

into four Quarters, to be disposed of at the King's Pleasure: And God have Mercy upon your Soul.

Sir Walter Raleigh besought the Earl of *Devonshire*, and the Lords, to be Suiters on his behalf to the King; that in regard of Places of Estimation he did bear in his Majesty's time, the Rigour of his Judgment might be qualified, and his Death be honourable, and not ignominious.

Wherein after they had promised him to do their utmost Endeavours, the Court rose, and the Prisoner was carried up again to the Castle.

FOURTEEN Years *Sir Walter* had spent in the *Tower*, and being weary of a State wherein he could be only serviceable by his Pen, but not in a Capacity of serving and enriching his Country any other way, (of whom Prince *Henry* would say, that no King but his Father would keep such a Bird in a Cage;) at length he fell upon an Enterprize of a Golden Mine in *Guiana* in the Southern Parts of *America*.

The Proposition of this was presented and recommended to his Majesty by *Sir Ralph Winwood* Secretary of State, as a Matter not in the Air, or Speculative, but Real, and of Certainty; for that *Sir Walter* had seen of the Ore of the Mine, and tried the Richness of it, having gotten a Pound from thence by the hands of *Captain Kemish's* ancient Servant.

Sir Ralph Winwood's Recommendations of the Design, and the earnest Sollicitations for his Enlargement by the Queen and Prince, and the *French Leiger*, (with much affection to his Deserts, not without some politick Designs on *Spain*) together with the Asseverations of *Sir Walter* of the Truth of the Mine, work'd upon his Majesty, who thought himself in honour obliged, nay, in a manner engaged (as the Declaration which he published after the Death of *Sir Walter* tells us) not to deny unto his People the Adventure and Hope of so great Riches to be sought and achieved at the Charge of Voluntiers, especially since it stood so well with his Majesty's Politick and Magnanimous Courses in these his flourishing times of Peace, to nourish and encourage noble and generous Enterprizes for Plantations, Discoveries, and opening of a new Trade.

Count *Gondomar* (an active and subtle Instrument to serve his Master's ends) took alarm at this, and represented to his Majesty the Enterprize of *Sir Walter* to be hostile and predatory, intending a breach of the Peace between the two Crowns. But notwithstanding, Power at last is granted to *Sir Walter* to set forth Ships and Men for that Service. However, the King commanded him, upon pain of his Allegiance, to give him under his hand (promising, on the Word of a King, to keep it secret) the Number of his Men, the Burden and Strength of his Ships, together with the Country and River which he was to enter: Which being done accordingly by *Sir Walter*, that very original Paper was found in the *Spanisb* Governor's Closet at *St. Thomas's*. So active were the *Spanisb* Ministers, that Advertisement was sent to *Spain*, and thence to the *Indies*, before the *English* Fleet got out of the *Thames*.

But as we have just Cause to admire the more than usual Activity of the *Spanisb* Agents, so may we wonder no less at the Miscarriage of his Majesty's present Ministers, who, notwithstanding he had pass'd his Royal Word to the contrary, yet they did help Count *Gondomar* to that very Paper; so much both King and Court were at *Gondomar's* Service.

A Commission † indeed is granted, but by *Gondomar's* means is limited, That the Fleet should commit no Outrages upon the King of *Spain's* Subjects by Land, unless they began first.

With this Commission, and the Company of several brave Captains, and other Knights and Gentlemen of great Blood and Worth, he set out in quest of the Mine, with a compleat Fleet of twelve Sail; letting fall a Speech at his Departure, which was rather an Argument of his Wit than his Wisdom; *That his whole History of the World had not the like Precedent, of a King's Prisoner to purchase Freedom, and his Bosom-Favourite to have the Halter, but in Scripture, Mordecai and Haman*; meaning himself and the Earl of *Somerset*. To which he was told, that the King replied, *He might die in that Deceit*. Which he did, for *Somerset* was saved. Of whom was made good what *Sir Walter* used to say of Favourites, That Minions were not so happy as vulgar Judgments thought them, being frequently commanded to uncomely, and sometimes to unnatural Employments.

On the 17th of *November*, he arriv'd at *Guiana*, having been much retarded by contrary Winds, and having lost several of his Voluntiers in the Voyage, by a violent Calenture.

When *Sir Walter* was returned to *Plymouth*, *Sir Lewis Steukly*, Vice-Admiral of the County of *Devon*, seiz'd him, being commission'd by his Majesty to bring him to *London*; which could add no Terror to a Person who could expect nothing less.

When he was brought to *London*, he was permitted the confinement of his own House: But finding the Court wholly guided by *Gondomar*, he could hope for little Mercy; therefore he wisely contriv'd the design of an Escape into *France*; which *Sir Lewis Steukly* betrayed.

The Voyage proving unsuccessful, King *James* was willing to sacrifice the Life of * *Sir Walter* to the Advancement of Peace with *Spain*, but not upon such grounds as the Embassador had design'd: for he desir'd a Judgment upon the pretended Breach of Peace, that by this Occasion he might sily gain from the *English* an Acknowledgment of his Master's Right in those Places, and hereafter both stop their Mouths, and quench their Heat and Valour.

Hence they resolv'd to proceed against him upon his old Condemnation †, for having had Experience upon a former Trial, they cared not to run the hazard of a second. Accordingly upon *Wednesday*, the 28th of *October*, Anno Dom. 1618, the Lieutenant of the *Tower*, in pursuance of a Writ of *Habeas Corpus* to him directed, brought *Sir Walter Raleigh* from the *Tower* to the King's-Bench Bar at *Westminster*. Where

† This Commission bears Date Aug. 26. 1616. and is to be found in *Rymer's Fœdera*, Vol. 16. p. 789 wherein no mention is made of the King of *Spain* or his Subjects, notwithstanding it is so insinuated in the King's Proclamation against *Sir Walter Raleigh*, June 11. 1618. which is extant in *Rym. Fœder.* Vol. 17. p. 92.

* Mr. Henry Yelverton. * Mr. Attorney spake in effect thus †: My Lords, Sir *Walter Raleigh*, the Prisoner at the Bar, was, fifteen Years since, convicted of High Treason, by him committed against the Person of his Majesty, and the State of this Kingdom, and then received the Judgment of Death to be hang'd, drawn, and quarter'd: His Majesty, of his abundant Grace, hath been pleased to shew Mercy upon him 'till now, that Justice calls unto him for Execution.

Sir *Walter Raleigh* hath been a Statesman, and a Man, who, in regard of his Parts and Quality, is to be pitied: He hath been as a Star, at which the World hath gazed; but Stars may fall, nay, they must fall, when they trouble the Sphere wherein they abide. It is therefore His Majesty's Pleasure now to call for Execution of the former Judgment, and I now require Order for the same.

Then Mr. *Fanshawe*, Clerk of the Crown, read the Record of the Conviction and Judgment, and called to the Prisoner, to hold up his Hand, which he did. Then was the Prisoner ask'd, What he could say for himself, why Execution should not be awarded against him?

Sir *Walter Raleigh*. My Lords, my Voice is grown weak, by reason of my late Sicknes, and an Ague, which I now have; for I was even now brought hither out of it.

* Sir Henry Mountague. *Lord Chief Justice* *. Sir *Walter*, your Voice is audible enough.

Sir *Walter*. Then, my Lord, all that I can say is this; That the Judgment which I received to die so long since, I hope it cannot now be strain'd to take away my Life; for that since it was His Majesty's Pleasure to grant me a Commission to proceed in a Voyage beyond the Seas, wherein I had Power, as Marshal, on the Life and Death of others, so, under Favour, I presume I am discharged of that Judgment: For, by that Commission I departed the Land, and undertook a Journey, to honour my Sovereign, and to enrich his Kingdom with Gold, of the Ore whereof this Hand hath found and taken in *Guiana*; but the Voyage, notwithstanding my Endeavour, had no other Success, but what was fatal to me, the Loss of my Son, and wasting of my whole Estate.

Being about to proceed, he was by the Lord Chief Justice interrupted, who spake:

Lord Chief Justice. Sir *Walter Raleigh*, this which you now speak, touching your Voyage, is not to the purpose, neither can your Commission any way help you, by that you are not pardon'd; for by words of a special Nature, in Case of Treason, you must be pardon'd, and not implicitly. There was no Word tending to Pardon in all your Commission, and therefore you must say something else to the purpose; otherwise, we must proceed to give Execution.

Sir *Walter Raleigh*. If your Opinion be so, my Lord, I am satisfied, and so put myself on the Mercy of the King, who I know is gracious; and, under Favour, I must say I hope he will be pleased to take Commiseration upon me. As concerning that Judgment which is so long past, and which, I think, here are some could witness, nay, his Majesty was of Opinion, that I had hard Measure therein.

Lord Chief Justice. Sir *Walter Raleigh*, you must remember yourself; you had an honourable Trial, and so were justly convicted; and it were Wisdom in you now to submit yourself, and to confess your Offence did justly draw upon you that Judgment which was then pronounced against you; wherefore I pray you attend what I shall say unto you. I am here call'd to grant Execution upon the Judgment given you Fifteen Years since; all which Time you have been as a dead Man in the Law, and might at any Minute been cut off, but the King in Mercy spared you. You might think it heavy, if this were done in cold Blood, to call you to Execution, but it is not so; for new Offences have stirr'd up his Majesty's Justice, to remember to revive what the Law hath formerly cast upon you. I know you have been valiant and wise, and I doubt not but you retain both these Vertues, for now you shall have Occasion to use them. Your Faith hath heretofore been question'd, but I am resolv'd you are a good Christian; for your Book, which is an admirable Work, doth testify as much. I would give you Counsel, but I know you can apply unto yourself far better than I am able to give you; yet will I, with the good Neighbour in the Gospel, who finding one in the Way, wounded and distress'd, pour'd Oil into his Wounds, and refresh'd him, I give unto you the Oil of Comfort; though, in respect that I am a Minister of the Law, mix'd with Vinegar. Sorrow will not avail you in some kind: For, were you pain'd, Sorrow would not ease you; were you afflicted, Sorrow would not relieve you; were you tormented, Sorrow could not content you; and yet, the Sorrow for your Sins would be an everlasting Comfort to you. You must do as that valiant Captain did, who perceiving himself in danger, said, in defiance of Death; *Death, thou expectest me, but maugre thy Spite, I expect thee*. Fear not Death too much, nor fear not Death too little: not too much, lest you fail in your Hopes; not too little, lest you die presumptuously. And here I must conclude with my Prayers to God for it; and that he would have mercy on your Soul. And so the Lord Chief Justice ended with these Words; *Execution is granted*.

Sir *Walter Raleigh*. My Lord, I desire thus much Favour, that I may not be cut off suddenly; for I have something to do in Discharge of my Conscience, and something to satisfy his Majesty in, something to satisfy the World in; and I desire I may be heard at the Day of my Death. And here I take God to be my Judge, before whom I shall shortly appear, I was never disloyal to his Majesty, which I will justify where I shall not fear the Face of any King on Earth: And so I beseech you all to pray for me.

The Court having awarded Execution, the Sheriffs of *Middlesex* were commanded for that Purpose to take him into their Custody, who presently carried him to the *Gatehouse*.

But all Persons have wonder'd how that old Sentence, that had lain dormant sixteen years and upwards against Sir *Walter*, could have been made use of to take off his Head afterwards: Considering the then Lord Chancellor *Verulam* told him positively, (as Sir *Walter* was acquainting him with that

† See State-Trials, Vol. VIII. p. 568. and p. 569. for the Warrant to behead Sir *Walter*.

that Proffer of Sir *William St. Geon* for a Pecuniary Pardon, which might have been obtained for a less Sum than his *Guiana* Preparations amounted to) in these words: ‘ Sir, the Knee-Timber of your Voyage is Money; spare your Purse in this Particular, for upon my life you have a sufficient Pardon for all that is passed already, the King having, under his Broad-Seal, made you Admiral of your Fleet, and given you power of the Martial Law over the Officers and Soldiers.’

It was the Opinion of most Lawyers, That he, who by his Majesty’s Patent had power of Life and Death over the King’s Liege People, should be esteemed or judged *Rectus in Curia*, and free from all old Convictions.

But Sir *Walter* hath made the best Defence for his *Guiana* Actions, in his Letter to his Majesty, which is here inserted.

May it please your most excellent Majesty,

IN my Journey outward-bound, I had my Men murdered at the Island, and yet spared to take Revenge: If I did discharge some *Spanish* Barques taken without Spoil; if I did forbear all parts of the *Spanish Indies*, wherein I might have taken twenty of their Towns on the Sea-Coasts, and did only follow the Enterprize I undertook for *Guiana*, where, without any Directions from me, a *Spanish* Village was burnt, which was new set up within three Miles of the Mine; by your Majesty’s favour, I find no reason why the *Spanish* Embassador should complain of me. If it were lawful for the *Spaniards* to murder twenty-six *Englishmen*, binding them back to back, and then cutting their Throats, when they had traded with them a whole month, and came to them on the Land without so much as one Sword; and that it may not be lawful for your Majesty’s Subjects, being charged first by them, to repel Force by Force; we may justly say, O miserable *English!* If *Parker* and *Metham* took *Campeach* and other Places in the *Honduras*, seated in the Heart of the *Spanish* *Indies*, burn’d Towns, killed the *Spaniards*, and had nothing said to them at their Return, and myself forbore to look into the *Indies* because I would not offend; I may justly say, O miserable Sir *Walter Raleigh!* If I spent my poor Estate, lost my Son, suffered by Sicknefs, and otherwise, a world of Miseries; if I have resisted with the manifest hazard of my Life, the Robberies and Spoils which my Company would have made; if when I was poor, I might have made myself rich; if when I had gotten my Liberty, which all Men, and Nature itself do so much prize, I voluntarily lost it; if, when I was sure of my Life, I render’d it again; if I might elsewhere have sold my Ship and Goods, and put five or six thousand Pounds in my Pocket, and yet have brought her into *England*: I beseech your Majesty to believe, that all this I have done, because it should not be said to your Majesty, that your Majesty had given Liberty and Trust to a Man whose end was but the recovery of his Liberty, and who had betrayed your Majesty’s Trust. My Mutineers told me, that if I returned for *England* I should be undone; but I believed in your Majesty’s Goodnefs, more than in all their Arguments. Sure I am, that I am the first that being free, and able to enrich myself, have embraced Poverty and Peril: And as

‘ sure I am, that my Example shall make me the
‘ last. But your Majesty’s Wisdom and Good-
‘ ness I have made my Judge; who have ever
‘ been, and shall ever be,

Your Majesty’s most humble Vassal,

Walter Raleigh.

But this Apology, tho’ never so persuasive, could not satisfy *Gondomar*’s Rage, who was resolv’d to sacrifice the only Favourite left of Queen *Elizabeth*, to the *Spanish* Interest: And who, as *Osburn* remarks, was the only Person of *Essex*’s Enemies that died lamented; and the only Man of Note left alive, that had help’d to beat the *Spaniard* in the Year 1588.

The Night before the Execution, Sir *Walter Raleigh* wrote the following Letters, the one to the King, the other to his Wife.

Sir WALTER RALEIGH’S Letter to the KING.

THE Life which I had, most mighty Prince, the Law hath taken from me, and I am now but the same Earth and Dust, out of which I was made. If my Offence had any Proportion with your Majesty’s Mercy, I might despair, or if my Deserving had any Quantity with your Majesty’s unmeasurable Goodnefs, I might yet have Hope; but it is you that must judge, and not I. Name, Blood, Gentility, or Estate, I have none; no not so much as a Being, no not so much as a *Vitam plantæ*: I have only a penitent Soul in a Body of Iron, which moveth towards the Loadstone of Death, and cannot be withheld from touching it, except your Majesty’s Mercy turn the Point towards me that expelleth. Lest I am for bearing of vain Man, for bearing only, and never believing nor accepting: And so little Account I made of that Speech of his, which was my Condemnation (as my forsaking him doth truly witness) that I never remembred any such thing, till it was at my Trial objected against me. So did he repay my Care, who cared to make him good, which I now see no Care of Man can effect. But God (for my Offence to him) hath laid this heavy Burden on me, miserable and unfortunate Wretch that I am. But for not loving you (my Sovereign) God hath not laid this Sorrow on me; for he knows (with whom I am not in case to lye) that I honoured your Majesty by Fame, and loved and admired you by Knowledge; so that whether I live or die, your Majesty’s loving Servant I will live and die. If now I write what seems not well-favoured (most merciful Prince) vouchsafe to ascribe it to the Counsel of a dead Heart, and to a Mind that Sorrow hath confounded. But the more my Misery is, the more is your Majesty’s Mercy, (if you please to behold it) and the less I can deserve, the more liberal your Majesty’s Gift shall be: Herein you shall only imitate God, by giving free Life; and by giving it to such a one, from whom there can be no Retribution, but only a Desire to pay a lent Life with the same great Love, which the same great Goodnefs shall bestow on it. This being the first Letter that ever your Majesty receiv’d from a dead Man: I humbly submit myself to the Will of God, my supreme Lord, and shall willingly and patiently suffer whatsoever it shall please your Majesty to afflict me withal.

WALTER RALEIGH.

Sir WALTER RALEIGH's Letter to his Wife.

YOU shall now receive (my dear Wife) my last Words in these my last Lines. My Love I send you, that you may keep it when I am dead; and my Counsel, that you may remember it when I am no more. I would not by my Will present you with Sorrows (Dear Bessie) let them go into the Grave with me, and be buried in the Dust. And seeing that it is not God's Will that I should see you any more in this Life, bear it patiently, and with a Heart like thy self. First I send you all the Thanks which my Heart can conceive, or my Words can rehearse, for your many Travails, and Care taken for me; which tho' they have not taken Effect as you wished, yet my Debt to you is not the less; but pay it I never shall in this World. Secondly, I beseech you, for the Love you bare me living, do not hide your self many Days, but by your Travels seek to help your miserable Fortunes, and the Right of your poor Child. Thy mourning cannot avail me, I am but Dust. Thirdly, You shall understand that my Land was conveyed bona fide to my Child: The Writings were drawn at Midsummer was twelve Months, my honest Cousin Brett can testify so much, and Dolberry too can remember somewhat therein. And I trust my Blood will quench their Malice that have cruelly murder'd me, and that they will not seek also to kill thee and thine with extreme Poverty. To what Friend to direct thee I know not, for all mine have left me in the true time of Trial. And I perceive that my Death was determin'd from the first Day. Most sorry I am, God knows, that being thus surpriz'd with Death I can leave you in no better Estate. God is my Witness, I meant you all my Office of Wines, or all that I could have purchased by selling it, half my Stuff, and all my Jewels, but some one for the Boy; but God hath prevented all my Resolutions, that great God that ruleth all in all: but if you can live free from Want, care for no more, the rest is but Vanity. Love God, and begin betimes to repose your self upon him, and therein shall you find true and lasting Riches, and endless Comfort: For the rest, when you have travelled and wearied your Thoughts over all sorts of worldly Cogitations, you shall but sit down by Sorrow in the end. Teach your Son also to love and fear God whilst he is yet young, that the Fear of God may grow with him; and then God will be a Husband to you, and a Father to him; a Husband and a Father which cannot be taken from you. Baily oweth me 200 l. and Adrian 600 l. in Jersey. I also have much owing me besides. The Arrearages of the Wines will pay your Debts. And howsoever you do, for my Soul's sake, pay all poor Men. When I am gone, no doubt you shall be sought to, for the World thinks that I was very rich. But take heed of the Pretences of Men, and their Affections, for they last not but in honest and worthy Men; and no greater Misery can befall you in this Life than to become a Prey, and afterwards to be despised. I speak not this (God knows) to dissuade you from Marriage, for it will be best for you both in respect of the World and of God. As for me, I am no more yours, nor you mine, Death hath cut us asunder; and God hath divided me from the World, and you from me. Remember your poor Child for his Father's sake, who chose you, and loved you in his happiest Times. Get those Letters (if it be possible) which I writ to the Lords, wherein I sued for Life: God is my

Witness, it was for you and yours that I desir'd Life; but it is true that I disdain'd my self for begging of it: For know it (my dear Wife) that your Son is the Son of a true Man, and who, in his own respect, despiseth Death and all his mishapen and ugly Forms. I cannot write much, God he knows how hardly I steal this time while others sleep, and it is also time that I should separate my Thoughts from the World. Beg my dead Body, which living was denied thee; and either lay it at Sherburne (and if the Land continue) or in Exeter-Church by my Father and Mother. I can say no more, Time and Death call me away; the everlasting, powerful, infinite, and omnipotent God, that Almighty God, who is Goodness it self, the true Life and true Light, keep thee and thine, have Mercy on me, and teach me to forgive my Persecutors and Accusers, and send us to meet in his glorious Kingdom. My dear Wife farewell. Bless my poor Boy. Pray for me, and let my good God hold you both in his Arms. Written with the dying Hand of sometimes thy Husband, but now alas overthrown.

WALTER RALEIGH.

UPON Thursday the 29th of Octob. 1618. Sir Walter Raleigh was conveyed by the Sheriffs of London to a Scaffold in the Old Palace-Yard at Westminster, about nine of the Clock in the morning of the same day.

Whereupon, when he came, with a chearful Countenance he saluted the Lords, Knights and Gentlemen there present.

After which, a Proclamation was made for Silence, and he address'd himself to speak in this manner.

I desire to be borne withal, for this is the third Day of my Fever; and if I shall shew any Weakness, I beseech you to attribute it to my Malady, for this is the Hour in which it is wont to come.

Then pausing a while, he sat, and directed himself towards a Window, where the Lords of Arundel, Northampton, and Doncaster, with some other Lords and Knights, sat, and spake as followeth:

I thank God, of his infinite Goodness, that he hath brought me to die in the Light, and not in Darknes; (but by reason that the Place where the Lords, &c. sat, was some distance from the Scaffold, that he perceived they could not well bear him, he said) I will strain my Voice, for I would willingly have your Honours hear me.

But my Lord of Arundel said, Nay, we will rather come down to the Scaffold, which he and some others did.

Where being come, he saluted them severally, and then began again to speak as followeth, viz.

As I said, I thank God heartily, that he hath brought me into the Light to die, and that he hath not suffer'd me to die in the dark Prison of the Tower, where I have suffer'd a great deal of Misery and cruel Sicknes; and I thank God that my Fever hath not taken me at this time, as I prayed to God it might not.

There are two main Points of Suspicion that his Majesty, as I hear, hath conceived against me.

To resolve your Lordships wherein his Majesty cannot be satisfy'd, which I desire to clear, and to resolve your Lordships of:

One

One is, That his Majesty hath been inform'd that I have often had Plots with *France*, and his Majesty had good Reason to induce him thereunto.

One Reason that his Majesty had to conjecture so was, that when I came back from *Guiana*, being come to *Plymouth*, I endeavoured to go in a Bark to *Rochel*, which was, for that I would have made my Peace before I had come to *England*.

Another Reason was, That upon my Flight, I did intend to fly into *France*, for the saving of my self, having had some Terror from above.

A third Reason, that his Majesty had Reason to suspect, was the *French* Agent's coming to me; besides, it was reported that I had a Commission from the *French* King at my going forth: These are the Reasons that his Majesty had, as I am inform'd, to suspect me.

But this I say, for a Man to call God to Witness to a Falshood at the Hour of Death, is far more grievous and impious, and that a Man that so doth cannot have Salvation, for he hath no time of Repentance; then what shall I expect, that am going instantly to render up my Account? I do therefore call God to witness, as I hope to be saved, and as I hope to see him in his Kingdom, which I hope I shall within this Quarter of an Hour, I never had any Commission from the *French* King, nor never saw the *French* King's Hand-writing in all my Life; neither knew I that there was a *French* Agent, nor what he was, till I met him in my Gallery at my Lodging unlook'd for: If I speak not true, O Lord! let me never enter into thy Kingdom.

The second Suspicion was, That his Majesty had been inform'd, that I should speak dishonourably and disloyally of my Sovereign; but my Accuser was a base *Frenchman*, and runnagate Fellow, one that hath no Dwelling, a kind of a Chymical Fellow, one that I knew to be perfidious; for being by him drawn into the Action of fearing my self at *Winchester*, in which I confess my Hand was toucht, he being sworn to Secrecy over-night, revealed it the next Morning.

But this I speak now, what have I to do with Kings? I have nothing to do with them, neither do I fear them; I have only now to do with my God, in whose Presence I stand; therefore to tell a Lye, were it to gain the King's Favour, were vain: Therefore, as I hope to be sav'd at the last Judgment-day, I never spoke dishonourably, disloyally, or dishonestly of his Majesty in all my Life; and therefore I cannot but think it strange that that *Frenchman*, being so base and mean a Fellow, should be so far credited as he hath been.

I have dealt truly, as I hope to be sav'd, and I hope I shall be believ'd: I confess I did attempt to escape, I cannot excuse it, but it was only to save my Life.

And I do likewise confess, that I did feign my self to be ill-disposed and sick at *Salisbury*; but I hope it was no Sin, for the Prophet *David* did make himself a Fool, and suffer'd Spittle to fall down upon his Beard, to escape from the Hands of his Enemies, and it was not imputed unto him: So, what I did, I intended no Ill, but to gain and prolong time till his Majesty came, hoping for some Commiseration from him.

But I forgive this *Frenchman* and Sir *Lewis Steukley*, with all my heart, for I have receiv'd

the Sacrament this Morning of Mr. Dean of *Westminster*, and I have forgiven all Men; but that they are perfidious, I am bound in Charity to speak, that all Men may take heed of them.

Sir *Lewis Steukley*, my Keeper and Kinsman, hath affirmed that I should tell him, that my Lord *Carew*, and my Lord of *Doncaster* here, did advise me to escape; but I protest before God, I never told him any such thing, neither did the Lords advise me to any such Matter, neither is it likely that I should tell him any such thing two of Privy-Counsellors; neither had I any Reason to tell him, or he to report it; for it is well known, he left me six, seven, eight, nine and ten Days together alone, to go whither I list, whilst he rode himself about the Country.

He further accused me, that I should shew him a Letter, whereby I did signify unto him that I would give him ten Thousand Pounds for my Escape; but God cast my Soul into everlasting Fire, if I made any such Proffer of ten Thousand Pounds, or one Thousand: but indeed I shewed him a Letter, that if he would go with me, there should be Order taken for his Debts when he was gone; neither had I ten Thousand Pounds to give him; for if I had had so much, I could have made my Peace better with it other way, than in giving it to *Steukley*.

Further, When I came to Sir *Edward Pelham's* House, who had been a Follower of mine, and who gave me good Entertainment; he gave out that I had there receiv'd some Dram of Poison, when I answer'd him that I feared no such thing, for I was well assur'd of them in the House, and therefore wisht him to have no such Thought. Now God forgive him, for I do, and I desire God to forgive him: I will not only say, God is a God of Revenge; but I desire God to forgive him, as I do desire to be forgiven of God.

Then looking over his Note of Remembrance, Well, said he, thus far I have gone; a little more, a little more, and I will have done by and by.

It was told the King that I was brought *per Force* into *England*, and that I did not intend to come again; but Sir *Charles Parker*, M. *Tresham*, M. *Leake*, and divers know how I was dealt withal by the common Soldiers, which were 150 in Number, who mutiny'd, and sent for me to come into the Ship to them, for unto me they would not come, and there I was forced to take an Oath that I would not go into *England* till that they would have me; otherwise they would have cast me into the Sea, and therewithal they drove me into my Cabbin, and bent all their Forces against me.

Now after I have taken this Oath, with Wine and other things, such as I had about me, I drew some of the chiefest to desist from their Purposes; and at length I persuaded them to go into *Ireland*, which they were willing unto, and would have gone into the North Parts of *Ireland*, which I dissuaded them from, and told them that they were *Red-Shankes* that inhabited there: and with much ado I persuaded them to go into the South Parts of *Ireland*, promising them to get their Pardons, and was forc'd to give them 125 *l.* at *Kinsale*, to bring them home, otherwise I had never got from them.

I hear likewise there was a Report that I meant not to go to *Guiana* at all, and that I knew not of any Mine, nor intended any such Thing or Matter,

Matter, but only to get my Liberty, which I had not the Wit to keep.

But I protest it was my full Intent, and for Gold; for Gold, for the Benefit of his Majesty and my self, and of those that ventur'd and went with me, with the rest of my Countrymen: But he that knew the Head of the Mine would not discover it, when he saw my Son was slain, but made away himself.

And then turning to the Earl of *Arundel*, he said, My Lord, being in the Gallery of my Ship, at my Departure, I remember your Honour took me by the Hand, and said, You would request one thing of me, which was, That whether I made a good Voyage or a bad, I should not fail, but to return again into *England*; which I then promised you, and gave you my Faith I would; and so I have.

To which my Lord answer'd, and said, It is true, I do very well remember it, they were the very last Words I spake unto you.

Another Slander was raised of me, That I would have gone away from them, and left them at *Guiana*.

But there were a great many worthy Men that accompanied me always; as my Serjeant-Major, *George Raleigh*, and divers others, which knew my Intent was nothing so.

Another Opinion was held of me, that I carried with me to Sea 16000 Pieces, and that was all the Voyage I intended, only to get Money into my Hands.

As I shall answer it before God, I had not in all the World in my Hands, or others to my Use, either directly or indirectly, above a hundred Pounds, whereof, when I went, I gave my Wife twenty-five Pounds thereof; but the Error thereof came, as I perceived, by looking over the Scrivener's Books, where they found the Bills of Adventure arising to a great Sum, so raised that false Report.

Only I will borrow a little time of Mr. Sheriffs to speak of one thing, that doth make my Heart to bleed to hear that such an Imputation should be laid upon me; for it is said, that I should be a Persecutor of the Death of the Earl of *Effex*, and that I stood in a Window over-against him when he suffer'd, and puffed out Tobacco in disdain of him. God I take to Witness, I shed Tears for him when he died; and as I hope to look God in the Face hereafter, my Lord of *Effex* did not see my Face when he suffer'd, for I was afar off in the Armory, where I saw him, but he saw not me.

I confess indeed I was of a contrary Faction, but I know my Lord of *Effex* was a noble Gentleman, and that it would be worse with me when he was gone; for I got the Hate of those which

wished me well before, and those that set me against him, afterwards set themselves against me, and were my greatest Enemies; and my Soul hath many times been grieved that I was not nearer him when he died; because, as I understood afterwards, that he asked for me at his Death, to have been reconciled unto me.

And these be the material Points I thought good to speak of, and I am now at this Instant to render up an Account to God; and I protest, as I shall appear before him, this that I have spoken is true, and I hope I shall be believed.

Then a Proclamation being made, that all Men should depart the Scaffold, he prepared himself for Death; giving away his Hat, his Cap; with some Money, to such as he knew, that stood near him.

And then taking his leave of the Lords, Knights, Gentlemen, and others of his Acquaintance, and amongst the rest, taking his leave of my Lord of *Arundel*, he thanked him for his Company, and intreated him to desire the King that no scandalous Writing to defame him might be published after his Death; saying further unto him, I have a long Journey to go, and therefore I will take my leave.

And then putting off his Doublet and Gown, desired the Headsman to shew him the Ax; which not being suddenly granted unto him, he said, I prithee let me see it, dost thou think that I am afraid of it? so it being given unto him, he felt along upon the Edge of it, and smiling, spake unto Mr. Sheriff, saying, This is a sharp Medicine, but it is a Physician that will cure all Diseases.

Then going to and fro upon the Scaffold on every Side, he intreated the Company to pray to God to give him Strength.

Then having ended his Speech, the Executioner kneeled down and asked him Forgiveness; the which laying his Hand upon his Shoulder he forgave him.

Then being asked which Way he would lay himself on the Block, he made Answer and said, so the Heart be streight, it is no matter which way the Head lieth: So laying his Head on the Block, his Face being towards the East, the Headsman throwing down his own Cloak, because he would not spoil the Prisoner's Gown, he giving the Headsman a Sign when he should strike, by lifting up his Hands, the Executioner struck off his Head at two Blows, his Body never shrinking nor moving. His Head was shewed on each Side of the Scaffold, and then put into a red Leather Bag, and his wrought Velvet Gown thrown over it, which was afterwards conveyed away in a Mourning Coach of his Lady's.





XIX. *The Trials of Robert Winter, Thomas Winter, Guy Fawks, John Grant, Ambrose Rookwood, Robert Keyes, Thomas Bates and Sir Everard Digby, at Westminster for High-Treason, being Conspirators in the Gunpowder-Plot. 27 Jan. 1605. 3 Jac. I.*

The COMMISSIONERS were,

The Earl of Nottingham.
The Earl of Suffolk.
The Earl of Worcester.
The Earl of Devonshire.
The Earl of Northampton.
The Earl of Salisbury.

The Lord Chief Justice of England, Sir John Popham.
The Lord Chief Baron of the Exchequer, Thomas Fleming.
Sir Peter Warburton Kt. one of the Justices of the Common-Plcas.

The Effect of the Indictment.

