

records of the trial are not in existence ; but in that reign of terror, English liberty and English law were empty words. Almost every person whom Henry VIII. brought to trial for high treason was condemned as a matter of course ; and at last he omitted the ceremony of trials at all, and slew his noble and royal victims by acts of attainder.

Every effort was used to obtain evidence against Anne from the condemned prisoners, but in vain. "No one," says sir Edward Baynton, in his letters to the treasurer, "will accuse her, but *alonly* Mark, of any actual thing." How Mark's confession was obtained, becomes an important question as to the guilt or innocence of the queen. Constantine, whose testimony is any thing but favourable to Anne Boleyn, says, "that Mark confessed, but it was reported that he had been grievously racked first." According to Grafton, he was beguiled into signing the deposition which criminated himself, the queen, and others, by the subtlety of the admiral, sir William Fitzwilliam, who, perceiving his hesitation and terror, said, "Subscribe, Mark, and you will see what will come of it." The implied hope of preserving a dishonoured existence prevailed : the wretched creature signed the fatal paper, which proved the death-doom of himself as well as his royal mistress. He was hanged, that he might tell no tales. Norris was offered his life if he would confess, but he declared "that he would rather die a thousand deaths, than accuse the queen of that of which he believed her in his conscience innocent." When this noble reply was reported to the king, he cried out, "Hang him up, then ! hang him up !"¹

Queen Anne and her brother, lord Rochford, were brought to trial, May 16th, in a temporary building which had been hastily erected for that purpose within the great hall in the Tower. There were then fifty-three peers of England ; but from this body a selected moiety of twenty-six were named by the king as "lords triers," under the direction of the duke of Norfolk, who was created lord high-steward for the occasion, and sat under the cloth of state. His son, the earl of Surrey, sat under him as deputy earl-marshal.² The duke's

¹ Bishop Godwin's Annals.

² Nott's Life of Surrey. Mackintosh. Burnet.