saga of narrative crimes (*Romes Cruelty*, line 59). It cannot be understood in isolation from the homicidal lies of the Popish Plot, invented by Titus Oates but actively promulgated by Shaftesbury and the proto-Whigs for their political purposes. If James was behind the assassination, he may have felt entirely justified after what happened to his friends and supporters during the previous five years. From the *traité simulé* that followed Charles' secret treatise with Louis XIV at Dover in 1670 to the letter of invitation sent William of Orange by the "Immortal Seven" in June of 1688, the deep-seated conflicts between Parliament and the King spurred murderous deceptions and created a climate of extreme distrust, bordering on war.

"The court was, of course, roundly accused of murder," the *Dictionary of National Biography* wrote, adding, with exquisite righteousness, "the charge, however, is utterly without antecedent probability" (925). The *Encyclopedia Britannica*, admitting that the "violence with

which the wound had been inflicted made it uncertain whether or not his death was a suicide," cuts short its speculations: "If suicide, his motive may have been to prevent an attainder and preserve his titles and estates for his family."²⁷ And if not suicide? Who had access to Essex, ensconced behind a series of guards in the most secure place in the kingdom, while the King and his brother walked the grounds? Braddon ingeniously stipulates the assassins required James' presence: by being seen with them he provided them with a guarantee that they would not be represented as having acted on their own and thus conveniently betrayed. This strategy presupposes a cover-up. When justice "becomes a SKREEN to Malefactors," Braddon muses, "and punishment [is] inflicted on those who would punish them, then is that Kingdom in a much worse condition than it could be by the state of Nature" (*Essex's Innocency*, 18).

In *Secrets of the Kingdom* and in the forthcoming *New Dictionary of National Biography*, the historian Richard Greaves exhumes the evidence and issues a tentative verdict: murder.²⁸ The reconstruction has the feel of a literary plot, a tragedy of state presaged by *Hamlet*. In brief, the King's brother, in cahoots with a senior government minister, gives orders to kill one of the chief peers of the realm in order to secure his succession to the throne. The peer's arrest on suspicion of fomenting an insurrection provides the occasion. The murderer is given free access to the apartment as the guards turn aside. A gash four inches deep and eight wide almost remove the head from its body, cutting both jugular veins and the windpipe straight across, carving into the bone of the neck. There is evidence of a fight: wounds on fingers and hands, a cut cravat. His death is not required; the Duke needs only the story of his suicide, a judicial argument to cull traitors. It is all the more valuable because it was so inherently implausible: given Essex's blameless reputation and favor with the King, only the greatest guilt could credibly prompt self-slaughter.

"Murther, murther, murther" are Essex's last words according to Braddon, uttered "very loud and very dolefully" (*Essex's Innocency* 29). In *Murder Will Out*, his ghost returns to tell his own story to his former prosecutor, now himself in the Tower:

I fondly Dreamt, Confession and Discovery would melt the Sword of Justice into
Mercy: But ah! that Charm that lull'd the wrath of my offended Master, waken'd

²⁷ "Essex, Arthur Capel, 1st earl of, Viscount Malden, Baron Capel of Hadham." <<http://search.eb.com/bol/topic?idxref=174258>> *Encyclopædia Britannica Online* [Accessed June 20, 2000].

²⁸ Greaves, *Secrets*, 219-29.

the Fears and malice of my more powerful Foes: An Irish Ruffian, and a dread
Command, soon let me know my Error.

Chancellor Jeffreys replies,

I must confess, under the *Rose*, my Lord, 'twas generally whisper'd, more Hands
than your own were employ'd to sign your Pass

He stood quietly, barely outlined against the window, his body suffused with a pale light that might pass for fog. I felt like asking, "What happened, my Lord? Your death is so remote, and yet your ghost still walks. Speak to me!" As if he had heard my inaudible whisper, the apparition turned his misty face painfully towards me; his eyes glinted with amber. Shifting his gaze towards the barred windows, where the first ruddish light of dawn was beginning to appear, he held his wasted phantom hands against his gory throat and spoke with a voice worn by centuries.

"I heard the pigeons cooing under the eaves that morning," he began; "through the open window the summer sun was pouring in. It was already after breakfast; in the water closet I sat down to trim my nails. How could I have known my own life would be so swiftly pared away! My recent differences with the King turned on his brother; he could not think I had designs upon their lives, and I was confident in my defense. My wishes for the succession were well known, and at the hearing I had not denied my meetings with the Whigs to plan an insurrection. My part was small; the King, I thought, would let me live. Had I but looked into the yard below and overheard His Majesty confirm his brother's fears, that he intended to spare me! His clemency was my undoing. I might have spied the silent gestures of the future King for Sunderland's assassins to approach – Colonel Holland and Webster, the extortionist. Bent on destroying his enemies, he let them know it was his pleasure that they carry out their dark commission. Wrapping their cloaks about their faces, they gained their preappointed entrance; my trusted servant Bomeny led them upstairs. I had not thought the Duke were capable of such a base and dastardly design, nor that my men with such an easy grace would suffer him to succeed. They came with violence, bursting through the door, their impudence steeled by the certainty all might was on their side. I fought them both; they forced the razor from my hand with their large dudgeon-knife. Webster, the imp, in confusion threw it out the window; he knew not what he did.

Stanching my cry, Holland's strong arm seized my head from behind and..." The specter's voice trailed off. As if mere memory could purchase flesh from air, his fingers reddened, and in his throat the gash revealed a glint of white. "It was a cut too deep for comfort; they knew themselves it was too deep. My fall was swift; I marked them with my blood. Their feet were thick with gore; as if to sign his work, my murderer left his footprint on my hose. While I lay lifeless, they sent a maid down to retrieve the razor and lay it by my side; I never found a use for it."

His voice grew indistinct; light filled the room as an ambulance siren brought me back to my senses; it is morning. Histories, Miseriae had said, are seldom written at the time of action, but a long time after, when truth is forgotten, and fear and partiality still bears too much sway.²⁹



²⁹ The correct quotation is given in the headnote.