

Captain *Richardson*. She gave them Money before, and told them she would maintain them.

Cellier. You are not an Evidence against me, you are not sworn.

Captain *Richardson*. But this that I say is sworn.

Mr. Bar. *Weston*. Call her.

Mr. *Att. Gen.* Ask her a proper Question to the Issue.

Cellier. I would know of her whether I kept her Husband away?

Mr. *Att. Gen.* It may be you did it without her Knowledge?

Cellier. Have I seen her Husband without her Knowledge?

Mr. Bar. *Weston*. Go on with your Witnesses.

Cellier. I desire *Mary Johnson* may be call'd.

Mr. Bar. *Weston*. For what? What will she prove?

Cellier. That she was to see for Witnesses in order to my Defence.

Mr. Bar. *Weston*. But if they are not come, what signifies that?

Cellier. I have done then, my Lord; for not having Time to get my Witnesses, I cannot make my Defence so fully, as else I should have done: Only I desire you to consider I am a poor ignorant Woman, and have erred out of Ignorance: I thought nothing, but that I might publish what others had said and told me, and so I have offended in Ignorance, if I have offended.

Mr. Bar. *Weston*. I do verily believe there are more Wits than yours concerned in this Book, though you bear the Name, yet the Book is not the Effect of your Wit only, but you acknowledge enough. And you are to take Notice, that the King hath set out a Proclamation, that no Books shall be printed without a License.

Cellier. I never heard it. I was under close Confinement when the King set it out.

Mr. Bar. *Weston*. No, I deny that, for you were enlarged the first Day of *Trinity-Term*, and the Proclamation came out towards the End.

Mr. *Att. Gen.* She now does confess she knows of it, because she speaks of the Time, and that was before her Book was written.

Cellier. May not my Council speak for me? I desire you would hear him.

Mr. *Collins*. I have nothing to say for her.

Mr. Bar. *Weston*. He says he hath nothing to say for you.

Mr. *Collins*. And if you had said less for yourself it had been better.

Mr. Bar. *Weston*. The Question is but Guilty or Not Guilty? Whether you published this Libel or not? And if the Matter of the Indictment be proved, what can Council say, except you can disprove the Witnesses, that you did not the Fact?

Cellier. Well, my Lord, then I beseech you consider me, I am a Woman, and deal with me in Mercy, as well as Justice.

Mr. Bar. *Weston*. Mrs. *Cellier*, I have not been noted to be a Person that use any great Severity towards any body, no not towards any of your Party; but when I see so much Malice as is comprized in your Book, and have reason to suspect that this is not acted only by you, though you bear the Name of it, but some of your

wicked Priests are the Authors of it, as I am sure they are, then I think it is not severe, that you, who stand at the Stake for all, must bear the Blame of all. If you will tell us who it was that set you on Work, and assisted you in this wicked Business, that will be something towards the Mitigation of your Fine, but if you will take it on yourself you must suffer the Consequence.

Cellier. I beseech you, my Lord, have some Compassion; His Majesty acknowledged before the Council, that I had suffered for him; I ventured my Life through a Sea and an Army to serve him; I lost my Father and my Brother both in a Day for him; and if you have no Compassion for me, have some Commiseration for my Loyal Parents that lost their Estates for him.

Mr. Bar. *Weston*. If you have done Service for his Majesty, and thereby deserved any Thing of him, His Majesty hath been so bountiful in the Dispensation of his Favour, that he would not fail to recompense you for it; but we are to proceed according to the Rules of Law.

Cellier. But pray have some Mercy in your Justice.

Mr. Bar. *Weston*. Gentlemen of the Jury; This Gentlewoman the Prisoner stands Indicted—

Jury. We have not heard one Word that hath been said.

Mr. Bar. *Weston*. No, that is strange, I will acquaint you with as much of the Evidence as falls under my Information: It had been well if you had told us this before: The Business is this, She stands indicted here for Writing and publishing of a very scandalous Libel. But pray did not you hear *Penny* prove that she sold it?

Jury. We heard the three first Witnesses.

Mr. *Att. Gen.* There was the Proof of the Fact.