HAT whereas our Sovereign Lord the King had, by the Advice and Assent of his Council, for divers weighty and urgent Occasions concerning his Majesty, the State, and Defence of the Church and Kingdom of *England*, appointed a Parliament to be holden at his City of *Westminster*; That *Henry Garnet*, Superior of the Jesuits within the Realm of *England*, (called also by the several names of *Wally, Darcy, Roberts, Farmer*, and *Henry Philips*) *Oswald Tesmond* Jesuit, otherwise called *Oswald Greenwell*, *John Gerrard* Jesuit, (called also by the several names of *Lee* and *Brooke*) *Robert Winter, Thomas Winter*, Gentlemen, *Guy Fawkes* Gent. otherwise called *Guy Johnson*, *Robert Keyes* Gent. and *Thomas Bates* Yeoman, late Servant to *Robert Catesby* Esquire; together with the said *Robert Catesby* and *Thomas Percy* Esquires, *John Wright* and *Christopher Wright* Gentlemen, in open Rebellion and Insurrection against his Majesty, lately slain, and *Francis Tresbam* Esq; lately dead; as false Traitors against our said Sovereign Lord the King, did traitorously meet and assemble themselves together; and being so met, the said *Henry Garnet, Oswald Tesmond, John Gerrard*, and other Jesuits, did maliciously, falsely, and traitorously move and persuade as well the said *Thomas Winter, Guy Fawkes, Robert Keyes*, and *Thomas Bates*, as the said *Robert Catesby, Thomas Percy, John Wright, Christopher Wright*, and *Francis Tresbam*, That our said Sovereign Lord the King, the Nobility, Clergy, and whole Commonalty of the Realm of *England*, (Papists excepted) were Hereticks; and that all Hereticks were accursed and excommunicate; and that none Heretick could be a King; but that it was lawful and meritorious to kill our said Sovereign Lord the King, and all other Hereticks within this Realm of *England*, for the Advancing and Enlargement of the pretended and usurped Authority and Jurisdiction of the Bishop of *Rome*, and for the restoring of the superstitious *Romish* Religion within this Realm of

England. To which traitorous Persuasions, the said *Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Bates, Robert Catesby, Thomas Percy, John Wright, Christopher Wright*, and *Francis Tresbam*, traitorously did yield their Assents: And that thereupon the said *Henry Garnet, Oswald Tesmond, John Gerrard*, and divers other Jesuits; *Thomas Winter, Guy Fawkes, Robert Keyes*, and *Thomas Bates*, as also the said *Robert Catesby, Thomas Percy, John Wright, Christopher Wright*, and *Francis Tresbam*, traitorously amongst themselves did conclude and agree, with Gunpowder, as it were with one Blast, suddenly, traitorously and barbarously to blow up and tear in pieces our said Sovereign Lord the King, the excellent, virtuous, and gracious *Queen Anne*, his dearest Wife, the most noble Prince *Henry*, their eldest Son, and future Hope and Joy of *England*; and the Lords Spiritual and Temporal, the Reverend Judges of the Realm, the Knights, Citizens and Burgessees of Parliament, and divers other faithful Subjects and Servants of the King in the said Parliament, for the Causes aforesaid, to be assembled in the House of Parliament; and all them, without any respect of Majesty, Dignity, Degree, Sex, Age or Place, most barbarously, and more than beastly, traitorously and suddenly to destroy and swallow up. And further did most traitorously conspire and conclude amongst themselves, That not only the whole Royal Issue-Male of our said Sovereign Lord the King should be destroyed and rooted out; but that the Persons aforesaid, together with divers other false Traitors, traitorously with them to be assembled, should surprize the Persons of the noble Ladies *Elizabeth* and *Mary*, Daughters of our said Sovereign Lord the King, and falsely and traitorously should proclaim the said Lady *Elizabeth* to be Queen of this Realm: And thereupon should publish a certain traitorous Proclamation in the name of the said Lady *Elizabeth*; wherein, as it was especially agreed by and between the said Conspirators, That no mention should be made at the first, of the alteration of Religion established within

within this Realm of *England*; neither would the said false Traitors therein acknowledge themselves to be Authors, or Actors, or Devisers of the aforesaid most wicked and horrible Treasons, until they had got sufficient Power and Strength for the assured Execution and Accomplishment of their said Conspiracy and Treason; and that then they would avow and justify the said most wicked and horrible Treasons, as Actions that were in the number of those, *Quæ non laudantur, nisi peracta*, which be not to be commended before they be done: but by the said feign'd and traitorous Proclamation they would publish, That all and singular Abuses and Grievances within this Realm of *England*, should, for satisfying of the People, be reform'd. And that as well for the better concealing, as for the more effectual accomplishing of the said horrible Treasons, as well the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, and *Francis Tresbam*, by the traitorous Advice and Procurement of the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, and other Jesuits, traitorously did further conclude and agree, that as well the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, and *Francis Tresbam*, thereupon severally and traitorously should receive several corporal Oaths upon the holy Evangelists, and the Sacrament of the Eucharist, {That they the Treasons aforesaid would traitorously conceal and keep secret, and would not reveal them, directly or indirectly, by Words or Circumstances, nor ever would desist from the Execution and final Accomplishment of the said Treasons, without the consent of some three of the aforesaid false Traitors first in that behalf traitorously had: And that thereupon as well the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christ. Wright*, and *Francis Tresbam*, did traitorously take the said several corporal Oaths severally, and did receive the Sacrament of the Eucharist aforesaid, by the Hands of the said *Henry Garnet*, *John Gerrard*, *Oswald Tesmond*, and other Jesuits. And further, that the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, together with the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, and *Francis Tresbam*, by the like traitorous Advice and Counsel of the said *Henry Garnet*, *John Gerrard*, *Oswald Tesmond*, and other Jesuits, for the more effectual compassing and final execution of the said Treasons, did traitorously among themselves conclude and agree to dig a certain Mine under the said House of Parliament, and there secretly, under the said House, to bestow and place a great Quantity of Gunpowder; and that according to the said traitorous Conclusion, the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, together with the said *Robert Catesby*, *Thomas Percy*, *John Wright*, and *Christopher Wright*, afterwards secretly, not without great labour and difficulty, did dig and make the said Mine unto the midst of the Foundation of the Wall of the said House of Parliament, the said Foundation being of the thickness of three yards, with a traitorous Intent to bestow and place a great Quantity of Gunpowder in the Mine aforesaid, so as aforesaid traitorously to be made for the traitorous accomplishing of their traitorous Purposes aforesaid. And that the said *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, to-

gether with the said *Robert Catesby*, *Thomas Percy*, *John Wright*, and *Christopher Wright*, finding and perceiving the said Work to be of great difficulty, by reason of the Hardness and Thickness of the said Wall; and understanding a certain Cellar under the said House of Parliament, and adjoining to a certain House of the said *Thomas Percy*, then to be letten to farm for a yearly Rent, the said *Thomas Percy*, by the traitorous Procurement, as well of the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, and other Jesuits, *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as of the said *Robert Catesby*, *John Wright*, and *Christopher Wright*, traitorously did hire the Cellar aforesaid for a certain yearly Rent and Term: and then those Traitors did remove twenty Barrels full of Gunpowder out of the said House of the said *Thomas Percy*, and secretly and traitorously did bestow and place them in the Cellar aforesaid, under the said House of Parliament, for the traitorous effecting of the Treason, and traitorous Purposes aforesaid. And that afterwards the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, and other Jesuits, *Thomas Winter*, *Guy Fawkes*, *Robert Keyes* and *Thomas Bates*, together with the said *Robert Catesby*, *Thomas Percy*, *John Wright* and *Christopher Wright* traitorously did meet with *Robert Winter*, *John Grant*, and *Ambrose Rookwood*, and *Francis Tresbam*, Esquires; and traitorously did impart to the said *Robert Winter*, *John Grant*, *Ambrose Rookwood*, and *Francis Tresbam*, the Treasons, traitorous Intentions and Purposes aforesaid; and did require the said *Robert Winter*, *John Grant*, *Ambrose Rookwood*, and *Francis Tresbam*, to join themselves as well with the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as with the said *Robert Catesby*, *Thomas Percy*, *John Wright*, and *Christopher Wright*, in the Treasons, traitorous Intentions and Purposes aforesaid; and traitorously to provide Horse, Armour, and other Necessaries, for the better Accomplishment and effecting of the said Treasons. To which traitorous Motion and Request, the said *Robert Winter*, *John Grant*, *Ambrose Rookwood*, and *Francis Tresbam*, did traitorously yield their Assents, and as well with the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, *Robert Winter*, *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, and *Thomas Bates*, as with the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, and *Francis Tresbam*, in the said Treasons, traitorous Intentions and Purposes aforesaid, traitorously did adhere and unite themselves: And thereupon several corporal Oaths, in form aforesaid, traitorously did take, and the Sacrament of the Eucharist, by the hands of the said Jesuits did receive, to such Intent and Purpose, as is aforesaid; and Horses, Armour, and other Necessaries for the better effecting of the said Treasons, according to their traitorous Assents aforesaid, traitorously did provide. And that afterwards all the said false Traitors did traitorously provide, and bring into the Cellar aforesaid ten other Barrels full of Gunpowder, newly bought, fearing lest the former Gunpowder, so as aforesaid bestow'd and placed there, was become dankish; and the said several Quantities of Gunpowder aforesaid, with Billets and Faggots, lest they should be spy'd, secretly and traitorously did cover. And that afterwards the said false Traitors traitorously provided, and brought into the Cellar aforesaid, four Hogheads full of Gunpowder, and laid divers great Iron Bars and Stones upon the said four Hogheads, and the

aforesaid other Quantities of Gunpowder: And the said Quantities of Gunpowder, Bars, and Stones, with Billets and Faggots, lest they should be espy'd, secretly and traitorously did likewise cover. And that the said *Guy Fawkes*, afterwards, for a full and final Accomplishment of the said Treasons, traitorous Intentions and Purposes aforesaid, by the traitorous Procurement, as well of the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, and other Jesuits, *Robert Winter*, *Thomas Winter*, *Robert Keyes*, *Thomas Bates*, *John Grant*, and *Ambrose Rookwood*, as of the said *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, and *Francis Tresbam*, traitorously had prepared, and had upon his Person Touchwood and Match, therewith traitorously to give fire to the several Barrels, Hogsheads, and Quantities of Gunpowder aforesaid, at the time appointed for the Execution of the said horrible Treasons. And further, that after the said horrible Treasons were, by the great Favour and Mercy of God, in a wonderful manner discover'd, not many hours before it should have been executed, as well the said *Henry Garnet*, *Oswald Tesmond*, *John Gerrard*, *Robert Winter*, *Thomas Winter*, *Robert Keyes*, *Thomas Bates*, *John Grant*, and *Ambrose Rookwood*, as the said *Robert Catesby*, *Thomas Percy*, *John Wright*, and *Christopher Wright*, traitorously did fly and withdraw themselves, to the intent traitorously to stir up and procure such Popish Persons, as they could, to join with them in actual, publick, and open Rebellion against our said Sovereign Lord the King; and to that end did publish divers feigned and false Rumours, that the Papists Throats should have been cut; and that thereupon divers Papists were in Arms, and in open, publick, and actual Rebellion against our said Sovereign Lord the King, in divers Parts of this Realm of *England*.

To this Indictment they all pleaded, Not guilty; and put themselves upon God and the Country.

Then did Sir *Edward Philips*, Kt. his Majesty's Serjeant at Law, open the Indictment to this effect, as followeth.

The matter that is now to be offer'd to you my Lords the Commissioners, and to the Trial of you the Knights and Gentlemen of the Jury, is Matter of Treason; but of such Horror, and monstrous Nature, that before now,

The Tongue of Man never deliver'd,
The Ear of Man never heard,
The Heart of Man never conceited,
Nor the Malice of hellish or earthly Devil
ever practised.

For, if it be abominable to murder the least;
If to touch God's Anointed be to oppose themselves
against God;

If (by Blood) to subvert Princes, States and
Kingdoms, be hateful to God and Man, as all
true Christians must acknowledge:

Then, how much more than too too monstrous
shall all Christian Hearts judge the Horror of
this Treason; to murder and subvert

Such a King,
Such a Queen,
Such a Prince,
Such a Progeny,
Such a State,
Such a Government,
So complete and absolute,

That God approves,
The World admires,

All true *English* Hearts honour and reverence,

The Pope and his Disciples only envies and maligns?

The Proceeding wherein, is properly to be divided into three general Heads.

First, Matter of Declaration.

Secondly, Matter of Aggravation.

Thirdly, Matter of Probation.

My self am limited to deal only with the Matter of Declaration, and that is contain'd within the Compass of the Indictment only.

For the other two, I am to leave to him to whose Place it belongeth.

The Substance of which Declaration consisteth in four Parts.

First, in the Persons and Qualities of the Conspirators.

Secondly, In the Matter conspired.

Thirdly, In the Mean and Manner of the Proceeding and Execution of the Conspiracy.

And Fourthly, Of the End and Purpose why it was so conspired.

As concerning the first, being the Persons; they were, *Garnet*, *Gerrard*, *Tesmond*, Jesuits not then taken. *Thomas Winter*, *Guy Fawkes*, *Robert Keyes*, *Thomas Bates*, *Everard Digby*, *Ambrose Rookwood*, *John Grant*, *Robert Winter*, at the Bar. *Robert Catesby*, *Thomas Percy*, *John Wright*, *Christopher Wright*, slain in Rebellion. *Francis Tresbam*, lately dead. All grounded Romanists and corrupted Scholars of so irreligious and traitorous a School.

As concerning the second, which is the Matter conspired; it was,

First, to deprive the King of his Crown.

Secondly, To murder the King, the Queen, and the Prince.

Thirdly, To stir Rebellion and Sedition in the Kingdom.

Fourthly, To bring a miserable Destruction amongst the Subjects.

Fifthly, To change, alter, and subvert the Religion here established.

Sixthly, To ruinate the State of the Commonwealth, and to bring in Strangers to invade it.

As concerning the third, which is the Mean and Manner how to compass and execute the same; they did all conclude,

First, That the King, and his People (the Papists excepted) were Hereticks.

Secondly, That they were all cursed, and excommunicated by the Pope.

Thirdly, That no Heretick could be King.

Fourthly, That it was lawful and meritorious to kill and destroy the King, and all the said Hereticks.

The Mean to effect it, they concluded to be, that,

First, The King, the Queen, the Prince, the Lords Spiritual and Temporal, the Knights and Burgeesses of the Parliament, should be blown up with Powder.

Secondly, That the whole Royal Issue Male should be destroy'd.

Thirdly, That they would take into their Custody *Elizabeth* and *Mary* the King's Daughters, and proclaim the Lady *Elizabeth* Queen.

Fourthly, That they should feign a Proclamation in the name of *Elizabeth*, in which no mention should be made of Alteration of Religion, nor that they were Parties to the Treason, until they had raised Power to perform the same; and then

to

to proclaim, All Grievances in the Kingdom should be reformed.

That they also took several Oaths, and receiv'd the Sacrament; First, for Secrecy; Secondly, for Prosecution; except they were discharg'd thereof by three of them.

That after the Destruction of the King, the Queen, the Prince, the Royal Issue Male, the Lords Spiritual and Temporal, the Knights and Burgesses, they should notify the same to foreign States; and thereupon Sir *Edmund Baynam* an attainted Person of Treason, and styling himself Prime of the damned Crew, should be sent and make the same known to the Pope, and crave his Aid: an Embassador fit both for the Message and Persons, to be sent betwixt the Pope and the Devil.

That the Parliament being prorogued till the 7th of *February*, they in *December* made a Mine under the House of Parliament, purposing to place their Powder there; but the Parliament being then further adjourned till the 3d of *October*, they in Lent following hired the Vault, and placed therein 20 Barrels of Powder.

That they took to them, *Robert Winter*, *Grant* and *Rookwood*, giving them the Oaths and Sacrament as aforesaid, as to provide Munition.

July 20. They laid in more ten Barrels of Powder, laying upon them divers great Bars of Iron, and pieces of Timber, and great massy Stones, and covered the same with Faggots, &c.

September 20. They laid in more, 4 Hogsheds of Powder, with other Stores and Bars of Iron thereupon.

November 4. (The Parliament being prorogued to the 5th) at 11 a clock at Night, *Fawkes* had prepared (by the procurement of the rest) Touchwood and Match, to give fire to the Powder the next Day.

That the Treason being miraculously discovered, they put themselves, and procured others to enter into open Rebellion; and gave out most untruly, It was for that the Papists Throats were to be cut.

* *Sir Edward Coke.* * *Attor. General.* It appeareth to your Lordships, and the rest of this most honourable and grave Assembly, even by that which Mr. Serjeant hath already opened, that these are the greatest Treasons that ever were plotted in *England*, and concern the greatest King that ever was of *England*. But when this Assembly shall further hear, and see discovered the Roots and Branches of the same, not hitherto published, they will say indeed, *Quis hæc posteris sic narrare poterit, ut facta non ficta esse videantur?* That when these things shall be related to Posterity, they will be reputed matters feigned, not done. And therefore in this so great a Cause, upon the Carriage and Event whereof the Eye of all Christendom is at this day bent; I shall desire that I may with your Patience be somewhat more copious, and not so succinct, as my usual manner hath been; and yet will I be no longer than the very Matter it self shall necessarily require. But before I enter into the particular Narration of this Cause, I hold it fit to give Satisfaction to some, and those well affected amongst us, who have not only marvelled, but grieved, that no speedier Expedition hath been used in these Proceedings, considering the Monstrousness and continual Horror of this so desperate a Cause.

1. It is, *Ordo Naturæ*, agreeable to the Order of Nature, that things of great weight and magnitude should slowly proceed, according to that of the Poet, *Tarda solet magnis rebus adesse fides*. And surely of these things we may truly say, *Nunquam ante dies nostros talia acciderunt*; neither hath the Eye of Man seen, nor the Ear of Man heard the like things to these.

2. *Veritas temporis filia*, Truth is the Daughter of Time; especially in this Case, wherein by timely and often Examinations, First, Matters of greatest moment have been lately found out. Secondly, some known Offenders, and those Capital, but lately, apprehended. Thirdly, Sundry of the principal Arch-Traiters before unknown, now manifested, as the Jesuits. Fourthly, Heretical, treasonable and damnable Books lately found out; one of Equivocation, and another, *De officio Principis Christiani*, of *Francis Tresham's*.

3. There have been already twenty and three several days spent in Examinations.

4. We should otherwise have hanged a Man unattainted, for *Guy Fawkes* passed for a time under the name of *John Johnson*: So that if by that name greater Expedition had been made, and he hanged, though we had not missed of the Man, yet the Proceeding would not have been so orderly or justifiable.

5. The King out of his Wisdom and great Moderation, was pleased to appoint this Trial in time of Assembly in Parliament, for that it concerned especially those of the Parliament.

Now touching the Offences themselves, they are so exorbitant and transcendent, and aggregated of so many bloody and fearful Crimes, as they cannot be aggravated by any Inference, Argument or Circumstance whatsoever; and that in three respects:

First, Because this Offence is *Primæ impressionis*, and therefore *sine Nomine*, without any name which might be *adæquatum*, sufficient to express it, given by any Legist, that ever made or writ of any Laws. For the highest Treason that all they could imagine, they called it only *Crimen læsæ Majestatis*, the violating of the Majesty of the Prince. But this Treason doth want an apt name, as tending not only to the Hurt, but to the Death of the King; and not the Death of the King only, but of his whole Kingdom, *Non Regis sed Regni*, that is, to the Destruction and Dissolution of the Frame and Fabrick of this antient, famous, and ever-flourishing Monarchy; even the Deletion of our whole Name and Nation: *And therefore hold not thy tongue, O God, keep not still silence, refrain not thyself, O God; for lo thine Enemies make a murmuring, and they that hate thee have lift up their Heads: They have said come, and let us root them out, that they be no more a People, and that the Name of Israel may be no more in remembrance.* Psal. 83. 1, 2, 3, 4, 5.

Secondly, It is, *Sine exemplo*, beyond all Examples, whether in Fact or Fiction, even of the tragick Poets, who did beat their Wits to represent the most fearful and horrible Murders.

Thirdly, It is, *Sine modo*, without all measure or stint of Iniquity; like a Mathematical Line, which is, *divisibilis in semper divisibilia*, infinitely divisible.

It is Treason to imagine or intend the Death of the King, Queen, or Prince.

For Treason is like a Tree whose Root is full of Poison, and lieth secret and hid within the Earth, resembling the Imagination of the Heart of Man, which is so secret as God only knoweth it.

Now the Wisdom of the Law provideth for the blasting and nipping, both of the Leaves, Blossoms, and Buds which proceed from this Root of Treason; either by Words, which are like to Leaves, or by some overt Act, which may be resembled to Buds or Blossoms, before it cometh to such Fruit and Ripeness, as would bring utter Destruction and Desolation upon the whole State.

It is likewise Treason to kill the Lord Chancellor, Lord Treasurer, or any Justice of the one Bench or other; Justices of Assize, or any other Judge mentioned in the Statute of 25 *Edw. III.* sitting in their Judicial Places, and exercising their Offices. And the Reason is, for that every Judge so sitting by the King's Authority, representeth the Majesty and Person of the King; and therefore it is *Crimen læsæ Majestatis*, to kill him, the King being always in Judgment of Law present in Court. But in the high Court of Parliament, every Man by virtue of the King's Authority, by Writ under the Great Seal, hath a judicial Place; and so consequently the killing of every of them had been a several Treason; and *Crimen læsæ Majestatis*. Besides that to their Treasons were added open Rebellion, Burglary, Robbery, Horse-stealing, &c. So that this Offence is such, as no Man can express it, no Example pattern it, no Measure contain it.

Concerning foreign Princes; there was here a Protestation made for the clearing of them from all Imputation and Aspersion whatsoever.

First, For that whilst Kingdoms stood in Hostility, hostile Actions are holden honourable and just.

Secondly, It is not the King's Serjeant, Attorney, or Solicitor, that in any sort touch or mention them: For we know that great Princes and Personages are reverently and respectfully to be spoken of; and that there is *Lex in sermone tenenda*. But it is *Fawkes*, *Winter*, and the rest of the Offenders, that have confessed so much as hath been said: And therefore the King's Counsel Learned doth but repeat the Offender's Confession, and charge or touch no other Person. They have also slander'd unjustly our great Master King *James*, which we only repeat, to shew the Wickedness and Malice of the Offenders.

Thirdly, So much as is said concerning foreign Princes, is so woven into the matter of the Charge of these Offenders, as it cannot be sever'd, or singled from the rest of the matter; so as it is inevitable, and cannot be pretermitted.

Now as this Powder-Treason is in it self prodigious and unnatural, so it is in the Conception and Birth most monstrous, as arising out of the dead Ashes of former Treasons. For it had three Roots, all planted and watered by Jesuits, and *English* Romish Catholicks: The first Root in *England*, in *December* and *March*; the second in *Flanders*, in *June*; the third in *Spain*, in *July*. In *England* it had two Branches, one in *December* was twelve Months before the death of the late Queen of blessed Memory; another in *March* wherein she died.

First in *December*, *Anno Dom. 1601.* do *Henry Garnet* Superior of the Jesuits in *England*, *Robert Tesmond* Jesuit, *Robert Catesby* (who was *bono subaëto & versuto ingenio & profunda perfidia*) together with *Francis Tresham* and others, in the names, and for the behalf of all the *English* Romish Catholicks, imploy *Thomas Winter* into *Spain*, as for the general good of the Romish Catholick Cause; and by him doth *Garnet* write his Letters to Father *Cres-*

well, Jesuit residing in *Spain*, in that behalf. With *Thomas Winter* doth *Tesmond*, alias *Greenway* the Jesuit, go as an Associate and Confederate in that Conspiracy. The Message (which was principally committed unto the said *Winter*) was, that he should make a Proposition and Request to the King of *Spain*, in the behalf and names of the *English* Catholicks, That the King would send an Army hither into *England*, and that the Forces of the Catholicks in *England* should be prepared to join with him, and do him Service. And further, that he should move the King of *Spain* to bestow some Pensions here in *England*, upon sundry Persons Catholicks, and devoted to his Service: And moreover, to give Advertisement, that the said King of *Spain*, making use of the general Discontentment that young Gentlemen and Soldiers were in, might no doubt, by relieving their Necessities, have them all at his devotion.

And because that in all Attempts upon *England*, the greatest Difficulty was ever found to be the Transportation of Horses; the Catholicks in *England* would assure the King of *Spain* to have always in readiness for his Use and Service, 1500 or 2000 Horses, against any occasion or enterprize. Now *Thomas Winter* undertaking this Negotiation, and with *Tesmond* the Jesuit coming into *Spain*, by means of Father *Creswell* the Legier Jesuit there, as hath been said, had readily Speech with *Don Pedro Franceca* second Secretary of State, to whom he imparted his Message, as also to the Duke of *Lerma*; who assured him, that it would be an Office very grateful to his Master, and that it should not want his best Furtherance.

Concerning the Place for landing of the King of *Spain's* Army, which from the *English* Romish Catholicks he desired might be sent to invade the Land; it was resolved, That if the Army were great, then *Essex* and *Kent* were judged fittest, (where note by the way, who was then Lord Warden of the Cinque Ports:) If the Army were small, and trusted upon Succour in *England*, then *Milford-haven* was thought more convenient.

Now there being at that time Hostility betwixt both Kingdoms, the King of *Spain* willingly embraced the Motion, saying, that he took the Message from the Catholicks very kindly, and that in all things he would respect them with as great Care as his proper *Castilians*. But for his further answer and full dispatch, *Thomas Winter* was appointed to attend the Progress. In the end whereof, being in Summer time, Count *Miranda* gave him this answer in the behalf of his Master, That the King would bestow 100000 Crowns to that use, half to be paid that Year, and the rest the next Spring following; and withal required that we should be as good as our Promise, for the next Spring he meant to be with us, and set foot in *England*. And lastly, he desired on the King's behalf, of *Winter*, that he might have certain Advertisement and Intelligence, if so it should in the mean time happen that the Queen did die. *Tho. Winter* laden with these Hopes, returns into *England* about a Month before *Christmas*, and delivered answer of all that had passed, to *Henry Garnet*, *Robert Catesby*, and *Francis Tresham*. But soon after set that glorious Light, her Majesty died: *Miracano; Sol occubuit, Nox nulla secuta est.*

Presently after whose Death was *Christopher Wright*, another Messenger sent over into *Spain* by *Garnet*, (who likewise did write by him to *Creswell*, for the furtherance of the Negotiation) *Catesby*

and *Tresham*, in the name and behalf of all the Romish Catholicks in *England*; as well to carry News of her Majesty's Death, as also to continue the aforesaid Negotiation for an Invasion and Pensions, which by *Tho. Winter* had before been dealt in. And in the *Spanish* Court, about two Months after his arrival there, doth *Christopher Wright* meet with *Guy Fawkes*; who upon the 22d of *June* was employed out of *Flanders* from *Brussels* by Sir *William Stanley*, *Hugh Owen*, (whose Finger hath been in every Treason which hath been of late Years detected) and *Baldwyn* the Legier Jesuit in *Flanders*; from whom likewise the said *Fawkes* carried Letters to *Creswell* in *Spain*, for the countenancing and furtherance of his Affairs.

Now the End of *Fawkes's* employment was, to give Advertisement to the King of *Spain*, how the King of *England* was like to proceed rigorously with the Catholicks, and to run the same course which the late Queen did; and withal to intreat that it would please him to send an Army into *England* to *Milsford-baven*, where the Romish Catholicks would be ready to assist him; and then the Forces that should be transported in *Spinola's* Gallies, should be landed where they could most conveniently. And these their several Messages did *Christopher Wright* and *Guy Fawkes* in the end intimate and propound to the King of *Spain*. But the King as then very honourably answered them both, that he would not in any wise further listen to any such Motion, as having before dispatched an Embassy into *England*, to treat concerning Peace. Therefore this Course by foreign Forces failing, they fell to the Powder-Plot, *Catesby* and *Tresham* being in at all; in the Treason of the Earl of *Essex*, in the Treason of *Watson* and *Clarke* Seminary Priests, and also in this of the Jesuits; such a greedy Appetite had they to practise against the State.

The rest of that which Mr. Attorney then spake continuedly, was by himself divided into three general Parts. The first containing certain Considerations concerning this Treason. The second Observations about the same. The third a Comparison of this Treason of the Jesuits, with that of the Seminary Priests, and that other of *Raleigh* and others.

For the Considerations concerning the Powder-Treason, they were in Number eight: That is to say, 1. The Persons by whom. 2. The Persons against whom. 3. The Time when. 4. The Place where. 5. The Means. 6. The End. 7. The secret Contriving. And lastly, the admirable Discovery thereof.

1. For the Persons offending, or by whom, they are of two sorts; either of the Clergy, or Laity: and for each of them there is a several Objection made. Touching those of the Laity, it is by some given out, that they are such Men, as admit just Exception, either desperate in Estate, or base, or not settled in their Wits; such as are *Sine Religione*, *Sine Sede*, *Sine Fide*, *Sine Re*, & *Sine Spe*; without Religion, without Habitation, without Credit, without Means, without Hope. But (that no Man, tho' never so wicked, may be wronged) true it is, they were Gentlemen of good Houses, of excellent Parts, howsoever most perniciously seduced, abused, corrupted, and jesuited, of very competent Fortunes and States. Besides that *Percy* was of the House of *Northumberland*, Sir *William Stanley*, who principally employed *Fawkes* into *Spain*, and *John Talbot* of *Grafton*, who at the

least is in Case of Misprision of High-Treason; both of great and honourable Families. Concerning those of the Spirituality, it is likewise falsely said, That there is never a religious Man in this Action. For I never yet knew a Treason without a Romish Priest; but in this there are very many Jesuits, who are known to have dealt and passed thro' the whole Action: Three of them are Legiers and Statesmen, as *Henry Garnet* alias *Walley*, the Superior of the Jesuits, Legier here in *England*; Father *Creswell* Legier Jesuit in *Spain*, Father *Baldwyn* Legier in *Flanders*, as *Parsons* at *Rome*; besides their curfory Men, as *Gerrard*, *Oswald*, *Tesmond* alias *Greeneway*, *Hammond*, *Hall*, and other Jesuits. So that the principal Offenders are the seducing Jesuits; Men that use the Reverence of Religion, yea, even the most sacred and blessed Name of *Jesus*, as a Mantle to cover their Impiety, Blasphemy, Treason and Rebellion, and all manner of Wickedness; as by the help of *Christ* shall be made most apparent to the Glory of *God*, and the Honour of our Religion. Concerning this Sect, their Studies and Practices principally consist in two DD's, to wit, in Deposing of Kings, and Disposing of Kingdoms: their Profession and Doctrine is a Religion of Distinctions, the greatest part of them being without the Text, and therefore in very deed, idle and vain Conceits of their own Brains: not having *Membra dividenda*, that is, all the parts of the division warranted by the Word of *God*; and *ubi lex non distinguit, nec nos distinguere debemus*. And albeit that Princes hold their Crowns immediately of and from *God*, by Right of lawful Succession and Inheritance inherent by Royal Blood; yet think these Jesuits with a Goose-quill, within four distinctions to remove the Crown from the Head of any King christened, and to deal with them, as the old *Romans* are said to have done with their Viceroyes, or petty Kings, who in effect were but Lieutenants unto them, to crown and uncrown them at their pleasures. Neither so only, but they will proscribe and expose them to be butchered by Vassals, which is against their own Canons, for Priests to meddle in cause of Blood. And by this means they would make the Condition of a King far worse than that of the poorest Creature that breatheth. First saith *Simanca*; *Hæretici omnes ipso jure sunt Excommunicati, & à Communione fidelium diris proscriptionibus separati, & quotannis in cœna Domini excommunicantur à Papa*: So then every Heretick stands and is reputed with them as excommunicated and accursed, if not *de Facto*, yet *de Jure*, in Law and Right, to all their Intents and Purposes; therefore may he be deposed, proscribed and murdered. I, but suppose he be not a professed Heretick, but dealeth reservedly, and keepeth his Conscience to himself; how stands he then? *Simanca* answers, *Quæri autem solet an Hæreticus occultus excommunicatus sit ipso Jure, & in alias etiam pœnas incidat contra Hæreticos statutas? Cui quæstioni simpliciter Jurisperiti respondent, quod etsi hæresis occulta sit, nihilominus occultus Hæreticus incidit in illas pœnas*. Whether he be a known or a secret Heretick all is one, they thunder out the same Judgment and Curse for both; whereas *Christ* saith, *Nolite judicare*, judge not, which is, saith *Augustine*, *Nolite judicare de occultis*, of those things which are secret. But suppose that a Prince thus accursed and deposed, will estsoons return and conform himself to their Romish Church, shall he then be restored to his State, and again receive his Kingdom? nothing less: For saith *Simanca*, *Si Reges aut alii Principes*

Principes Christiani facti sunt Heretici, protinus subjecti & vassalli ab eorum dominio liberantur; nec jus hoc recuperabunt, quamvis postea reconcilientur Ecclesiae. O but, *Sancta Mater Ecclesia nunquam claudit gremium redeunti*; our Holy Mother the Church never shuts her Bosom to any Convert. It is true, say they, but with a Distinction, *Quoad Animam*: Therefore so he may, and shall be restored; that is, spiritually, in respect of his Soul's health. *Quoad Regnum*, he shall again be taken into the Holy Church; but not *Quoad Regnum*, in respect of his Kingdom or State Temporal, he must not be restored. The reason is, because all hold only thus far, *Modo non sit ad damnum Ecclesiae*, so that the Church receive thereby no detriment. I, but suppose that such an unhappy deposed Prince have a Son, or lawful and right Heir, and he also not to be touched or spotted with his Father's Crime, shall not he at the least succeed, and be invested into that princely Estate? Neither will this down with them; Heresy is a Leprosy, and hereditary Disease: *Et ex leprosis parentibus leprosi generantur filii*; of leprous Parents, come leprous Children. So that saith *Simanca*, *Propter Haeresim Regis, non solum Rex regno privatur, sed & ejus filii a regni successione pelluntur, ut noster Lupus* (who is indeed, *Vir secundum nomen ejus*, a Wolf as well in Nature as Name) *luculenter probat*. Now if a Man doubt whom they here mean by an Heretick, *Creswell* in his Book called *Philopater*, gives a plain Resolution; *Regnandi jus amittit* (saith he) *qui Religionem Romanam deserit*, he is the Heretick we speak of; even whosoever forsakes the Religion of the Church of *Rome*, he is accursed, deprived, proscribed, never to be absolved but by the Pope himself, never to be restored either in himself, or his Posterity.

One place amongst many out of *Creswell's Philopater*, shall serve to give a Taste of the jesuitical Spirits and Doctrine; which is, *Seet. 2. pag. 109. Hinc etiam infert universa Theologorum ac Jurisconsultorum Ecclesiasticorum schola* (*& est certum & de fide*) *quemcunque Principem Christianum, si à Religione Catholica manifesto diflexerit, & alios advocare voluerit, excidere statim omni potestate ac dignitate, ex ipsa vi juris tum humani tum divini, hocque antedictam sententiam supremi pastoris ac judicis contra ipsum prolatam, & subditos quoscunque liberos esse ab omni Juramenti obligatione, quod de obedientia tanquam Principi legitimo praestitissent; posseque & debere (si vires habeant) istiusmodi hominem tanquam Apostatam, Hereticum, ac Christi Domini Desertorem, & Reipub. suae inimicum hostemque ex hominum Christianorum dominatu ejicere, ne alios inficiat, vel suo exemplo aut Imperio à fide avertat. Atque haec certa, definita & indubitata virorum doctissimorum sententia.* That is, this inference also doth the whole School both of Divines and Lawyers make, (and it is a Position certain, and to be undoubtedly believed) that if any Christian Prince whatsoever, shall manifestly turn from the Catholick Religion, and desire or seek to reclaim other Men from the same, he presently falleth from all princely Power and Dignity; and that also by virtue and force of the Law it self, both divine and human, even before any Sentence pronounced against him by the supreme Pastor and Judge. And that his Subjects, of what Estate or Condition soever, are freed from all bond of Oath of Allegiance, which at any time they had made unto him as to their lawful Prince. Nay, that they both may and ought (provided they have competent Strength and Force) cast out such a Man from bearing Rule a-

mongst Christians, as an Apostate, an Heretick, a Backslider and Revolter from our Lord Christ, and an Enemy to his own State and Commonwealth, lest perhaps he might infect others, or by his Example or Command turn them from the Faith. And this is the certain, resolute, and undoubted Judgment of the best learned Men. But *Tresham* in his Book, *De Officio Principis Christiani*, goeth beyond all the rest; for he plainly concludeth and determineth, that if any Prince shall but favour, or shew countenance to an Heretick, he presently loseth his Kingdom. In his fifth Chapter, he propoundeth this Problem, *An aliqua possit secundum Conscientiam subditis esse Ratio, cur legitimo suo Regi bellum sine scelere moveant?* Whether there may be any lawful Cause, justifiable in Conscience, for Subjects to take Arms without Sin, against their lawful Prince and Sovereign? The Resolution is, *Si Princeps haereticus sit & obstinate ac pertinaciter intolerabilis, summi Pastoris divina potestate deponatur, & aliud caput constituatur, cui subditi se jungant, & legitimo ordine & autoritate tyrannidem amoveant. Princeps indulgendo haereticos non solum Deum offendit, sed perdit & regnum & gentem.* Their Conclusion therefore is, that for Heresy, as above is understood, a Prince is to be deposed, and his Kingdom bestowed by the Pope at pleasure; and that the People, upon pain of Damnation, are to take part with him whom the Pope shall so constitute over them. And thus whilst they imagine with the Wings of their light-feathered Distinctions to mount above the Clouds and Level of vulgar Conceits, they desperately fall into a Sea of gross Absurdities, Blasphemy, and Impiety. And surely the Jesuits were so far engaged in this Treason, as that some of them stick not to say, that if it should miscarry, that they were utterly undone, and that it would overthrow the State of the whole Society of the Jesuits: And I pray God that in this, they may prove true Prophets, that they may become like the Order of *Templarii*, so called for that they kept near the Sepulchre at *Jerusalem*, who were by a general and universal Edict in one Day throughout Christendom quite extinguished, as being *Ordo Impietatis*, an Order of Impiety. *And so from all Sedition and privy Conspiracy, from all false Doctrine and Heresy, from Hardness of Heart and Contempt of thy Word and Commandment, Good Lord deliver us.* Their Protestations and Pretences, are to win Souls to God; their Proofs weak, light, and of no value; their Conclusions false, damnable, and damned Heresies: The first mentioneth God, the second favoureth of weak and frail Man, the last of the Devil; and their Practice easily appeareth out of the Dealing of their Holy Father.

