

## The Duel between Thomas Berney and Thomas Bedingfield in 1684.

COMMUNICATED BY

P. BERNEY FICKLIN.

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THE last year of the reign of Charles II. was noticeable for an occurrence which plunged two leading Norfolk families into mourning.

One Thomas Bedingfield (who I consider must have been Thomas, son of Sir Thomas Bedingfield of Darsham, a brother of Henry Bedingfield of Stoke Ash, who married Mary Havers) was killed in a drunken brawl, rather than a duel, with Thomas Berney, second son of Sir Thomas Berney and brother of Sir Richard Berney, who had been High Sheriff in 1646 and 1669 respectively.

A party brought into the city by the Assizes, which were then on, were drinking in the house of Mr. Robert Watts, a brewer, and probably keeper of an inn at St. Andrew, Norwich (which Mr. Beecheno, the historian of that parish, informs me once stood on the site of Mr. F. W. Harmer's factory), when the High Sheriff (Mr. Henry Shelton) came in and invited them to sup with him. Among others was a Mr. Bladwell (which I take to be William Bladwell of Swanington, who died 1697, aet. 78 ?) seems to have made the carouse deeper still, by introducing a round game called "six glasses of wine in a hand" (which I cannot

identify). Bedingfield then made some rude remark about Bladwell's sister, on which Berney intervened and made use of the expression that "it was not kindly done to reflect on a gentlewoman"—a very proper sentiment, for which Bedingfield struck him.

It seems doubtful whether the blow was returned, but ultimately there was another quarrel between Mr. Ellis and a Mr. D'Havers, and while Clere Windham (Berney's cousin) and John Berney (his brother) tried to part them, the original pair of quarrellers stumbled down into the street and drew there. The others rushed after to part them, but it was too late, Bedingfield had been run through, and the mischief was done, for he died at once.

The Assizes being on at that time, and it being thought necessary to make a severe example of those who were rendering the city dangerous for quiet citizens, Berney was at once tried and hanged; it being alleged that he was a man of quarrelsome character, always seeking and giving offence, and that the wounds of which Bedingfield died were from behind.

Of late years Mr. Mark Knights founded a story on this duel, which he made turn on the alleged confession made long afterwards of a French dancing master called De Havers. This, being taken seriously by some writers, Mr. Knights very properly explained in print<sup>1</sup> that it had no foundation on fact. Mrs. Opie had written a similar tale on the same subject long before, called "Henry Woodville."<sup>2</sup>

D'Havers was probably a kinsman of the Mary Havers who had married Henry Bedingfield (see last page).

The following illustrative documents are now printed for the first time from the MSS. of J. H. Gurney, Esq., Keswick.

<sup>1</sup> Tales published 1819, vol. ii., p. 295.

<sup>2</sup> *Norf. and Norw. Notes and Queries*, vol. i., p. 9.

“THE CONFESSION OF THOMAS BERNEY, GENTLEMAN,  
WHO WAS EXECUTED ON YE 8TH OF AUGUST, 1684, FOR  
MURDERING OF THOMAS BEDINGFIELD, ESQ.

“I Thomas Berney, being in ye house of Mr. Robert Watts in ye Parish of St. Andrew in ye Citty of Norwich, was drinking too long and too much wine w<sup>th</sup> ye High Sheriff of Norfolk and Mr. Thomas Beddingfield and severall other Gentlemen, after w<sup>ch</sup> Mr. High Sheriffe invited us to sup w<sup>th</sup> him; I am not certain whether Mr. Bladwell was at supper or no; but after Supper I am sure he was there.

“About an hour after Mr. High Sheriffe left us Mr. Bladwell began ‘six glasses of wine in a hand,’ w<sup>ch</sup> raised a dispute between Mr. Beddingfield and Mr. Bladwell concerning one of his Sisters, ye words I cannot certainly tell, but I said to Mr. Beddingfield it was not kindly done to reflect upon a gentlewoman; after w<sup>ch</sup> he struck me a box in the ear; I cannot certainly tell whether I struck him again or no, but I am afraid I did, and my brother John s<sup>d</sup> I did.

