

GENUINE

# MEMMOIRS

OF THE

*Life, Family and Behaviour*

OF

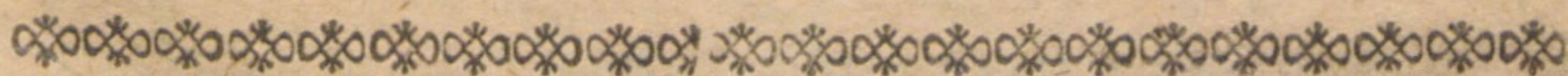
LAURENCE SHIRLEY,

EARL OF FERRERS;

Who was executed at *TYBURN*,

On *Monday* the Fifth of *May* 1760,

For the Murder of his Steward,  
Mr. JOHNSTON.



L O N D O N:

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Original

# MEMOIRS

OF THE

LATE HONORABLE

OF

LAWRENCE

GARRI OF HERRERS

Who was executed at F. B. M. N.

in the year of M. 1783

For the Murder of his Majesty

Mr. JOHNSTON

By

D. W. D. W.

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GENUINE

## M E M M O I R S

O F

## Laurence Shirley, &amp;c.


 I Could not help reflecting when the unhappy Earl passed by to execution, that of all nations and kingdoms, this is most blest with every kind of justice that man can expect; for in this very instance, it hath plainly demonstrated that neither high rank or grandeur can protect those that commit any circumstance that the laws of penalties of this kingdom hath so justly prohibited. Our most gracious Sovereign and his nobility hath laid open to public view, what honourable and equitable principles inhabit their elevated souls; for his Majesty hath, in justice to God, who himself hath called for vengeance for that atrocious crime, and to man, who before the heavenly throne of grace all de-

grees of men are alike, hath rejected (though I may safely say with an agitated mind) the petitions of the nearest relations and friends, and will impartially cause the noblest personages to share the ignominy with the vilest malefactor. I say, this one deed of Royal Justice, will stand unparalleled in the innumerable pages of history. But what surprized me most was, when at that awful solemnity of a criminal, near that dreadful moment of launching into eternity, his soul laden with the execrable guilt of murder, to perceive the countenances of a great many of his attendance filled with a pleasant smile, as if they were going to some public diversion instead of execution. If they had the least humanity and sensibility of their fellow creatures, they would pity, and not exult over him.

It may not be improper at the present crisis, to recite the following facts.

I. Edward Seymour, Duke of Somerset, was convicted of felony, upon a trial, by his Peers, Dec. 5, Edward VI, 1551; on which occasion, William Powlett, Marquis of Winchester, and Earl of Wiltshire, Lord High Treasurer of England, presided as Lord High Steward, and gave judgment, that he should be hanged; but he was beheaded on Tower Hill, January 22, 1551-2.

II. Mer-

II. Mervin Touchet, Lord Audley [Earl of Castlehaven in Ireland] was tried upon three indictments for felony, on April 25, 7 Charles I. 1631, before a select number of the Peers, viz. 26. Thomas Coventry, Lord Coventry, Lord Keeper of the Great Seal, acting in the capacity of High Steward. By the suffrages of his Peers, Lord Audley was convicted of felony, upon three several indictments; one for a rape, the other two for sodomy. His judgment was to be hanged by the neck till he was dead; but on May 14, 1631, he was beheaded on Tower-Hill.

III. William Howard, Viscount Stafford, was convicted of high treason, upon the impeachment of the Hon. House of Commons on December 7, 1680, by the judgment of his Peers; fifty-five declaring him guilty, thirty-one not guilty. When the Commons demanded judgment, the Lords took it into consideration what judgment was to be given: the Judges being consulted, gave in their opinion, that their was "no other judgment for treason, appointed by law, but to be drawn, hanged and quartered." The Attorney-General and Sir Creswell Levinz (made a Serjeant at Law, October 29, 1681, and Justice of the Common Pleas, Feb. 12, 168 $\frac{1}{2}$ ) Also declared "that any other judgment would be prejudicial to his Majesty, and be a question

question in the inferior courts, as to his attainder of high treason." Whereupon it was ordered by the Lords, that the ordinary judgment by law appointed, in cases of high treason, should be pronounced upon the prisoner. The sentence pronounced by Heneage Finch, Lord Finch of Daventry, Lord High Chancellor, the High-Steward, was, "that he should be drawn, hanged and quartered."