Henry III. of France for killing a Cardinal was excommunicated, and after murdered by *James Clement* a Monk: That Fact doth *Sixtus Quintus* then Pope, instead of orderly censuring thereof, not only approve, but commend in a long Consistory Oration. That a Monk, a religious Man, saith he, hath slain the unhappy *French King* in the midst of his Host, it is *rarum, insigne, memorabile Facinus*, a rare, a notable, and a memorable Act; yea further, it is *Facinus non sine Dei optimi Maximi particulari providentia & dispositione, &c.* A Fact done not without the special Providence and Appointment of our good God, and the Suggestion and Assistance of his Holy Spirit; yea, a far greater work than was the slaying of *Holofernes* by Holy *Judith*.

Verus Monachus fectum occiderat, a true Monk had killed the false Monk; for that, as was reported, Henry III. sometimes would use that Habit when he went in Procession: And for France, even that part thereof which entertaineth the Popish Religion, yet never could of ancient time brook this usurped Authority of the See of Rome; namely, that the Pope had Power to excommunicate Kings, and absolve Subjects from their Oath of Allegiance: which Position is so directly opposite to all the Canons of the Church of France, and to all the Decrees of the King's Parliament there, as that the very Body of Sorbonne, and the whole University at Paris condemn'd it as a most schismatical, pestilent and pernicious Doctrine of the Jesuits; as may appear in a Treatise made to the French King, and set out 1602. intituled, *Le franc Discours*. But to return to the Jesuits, *Catesby* was resolved by the Jesuits, that the Fact was both lawful and meritorious; and herewith he persuaded and settled the rest, as they seemed to make doubt.

Concerning *Thomas Bates*, who was *Catesby's* Man, as he was wound into this Treason by his Master, so was he resolved, when he doubted of the Lawfulness thereof, by the Doctrine of the Jesuits. For the Manner, it was after this sort: *Catesby* noting that his Man observ'd him extraordinarily, as suspecting somewhat of that which he the said *Catesby* went about, called him to him at his Lodging in *Puddle-wharf*; and in the Presence of *Thomas Winter*, asked him what he thought the Business was they went about, for that he of late had so suspiciously and strangely marked them. *Bates* answered, that he thought they went about some dangerous Matter, whatsoever the Particular were: whereupon they asked him again what he thought the Business might be; and he answered that he thought they intended some dangerous Matter about the Parliament-house, because he had been sent to get a Lodging near unto that Place. Then did they make the said *Bates* take an Oath to be secret in the Action; which being taken by him, they then told him that it was true, that they were to execute a great Matter; namely, to lay Powder under the Parliament-House to blow it up. Then they also told him that he was to receive the Sacrament for the more assurance, and thereupon he went to Confession, to the said *Tesmond* the Jesuit; and in his Confession told him, that he was to conceal a very dangerous piece of work, that his Master *Catesby* and *Thomas Winter* had imparted unto him, and said he much feared the Matter to be utterly unlawful, and therefore therein desired the Counsel of the Jesuit; and revealed unto him the whole Intent and Purpose of blowing up the Parliament-House upon the first Day of the Assembly; at what time the King, the Queen, the Prince, the Lords Spiritual and Temporal, the Judges, the Knights, Citizens and Burgeses, should all have been there convented and met together. But the Jesuit being a Confederate therein before, resolved and encouraged him in the Action; and said that he should be secret in that which his Master had imparted unto him, for that it was for a good Cause. Adding moreover, that it was not dangerous unto him, nor any Offence to conceal it: and thereupon the Jesuit gave him Absolution, and *Bates* received the Sacrament of him, in the Company of his Master *Robert Catesby* and *Thomas Winter*. Also when *Rookwood* in the Presence of sundry of the Traitors (having first received the Oath of Secrecy) had by *Catesby* im-

parted unto him the Plot of blowing up the King and State; the said *Rookwood* being greatly amazed thereat, answered, that it was a Matter of Conscience to take away so much Blood: but *Catesby* replied, that he was resolved, and that by good Authority (as coming from the Superior of the Jesuits) that in Conscience it might be done, yea, tho it were with the Destruction of many Innocents, rather than the Action should quail. Likewise Father *Hammond* absolved all the Traitors at *Robert Winter's* House, upon Thursday after the Discovery of the Plot, they being then in open Rebellion: And therefore, *Hos, O Rex magnus, caveto*; and let all Kings take heed, how they either favour or give Allowance or Connivance unto them.

2. The second Consideration respecteth the Persons against whom this Treason was intended; which are, 1. The King, who is God's Anointed. Nay, it hath pleased God to communicate unto him his own Name; *Dixi, Dii estis*, not substantially or essentially so, neither yet on the other side *Usurpativè*, by unjust Usurpation, as the Devil and the Pope; but *Potestativè*, as having his Power derived from God within his Territories. 2. Their natural Liege Lord, and dread Sovereign, whose just Interest and Title to this Crown may be drawn from before the Conquest; and if he were not a King by Descent, yet deserved he to be made one for his rare and excellent Endowments and Ornaments both of Body and Mind. Look into his true and constant Religion and Piety, his Justice, his Learning above all Kings christened, his Acumen, his Judgment, his Memory; and you will say that he is indeed, *Solus præteritis major, meliorque futuris*. But because I cannot speak what I would, I will forbear to speak what I could. Also against the Queen, a most gracious and graceful Lady, a most virtuous, fruitful, and blessed Vine, who hath happily brought forth such Olive-branches, as that *in benedictione erit Memoria ejus*, her Memory shall be blessed of all our Posterity. Then against the Royal Issue Male, next under God, and after our Sovereign the future Hope, Comfort, Joy, and Life of our State. And as for preserving of the good Lady *Elizabeth* the King's Daughter, it should only have been for a time to have served for their Purposes, as being thought a fit Project to keep others in Appetite for their own further Advantage; and then God knoweth what would have become of her. To conclude, against all the most honourable and prudent Counsellors, and all the true-hearted and worthy Nobles, all the Reverend and Learned Bishops, all the grave Judges and Sages of the Law, all the principal Knights, Gentry, Citizens and Burgeses of Parliament, the Flower of the whole Realm. *Horret Animus*, I tremble even to think of it: Miserable Desolation! no King, no Queen, no Prince, no Issue Male, no Counsellors of State; no Nobility, no Bishops, no Judges! O barbarous, and more than *Scythian* or *Thracian* Cruelty! No mantle of Holiness can cover it, no pretence of Religion can excuse it, no shadow of good Intention can extenuate it; God and Heaven condemn it, Man and Earth detest it, the Offenders themselves were ashamed of it; wicked People exclaim against it, and the Souls of all true Christian Subjects abhor it: miserable, but yet sudden had their Ends been, who should have died in that fiery Tempest, and Storm of Gunpowder. But more miserable had they been that had escaped; and what horrible Effects the blowing up of so much

much Powder and Stuff would have wrought, not only amongst Men and Beasts, but even upon insensible Creatures, Churches, and Houses, and all places near adjoining; you who have been martial Men best known. For my self, *Vox faucibus heret*: So that the King may say with the kingly Prophet *David*; *O Lord, the Proud are risen against me, and the Congregation, even Synagoga, the Synagogue of naughty Men have sought after my Soul, and have not set thee before their Eyes, Psal. 86. 14. The Proud have laid a Snare for me, and spread a Net abroad, yea, and set Traps in my way, Psal. 140. 5. But let the Ungodly fall into their own Nets together, and let me ever escape them, Psal. 141. 11.* We may say, *If the Lord himself had not been on our side; yea, if the Lord himself had not been out our side, when Men rose up against us, they had swallowed us up quick, when they were so wrathfully displeas'd at us: But praised be the Lord, which hath not given us over for a Prey unto their Teeth. Our Soul is escaped even as a Bird out of the Snare of the Fowler, the Snare is broken, and we are deliver'd; our Help standeth in the name of the Lord which hath made Heaven and Earth.* Psalm. 124.

3. The third Consideration respects the Time when this Treason was conspired; wherein note that it was *Primo Jacobi*, even at that time when his Majesty used so great Lenity towards Recusants, in that by the space of a whole Year and four Months, he took no Penalty by Statute of them. So far was his Majesty from Severity, that besides the benefit and grace before specified, he also honoured all alike with Advancement and Favours; and all this was continued until the Priests Treason, by *Watson* and *Clarke*. But as there is *Misericordia puniens*, so is there likewise *Crudelitas parcens*: For they were not only by this not reclaimed, but (as plainly appeareth) became far worse. Nay, the Romish Catholicks did at that very time certify that it was very like, the King would deal rigorously with them, and the same do these Traitors now pretend, as the chiefest Motive; whereas indeed they had Treason on foot against the King, before they saw his Face in *England*: Neither afterwards, for all the Lenity he used towards them, would any wit desist or relent from their wicked Attempts. Nay, (that which cometh next to be remembred in this part of their Arraignment) they would pick out the time of Parliament for the Execution of their hideous Treasons, wherein the Flower of the Land being assembled, for the Honour of God, the Good of his Church, and this Commonwealth; they might as it were with one Blow, not wound, but kill and destroy the whole State: So that with these Men, *Impunitas continuum affectum tribuit peccandi*, Lenity having once bred a hope of Impunity, begat not only Insolency, but Impenitency and Increase of Sin.

4. We are to consider the Place, which was the sacred Senate, the House of Parliament. And why there? For that, say they, unjust Laws had formerly been there made against Catholicks: Therefore that was the fittest place of all others to revenge it, and to do Justice in. If any ask who should have executed this their Justice, it was Justice *Fawkes*, a Man like enough to do according to his Name. If by what Law they meant to proceed; it was Gunpowder-Law, fit for Justices of Hell. But concerning those Laws which they so calumniate as unjust, it shall in few words plainly appear, that they were of the greatest both

Moderation and Equity that ever were any. For from the Year 1 *Eliz.* unto 11. all Papists came to our Church and Service without scruple. I my self have seen *Cornwallis*, *Beddingfield*, and others at Church: so that then for the space of 10 Years, they made no Conscience nor doubt to communicate with us in Prayer. But when once the Bull of Pope *Pius Quintus* was come and published, wherein the Queen was accursed and deposed, and her Subjects discharged of their Obedience and Oath, yea cursed if they did obey her; then did they all forthwith refrain the Church, then would they have no more Society with us in Prayer: So that Recusancy in them is not for Religion, but in an acknowledgment of the Pope's Power, and a plain manifestation what their Judgment is concerning the Right of the Prince in respect of Regal Power and Place. Two years after, viz. 13 *Eliz.* was there a Law made against the bringing in of Bulls, &c. Anno 18. came *Mayne* a Priest to move Sedition. Anno 20. came *Campion* the first Jesuit, who was sent to make a Party here in *England*, for the Execution of the former Bull: Then follow treasonable Books. Anno 23 *Eliz.* after so many years Sufferance, there were Laws made against Recusants, and seditious Books: The Penalty or Sanction for Recusancy, was not loss of Life, or Limb, or whole State, but only a pecuniary Mulct and Penalty, and that also until they would submit and conform themselves, and again come to Church, as they had done for 10 years before the Bull. And yet afterwards the Jesuits and Romish Priests both coming daily into, and swarming within the Realm, and infusing continually this Poison into the Subjects Hearts, that by reason of the said Bull of *Pius Quintus*, her Majesty stood excommunicated and deprived of her Kingdom, and that her Subjects were discharged of all Obedience to her, endeavouring by all means to draw them from their Duty and Allegiance to her Majesty, and to reconcile them to the Church of *Rome*; then 27 *Eliz.* a Law was made, that it should be Treason for any (not to be a Priest and an *Englishman*, born the Queen's natural Subject, but for any) being so born her Subject, and made a Romish Priest, to come into any of her Dominions, to infect any of her loyal Subjects with their treasonable and damnable Persuasions and Practices: yet so, that it concerned only such as were made Priests sithence her Majesty came to the Crown, and not before.

Concerning the Execution of these Laws, it is to be observed likewise, that whereas in the Quinquenny, the five years of Queen *Mary*, there were cruelly put to death about 300 Persons for Religion; in all her Majesty's time by the space of 44 years and upwards, there were for treasonable Practices executed, in all not 30 Priests, nor above five Receivers and Harbourers of them; and for Religion not any one. And here by the way, I desire those of Parliament to observe, that it is now questioned and doubted, whether the Law of Recusants and Reconciled Persons do hold for *Ireland* also, and the parts beyond the Seas: that is, whether such as were there reconciled be within the compass of the Statute or not, to the end it may be cleared and provided for.

Now against the usurped Power of the See of *Rome*, we have of former times about 13 several Acts of Parliament: So that the Crown and the King of *England* is no ways to be drawn under the Government of any foreign Power whatsoever, neither oweth Duty to any, but is immediately under God himself.

himself. Concerning the Pope, for 33 of them, namely unto *Sylvester*, they were famous Martyrs. But *Quicumque desiderat primatum in terris, inveniet confusionem in caelis*: He that desires Primacy upon Earth, shall surely find Confusion in Heaven.

5. The fifth Consideration is of the End, which was to bring a final and fatal Confusion upon the State. For howsoever they sought to shadow their Impiety with the Cloke of Religion, yet they intended to breed a Confusion fit to get new Alterations; for they went to join with Romish Catholics, and discontented Persons.

6. Now the sixth Point, which is the Means to compass and work these Designs, were damnable; by Mining, by 36 Barrels of Powder, having Crows of Iron, Stones and Wood laid upon the Barrels, to have made the Breach the greater. Lord, what a Wind, what a Fire, what a Motion and Commotion of Earth and Air would there have been! But as it is in the Book of *Kings*, when *Elias* was in the Cave of the Mount *Horeb*, and that he was called forth to stand before the Lord, behold a mighty strong Wind rent the Mountains, and brake the Rocks; *sed non in vento Dominus, but the Lord was not in the Wind*. And after the Wind, came a Commotion of the Earth and Air; *Et non in Commotione Dominus, the Lord was not in that Commotion*: And after the Commotion came Fire; *Et non in igne Dominus, the Lord was not in the Fire*. So neither was God in any part of this monstrous Action. The Authors whereof were in this respect worse than the very damned Spirit of *Dives*, who, as it is in the Gospel, desired that others should not come *in locum tormentorum*.

7. The next Consideration is, the secret Continuing and Carriage of this Treason; to which purpose there were four means used:

First, *Catesby* was commended to the Marquis for a Regiment of Horse in the *Low-Countries*, (which is the same that the Lord *Arundel* now hath) that under that pretence he might have furnished this Treason with Horses without Suspicion.

The Second means was an Oath, which they solemnly and severally took, as well for Secrecy, as Perseverance and Constancy in the execution of their Plot. The Form of the Oath was as follows:

YOU shall swear by the blessed Trinity, and by the Sacrament you now purpose to receive, never to disclose directly nor indirectly, by Word or Circumstance, the matter that shall be proposed to you to keep secret, nor desist from the Execution thereof, until the rest shall give you leave.

This Oath was, by *Gerrard* the Jesuit, given to *Catesby*, *Percy*, *Christopher Wright*, and *Thomas Winter* at once; and by *Greenwell* the Jesuit, to *Bates*, at another time, and so to the rest.

The Third, was the Sacrament; which they impiously and devilishly prophaned to this end.

But the Last, was their perfidious and perjurious Equivocating, abetted, allowed, and justified by the Jesuits, not only simply to conceal or deny an open Truth, but religiously to aver, to protest upon Salvation, to swear that which themselves know to be most false; and all this, by reserving a secret and private Sense inwardly to themselves: whereby they are, by their ghostly Fathers, persuaded, That they may safely and lawfully elude any Question whatsoever.

And here was shewed a Book written not long before the Queen's death, at what time *Thomas Winter* was employed into *Spain*, entituled, *A Treatise of Equivocation*. Which Book being seen and allowed by *Garnet*, the Superior of the Jesuits, and *Blackwel* the Archpriest of *England*, in the beginning thereof, *Garnet* with his own hand put out those words in the Title of *Equivocation*, and made it thus; *A Treatise against Lying and fraudulent Dissimulation*. Whereas in deed and truth it makes for both, *Speciosaque nomina Culpa imponis, Garnette, tuæ*. And in the end thereof, *Blackwel* besprinkles it with his Blessing, saying, *Traſtatus iste, valde doctus Et vere pius, Et Catholicus est; certe S. Scripturarum, Patrum, Doctorum, Scholasticorum, Canonistarum Et optimarum Rationum præſidiis plenissime firmat equitatem equivocationis; ideoque dignissimus est qui Typis propagetur, ad consolationem afflictorum Catholicorum, Et omnium piorum instructionem*. That is, *This Treatise is very learned, godly, and Catholick, and doth most fully confirm the Equity of Equivocation, by strong Proofs out of holy Scriptures, Fathers, Doctors, Schoolmen, Canonists, and soundest Reasons; and therefore worthy to be published in Print, for the Comfort of afflicted Catholics, and Instruction of all the godly*.

Now, in this Book there is *Propositio mentalis, verbalis, scripta, and mixta*; distinguishing of a mental, a verbal, a written, and a mixed Proposition; a very Labyrinth to lead Men into Error and Falshood.

For example, to give you a little taste of this Art of Cozening: A Man is asked upon Oath this Question, Did you see such a one to-day? He may by this Doctrine answer, No, tho' he did see him, *viz.* reserving this secret Meaning, not with purpose to tell my Lord Chief Justice: Or, I see him not *visione beatifica*, or, not in *Venice*, &c. Likewise to answer thus; I was in the Company; reserving and intending secretly as added, this word *Not*: As *Strange* the Jesuit did to my Lord Chief Justice and my self. Take one or two of these out of that very Book, as for purpose: A Man cometh unto *Coventry* in time of a suspicion of Plague, and at the Gates the Officers meet him, and upon his Oath examine him, Whether he came from *London* or no, where they think certainly the Plague to be: This Man knowing for certain the Plague not to be at *London*, or at least knowing that the Air is not there infectious, and that he only rid thro' some secret place of *London*, not staying there, may safely swear, he came not from *London*; answering to their final Intention in their Demand, that is, whether he came so from *London*, that he may endanger their City of the Plague, although their immediate Intention were to know, whether he came from *London* or no. That Man (saith the Book) the very Light of Nature would clear from Perjury.

In like manner, One being convented in the Bishop's Court, because he refuseth to take such a one to his Wife, as he had contracted with, *per verba de presenti*, having contracted with another privily before, so that he cannot be Husband to her that claimeth him; may answer, That he never contracted with her *per verba de presenti*: understanding, that he did not so contract that it was a Marriage; for that is the final Intention of the Judge, to know whether there were a sufficient Marriage between them or no.

Never did Father *Cranmer*, Father *Latimer*, Father *Ridley*, those blessed Martyrs, know these Shifts, neither would they have used them to have saved their Lives. And surely let every good Man take heed of such Jurors or Witnesses, there being no Faith, no Bond of Religion or Civility, no Conscience of Truth in such Men; and therefore the Conclusion shall be that of the Prophet *David*, *Domine libera Animam meam a labiis iniquis & à lingua dolosa; Deliver me, O Lord, from lying Lips, and from a deceitful Tongue.*

S. P. Q. R. was sometimes taken for these Words, *Senatus Populusque Romanus; the Senate and People of Rome*: but now they may truly be expressed thus, *Stultus Populus quærit Romam; A foolish People that runneth to Rome.* And here was very aptly and delightfully inserted and related the Apologue or Tale of the Cat and the Mice: The Cat having a long time preyed upon the Mice, the poor Creatures at last, for their Safety, contained themselves within their Holes; but the Cat finding his Prey to cease, as being known to the Mice, that he was indeed their Enemy and a Cat, deviseth this Course following, *viz.* Changeth his Hue, getteth on a Religious Habit, shaveth his Crown, walks gravely by their Holes: And yet perceiving that the Mice kept their Holes, and looking out, suspected the worst, he formally, and father-like, said unto them, *Quod fueram non sum, frater; caput aspice tonsum! Ob Brother, I am not as you take me for, no more a Cat; see my Habit and shaven Crown!* Hereupon some of the more credulous and bold among them, were again, by this Deceit, snatched up; and therefore, when afterwards he came as before to entice them forth, they would come out no more, but answered, *Cor tibi restat idem, vix tibi præsto fidem: Talk what you can, we will never believe you, you have still a Cat's Heart within you:* You do not watch and pray, but you watch to prey. And so have the Jesuits, yea, and Priests too, for they are all joined in the Tails like *Sampson's* Foxes, *Ephraim* against *Manasses*, and *Manasses* against *Ephraim*, but both against *Judah*.

8. The last Consideration is concerning the admirable Discovery of this Treason, which was by one of themselves, who had taken the Oath and Sacrament, as hath been said, against his own will: The Means was by a dark and doubtful Letter sent to my Lord *Mounteagle*.

And thus much as touching the Considerations: the Observations follow, to be considered in this Powder-Treason, and are briefly thus:

1. If the Cellar had not been hired, the Mine-work could hardly, or not at all have been discovered; for the Mine was neither found nor suspected until the Danger was past, and the capital Offenders apprehended, and by themselves, upon Examination, confessed.

2. How the King was divinely illuminated by Almighty God, the only Ruler of Princes, like an Angel of God, to direct and point as it were to the very place, to cause a Search to be made there, out of those dark Words of the Letter concerning a terrible Blow.

3. Observe a miraculous Accident which befel in *Stephen Littleton's* House, called *Holbach*, in *Staffordshire*, after they had been two days in open Rebellion, immediately before the Apprehension of these Traitors: For some of them standing by the Fire-side, and having set two pound and an half of Powder to dry in a Platter before the Fire, and

underset the said Platter with a great Linen Bag full of other Powder, containing some fifteen or sixteen pounds; it so fell out, that one coming to put more Wood into the Fire, and casting it on, there flew a Coal into the Platter, by reason whereof the Powder taking fire and blowing up, scorched those who were nearest, as *Catesby*, *Grant*, and *Rookwood*, blew up the Roof of the House; and the Linen-Bag which was set under the Platter being therewith suddenly carried out thro' the Breach, fell down in the Court-yard whole and unfired: which if it had took fire in the Room, would have slain them all there, so that they never should have come to this Trial: and *Lex justior nulla est, quam necis artifices arte perire sua?*

4. Note, that Gunpowder was the Invention of a Fryar, one of the *Romish* Rabble, as Printing was of a Soldier.

5. Observe the sending of *Bainham*, one of the damned Crew, to the High-Priest of *Rome*, to give signification of this Blow, and to crave his Direction and Aid.

6. That for all their stirring and rising in open Rebellion, and notwithstanding the false Rumours given out by them, That the Throats of all Catholics should be cut; such is his Majesty's blessed Government, and the Loyalty of his Subjects, as they got not any one Man to take their parts besides their own Company.

7. Observe, the Sheriff, the ordinary Minister of Justice, according to the Duty of his Office, with such Power as he on a sudden by Law collected, suppressed them.

8. That God suffered their intended Mischief to come so near the Period, as not to be discovered, but within few hours before it should have been executed.

9. That it was in the entring of the Sun into the Tropick of *Capricorn*, when they began their Mine; noting, that by Mining, they should descend; and by Hanging, ascend.

10. That there never was any Protestant Minister in any Treason and Murder as yet attempted within this Realm.

I am now come to the last part, which I proposed in the beginning of this Discourse; and that is, touching certain Comparisons of this Powder-Treason of the Jesuits, with that of *Raleigh*, and the other of the Priests *Watson* and *Clarke*.

1. They had all one End, and that was the *Romish* Catholick Cause.

2. The same Means, by *Popish* and discontented Persons, Priests and Lay-men.

3. They all plaid at hazard: The Priests were at the Bye, *Raleigh* at the Main, but these in at all; as purposing to destroy all the King's Royal Issue, and withal the whole Estate.

4. They were all alike obliged by the same Oath and Sacrament.

5. The same Proclamations were intended (after the Fact) to be published for Reformation of Abuses.

6. The like Army provided for invading, to land at *Milford-haven*, or in *Kent*.

7. The same Pensions of Crowns promised.

8. The agreeing of the Times of the Treason of *Raleigh* and these Men, which was when the Constable of *Spain* was coming hither: and *Raleigh* said, there could be no Suspicion of any Invasion, seeing that the Constable of *Spain* was then expected

pected for a Treaty of Peace; and the Navy might be brought to the *Groyne* under pretence of the Service in the *Low-Countries*. And *Raleigh* further said, That many more were hanged for Words, than for Deeds. And before *Raleigh's* Treason was discovered; it was reported in *Spain*; that *Don Raleigh* and *Don Cobham* should cut the King of *England's* Throat.

I say not, that we have any Proofs, that these of the Powder-Plot were acquainted with *Raleigh*, or *Raleigh* with them: but as before was spoken of the Jesuits and Priests, so they all were joined in the Ends, like *Sampson's* Foxes in the Tails, howsoever sever'd in their Heads.

The Conclusion shall be from the admirable Clemency and Moderation of the King, in that howsoever these Traitors have exceeded all others their Predecessors in Mischiefe, and so *Crescente Malitia, crescere debuit & Poena*; yet neither will the King exceed the usual Punishment of *Law*, nor invent any new Torture or Torment for them; but is graciously pleased to afford them as well an ordinary Course of Trial, as an ordinary Punishment, much inferior to their Offence. And surely worthy of Observation is the Punishment by Law provided and appointed for High-Treason, which we call *Crimen lesæ Majestatis*. For first, after a Traitor hath had his just Trial, and is convicted and attainted; he shall have his Judgment to be drawn to the place of Execution from his Prison, as being not worthy any more to tread upon the face of the Earth whereof he was made: Also for that he hath been retrograde to Nature, therefore is he drawn backward at a Horse-Tail. And whereas God hath made the Head of Man the highest and most supreme Part, as being his chief Grace and Ornament, *Prænaque cum spectent Animalia cætera terram, Os homini sublime dedit*; he must be drawn with his Head declining downward, and lying so near the Ground as may be, being thought unfit to take benefit of the common Air. For which cause also he shall be strangled, being hanged up by the Neck between Heaven and Earth, as deemed unworthy of both, or either; as likewise, that the Eyes of Men may behold, and their Hearts contemn him. Then is he to be cut down alive, and to have his Privy Parts cut off and burnt before his Face, as being unworthily begotten, and unfit to leave any Generation after him. His Bowels and inlay'd Parts taken out and burnt, who inwardly had conceived and harboured in his Heart such horrible Treason. After, to have his Head cut off, which had imagined the Mischiefe. And lastly, his Body to be quartered, and the Quarters set up in some high and eminent Place, to the View and Detestation of Men, and to become a Prey for the Fowls of the Air.

And this is a Reward due to Traitors, whose Hearts be hardened: For that it is Physick of State and Government, to let out corrupt Blood from the Heart. But, *Pœnitentia vera nunquam sera, sed pœnitentia sera raro vera*: True Repentance is indeed never too late; but late Repentance is seldom found true: which yet I pray the merciful Lord to grant unto them, that having a Sense of their Offences, they may make a true and sincere Confession both for their Souls Health, and for the Good and Safety of the King and this State. And for the rest that are not yet apprehended, my Prayer to God is, *Ut aut convertantur ne pereant, aut confundantur ne noceant*; that either they may

be converted, to the end they perish not, or else confounded, that they hurt not.

After this, by the direction of Master Attorney-General, were their several Examinations (subscribed by themselves) shewed particularly unto them; and acknowledged by them to be their own, and true, wherein every one had confessed the Treason. Then did Master Attorney desire, That albeit that which had been already done and confessed at the Bar, might be all-sufficient for the Declaration and Justification of the Course of Justice then held, especially seeing we have *Reos confitentis*, the Traitors own voluntary Confessions at the Bar; yet for further Satisfaction to so great a Presence and Audience, and their better Memory of the Carriage of these Treasons, the voluntary and free Confessions of all the said several Traitors in writing subscribed with their own proper Hands; and acknowledged at the Bar by themselves to be true, were openly and distinctly read: by which, amongst other things, it appeared that *Bates* was absolved for what he undertook concerning the Powder-Treason, and being therein warranted by the Jesuits. Also it appeared, that *Hammond* the Jesuit, after that he knew the Powder-Treason was discovered, and that these Traitors had been in actual Rebellion; confessed them, and gave them Absolution: and this was on Thursday the 7th of *November*.

Here also was mention made by Master Attorney of the Confessions of *Watson* and *Clarke*, Seminary Priests, upon their Apprehension; who affirmed, that there was some Treason intended by the Jesuits, and then in hand; as might appear,

1. By their continual negotiating at that time with *Spain*, which they assured themselves tended to nothing but a Preparation for a foreign Commotion.

2. By their collecting and gathering together such great Sums of Money, as then they had done, therewith to levy an Army when time should serve.

3. For that sundry of the Jesuits had been tampering with Catholicks, as well to dissuade them from Acceptance of the King at his first coming, saying, That they ought rather to die, than to admit of any Heretick (as they continually termed his Majesty) to the Crown; and that they might not, under pain of Excommunication, accept of any but a Catholick for their Sovereign; as also to dissuade Catholicks from their Loyalty after the State was settled.

Lastly, In that they had both bought up store of great Horses throughout the Country, and conveyed Powder and Shot, and Artillery, secretly to their Friends; wishing them not to stir, but keep themselves quiet until they heard from them.

After the reading of their several Examinations, Confessions, and voluntary Declaration as well of themselves, as of some of their dead Confederates, they were all by the Verdict of the Jury found guilty of the Treasons contained in their Indictment.

And then being severally asked, What they could say, wherefore Judgment of Death should not be pronounced against them? there was not one of these (except *Rookwood*) who would make any continued Speech, either in Defence or Extenuation of the Fact.

Thomas Winter only desired, that he might be hanged both for his Brother and himself.

Guy Fawkes being asked, Why he pleaded Not Guilty, having nothing to say for his Excuse? answered, That he had so done in respect of certain Conferences mention'd in the Indictment, which he said that he knew not of: which were answered to have been set down according to Course of Law, as necessarily pre-supposed before the Resolution of such a Design.

Keys said, That his Estate and Fortunes were desperate, and as good now as at another time, and for this Cause rather than for another.

Bates craved Mercy.

Robert Winter, Mercy.

John Grant was a good while mute; yet after, submissively said, He was guilty of a Conspiracy intended, but never effected.

But *Ambrose Rookwood* first excused his denial of the Indictment, for that he had rather lose his Life than give it. Then did he acknowledge his Offence to be so heinous, that he justly deserved the Indignation of the King, and of the Lords, and the Hatred of the whole Commonwealth; yet could he not despair of Mercy at the hands of a Prince, so abounding in Grace and Mercy: And the rather, because his Offence, tho' it were incapable of any Excuse, yet not altogether incapable of some Extenuation, in that he had been neither Author nor Actor, but only persuaded and drawn in by *Catesby*, whom he loved above any worldly Man: and that he had concealed it not for any Malice to the Person of the King or to the State, or for any ambitious Respect of his own, but only drawn with the tender Respect, and the faithful and dear Affection he bare to Mr. *Catesby* his Friend, whom he esteem'd dearer than any thing else in the World. And this Mercy he desired not for any fear of the Image of Death, but for grief that so shameful a Death should leave so perpetual a blemish and blot unto all Ages, upon his Name and Blood. But howsoever that this was his first Offence, yet he humbly submitted himself to the Mercy of the King, and prayed that the King would herein imitate God, who sometimes doth punish *corporaliter, non mortaliter*, corporally, yet not mortally.

Then was related how that on the Friday immediately before this Arraignment, *Robert Winter* having found opportunity to have Conference with *Fawkes* in the *Tower*, in regard of the nearness of their Lodgings, should say to *Fawkes*, as *Robert Winter* and *Fawkes* confessed, That he and *Catesby* had Sons, and that Boys would be Men, and that he hoped they would revenge the Cause; nay, that God would raise up Children to *Abram* out of Stones: Also that they were sorry, that no body did set forth a Defence or Apology of their Action, but yet they would maintain the Cause at their Deaths.

Here also was reported *Robert Winter's* Dream, which he had before the blasting with Powder in *Littleton's* House, and which he himself confessed and first notified, *viz.* That he thought he saw Steeples stand awry, and within those Churches strange and unknown Faces. And after, when the foresaid Blast had the Day following scorched divers of the Confederates, and much disfigured the Faces and Countenances of *Grant*, *Rookwood*, and others; then did *Winter* call to mind his Dream, and to his remembrance thought, that the Faces of his Associates so scorched, resembled those which he had seen in his Dream.

Then was Sir *Everard Digby* arraigned, and after his Indictment was read; wherein he was charged, not only to have been acquainted with the Powder-Treason, and concealed it, and taken the double Oath of Secrecy and Constancy therein, but likewise to have been an Actor in this Conspiracy; and lastly to have exposed, and openly shewed himself in the Rebellion in the Country amongst the rest of the Traitors. All which after he had attentively heard and marked, knowing that he had confessed it, and the Strength and Evidence of the Proofs against him, and convicted with the Testimony of his own Conscience, shewed his Disposition to confess the principal part of the said Indictment, and so began to enter into a Discourse. But being advertised that he must first plead to the Indictment directly, either Guilty, or not Guilty; and that afterwards he should be licensed to speak his Pleasure; he forthwith confessed the Treason contained in the Indictment, and so fell into a Speech, whereof there were two Parts, *viz.* Motives, and Petitions. The first Motive which drew him into this Action, was not Ambition or Discontentment of his Estate, neither Malice to any in Parliament, but the Friendship and Love he bare to *Catesby*, which prevailed so much, and was so powerful with him, as that for his sake he was ever contented and ready to hazard himself and his Estate. The next Motive was the cause of Religion, which alone, seeing (as he said) it lay at the stake, he entred into Resolution to neglect in that behalf, his Estate, his Life, his Name, his Memory, his Posterity, and all worldly and earthly Felicity whatsoever; tho' he did utterly extirpate, and extinguish all other hopes for the restoring of the Catholick Religion in *England*. His third Motive was, that Promises were broken with the Catholicks. And lastly, That they generally feared harder Laws from this Parliament against Recusants, as that Recusants Wives, and Women should be liable to the Mulct as well as their Husbands and Men. And further, that it was supposed, that it should be made a *Premunire*, only to be a Catholick.

His Petitions were, That sithence his Offence was confined and contained within himself, that the Punishment also of the same might extend only to himself, and not to be transferred either to his Wife, Children, Sisters, or others: and therefore for his Wife he humbly craved, that she might enjoy her Jointure; his Son, the benefit of an Entail made long before any thought of this Action; his Sisters, their just and due Portions, which were in his hands; his Creditors their rightful Debts, which that he might more justly set down under his Hand, he requested that before his Death, his Man (who was better acquainted both with the Men, and the Particulars than himself) might be licensed to come unto him. Then prayed he Pardon of the King and Lords for his Guilt. And lastly, he entreated to be beheaded; desiring all Men to forgive him, and that his Death might satisfy them for his Trespas.

To this Speech forthwith answered Sir *Edward Coke* Attorney-General, but in respect of the time (for it grew now dark) very briefly:

1. For his Friendship with *Catesby*, that it was mere Folly and wicked Conspiracy.
2. His Religion, Error, and Heresy.
3. His Promises, idle and vain Presumptions, as also his Fears, false Alarms, Concerning Wives

Wives that were Recufants, if they were known fo to be before their Husbands (though they were good Proteftants) took them, and yet for outward and worldly Refpects whatfoever, any would match with fuch ; great reason there is, that he or they fould pay for it, as knowing the Penalty and Burden before : for *volenti & feienti non fit Injuria* ; No Man receives Injury in that, to which he willingly and knowingly agreeth and consenteth. But if he were no Recufant at the time of Marriage, and yet afterwards he fuffer her to be corrupted and feduced, by admitting Priests and Romanifts into his Houfe ; good reason likewise that he, be he Papift or Proteftant, fould pay for his Negligence and Mifgovernment.

4. Concerning the Petitions for Wife, for Children, for Sisters. &c. O how he doth now put on the bowels of Nature and Compassion, in the peril of his private and domestical Estate ! But before, when the publick State of his Country, when the King, the Queen, the tender Princes, the Nobles, the whole Kingdom were designed to a perpetual Destruction ; where was then this Piety, this religious Affection, this Care ? All Nature, all Humanity, all Refpect of Laws both divine and human, were quite abandoned ; then was there no Conscience made to extirpate the whole Nation, and all for a pretended Zeal to the Catholick Religion, and the Juftification of fo detestable and damnable a Fact.

