a fuller understanding of the trial and execution of “that man of blood.”


The twists and turns of criminal misdeeds, murder mysteries, and court trials continue to fascinate and intrigue us, a phenomenon that explains the considerable increase over the past few years of cable and network television series based upon examples of such social turmoil. In *Murder in the Tower and Other Tales from the State Trials*, Alan Wharam has selected fifteen court cases from a collection of State Trials compiled and published in 1730, unearthing a substantial amount of social history while demonstrating that present-day society has no monopoly on nefarious deeds or pernicious and arbitrary application of the law. Among the seventeenth- and early-eighteenth-century trials included in *Murder in the Tower* are “The Impoisonment of Sir Thomas Overbury;” an extensive section on those connected to “The Rye House Plot,” along with the subsequent investigation into the murder of the Earl of Essex in the Tower of London in 1683; and a absorbing but lesser-known case, entitled by Wharam, “Scratching a Witch.”

In 1613, the poet Sir Thomas Overbury died after several weeks of illness while in custody in the Tower of London. Two years later, evidence came to light that Overbury had been poisoned at the direction of the Frances, Countess of Essex, who was, at the time of the murder, the married mistress of Overbury’s former friend and patron, Robert Carr, Viscount Rochester, (Earl of Somerset from 1614). Overbury, who disliked the Countess, had made threats of blackmail against Rochester, trying to convince him to have nothing to do with her. Lady Essex became enraged and convinced Rochester that Overbury must be eliminated. After using their influence to engineer Overbury’s arrest and incarcera-
tion in the Tower, the pair of lovers arranged to have him poisoned.

In 1614, having divorced their respective spouses, the villainous couple married. The following year, their misdeeds came to light. Edward Coke, Lord Chief Justice of the King’s Bench, who was appointed to investigate the murder, questioned hundreds of people while unraveling the conspiracy behind Overbury’s death. Eventually, those convicted and hanged for the crime included the Lieutenant of the Tower, an apothecary, Overbury’s Tower warder, and a female go-between, each of whom had played a role in the poisoning at the behest of the Countess and Rochester. The Earl and Countess of Somerset, who had planned and initiated the plot, were tried separately in the House of Lords, as was the custom for peers. Both were sentenced to death. Ironically, despite the damning evidence uncovered and the executions of their subordinates, the Somersets were eventually reprieved, and in 1624, James I pardoned them.

The Rye House Plot was a conspiracy to assassinate King Charles II and his brother, James, Duke of York, on Easter Sunday in 1683. Though the plot went awry, the conspirators and many who were implicated, including several noblemen, were arrested and tried for treason. Many of the accused turned King’s evidence and testified against the others; several were condemned and executed on the thinnest evidence. The most intriguing of Wharam’s accounts of this conspiracy and the subsequent treason trials, however, involves the “suicide” of Arthur Capel, Earl of Essex, who was implicated in the plot. Essex was arrested in July 1683 and was confined to the Tower. Within three days of his arrest, he was found dead with his throat cut through from his windpipe to his vertebrae. Despite the improbability that a man could cut his own throat in such a manner, as well as testimony by several witnesses that a bloody razor was thrown from Essex’s window and hastily retrieved just before the Earl was found dead, and despite evidence that James, Duke of York, may have ordered the murder of Essex, the jury verdict was that of félo de se—that the Earl had murdered himself.
The controversy over Essex’s supposed self-murder did not end there. Laurence Braddon, a barrister of the Middle Temple, launched his own investigation. Braddon discovered that Tower warders and soldiers who had questioned the verdict were threatened, beaten, or forced to flee. Braddon was, himself, repeatedly arrested, tried, and imprisoned for his efforts, and even in later years was an object of hostility to Queen Anne, who claimed that the barrister had impugned her father as a murderer. The appearance of an official cover-up was extensive, and though Wharam points out that it is unclear why the Duke of York might have had reason to fear Essex, the two had had many previous dealings while Essex was Viceroy of Ireland from 1672 to 1677 and Lord Commissioner of the Treasury in 1679.

Belief in witchcraft was still in evidence at the cusp of the eighteenth century. In September of 1700, a Southwark blacksmith’s apprentice named Richard Hathaway became ill after allegedly having been bewitched by Sarah Morduck, a local woman. Hathaway not only went into a serious physical decline, unable to see or speak, but he repeatedly vomited pins, supposedly a common symptom for a victim of witchcraft. In order to be cured of his condition, claimed his friends and employers, Hathaway must scratch Morduck and draw blood. By this time, claims of witchcraft were more likely to meet with skepticism than in previous centuries, so a local clergyman tricked the supposedly blind Hathaway and presented another woman to be scratched. Hathaway’s sight was instantly “restored” afterward, but when the trick was revealed, he relapsed just as quickly. The same clergyman was later summoned to witness Hathaway vomiting pins as proof of the matter, but when Hathaway was searched, his pockets were found to hold several packets of pins. In 1702, the long-suffering Sarah Morduck was tried for witchcraft at Guildford, though she was acquitted. Hathaway was tried the following year at the Guildford Assizes for being an “imposter.” The jury found him guilty, and though Wharam explains that there is no record of the sentence he was given for this, nor for his conviction at the subsequent trial he underwent for “riot and assault” with the con-
federates who had supported his claims, it is likely, according to the author, that the sentences included several hours in the pillory and confinement in Newgate Prison for a year or two.

Beyond the absorbing accounts of these trials, a particularly useful and enlightening part of the book is the Introduction, in which Wharam describes not only the history of the 1730 State Trials, published by Sollom Emlyn, a member of Lincoln’s Inn born in 1697, but also deciphers many intricacies of the English court system of the seventeenth and eighteenth centuries. The reader learns with interest that in English courts, unlike contemporary courts in Scotland, the accused had no rights to brief his own counsel, to find out in advance the charges against him, or to look at the prosecution’s depositions before his trial. Murder in the Tower is an excellent work and is one that will be particularly useful to graduate students and specialists in English jurisprudence.

Alan Wharam, born in 1928, was educated at Christ’s College, Cambridge. He is a retired former barrister and college lecturer, having taught at Leeds College of Commerce and the Leeds Polytechnic Law School before retiring in 1988. Wharam has also written The Treason Trials, 1794 (1992) and Treason: Famous English Treason Trials (1995).


Almost thirty years ago J.G.A. Pocock pleaded for the development of a new subject called “British history,” suggesting that historians give sufficient emphasis to Scotland, Ireland, and Wales in order to better understand the process of English state formation. Initially, his call fell on deaf ears but more recently historians of early modern England have responded by analyzing the political and cultural relationships between the multiple kingdoms of the British