On the 18th of December, two writs were issued out, under the Great Seal of England; the first directed to the Lieutenant of the Tower, the second to the Sheriffs of London and Middlesex, relating to the execution of the said Viscount Stafford. In the first writ it is declared—*Ut fiat executio judicii prædicti (viz. debita juris forma attricti et morti adjudicati) modo et forma prout vice comitibus Londæ et Middlesex, per aliud breve nostrum præcepimus.*—In the latter is thus expressed—*in custodia vestra existentem, statim usque usuaalem Locum Super le Tower Hill, ductatis ac caput ipsius Willielmi vice comitis Stafford, ad hunc et ibidem amputari, ac a corpore suo omnino separari faciatis, aliquo Judicio. Lege, Ordinatione, seu Mandato præantea habit, fact, ordinato seu dat, in contrarium non obstante: et hoc (sub periculo incumbente) nullatenus emittatis.*"

On December 21, Mr. George Treby (Recorder of London then member for Plympton, afterwards Lord Chief Justice of the court of Common Pleas) acquainted the House of Commons, "That the Sheriff of Middlesex had delivered to him a copy of writ for the execution of William, late Viscount Stafford; and that the sheriff was not satisfied, as to the power of the said writ," Upon which it was resolved, that the house would on Thursday morning next in the first place, take the said matter into consideration; when it was resolved, "That this house is content, that the Sheriffs of London and Middlesex, do execute William late Viscount Stafford, by severing his head from his body only." See Journals of the House of Commons, Vol. IX. Pages 627, 692. And on December 29, 1680, he was beheaded on Tower-Hill.

R. P. S. R. F. May 1, 1760.

The following are two copies, from the originals, of the warrants for the executing the Lords.

"Charles the Second, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To the Lieutenant of our Tower of London, greeting. Whereas William Viscount Stafford, has been impeached  
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by the Commons of our kingdom of England, in Parliament assembled, of high treason, and several other crimes and offences by him perpetrated and committed; and thereupon by our Lords Temporal, in our present parliament convened, has been tried and convicted, and in due form of law, was attained, and adjudg'd to die: of which judgment, execution yet remains to be done. And whereas the said Viscount Stafford is detain'd in your custody, in our Tower of London; we charge, and by these presents firmly enjoining, command you, That in and upon the twenty-ninth day of this instant December, between the hours of nine and eleven, before noon of the same day, you conduct the said Viscount Stafford, to the usual place, without the gate of the Tower aforesaid; and him then and there deliver to the Sheriffs of our city of London and Middlesex: to which Sheriffs, we, by another writ to them directed, have given command the aforesaid Viscount Stafford, then and there to receive; that execution of the aforesaid judgment may be done in manner and form, as we have given command by our other writ, to the said Sheriffs of London and Middlesex. And of this you are not to fail upon peril thereon to ensue: any judgment, law, ordinance, or command before had, made, ordain'd, or given to the contrary, notwithstanding. Witness ourselves at Westminster, the 18th day

day of December, in the 32d year of our reign.

The second writ was directed to the Sheriffs of London and Middlesex in form following.

Charles the Second, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. To the Sheriffs of London, and Sheriffs of Middlesex, greeting. Whereas William Viscount Stafford, has been impeached by the Commons of our kingdom of England, in parliament assembled, of high treason, and other crimes and offences, by him perpetrated and committed; and thereupon by the Lords Temporel, in our present parliament convened, was try'd, convicted, and in due form of law, attained, and is adjudged to die; of which judgment execution yet remains to be done; We charge and by these presents firmly conjoyning, command you, That in and upon the 29th day of this instant December, between the hours of nine and eleven before noon of the same day, that the said Viscount Stafford, without the gate of our Tower of London; then and there to be to you delivered, as by another writ, to the Lieutenant of our Tower of London, directed, we have given command, you then and there receive into your custody, and him so being in your custody, that you presently con-

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duct to the usual place upon Tower-hill, and cause the head of him William Viscount Stafford, then and there to be chopped off, and altogether separated from his body; any judgment, law, ordinance, or command, before had, made, ordained, or given to the contrary notwithstanding. And of this, upon penalty thereof to ensue, you are not to fail. Witness ourselves at Westminster, the 18th day of December, in the 32d year of our reign.

As the topic of general conversation has lately turned on the manner by which the unhappy Earl Ferrers is to be executed, and of his being to be afterwards anatomized; for the satisfaction of our readers, and to clear up the point in dispute, we here present them with some quotations from an act for the better preventing the horrid crime of murder.