Here did Sir *Everard Digby* interrupt Mr. Attorney, and faid that he did not juftify the Fact, but confessed that he deserved the vileft Death, and moft fevere Punishment that might be : But he was an humble Petitioner for Mercy, and some Moderation of Juftice. Whereupon Mr. Attorney replied, that he fould not look by the King to be honoured in the manner of his Death, having fo far abandoned all Religion and Humanity in his Action : But that he was rather to admire the great Moderation and Mercy of the King, in that for fo exorbitant a Crime, no new Torture answerable thereunto was devised to be inflicted upon him. And for his Wife and Children, whereas he faid that for the Catholick Cause he was content to neglect the Ruin of himself, his Wife, his Estate, and all ; he fould have his desire as it is in the *Pfalm*, *Let his Wife be a Widow, and his Children Vagabonds, let his Posterity be destroyed, and in the next Generation let his Name be quite put out.* For the paying of your Creditors, it is equal and juft ; but yet fit the King be first satisfied and paid, to whom you owe fo much, as that all you have is too little : yet these things must be left to the Pleasure of his Majesty, and the Course of Juftice and Law.

Earl of *Northamp.* You must not hold it strange, Sir *Everard Digby*, though at this time being pressed in Duty, Conscience and Truth, I do not suffer you to wander in the Labyrinth of your own idle Conceits, without opposition, to seduce others, as your self have been seduced, by false Principles, or to convey your self by Charms of Imputation, by Clouds of Error, and by Shifts of lately devised Equivocation, out of that straight wherein your late secure and happy Fortune hath been unluckily entangled, but yet juftly surprized by the Rage and Revenge of your own rash Humours. If in this Crime (more horrible than any Man is able to express) I could lament the Estate of any Person upon Earth, I could pity you ; but thank your self and your bad Counsellors for leading you into a Crime of fuch a

kind, as no less benumbeth in all faithful, true and honest Men, the Tendernefs of Affection, than did in you the Sense of all Humanity.

That you were once well thought of and esteemed by the late Queen, I can witness, having heard her speak of you with that Grace, which might have encouraged a true Gentleman to have run a better Course. Nay, I will add further, that there was a time wherein you were as well affected to the King our Master's Expectation, though perhaps upon false Rumours and Reports, that he would have yielded Satisfaction to your unprobable and vast Desires ; but the Seed that wanted moisture (as our Saviour himself reporteth) took no deep Root : that Zeal which hath no other End or Object than the pleasing of it self, is quickly spent ; and *Trajan*, that worthy and wise Emperor, had reason to hold himself discharged of all Debts to those that had offended more by Prevarication, than they could ever deserve by Industry.

The Grace and Goodnefs of his Majesty in giving Honour at his first coming unto many Men of your own Affection, and (as I think) unto your self ; his Facility in admitting all without distinction of *Trojan* or of *Tyrian*, to his Royal Prefence, upon juft occasions of Access ; his Integrity in setting open the Gate of civil Juftice unto all his Subjects equally and indifferently, with many other Favours that succeeded by the Progression of Peace ; are fo palpable and evident to all Men, that have either Eyes of Understanding, or Understanding of Capacity, as your self and many others have been driven of late to excuse and countenance your execrable Ingratitude with a false and scandalous Report of some further Hope and Comfort yielded to the Catholicks for Toleration or Connivance, before his coming to the Crown, than since hath been performed, made good or satisfied.

I am not ignorant, that this seditious and false Alarm hath awaked and incited many working Spirits to the prejudice of the present State, that might otherwise have slept as before with silence and sufferance ; it hath served for a Shield of Wax against a Sword of Power : it hath been used as an Instrument of Art to shadow false Approaches, till the *Trojan* Horfe might be brought within the Walls of the Parliament, with a Belly stuffed, not as in old time with armed *Greeks*, but with hellish Gunpowder. But howsoever God had blinded you and others in this Action, as he did the King of *Egypt* and his Instruments, for the brighter Evidence of his own powerful Glory ; yet every Man of Understanding could discern, that a Prince whose Judgment had been fixed by Experience of fo many Years upon the Poles of the *North* and the *South*, could not shrink upon the sudden : no nor since with fear of that Combustion which *Catesby* that Arch-Traitor, like a second *Phaeton*, would have caused in an instant in all the Elements. His Majesty did never value Fortunes of the World, in lesser Matter than Religion, with the Freedom of his Thoughts : he thought it no safe Policy (professing as he did, and ever will) to call up more Spirits into the Circle than he could put down again ; he knew, that *omne regnum in se divisum desolabitur*, Philosophy doth teach, that whatsoever any Man may think in secret thought, that where one doth hold of *Cephas*, another of *Apollo*, openly Diffension ensues, *Quod insitum alieno solo est, in id quo alitur natura vertente degenerat* ; and the World will ever apprehend, that *Quorum est commune symbolum, facillimus est transitus*.

Touching the Point itself of promising a kind of Toleration to Catholicks, as it was divulged by these two Limbs of *Lucifer, Watson* and *Percy*, to raise a ground of Practice and Conspiracy against the State and Person of our dear Sovereign; let the Kingdom of *Scotland* witness for the space of so many Years before his coming hither, whether either Flattery or Fear (no, not upon that Enterprize of the 17th of *November*, which would have put the patience of any Prince in *Europe* to his proof) could draw from the King the least Inclination to this dispensative Indifference, that was only believed, because it was eagerly desired.

Every Man doth know how great Art was used, what strong Wits sublimed, and how many Ministers suborned and corrupted many Years both in *Scotland* and in foreign Parts, to set the King's Teeth an edge with fair Promises of future Helps and Supplies, to that happy End of attaining his due Right in *England*, when the Sun should set, to rise more gloriously in the same Hemisphere, to the wonder both of this Island and of the World. But all in vain; for *jaeta erat alea*, the King's Compass had been set before, and by a more certain Rule, and they were commonly cast off as forlorn Hopes in the King's Favour, that ran a Course of ranking themselves in the foremost Front of foreign Correspondency.

Upon notice given to his Majesty from hence some Years before the Death of the late Queen, that many Men were grown suspicious of his Religion, by Rumours spread abroad, that some of those in foreign Parts, that seemed to be well-affected to his future Expectation, had used his Name more audaciously, and spoken of his Favour to the Catholicks more forwardly than the King's own Conscience and unchangeable Decree could acknowledge or admit (either with a purpose to prepare the Minds of foreign Princes, or for a practice to estrange and alienate Affections at home) not only utterly renounced and condemned these Encroachments of blind Zeal, and rash Proceedings, by the Voices of his own Ministers, but was careful also for a Caution to succeeding Hopes, so far as lay in him, that by the Disgrace of the Delinquents in this kind, the Minds of all *English* Subjects chiefly might be secured, and the World satisfied.

No Man can speak in this Case more confidently than my self, that received in the Queen's time, for the space of many Years, Directions and Warnings to take heed, that neither any further Comfort might be given to Catholicks, concerning future Favours, than he did intend, which was to bind all Subjects in one Kingdom to one Law, concerning the Religion established, howsoever in Civil Matters he might extend his Favour as he found just cause: nor any Seeds of Jealousy and Diffidence sown in the Minds of Protestants by *Semcis* and *Achitophels*, to make them doubtful of his Constancy, to whom he would confirm with his dearest Blood, that Faith which he had sucked from the Breast of his Nurse, apprehended from the Cradle of his Infancy, and maintained with his uttermost Endeavour, Affection and Strength; since he was more able out of reading and disputing, to give a reason of those Principles which he had now digested and turned to Nutriment.

He that wrote the Book of Titles before the late Queen's Death, declares abundantly by seeking to possess some Foreign Prince of the King's Hereditary Crowns, when the Cause should come

to the proof, and may witness instead of many; what hope there was of the King's Favour or Affection to Catholicks in the case of Toleration or Dispensation, with Exercise of Conscience: For every Man may guess that it was no slight or ordinary degree of Despair, that made him and other of his Suit renounce their Portion in the Son and Heir of that renowned and rare Lady, *Mary Queen of Scotland*, a Member of the Roman Church; as some did in *David*, *Nulla nobis pars in David, nec hereditas in filio Isai*: For hereof by Lettets intercepted in their Passage into *Scotland*, the Records and Proofs are evident. His Majesty, so long as he was in expectation of that which by the Work and Grace of God he doth now possess, did ever seek to settle his Establishment upon the Faith of Protestants in generality, as the most assured Sheet-Anchor. For tho' he found a number on the other side, as faithful and as well-affected to his Person, Claim and Interest, as any Men alive, as well in respect of their dependency upon the Queen his Mother, as for the taste which they had of the sweetness of himself; yet finding with what strength of Blood many have been over-carried out of a Fervency in Zeal in former Times, observing to what Censures they were subject, both in Points of Faith, and Limitation of Loyalty: And last of all, forecasting to what end their former Protestation would come, when present Satisfaction should shrink; he was ever fearful to embark himself for any further Voyage and Adventure in this Strait, than his own Compass might steer him, and his Judgment level him.

If any one green Leaf for Catholicks could have been visibly discerned by the Eye of *Catesby*, *Winter*, *Garnet*, *Fawkes*, &c. they would neither have entred into Practice with foreign Princes during the Queen's time for prevention of the King's Lawful and Hereditary Right, nor have renewed the same both abroad and at home by Missions and Combinations, after his Majesty was both applauded and entred.

It is true, that by Confessions we find, that false Priest *Watson*, and Arch-Traitor *Percy*, to have been the first Devisers and Divulgers of this scandalous Report, as an accursed Ground, whereon they might with some Advantage, as it was conceived, build the Castles of their Conspiracy.

Touching the first, no Man can speak more soundly to the point than my self: for being sent into the Prison by the King to charge him with this false Alarm, only two days before his Death, and upon his Soul to press him in the presence of God, and as he would answer it at another Bar, to confess directly whether at either of both these times he had access unto his Majesty at *Edinburgh*, his Majesty did give him any Promise, Hope or Comfort of Encouragement to Catholicks concerning Toleration; he did there protest upon his Soul that he could never win one Inch of Ground, or draw the smallest Comfort from the King in those degrees, nor further than that he would have them apprehend, that as he was a Stranger to this State, so till he understood in all Points how those matters stood, he would not promise Favour any way; but did protest that all the Crowns and Kingdoms in this World, should not induce him to change any jot of his Profession, which was the Pasture of his Soul, and Earnest of his eternal Inheritance. He did confess that in very deed, to keep up the Hearts of Catholicks in Love and Duty to the King, he had imparted the King's words to many, in a better

better Tune, and a higher kind of Descant, than his Book of plain Song did direct; because he knew that others like sly Bargemen looked that way, when their stroke was bent another way. For this he craved pardon of the King in humble manner, and for his main Treasons of a higher Nature than these Figures of Hypocrisy; and seemed penitent, as well for the Horror of his Crime, as for the Falshood of his Whisperings.

It hindered not the Satisfaction which may be given to *Percy's* Shadow (the most desperate *Boute-feu* in the Pack) that as he died impenitent, for any thing we know; so likewise he died silent in the Particulars. For first, it is not strange that such a Traitor should devise so scandalous a Slander out of the Malice of his Heart, intending to destroy the King by any means, and to advance all means that might remove obstructions and impediments to the Plot of Gunpowder. The more odious that he could make him to the Party Malecontent, and the more sharply that he could set the Party Malecontent upon the point and humour of Revenge; the stronger was his Hope at the giving of the last Blow, to be glorified and justified. But touching the truth of the matters, it will be witnessed by many, that this Traitor *Percy* after both the first and second return from the King, brought to the Catholicks no spark of Comfort, of Encouragement, of Hope; whereof no stronger Proof of Argument doth need, than that *Fawkes* and others were employed both into *Spain* and other Parts, for the reviving of a Practice suspended and covered, after *Percy's* coming back; as in likelihood they should not have been, in case he had returned with a Branch of Olive in his Mouth, or yielded any Ground of Comfort to resolve upon.

Therefore I thought it thus far needful to proceed, for the clearing of those Scandals that were cast abroad, by these forlorn Hopes and graceless Instruments. It only remains that I pray for your Repentance in this World for the Satisfaction of many, and Forgiveness in the next World, for the saving of your self; having had by the King's Favour so long a time to cast up your Account, before your appearance at the Seat of the great Auditor.

Then spake the Earl of *Salisbury*, especially to that Point, of his Majesty's breaking of Promise with Recufants, which was used and urged by Sir *Everard Digby*, as a motive to draw him to participate in this so hideous a Treason. Wherein his Lordship, after acknowledgment that Sir *Everard Digby* was his Ally, and having made a zealous and religious Protestation concerning the Sincerity and Truth of that which he would deliver; shortly and clearly defended the Honour of the King herein, and freed his Majesty from all Imputation and Scandal of Irresolution in Religion, and in the constant and perpetual maintaining thereof; as also from having at any time given the least hope, much less promise of Toleration. To which purpose he declared how his Majesty, as well before his coming to this Crown, as at that very time, and always since, was so far from making of Promise, or giving Hope of Toleration, that he ever professed he should not endure the very Motion thereof from any.

And here his Lordship shewed what was done at *Hampton-Court* at the time of *Watson's* Treason, where some of the greater Recufants were convented: and being found then not to have their Fingers in Treason, were sent away again with Encouragement to persist in their dutiful Carriage, and with Promise only of thus much Favour, That those mean Profits which had accrued since the King's time to his Majesty for their Recufancy, should be forgiven to the principal Gentlemen, who had both at his Entry shewed so much Loyalty, and had kept themselves so free since from all Conspiracies.

Then did his Lordship also (the rather to shew how little truth Sir *Everard Digby's* words did carry in any thing which he had spoken) plainly prove, that all his Protestations wherein he denied so constantly to be privy to the Plot of Powder, were utterly false, by the Testimony of *Fawkes* (there present at the Bar) who had confessed, that certain Months before that Session, the said *Fawkes* being with *Digby* at his House in the Country, about what time there had fallen much wet; *Digby* taking *Fawkes* aside after Supper, told him, that he was much afraid that the Powder in the Cellar was grown dank, and that some new must be provided, lest that should not take fire.

Next, the said Earl did justly and greatly commend the Lord *Mounteagle* for his loyal and honourable Care of his Prince and Country; in the speedy bringing forth of the Letter sent unto him; wherein he said, that he had shewed both his Discretion and Fidelity. Which Speech being ended, *Digby* then acknowledged, that he spake not that of the Breach of Promise out of his own Knowledge, but from their Relation whom he trusted; and namely from Sir *Tho. Tresham*.

Now were the Jury returned, who having delivered their Verdict, whereby they jointly found those seven Prisoners, arraigned upon the former Indictment, Guilty; Serjeant *Philips* craved Judgment against those seven upon their Conviction, and against Sir *Everard Digby* upon his own Confession.

Then the Lord Chief Justice of *England*, after a grave and prudent Relation and Defence of the Laws made by Queen *Elizabeth* against Recufants, Priests, and Receivers of Priests, together with the several Occasions, Progresses and Reasons of the same; and having plainly demonstrated and proved that they were all necessary, mild, equal, moderate, and to be justified to all the World; pronounced Judgment.

Upon the rising of the Court, Sir *Everard Digby* bowing himself towards the Lords, said, If I may but hear any of your Lordships say, you forgive me, I shall go more cheerfully to the Gallows. Whereunto the Lords said, God forgive you, and we do.

And so according to the Sentence, on Thursday following being the 30th of *January*, Execution was done upon Sir *Everard Digby*, *Robert Winter*, *John Grant*, and *Thomas Bates*, at the West end of *Paul's Church*; and on Friday following, upon *Thomas Winter*, *Ambrose Rookwood*, *Robert Keyes*, and *Guy Fawkes*, within the old *Palace-yard* at *Westminster*, not far from the Parliament-House.



XX. *The Trial of HENRY GARNET, Superior of the Jesuits in England, at the Guild-Hall of London, for High-Treason, being a Conspirator in the Gunpowder-Plot. 28 March 1606. 4 Jac. I.*

The COMMISSIONERS present were,

Sir Leonard Holyday, Lord Mayor.
The Earl of Nottingham.
The Earl of Suffolk.
The Earl of Worcester.
The Earl of Northampton.
The Earl of Salisbury.

Lord Chief Justice of England, Sir John Popham.
The Lord Chief Baron of the Exchequer.
Sir Christopher Yelverton Kt. one of his Majesty's Justices of the King's-Bench.



HE Substance and Effect of the Indictment of *Henry Garnet*, Superior of the Jesuits in *England*, appeareth before in the Relation of the former Arraignment, and therefore unnecessary to be repeated again; which Indictment was summarily and effectually repeated by *Sir John Croke Kt.* his Majesty's Serjeant at Law, in this manner:

Sir John Croke. This Person and Prisoner here at the Bar, this Place, and this present Occasion and Action do prove that true, which the Author of all Truth hath told us; That *nihil est occultum, quod non manifestabitur*; & *nihil est secretum, quod non revelabitur* & *in palam veniet*: There is nothing hid that shall not be made manifest, there is nothing secret that shall not be revealed and come in publick. And that God by whom Kings do reign, *Consilium pravorum dissipat*, doth scatter and bring to nought the Counsel of the Wicked.

That he spake with fear and trembling, and with horror and amazedness, against that rotten Root of that hideous and hateful Tree of Treason, and of that detestable and unheard-of Wickedness, he did crave Pardon for it; affirming that no Flesh could mention it without Astonishment.

He shewed that *Henry Garnet* of the Profession of the Jesuits, otherwise *Wally*, otherwise *Darcy*, otherwise *Roberts*, otherwise *Farmer*, otherwise *Philips* (for by all those Names he called himself) stood indicted of the most barbarous and damnable Treasons, the like whereof was never heard of: That he was a Man, *multorum Nominum*, but not *boni Nominis*; of many Names, as appeared by the Indictment, but of no good Name; adorned by God and Nature, with many Gifts and Graces, if the Grace of God had been joined with them: But that wanting, *quanto ornatior* in other Gifts, *tanto nequior*.

That this *Garnet* (his Majesty summoning his Parliament to be holden at *Westminster* the 19th of *March*, in the first Year of his Reign, and by divers Prorogations continuing it till the third of *October* last) together with *Catesby* lately slain in open Rebellion, and with *Oswald Tesmond* a Jesuit, other-

wise *Oswald Greenwell*, as a false Traitor against the most mighty and most renowned King our Sovereign Lord King *James*; the 9th of *June* last, traitorously did conspire and compass,

To depose the King, and to deprive him of his Government;

To destroy and kill the King, and the noble Prince *Henry* his eldest Son: Such a King, and such a Prince, such a Son of such a Father, whose Virtues are rather with amazed silence to be wondered at, than able by any Speech to be expressed.

To stir Sedition and Slaughter throughout the Kingdom.

To subvert the true Religion of God, and whole Government of the Kingdom.

To overthrow the whole State of the Commonwealth.

The Manner how to perform these horrible Treasons, the Serjeant said *Horreo dicere*, his Lips did tremble to speak it, but his Heart praised God for his mighty Deliverance. The Practice so inhuman, so barbarous, so damnable, so detestable, as the like was never read nor heard of, or ever entred into the Heart of the most wicked Man to imagine. And here he said, he could not but mention that religious Observation so religiously observed by his religious Majesty, wishing it were engraven in Letters of Gold, in the Hearts of all his People; The more hellish the Imagination, the more divine the Preservation.

This *Garnet*, together with *Catesby* and *Tesmond*, had Speech and Conference together of these Treasons, and concluded most traitorously, and devilishly,

That *Catesby*, *Winter*, *Fawkes*, with many other Traitors lately arraigned of High-Treason, would blow up with Gunpowder in the Parliament-House, the King, the Prince, the Lords Spiritual and Temporal, the Judges of the Realm, the Knights, Citizens and Burgeses, and many other Subjects and Servants of the King assembled in Parliament, at one Blow, traitorously and devilishly to destroy them all, and piece-meal to tear them in sunder, without respect of Majesty, Dignity, and Degree, Age or Place.

And for that purpose, a great Quantity of Gunpowder was traitorously and secretly placed, and hid by these Conspirators under the Parliament-House.

This being the Substance and the Effect of the Indictment, *Garnet* did plead, Not guilty to it; and a very discreet and substantial Jury, with allowance of Challenges unto the Prisoner, were sworn at the Bar for the Trial of him.

To whom the Serjeant shew'd that they should have Evidences to prove him guilty, that should be *Luce clariores*, that every Man might read them running.

They should have *Testimonia Rerum*, and *Loquentia signa*, Witnesses and Testimonies of the things themselves.

Reum confitentem, or rather *Reos confitentes, accusantes invicem*.

That every one may say unto him, *Serve nequam*, thou wicked Subject, thou wicked Servant, *ex ore tuo te judico*, of thine own Mouth I judge thee, of thine own Mouth I condemn thee.

And this shall be made so manifest by him that best can do it, as shall stop the Mouth of all Contradiction.

* *Sir Ed. Coke.* * *Attor. Gen.* Your Lordships may perceive by the parts of the Indictment which have been succinctly open'd, that this is but a latter Act of that heavy and woful Tragedy, which is commonly called the Powder-Treason; wherein some have already play'd their Parts, and according to their Demerits suffer'd condign Punishment and Pains of Death. We are now to proceed against this Prisoner for the same Treason; in which respect the necessary Repetition of some things before spoken, shall at the least seem tolerable: for that, *Nunquam nimis dicitur, quod nunquam satis dicitur*; It is never said too often, that can never be said enough. Nay, it may be thought justifiable to repeat in this Case; for that in respect of the Confluence and Access of People at the former Arraignment, many could not hear at that time: And yet, because I fear it would be tedious; for that most of all my Lords Commissioners, and of this honourable and great Assembly, were present at the Arraignment, and for that I am now to deal with a Man of another Quality, I will only touch, and that very little, of the former Discourse or Evidence; and that little also shall be mingled with such new Matter, as shall be worth the hearing, as being indeed of weight and moment: and all this with very great brevity.

But before I further proceed to the opening of this so great a Cause, I hold it fit and necessary to give Satisfaction to two divers and adverse sorts of Men, who, according to the divers Affections of their Hearts, have divined and conjectur'd diversly of the Cause of the Procrastination and Delay of Proceeding, especially against this Person; the Matter wherewith he stands charged being so transcendent and exorbitant as it is. The first sort of these, out of their hearty Love and Loyalty to their natural Liege Lord and King, and to their dear Country and this State, have feared the Issue of this Delay, lest that others might be animated by such Protraction of Judgment, to perpetrate the like: for they say (and it is most true) *Quia non profertur cito contra malos sententia, absque timore ullo filii hominum perpetrant mala*; Because speedy Justice is

not executed against wicked Men, the People without all Fear commit Wickedness. And pity it were that these good Men should not be satisfy'd. The other sort are of those, who in respect no greater Expedition hath been used against this Prisoner at the Bar, fall to excusing of him, as gathering these Presumptions and Conjectures: First, that if he, or any of the Jesuits, had indeed been justly to be touched with this most damnable and damned Treason, surely they should have been brought forth and try'd before this time. Secondly, That there was a Bill exhibited in Parliament concerning this Treason, and this Traitor, but that it was deferred and proceeded not, for want of just and sufficient Proofs. Nay, Thirdly, There was a particular Apology spread abroad for this Man, and another general for all Jesuits and Priests, together with this Imputation, That King-killing and Queen-killing was not indeed a Doctrine of theirs, but only a Fiction and Policy of our State, thereby to make the Popish Religion to be despised and in disgrace.

Now for these Men, pity it were that the Eye of their Understanding should not be enlightned and cleared, that so being by demonstrative and luculent Proofs convinced, they may be to their Prince and Country truly converted. First therefore concerning the Delay, (tho' it be true, *Quod flagellatur in corde, qui laudatur in ore*) yet must I remember the great Pains of my Lords the Commissioners of his Majesty's Privy Council in this Cause: for *Garnet* being first examin'd upon the 13th of the last Month, hath since been again examin'd and interrogated above twenty several times, which lasted to the 26th of *March*, within two days of this Arraignment. Touching the Bill in Parliament, it was indeed exhibited before *Garnet* was apprehended; but his Majesty's gracious Pleasure was, that albeit this Treason be without all Precedent and Example, yet they should quietly and equally be indicted, arraigned, publicly heard, and proceeded withal in a moderate, ordinary, and just Course of Law. Concerning their Apologies, and the Fictions of State (as they term them) answer shall be made, by God's Grace, in the proper Place, when I come to lay open the Plots and Practices of the Jesuits, to the Satisfaction of all this honourable and great Assembly. But first I have an humble Petition to present to your Lordships, and the rest of this grave Auditory for my self, in respect that I am necessarily to name great Princes, yet with Protestation and Caution, that no Blot is intended to be laid upon any of them. I know there is *Lex in sermone tenenda*, A Law and Rule to be observed in speaking, especially in this kind; and that Kings and great Princes, and the mighty Men of this Earth are to be reverently and respectfully dealt withal: and therefore I humbly recommend unto you these Considerations, concerning this Point of mentioning foreign States.

1st, That the Kingdoms were at those times in open Enmity and Hostility, and that might be honourable at one time which was not so at another: so that hostile Actions were then justifiable and honourable, as being in times of Hostility and War.

2^{dly}, In these things it is not the King's Attorney that speaks, but *Garnet* the Jesuit: As also that it proceedeth from an inevitable Necessity; for that the Examinations as well of this, as of the rest of the Traitors, cannot otherwise be open'd and urged

against them : so is the mention of great Men, by the Impudency of these wicked Traitors, woven into their Confessions, as they cannot be sever'd.

And with this Comfort I conclude the Preface, That I hope in God, this Day's Work, in the Judgment of so many as shall be attentive and well disposed, shall tend to the Glory of Almighty God, the Honour of our Religion, the Safety of his most excellent Majesty and his royal Issue, and the Security of the whole Commonwealth.

For Memory and Method, all that I shall speak may be contracted to two general Heads.

First, I will consider the Offences, together with certain Circumstances,

- Precedent before the Offence,
- Concurrent with the Offence,
- Subsequent after the Offence.

Secondly, I will lay down some Observations concerning the same.

For the proper Name of this Offence, because I must speak of several Treasons, for distinction and separation of this from the other, I will name it the Jesuits Treason, as belonging to them both *ex congruo & condigno*; they were the Proprietaries, Plotters and Procurers of it : and in such Crimes *plus peccat auctor, quam actor*; *The Author or Procurer, offendeth more than the Actor or Executer*: as may appear by God's own Judgment given against the first Sin in Paradise, where the Serpent had three Punishments inflicted upon him, as the original Plotter; the Woman two, being as the mediate Procurer; and *Adam* but one, as the Party seduced.

Circumstances precedent and subsequent so termed here, are indeed in their proper Natures all High Treasons; but yet in respect of the Magnitude, nay Monstrousness of this Treason, may comparatively, without any discountenance to them in this Case, be used as Circumstances. And because I am to deal with the Superior of the Jesuits, I will only touch such Treasons, as have been plotted and wrought by the Jesuits, of whom this Man was Superior; and those Treasons also since this *Garnet* his coming into *England*; whereof he may truly say, *Et quorum pars magna fui*.

The coming of this *Garnet* into *England* (which very Act was a Treason) was about twenty years past, *viz.* in *July* 1586. in the twenty-eighth Year of the Reign of the late Queen, of famous and blessed Memory : whereas the Year before, namely the twenty-seventh Year of *Elizabeth*, there was a Statute made, whereby it was Treason for any, who was made a Romish Priest by any Authority from the See of *Rome*, since the first Year of her Reign, to come into her Dominions : which Statute the Romanists calumniate as a bloody, cruel, unjust, and a new upstart Law, and abuse that Place of our Saviour, *O Jerusalem, Jerusalem, thou that killest the Prophets, and stonest them that are sent unto thee, &c. Mat. 23. 37.* to that purpose : But indeed it is both mild, merciful and just, and grounded upon the antient fundamental Laws of *England*. For (as hath already in the former Arraignments been touched) before the Bull of *Impius Pius Quintus*, in the eleventh Year of the Queen, wherein her Majesty was excommunicated and deposed, and all they accursed who should yield any Obedience unto her, &c. there were no Recusants in *England*, all came to Church (howsoever popishly inclin'd, or persuaded in most Points) to the same divine Service we now use; but thereupon presently they refused to assemble in our Churches, or join

with us in publick Service. not for Conscience of any thing there done, against which they might justly except out of the Word of God, but because the Pope had excommunicated and deposed her Majesty, and cursed those who should obey her : and so upon this Bull ensued open Rebellion in the North, and many Garboils. But see the Event : Now most miserable in respect of this Bull, was the State of Romish Recusants; for either they must be hanged for Treason, in resisting their lawful Sovereign, or curs'd for yielding due Obedience unto her Majesty. And therefore of this Pope it was said by some of his own Favourites, that he was *Homo pius & doctus, sed nimis credulus*; *a holy and a learned Man, but over-credulous*; for that he was inform'd and believed that the Strength of the Catholicks in *England* was such, as was able to have resisted the Queen. But when the Bull was found to take such an effect, then was there a Dispensation given, both by *Pius Quintus* himself, and *Gregory* the Thirteenth, That all Catholicks here might shew their outward Obedience to the Queen, *ad redimendam vexationem, & ad ostendendam externam obedientiam*; but with these Cautions and Limitations : 1. *Rebus sic stantibus, Things so standing as they did.* 2. *Donec publica Bullæ executio fieri posset*; that is to say, *They might grow into Strength, until they were able to give the Queen a Mate, that the publick Execution of the said Bull might take place.* And all this was confessed by *Garnet* under his own hand, and now again openly confessed at the Bar.

In the twentieth Year of Queen *Elizabeth*, came *Campion* the Jesuit and many others of his Profession with him, purposely to make a Party in *England* for the Catholick Cause, to the end that the Bull of *Pius Quintus* might be put in execution. And tho' all this while Recusancy, being grounded upon such a disloyal Cause, were a very dangerous and disloyal thing; yet was there no Law made in that behalf until the twenty-third Year of her Majesty's Reign; and that also imposing only a Mulct or Penalty upon it, until Conformity were offer'd and shew'd. *Anno 26 Eliz.* came *Parry* with a Resolution from Cardinal *de Como*, and others, that it was lawful to kill her Majesty, as being excommunicated and deposed. Whereupon her Majesty entring into Consultation how (together with her Safety, and the Protection of her Subjects) she might avoid the imminent Dangers, and yet draw no Blood from these Priests and Jesuits, found out this moderate and mild Course, as the best Means to prohibit their coming at all into her Land; there never being any King who would endure, or not execute any such Persons, within their Dominions, as should deny him to be lawful King, or go about to withdraw his Subjects from their Allegiance, or incite them to resist or rebel against him. Nay, the bringing in of a Bull by a Subject of this Realm against another, in the time of *Edward I.* was adjudged Treason. But by the way, for that *Garnet* had exclaim'd, saying, Shew us where was your Church before *Luther*, design the Place, name the Persons, and so forth; it is answer'd by a Comparison of a Wedge of pure Gold, which coming into the hands of Impostors, is by their Sophistifications and Mixtures, for Gain and worldly Respects, increased and augmented into a huge Body and Mass, and retaining still an outward fair Shew and Tincture of Gold. Where is now the pure Gold, saith one, shew me the Place? I answer, in that Mass; but for the extracting thereof, and purifying it from Dross, that must be done by the Art of the Workman,

man, and the Trial of the Touchstone. So the true Religion and Service of Almighty God, being for human Respects, and worldly Pomp, mixed and overladen with a number of superstitious Ceremonies and Inventions of Man; yet ever had God his true Church, holding his Truth, which hath been by skilful Workmen, with the Touchstone of the Word of God, refined and separate from the Dross of Man's Inventions.

But to proceed: In the twenty-eighth Year of Queen *Elizabeth*, being the Year 1586, in *June*, came *Garnet* into *England*, breaking thro' the Wall of Treason; being in truth, *Totus compositus ex proditiōe*: And this was at that time when the great Armada of *Spain*, which the Pope blessed, and christen'd by the Name of *The invincible Navy*, was by the Instigation of that High-Priest of *Rome*, preparing and collecting together of many Parcels, out of divers Parts, where they could be bought, or hired or borrowed; and therefore may be called a compounded Navy, having in it 158 great Ships. The Purveyors, and Fore-runners of this Navy and Invasion, were the Jesuits; and *Garnet* among them being a Traitor, even in his very entrance and footing in the Land. But the Queen with her own Ships, and her own Subjects, did beat this Armada, God himself (whose Cause indeed it was) fighting for us against them, by Fire, and Seas, and Winds, and Rocks, and Tempests, scattering all and destroying most of them: for *offenso Creatore, offenditur omnis Creatura; The Creator being offended, every Creature is readily armed to revenge his Quarrel*: in which respect he is called the Lord of Hosts. So that of 158, scarce 40 of their Ships returned to the Bar of their own Haven; and as it is reported, most of them also perished: insomuch, that in this respect, we may say of Queen *Elizabeth*, as the Poet writeth of the Christian Emperor:

*O nimium dilecta Deo, cui militat aether,
Et conjurati veniunt ad classica venti.*

Observe here, that about the time of this Invasion, there being in *Spain* met in Consultation about that Business, the Cardinal of *Austria*, the Duke of *Medina*, Count *Fuentes*, two *Irish* Bishops, with sundry Military Men, and amongst others *Winlade*, an *Englishman*; the *Irish* Bishops perceiving that they expected a Party of Catholics in *England*, resolved that true it was, that it was not possible to do any good here in *England*, unless there were a Party of Catholics made before-hand. But such, said they, was the Policy of *England*, as that could never be effected; for if any Suspicion or Fear arose, the Catholics should quickly be either shut up, or quite cut off. Oh, saith an old Soldier there present, *Hoc facit pro nobis, That makes for us*; for by that means their Souls shall go to Heaven for their Religion, their Bodies to the Earth for their Treason, and their Lands and Goods to us as Conquerors: this was indeed that they principally aim'd at.

Note here, that sithence the Jesuits set foot in this Land, there never passed four Years without a most pestilent and pernicious Treason, tending to the Subversion of the whole State.

After that hostile Invasion in 88, the Jesuits fell again to secret and treasonable Practices: for in the Year 92, came *Patrick Cullen*, who was incited by Sir *William Stanley*, *Hugh Owen*, *Jaques Frances*, and *Holt* the Jesuit, and resolved by the said *Holt* to kill the Queen; to which purpose he received Absolution, and then the Sacrament, at

the hands of the said Jesuit, together with this ghostly Counsel, That it was both lawful and meritorious to kill her. Nay, said *Jaques*, that base *Laundres's* Son, (who was a continued Practiser both with this *Cullen* and others, to destroy her Majesty) The State of *England* is and will be so settled, that unless *Mistress Elizabeth* be suddenly taken away, all the Devils in Hell will not be able to prevail against it, or shake it.

Now *Cullen's* Treason was accompany'd with a Book called *Philopater*, written for the abetting and warranting of such a devilish Act in general, by *Creswel* the Legier Jesuit in *Spain*, under the Name of *Philopater*.

Anno 94. came *Williams* and *Yorke* to the same end, *viz.* to kill the Queen; being wrought to undertake so vile and detestable a Fact by Father *Holt* the Jesuit, and other his Complices: And thereupon the said *Williams* and *Yorke* in the Jesuits College received the Sacrament together of Father *Holt*, and other Jesuits, to execute the same. And that Treason likewise was accompany'd with a Book written by the Legier Jesuit and Rector and *Rome, Parsons*, under the Name of *Doleman*, concerning Titles, or rather Tittles; a leud and a lying Book, full of Falshood, Forgery and Malediction.

