

Q1 My Lord high stewarde his grace

Notes. As Herrup notes, this libel on the proceedings and arguments during Castlehaven's trial, "lampooned not Castlehaven, but the trial itself", and "would not have reassured any reader's faith in the integrity of either the judges or the attorneys" (122, 123).

My Lord high stewarde¹ his grace

with many a rich mace²

Came garded into the Pallace³

And with a paire of scales did weigh

each word hee did say

to keepe his oracon in ballace

5

2 To tell you noe lye

Hee lik'd the Canopie

soe well, and the chayre hee sate in⁴

that my lord high steward still

tis thought with a good will

hee could have beene contented to have beene.

10

3 The Redd flappe of the Lawe,⁵ next

was to handle the text

and his part was to open the doore

But marke the disaster

My lords grace his master

had taken up all before⁶

15

4 The Atturney⁷ now beganne

upon his leggs to stande

extollinge the happines of the Kinge

That had lived soe many yeares

and not one of his peares

20

- had committed soe vilde a thinge.
- 5 And trust me twas strange 25
of all that great range⁸
that sate it out that day
that not one of them all
should at some tymes falle
wander or goe a-stray 30
- 6 Hee used much scripture text
which many ther perplext
whoe did not thinke it possible
That a man of his trade
whoe soe much profitt had made 35
Should bee soe well redd in the bible
- 7 But the oration was witty
and truly twas pittie
Hee did noe longer stand
For by the quotations in the Lawe 40
hee shewed hee was not rawe
in matters that then weare in hand
- 8 The Solicitor⁹ most wise
did lift up his eyes
and to my Lord steward his grace 45
And in spite of his Majestie
for and his great Canopie
did looke him full in face
- 9 Then hee declared
what might have beene spared 50
that the fault was abominandum¹⁰

And was beholdinge many wayes
to the old English phraise
Sir Reverence non nominandum¹¹

10 The prisoner nowe 55
had leave to shewe
concerninge the rape of his wife

How that hee did it not
but conceived it a plott
to take away him and his Life¹² 60

11 But alas twas in vayne
himselpe for to straine
since the Judges delivered it Plano
that to knowe by the tuch
was eaven just as much 65
as if it had beene in Ano¹³

12 Its thought their trunke hose¹⁴
did alsoe suppose
that in concubilu cum faeminis
ther might bee a rape 70
if lust made an escape
per ejectionem seminis¹⁵

13 But sure in this case
noe dishonor to the place
competent judges they weare none 75
For by the closenes of their beard
t'was more then to bee feard
they weare Eueneuchs¹⁶ every one.

14 Sir Thomas Fanshaw¹⁷ Ile sware

above all that weare there

80

by noe meanes must bee left out
for hee fasted 12 howres and more
and 2 daies beefore
to bee able to turne round about.

Source. NCRO MS IL 3338, fols. 1r-2r

Q1

¹ *My Lord high stewarde:* with the House of Lords not in session, Castlehaven was tried by his peers in a specially assembled Lord High Steward's court. The Lord Keeper, Thomas, Baron Coventry, presided over the trial as Lord High Steward.

² *many a rich mace:* seven sergeants-at-arms, each carrying a ceremonial mace, processed into the trial ahead of the Lord High Steward.

³ *Pallace:* Castlehaven was tried in Westminster Hall.

⁴ *Hee lik'd...hee sate in:* the Lord High Steward presided in a canopied chair of state.

⁵ *The Redd flappe of the Lawe:* probably the King's Serjeant, Sir Thomas Crew, who opened the case for the prosecution.

⁶ *My lords grace...all before:* Lord High Steward Coventry delivered an opening speech before the prosecuting attorneys began the case. The implication here is that Coventry's speech had preempted some of the prosecution's message.

⁷ *The Attorney:* Sir Robert Heath, Attorney-General, and chief prosecutor.

⁸ *that great range:* i.e. the twenty-seven English peers assembled as Castlehaven's jurors.

⁹ *The Solicitor:* Sir Richard Sheldon, Solicitor-General, the third prosecutor, whose speech concluded the case against Castlehaven.

¹⁰ *abominandum:* to be abhorred.

¹¹ *Sir Reverence non nominandum:* the exact meanings and origins of this "old English phrase" are not clear. Literally it appears to be "Sir Reverence Not-to-be-named".

¹² *The prisoner...and his Life*: Castlehaven vigorously defended himself before the court, insisting that the allegations were part of a conspiracy by his wife and son to destroy him and seize his property.

¹³ *But alas...in Ano*: this stanza focuses on one of the central weaknesses in the prosecution's case against Castlehaven, their inability to prove, as the law seemed to require, that penetration had occurred in the alleged act of sodomy. Florence (or Lawrence) Fitzpatrick, the servant with whom Castlehaven had allegedly committed sodomy, confessed that Castlehaven had "spent his seed but did not penetrate his body" (qtd. in Herrup 61). Significantly, only fifteen of the twenty-seven peers voted to convict Castlehaven on the sodomy charge.

¹⁴ *trunke hose*: short, often silken, breeches.

¹⁵ *Its thought...per ejectionem seminis*: this stanza also focuses on weaknesses in the prosecution case. According to the strict legal definition of the crime, rape, like sodomy, required penetration. Giles Broadway, the servant whom Castlehaven had allegedly ordered to rape the Countess, insisted that although he had ejaculated during the rape he had not penetrated the victim. The stanza implies that the royal legal officials argued that the actions confessed—ejaculation (*ejectionem seminis*) during a non-penetrative sexual encounter with the woman (*in concubilu cum faeminis*)—did in fact constitute a rape.

¹⁶ *Eueneuchs*: i.e. eunuchs.

¹⁷ *Sir Thomas Fanshaw*: Clerk of the Crown, and chief clerical officer of the Lord High Steward's Court.