§ 1. "That from and after the first day of Easter-term, one thousand seven hundred and fifty-two, all persons who shall be found guilty of wilful murder, be executed according to law, on the day next but one after sentence is passed, unless the same shall happen to be the Lord's day, commonly called Sunday, and in that case on the Monday following."

That

‡ 2. “ That the body of such murderer so convicted, shall if such conviction and execution shall be in the county of Middlesex, or within the city of London, or the liberties thereof, be immediately conveyed by the sheriff or sheriffs, &c. &c. to the hall of the Surgeons Company, or such other place as the said company shall appoint for this purpose, and be delivered to such person as the said company shall depute or appoint, who shall give to the sheriff or sheriffs, his or their deputy or deputies, a receipt for the same; and the body so delivered to the said company of surgeons, shall be dissected and anatomized by the surgeons, or such person as they shall appoint for that purpose.”

‡ 3. “ That sentence shall be pronounced in open court immediately after the conviction of such murderer, and before the court shall proceed to any other business, unless the court shall see reasonable cause for postponing the same; in which sentence shall be expressed not only the usual judgment of death, but also the time appointed hereby for the execution thereof, and the marks of infamy hereby directed for such offenders, in order to imprint a just horror in the mind of the offender, and on the minds of such as shall be present, of the heinous crime of murder ”

‡ 4. “ That after such sentence pronounced as aforesaid, in case there shall appear reasonable cause, it shall and may be lawful to and for such judge or justice, before whom such criminal shall have been so tried, to stay the execution of the sentence, at the discretion of such judge or justice, regard being always had to the true intent and purpose of this act.”

‡ 5. “ That it shall be in the power of any such judge or justice to appoint the body of any such criminal to be hung in chains: But that in no case whatsoever, the body of any murderer shall be suffered to be buried, unless after such body shall have been dissected and anatomized as aforesaid; and every such judge or justice shall, and is hereby required to direct the same either to be disposed of as aforesaid, to be anatomized, or to be hung in chains, in the same manner as is now practised for the most atrocious offences.”

‡ 10. That if any person or persons whatsoever shall, after such execution had, by force rescue, or attempt to rescue, the body of such offender out of the custody of the sheriff, or his officers, during the conveyance of such body to any of the places hereby directed, or shall, by force, rescue, or attempt to rescue, such body from the company of surgeons, or their officers or servants, or from the house of any surgeon, where the  
same

same shall have been deposited in pursuance of this act; every person so offending shall be deemed and adjudged to be guilty of felony, and shall be liable to be transported to some of his Majesty's colonies or plantations in America, for the term of seven years.

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*An Account of the Ancient Family of Shirley's.*

THE very antient and noble family of Shirley's derive their descent from an illustrious ancestry before the conquest: Sasuvalo (whose name, says Dugdale, shews him to have been of an old English stock) being their progenitor of that time and has been concluded, from the extent of his possessions, to have been no less than a Thane in the time of the Saxons. He was founder of the church of Nether-Eatendon in the county of Warwick, the manor of which continues in his family to this day, being part of the inheritance, and seat of residence, of the Honourable George Shirley, half-uncle to the unfortunate Earl, and one of the Colonels of the Warwickshire Militia. The said Sasuvalo held other large possessions, in the Conqueror's time, in the counties of Lincoln, Northampton and Derby, which shews, says, my author, he must have been a man of great eminence, as few of the ancient possessors were, by the Conqueror suffered to remain with more than a part of their estates; as he had so great a train of Norman adventures belonging to him to gratify.

From this man their descent is very clearly traced out. The fourth in succession was called Sewall, a Knight, who took the surname of Eatendon, as was usual in those time, from the place of his abode: the great grandson of whom first took the surname of Shirley, from a place of that name in Derbyshire, which he was possessed of the manor of, and it was also the seat of his residence, which happening in the reign of Henry III. when surnames began to become fixed, his posterity have continued with it ever since.

The family, continuing in Knightly succession and with honourable alliances, were always distinguished with employments of dignity. They were frequently Sheriffs of counties, Wardens of parks or forests, Govenors or Constable of castles, Representatives for counties in Parliament, and frequently men of high figure in military life. One chief of the family was killed fighting on the King's part, in the famous battle of Shrewsbury, in the beginning of Henry the Fourth's reign: And their family is thereupon celebrated by our great Shakespear, in his play on that story, as one of those that were illustrious and worthy of renown.