Mr. Bar. *Weston*. The rest of the Evidence was but a Comparison of the Clauses in the Book, with those in the Indictment, which you are to have Direction from the Court in, that they do: She stands indicted for publishing a Libel, and the Title of the Libel is, *Malice D-festel, or a brief Relation of the Accusation and Deliverance of Elizabeth Cellier*. Now this Libel branches it self out into several Parts; the first whereof is a very fine Insinuation, as though her leaving the Protestant Religion, was, because those that murdered the King, and made that very great Subversion that was made in the Government by the late Long Parliament, and the Army that succeeded them, were Protestants—

Cellier. Pray, my Lord, I say, called Protestants.

Mr. Bar. *Weston*. By your Favour, she pretends it was by those that were called Protestants, but if they were only those that were called Protestants, and not Protestants, What Pardon had she to go off from the Protestant Religion, to turn Papist, when there was such a Body of loyal Protestants that did adhere to the loyal Party? Therefore that was as villainous an Insinuation as could be; as though the Protestant Religion did nourish and teach seditious Principles, which in the Consequence of them, tended towards

the Subversion of the Government and Order, which certainly it does cherish in the highest Degree of any Religion in the World, and hath the most peaceable Principles in Matters of Duty, both in Subjection to our Superiors, and of a charitable Deportment of Men one towards another: And the Practice of those Principles hath been seen amongst Protestants, especially amongst the *English* Protestants, as much as in any Nation of the World; this may be said of it to this Day, for the Reputation of the *English* Nation, that there is more Fidelity, Honesty, and generous Trust amongst them, than among all the Nations of the World besides; so that if a Man were to go out of *England*, to any other Part of the World, he might well use the Words of *Demosthenes*, upon his going out of *Athens*, at his Banishment; *Farewel beloved City, I am going into a World where I shall not find such Friends as I have had Enemies here*; Friends in other Places, will be no better than our Enemies here; the Carriage of *English* Men is so much beyond all others, except the *Germans*, who, I must confess, are famed for their Honesty and Integrity one to another; but if you take the *French*, the *Italian*, the *Spaniard*, or any Sort of the *Levantine* People, they live like so many Wolves, especially in those Places where the Popish Religion is profess'd. Now after this Insinuation, there is another Part of the Book recited in the Indictment, There was an horrid barbarous Murder that was committed here, and which certainly did fix the Accusation of the Plot fuller upon them, than all the Evidence that was given besides; the Murder of Sir *Edmundbury Godfrey*: A Magistrate in doing his Duty, was most barbarously murdered, and by whom, is evidenced by one *Prance*: It hath been the whole Labour of the Party, to cast this Murder upon other Persons, and take it off themselves; for they find if that Accusation sticks upon them, it is a Thing of so heinous a Nature, that it will make the Popish Party odious to all Mankind. And therefore this they labour at mightily, and this Task she hath taken on her self; for knowing *Prance* to be a principal Witness, she undertakes to let the World know, that *Prance* was tortured in Prison, to insinuate that the Evidence he gave against those Persons that were executed for this Murder, was extorted from him by ill and cruel Usage. But you must first know, the Laws of the Land do not admit a Torture, and since Queen *Elizabeth's* Time there hath been nothing of that kind ever done. The Truth is indeed, in the twentieth Year of her Reign, *Campion* was just stretch'd upon the Rack, but yet not so but that he could walk; but when she was told it was against the Law of the Land to have any of her Subjects racked, (though that was an extraordinary Case, a World of Seminaries being sent over to contrive her Death, and she lived in continual Danger) yet it was never done after to any one, neither in her Reign, who reigned twenty-five Years after, nor in King *James's* Reign, who reigned twenty-two Years after; nor in King *Charles the First's* Reign, who reigned twenty-four Years after; and God in Heaven knows there hath been no such Thing offered in this King's Reign; for I think we may say, we have lived under as lawful and merciful a Government as any People whatsoever, and have had as little Blood shed, and sanguinary Executions as in any Nation under Heaven. Well, but (contrary to the Law