Anno 97. came *Squire* from *Spain*, to poison her Majesty, incited, directed, and warranted by *Walpole* a Jesuit, then residing there; at whose hands likewise, after Absolution, he received the Sacrament, as well to put the Practice in execution, as to keep it secret. All these Treasons were freely and voluntarily confessed by the Parties themselves under their own hands, and yet remain extant to be seen.

In the Year 1601. when Practices fail'd, then was foreign Force again attempted; for then (as in the former Arraignment hath been declared) was *Thomas Winter* employ'd to the King of *Spain*, together with *Tesmond* the Jesuit, by this *Garnet*, who wrote his Letters to *Arthur*, alias *Joseph Creswel*, (the only Man whom I have heard of, to change his Christian Name) the Legier Jesuit in *Spain*, for the furtherance of that Negotiation; which was, as hath been said, to offer the Services of the *English* Catholics to the King, and to deal further concerning an Invasion, with Promise from the Catholics here of Forces, both of Men and Horses, to be in a readines to join with him. This Negotiation, by the means of *Creswel*, to whom *Garnet* wrote, took such effect, that the two Kingdoms standing then in Hostility, the Proposition of the *English* Romish Catholics was accepted and entertain'd; an Army to invade (as hath been specify'd in the former Arraignment) promised, and 100000 Crowns to be distributed amongst Romanists and discontented Persons, making of a Party in *England*, and for the furtherance of the said Service granted. In the mean time the King earnestly desired, That if the Queen of *England* should happen to die, he might receive present and certain Advertisement thereof.

Now this Treason was accompany'd with the Pope's own writing: For now doth the Holy Father cause to be sent hither to *Garnet* two Briefs or Bulls, one to the Clergy, and another to the Laity; wherein observe the Title, the Matter, the Time. The Title of the one was, *Dilectis Filiis, Principibus, & Nobilibus Catholicis Anglicanis, Salutem & Apostolicam Benedictionem*: that is, *To our beloved Sons the Nobles and Gentlemen of England, which are Catholics, Greeting and Apostolical Benediction*. The

Title of the other was, *Dilectis Filiis, Archipresbytero, & reliquo Clero Anglicano, &c. To our beloved Sons, the Archbishop, and the rest of the Catholick Clergy.* The matter was, That after the Death of her Majesty, whether by Course of Nature, or otherwise, whosoever should lay Claim or Title to the Crown of *England*, tho' never so directly and nearly interested therein by Descent and Blood Royal; yet unless he were such an one as would not only tolerate the Catholick (Romish) Religion, but by all his best Endeavours and Force promote it, and according to the antient Custom would, by a solemn and sacred Oath, religiously promise and undertake to perform the same, they should admit or receive none to be King of *England*: His words are these, *Quantumcunque propinquitate sanguinis niterentur, nisi ejusmodi essent qui fidem Catholicam non modo tolerarent, sed omni ope ac studio promoverent, & more Majorum Jurejurando se id prestituros susciperent, &c.*

As for King *James* (at whom the Pope aimed) he hath indeed both *Propinquitatem* and *Antiquitatem Regalis Sanguinis*, Propinquity and Antiquity of Blood Royal, for his just Claim and Title to this Crown, both before and since the Conquest.

To insist upon the Declaration and Deduction of this point, and pass along thro' the Series and Course of so many Ages and Centuries, as it would be over long for this place, so further I might herein seem as it were to gild Gold: Only in a word, His Majesty is lineally descended from *Margaret* the Saint, Daughter of *Edward*, Son of King *Edmund*, Grandchild of Great *Edgar* the *Britain* Monarch. Which *Margaret*, sole Heir of the *English-Saxon* King, was married to *Malcolme* King of *Scotland*; who by her had Issue *David* the *Holy* their King, from whom that Race Royal at this day is deduced; and *Maud* the Good, Wife of the first and learned *Henry* King of *England*, from whom his Majesty directly and lineally proceedeth, and of whom a Poet of that time wrote:

*Nec decor effecit fragilem, non sceptrum superbam,
Sola potens humilis, sola pudica decens.*

And lastly, his Majesty cometh of *Margaret* also the eldest Daughter of *Henry VII.* who was descended of that famous Union of those two fair Roses, the White and the Red, *York* and *Lancaster*; the effecting of which Union cost the Effusion of much *English* Blood, over and besides fourscore or thereabouts of the Blood-Royal. But a more famous Union is by the Goodness of the Almighty perfected in his Majesty's Person of divers Lions, two famous, antient, and renowned Kingdoms, not only without Blood, or any Opposition, but with such an universal Acclamation and Applause of all sorts and degrees (as it were with one Voice) as never was seen or read of. And therefore most Excellent King, for to him I will now speak;

*Cum triplici fulvum conjunge leone leonem,
Ut varias Atavus junxerat ante Rosas:
Majus opus varios sine pugna unire leones,
Sanguine quam varias consociasse Rosas.*

These four noble and magnanimous Lions, so firmly and individually united, are able, without any Difficulty or great Labour, to subdue and overthrow all the Letters and Bulls (and their Calves also) that have been, or can be sent into *England*.

Now for the Time, observe that these Bulls or Briefs came upon the aforesaid Negotiation of *Thomas Winter* into *Spain*, at what time an Army

should shortly after have been sent to invade the Land: and this was to be put in execution, *Quandocunque contingeret miseram illam faminam ex hac vita excedere*; Whensoever it should happen that that miserable Woman (for so it pleased the High Priest of *Rome* to call great Queen *Elizabeth*) should depart this Life. Was Queen *Elizabeth* miserable? It is said that *Miseria constat ex duobus contrariis, scilicet, Copia & Inopia; ex Copia tribulationis, & Inopia consolationis.* Was she, I say, miserable, whom Almighty God so often and so miraculously protected, both from the Arrow that flieth by day, their great Armada, and from the Pestilence that walketh in the darkness, their secret and treacherous Conspiracies? that did beat her most potent Enemies? that set up a King in his Kingdom? that defended Nations, and harboured and protected distressed People? that protected her Subjects in Peace and Plenty, and had the Hearts of the most and the best of her Subjects? that reigned Religiously and Gloriously, and died Christianly and in Peace? Oh blessed Queen, our late dear Sovereign, *semper bonos nomenque tuum laudisque manebunt.* But Queen *Elizabeth* of famous Memory, (for *Memoria ejus semper erit in benedictione*) as a bright Morning-Star, in fulness of time lost her natural Light, when the great and glorious Sun appeared in our *Horizon*.

And now sithence the coming of our great King *James*, there have not passed, I will not say four, nay not two months, without some Treason.

First, in *March* 1603. upon the death of her Majesty, and before they had seen his Majesty's Face, was *Christopher Wright* employed into *Spain*, by *Garnet*, *Catesby*, and *Tresham*, to give advertisement of the Queen's death, and to continue the former Negotiation of *Thomas Winter*: And by him also doth this *Garnet* write to *Creswell* the Jesuit, in Commendation, and for Assistance and Furtherance of his Business.

As also on the 22d of *June* following, was *Guy Fawkes* sent out of *Flanders*, by *Baldwin* the Jesuit, by Sir *William Stanley*, and *Hugh Owen*, about the same Treason; and by Letters from *Baldwin* directed and commended to *Creswell* the Legier Jesuit in *Spain*, for the procuring of his Dispatch, as in the former Arraignment hath been declared.

In the same *June* doth *Garnet* the Superior, together with *Gerrard* and other Jesuits and Jesuited Catholicks, labour not only in providing of Horses, which by *Thomas Winter* and *Christopher Wright*, upon their several Negotiations, they, in the names of all the Catholicks in *England*, had promised the King of *Spain*, to assist and do him Service withal, at such time as the said King should send his Forces to invade, either at *Milford-Haven*, or in *Kent*, as hath before been shewed; but also did, by force of the said two Bulls or Briefs, dissuade the Romish Catholicks from yielding their due Obedience to his Majesty, for that he was not of the Roman Religion: contrary to the Practice of the true Church and Churchmen, that undergo Wars, *ferendo, non feriendo, with Patience, not with Strokes*; their Weapons being properly *Orationes & Lachrymæ, Prayers and Tears.*

On the same *June* 9, which was in 1603. *primo Jacobi*, brake out likewise the Treason of the Romish Priests, *Watson* and *Clarke*, as also that other of Sir *Walter Raleigh* and others. But the Jesuits seeing that the Peace was now in great forwardness, and having advertisement also, that the King of *Spain* did now distaste their Propositions, so that there

there was no further hope left for Force; then fell they again to secret Practice. As for the Bulls or Briefs before-mention'd, when *Catesby* had informed *Garnet* that King *James* was proclaimed, and the State settled, they were by *Garnet*, as himself hath affirmed, burnt. But to proceed:

In *March* 1603. *Garnet* and *Catesby*, (a pestilent Traitor) confer together, and *Catesby* in general telleth him (tho' most falsely) That the King had broken Promise with the Catholics, and therefore assuredly there would be Stirs in *England* before it were long. In *September* following, meets *Catesby* and *Thomas Percy*: and after an unjust, but a grievous Complaint made by *Catesby* of the King's Proceedings, for that contrary to their Expectations, his Majesty both did hold, and was like continually to run the same Course, which the Queen before had held; *Percy* presently breaks forth into this devilish Speech, That there was no way but to kill the King, which he the said *Percy* would undertake to do. But *Catesby*, as being *versuto ingenio & profunda perfidia*, a cunning, a wily, and a deep Traitor, intending to use this so furious and fiery a Spirit to a further Purpose, doth as it were stroke him for his great forwardness, yet with sage and stayed Counsel tells him; No, *Tom*, thou shalt not adventure thy self to so small purpose: If thou wilt be a Traitor, there is a Plot to greater advantage, and such a one as can never be discovered, *viz.* the Powder-Treason.

In *January*, in the first Year of his Majesty, *Garnet* took out a General Pardon under the Great Seal of *England*, of all Treasons, (which Pardon his Majesty of his Grace granted to all Men at his first entrance into his Kingdom) under the name of *Henry Garnet* of *London* Gent. but therein he never used any of his *alias dictus Walley, Farmer*, or any other of his feigned names. But *Catesby* fearing lest any of those whom he had or should take into Confederacy, being touched in Conscience with the horror of so damnable a Fact, might give it over, and endanger the Discovery of the Plot, seeks to *Garnet*, (as being the Superior of the Jesuits, and therefore of high Estimation and Authority amongst all those of the Romish Religion) to have his Judgment and Resolution in Conscience, concerning the Lawfulness of the Fact, that thereby he might be able to give Satisfaction to any who should in that behalf make doubt or scruple to go forward in that Treason. And therefore *Catesby* coming to *Garnet*, propounded unto him the Case, and asketh, Whether for the Good and Promotion of the Catholick Cause against Hereticks, (the necessity of Time and Occasion so requiring) it be lawful or not, amongst many *No-cents*, to destroy and take away some *Innocents* also. To this Question, *Garnet* advisedly and resolvedly answered, That if the Advantage were greater to the Catholick part, by taking away some *Innocents* together with many *No-cents*, then doubtless it should be lawful to kill and destroy them all. And to this purpose he alledged a Comparison of a Town or City which was possessed by an Enemy, if at the time of taking thereof there happen to be some few Friends within the place, they must undergo the Fortune of the Wars in the general and common Destruction of the Enemy. And this Resolution of *Garnet*, the Superior of the Jesuits, was the strongest, and the only Bond, whereby *Catesby* afterwards kept and retained all the Traitors in that so abominable and detestable a Confederacy: For in *March* following, *Catesby*, *Thomas*

Winter, and others, resolve upon the Powder-Plot; and *Fawkes*, as being a Man unknown, and withal a desperate Person and a Soldier, was resolved upon as fit for the executing thereof; to which purpose he was in *April* following by *Thomas Winter* sought and fetched out of *Flanders* into *England*.

In *May*, in the 2d Year of his Majesty, *Catesby*, *Percy*, *John Wright*, *Thomas Winter*, and *Fawkes* meet: And having, upon the Holy Evangelists, taken an Oath of Secrecy and Constancy to this effect:

YOU shall swear by the blessed Trinity, and by the Sacrament you now purpose to receive, never to disclose directly or indirectly, by Word or Circumstance, the matter that shall be proposed to you to keep secret, nor desist from the Execution thereof, until the rest shall give you leave:

They all were confessed, had Absolution, and received thereupon the Sacrament, by the hands of *Gerrard* the Jesuit then present.

In *June* following, *Catesby* and *Greenwell* the Jesuit confer about the Powder-Treason. And at *Midsummer*, *Catesby* having speech with *Garnet* of the Powder-Treason, they said, that it was so secret, as that it must prevail before it could be discovered. Then *Garnet* seemed to desire that the Pope's Consent might be obtained: but *Catesby* answered, that he took that as granted by the Pope in the two Bulls or Briefs before; for that, said he, if it were lawful not to receive, or to repel him, as the said Bulls or Briefs did import, then is it lawful also to expel or cast him out.

Upon the 7th of *July*, 1604, was the Parliament prorogued until the 7th of *February*: And in *November* following, *Thomas Bates*, being (as hath been declared more at large in the former Arraignment) fetched in by *Catesby*, his Master, to participate in the Powder-Treason, for better Assurance of his Secrecy, and Prosecution thereof, is by *Greenwell* the Jesuit confessed, encouraged, and told, That being for a good Cause, he might and ought, not only conceal it, as committed unto him in secret by his Master; but further said, That it was no offence at all, but justifiable and good.

About this time was *Robert Keyes* taken into the Confederacy, and by *Catesby* resolved of the Lawfulness thereof from the Jesuits.

On the 11th of *December*, they enter'd the Mine: and in *March* following, which was in 1605, was *Guy Fawkes* sent over to Sir *William Stanley*, with Letters from *Garnet*, to *Baldwin* the Legier Jesuit there, to take order, That against the time of the Blow, the Forces might be brought near to the Sea-side, to the end that they might suddenly be transported into *England*: And there doth *Fawkes*, by consent of the Confederates, give *Owen* the Oath of Secrecy and Perseverance, and then acquaints him with the whole Treason: Who having been a most malicious and inveterate Traitor, greatly applauded it, and gave his Consent and Counsel for the furtherance thereof.

In *May* 1605, fell out certain Broils in *Wales* by the Romish Catholics; at what time also *Rookwood* was by *Catesby* acquainted with the Powder-Treason, and resolv'd of the Lawfulness of the Fact by him as from the Jesuits.

Now doth *Garnet* write to the Pope, That Commandment might come from his Holiness, or else

else from *Aquaviva* the General of the Jesuits, for the staying of all Commotions of the Catholicks here, in *England*, intending indeed to set their whole Rest of the Catholick Romish Cause upon the Powder-Plot, and in the mean time to lull us asleep in Security, in respect of their dissembled Quietness and Conformity; as also lest Impediment might be offer'd to this main Plot by reason of any suspicion of the stirring of Papists, or of inquiry after them upon occasion of any petty Commotions or Broils. But when he further desired, that it might be so enjoyn'd upon Censures, that latter Request was not granted, lest it might indeed be an Impediment to the Powder-Plot.

In *June* following doth *Greenwell* the Jesuit consult with *Garnet* his Superiour, of the whole Course of the Powder-Treason at large; wherein observe the politick and subtle Dealing of this *Garnet*. First, he would not (as he saith) confer of it with a Layman, (other than *Catesby* whom he so much trusted) Why so? because that might derogate from the Reverence of his Place, That a Jesuit and a Superiour of them, should openly join with Laymen in cause of so much Blood. And therefore, Secondly, as he would consult of it with a Priest and a Jesuit, one of his own Order, and his Subject; so for his further security, he would consult thereof with *Greenwell* the Jesuit, as in a disguised Confession. And being inform'd that the Discourse would be too long to repeat kneeling, he answer'd that he would consult with him of it in Confession walking; and so accordingly in an ambulatory Confession, he at large discoursed with him of the whole Plot of the Powder-Treason; and that a Protector (after the Blow given) should be chosen out of such of the Nobility as should be warned and reserved.

In this Month likewise was there a great Conference and Consultation betwixt *Garnet*, *Catesby*, and *Francis Tresham*, concerning the Strength of the Catholicks in *England*, to the end that *Garnet* might by Letters send direct Advertisement thereof to the Pope; for that his Holiness would not be brought to shew his Inclination concerning any Commotion or Rising of the Catholick Party, until such time as he should be certainly inform'd that they had sufficient and able Force to prevail.

And in *August* following, *Garnet* in a Conference had about the acquainting of the Pope with the Powder-Treason, named and appointed Sir *Edmund Baynam* for to carry that Message to the Pope; yet not to him as Pope, but to him as a temporal Prince: and by him doth *Garnet* write Letters in that behalf; as also for staying of Commotions, under pain of Censures, well knowing that before his Letters could be answer'd, the House of Parliament (according to their Designs) should have been blown up, and the whole State overthrown. But this Trick he used like a Thief, that going to steal and take Partridges with a Setting-Dog, doth rate his Dog for questing, or going too near, until he hath laid his Net over them, for fear the Game should be sprung, and the Purpose defeated.

In this Month also doth *Garnet* write to *Baldwine* the Legier Jesuit in the Low Countries, in the behalf of *Catesby*, that *Owen* should move the Marquis for a Regiment of Horses for him the said *Catesby*; not with any intent, as it was agreed, that *Catesby* should undertake any such charge, but that under colour of it, Horses and other Necessaries might be provided without suspicion to furnish the Traitors.

In *September* following doth *Parsons* the Jesuit write to *Garnet*, to know the Particulars of the Project in hand, for the Journey to St. *Winifred's* Well in this Month. It was but a Jargon, to have better opportunity, by colour thereof, to confer and retire themselves to those parts.

In *October* doth *Garnet* meet the other Traitors at *Coughton* in *Warwickshire*, which was the Place of Rendezvous, whither they resorted out of all Countries.

Upon the first of *November*, *Garnet* openly prayeth for the good Success of the great Action, concerning the Catholick Cause in the beginning of the Parliament: and Prayer is more than Consent; for *Nemo orat, sed qui sperat & credit*. He in the Prayer used two Verses of a Hymn, *Gentem auferte perfidam credentium de finibus, ut Christo laudes debitas persolvamus alacriter*.

Now was the Letter with the Lord *Monteagle*, whose Memory shall be blessed, on the fourth of *November*; by the Providence of the Almighty, not many hours before the Treason should have been executed, was it fully discover'd.

On the fifth of *November*, being the time when the Traitors expected that their devilish Practice should have taken effect, they convented at *Dunchurch*, under colour of a great Hunting-Match, appointed by Sir *Everard Digby*, as being a Man of Quality and Account thereabout; purposing by this means to furnish themselves with Company for their intended Insurrection and Rebellion: for that Men being gather'd together, and a Tumult suddenly raised, the Traitors thought that every or most of them would follow the present Fortune, and be easily persuaded to take part with them; and that they might easily surprize the Person of the Lady *Elizabeth*, then being in those Parts, in the *L. Harrington's* House.

Upon the sixth of *November*, early in the Morning, *Catesby* and the said Confederates dispatch'd *Tho. Bates* with a Letter to *Garnet* the Superior of the Jesuits, who was (as they well knew) then ready at *Coulton*, near unto them, earnestly entreating his Help and Assistance for the raising of *Wales*, and putting so many as he could into open Rebellion. At what time *Garnet*, and *Greenwell* (who then of purpose was there with *Garnet*) then certainly perceiving that the Plot was indeed discover'd, and knowing themselves to be the chiefest Authors thereof, prophesy'd the Overthrow of the whole Order of the Jesuits; saying, That they feared that the Discovery and Miscarrying of this Practice, would utterly undo and overthrow the whole Society of the Jesuits. But *Greenwell* the Jesuit being carry'd with a more violent and fiery Spirit, posteth up and down to incite such as he could to rise up in open Rebellion: And meeting in Master *Abington's* House with *Hall*, another Jesuit, adviseth him the said *Hall* likewise to lose no time, but forthwith to seek to raise and stir up so many as he could: But *Hall* seeming to deliberate thereof, whether seeing no end of so rash an Attempt, or fearing by that means to be himself apprehended, *Tesmond* told him that he was a flegmatick Fellow; and said, a Man may herein see the difference betwixt a flegmatick Man (such as he meant *Hall* was) and a cholerick, as he said himself was: And further added, that he was resolv'd to do his best Endeavours for the raising of a Rebellion, under this false Pretext and Colour, That it was concluded that the Throats of all the Catholicks in *England* should be cut; so persuading

ding himself to incite them to take Arms for to stand upon their guard and defence: and with this Device he posted away into the County of *Lancaster*. Afterwards *Hall* the Jesuit, otherwise called *Oldcorn*, being urged by *Humphrey Littleton* with the evil Success of their intended Treason, that surely God was displeas'd and offended with such bloody and barbarous Courses, instead of an humble Acknowledgment of the Justice of God, and a Sense of the Wickedness of the Treason, fell rather satanically to argue for the Justification of the same; and said, Ye must not judge the Cause by the Event; for the eleven Tribes of *Israel* were by God himself commanded to go and fight against *Benjamin*, yet were they twice overthrown: So *Lewis* of *France* fighting against the *Turk*, his Army was scatter'd, and himself died of the Plague: And lastly, the Christians defending of *Rhodes*, were by the *Turks* overcome. And these he apply'd to the Powder-Treason, and persuaded *Littleton* not to judge it ungodly or unlawful by the Event.

Observe here a double Consequent of this Powder-Treason. First, open Rebellion, as hath been shewed both immediately before, and more at large in the former Arraignment; and since that, Blasphemy in *Garnet* the Superior of the Jesuits: for, he having liberty in the Tower to write, and sending a Letter (which Letter was openly shewed in the Court before him) to an Acquaintance of his in the Gate-house, there was nothing therein to be seen but ordinary Matter, and for certain Necessaries: But in the Margin, which he made very great and spacious, and underneath, where there remained clean Paper, he wrote cunningly with the Juice of an Orange, or of a Lemon, to publish his Innocency, and concerning his Usage; and there denieth those things which before he had freely and voluntarily confessed: and said, that for the *Spanish* Treason, he was freed by his Majesty's Pardon; and as for the Powder-Treason, he hoped, for want of Proof against him, to avoid that well enough: but concludeth blasphemously, applying the Words which were spoken of our Blessed Saviour, to himself in this damnable Treason, and saith, *Necessesse est ut Homo moriatur pro Populo; It is necessary that one Man die for the People: Which Words Caiaphas spake of Christ.* Wherein note his Prevarication and Equivocation; for before the Lords Commissioners, he truly and freely confessed his Treasons, being (as himself, under his own hand, confesseth) overwhelm'd *tanta nube testium*; and yet *ad faciendum populum*, in his Letters which he wrote abroad, he clearth himself of the Powder-Treason. And thus much concerning the two Circumstances subsequent, which were Rebellion and Blasphemy.

The Circumstances concurring, are concerning the Persons both offending and offended. For the principal Person offending, here at the Bar, he is, as you have heard, a Man of many Names, *Garnet, Wally, Darcy, Roberts, Farmer, Philips*: and surely I have not commonly known and observed a true Man, that hath had so many false Appellations: He is by Country an *Englishman*, by Birth a Gentleman, by Education a Scholar, afterwards a Corrector of the Common Law Print, with *Mr. Tottle* the Printer; and now is to be corrected by the Law. He hath many Gifts and Endowments of Nature, by Art learned, a good Linguist, and by Profession a Jesuit, and a Superior, as indeed he is superior to all his Predecessors in devilish Treason; a Doctor of Jesuits, that is, a Doc-

tor of five DD's, as Dissimulation, Depositing of Princes, Disposing of Kingdoms, Daunting and Detering of Subjects, and Destruction.

Their Dissimulation appeareth out of their Doctrine of Equivocation: Concerning which it was thought fit to touch something of that which was more copiously delivered in the former Arraignment, in respect of the Presence of *Garnet* there, who was the Superior of the Jesuits in *England*, concerning the Treatise of Equivocation seen and allowed by *Garnet*, and by *Blackwell* the Archpriest; wherein, under the Pretext of the Lawfulness of a mixt Proposition to express one part of a Man's Mind, and retain another, People are indeed taught not only simple Lying, but fearful and damnable Blasphemy. And whereas the Jesuits ask, why we convict and condemn them not for Heresy; it is for that they will equivocate, and so cannot that way be try'd or judg'd according to their Words.

Now for the Antiquity of Equivocation, it is indeed very old, within little more than three hundred years after Christ, used by *Arius* the Heretick, who having in a General Council been condemned, and then by the Commandment of *Constantine* the Emperor sent into Exile, was by the said Emperor, upon instant Intercession for him, and Promise of his future Conformity to the *Nicene* Faith, recalled again: who returning home, and having before craftily set down in writing his heretical Belief, and put it into his Bosom, when he came into the Presence of the Emperor, and had the *Nicene* Faith propounded unto him, and was thereupon asked, whether he then did indeed, and so constantly would hold that Faith, he (clapping his Hand upon his Bosom where his Paper lay) answered and vowed that he did, and so would constantly profess and hold that Faith (laying his Hand on his Bosom where the Paper of his Heresy lay) meaning fraudulently (by way of Equivocation) that Faith of his own, which he had written and carried in his Bosom.

For these Jesuits, they indeed make no Vow of speaking Truth, and yet even this Equivocating and Lying is a kind of Unchastity, against which they vow and promise: For as it hath been said of old, *Cor linguæ fœderat naturæ sanctio, veluti in quodam certo Connubio: ergo cum dissonent cor & loquutio, Sermo concipitur in Adulterio*: that is, The Law and Sanctio of Nature, hath (as it were) married the Heart and Tongue, by joining and knitting of them together in a certain kind of Marriage; and therefore when there is Discord between them two, the Speech that proceeds from them, is said to be conceived in Adultery, and he that breeds such Bastard-Children offends against Chastity.

But note the heavy and woeful Fruit of this Doctrine of Equivocation: *Francis Tresham* being near his natural Death in the Tower, had of charity his Wife permitted (for his Comfort) to come unto him: who understanding that her Husband had before directly and truly accused *Garnet* of the *Spanish* Treason, lest belike her Husband should depart this Life with a Conscience that he had revealed any thing concerning the Superior of the Jesuits, a very little before he died, drew him to this; that his own Hand being so feeble as that he could not write himself, yet he caus'd his Servant then attending on him, to write that which he did dictate, and therein protested upon his Salvation, That he had not seen the said *Garnet* of

of sixteen years before, and thereupon prayed that his former Confession to the contrary might in no wise take place; and that this Paper of his Retraction which he had weakly and dyingly subscribed, might, after his Death, be delivered to the Earl of *Salisbury*: Whereas Master *Garnet* himself hath clearly confessed the *Spanish* Treason, and now acknowledged the same at the Bar; and he and Mrs. *Fawkes*, and others, directly confess and say, That *Garnet* and *Tresham* had, within two years space, been very often together, and also many times before: But, *Qualis vita, finis ita*. And *Garnet* himself, being at the Bar afterwards urged to say what he thought of such the Departure of *Francis Tresham* out of this Life, answered only this; I think he meant to equivocate.

Thus were they stained with their own Works, and went a whoring with their own Inventions, as it is in the Psalm. So that this is indeed *Gens perfida*, according to the Hymn, *a perfidious People*; and therefore *Jurat? crede minus; non Jurat? credere noli. Jurat, non jurat hostis, ab hoste cave*.

For their Doctrine of deposing of Princes, *Simanca* and *Philopater* are plain, (as hath in the former Arraignment been more amply declared, and was now again at large to *Garnet's* face repeated:) If a Prince be an Heretick, then is he excommunicated, cursed, and deposed; his Children deprived of all their Right of Succession, himself not to be restored to his Temporal Estate upon Repentance. And by an Heretick, they profess, that he is intended and meant, namely, whosoever doth not hold the Religion of the Church of *Rome*. Nay, there is an easier and a more expedite way than all these to fetch off the Crown from off the Head of any King christen'd whatsoever; which is this, That *Princeps indulgendo hereticis, amittit Regnum; if any Prince shall but tolerate or favour Hereticks, he loseth his Kingdom*. Nay, whereas *Garnet*, in defence of this usurped Power of the High Priest of *Rome*, alledged, *Nos Sanctorum, &c.* out of the Decretals; in the very next Title before that, there is another Decree that passeth all we have recited; wherein it is shewed, that *Zachary* the Pope deposed *Childerick* of *France*, for nothing else there specified, *sed quia inutilis*, but only for that he was reputed unprofitable to govern.

Now as concerning their Daunting and Detering of Subjects, which is a part of the Jesuits Profession; it were good that they would know and remember, how that the most noble and famous Kings of *England* never were afraid of Popes Bulls, no not in the very Midnight of Popery, as *Edward the Confessor*, *Henry I.* *Edward I.* *Richard II.* *Henry IV.* *Henry V.* &c. And in the time of *Henry VII.* and in all their times, the Pope's Legate never passed *Calais*, but stay'd there, and came not to *England*, until he had taken a solemn Oath to do nothing to the detriment of the Crown or State.

For the Persons offended, they were these:

First, The King, of whom I have spoken often, but never enough: A King of high and most noble antient Descent, as hath been briefly declared; and in himself full of all Imperial Virtues, Religion, Justice, Clemency, Learning, Wisdom, Memory, Affability, and the rest.

Secondly, The Queen; and she, in respect of her happy Fruitfulness, is a great Blessing, inasmuch that of her, in that respect, may be said, she is *Ortu magna, Viro major, sed maxima Prole*; great in Birth, greater in her Marriage, but to all Posterity greatest, in the blessed Fruit of her Womb, as

having brought forth the greatest Prince that ever *England* had.

Thirdly, The noble Prince, of whom we may say, with the Poet, *Quæ te tam leta tulere secula? Qui tanti talem genuere parentes?* Never Prince, true Heir-Apparent to the Imperial Crown, had such a Father, nor ever King had such a Son.

Fourthly, Then the whole Royal Issue, the Council, the Nobility, the Clergy, nay our Religion itself, and especially this City of *London*, that is famous for her Riches, more famous for her People, (having above five hundred thousand Souls within her and her Liberties) most famous for her Fidelity, and more than most famous of all the Cities in the World for her true Religion and Service of God. Hold up thy Head, noble City, and advance thy self, for that never was thy Brow blotted with the least taint or touch, or suspicion of Disloyalty: Thou mayst truly say with the Prophet *David*, *I will take no wicked thing in hand, I hate the sin of unfaithfulness, there shall no such cleave unto me*. Therefore for thy Fidelity thou art honoured with the Title of *The King's Chamber*, as an inward place of his greatest Safety: And for thy comfort and joy this day, hath *Britain's* great King honoured thee with the Proceeding upon this great and honourable Commission; after the heavy and doleful Rumours this other day, when it was certainly known that King *James* was in safety, well did the Fidelity of this City appear, (whereof I was an Eye-witness) *Una voce conclamaverunt omnes, Salva Londinum, salva Patria, salva Religio, Jacobus Rex noster salvus; Our City, our Country, our Religion is safe, for our King James is in safety*.

The Observations are many, and only in a word to be touched:

1. That in the *Spanish* Treason before-mention'd, and this Powder-Treason, there was the same Order, Cause and End. The Order was, first, to deal by secret Practice and Treason, and then by Force and Invasion. The Cause which they pretend, was the Romish Catholick Religion. The End was the final Destruction of the Royal Succession, yea, even *occidere Regnum*, to overthrow and dissolve the whole Kingdom.

2. Note, that even the Enemy hath acknowledged, that our State is so settled and established, as neither Strength nor Stratagem can prevail, unless there be a Party made in *England*.

3. We shall never have Bull more to come from *Rome* to *England*, because they shall never have a Party strong enough to encounter with so many Lions.

4. All their Canons, Decrees, and new-found Doctrines tend to one of these two Ends; either worldly Pride, or wicked Policy; for the amplitude and enlargement of the Pope's Authority, and for the safety of the Jesuits, Priests, &c.

5. Observe that *Baynam*, a Layman, and one of the damned Crew, and so naming himself, was sent to inform the Pope as a Temporal Prince.

6. I conceive their Fall to be near at hand, both by Divinity and by Philosophy. For the first, there are now in *England* about four hundred Priests: so many were there in *Israel* in the days of *Ahab*; *Who*, saith God, *shall go and deceive Ahab, that he may fall?* A lying Spirit in the Mouths of his four hundred Prophets undertook and effected it; their Fall was near, when once a lying Spirit had possessed the Priests, according to the Vision of *Micheas*, as now it hath possessed the Jesuits. *2dly*, The Imitation of Good for the most part comes short

of the Pattern; but the Imitation of Evil ever exceeds the Example. Now no Imitation can exceed this Fact, and therefore their time is at an end.

7. Many condemn it now, that would have commended it, if it had taken effect; for this, say they, is *E numero eorum quæ non laudantur nisi peracta*.

8. They and their Adherents spread abroad false Rumours; as that the King should have broken Promise with them concerning Toleration: which mixture of God's Service, rather than he would suffer, he would lose Children, Crown, Life, and all. Nay, they may see there is no such hope left, for that his Majesty bringeth up his Royal Issue in the true Religion and Service of the Almighty.

Lastly, Observe the wonderful Providence of God in the admirable Discovery of this Superior Jesuit to be party to this Treason; and that in two respects:

1. In respect of the means of Secrecy, used by him in conference only with *Catesby* of the Laity. (2.) They had a strong and a deep Oath given them both for Secrecy and Perseverance. (3.) They hereupon received the holy Sacrament. (4.) They were allowed and taught by the Jesuits, to equivocate upon Oath, Salvation or otherwise: And how then should it be discovered? (5.) Their secret Intelligence was such, as that it was impossible by the Wit of Man to be found out. And therefore,

2. The second thing is, How this Treason being long sithence plotted, the Providence of God did continually from time to time divert and put off the executing thereof, by unexpected putting off the times of assembly in Parliament. For the Parliament began the 19th of *March*, in the first Year of his Majesty's Reign, and continued till the 7th of *July* following, before which time the Conspirators could not be ready: from thence it was prorogued until the 7th of *February*, against which time they could not make the Mine ready, in respect that they could not dig there, for that the Commissioners of the Union sat near the place, and the Wall was thick, and therefore they could not be provided before the 7th of *February*; and on the 7th of *February* the Parliament was prorogued until the 5th of *October*. After this, they found another Course, and altered the place from the Mine to the Cellar. O blessed Change of so wicked a Work! Oh! but these fatal Engineers are not yet discovered, and yet all things are prepared. Oh prorogue it once more! And accordingly, God put it into his Majesty's heart (having then not the least suspicion of any such matter) to prorogue the Parliament; and further, to open and enlighten his Understanding, out of a mystical and dark Letter, like an Angel of God, to point to the Cellar, and command that to be searched; so that it was discovered thus miraculously, but even a few hours before the Design should have been executed.

The Conclusion thereof shall be this; *Qui cum Jesu itis, non itis cum Jesuitis*: For, *They encourage themselves in mischief, and commune among themselves secretly, how they may lay snares, and say, that no man shall see them. But God shall suddenly shoot at them with a swift arrow, that they shall be wounded: inso-much that who so seeth it shall say, This hath God done; for they shall perceive that it is his work.*

Then were repeated the Proofs for every of the particular Accusations aforesaid, by the express

and voluntary Confessions of *Garnet*, and of his Complices themselves, and of two credible Witnesses sworn at the Bar, and openly heard *viva voce*, and acknowledged by *Garnet* himself to be Men without exception.

Then Mr. *Garnet* having Licence of the Court to answer what he could for himself, spake, and divided all which had been objected, to his remembrance, into four parts, *viz.*

Containing matter of,
1st, Doctrine.
2dly, Recusants.
3dly, Jesuits in general.
4thly, Himself in particular.