“P’sently after hapned a quarrel between one Mr. Ellis and Mr. D’Havers; while my cousin Cleere Windham and my brother John strived to part y<sup>m</sup> Mr. Beddingfield and I went into the street together. I do not know whether he asked me or I asked him, but w<sup>n</sup> we came there we both drew. I am afraid I drew first, but I cannot certainly tell, William, Mr. D’Havers and my cousin Windham and my brother John came to part us. I heard ye blood pour upon ye stones, and this is all y<sup>t</sup> I know of the barbarous murder done by me as ye jury or law found it.

“THO. BERNEY.”

“THE ADMONITION OF THOMAS BERNEY, GENT.,  
DATED YE 8TH DAY OF AUGUST, 1684.

“I Thomas Berney, being under sentence of Condemnation do admonish all gentlemen and others to remember that they must dye and not to defer their repentance untill y<sup>t</sup> day but to be continually working out their Salvation with fear and trembling and to take a special care of y<sup>t</sup> deluge of wine w<sup>ch</sup> now overflows so great a part of y<sup>e</sup> gentry in this nation to ye destruction of their bodies and souls, and do warn y<sup>m</sup> against multiplying of healths by measures or number of glasses.

“I desire all people never to continue late or long at any meetings for any practice of drinking, not to use it frequently, and if they do fall into any acts of intemperance at any time to bind themselves never to do so more.

“I do admonish them also to have a care of all manner of passions in all acts and attempts of revenge upon any provocation whatsoever, never to draw sword but for personall defence upon assaults, but suffer repeated injuries rather than to attempt revenge upon any sense of honour w<sup>tsoever</sup>.

“And lastly, I desire all people would have a constant care of their tongues lest they should slip into a wary way of lying, swearing, cursing, or prophaning the Sabbath, ye Church or Religion, or Blaspheming or Reveling, w<sup>ch</sup> excludes men from Heaven.

“THOS. BERNEY.”

“AN EPITAPH ON THOMAS BERNEY, GENT.

“Here lies interred in this pitt  
“Ye Relicts of a pregnant witt  
“Till vice enamoured of his part  
“Instructed him in his black art

"Knowing ye fattest soil do breed  
 "Ye greatest crop of every weed  
 "But God in mercy unto him  
 "Rouz<sup>d</sup> him into a sense of sin  
 "And by distressed misery  
 "Unto him taught humility  
 "W<sup>n</sup> true repentance of the fact  
 "That drink and anger made him act  
 "And from y<sup>e</sup> Ladders top I wiss  
 "He did ascend to heavenly bliss  
 "He thought his life was not his loss  
 "To snatch a Crown from off a Cross."

The following is the text of a pamphlet now in the Guildhall Library<sup>1</sup> (London), entitled:—

"A full relation of a Barbarous Murther, committed on the body of Esq: Beddingfield on Sunday, the 20<sup>th</sup> day of July, 1684, by Mr. Barney, as also, The further account of the tryal and conviction of the said Mr. Barney, who is to be executed for the same at the Market Cross, in Norwich, on Friday the first day of August, 1684." (2 Aug. 1684) written underneath.

"If we look abroad in the world, and take a survey of the actions and transgressions of mankind, we may observe that God very rarely suffers sin to go unpunished, even in this world; and more especially his justice takes notice of the sin of murther, making good his own word therein; that *'he that sheddeth man's blood by man shall his blood be shed,'* yet so it is that this sin is grown so common amongst us, that scarce a week passes over our heads but we meet with one or other instances of this kind; it being looked upon as one of the first Principles of Honour, amongst the Sparks of the age, to vindicate the least

<sup>1</sup> *Guildhall Catalogue*, 1875, p. 425.

affront (or what they shall please to term such), with a stab or thrust.

