The first whereof was for a Rape by his owne actuall
assistance procured to bee Committed upon the person of
his owne wife the Countesse of Castlehaven By one
Broadway his Servant

And the other 2 for Sodomie Committed on the Body of
his Servant Lawrence ffitz Patrick an Irish man borne And his
footman. Upon the reading whereof being demaunded
by Sr Thomas ffanshawe whether he were Guilty
or not Guilty.

Hee answered them all
not Guilty

Then Sr Thomas ffanshawe further demaunded by what
law he would bee tryed

And the Ld Hardley put
himselfe upon God & his Peeres

Then all the nobilitie & Peeres put off
their hatts & the Iudge upon
was Voy nod

Then the Ld high Steward addressing his speech to
the Lds the Peeres, said, my Lds the Prisoner whome yo
heere see stande Indicted of a Rape by one Indictment
And of Sodome by two other Indictments, And see yet
pleaded not guilty unto them all And for his Tryall hath
put himselfe upon God And his Peeres

It is my duty therefore (my Lds) to charge yo with the Tryall
thereof And yo to Judge of it. The offences whereof he stande
charged are to bee proved by Evidence And betaile the
Crimes that come this day before vs, may in some bredd de-
testation, And the Person of his Ten mistress may move Com-
passion. Bute yo Lds I pray thrise two Mides And let yo
reason sway yo Judgment, let that rule yo Affections And
yo heads yo Hearts for neither of theise ought to bee put
in the balance, betaile: A grainе on Either side may beare
downe the scale, yo are to give attentive Eare, And then
to weigh Equally, that the scale may leane the right way

The Judges

The Judges will Assist yo in point of Lawe, whereof yo doubt
yo are to propounde it to me, And I unto them. To like yo must
observe if any Question arise touching the Prisoner, the
Ld Tryer are to bee without Corporall Oath taken for
for the Lawe tend more yo of Iury Intuitive that yo will
doe that for the love of Iustice, wth otherwise
for fauoring their Oathes And therefore admitted not
Challenge, God direct yo to doe it as yo ought, And leade yo
to the Truth

Sr Thomas Crewe the kings serient
at Lawe gave the first charge &
after him Sr Robert Heath the
kings Attorney proceeded
and said

My lord high steward may it please yo Grace there are
three Indictments against Merrin Ld Hardley:

The first of a Rape, the other for Sodomie, the Prisoner
is here: but the Crimes are most dishonorable foule and
farre more base, then beastly, of wch he stande Indicted
If they fall out to bee true, wch must bee left unto the Tryall
bondes: Affirme never Poet invented nor Historiographer
ever writt of Any so foule: And although Suetonius, have
Curiously set out the Lawes of some of the Emperors who
had absolute power and Soueraignitie, wch made them ffearele
of all manner of punishment And weedbeds were heathens
& knew not God, yet none of them all ramd neare this in-
happie Lords Crymes, whereof he stande heere attainted
Impossible (as it should seeme) even for heathens to Comit, must
it ought to bee named by A Christian, the one whereof
is A Crime in Nature of such varietie that wee scarce have
knowne the like, And the other wee feare out hard of before
And both of them are of that positiuall and poyson nature
that if they bee not punished they will drawe downe
ffrom heaven Gods heavie Judgments.

But here (my