in this Case) she does suppose extraordinary Ways were used to make *Prance* give this Evidence. She says, she thought what she first heard was the Noise of a Woman with Child, and that *Harris* the Turnkey did tell her it was a Woman in Labour; but when she desired to be let in to help her, he turned her away rudely; but listening, she perceived it was the Groans of a strong Man that must be in Torture: She asked some of the Goalers what was the Matter? They told her, They durst not tell her, but it was something they could not endure; and they heard him cry, What wou'd you have me confess? Wou'd you have me bely my self? I know nothing of it; and such Words as these. Whereupon we have called *Prance*, and here, upon his Oath, he tells you there was no such Matter: That he was used very kindly, had all Things fitting, and under no Compulsion; so that this is an high Libel against the Government. She says furthermore, there was one *Corral* a Coachman that was imprisoned by the Means of one *Fowler* for the Murder of Sir *Edmundbury Godfrey*; that there was a Nobleman, a Duke, came to him in Prison, and drew his Sword at him, and would have him confess, that another Nobleman laid down a Sum of Money, and said it was Five hundred Pound, and told him, if he would confess, he should have it; and that *Fowler* took him aside, and bid him lay it upon somebody else, and then he and *Fowler* should have Money enough. *Fowler* being examined, and, upon his Oath, tells you upon what Account he did charge *Corral*; he tells you, he was never with *Corral* in the Goal in his Life, and never was with him in the Presence of any Duke or Nobleman but once in a Room, where *Corral* was brought to be examined; and then there was the Duke of *Buckingham*, the Marquis of *Winchester*, (who I never heard was a Man of Cruelty, or harsh Nature) my Lord *Shaftesbury*, and Major *Wildman*, who was Secretary; but there was no such cruel Usage there; and he never was in the Prison with such Noblemen; and then the Consequence is, that the whole Story is false. *Corral* it seems, my Lord-Mayor says, hath been examined to this Point, and denies it all; and is kept out of the way, that he should not give it in Evidence here: But if we had him here it were no great Matter; for if there were any thing of this Nature true, they are to proceed in a legal Way against them that make these Transgressions of the Law; she ought to have indicted the Persons, for they are highly punishable for such Extravagances as these are. But there is nothing done in that Kind; but instead of that, she hath defamed them all in a Libel; and she is not contented to have done that neither, for she hath defamed the King highly in his Government, and said, she could have written more. I pass over the Business that concerns *Dangerfield*, wherein she complains, that *Dangerfield* had more Friends, and was visited more by Persons of Quality, when she had none came to her; every one is visited according to the Interest they have in the World, and the Friends they make: I have nothing to say to that, there is not so much in it; but come to that Part wherein she scandalizes the King, which is this; she says, *Whenever his Majesty shall please to make it as safe and honourable to speak the Truth, as it is apparent it hath been gainful and meritorious to do the contrary, their Villainy will not want Witnesses to testify the Truth of more than she had written.*

So that she supposes, that the King, by the countenancing of Lies, and giving Pensions to Liars, choaks the Truth, and makes it dangerous for those that know the Truth, to divulge it to the World; which is a very vile Scandal upon the King and the Government. These are the Matters of the Libel, and the Things in Proof have been sworn by three Witnesses; one proves that he went to her to buy one of her Books, and he asked her for one, and she gave him a Book which bears that Title-Page that you hear in the Indictment, superscribed with her Name, and she gives it as her Book. Now she would evade it thus, that she gave it as her's, not as though she were the Author, but as if it were her's only in Property: But can any such thing be thought the Meaning of her Words? Or can there be any greater Evidence that she is the Author of the Book, than her publishing of it with her Name to it? But the Fellow goes further, and tells you, when he had the Book, he turned about, and asked her, if it were her Book? Yes, she said it was: And, said she, I could have writ a great deal more, if I would; so that her saying she could have writ more, implies that she writ that; and (more) is a Word of Comparison which always supposes the positive Proposition. The next is the Printer, who tells you that he printed the first twenty-two Folios, within which the greatest Part of this Charge, except only that last about the King, is contained. He tells you that she sent for him, and employ'd him to print it as hers; agreed with him for ten Shillings a Ream for the printing, and that he did print the first twenty-two Leaves at her Request, and as employ'd by her: *Fowler* tells you he bought two of the Books of her; and these are the Witnesses of the Publication of this Book. I must tell you this, the Clauses in the *Libel* are truly set down in the Indictment, for I did examine them one by one. Now whether or no you can doubt she was the Author of the Book, when in a manner she did own it at the Publication, by selling it as her's, I leave to you; though I must tell you plainly, I leave it as that which is to me under the Notion of express Evidence; but I must leave it to you as Judges of the Fact, and expect your Verdict in the Case.