1st, In Doctrine, he remembered two points:

1. Concerning Equivocation; whereunto he answered, That their Church condemned all Lying, but especially if it be in Cause of Religion and Faith, that being the most pernicious Lye of all others, and by *S. Augustine* condemned in the *Priscillianists*: Nay, to lye in any cause is held a Sin and Evil; howsoever of eight degrees which *St. Augustin* maketh, the lowest indeed is to lye for to procure the Good of some, without hurting of any. So then our Equivocation is not to maintain Lying, but to defend the use of certain Propositions: For a Man may be asked of one, who hath no Authority to interrogate, or examined concerning something which belongeth not to his Cognizance who asketh, As what a Man thinketh, &c. So then no Man may equivocate, when he ought to tell the Truth, otherwise he may. And so *St. Augustine* upon *Jobn* saith, That Christ denied he knew the Day of Judgment, *viz.* with purpose to tell it to his Disciples; and so *St. Thomas* and others who handle this Matter, chiefly under the Title of Confession.

2. For the second Point, which was the Power of the Pope in deposing of Princes, his Answer was threefold. (1.) That therein he only propounded and followed the general Doctrine of the Church. (2.) That this Doctrine of the Power of the Pope, was by all other Catholick Princes tolerated without Grievance. (3.) That yet for his own part, he always made a Difference in the matter of Excommunicating and Deposing of Princes, betwixt the Condition and State of our King and of others, who having sometimes been Catholicks, did or shall afterwards fall back. As for *Simanca*, and other Writers, whatsoever they set down of the deposing of Hereticks, it is to be understood of those Princes, who having sometimes professed the Faith of the Church of *Rome*, do afterwards make a Defection from the same.

2dly, For Recusants; 1. I desire them not to impute any Offence or Crime of mine, to the Prejudice of the Cause of Religion. 2. Concerning their not going to Church; whereas it was urged by Mr. *Attorney*, that the ground of their not going to Church, was the Excommunication and Bull of *Pius Quintus*; and that now they may go, for that his Majesty is not denounced Excommunicate: I answer, That it followeth not; for the *Arians* and Catholicks had the same Service in their Churches, yet came they not together; and I know divers my self, who, before that Bull, refused to go to Church all the time of Queen *Elizabeth*, though perhaps most Catholicks did indeed go to Church before. It was about the end of the Council of *Trent*, where this matter was discussed by twelve

learned Men, and concluded not lawful. And this was occasioned, for that *Calvin* himself held it not lawful for any Protestant to be present, not only at our Mass, wherein perhaps they may say there is Idolatry, but not at our Even-Song, being the same with theirs.

3dly, Concerning the Jesuits, he said, That if any were privy to such horrible Treasons, it was impious, especially in Men of their Profession: But said, that he talked with some of them about it, and that they denied it.

4thly, Touching my self, The Negotiation into *Spain* was indeed propounded unto me, and I was also acquainted with the Negotiation for Money, but ever intended it should be bestowed for the Relief of poor Catholics: But when they were there, they moved for an Army; which when they afterwards acquainted me withal, I disliked it, and said, it would be much disliked at *Rome*: only I must needs confess I did conceal it after the Example of Christ, who commands us, when our Brother offends, to reprove him, for if he do amend, we have gained him; yet I must needs confess, that the Laws made against such Concealing, are very good and just, for it is not fit the Safety of a Prince should depend upon any other Man's Conscience. So that I am verily persuaded, if they yielded to me, it had been good: but what their Intent and Meaning was, in desiring an Army, I knew not, and I was charged not to meddle therein, no not with the Money which was to be sent for Pensions, though it was to maintain the Title of the King.

The Earl of *Salisbury* then demanded, To maintain whose Title?

Garnet answered, The Title of the King of *Spain*.

The Earl of *Northampton* asked him, Why he did not oppose himself against it, and forbid it, as he might have done? For, *Qui cum possit non prohibet, jubet*.

Whereupon *Garnet* answered, That he might not do it: and for sending of Letters, and commending some Persons thereby, he confessed he did it often, as they were commended to him without knowing either their Purposes, or some of their Persons; for he never knew Mr. *Wright*, for whom he writ.

The Earl of *Salisbury* then replied to *Garnet*, I must now remember you, how little any of your Answers can make for your Purpose, when you would seek to colour your dealing with *Baynam*, by professing to write to *Rome* to procure a Countermand of Conspiracies; and yet you know, when he took his Journey towards *Rome*, the Blow must needs have been passed, before the time he could have arrived to the Pope's Presence, (such being your Zeal and his Haste for any such Prevention) as it was about the 20th of our *October* when he passed by *Florence* towards *Rome*.

To which *Garnet* made no great answer, but let it pass: and then went on with his Defence of sending Letters in Commendation of many of those with which he had been formerly charged, and so confessed that he had written Commendation of *Fawkes*, thinking that he went to serve as a Soldier, not knowing then of any other Purpose he had in hand. And as for Sir *Edmund Baynam*, what he or Mr. *Catesby* intended, he knew not in particular; only Mr. *Catesby* asked him in general, the Question of the Lawfulness to destroy Innocents with Nocents, as had been before objected

against him; which at first, I thought, said *Garnet*, had been an idle Question, though afterwards I did verily think, he intended something that was not good. Whereupon having shortly after this, received Letters from *Rome*, to prohibit all Insurrections intended by Catholics, which might perturb this State; *Garnet* informed *Catesby* thereof, and told him, That if he proceeded against the Pope's will, he could not prevail: but *Catesby* refused and said, he would not take notice of the Pope's pleasure by him. Notwithstanding, he shewed to *Catesby* the general Letter which he had received from *Rome*, but said he would inform the Pope, and tell *Garnet* also in particular, what Attempt he had in hand, if he would hear it; which afterwards he offered to do, but *Garnet* refused to hear him, and at two several times requested him to certify the Pope what he intended to do.

And when Sir *Edmund Baynam* (as he pretended) was to go over into *Flanders* for a Soldier, *Garnet* thought good to send him to the Pope's Nuncio, and to commend him to other Friends of his, That they should send him to inform the Pope of the distressed Estate of Catholics in *England*: The rather, that the Pope having a Lay-man there, might be acquainted with all their Proceedings; and that *Baynam* might then learn of the Pope, what course he would advise the Catholics in *England* to take for their own Good: but wished *Baynam* in no case to use *Garnet's* name to the Nuncio in that behalf.

Then were the two Witnesses called for; both of them Persons of good Estimation, that overheard the Interlocution betwixt *Garnet* and *Hall* the Jesuit, viz. Mr. *Fauset* a Man learned and a Justice of Peace, and Mr. *Lockerfon*. But Mr. *Fauset* being not present, was sent for to appear; and in the mean time Mr. *Lockerfon*, who being deposed before *Garnet*, delivered upon his Oath, that they heard *Garnet* say to *Hall*, They will charge me with my Prayer for the good Success of the great Action, in the beginning of the Parliament, and with the Verses which I added in the end of my Prayer:

*Gentem auferte perfidam
Credentium de snibus,
Ut Christo Laudes debitas
Persolvamus alacriter.*

It is true indeed (said *Garnet*) that I prayed for the good Success of that great Action; but I will tell them, that I meant it in respect of some sharper Laws, which I feared they would then make against Catholics: and that answer shall serve well enough.

Here *Garnet* replied, That for the two Gentlemen that heard the Interlocution, he would not charge them with Perjury, because he knew them to be honest Men; yet he thought they did mistake some things, though in the substantial parts, he confessed, he could not deny their Relation. And for the main Plot, he confessed, that he was therewithal acquainted by *Greenwell* particularly; and that *Greenwell* came perplexed unto him to open something, which Mr. *Catesby* with divers others intended: to whom he said, He was contented to hear by him what it was, so as he would not be acknown to Mr. *Catesby*, or to any other, that he was made privy to it. Whereupon Father *Greenwell* told him the whole Plot, and all the Particulars thereof, with which he protested, that he

he was very much distempered, and could never sleep quietly afterwards, but sometimes prayed to God, that it should not take effect.

To that the Earl of *Salisbury* replied, That he should do well to speak clearly of his Devotion in that point; for otherwise he must put him in remembrance, that he had confessed to the Lords, that he had offered Sacrifice to God for stay of that Plot, unless it were for the good of the Catholick Cause; and in no other fashion (said his Lordship) was this State beholden to you for your Masses and Oblations. Adding thus much farther, That he wonder'd why he would not write to his Superior *Aquaviva*, as well of this particular Powder-Treason, as to procure Prohibition for other smaller Matters.

Garnet faintly answered, he might not disclose it to any, because it was matter of secret Confession, and would endanger the Life of divers Men.

Whereunto the Earl of *Northampton* replied, That that Matter of Confession, which before he refused to confess, because he would save Lives, he confessed it now to endanger his own Life; and therefore his former Answer was idle and frivolous.

Then *Garnet* told the Lords, That he commanded *Greenwell* to dissuade *Catesby*, which he thought he did; and if *Catesby* had come to him upon *Alballow-day*, he thought he could so far have ruled him, as he would have been persuaded to desist.

Then said the Earl of *Salisbury*, Why did you refuse to hear *Catesby* tell you all the Particulars, when he would have told you, if you had been desirous to prevent it?

Garnet replied, That after *Greenwell* had told him what it was which *Catesby* intended, and that he called to mind what *Catesby* said to him, at his first breaking with him in general Terms, his Soul was so troubled with mislike of that Particular, as he was loth to hear any more of it.

Well then (said the Earl of *Salisbury*) you see his Heart: and then turning to the Lords Commissioners, he desired leave of them, that he might use some Speech concerning the Proceeding of the State in this great Cause, from the first beginning until that hour; and so began to this effect: That although the Evidence had been so well distributed and opened by Mr. Attorney, as he had never heard such a Mass of Matter better contracted, nor made more intelligible to the Jury, to whom it was not his part to speak, nor his purpose to meddle with Mr. *Garnet* in Divinity, or in the Doctrine of Equivocation, in which latter he saw how he had played his Master-prize; yet because he had been particularly used in this Service with other of the Lords Commissioners, by whom nothing was more desired, next the Glory of God, than to demonstrate to the World, with what Sincerity and Moderation his Majesty's Justice was carried in all Points, he would be bold to say somewhat of the Manner of this Arraignment, and of the Place where it was appointed. For the first, he said, That seeing there was nothing to which this State might more attribute the infinite Goodness and Blessings of God, than to the Protection of the true Religion, which had groaned so long under the bitter Persecutions of Men of his Profession; he confessed, that he held himself greatly honoured, to be an Assistant amongst so many great Lords at the Seat of Justice, where God's Cause should receive so much Honour, by discrediting the Person of *Garnet*, on whom the common Adversary had thought to confer the Usurpation

of such an eminent Jurisdiction: For otherwise, who did not know, that the Quality of poor *Henry Garnet* might have undergone a more ordinary Form of Trial, and haply in some other Place of less Note and Observation? And so his Lordship took an Occasion to declare, That the City of *London* was so dear to the King, and his Majesty so desirous to give it all Honour and Comfort, as when this Opportunity was put into his hands, whereby there might be made so visible an Anatomy of Popish Doctrine, from whence these Treasons have their Source and Support, he thought he could not chuse a fitter Stage than the City of *London*, which was not only rightly termed, *The Chamber of his Empire*, but was by his Majesty esteemed as his greatest and safest Treasury; who accounteth no Riches comparable to his Subjects Hearts, and acknowledgeth that such a Circuit did never contain so many faithful Subjects within the Walls: A Matter well appearing to his own Eyes amongst others, upon the decease of the late Queen of precious Memory, when he attending most of the Peers and Privy-Counsellors of this Kingdom, who were accompanied with no small number of noble and faithful Gentlemen, had seen them all stayed from entry within the Gates of this City, until they had publickly declared with one Voice, that they would live and die with the King our Sovereign Lord. To you therefore, Mr. *Garnet* (said the Earl of *Salisbury*) must I address my self, as the Man in whom it appeareth best what horrible Treasons have been covered under the Mantle of Religion, which heretofore had been Petty Treason for a Protestant to have affirmed. Such hath been the Iniquity of false Tongues, who have always sought to prove the Truth a Liar. Of which impudent Calumnies the State is so tender, as you do best know, (Mr. *Garnet*) that since your Apprehension, even till this Day, you have been as christianly, as courteously, and as carefully used, as ever Man could be, of any Quality, or any Profession: yea, it may truly be said, that you have been as well attended for Health or otherwise, as a Nurse-Child. Is it true or no, said the Earl?

It is most true (my Lord) said *Garnet*, I confess it.

Well then (said the Earl) if your strange Doctrine of Equivocation be observed, and your Hardness of Heart to deny all things; let it not be forgotten, that this Interlocution of yours with *Hall*, over-heard by others, appears to be *digitus Dei*: for thereby had the Lords some light, and proof of Matter against you, which must have been discovered otherwise by Violence and Coercion, a matter ordinary in other Kingdoms, though now forborn here: but it is better as it is, for the Honour of the State, for so were your own Words, that you thought it best to tell the truth at last, when you saw you were confounded *tanta nube testium*. In which I protest, that I do confidently assure my self, that you would as easily have confessed your self to be Author of all the Action, as the Concealer, but that his Majesty and my Lords were well contented to draw all from you without Racking, or any such bitter Torments.

Then speaking to *Garnet*, he said; I pray you, Mr. *Garnet*, what encouraged *Catesby* that he might proceed, but your resolving him in the first Proposition? What warranted *Fawkes*, but *Catesby's* Explication of *Garnet's* Arguments? as appears

infallibly by *Winter's* Confession, and by *Fawkes*, that they knew the Point had been resolved to Mr. *Catesby*, by the best Authority.

Then *Garnet* answered, That Mr. *Catesby* was to blame to make such Application.

To that the Earl replied, That he must needs be bold with him, to drive him from the Trust he had, to satisfy the World by his Denials, by putting him in mind, how after the Interlocution betwixt him and *Hall*, when he was called before all the Lords, and was asked, not what he said, but whether *Hall* and he had Conference together, desiring him not to equivocate; how stiffly he deny'd it upon his Soul, reiterating it with so many detestable Execrations, as the Earl said, it wounded their Hearts to hear him: and yet as soon as *Hall* had confessed it, he grew ashamed, cried the Lords Mercy, and said, he had offended, if Equivocation did not help him.

To this *Garnet* answered, That when one is asked a Question before a Magistrate, he was not bound to answer before some Witnesses be produced against him, *Quia nemo tenetur prodere seipsum*. Then *Garnet* falling into some Professions of his well-wishing to his Majesty, and being put in mind of the Answer he made concerning the Excommunication of Kings, wherein he referred himself to the Canon of *Nos Sanctorum*, he answered, that his Majesty was not yet excommunicated.

Then the Earl of *Salisbury* bade him deal plainly, for now was the time, Whether in case the Pope, *per Sententiam Orthodoxam*, should excommunicate the King's Majesty of *Great Britain*, his Subjects were bound to continue their Obedience?

To this *Garnet* denied to answer, by which the Hearers might see his Mind.

From that Matter he began to make request, That where he had confessed the receiving of two Briefs or Bulls from the Pope, in the Queen's time, by which all Catholics were forbidden to adhere to any Successor that was not obedient to the Church of *Rome*, his Majesty would be pleased to make a favourable Interpretation, because he had shewed them to very few Catholics in *England*, in the Queen's time; and when he understood that the Pope had changed his Mind, then he burnt the Bulls.

To that it was said, That belike the Pope changed his Mind, when the King was so safely possessed of his Estate, and *Garnet* with his Complices began to feel their own Impiety, and so as *Catesby* said to *Percy*, did resolve roundly of that Treason, which would speed all at once.

Then *Garnet* began to use some Speeches, that he was not consenting to the Powder-Treason.

Whereupon the Earl of *Salisbury* said, Mr. *Garnet*, give me but one Argument that you were not consenting to it, that can hold in any indifferent Man's Ear or Sense, besides your bare Negative. But *Garnet* replied not.

Then Mr. Attorney-General spake in answer to *Garnet* more particularly, to this effect:

1. For Equivocation, it is true indeed, that they do outwardly to the World condemn Lying and Perjury, because the contrary were too palpable, and would make them odious to all Men: But it is open and broad Lying and Forswearing, not secret and close Lying and Perjury, or swearing a Falshood, which is most abominable, and without Defence or Example. And if they allow it not generally in others, yet at least in themselves, their Confederates and Associates in Treasonable Practices, they will both warrant and defend it, especially when it may serve their turn for such Purposes and Ends as they look after.

sonable Practices, they will both warrant and defend it, especially when it may serve their turn for such Purposes and Ends as they look after.

2. Concerning the usurped Power of the Pope in Deposing of Princes; neither is it the general Doctrine of the Church, as he falsely said, neither allowed or tolerated by all Princes, who are otherwise of their Religion, as may appear out of the *French* Discourse written to the *French* King against the re-admitting of the Jesuitical Faction. And whereas he would pick-a-thanke in seeming to spare and exempt King *James* our Sovereign, it is not possible to avoid their Distinction of being excommunicated *de Jure*, if not *de Facto*, howsoever it be true also, that the Pope doth *de Facto* curse all Hereticks. For Recusants not going to Church, the Example of the Catholics not joining in Service and Prayer with the *Arians*, who denied a main Article of the Christian Creed, doth no ways hold, neither can it agree to us, of whom no such impious Blasphemy can be shewed or imagined. That *Garnet* said, he knew some, who before the Bull came, went not to Church, it may be true perhaps in some one or two perverted and perverse Men like himself; but whereas he produced the Council of *Trent*, as if there the Matter had been determined, and thereupon inferreth, that after that all Romish Catholics refused to meet with us at Church in time of Prayer, it is a gross Error: for the last Session of that Council was in the Year of our Lord 1563, which was in the fifth Year of Queen *Elizabeth*; whereas I shewed, and am able to justify and prove, That their Romish *English* Catholics came to our Service in our Churches until the nineteenth Year of her Majesty, which was many Years after that Council was ended.

Concerning *Garnet* himself; 1st, For that Answer of his, That he knew of the Powder-Treason by Confession, it is true which before was spoken, that such Acts as this is, *Non laudantur nisi peracta*, are then only commended, when they are performed: but otherwise, First, *Greenwell's* was no Sacramental Confession, for that the Confitent was not penitent: nay, himself hath clearly delivered under his hand, That the Powder-Treason was told him, not as a Fault, but by way of Consultation and Advice. 2dly, It was a future thing to be done, and not already then executed. 3dly, *Greenwell* told it not of himself, that he should do it, but of *Fawkes*, *Percy*, *Catesby*, *Winter*, and others; and therefore he ought to have discovered them, for that they were no Confitents. 4thly, He might and ought to have discovered the Mischiefe, for Preservation of the State, though he had concealed the Persons. 5thly, *Catesby* told it unto him *extra Confessionem*, out of Confession; saying, They might as well turn him out, as have kept him out. Lastly, By the common Law, howsoever it were (it being *crimen læsæ Majestatis*) he ought to have disclosed it.

Now for that *Garnet* denied that he was a principal Author and Procurer of this Treason, but only that he had received Knowledge thereof; the contrary is clear and manifest, both out of his own Confessions, by himself acknowledged, and apparently proved, in that he resolved *Catesby* concerning the Lawfulness and Merit thereof, and that he prayed for the good Success of the Powder-Treason, which is more than either Consultation or Consent. Besides, he must remember him of the old Verse, *Qui non prohibet quod prohibere potest, consentire*

consentire videtur. Garnet might have commanded Greenwell, that told him of the Powder-Treason, to have desisted, but did not: But Greenwell went still on with the Treason, and when it was disclosed, went into the Country to move Rebellion, which doubtless he would never have done, if Garnet had forbidden him; therefore he said, he might say with the Orator Tully, *Cui adsunt testimonia rerum, quid opus est verbis?* Moreover, Mr. Attorney added, How Garnet writ first for Thomas Winter, then for Kit Wright, after that for Guy Fawkes, then for Sir Edward Baynam, and afterwards for Catesby, for a Regiment of Horse; and that Garnet was for the Infanta, and by his Briefs intended to keep out the King, except he should tolerate and swear to maintain the Romish Religion.

Then Mr. Attorney spake of the Interlocution betwixt Garnet and Hall, and said, That in all their Speeches they never named God, nor confessed their Innocency: But as soon as they spake together, Hall spake first; and then Garnet said, he suspected one, whose Name they that were set to overhear them, could not hear, to have disclosed something against them: But it may be otherwise, for he said he was much subject to that Frailty of Suspicion. He said he received a Note from Rookwood, that Greenwell was gone over Seas; and another, that Gerrard was gone to Father Parsons, and that Mistress Anne was in Town (meaning Mistress Anne Fawkes) and many other things were by them uttered in that Conference.

By this time came in Mr. Forset, who being deposed, affirmed likewise, that their Examination, and the Matter therein contained, were true: saying further, that both of them took Notes of that which they heard from Garnet and Hall, as near as possibly they could, and set down nothing in their Examinations, but those things, wherein both their Notes and perfect Memories agreed and assented; and that many things that were very material, and of great moment, were left out of their Examinations, because both their Notes and Memories did not perfectly agree therein.

And now one of the Letters, which were written with Sack, was shewed to the Court; by which appeared that Hall and Garnet had Interlocution together. Mr. Attorney here inferred that the necessary End of Justice was, *ut pena ad paucos, metus ad omnes perveniat*; and urged the Examination of Garnet, wherein he confessed that when Tesmond alias Greenwell, made relation to him of the great Blow by the Powder-Treason, who should have the Protection, Greenwell said, the Lords that should be left alive should chuse a Protector. And further, Mr. Attorney urged the writing of another Letter written with Sack to Sayer alias Rookwood, a Priest in the Gatehouse: But of this Point much is formerly mentioned.

Here Mr. Attorney ending, my Lord of Northampton spake to the Prisoner this Speech following.

Earl of North. Though no Man alive can be less apt or willing than my self, to add the least grain or scruple of Improvement to the weight of any Man's Calamity, that groans under the heavy burden of a distressed State, *Vel gravatis addere gravamina*, whereof I have as many Witnesses as the World hath Eyes; yet as the Case stands now in this Trial, Mr. Garnet, between my dear Sovereign, *ex cujus spiritu*, as one said of Alexander, *nos omnes Spiritum*

ducimus; and you that were so well content, to let the course of Conspiracy run forward to the stopping of this Breath before the time, which God by Nature doth prescribe between his Honour and your Error, his just Proceedings and your painted Shows, his Sincerity and your Hypocrisy; I could wish it possible that in any Person of some other Quality, you might hear the Echoes of your unperfect and weak Answers, and thereupon judge more indifferently and evenly of the true state of the Cause than you have done hitherto; being distracted with Fear, or forestall'd by Prejudice, or, to borrow your own Phrase, which is more proper to the Point than any I can use, oppressed *tanta nube testium*, with so thick a Cloud of Witnesses, as concur with one Voice, Heart and Spirit, for the Confusion of your Audacity.

I confess that never any Man in your State gave less hold or advantage to Examiners, than you have done in the whole course of Proceeding to us that were in Commission; sometime by forswearing, as upon the Confession of Hall your Fellow; sometime by dissembling, as about the places of your Rendezvous, which was the Lapwing's Nest; sometimes by earnest Expostulation; sometime by artificial Equivocation; sometime by sophisticating true Substances; sometime by adding false Qualities: yet *sat superest*, as may appear, to the defeat of your Inventions, and the defence of the King's Majesty; *quia magna est veritas, & praevallet.*

Your Parts by Nature simply considered, and in another Person, would rather move Compassion, than exasperate Humanity; for whom would not the Ruin of such a Person touch, as is in Appearance temperate, and in Understanding ripe? But our End at this time is the same with Decius in Livy, *ut quem vos obrutum reliquistis ignem*, &c. that we may quench that Fire by prevention, which you have only raked up in Ashes; *ut novum daret incendium*, that it might cause a new Combustion so soon as it might hit upon matter that were fit and suitable. Wherefore I must rather draw your Answers to the true touch for discharge of Rumors, than *verberare aërem*, beat the Air: For the substance of all your Evasions and sly Shifts, is as the Inn-keeper of Chalcius confessed of his Dishes to his Guests, admiring *tantam ferulorum diversitatem*, that they were only compounded of Pork, howsoever your fine Cookery may vary them.

The two Bulls that in the late Queen's time entred the Land (with a purpose by their loud Lowing to call all their Calves together, for the making of a strong Party, at the shutting up of the Evening, against your dread Sovereign) were grazed in your Pastures, Mr. Garnet; or to speak more properly (because they durst neither endure the Light, nor admit the Air) they were stall-fed at your Crib, as your self confesses; and therefore, *Serve nequam, ex ore tuo te judico.* And what answer make you to this? marry that the Purpose was imparted to very few; so much the worse: For out of Publication grows Discovery; and yet Experience hath justified, that those very few were the very Souls and Spirits of that pack of Conspirators, and such as for want of Patience and Temperance to tarry the time, when the Game had been brought to bearing, should have played the chiefest parts in the late smoaking Tragedy. You say the Bulls were after sacrificed in the Fire by your self: But not before the King's good Angel had cut their Throats, and the best part of their Proof were past, and
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your Hopes dead of that good which in likelihood they should have brought with them. For to what use could these dumb Beasts serve, in seeking to prevent that lawful and undoubted Right, which Heaven had now proclaimed, and Earth acknowledged? But let the proof be what it will, I look into the Root. I wonder, Mr. Garnet, what Apostle warrants you in undertaking wicked Plots, in hope that good may follow; neglecting what all Laws (and the Laws of *England* above all) what all States and Nations conclude of Men, that slyly practise and combine for Anticipation of the future Rights of lawful Successors.

In excuse of Letters written with your own Hand by *Thomas Winter* to Father *Creswell*, when he was employed about the procurement of an Army to invade with supplies of Treasure proportionable for the quicker Execution of so desperate an Enterprize; you answer, that the Persons were commended in your Letters, not the Plot: *spectatum admitti, risum teneatis amici?* as tho' the Minister had any other Errand or Instruction, than the main Plot it self: as tho' you, Mr. Garnet, being then *Magister in Israel* and *Rector Chori*, could or would be ignorant of their prefixed End; as tho' so grave a Person as your self, were likely to set his hand to Banks like a Baby, and to leave the rest to the disposition of a Man wholly transported with fiery Humours: Or, as tho' in this very point other Mens Confessions in particular, beside your own in generality, had not left us Marks and Traces evident and plain enough to descry doubleness with diversity. You confess privacy to a Practise, but not for an Army; Foreknowledge of a Course for getting Treasure, but with a purpose, as you conceived, to employ it wholly for the relief of Catholics. So as the reason of the reservedness of *Catesby*, *Winter*, and the rest toward you, must be undoubtedly their Suspicion of your over-great Affection and Duty to the Queen: For otherwise it is certain they would have trusted you as well with their Intention, as with their Means; with their Hopes, as with their Instruments; especially considering how hard it was for them to compass their own vast Desires, without help both of your Credit, and of your Industry.

Wright was in like manner, and with like expedition, commended by you afterward for the quickening of *Winter's* Project, if any Life were in it, upon the slackening of the Passions of *Spain*, with the Propositions of Peace, that no Time might be lost, no Stone left unremoved that might give a knock to the Peace of our Policy; your Head wrought upon all Offers, your Head walked in all Regions, your Spirit steered all Attempts and Undertakings: and yet if Protestations, qualified and protected by Equivocations, may carry weight, all this while your Mind was, as good Pastors ought to be, patient, your Thoughts were obedient, and your Counsels innocent. But now to search your Cunning somewhat nearer to the quick, we must observe, that when your Hopes of Invasion began to cool by likelihood of Peace, your Desires of Supplies by the cold Answers that came from *Spain*, your Expectation of new Mischiefs, to be wrought at home without Complots abroad; when Malice it self was cast into so desperate a Swoon, as neither *Rosalis* when *Spain* relented, nor *Isobab* when *Tyrone* submitted, nor Dissension within the Kingdom when Discontentments ended, could put it by any fresh adventure into Life; when you for your own part,

Mr. Garnet, having been once washed and regenerated in the Fountain of the King's free Pardon, from the leprous Spots of former Treasons, were determined to begin upon another Stock, and return as a Dog to the Vomit: tho' washing can avail no Man (as the Preacher warns) that *iterum tangit mortuum*, toucheth the dead the second or third time after he hath been made clean; for secretly *Catesby* resorts to you, as *Mabomet* might to *Sergius*, (for now I speak according to the Matter, and not the Men) to enquire whether it were lawful, considering the necessity of the time, to undertake an Enterprize for the advancement of the Catholick Religion, tho' it were likely that among many that were Nocent, some should perish that were Innocent. A Man that is religious in any kind, or but morally honest in his own kind, would expect that a Priest, a Jesuit, (which Title doth imply Salvation, and not Destruction; nay, the Superior of *English* Jesuits) upon this rash demand, should have resorted for a safe Resolution to God's own Book; where he should have found that God was pleased to withdraw his wrathful Hand from *Sodom*, so as there had been only *decem justi*, ten just Men within that Town, and for their sakes; that the wise Housholder in *St. Matthew*, marking how hard it would be before the Corn was ripe to make Separation, gave Order to his Servants to abstain from plucking up the Tares, *ne simul eradicarent triticum*, lest withal they plucked up the Wheat by the Roots. Ye should have found in the Stories of the Church, that the godly Bishops in the first Spring of Religion, suspended process against the *Priscillian* Hereticks, *ne Catholici cum illis perirent*, lest the Catholics might also perish with them. And the Church of *Milan* taxed *Theodosius* the Emperor, *quod insontes una cum fontibus trucidasset*, that he had proceeded both against the Guilty and the Guiltless with one Stroke, and in one measure of Severity. But far beside the warrant either of Holy Writ, or Holy Precedents, your Answer, Mr. Garnet, was such, as I both abhor to think, and quake to utter; that if any great advantage were to grow to the Church this way, they might destroy them all.

Tantene animis caelestibus iræ? O Mr. Garnet, be not offended tho' I ask of you, as a worthy Emperor did once of a Traitor in a Case by many degrees inferior to this, *Quid facit in peccare humano lupi feritas, canis rabies, serpentis venenum?* But that which ought most to torture and afflict the Spirit (if you be the Child of him whose Name and Badge you bear) is, that your Doctrine was confidently delivered, and so speedily digested, and converted to Nutriment from such a Mouth as yours, considering that (according to the Prophet) Knowledge should depend upon the Lips of a Priest, as *Rookwood*, *Bates*, and others, that did shrink at the horror of the Project when it was first laid down, received Satisfaction upon the very sound of your Assent, tho' masked with the Title of a Man, as grave and learned as any in the Land. And *Catesby* doubting of the fickleness of Men's Affections, in Cases that concern the Soul, used your admittance as a Charm or Spell, to keep quick Spirits within the Circle of combined Faith; which otherwise perhaps, when Hell brake loose, would have sought Liberty. Your Charter only (whereupon I beseech you for your own Soul's Health, to meditate for the time you tarry in this World) for the Base whereon some grounded their bad Conscience in proceeding with this Plot, not only to the Destruction

Destruction of their Bodies, but to the Peril of their Souls, without sound and true Repentance, which by the merit of Christ's Passion will serve *in quacunque hora peccator ingemuerit*. For tho' Christ were joyful that he had not lost one of those whom his Father gave him in charge, and came to save and not to destroy; yet your Advice was to destroy them all: Such was your burning Charity!

Some Man surprized with a Question upon the sudden, might answer sharply and shrewdly at some time, I confess, without thinking or intending ill: But this Man, Mr. Garnet, cannot be you, that have confessed clearly under your own Hand, your suspicion and fear of some Mischief purposed and intended in their Hearts, by this quick Question of Nocents and Innocents: and therefore *quod dubitas ne feceris*. It seems the Heart of *Catesby* was a fertile Soil for sprouting of stinking Weeds hastily, into which the Seed of your securing Confidence was cast. For the Powder-Plot, which in *January* was barely *embryo*, became *formatus fetus* in the *March* next following; it quickened the next *December*, when the Pioneers began to dig in the thick Wall: *Catesby* not long after imparted his Conceit secretly to you of the great likelihood he foresaw of a lucky time of Birth; and thereupon was *Guy Fawkes* sent over by your Knowledge and Encouragement, to deal with Sir *William Stanley*, about the drawing down of Forces somewhat nearer to the Sea-side for speedy Transport, which if need were, might carry Torches at the Solemnity. But what is your answer to this Employment of *Guy Fawkes*? Forsooth, that your purpose was only to commend him as a Soldier, but not as a Conspirator. O unlucky Treason, that comes to be excused by so poor an Advocate! when *Fawkes* himself meant nothing less than to be a Soldier, having so strange a part to play soon after in the Powder Train, but used this Retreat as a Colour to disguise the secret Purpose that did only tarry time, and to eschew those watchful Eyes, that nearer hand would have observed both his Inlets and his Outlets in that place more narrowly. The Point is clear, the Confessions are direct, the purpose is palpable. All the Loins of your Level are drawn to the Center of the Powder-Mine. All Letters are either drawn or interlined *manu Scorpionis*, to use the word of *Hierome*; and yet under pain of Censure we must believe, That all this while you were in Charity, because all this while (which it grieves me to remember) you were not afraid to communicate.

But now to weigh your Answers that concern the Powder-Plot it self; which is *paramount* in respect of the Longitude and Latitude to all that have been, or ever shall be: Your self cannot deny, Mr. Garnet, that *Greenwell's* Overture, as you say in Confession, coming after the notice which you took of *Catesby's* Question about Innocents, was but a Fruit of your own Doctrine, an Effect of your own Instruction, and a Conclusion drawn wholly out of your own Propositions and Principles. Now when we press to know what Reason drew you to the concealment of a Project so pernicious both to Prince and State, without revealing it either to the King himself, *tanquam præcellentis*, to use St. *Peter's* Term, or to his Ministers subordinate; you start to the shift of Confession for a formal help, which comes too short in respect of *Catesby's* first Discovery, which your own words aver plainly to have wrought with you. I will not argue in this place what Course a Confessor should take, or

how far he ought to strain for the securing of a Prince's Life, that otherwise is sure to perish by the Rage and Ignorance invincible of a base Villain, (whose Life answers not in value the least hair of a Prince's Head) because time suffers not: But I am sure that for a matter of less weight than this, and a Crime of less importance than the Life both of Prince and State; Confession received a deep wound for a long time, more than a thousand Years past, in the Church of *Constantinople*. For God forbid that matters of such weight, should hang by such feeble Threads. But to this excuse of tenderness in the point of Confession, I would answer, by making a great doubt, Whether this course of Conference were a Confession or not; for against your bare words, which Equivocation supports, I object some likelihood, That since you kneeled sometimes, and sometimes walked up and down; since matter of Conspiracy were interlaced with matter of Confession, not for ease of Conscience as should appear, but for advice in Execution; since *Greenwell* was absolved instantly, which excludes the shift of Reference: and *Greenwell* should be found to lye to the Holy Ghost in case this were a true Confession: in promising (Mr. Garnet) as you say, to dissuade the Project which he prosecuted even to the last Point, as is evident, and after the Powder Camp brake up: I conclude that tho' this discovery were by Confession, yet it was no *Supersedeas* to your former knowledge from *Catesby* your trusty Friend; and if it were none, then it can be no Protection for Faith putrified. What need we seek Light thro' Cobweb-Lawns, when the drift of your whole Device in seeking to conclude from one, what you learned of another, and from all what you affected and abetted in your Heart, doth evidently prove your Counsels to have been carried along with such a temper of reservedness, as whensoever Mischief should be brought to light, the World might rather wonder at your Caution, than commend your Fidelity?