“An instance of this kind the following Relation will furnish us with. The Judges of Assize, assigned to hold pleas for the City and County of Norwich, having opened their commission on Monday the 14<sup>th</sup> day of July inst<sup>t</sup>, Mr. Justice Windham hapning to be taken violently ill, the business in the *nisi prius* and Crown side both was managed by the Rt. Hon. the Lord Chief Baron Montague which occasioned the dispatch thereof to be of longer continuance than otherwise it would have been, so that the Grand Jury could not be discharged on the Saturday succeeding, but their attendance was adjourned till the Monday following; the gentlemen of the County attending the same. Amongst which number Mr. Barney the Prisoner and Esquire Beddingfield being drinking together on the Saturday night, continued together till about two of the clock the next morning: at which time happening upon a Discourse that raised some dispute and difference between them, Mr. Barney being a person very quarrelsome, words arose between them, and increased to such a height that Mr. Barney drew upon the Esq.: and by eight several wounds in his body, four of which were found in his back, the Esq. was slain in the place, and Mr. Barney endeavoured his escape, but the noise thereof raising the house the gates were immediately shut; and the pursuit was such that Mr. Barney was forthwith taken, and being for that night secured, the next morning he was committed to the Common-gaol; and the Monday following, a bill was preferred against him, the Grand Jury not being then discharged as aforesaid; upon which they immediately brought in the same *Billa vera*. And coming the same morning to be arraigned thereon, the evidence against him was very plain, that he both raised and continued the quarrel; that he dishonourably killed him, and that he

was a very contentious person, and had before that time wounded several persons upon very slight occasions; it being very familiar with him when he wanted moneys, if he asked any person to accommodate him with a supply, in case of a refusal he would threaten him with his sword; and had wounded several in the like quarrel.

“The Prisoner had very little to say for himself, only that he was in drink; thinking by one to excuse another crime, and that the words that had passed between them had provoked him into an extraordinary passion; in the heat whereof he had rashly perpetrated a crime for which he was extremely sorry; and for which he was not only ready to beg pardon of God Almighty, but of the relations of the gentleman he had slain. But this was not looked upon as any thing of a defence, but rather an aggravation of the fact so that the Petty Jury without stirring from the bar, brought him in guilty of the Indictment and murder aforesaid, whereupon he immediately received his sentence; and a rule was forthwith issued for his execution on Friday the first day of August next ensuing, at the Public Market Cross in the City of Norwich. In expectation of which sentence he was remanded back to Gaol, where he now continues; whence it may be observed as a warning to others how they fall into the like crimes; how justly the judgment of God pursues the criminal: and more especially for those crimes w<sup>h</sup> are committed upon his own day, w<sup>h</sup> he hath set apart for himself, and his own worship. Under a due consideration whereof it is hoped the Prisoner will consider his condition and prepare for the sentence against him. Esquire Beddingfield was a gentleman of great worth and loyalty, and well beloved by all the gentlemen, it being attested in his behalf by divers persons of great eminency upon the trial, that he was free from the vices of the age, and never given to quarrels or contentions, insomuch that

he is extremely lamented by all the County, and none but acquiesce in the Sentence as just upon the prisoner: tho he be likewise one of a very good family, being the 2<sup>nd</sup> son of an Ancient *Baronet* in that county, and a person of known worth loyalty and integrity. But the best of men may often meet with unhappiness in their relations, grace seldom running in the veins of generation: whence this may likewise be as a caveat to others, how they bring grief on the grey hairs of their parents, and put all men upon remembering and serving their Creator, in the days of their youth, before the evil days come, and the years draw on wherein there is no pleasure: to hasten which days upon ourselves is doubly a sin, and that person who is guilty thereof, especially the crime of murder, may be looked on not only as murderer of another, but of himself, and at one stroke hazzards his own soul and body at the expense of anothers blood. From w<sup>h</sup> crime may the Grace of God be so prevalent upon us that we may not fall therein; nor ought the best of us to be secure, since, if we give way to our passions, and leave the conduct of God's grace and spirit, the Devil takes advantage, and having the rule and sway over us, many times leads us into the paths of Destruction, and then leaves us miserably to expect his just judgment upon us and the terrors of an evil conscience to rack and torment the Criminal.

“*London*, printed by George Croom at the blue ball over against Baynards Castle in Thames Street 1684.”

The foregoing would seem to be the funeral sermon, and the following the pamphleteer's comments on the matter:—

“The Confession and Execution of Mr. Barney; who was hang'd at Norwich, for the murder of Esq. Beddingfield, which was committed on Sunday the 20<sup>th</sup> July 1684.