Mr. Att. Gen. There are three Things in the Indictment; *first*, That she writ it; *secondly*, That she caused it to be printed; and *thirdly*, That she caused it to be published. Now if you find any one of these, she is guilty of so much at least, though I think you have heard Evidence enough for all. She told me it was hers, and said, she could have put more in; and the selling the Book is a Publication. So that if you be not satisfied she was the Author, yet if you are satisfied she caused it to be printed; or if you are not satisfied in that, yet if you are satisfied she caused it to be published, you are to find her guilty of so much.

Cellier. The Printer does not say I writ it.

Mr. Att. Gen. But he does say you gave it him as yours, and to you the Sheets were sent to be corrected.

Then the Jury desired they might have the Book with them.

Mr. Clare. My Lord, the Jury wants the Book that was sworn to.

Mr. Bar. Weston. They can have no Papers without Agreement, neither the Book, nor any Paper else.

Mr. Att. Gen. Not unless she will consent to it. *Mrs. Cellier,* Will you consent that they shall have the Book out with them?

[To which, after some Pause, she answer'd, No.]

Mr. Bar. Weston. Then they cannot have it by Law.

Then the Jury withdrew for a little, and returned.

Cl. of Cr. How say you, is *Elizabeth Cellier* guilty of the writing, printing, and publishing of the Libel for which she stands indicted, or not guilty?

Foreman. Guilty. *(At which there was a great Shout.)* And the Verdict was recorded.

Mr. Bar. Weston. She must stand committed to receive the Judgment of the Court.

Cellier. Will you give me leave to speak a Word now?

Mr. Bar. Weston. I cannot give you any Judgment, for by the Custom of the City, that is to be done by the Recorder or his Deputy, and so, what you will say to the Court, you must say to them, that will be on *Monday* when the Sessions is done.

Cellier. What I would say is only this, That I am a Woman, and wherein I offended, I offended out of Ignorance, and did not know it was an Offence, and if the Offence be mine, let not others suffer for me. Have Mercy in Judgment, and consider my loyal Parents and Relations, and the Services they did his Majesty; and let this Fault be wiped out by that Service and Duty I and they paid him; or at least-wise, let the Punishment for this Offence be mitigated, in Consideration that all my Life, ever since I had the first Use of Reason, I have been a loyal Subject.

Mr. Bar. Weston. These are Things that will be considered on *Monday*, but we can't take Consideration of it now.

Cellier. I will go away then, and come again on *Monday*.

Mr. Bar. Weston. No, you are to be committed till then.

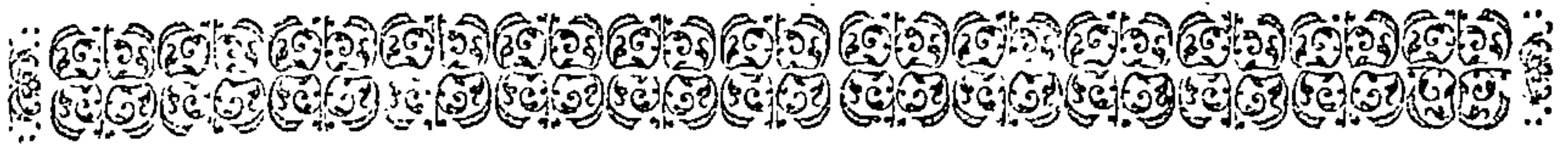
And so the Keeper carried her back to Newgate; from whence on Monday the thirteenth of September, she was brought to the Bar to receive her Judgment, which Mr. Recorder gave thus,

*Mr. Recorder.** *Mrs. Cellier,* the Court doth think fit for Example sake, that a Fine of one thousand Pounds be put upon you; that you be committed in Execution till that thousand Pounds be paid: And because a pecuniary Mulct is not a sufficient Recompence to Justice, which you have offended, the Court doth likewise pronounce against you, That you be put on the Pillory three several Days, in three several publick Places: In the first Place, in regard her braided Ware received its first Impression and Vent at her own House, it is thought fit that she stand (as near her own House as conveniently can be) between the Hours of Twelve and One, for an Hour's Space, at the *May-pole* in the *Strand*, on the most notorious Day; I think there is a Market near that Place, let it be on that Day. At another Time, that

that she stand in *Covent-Garden* on a publick Day, the like Space of Time; a third Time, that she stand at *Charing-Cross* on the most publick Day, for the Space of an Hour. And in the next Place, That she find Sureties for her good Behaviour during her Life; and in every Place where she shall stand on the Pillory, some Parcels of her Books shall, in her own View, be burnt by the

Hands of the common Hangman, and a Paper of the Cause to be put upon the Pillory.