By shaping such weak Answers to Demonstrations so manifest, you must either work by the Ring of *Gyges*, in making your Audacity and Presumption invisible, or hold a very weak Conceit of our Capacities, in supposing that they can be either dazzled or deluded by such poor Sophistry. For tho' you pretend to have received a deep Wound in Conscience at the first revealing of the Plot, to have lost your Sleep with vexation of Spirit, to have offered and prayed to God for his preventing Grace, to have required *Greenwell's* help and furtherance in crossing and diverting the design; yet all this while you suffered the Project to proceed, you helped and assisted their Endeavours that were Labourers, you wrote earnest Letters both to *Baldwin* and to *Creswell* for their furtherance of ordinary Means; you gave order for a Prayer to be said by Catholics for their prosperous Success; you kept measure with the two first Dimensions of *Fryar Bacon's* Brazen-head; Time is, Time was, till (thanks be to God) the third Time was past: you had ever an Ear open to listen for the Crack, and were in the same Agony for the Powder-Plot, that *Charles V.* was for the Pope's Durefs, giving order in all his Dominions, that Prayers should be made for his release, when in the mean time he kept and held him in his own hand Prisoner. The least Word of your Mouth, or Labour of your Pen, might have secured both Prince and State, while you pretend to have broken both your Sleeps and your Brains, and that with a greater advantage to
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the Cause which you would advance, than can ever grow by Combustion and Conspiracy. But your Tenderness herein was suitable with another dutiful desire of yours to dissuade *Catesby* from the Plot, at his coming into *Warwickshire*, who never meant to come thither, but as to the Rendezvous, when the Parliament had been blown up, and the Storm had been blown over. It may be that your Mind was perplexed and disquieted upon the meditation of strange Events; for so was the Mind of *Cain*, *Achitophel*, and *Judas* that betrayed his Master; the Reason is very pregnant in the Word of God it self, That *cum sit timida nequitia dat testimonium condemnationis*, since Wickedness is cowardly and timorous, it gives Evidence of Condemnation against it self; & *semper præsumit sæva perturbata Conscientia*: but Satan prevailing, his Angels execute.

I will now conclude this Address to you, Mr. *Garnet*, by observing some special Points how strangely and preposterously the Devil in his last Project of Powder hath altered his old Properties. For the Curse that God laid upon the Serpent after the first Transgression was, *ut gradiretur super pectus suum*, to creep upon his Breast: but now we find him mounted upon the Wings of an *Esprairie* to the highest Region of the Air, and among the Fireworks. The other part of his Curse was, that he should eat *Pulverem*; that is, Dust or Powder: but now since *Sodom* was destroyed by Sulphur, and the Wife of *Lot* transmuted into Salt, the proper Materials of that mean by which Satan wrought in this hot Fire; it appears that the Serpent from eating Powder (which was a plain device) fell, for a worse purpose, to snuff Gunpowder. Then the Serpent did *insidiari calcaneo*, now *capiti*, from which the Body draweth both Sense and Influence. Then he began to *Eve*, with a modest question, *Cur præcepit Deus?* why hath God commanded? now with a Resolution, *Præcepit Deus*, God hath commanded. His words in those carried a flourish of great Comfort, *Nequaquam moriemini*, but now Terror, *Moriemini*: For a great Advantage destroy them all. The Devil at that time did only nibble about the Text of Holy Writ, *tanquam mus ponticus*, as *Tertullian* terms *Marcion*: but now he draws the grounds of Equivocation concerning Princes Lives out of the very Scripture, and by scholastical Authority. Satan tempted Christ with a fair offer, *dandi omnia*, of giving all upon the top of the Pinnacle: But now he sets upon the great Lieutenant of God's Authority and Dignity, with an *aufferam tibi omnia*, both Life and Crown, *ex penetralibus ubi Christus non est*, as we are taught by his Evangelist. The Dragon's Ambition extended no further than the sweeping away with his Tail of the third part of the Stars in the Firmament: But now the Plot of him and his Disciples, was to sweep away the Sun, the Moon, and the Stars, both out of Star-Chamber and Parliament, that no Light be given in this Kingdom to the best Labourers. In the time of *Saul*, the Devil was so modest, as to suspend his Illusions and Oracles till the Visions of the Prophets began to cease: But now tho' we have both *Moses* and the Prophets, & *firmiorem sermonem propheticum*, yet he rustles among the Robes, & *inaudita fundit oracula*. In the beginning of the Christian Church, the very Name of Christ was sufficient to make Satan pack, and to quit the Possession of tormented Men; but he hath learned a more cunning Trick of late, under the

Banner of Christ to fight against the Lieutenants of his Imperial Majesty. In one point I find no Change; that is, in labouring and working by all means to draw Men from their Trust in God's Direction, to a tickle kind of Confidence in themselves, and their own weak knowledge of Good and Ill. And as that Error was the Cause of *Adam's* Exile from Paradise, which was *hortus conclusus*; so had such another almost divided us and our Heirs both from our Lives and Estates: *Et penitus toto divisos orbe Britannos*.

I have stood the longer on this Point, to let you know how idly, and yet how wilfully you strive both against the Providence of God, and the Justice of the Land, *Quæ tuo te jugulavit gladio*: The more you labour to get out of the Wood, having once lost the right way, the further you creep in. For the Wisdom of the World is Folly before God; and impossible it is, that those Counsels or Proceedings should either have good Proof in this World, or Reward in the next, that are embued with Blood, and pursued with Tyranny. If then there be no other way to Heaven, than by the Destruction of God's Anointed and their Heirs, I will conclude with you Mr. *Garnet*, as *Constantius* did with *Afcetus*, *Erigito tibi scalam, & in cælum solus ascendo*; Set up a Ladder for your self, and climb up to Heaven alone; for loyal Minds will not suit themselves with such bad Company. The worst I wish to your Person, standing now to be convicted at the Bar, is Remorse and Repentance for the safeguard of your Soul; and for the rest, *Fiat justitia, currat lex, & vincat veritas*.

Hereunto *Garnet* said, That he had done more than he could excuse, and he had dealt plainly with them, but he was bound to keep the Secrets of Confession, and to disclose nothing that he heard in Sacramental Confession.

Whereupon the Earl of *Nottingham* asked him, if one confessed this day to him, that to-morrow Morning he meant to kill the King with a Dagger, if he must conceal it?

Whereunto *Garnet* answered, that he must conceal it.

Then the Earl of *Salisbury* desired Liberty of him to ask him some questions of the nature of Confession.

Garnet said, His Lordship might, and he would answer him as well as he could.

Why then (said he) must there not be Confession and Contrition before Absolution?

Yes (said *Garnet*.)

Then he demanded, whether *Greenwell* were absolved by him, or no?

Garnet said, He was.

The Earl then asked him, What *Greenwell* had done, to shew that he was sorry for it, and whether did he promise to desist?

Garnet answered, that *Greenwell* said, He would do his best.

To that the Earl replied, that it could not be so; for as soon as *Catesby* and *Percy* were in Arms, *Greenwell* came to them from *Garnet*, and so went from them to *Hall* at Mr. *Abington's* House, inviting them most earnestly to come and assist those Gentlemen in that Action. Hereby, saith he, it appears, that either *Greenwell* told you out of Confession, and then there needs no Secrecy; or if it were in Confession, he professed no Penitency, and therefore you could not absolve him. To which the

the Earl added, That this one Circumstance must still be remembered, and cannot be cleared; That when *Greenwell* told you what *Catesby* meant in particular, and you then called to mind also what *Catesby* had spoken to you in the general before, if you had not been so desirous to have the Plot take effect, you might have disclosed it out of your general knowledge from *Catesby*: but when *Catesby* offered to deliver you the particulars himself, as he had done to *Greenwell*, you refused to hear him, lest your Tongue should have betrayed your Heart.

To this *Garnet* weakly replied, That he did what he could to dissuade it, and went into *Warwickshire* with a purpose to dissuade Mr. *Catesby*, when he should have come down. And for Mr. *Greenwell's* going to Father *Hall*, to persuade him to join, *Garnet* said he did very ill in so doing.

To that the Earl of *Salisbury* replied, That his first Answer was most absurd, seeing he knew *Catesby* would not come down till the sixth of *November*, which was the Day after the Blow should have been given, and *Garnet* went in the Country ten days before. And for the second, he said, That he was only glad, that the World might now see, that Jesuits were condemned by Jesuits; and Treason and Traitors laid naked by the Traitors themselves: yea, Jesuits by that Jesuit, that governs all Jesuits here, and without whom no Jesuit in *England* can do any thing.

Garnet (as it should seem) being here mightily touched with Remorse of his Offence, prayed God and the King, that other Catholics might not fare the worse for his sake.

Then the Earl of *Salisbury* said, Mr. *Garnet*, is it not a lamentable thing, that if the Pope, or *Claudius Aquaviva*, or your self, command poor Catholics any thing, that they must obey you, tho' it be to endanger both Body and Soul? And if you maintain such Doctrine among you, how can the King be safe? Is it not time therefore, the King and the State should look to you, that spend your time thus in his Kingdom?

Garnet said very passionately, My Lord, I would to God I had never known of the Powder-Treason.

L. C. J. *Garnet*, you are Superior of the Jesuits; and if you forbid, must not the rest obey? Was not *Greenwell* with you half an hour at Sir *Everard Digby's* House, when you heard of the Discovery of your Treason? And did you not there confer and debate the Matter together? Did you not send him to *Hall*, to Mr. *Abington's* House, to stir him up to go to the Rebels, and encourage them? yet you seek to colour all this; but that's but a mere shift in you. And notwithstanding all this, you said, No Man living, but one, did know that you were privy to it: then belike some that are dead did know it. *Catesby* was never from you (as the Gentlewoman that kept your House with you confessed) and by many apparent Proofs, and evident Presumptions, you were in every particular of this Action, and directed and commanded the Actors: nay, I think verily you were the chief that moved it.

Garnet said, No, my Lord, I did not.

Then it was exceedingly well urged by my Lord Chief Justice, how he writ his Letters for *Winter, Wright, Fawkes, Baynam, and Catesby*, principal Actors in this matchless Treason. Besides, his Lordship told him of his keeping the two Bulls to

prejudice the King, and to do other mischief in the Realm; which, when he saw the King peaceably to come in, then being out of hope to do any good, he burnt them.

Here Mr. Attorney caused to be read the Confession of *Hall, alias Oldcorne*, the Jesuit, under his own hand (which he said was *Omni exceptione major*) against him; wherein he confessed, that *Humphry Littleton* told him, that *Catesby* and others were sore hurt with Powder, and said that he was exceeding sorry that things took no better effect; whereat *Hall* wished him not to be discouraged, nor to measure the Cause by the Event: For tho' the eleven Tribes of *Israel* went twice by the special Commandment of God against the Tribe of *Benjamin*, yet they both times received the Overthrow. So *Lewis* the *French* King, in his Voyage into the Holy Land against the Infidels, was overthrown, and his whole Army discomfited, tho' his Cause were good. And so likewise the Christians, when they defended *Rhodes* against the *Turks*, lost the City, and the *Turks* had the upper-hand. And this he confessed, and apply'd to the Fact of *Catesby* and others for the Powder-Treason; and said, It would have been commendable when it had been done, tho' not before.

After this, Mr. Attorney open'd, how *Francis Tresham*, a delinquent Romanist, even *in articulo mortis* (a fearful thing) took it upon his Salvation, That he had not seen *Garnet* in sixteen years before, when *Garnet* himself had confessed he had seen him often within that time; and likewise, that *Garnet* knew not of the *Spanish* Invasion, which *Garnet* himself confessed also, and which two things *Tresham* himself had formerly confessed to the Lords; yet for a Recantation of these two things upon his Death-bed, he commanded *Vavasor*, his Man, whom I think (said Mr. Attorney) deeply guilty in this Treason, to write a Letter to the Earl of *Salisbury*. And to shew this his desperate Recantation, Mr. *Tresham's* Letter was offer'd to be read.

But before the reading thereof, my Lord of *Salisbury* said, because there was Matter incident to him, and to that which should be read, he thought fit to say something. To which purpose he said his Desire was, truly to lay open what cause there was for any faith to be given to these Men's Protestations; when they, to colour their own Impieties, and to slander the King's Justice, would go about to excuse all Jesuits, how foul soever, out of an Opinion that it is meritorious so to do, at such time as they had no hope of themselves. Such is it to be doubted, that Sir *Everard Digby's* Protestations might be at the Bar, who sought to clear all Jesuits of those Practices which they themselves have now confessed *ex ore proprio*. That such was also *Tresham's* Labour, who being visited with Sickness, and his Wife in Charity suffered to come to him, this Letter was hatch'd by them, and sign'd by himself some few hours before his death, wherein he taketh that upon his Salvation, which shall now by *Garnet* be disprov'd.

Then the Letter was read, being to this effect: That whereas since the King's time he had had his Pardon, and that to satisfy the Lords who heretofore examined him, he had accused *Garnet*; that now, he being weak, desired that his former Examinations might be called in, because they were not true; and set down upon his Salvation, that he had not seen *Garnet* in sixteen years before.

Then my Lord of *Salisbury* shewed and said, it was a lamentable thing; for within three hours after he had done this, he died: and asked *Garnet* what Interpretation he made of this testamental Protestation?

Garnet answered, It may be, my Lord, he meant to equivocate. Here was the Examination and Confession of Mrs. *Anne Fawkes* offer'd to be read, also to confirm *Tresham's* Perjury, who confessed that she had seen Mr. *Tresham* with *Garnet* at her House three or four times since the King's coming in, and divers times before, and that he had dined with him; and that *Garnet* always gave him good Counsel, and would say sometimes to him, and others, Good Gentlemen, be quiet; for we must obtain that which you desire by Prayer. She confessed also, that they were at *Erith* together the last Summer.

After all this, *Garnet* being demanded if these Examinations were true, he affirmed they were. And then were his own Examinations likewise read to the same effect; wherein he both confessed the seeing of Mr. *Tresham*, and his sending into *Spain* about an Invasion.

Here my Lord of *Salisbury* concluded, That that which was said of Mr. *Tresham*, and others, was not done against Charity to the Dead, but upon inevitable necessity, to avoid all their slanderous Reports and Practices; for he said that even now there was current throughout the Town, a Report of a Retraction under *Bates's* hand, of his Accusation of *Greenwell*, which are strange and grievous Practices to think upon. But this Day shall witness to the World, that all is false, and your self condemned not by any but your self, your own Confessions and Actions. Alas! Mr. *Garnet*, why should we be troubled all this day with your poor Man, were it not to make the Cause appear as it deserveth? wherein God send you may be such an Example, as you may be the last Actor in this kind.

Hereupon my Lord Admiral said to *Garnet*, that he had done more good this day in that Pulpit which he stood in (for it was made like unto a Pulpit wherein he stood) than he had done all the days of his Life-time in any other Pulpit.

Then was another Examination of Mrs. *Anne Fawkes* read, wherein she confessed that Mr. *Garnet* and she were not long since with Mr. *Tresham*, at his House in *Northamptonshire*, and stayed there.

After this, my Lord of *Salisbury* said, Mr. *Garnet*, if you have not yet done, I would have you to understand, that the King hath commanded, that whatsoever made for you, or against you, all should be read, and so it is; and we take of you what you will. This Gentlewoman that seems to speak for you in her Confessions, I think would sacrifice her self for you to do you good, and you likewise for her: Therefore, good Mr. *Garnet*, whatsoever you have to say, say on in God's Name, and you shall be heard.

Then *Garnet* desired the Jury, that they would allow of, and believe those things he had denied and affirmed; and not to give credit unto those things whereof there was no direct Proof against him, nor to condemn him by Circumstances or Presumptions.

The Earl of *Salisbury* demanded of him, saying, Mr. *Garnet*, is this all you have to say? if it be not, take your time, no Man shall interrupt you.

To whom *Garnet* answer'd, Yea, my Lord.

Mr. Attorney humbly desired all the Lords Commissioners, that if he had forgotten to speak of any thing material, that their Lordships would be pleased to put him in mind of it; who was assured by my Lord of *Salisbury*, that he had done very well, painfully, and learnedly.

Then Mr. Attorney desired the Jury might go together, who upon his Motion going together forth of the Court, within less than a quarter of an hour return'd, and found *Henry Garnet* guilty.

Whereupon Mr. Serjeant *Crooke* pray'd Judgment.

Then Mr. *Waterhouse*, the Clerk of the Crown, demanding what he could say for himself, why Judgment should not be given against him?

Garnet made answer, that he could say nothing, but referred himself to the Mercy of the King, and God Almighty.

E. of North. **T**H O' some of *Plato's* Followers, and those not of the meanest Rank, have rather apprehended in Conceit, than demonstrated by streight Lines, that nothing is which hath not been before: If it were possible to take right Observations out of true Records, and that all Counsels and Attempts as well as Configurations and Aspects, return as it were *ex postliminio*, by Revolution to the Point from whence they first began: Yet if my *Ephimerides* fail me not in setting up the Figure of this late intended Plot, I may confidently pronounce with a grave Senator, *Repertum esse hodierno die facinus, quod nec Poeta fingere, nec Histrio sonare, nec Mimus imitari poterit*: So desperately malicious, and so unkindly and unseasonably fruitful is our Age in producing Monsters, when the force and heat of Charity decays, and so violent are the damned Spirits of Satan's black Guard now before the winding up of the last bottom of terrestrial Affairs, in spinning finer Threads of Practice and Conspiracy under the Mask of Piety and Zeal, which the Spirit of Truth termeth most significantly *Spiritualis nequitia in caelestibus*.

Upon this Ground I am moved at this Instant, Mr. *Garnet*, to address my Discourse to you, not so much in respect of your own Person, *aut quia te nostra sperem prece posse moveri* (tho' from my heart I pity the shameful Shipwreck of your Obedience and Conscience upon so false a Sand) as for their sakes that have not yet learned in our Saviour, that in one Element a Man cannot *duobus servire dominis*: and withal in the King our Sovereign's behalf, to exact at your hands (that hold the Hearts of many Followers by Lease for Life) a precise Account of the Lives of all those Castaways, *Quos vel apud te perditos invenit vel per te perdidit*. For either you that are an Object unto many watching Eyes, may be drawn by God's Grace working with my charitable Wishes, to lament, not the bad Success (for so do Men that are desperate) but the wicked purpose and intent of this crying Sin (which is proper only to the Penitent) or be brought so far at the least out of the black Deeps of Induration, with the Mother of *Petrus Lombardus*, as to be sorry that you cannot be sorry.

The streights of Time, the length of the Trial, and the weariness of the Auditors, may be and

** This Speech exceeds the Proportion wherein it was first uttered, and is inserted as it was afterwards amplified and enlarged by the Earl, when he delivered it to the Bookseller.

are great Discouragements to such a Discourse as craves Time, and were better not begun at all, than not perfected. But since the Law and Prophets in this Case in hand, stand chiefly as the Ground-work of deposing Kings, and absolving Subjects from the Right which they owe to their own natural and lawful Sovereigns by the Laws of God and Man; I shall be forced in discharge of my Duty at this Instant, to borrow so much Time of these attentive Hearers, as must be payed again forthwith to the Service of the State: for otherwise, *væ mihi*, as the Prophet threatens, *quia tacui*: and yet we may conclude with another of the same Rank, that *Etiam si ego tacuero, clamabunt lapides*.

But first I am to let both you and the whole World know, that you are not called this Day to the Bar for any Matter of your Conscience, as some perhaps may publish out of Rancour or Perversity of heart, to set a fairer gloss upon the ground of your Profession. Since the first time of your coming to the Council-board, you have not been so much as asked any Question about the places of your Resort, the supporters of your Employment, or the means of your Maintenance, before the Powder-Project, which hath no kind of Affinity with Religion or Caution, but with Fury and Implacability came to be resolved on by a Pack of *Boutefeux*: tho' you cannot be ignorant what the Parliament hath decreed, and some Persons of your Society have suffer'd in the late Queen's time, for presuming to exercise a kind of Jurisdiction within this Realm, that neither Policy of State can admit, nor Allegiance can justify. I will add somewhat more for the greater Improvement of the King's Mercy, and the more just Aggravation of your Ingratitude: You are not pressed to any Peril of your Life, with publishing those Bulls, which in the Queen's time neither had (as by Confession appears) nor could have other End than the Forestalment of the King's lawful Claim, when the Fruit shall fall from the wasted Tree, and the fainting Sun (whose Beams about that time begun to wax both dim and waterish) must of necessity set in our Hemisphere.

The King's free Pardon (which, as the Times stood then, should have called for a *melius inquirendum*, before it had found passage without obstruction of any doubt) was applied by you, and other of your ghostly Complices, to many fettered and filthy Ulcers of this kind. By this free Pardon (so far as you have not since relapsed into worse Attempts) even your self Mr. Garnet, stand at this present, *reclusus in Curia*: wherein tho' it become me not to descant about the measures and proportions of my Master's infinite Grace, yet I may tax you, for the bad Requital of so high a Benefit, and lament the King's Misfortune, that like an Eagle was in so great peril of receiving Wounds (almost to the Death) by the Quills of his own Clemency. These are not the true Grounds, nor proper Motives of your standing forth; but your Art in cherishing, your Malice in encouraging, your Impiety in strengthening a kind of Practice, never heard nor thought upon before in any Age, against the Life of the most gracious and just King, that ever reigned on either side of *Trent*; of a Queen renowned both for her own Worth, and for her happy Fruit; and of a Prince, whom without Ostentation I may be bold to call, the sweetest and the fairest Blossom that ever budded, either out of the white or the red Rosary.

God's Law forbids a Man that would live long and see chearful days, to destroy *matrem cum filiis*, even in those Creatures that are not Images of the Deity: But you, Mr. Garnet, out of your anointed Influence of superabundant Grace, endeavoured your best and uttermost to bruise the very Nest-Egg of this royal and high-flying Airey, if it had been possible: Peers, Bishops, Knights, Burgesses, Judges, Serjeants, and all sorts of Officers were drawn in by a Writ of *Corpus cum causa* to this *feu de joy*, that it might blaze more gallantly. It is not the wearing of a Crucifix, which you compare to the sign of *Tau*, that could have secured any of your own Affection, if they had been left unwarned, tho' it had been hallowed at *Rome*. No Relique (instead of the red List that was a Token of Protection to *Rahab* and her Family) could have distinguished a Catholick from a Protestant, when *Guy Fawkes* had the Match in his hand. No kind of holy Grains could have added the weight of one Grain to the Reputation of any *Romanist*, after once the hand of *Greenwell* had written the Sense of the *Hebrew* word *Thekell* upon the Wall, (that is) *Appensi in statera, inventi sunt minus habentes*, being weighed in the Scales of your Schools, should have been found over-light in the Balance. Your end, as I imagine, was according to the Threats of the Stoicks to purge this World by Fire, or in some way with *Democritus*, to create a new World *ex atomis*: or because *Catesby* did set *Thomas Percy's* Offer light, which was *tollere unum*, your Desire was by this one Act *Tollere*, not the Man but Humanity, not *Unum* but Unity. The Plot whereof *Livy* speaks, of dispatching the whole Senate of *Rome* in an hour: the Device at *Carthage*, to cut off one whole Faction, by one Enterprize: the Conspiracy of *Brutus* and *Cassius* to kill *Cæsar* in the Senate: the Project of destroying one Conclave, the greatest part of the Cardinals: the *Sicilian* Even-song, and the *Parisian* Mattins: Nay, the Wish of *Nero*, that *Rome* had but one Head, which he might cut off at one Blow, came far short to the Milchief of this Invention, which spared neither Age, Sex, nor Degree. And therefore I confess, if *Catesby* your Disciple were alive, thus far he might vaunt, and without Exception, that he had surmounted and transcended *Catiline* in the Sphere of his own Treachery. But thus we learn by *Tertullian*, that *favos etiam vespe faciunt*, Wasps as well as Bees make Combs, tho' instead of Honey, we find Gunpowder.

Surely this was not the Fire that appeared unto *Moses* in the burning Bush: It was not the Fire that should purge the Sons of *Levi*, tho' your *Levites* conceived so: It was not that Fire which was cast into the World by Christ, with a Purpose that it might burn: It was not that, by which Men should be saved that build over weakly upon the true Foundation of Faith. But it resembles more lively that false Fire which began to glimmer, *Post commotionem, quando in commotione non erat Dominus*. It is like to that strange Fire which *Nadab* and *Abihu* would have offer'd upon God's Altar, with a Zeal that was preposterous: it hath the wasting quality of that Wildfire, which issuing *ex Rhanno*, out of the Bramble, would have destroyed the stately Cedars of *Libanus*. Nay, to speak properly, or draw nearest to the Nature of that quick dispatching Fire, which you and your Disciples, Mr. Garnet, utterly despairing to draw down from Heaven (because you know that such a like Demand received a Repulse, whilst Christ was

conversant on Earth among your Betters) sought by a trick to obtain at the hand of Satan (the great Master of the Fire-works) and as the Poet writeth, *Fletere cum nequeas superos Acheronta movebas*. But God wrought so, that by this Fire (since, *per illum fides proborum collucet*) the Faith of Subjects that are dutiful doth shine more brightly, and the State wins Honour. Look not now therefore that the Ladies of *Israel* shall meet you with their Timbrels in the honour of this Attempt: for all Actions are not praise-worthy, which some Persons of your Profession study to enamel with pretence of Godliness. In thinking of *Telemachus*, we set little by *Astyanax*: Easily may Affections wander, where the Rules of Conscience do shift; and we find, that *umbra* is not ever *eo major quo serior*: But if bloody Passions can thus far prevail *in arido*, what hope is there of better Proof *in viridi*, which in comparison is but *linum fumigans*? You seek to raise your Glory out of your Sin, but *quæ est gratia*? What thank is it to you, according to the demand of an Apostle, if for your evil Deserts you suffer Stripes? for what the Jews objected to our Saviour (tho' impudently) we dare speak truly and confidently to all those that were privy to this Pack with you, that *Non de bono opere lapidantur, sed de blasphemia*. Saint *Augustine* speaketh of some hot-headed Fellows in his Time, that notwithstanding their Life led in this World, *more latronum*, yet in their Ends affected *cultum & honorem Martyrum*: among whom I shall ever rank (with just cause) these Powder-men. But if as Saint *Peter* saith, *Bene facientes patienter sustinetis*, (which is far from the Rage of your hot Spirits) *hæc est apud Deum gratia*, which your Projects merit not. These are perhaps the days which *Nabal* meant, complaining *hodie increbuisse servos qui fugiunt*; nay, which is worse, *qui persequuntur Dominos*: and therefore if you will not learn of *Balaam*, to beware of speaking more than that which God putteth into your Mouth; yet howsoever Passions may spur you forward, learn of *Balaam's* Ass to shrink when you find the Angel of God's Wrath opposed, lest as *Abigail* spake religiously and wisely to King *David*, *Cum mors advenerit*, when Death shall approach, who stands upon the Threshold and begins to knock at the Door of your Heart, *Sit tibi in singultum*, it cause you to sigh inwardly, not *quod effuderis, sed quod effundere volueris*, not for having shed, but because you would have shed Blood that is most innocent.

How well the Project of supplanting Princes, and subverting States, agrees either with the title of a Jesuit, or the duty of a Priest, who should rather temper Passion, than disclaim Charity; the Pharisees themselves express in teaching *non licere*, that it was not lawful for them to kill any Man; much less would they, as it is more than probable in the warp of Youth, when their Hair began to wax as white as Snow, have taken Eyes into their Heads like Burning-glasses to give fire to this Train: And yet Truth itself hath said (which both sides must believe) that unless our Righteousness exceeds theirs, we must not expect to be Heirs of Eternity. It will be long before some of you can protest with *Paul*, that you are *mundi*, clean and pure from all Men's Blood, or with *Gregory* to *Mauritius* the Emperor, that he would never *miscere se in cujusquam mortem*, or call to mind either the Piety of that godly Bishop in a better time, that would not suffer those Hands to be imposed on his Head by Ordination, that were re-

perse sanguine, or the mishap of *David* that might not rear the Temple, for the staining and embruing of his hands with Blood. Resort to the very Text it self, (or if it please you, to your own Canons) to enquire whether *Paul's* Restraint of intermeddling with secular Affairs were enjoined with a *non obstante*, so far only as concerned Projects and Plots for Gunpowder. Your safest Course, Mr. *Garnet*, as I suppose, is to stay your Judgment with that Staff of old *Jacob*, whereof mention is made in *Genesis*, in these break-neck Passages, that is, with that advised Sentence which he pronounc'd against *Levi* the Father of succeeding Priests, for killing the Sons of *Hemor* after Circumcision, the same being in that case as well a Bond of Promise, as a Seal of Faith; since I do verily believe that the Protestants accord with the Catholicks in more points of Faith and grounds of Doctrine at this day, than those of *Sichem* did with *Jacob* and his Family. By resolving this Passage into Parts, we shall find a great resemblance both in the point of Fact, and in the resolution of Right with this present Case, upon which we have reason to fix both our Eyes and Observation. For first, *Jacob* out of Conscience and Humanity resolves, *Non ituram animam suam in consilio Levi*, that his Soul should never march in the Council of *Levi*, *Nec in cætu illorum futuram gloriam*, nor his Honour shine in their Society: What is the reason? Because in their Rage they have slain a man (much less then the destruction of a Prince with his Posterity and whole Estate) *Et in malitia suffoderunt murum*, and in their Malice digged down a Wall; which in my opinion either misleth hardly one Hair, or very narrowly your Project's Invention, in digging at the Wall of the Parliament. What is *Jacob's* Sentence upon the Fact? *Maledictus illorum furor quia pertinax, & indignatio quia dura*: which Curse in a more lively manner (if possible it be) than the very Fact it self, suits the Comparison. For who knoweth not, that when Malice taketh hold of Humour only, as Fire doth of Straw, tho' it cause a great blaze at the first kindling, yet it is quickly spent, and only the Smoke remains? but when it taketh hold of Conscience, as Fire doth of Steel, *Quod tardè acquisivit diu retinet*, then such Marks are Monuments. Touching the title which *Jacob* bestoweth for their Labours, calling them *Vasa iniquitatis bellantia*, I may protest that both you and *Greenwell*, and all they that were privy to this accursed Plot, deserve this style upon better ground than *Simeon* and *Levi*; by so much as your Indignation compared with theirs by due Circumstances, was by infinite degrees *durior*, more hard than theirs. For tho' the Feat (God's name be praised) were not fully wrought, yet you know, Mr. *Garnet*, who it is that compriseth our Consent both within the compass and the censure of a deadly Sin, and what Father saith that, *Quod deest operi inest voluntati*. The common Law would punish Treason in the very heart, if the eye of Inquisition could extend so far; and therefore the Providence of God in preventing by his Mercy this Destruction, is no discharge to your Intention in contriving it. By the course and recourse of Times and Accidents, wise Men observe, that very seldom hath any mischievous Attempt been undertaken for disturbance of a State, without the Counsel and Assistance of a Priest in the first, in the middle, or last Act of the Tragedy; and that all along with such a Chorus of Confederates to entertain the Stage, while the Lives and Fortunes of great Princes

Princes being set upon the Tenterhooks, have put all in hazard. For while *Moses* stood in conference with God upon the Mount, his Brother *Aaron* impatient (as for the most part Churchmen are in their Desires) of Pauses or Delays, fell instantly to mould and worship the golden Calf, to their Commander's Vexation and God's Dishonour. *Abiathar* was condemned for complotting with the *Shunemite*, and *Joab* Lieutenant-General against his Sovereign. With what Distemper and Disorder some Priests have rock'd the Cradle of the Churches Infancy in raising Heresies (the Seeds of Factions) only to that end, no Man can be ignorant, that hath run over the Churches Histories.

Odo, Bishop of *Bayonne*, was imprison'd by his Brother the first *William*, as a stirrer of Sedition, and after conspired with *Robert* Earl of *Mortaigne*, to depose his Son, against whom also *Geffrey*, Bishop of *Constance*, fortify'd in actual Rebellion the Castle of *Bristol*. The Captivity of the Lion-hearted *Richard*, Champion of the holy Wars, was by the Practice of *Sevaricus*, Bishop of *Bath*. *Gervas* the great Preacher enter'd with *Lewis* the French King's Son, purposing to root out the Race of our Kings, and to plant himself and his Progeny. Of the rebellious Army that usurped against *Henry III.* the Title of *Exercitum Dei* (altho' by the Pope's Legate, *reputati sunt filii Belial*) *Clerici fautores erant*, saith the Monk of *Chester*. For Conspiracy against the first *Edward* was the Archbishop of *Canterbury* exiled the Kingdom. And before that *Isabel*, the Wife of the second, durst undertake the Plot of Depositing her Husband by a damnable Device, for the raising of her Son, she sent in a Pack of Preachers, poisoned with Prejudice against the present State, to prepare the People's Minds by false Suggestions, to the Change which was intended to follow. And *Adam de Orleton*, Bishop of *Hereford*, that was the first Deviser, continued the chiefest Feeder of that Dissension between the Husband and the Wife, taking occasion in a Sermon preached at *Oxford*, in the presence of the Queen, and all the Rebels, upon that Text of the Scripture, *Caput meum dolco*, to express by Depravation of his lawful Sovereign, how many Mischiefs grew to the Commonwealth by a corrupted Head that govern'd them. For aiding the Enemies of *Edward III.* was the Bishop of *Hereford* arraigned. And the Chaplain of *Wat Tyler*, that advised his Chieftain (as you Mr. *Garnet* did your Followers) to destroy all the Clergy and Nobility, was *Ball* a Mass-Priest. With *Glocester's* Duke against his Sovereign *Richard*, was *Oswald*, Bishop of *Galloway*, the chief Complotter. Priests and Friars they were that suborned a false *Richard* against the fourth *Henry*, whereof eight being *Minors*, were hanged at *Tyburn*: And *Maudelen* himself, that took upon him the Habit and Person of the King, was a Priest also, to keep them company. *Scroope*, the Archbishop of *York*, for complotting a Conspiracy with the Earl of *Northumberland* against the same King, lost his Head for his labour. *Beverly*, an anointed Priest, not to be behind some other of his Fellows in these seditious Attempts, conspired against the fifth *Henry*, with the Lord *Cobham*, Sir *John Oldcastle*.

I have seen the Copy of a learned and wise Letter, written by Bishop *Chicheley*, a Prelate of your own, Chancellor to that King, gravely advising him to beware of admitting a Legate Resident in the Realm, in respect of the sharp Effects by stirrs that have been raised in former Times by

Persons of that Habit; pointing as it were to *Henry Beauford*, who afterward was both Author and Actor of more Mischiefs than almost could be expected or feared.

They were Priests and Friars that in the First of *Edward* the Fourth, conspired with *Jasper*, Earl of *Pembroke*, and were afterward attainted and executed by Act of Parliament.

Doctor *Shaw* was a Priest, whom *Richard III.* made the Trumpet at *Paul's Cross* of his wrongful Claim against the rightful Possession of his innocent Nephews.

That Impostor that suborned *Lambert*, to take upon him the Person, and usurp the Right of the Duke of *York*, against the blessed Union of the two Roses, was a Priest in *Ireland*. Wherein I note, that as a Priest would then have forestalled, so now two Priests, *Greenwell* and *Garnet*, would have cut off the Union. He was a Monk of *Henton* that inticed the Duke of *Buckingham* by seducing hopes, to the Ruin of as great a House as any Subject in *Europe* (bearing not the surname of a King) can demonstrate: whereof both I receive a wound, and all that descend of him.

I speak not of those Popes, that exercising more the Sword of *Paul* with Passion, than the Keys of *Peter* with Instruction, have been kindlers of great Broils: nor of the three powerful Cardinals, *York*, *Lorraine*, and *Arras* in our Age, that during their times were not much answerable for sloth or idleness, whatsoever they are otherwise for time ill employed, being Persons of great Spirit and too great Activity: nor of those Churchmen, that by their Doctrine in the Pulpit, and Subscription of Hands to traitorous Decrees, embased the two Daughters of King *Henry* the eighth, both before and after the Death of King *Edward* the sixth, for satisfaction to the Pride and Ambition of an aspiring Humour.