With a true account of his behaviour during the time of his imprisonment, unto the day of his death, w<sup>h</sup> was on the 8<sup>t</sup> of August 1684.

“The occasion of the quarrel, with the attending circumstances, between this unhappy gentleman, and Mr. Bedingfield, the world has already been acquainted withal: for w<sup>h</sup> reason I shall forbear to repeat them, and only wish this unfortunate person may be the last example of publick justice in this nature.

“As to his family he was well descended from a worthy gentleman, a Barronett in the same County, whose name and reputation are yet preserved beyond the utmost imputation of malice, whatever argument from this disaster it may seem at present to be blasted with. At the barr, Mr. Barney made all the defence the nature of his crime, and the pregnancy of the proofs against him w<sup>d</sup> admit of, but being by the Jury brought in guilty, he was condemned, and by his Majesty's gracious mercy reprieved till this day; when according to the sentence of the Court he suffered death at the Common place of execution and not at the Market Cross, as was upon mistake suggested in the former accounts.

“During the time of his imprisonment, especially after sentence, and the account he received by his friends there was no hopes of pardon, he behaved himself with a Christian patience under so great an affliction, and was visited by several worthy divines who endeavoured to soften his more obdurate heart, by giving him a true understanding of that horrid crime of murder, in its due colours, how heinous an offence it was against heaven, and the present established laws by w<sup>h</sup> we all live. The breach of w<sup>h</sup> demands no other satisfaction nor can be obliged by any other propitiation than the blood of him who spilt his neighbour's, either from the violence of passion, or upon more premeditated malice and revenge.

“He did in some measure offer to vindicate himself from any cowerdice in the action, and that however the gentleman Mr. Beddingfield happened to be wounded in the back they were not given by any base or indirect means, but that possibly they happened to him in the struggle between them, and that, as a gentleman, he always scorned a revenge upon any person but by those means and methods, w<sup>h</sup> among gentlemen were always thought honourable and generous.

“As to his behaviour as a Christian, no person could more expressly speak his penitance and remorse for so great a crime, and in that interval between the sentence and the execution, he passed his time in prayers and meditations, confessing, as a good Christian ought to do, that he had been a great offender, more particularly against the laws of Gods, and now signally against those of man, for w<sup>h</sup> he suffered this shameful and ignominious death. Though the terrors of death now began to approach him, with all those horrors w<sup>h</sup> may affright the most prepared Christian; yet he did not seem dismayed but behaved himself with the courage and resolution w<sup>h</sup> a good man w<sup>d</sup> encounter so dreadful an enemy withal.

“He spent the short remainder of his time in reading religious books, and some choice manuals of devotion in w<sup>h</sup> he seemed more particularly delighted, and as he was extremely obliged to the great pains and labour of some divines, who were his friends and came frequently to visit him, so did he not only pay his thanks and acknowledgements to them in words but gave more evident and satisfactory demonstrations of his obligations to them by that hearty and sincere penitence and contrition, w<sup>h</sup> by God's Grace, and their *indefatigable* (*sic*) pains was wrought in him. He gave earnest caution and advice to those gentlemen who came to see him to have a care of profaning the Lords Day, and intemperate drinking, both

w<sup>h</sup> sins he had been too frequently guilty of, and w<sup>h</sup> were in some measure the occasion of his committing this horrid sin of murder, for w<sup>h</sup> he now heartily sorrowed and deservedly suffered. Great intercession was made for his pardon, w<sup>h</sup> c<sup>d</sup> not be obtained.

“On Friday between the hours of eleven and twelve he was carried to the common place of execution, where after some short prayers, he suffered according to the law, his body was put into a coffin and delivered to his friends to interr.

“*London.* Printed by E. M. in Black horse Alley near Fleet Bridge 1684.”

To this pamphlet is appended the following memorandum in the handwriting of the period:—

“George Croom, the writer of the pamphlet, is not to be relied on, he often obtrudes falsities on the public rather than wait to ascertain the truth of the reports he gives to the world, and therefore this is desired to be advertized that the world may not be led into error and mistake by his false reports.”