Then the Court charged the Sberiff, That he take Care in every Place for a sufficient Guard, that the Peace may be kept; and she was returned to the Goal.



CII. *The Trial of WILLIAM Viscount STAFFORD* *, before the Lords at Westminster, upon an Impeachment for High-Treason, November 30, 1680, 32 Car. II.

The FIRST DAY.

WILLIAM Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellesis, having been formerly impeached in the House of Lords, of High-Treason, and other high Crimes and Offences, by the House of Commons, in the Name of themselves, and of all the Commons of England:

And the House of Commons having sent a Message to the Lords, to acquaint them with the Resolution of that House, to proceed to the Trial of those Lords, then in the *Tower*, and forthwith to begin with the said Viscount Stafford, and to desire their Lordships to appoint a convenient Day for the Trial of the said Viscount Stafford: Their Lordships did thereupon appoint the 30th Day of November 1680, for his Trial. And a Place in *Westminster-Hall* having been for that Purpose erected, the same was as followeth: *viz.* Therein were both Seats and Wool-packs, correspondent in all Points to those in the House of Lords; as also a State placed at the upper End thereof, with a Cabinet for the King, and whom his Majesty should think fit to attend him there, on the right Hand the State; and the like on the left Hand, for the Queen and her Followers; as also Galleries over Head for Ambassadors and others.

And to the End that the Commons might be fitted with Seats upon this great Occasion, there were erected for them, on each Side, divers Benches, on several Degrees, extending to the utmost Walls of the Hall.

At the lower End, the Bar, whereunto the Prisoners were to be brought, being placed, on the right Hand thereof was a Place raised about five Foot, wherein the Witnesses were to stand; and on the left Hand a convenient Room for those particular Members of the House of Commons, who were to manage the Evidence.

And the Right Honourable *Heneage* Lord Finch, Baron of *Davenry*, Lord High Chancellor of England, being by his Majesty's special Letters Patent, bearing Date the 30th of November 1680, constituted Lord High Steward for that present Occasion; upon *Tuesday* the said 30th of November, the Lord High Steward was honourably attended from his House in *Queen-Street* by all the Judges of

his Majesty's Courts in *Westminster-Hall*, in their Robes; as also by *Garter* Principal King of Arms, in his Majesty's Coat of Arms, and the Gentleman-Usher of the Black-Rod, unto whom his Majesty had the Day before delivered the white Wand, to be carried before his Lordship: And about nine of the Clock in the Morning set forward in his Coach towards *Westminster*, sitting at the hinder End thereof, *Garter* and the Gentlemen who bore the Great Seal sitting both uncovered at the other End; one of the Serjeants at Arms, with his Mace, being placed on the right Side the Coach, and the Usher of the Black-Rod, carrying the white Wand, on the left Side; the Judges and his Lordship's Gentlemen in several Coaches following after.

Being thus come to the Stairs-foot, ascending to the House of Peers, the Judges went up two and two together, (the Juniors first;) next the Lord High Steward's Gentlemen; after them the Serjeant at Arms with his Mace, and the Seal-Bearer; and lastly, the Gentleman-Usher of the Black-Rod, bearing the white Wand: *Garter* Principal King of Arms going on his right Hand.

Then his Lordship alone, his Train borne by one of his Gentlemen. In this Manner entering the House of Peers, he found all the Lords in their scarlet Robes, also the Bishops in their Rochets, and took his Place upon the uppermost Wool-Sack.

This done, and Prayers ended, his Commission for Lord High Steward was read; and then the Bishops receded, and the Lords adjourned themselves into the new erected Court in *Westminster-Hall*.

All Things being thus in readiness, and a large Door-place broken through the upper End of *Westminster-Hall*, into that Room which was heretofore *The Court of Wards*:

Their Lordships passed from their House first into the *painted Chamber*, then through that called *The Court of Requests*; thence, turning on the left Hand into that called *The Court of Wards*; then entered at the Door, so broke down as aforesaid, into *Westminster-Hall*, and passed through a long Gallery, placed between the *King's-Bench* and *Chancery* Courts, into this new erected Court in *Westminster-Hall*, and proceeded after this Manner, *viz.*

First,

First, the Assistants to the Clerk of the Parliament.