I pass over the brain-sick opposition of *Knox* and *Goodman*, against the two Renowned *Marys*, both Queens of *Scotland*, Regent and Inheritrice in our days: nor of the fiery Triplicity of *Ballard*, *Clarke*, and *Watson*, of which number, the first practised the slaughter of the Queen deceased, the other two of the King our Sovereign. I rip not up the Complots of *Sergius* the Monk, to bring the *Turk* into the Empire of the East; nor of those false Prophets, that established the Race of *Xerif* in *Barbary*. My only drift and purpose is, to compare former Practices with the late Attempt, (tho' far exceeding and surmounting all that went before) to make true Subjects see for the better Trial and Examination of Spirits, that as well some Priests in Christendom, as those *Salii* that were Chaplains to *Mars* at *Rome* in the reign of Idolatry, took delight by fits in tossing Firebrands from Camp to Camp, for the Inflammation of evil Affections and worse Practices. But the Circle of a Crown Imperial cannot be soldered, if it once receive the smallest crack. Sinews that are cut in sunder, can never knit: neither is it possible that there should be *integralis unitas in solutione continui*. I will therefore conclude this Point with the grave and learned Judgment of *Sozomen*, an ancient Writer of the Church Primitive, *Universum accidere in sacerdotum dissidiis, ut respublica motibus & turbis agitetur*: that it happens generally in the Dissensions of Priests, that the Commonwealth it self is shaken with the Convulsions of Conspiracy.

It is very probable, Mr. *Garnet*, that the late Queen, in case the thread of her worn Life could have been spun further on toward these misty Days, (that have somewhat overcast the brightness of your enticing hopes upon the settling of this State in the succession of so rare a King) should have run some strange hazard both of her State and Person, among your Mines and Powder Trains (having indeed imbrued her Sword in the blood of some choice Persons of your Society by the warrant of her Laws;) since this sweet Prince our Sovereign, that before his coming always wrote his Laws in Milk, and ever since hath been very careful not to write in Blood, can thus hardly either by his own gracious Deserts, or his Council's incessant Care, be secured from the Shambles. I have not read, neither do I believe, that the Murder of any anointed King hath been accounted in any religious or just Age, either an Act of Prowess, or a Step to Martyrdom. I could not have thought, without this demonstration of Proof, that any Man had been left in the world, since the death of *George Buchanan*, to proclaim Prizes for the slaughter as well of Kings as of Tygers. But if it were not impossible (which now I find with grief of Heart) for any one spark of Loyalty to live in an Ocean of immoderate and exorbitant Affections; surely I should have expected from you and your friends, Mr. *Garnet*, effects of better inclinations toward so mild and gracious a Prince, as never searcheth Ulcers but with a shaking Hand, and in searching all, hath a more earnest desire, *non invenire quod querit, quam invenire quod puniat*. For, to speak truth without Flattery, (which I abhor as the Canker of all generous and worthy Minds) have not both you and yours received and enjoyed many favours from the King, which in all likelihood were not in the last time to be look'd for? Would the late Queen, think you, have bestowed honour, by laying the Sword of Knighthood upon the heads of so many *Catholicks*, as the King hath done since his entrance? Would the Queen have allowed unto all, or any of the *Recusants*, that free kind of access both to her Person, or to her Court, which the King hath done (not only upon just Occasions, but for their comfort) and in effect, at their pleasure, without making any separation between those, that before his coming saluted the fair promise of his hopeful day, and others that would have prevented it? Was not the gate of Justice opened *Trojano Tyrioque* to Protestants and *Catholicks* alike, with that indifferent and equal regard, that it hath been since to the shutting up of those Mouths that were most mutinous? Was the late Queen so confident in the fidelity of any *Catholicks*, as to employ them without distrust to foreign Princes in Embassy? Would the Queen have called the chief *Catholicks* to her Council-board, that upon the laying open of their just Complaints, they might have redress with favour? Might the *Recusants* of best Behaviour and Countenance in the late Queen's time, live in their own Countrys, dispose of their Estates and Tenants, and enjoy their Pleasures, without any other mulct than the former Laws had laid on them? Was it free for *Recusants* in those days, that had been cast behind in arrearages (for want of answering their Payments in due time to the Crown) to compound with a Commission directed only to that end, almost for what Term and at what Rates he might best satisfy? Did the Com-

passion of the late Queen extend so far in favour of *Recusants*, as to put them in possession of their whole Estates, drawn out of the Farmers hands upon due proof made of Spoil, without further demand of any other Contribution or Taxation than the Law limited? Was it any part of the late Queen's care, to give order for the chastisement of Informers and Messengers, that preyed upon the prostrate Fortunes of *Recusants* with harder measure than the Justice of the State warranted? Was it free for Subjects of all Affections and Religions (during the late Queen's Life) that delighted in the Wars, to serve what Prince or State it pleased them, without either Exception or Punishment? Did the late Time leave it to the choice of young Gentlemen that had Licence to travel, during the time of their abode in foreign Parts, to frequent what Places, Courts or Companies they would, without yielding an Account at their return of their Adventuring? Had it been possible to have drawn from the late Queen either Restitutions or Pensions for the Maintenance of *Recusants*, in respect of Service done to Antecessors or Ancestors? Was the late Queen as cautious and tender in forbearing to take the Lives of Priests and Jesuits upon the Point of *Summum Jus*, before she were made acquainted by the Judges thorowly with the state of their Evidence? Was any Magistrate ever called to his answer for proceeding in cold Blood against a Priest, that for want of means to procure a Pardon, had been kept in Prison since the time of the Queen deceased? Was the late Queen ever pleased, that in the Pardon general at the closing up of the Parliament, Priests and Jesuits should be comprised in the List, and among others you and *Greenwell*, that at the first opening of the Spring resorted thither with as violent a thirst as ever you did to *Jubilee*; and yet in recompense thereof since that time, have been well content that the distributor of so great a portion of Grace and Bounty, should be blown up by your *Boutefeux*? A Man would think in likelihood, that both you, and all they that were encouraged and warranted in this Attempt by you, having received at the hands of so gracious a King so many Talents in a Royal Kind of Trust, should rather have studied by your best endeavours to increase the Stock, than to lessen the Principal, by burying your Talent under Ground among the Powder-Works; especially considering that our King is not like the other mentioned in *St. Luke*, *homo austerus, qui tollit quod non posuit, et metit quod non seminat*: but rather desirous with *Moses* to be rased out of the Book of Life; with *Paul* to be made *Anathema* for the common good of those Subjects that live under him. Our royal Master travels not as the other did, *in longinquam regionem ut accipiat regnum*, into a foreign Region to obtain a Kingdom, but brought a Kingdom with him out of the next Region to ours, that hereafter we may live *unanimis*, that have been so long sever'd and divided in Fraternity. But such are the qualities of many Men, and especially of you and your Complices in this Complot, that as one saith, *Non tam agant gratias de Tribunatu, quam queruntur quod non sunt evecti in Consulatum*. But when you, or any Man of your Affection and Humour shall be able out of Quintessence of Wit, or Positions of State, or Grounds of common Sense, to prove, that a Prince as opposite to your Religion as you are to his, and that vows to set up his whole

Rest and Adventure not only of all his Crowns, but of his Life and Succession, upon those Principles of Faith (which he hath sucked from his Infancy with his Nurses Milk) to take a milder course with the Catholicks than he hath hitherto done, without offence or scandal to the tender Conscience of his own Church, which he doth chiefly regard, I will acknowledge that you had more Reason to bemoan your selves (which is the furthest Period of a Subject's Power) than (as your case is now) I can admit, looking into sundry Circumstances of Peril with a single Eye, which is neither dazzled with Self-love, nor distracted by slight Appearance. For tho' you may perhaps conceive, that there wanted somewhat to the full measure of your vast Desires; yet all Men know that you prevailed far above the likelihood of any reasonable Hope: which may move you to call to mind with more evenly poised Thoughts, that judgment of a wise Author, that *inter voluptates tam numeratur id quod habes, quam id quod speras*: a good Rule for a perverse Interpreter.

The Quicksand upon which you plant the great Artillery of your Sentences and Decrees against the States and Persons of all Princes that square not with your Rules, I take to be that idle Impression, rather than true Supposition of a certain kind of Prerogative, thought to be left by our Saviour to his Spouse the Church *in deposito*, for the deposing of Princes, upon conviction of Contumacy, from their Seat of Government. For as the great Philosophers conclude the whole World to be composed of three certain concurrent Principles, that is, Matter, Form, and Privation, holding the last of the three to be rather a Principle of Transmutation than of Establishment: So likewise the Schoolmen within these last six hundred Years, have dragged into the discipline a new kind of Privation also beside the Matter, (which is the Flock) and the Form which is the Government. And this Privation hath undoubtedly metamorphosed as many States and Policies as the other hath done Shapes and Figures, if either the Complaints of Majesty, or the Smart of Patience may be accounted of in our Audit. I confess with the Woman of *Samaria*, that this Well is not only deep, but that I want the Bucket, which from such a Well may be fit to draw: for every Plummet is not for every Sound, nor every Line for every Level; neither is it possible out of every Block to carve *Mercury*: but yet since it is confessed by *Robert Winter, Rookwood, Guy Fawkes*, and others, that their Error in believing this conclusion upon the Warrant of a learned Man (which as appeareth now, was your self) hath been the greatest Cause, and the strongest Motive of their fatal Fault; since in like sort, it agreeth fitly with my desire to reduce as many of those silly erring Sheep that followed *Absalom, sed corde simplice & penitus causam ignorantes*, as I can from your *acheldama*, or *ager sanguinis*, (considering how many Priests have practised in these late Years to found Points of War) it were as meet that somewhat were set down for Confutation, as for Caution: and therefore I have been the more willing to engage my Zeal and Duty, tho' perhaps above the measure of my Strength, upon this Argument, *et quantum in me est*, to shake the whole foundation of future Conspiracys.

But before that I prepare my self to this Encounter, or that I enter into this narrow List,

(wherein I expect as many Adversariys as there be Men that have Humours to limit or to conquer Kings) I hold my self bound in Duty as well as drawn by Method, to wipe away that weak Excuse which you make of your disloyal Heart, in publishing this Doctrine of curbing, suspending, or deposing Princes of high Estate, upon this ground only, that in foreign Parts you found it neither severely taxed, nor capitally punished. To let go that Maxim which binds all sorts of Subjects to frame their Actions rather to the Law of the Country wherein they live, than wherein they wander; and likewise the great Improbability of so gross ignorance in your self, and your Friends, as not to take notice of a point of State so deeply riveted in all the Courts of Justice within the Realm; I must tell you further also, that Princes fear not those Fires which are kindled in foreign States, before that some spark light either upon their Neighbours Houses, or their own Palaces. Idle Lookers-on, and frank Adventurers have not an equal sense of the danger, which the Ships and Vessels richly freighted endure at the Sea, either by false Pirates, or foul Weather. *Qui sani sunt, according to your Construction of Sanitas, M. Garnet, nec medicis egent, nec metuent medicinam*. Their Ears are very dull, and unapt to Musick, that cannot keep Time when Fortune plays, and all sorts of Instruments are set in one Key to make full Harmony. So long doth the great Brood-Hen cluck her Chickens, as she takes them to be hers; but if once they fly from the protection and safe defence of her Wings, she leaveth them as a Prey to the Puttock. I will search no further than our own time for satisfaction in this Point, how far Princes would be patient in case they were as violently pursued and plied as the King our Sovereign hath been; than by observing what kind of Obedience hath been performed by some of that Rank when they were shot with the same Arrow. For many Men are very slack in making a Hue-and-Cry after the Thief that stealeth their Neighbours Goods, which are very forward to fly with the wings of an Eagle, when they find themselves pressed in their own particular. *Et hic si fuerint sentient aliter*, and in like cases wise Men out of experience resort to like Remedies.

But if there be no Drugs in your Shop to purge that sharp Humour, that hath been the cause of so many burning Fevers, and Distempers in this State, than your Diacatholicon, I may tell you plainly, that it strives so much against the Stomach of the King, and worketh upon Nature with that violence and loathsomeness, as he doth rather chuse to feel the Pain, than take the Pill, and to endure the worst of the Disease, than to make the best use of that Remedy. In this case he will trust his own Receipts that are made familiar by time and use, leaving other Princes to their own free Choice, which may make all Drugs to taste in their mouths like Manna, that is agreeable to their own Appetite. Princes cannot be too suspicious, when their Lives are sought, and Subjects cannot be too curious when the State brandles. I remember that when *Joshua* took notice of a single Man that came from *Jericho*, standing with a Sword in his hand ready drawn, he asked instantly, *Noster es, an Adversariorum?* Art thou of our Side, or of our Adversaries? Directing us that are now in Commission, as it were by Line and Level, in what manner and with what caution we should examine you

you and *Hall*, (since *Greenwell* is out of our reach) for you draw not one Sword (as the other did) but two at once, that is, both the Spiritual and the Temporal, against our Sovereign, and to enquire withal at what time, and in what place, and upon what advantage you and your suborned Confederates intend to wound his Royal Majesty.

For since we find, that to secure litigious Possessions, that lie subject to Surprize, it is usual and ordinary, even among Persons merely private (so long as they live in fear) to sound the Dispositions and Affections of their own Dependents, Followers and Tenants, upon suspicion of a false Trick: At a dead-lift, it much more behoveth great Princes (upon whom whole States and Successions depend) to take the surest hold that is possible of their Subjects Affections and Hearts, lest if they should chance, in the Day of Trial, not to be *nostri sed adversariorum*, and thereby draw their Swords of another side, and deceive the Trust that is reposed in their Faith, we might with *Rachel*, *Plorare filios nostros quia non sunt*, and call for Help too late, when Destruction were in the Door of Desolation.

This Doctrine, Mr. *Garnet*, is not drawn out of the fusty Vessels, as some call them, nor from the Lees of the latter Times which you suspect: It carries not the least taste of Prejudice or fester'd Suspicion upon Particulars. It knew no difference either of Name or Reputation, between Catholick and Protestant, when it was first set on broach by those Princes, States, and Divines, which are accounted Catholicks, and some of them canonized for Saints in the Rubricks of your own Register. For proof whereof you shall find a Patent in the Records of *Rich. II.* granted to one *Waleton*, for the searching of all Ships and Vessels inward or outward-bound in the Port of *London*, and for the sifting of all Persons likewise, *qui bullas, vel alia Papalia instrumenta deferebant*. In the same Prince's Reign, Sir *William Brian* was sent to the *Tower*, only for procuring the Pope's Bull against certain Burglars that robbed his own House, *quamvis abundans cautela non noceat* by the civil Law, and the Bulls themselves were adjudged prejudicial to the King's Prerogative. With these I match *Stephanus de Malolacu*, sharply fined in the Reign of *Edward I.* for putting a Bull in execution against a certain Knight his Adversary, without acquainting first the King or the Counsellors. *Roger Sherbrook* was called in question for procuring Bulls from *Rome*, in contemptum Regis & Coronæ exheredandæ periculum, which was the best Construction that was then made of these Traverses. *Edward II.* sent a Commission, as appeareth by Records, to enquire of any Process or Sentence brought over from *Rome* into this Land *se inconsulto*, without his Privy. It appeareth again in the time of *Edward III.* all the Ports were laid for Interception of Bulls by the King's Order. To the Archbishop of *Ravenna* was granted a safe Conduct at his coming into *England*, by the same King, with this Proviso, that he should only report *Sanctas Papæ exhortationes*, but neither send out Process, nor give Sentence, *in Coronæ & Regni præjudicium*. It was not lawful in those days to bring in any Letters either from the Pope, or any foreign Prince, without imparting them first to the Chancellor, or the Warden of the *Quinque Portuum*, which in time of the best Correspondence, as it seems to me, implies weak Confidence. *Edward III.* gave Instructions to certain noble Men that were to treat of a Peace with

France, in the Presence of the Pope, to proceed with great caution, that is, not *tanquam coram Judice, sed coram privata persona*; and not as *in figura judicii, sed amicaliter*. When the *Scots* would have had all Differences between both Kingdoms refer'd to the Conscience and Discretion of the Pope, the Peers of *England* utterly refused to give their Assent, tho' the King's own Facility should incline so far, because their King, as they vouched, was not to make his Answers in matters of that quality before any Judge whatsoever, *vel Ecclesiastico vel Seculari*, either Ecclesiastical or Secular. To be short, these Sparks of Jealousy were so far kindled between the Church of *Rome* and our Ancestors in former Times, altho' they were no *Lutherans* nor *Hugenots*, (as our Countrymen are termed in these days) but Catholicks according to the *Roman* Catechism, that an Order was set down by the Wisdom of the State, that the Pope's Collector at his first Arrival on our Coast, should swear solemnly to be faithful to his Crown, to attempt nothing to the King's prejudice, or in disgrace of the Laws establish'd, to put none of the Pope's Orders in execution, to the weakening of the King's Prerogative; to deliver no Mandates or Letters from the Pope, before they had been viewed and allowed by the Council of the King; to write nothing to the Pope from hence, without the King's leave; to deal no further in the business of Benefices than the Privy-Council should allow; nor without the King's Privy-Seal to depart out of the Kingdom.

These Points are tender, and such as during Peace were never offer'd by the King's of *England* to the Ministers of any other foreign Prince; and yet we read of no such Invectives or Decrees against Prince and State, as in our days are ordinary. Other Princes in like manner stood upon their guard, and with like Circumspection, as is evident by *Philip le Beau* the *French* King; who being advertised of the Pope's peremptory Proceeding upon the committing of a Bishop for evil words against himself, inquired of all his Peers both Ecclesiastical and Temporal, at a publick Convention, how far he might rest assured of their Fidelity and Loyalty notwithstanding that Decree; who answered, *Unanimi consensu se illius tantummodo esse beneficiarios*; and that what Pope or Potentate soever durst adventure to put out his Horns, or to raise his Crest by opposition to his royal Prerogative, they would live and die with him.

If Princes that were absolutely Catholicks, according to the *Roman* List, that were directed by one Canon, tuned by one Wrest, obedient to the Voice of one high Shepherd, and between whom and the Pope there was but *cor unum & anima una*, found so just cause and so great reason (notwithstanding Union in points of Conscience, and Orders of Conformity) to be tender and suspicious of their temporal Prerogative, and to cast a watchful Eye upon the Pope's encroaching Steps, in quarters that pertained neither to the Churchyard, nor the Church: How much more jealous ought true Subjects and sworn Servants in our days to be of that Prince's State, who being, as the Case standeth now, sustained and fed by another Root, directed by the Voice of other Pastors, and as careful to reform, as his Antecessors to conform, while they failed by another Compass, and upon another Coast? And whosoever will not be instructed by the Records, let him search in the Vaults and the Powder-trains of the Parliament. If in the Time of *Henry*

ry II. (who, touching point of Conscience, was *obedientissimus ecclesie filius*) Vivian, the Pope's Legate, was precisely sifted and examined by the Bishops of *Ely* and *Winchester*, (that were of his own Profession, and wore the same Badge) by what warrant he durst presume to land without special Licence from the King; and therefore gave Oath *in verbo veritatis*, to do nothing against the King's Authority: How much more watchful and reserv'd ought this State to be, in admitting *Greenwell*, *Hall*, and *Garnet* with their Bulls or Censures, *in Regis & Coronae prejudicium*, without Inquisition or Search, since there end is not as before, *implere manum*, to fill the Hand, but to replenish the Church-yard, and to stir up all conceited or discontented Men, to the taking of Arms against their lawful and redoubted Sovereign King *James*? And tho' the Pope shewing himself (in this Point) more moderate and discreet than other of his Predecessors, hath not as yet cut off the King formally as a withered or unfruitful Branch; yet to their precipitate and brainfick Giddiness it was thought sufficient, as *Guy Faux* and others did confess, that the Pope on *Maundy Thursday* censures *Schismatics* in general, (tho' the most judicious among the Schoolmen, Divines and Canonists, of their part, hold directly *ad oppositum*, and dare not warrant any Conscience according to the Rules of their own Discipline) by that Censure which we may probably conceive to be more narrative than active, in respect the Process follows not. This Record concerning *Henry II.* draws to my Memory a Message of the same effect, sent to a *Scottish* Legate by *Alexander* the King of *Scotland* after that time: For it is true, that Legate proposing to sell every Parish at four Marks of Silver, and every Monastery in that Kingdom at twenty times so much, for the supply of Maintenance to the Wars in the Holy Land, was commanded by King *Alexander*, *intra Regni fines consistere*, to stay upon the Border of the Realm, *& per literas mandata exponere*, and by Letter to deliver his Instructions; for neither *Scotland* could forbear or spare so great a Sum as the Legate would exact, neither (albeit the Realm could) yet his Meaning was, to send it by so unlucky a Messenger as the Legate was; complaining that he had been robbed of the Money gather'd in foreign States before, to the loss both of his own Labour, and of the Charities of other Catholics. In conclusion, a fair Offer was made of Men for increase of Strength, which was not the Legate's aim, but of no treasure to fill Coffers, which was the chiefest end; and a thousand Marks were sent to the Pope as a mere Benevolence, which sealed up the drift and purpose of this Embassy. This Answer was exceedingly commended by the King of *England*, *qui idem expertus sapiebat*; who having tasted of the same Cup, grew wise, as I find by *Hector Boetius*, a Roman Catholic. I mean not in this place to insert or add the Judgment of a *Scottish* Bishop, that these kind of Exactions were Tyranny; advising further all that State in a full Convention, that the Legate might not only be sent away empty-handed, (and with like Success to those, which, as the Prophet says, *Dormierunt somnum suum, & nihil invenerunt viri divitiarum in manibus suis*) but further, that an Act might pass in that Assembly, to cut off all such Errands by provisional Accord, as might *in futuro* tend to the State's Impoverishment: which was universally agreed and determined.

I did very well approve, and was glad to hear the distinction and difference which you made in one part of your Speech, between the King our Sovereign (that was never swathed in the Bands, nor danced in the Lap of the *Roman* Church) and other Princes Roman Catholics, that were first incorporated by Union, and after cast off for their Contumacy: For this is somewhat, tho' I hold it not to be sufficient. And beside that, every Grain in measure is well gotten at your hand, that held the Ballance so unevenly and unsteadily: that Passage also of *St. Paul*, prohibiting the Church, or at the least confessing himself prohibited to judge those *qui foris sunt*, as you repute the King inclined to that side, which your own admission and exposition doth bear. But as it is impossible for any Man that is not a perfect *Gileadite*, without lipping to pronounce *Sibboleth*, howsoever otherwise they drank Water *curvatis genibus*: so the mischief is, that you flee too suddenly from that foundation which your own hands had fastened; and upon the question asked, What you would think of any Sentence privative, proceeding from the Pope against our King, in case either this Man, or any Successor of his should hereafter take any Course differing from that Moderation which hath been used hitherto, your *Vocales* or Vowels were changed into Mutes, your Demonstrations into Doubts, and your Eloquence into so deep Silence, as the Passing-bell might have been tolled for a Man so quickly stricken speechless with one demand, to make your last Testament, *Ut unusquisque Theophrasti discipulum te posset agnoscere*.

It now remains, that in discharge of Promise, and for satisfaction to Curiosity, I make it clear by the fairest Evidence, the most pure and uncorrupted Witnesses, and with the shortest Cut that my Compass in so vast an Ocean will admit, that none of the Patriarchs before the Law, none of the Priests and Prophets under the Law, nor Christ or his Apostles at the last expiring of the old Law, nor any of the godly Bishops that govern'd the Church of God for the space of one Thousand Years *in auditu novo* by the new Law, did ever exercise, approve, or claim that kind of Jurisdiction or any Branch of it that is extended to deprivation of Right, suspension from Rule, or sequestration from Royalty. For this I take to be that Ball of Wildfire, which hath caused so great loss of Lives and States by combustion in Monarchies.

Before the Law, tho' it pleased God upon the breach of his Decree to drive *Adam* out of Paradise (the lively Figure of the Church) that *in penam culpae*, he might work for that *sudore vultus*, which before sprung up naturally, *beneficio Creatoris*, yet he left him Monarch of the universal World; a Course far different from the manner of proceeding among many of those *Roman* Pastors, which claiming the Dispensation and Distribution of *St. Peter's* Keys, *καὶ ἐξουσίαν*, have only by the strength and virtue of that supposed Warrant, sought upon Displeasure, and sometimes *causa inaudita*, not only to expel great Princes out of the state of Grace, but very often also to strip them out of the Robes of Majesty.

In the Sequestration of ungodly *Cain*, *à Dei facie*, from the face or presence of God, (which is in effect the same Censure which the Church useth at this day, *tradendo Sathanæ*, because these two Lords are in one Regiment incompatible) we read not that immediately upon the Sentence this grie-

vous Sinner was set up for a reproachful Mark, whereat either Justice might shoot, or Error might aim, as the King our Sovereign, who hath been roaved and prick'd at of late: for so far was the Providence of God from arming any Creature in this World to the least harm, much less the Disinherison of *Cain*, as for so much as concerned Life, he set upon him his own mark of sure Defence, with a seven-fold Curse against any that should rid him out of the way; and beside, left him a large Scope wherein to walk upon his own ground almost all the world over. To these two I will only add a third, which is *Esau* the lost Child, whom (notwithstanding Deprivation of that heavenly Blessing, by which all Nations should by the Merit of the blessed Seed, and holy Covenant, *in plenitudine temporis*, prefixed by his Providence, be reconciled to himself) yet we find that he was enlarged in his temporal Possession, secured in his Person, and increased far and near in the wide spread of his Posterity. Nay, that which maketh more to the Blemish and Reproof of our rash *Empiricks*, that can hit upon no other way to cure Diseases than by letting blood, I infer, and that upon a sure Foundation, that *Jacob*, *Esau's* younger Brother, but yet by Mercy the true and lawful Heir to the Promise, and the chief Commander after *Esau's* Fall, among the Saints of God, did a long time after, not only call him *Dominum*, his Lord, which the Holy Ghost approveth, by the Title which is given by *Sarah* to her Husband, to be a word of Power; but falling prostrate in an humble manner at his feet, with words expressing as great Love as Reverence, did respectfully and truly honour him: for *nondum venit hora*, nor many thousand years after, wherein Persons excommunicated must *ex consequente* be deprived of Dominion, rather than left to God's Chastisement.

Between the Roots of *Judab* and of *Levi*, by the Law of *Moses*, the Separations and Distances are so wide, as neither need to cross another's Walk, to intermeddle with another's Office, or to eclipse another's Dignity. Beside, I observe, that among all the Conditions affirmative and negative, positive and privative, religious and politick, that are enjoined by the first Institution to Kings, this kind of Tenure holden of *Aaron* or his Successors *ad placitum*, is neither expressed in the Grant, embroidered on the Skirt, nor engraven in the Seat of his Office; unless some will argue that the Kings of *Judab* were as well bound to submit their Scepter to the Priest's Direction, as to receive the Book of the Law at their hands: tho' we find that it was entailed by strong words to the Tribe of *Judab*, without any Reservation of Superintendency. Beside, the Plague which God doth threaten with his own Mouth, to send Princes in his Anger, and Hypocrites *propter peccata populi* for the People's Sin, were merely idle, if it were free for us at all times, upon these Visitations and sharp Corrections, by the Pope's help, either to abate our Penance, or to end our Punishment. It is expressed and improved in the Scriptures, as a Portion of the divine Prerogative to chastise Kings; then belike no part of a Priest's Jurisdiction, that is consigned to another Element. *Per Deum regnant Reges*, by God they reign: then not at the Pope's pleasure. Of God only they hold their Crowns and Dignities; then not bound by divine Laws to yield up their Crowns *in manus Papales*, in fear of Process, as some more fearfully than royally have done in other Ages, when the Popes summoned them. From

his Mouth they receive their Charge; therefore to him only and no other, they are bound to yield a just Account of their Stewardship. It is said by holy *Job*, that God places Kings in their Thrones *in perpetuum*, then far from these weak Tenures by Copy of Court-Roll, at Will, or in Courtshie. But suppose they wax violent, and apt to quarrel upon the Pride of their own Strength, who shall censure them with any Prejudice to their Estates? not the Pastor by Commission, but God by Prerogative. It is the Property of God himself *Regna transferre, & constituere*, if we believe the Prophet *Daniel*; and of no Pastor upon Earth. And he will take it for as great Presumption in any mortal Man that carries *spiritum in naribus*, and is but Earth and Dust, to call his Vicegerents to account, as any earthly Prince would esteem in any ordinary Subject, to oppose or strive against his Deputies. God giveth no Commandment in his Law, for Observation whereof we need to ask leave of any Deputy subordinate; for then were Men more absolute in his Election, than God in his Ordinance. The reverend Regard which *Aaron* had of *Moses* in respect of the civil Stroke, may tender unto all the Sons of *Adam* (how high or how great soever) that live under Kings, a Scale whereby to take the true Latitude of a Pastor's Liberty, so far as concerns this Comparison. For no Man shall aver, that God did ever give a State to any Prince (so as the same were merely independent upon the Challenge of any superior Command) but he made him likewise free from Check in the scope of his Sovereignty. If then the Question be put in this sort, as it ought, (before it work that effect which you desire) whether the Crown of *England* remain free from dependency upon superior Command or not; if *Simanca*, *Navarre*, *Sylvester*, or any of the scholastical Divines will either examine our Records, or resort to our Parliament, where Matters of like quality ought to be argued and decided, (because according to the Rules of all Divines, Religion alters not the Forms of civil Governments) or search the Reports of the Pope's own Rolls; undoubtedly they would receive the same Answer which Popes in former times have had, and with the same quick dispatch that our Antecessors in this case have thought to be requisite.

By observing with careful heed the respective manner which was used to the Kings of *Israel* and *Judab*, by the legal Priests, upon their Transgression in those Matters and Degrees which are now drawn within the compass of the Censures of the Church, it will appear that within the five Books of *Moses*, and all the Stories of the Kings, no one Decree, Reason, or Example can be found to make good the formal Process which within some few hundreds of Years have been rashly put in practice against Kings and Emperors, upon supposition of Contumacy. For tho' I grant that many of them did err, and in the same degrees, yet not one Flower of their Crowns was blasted; nor not one Hair of their Heads ruffled, nor one Grain of their royal Dignity diminished. I doubt not, but if for many Priests that were deposed during the Practice of the legal Censures by anointed Kings, and those of the best kind also, as *David*, *Solomon*, *Joas*, *Ezechias*, and *Jesias*, there could be drawn but one Example of a King deposed by a *Levitical* anointed Priest, all the Schools and Pulpits of *Italy* would ring of it: but it falls out happily, *ut quod precepto non jubetur, exemplo carreat*,

It were hard to pick out any grievous Sin against the first Table of the Law, whereof *Saul* was not guilty in his declining days: for he despaired of God's Protection, he consulted with Satan's Instruments, he slew the Prophets; and yet it is clear, that *ex solo indelebili unctiois caractere*, only by the Character of regal Unction uncancellable, he was so far privileged and secured, as well against Lay-practices as Levitical Decrees, that *David* himself entitles him *Christum Domini*, God's anointed (which may seem strange, even after God had appointed *David* himself to be anointed in his place.) And the same King and Prophet likewise forbears at two sundry times to take those Advantages against him upon fit occasion, which the Laws of God and Man allow against an unlawful Usurper to a lawful Magistrate, without a *non obstante* from above to moderate.

But one Instance above all closeth up the Mouth of Contradiction it self, and unlooseth the hardest Knot, that the *Gordians* of our Age can devise to tie upon so smooth and plain a Thread: for God himself by his own Injunction, lays a heavy Charge upon his own Elect, without all shifts of Equivocation, or Opposition, during the time of their Distress, while they sat mourning by the Streams of *Babylon*, and hanged their Harps upon the Willows, that they should not only *querere pacem illius Civitatis*, seek the Peace of that State, which was the Seat of their Exile by divine Direction; but (which is much more pregnant to this purpose) that they should pray for it, *Et in pace illius civitatis suam stabilirent pacem*, and in the Peace of that State politicke, unfold, settle, and establish their own Peace and Tranquillity. So hard it is for the Policies or Passions of Men either to work or to dispense against the Directions of God: and so far is the Purpose and Providence of God, from leaving the reins of Order loose in the neck of precipitate Audacity.

Now Mr. *Garnet*, whether your Scope and Drift hath been to pray for the Peace and Prosperity of the King's Estate, (which of necessity must enjoy the privilege of *Babylon*, if you will needs account it *Babylon*) I will not appeal to your own feared Conscience, but to that Hymn, *Gentem auferto perfidam*, foully wrested and abused by your wreckful Rage.

And touching the second Point, whether you have sought to enwrap the peace of your Profession in the peace of the State, or not, I will be tried by the Powder-works. But to be short, these Reasons and Examples drawn out of the Law of *Moses* maketh the Matter clear, how far the *Levites* might undertake to deal in censuring the Crimes of Kings, their Office consisting altogether in Humility and Piety. For tho' I grant, that Assaults were made in those days upon the Persons of some Kings, sometime by expresse direction from God (which ceaseth in our days) and sometimes by the practice and presumption of Traitors, which are no more to be justified, than the Robberies that are committed daily at *Stangate-hole*, or at *Shooters-hill*: yet for our Instruction it ought to suffice, that no such plain Songs are set out in the Books of divine Tablature, and therefore upon false Grounds no State ought to suffer, either any kind of new descant to make new Division in old Integrity, or such a conceited kind of Voluntary, as only serveth to please factious Humours. Sure I am, that tho' the Rod of *Moses* were once only turned into a Serpent to give Terror, yet the Rod

of *Aaron* was preserved ever, not *in campo Martio*, but *in Testimonii tabernaculo*, sprouting forth green Leaves and sweet Blossoms.

But now to draw nearer to the life of that Discipline, which among Christians ought rightly to be reputed Regular, to examine Principles, and enter into the School of Christ orderly; we must refresh your Memory, Mr. *Garnet*, in putting you in mind, that our Saviour himself (who ought to be the highest Object of your Imitation) lived obediently to the Laws of the State in which he was born, tho' perverted by Pharisaical Constructions and Glosses *in sensum reprobum*, and *ex diametro*, repugnant to that scope of Reformation which he only aimed at, without practising with discontented Persons against the *Roman* Tyranny, either to displace the Governors, or to change the Government. He commanded his Disciples to give unto *Cæsar* what is due to *Cæsar*, reserving unto God what of right belongs to him. Christ would not take upon him to divide a temporal Inheritance, tho' pressed earnestly by the Party that was in suit: much less is it possible that out of Passion he would have disturb'd Monarchies, or transform'd Monarchies.

To prove further that his Kingdom is not of this World, he reasons *à consequenti*, because his Followers did not put themselves in arms in his Defence, as otherwise undoubtedly (in case his Empire had been squared by the common rules of secular Affections and Devotions) they would have done; tho' in our days that Argument was easily discharged, and that Want powerfully supply'd by others of that Suit, that account it a Breach of the Church's liberty to dissolve or forbid Garisons. It is true that change of Accidents may breed a change of Temper, as well in Bodies Ecclesiastical as Natural; for the Church may be at one time more quiet, safe, and prosperous, as we may be better or worse disposed, more hot or cold, more sick or whole at one time than another. But as it were a strange kind of Fit that could transform a Man with *Apuleius* into an *As*; so were it as strange a Variation in the compass of the Church, to alter Patience into Power, the Spirit into the Flesh, and Humility into Cruelty. For Philosophy doth teach, that external Accidents change inward Qualities: but without an absolute Transmutation *ipsius speciei*, of the very kind itself, they change no Substances. Therefore I wonder how *Gregory VII.* and after him *Boniface VIII.* durst adventure to claim the Exercise of two Swords (like wary Fencers) in one Scabbard, out of a Text pitifully set upon the Rack for the Countenance of a two-fold Jurisdiction, the Pursuit whereof hath and will cost many Lives, *priusquam sententia Judicis* (touching that Particular) *in rem judicatam transeat*. Yet I am sure that Christ the Law-maker gives them over in the plain Field, when they fall to dealing Blows, and instead of founding a Point of War, cries out to all his own Followers, *Cur non potius patimini?* Since it is certain, that *in patientia possidentur animæ*, Souls are possessed in patience: A Maxim far more sound and honest, than that other of the School-men, *præcipitantur Principes*, by censuring and skirmishing. From the Consistory of our Saviour cometh a direct Prohibition, that his Disciples should not *dominari sicut Reges gentium*, domineer in that fashion or manner that the Kings of the *Gentiles* did: but if those Bishops (that derive their painted and pretended Right of Deposing Kings, from the Power of Christ) might be justify'd according to the nature of the Plea which