Another of their family served, with his vassals, under Henry V. in France, as his ancestors had done under Edward I. and Edward III. in  
their

their expeditions against the Scots, in King John's wars in France, and probably in Richard the First's in Palestine, as may be judged from their family crest, which is a Saracen's head, or bust. Another of their family was, for his military prowess, made a Banneret by Henry VII. after the battle of Stoke.

They appear long before the reformation to have become very rich in their possessions, very honourable in their alliance, and very numerous in their branches. At the first erecting of the order of Baronets, by King James I. George Shirley, Esq; the then head of the family, was honoured with that dignity, being the fourth in order of predency.

Sir Henry, the second Baronet, married one of the two daughters of that great but unfortunate favourite Queen Elizabeth, Robert Earl of Essex, and at length coheiress to Robert Earl of Essex, her brother, who was General of the parliament army, in the reign of King Charles I. Sir Robert Shirley their son, died confined in the Tower by Oliver Cromwell, for his loyalty to the Royal Family: whose second son, and at length heir, Sir Robert was by King Charles II summoned to parliament by the title of Lord Ferrers of Chartley, as descendant from one of the coheirs of the last Robert Earl of Essex, which

which title had from the death of the said Earl, to that time, been in obedience, the precedency of it being so high as from the 27th of Edward I. That inheritance entitled the family to the quartering of the arms of France and England in their escutcheon, which they have done ever since, as descended from the blood Royal of Plantagenets.

This Robert Lord Ferrers was afterwards, by Queen Anne, in the year 1711, created Viscount Tamworth and Earl of Ferrers, by reason of his descent from the ancient noble family of that name. He had a very great estate, and a most numerous offspring; being twice married, and having by his first lady ten sons and seven daughters; and by his second, who is still living five sons and five daughters: so that the repartition of his estate among them has made several flourishing families. The barony of Ferrers of Chartley, and a large estate with it, went into the Northampton family, with an heiress of the first Lord Tamworth's; and from them into the Townshend family, with the person of person Baroness of Ferrers: the titles of Earl and Viscount descending to the first Earl's second son; who likewise leaving no issue but daughters, they fell to the next surviving brother, who was the ninth in order of birth; and he never marrying, they fell to the issue of the tenth and last son

son by the first marriage, of whom this unfortunate Lord is the eldest; who has four brothers and three half uncles yet living. In the year 1752 his Lordship married his lady, who was the youngest daughter of Sir William Meredith: but she has since been separated from him, by an act of parliament, for cruel usage.

I need not recite the cause of his unhappy end; or that lunacy was pleaded in excuse, but ineffectually, to his Peers; they finding him guilty of the murder he was arraigned for, and sentencing him, according to the undistinguishing letter of the law, to the suffering of death with every ignominious circumstance that is inflicted on the vilest and meanest offender.

Lamenting the cause, without palliating the offence, every humane bosom must sympathize with his numerous sorrowful family and illustrious relations, on a Peer of high rank's dying by the hands of the common executioner at Tyburn, with the noblest blood, mixed even with that of royalty in his veins; to the humiliation of greatness, and the triumph of the rabble.

## At the Place of Execution.

**M**AY the 5th 1760, a little before twelve o'clock at noon, the unhappy Earl Ferrers arrived at the place of execution, in his own landau and six horses, accompanied by the two sheriffs city officers, and high and petty constables of London, Westminster, and the several divisions of the county of Middlesex. He was escorted by large parties of horse and foot guards, and was preceded by one of the Sheriffs in his chariot, and followed by the chariot of the other: The procession ending with a hearse dressed with feathers, and a mourning coach, each with six horses. Mr. Sheriff Vaillant, and the Rev. Mr. Herby, Chaplain to the Tower, were with his Lordship in his Landau. At their arrival at the fatal spot, which was surrounded with another large party of horse, and likewise of foot guards, His Lordship alighted at the foot of the steps to the scaffold, which he cheerfully mounted with his arms bound backwards with a black crape, and his wrists tied together with a small cord. He was dressed in suit of light coloured cloth, laced or embroidered with silver, which appeared as if new. (It is said they were his wedding cloaths.) When he came upon the scaffold, which was railed round and covered with black cloth, as was the gibbet; he  
 very