Then the Clerk of the Crown in Chancery, and Clerk of the Parliament; after them the Masters in Chancery two and two, and the King's Attorney-General alone.

Then the Judges of all the Courts in *Westminster-Hall*, by two and two.

Next to them the Noblemens eldest Sons.

After them four Serjeants at Arms, bearing their Maces.

Next the Gentleman-Usher of the Black-Rod.

Then all the Noblemen, according to their respective Degrees, the Juniors first, *viz.* Barons, Viscounts, Earls.

Great Officer, *viz.* Lord Chamberlain of the Household.

Marquisses, Dukes.

Great Officers, Lord Privy Seal, Lord President of the Council.

Then four more Serjeants at Arms, bearing their Maces.

After them, the Gentleman carrying the Great Seal.

Then one of his Majesty's Gentlemen-Ushers, daily Waiters, carrying the white Wand; *Garter* Principal King of Arms, going on his right Hand.

Then the Lord High Steward alone, having his Train borne; and after him his Highness *Rupert* Duke of *Cumberland*, a Prince of the Blood.

This done, and the whole House of Peers having taken their Places according to their Degrees, the Commons being also seated on each Side, and the Managers in the Rooms appointed for them; the Commons being all bare, the Lord High Steward, after Obeisance made towards the State, took his Place upon the uppermost Wool-sack, and thereupon receiving the white Wand from *Garter* and the Gentleman-Usher upon their Knees, delivered it to the Usher of the Black-Rod, who held it during the Time of sitting there. Having so done, his Lordship said, *Cryer*, make Proclamation of Silence. Then the *Cryer*, a Serjeant at Arms, made Proclamation thus: All Manner of Persons are straitly commanded to keep Silence upon Pain of Imprisonment. God save the King.

Lord High Steward. Make Proclamation for the Lieutenant of the *Tower* to bring the Prisoner to the Bar.

Cryer. O yes; O yes; O yes; Lieutenant of the *Tower of London*, bring forth thy Prisoner *William* Viscount *Stafford*, upon Pain and Peril shall fall thereon. God save the King.

Whereupon the Lieutenant of the *Tower* brought the Prisoner to the Bar.

Usher of the Black Rod. My Lord *Stafford* must kneel; which he did.

L. H. S. Rise, my Lord.

Then he arose, and stood at the Bar, and the Lord High Steward spake to him as followeth:

My Lord Viscount Stafford,

THE Commons of *England* assembled in Parliament have impeached your Lordship of High-Treason; and you are brought this Day to the Bar to be tried upon that Impeachment: You are not tried upon the Indictment of Treason found by the Grand Jury, though there be that too in the Case; but you are prosecuted and pursued by the loud and dreadful Complaints of the Commons; and are to be tried upon the Presentment which

hath been made by the Grand Inquest of the whole Nation.

In this so great and weighty Cause, you are to be judged by the whole Body of the House of Peers, the highest and the noblest Court in this, or perhaps in any other Part of the Christian World.

Here you may be sure no false Weights or Measures ever will or can be found: Here the Balance will be exactly kept, and all the Grains of Allowance, which your Case will bear, will certainly be put into the Scales.

But as it is impossible for my Lords to condemn the Innocent, so it is equally impossible that they should clear the Guilty.

If therefore you have been agitated by a restless Zeal, to promote that which you call the *Catholic Cause*; if this Zeal have engaged you in such deep and black Designs as you are charged with, and this Charge shall be fully proved, then you must expect to reap what you have sown; for every Work must and ought to receive the Wages that are due to it.

Hear therefore with Patience what shall be said against you, for you shall have full Time and Scope to answer it; and when you come to make your Defence, you shall have a very fair and equal Hearing.

In the mean Time the best Entrance upon this Service will be to begin with the reading of the Charge.

L. H. S. My Lord, if your Lordship find yourself infirm and unable to stand, your Lordship may have a Chair to ease yourself whilst your Charge is reading. *And a Chair was brought accordingly, and his Lordship sat thereon.*

Clerk of the Parliament, read the Charge.

ARTICLES of Impeachment of High-Treason, and other high Crimes and Offences, against *William* Earl of *Powis*, *William* Viscount *Stafford*, and *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Petre*, and *John* Lord *Bellasis*, now Prisoners in the *Tower* of *London*.

1. THAT for many Years now last past, there hath been contrived and carried on by Papiests, a traitorous and execrable Conspiracy and Plot within this Kingdom of *England*, and other Places, to alter, change, and subvert the ancient Government and Laws of this Kingdom and Nation, and to suppress the true Religion therein established, and to extirpate and destroy the Professors thereof; which said Plot and Conspiracy was contrived and carried on in divers Places, and by several Ways and Means, and by a great Number of Persons of several Qualities and Degrees who acted therein, and intended thereby to execute and accomplish the aforesaid wicked and traitorous Designs and Purposes.

2. That the said *William* Earl of *Powis*, *William* Viscount *Stafford*, *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Petre*, and *John* Lord *Bellasis*, together with *Philip* Howard, commonly called Cardinal of *Norfolk*, *Thomas* White, alias *Whitebread*, commonly called Provincial of the *Jesuits* in *England*, *Richard* Strange, lately called Provincial of the *Jesuits* in *England*, *Vincent*, commonly called Provincial of the *Dominicans* in *England*, *James* Corker, commonly

commonly called President of the *Benedictines*; Sir
John Warner, alias *Clare*, Baronet; *William*
Harcourt, *John Kenis*, *Nicholas Blundel*, — *Poole*,
Edward Mico, *Thomas Bedingfield*, alias *Bene-*
field, *Bevil Langworth*, *Charles Peters*, *Richard*
Peters, *John Conyers*, Sir *George Wakeman*, *Thomas*
Ferwick, *Dominick Kelly*, *Fitz-gerald*, *Evers*,
 Sir *Thomas Preston*, *William Lovel*, Jesuits; Lord
Baltimore, *John Carrel*, *John Townley*, *Richard*
Langborn, *William Fogarty*, *Thomas Penny*,
Matthew Medbourn, *Edward Coleman*, *William*
Ireland, *John Grove*, *Thomas Pickering*, *John*
Smith, and divers other Jesuits, Priests, Friars,
 and other Persons, as false Traitors to his Ma-
 jesty and this Kingdom, within the Time afore-
 said, have traiterously consulted, contrived, and
 acted to and for the accomplishing of the said
 wicked, pernicious, and traiterous Designs; and
 for that end did most wickedly and traiterously
 agree, conspire, and resolve to imprison, depose,
 and murder his sacred Majesty, and to deprive
 him of his Royal State, Crown and Dignity; and
 by malicious and advised Speaking, Writing,
 and otherwise, declared such their Purposes and
 Intentions.

And also to subject this Kingdom and Nati-
 on to the Pope, and to his tyrannical Govern-
 ment.

And to seize and share among themselves the
 Estates and Inheritances of his Majesty's Pro-
 testant Subjects.

And to erect and restore Abbeyes, Monasteries,
 and other Convents and Societies, which have
 been long since, by the Laws of this Kingdom,
 suppressed for their Superstition and Idolatry;
 and to deliver up and restore to them the Lands
 and Possessions now vested in his Majesty and his
 Subjects by the Laws and Statutes of this Realm:
 And also to found and erect new Monasteries and
 Convents, and to remove and deprive all Pro-
 testant Bishops, and other Ecclesiastical Persons
 from their Offices, Benefices, and Preferment.

And by this means to destroy his Majesty's
 Person, extirpate the Protestant Religion, over-
 throw the Rights, Liberties, and Properties of
 all his Majesty's good Subjects, subvert the law-
 ful Government of this Kingdom, and subject the
 same to the Tyranny of the See of *Rome*.

3. That the said Conspirators, and their Com-
 plices and Confederates, traiterously had and held
 several Meetings, Assemblies, and Consultations,
 wherein it was contrived and designed among
 them, what Means should be used, and what Per-
 sons and Instruments should be employed, to
 murder his Majesty; and did then and there re-
 solve to effect it by poisoning, shooting, stab-
 bing, or some such like Ways and Means; and
 offered Rewards and Promises of Advantage to
 several Persons to execute the same, and hired
 and employed several wicked Persons to go to
Windsor, and other Places where his Majesty
 did reside, to murder and destroy his Majesty;
 which said Persons, or some of them, accepted
 such Rewards, and undertook the perpetrating
 thereof, and did actually go to the said Places
 for that End and Purpose.

4. That the said Conspirators, the better to
 compass their traiterous Designs, have consulted
 to raise, and have procured and raised Men, Mo-
 ney, Horses, Arms and Ammunition; and also
 have made Application to, and treated and cor-
 responded with the Pope, his Cardinals, Nun-

cio's, and Agents, and with other Foreign Mi-
 nisters and Persons, to raise and obtain Supplies
 of Men, Money, Arms and Ammunition, there-
 with to make, levy, and raise War, Rebellion and
 Tumults within this Kingdom, and to invade
 the same with foreign Forces, and to surprize,
 seize, and destroy his Majesty's Navy, Forts,
 Magazines, and Places of Strength within this
 Kingdom; whereupon the Calamities of War,
 Murders of innocent Subjects, Men, Women
 and Children, Burnings, Rapines, Devastations
 and other dreadful Miseries and Mischiefs must
 inevitably have ensued, to the Ruin and De-
 struction of this Nation.

5. And the said Conspirators have procured
 and accepted, and delivered out certain Instru-
 ments, Commissions and Powers, made and
 granted by or under the Pope, or other unlaw-
 ful and usurped Authority, to raise and dispose of
 Men, Monies, Arms, and other Things necessary
 for their wicked and traiterous Designs; and
 namely, a Commission for the said *Henry Lord*
Arundel of Wardour, to be Lord-Chancellor of
England; another Commission to the said *William*
Earl of Powis, to be Lord-Treasurer of *England*;
 another Commission to the said *John Lord Bel-*
lastis, to be General of the Army to be raised,
 another Commission to the said *William Lord*
Petre, to be Lieutenant-General of the said Ar-
 my; and a Power for the said *William Viscount*
Stafford, to be Paymaster of the Army.

6. That in order to encourage themselves in
 prosecuting their said wicked Plots, Conspira-
 cies and Treasons, and to hide and hinder the
 Discovery of the same, and to secure themselves
 from Justice and Punishment, the Conspirators
 aforesaid, their Complices and Confederates, have
 used many wicked and diabolical Practices; *v:z:*
 They did cause their Priests to administer to the
 said Conspirators an Oath of Secrecy, together
 with their Sacrament; and also did cause their
 said Priests, upon Confessions, to give their Ab-
 solutions, upon condition that they should con-
 ceal the said Conspiracy.

And when about the Month of *September* last,
 Sir *Edmundbury Godfrey*, a Justice of Peace, had
 according to the Duty of his Oath and Office,
 taken several Examinations and Informations
 concerning the said Conspiracy and Plot; the
 said Conspirators, or some of them, by Advice,
 Assent, Counsel, and Instigation of the rest, did
 incite and procure divers Persons to lie in wait
 and pursue the said Sir *Edmundbury Godfrey* di-
 vers Days, with Intent to murder him; which
 at last was perpetrated and effected by them;
 (for which said horrid Crimes and Offences, *Ro-*
bert Green, *Henry Berry*, and *Lawrence Hill* have
 since been attainted; and *Dominick Kelly*, and—
Girald, and others are fled for the same.) After
 which Murder, and before the Body was found,
 or the Murder known to any but the Complices
 therein, the said Persons falsely gave out, that he
 was alive and privately married; and after the
 Body was found, dispersed a false and malicious
 Report that he had murdered himself.

Which said Murder was committed with De-
 sign to stifle and suppress the Evidence he had
 taken and had Knowledge of, and discourage and
 deter Magistrates and others from acting in fur-
 ther Discovery of the said Conspiracy and Plot:
 For which End also the said Sir *Edmundbury*
Godfrey, while he was alive, was by them, their

‘ Complices and Favourers, threatned and discourag-
 ‘ ed in his Proceedings about the same.

‘ 7. And of their further Malice, they have
 ‘ wickedly contrived, by many false Suggestions,
 ‘ to lay the Imputation and Guilt of the aforesaid
 ‘ horrid and detestable Crime upon the Protef-
 ‘ tants; that so thereby they might escape the
 ‘ Punishments they have justly deserved, and ex-
 ‘ pose the Protestants to great Scandal, and subject
 ‘ them to Persecution and Oppression, in all King-
 ‘ doms and Countries where the *Romish* Religion
 ‘ is received and professed.

‘ All which Treasons, Crimes, and Offences
 ‘ above-mentioned, were contrived, committed,
 ‘ perpetrated, acted and done by the said *William*
 ‘ Earl of *Powis*, *William* Viscount *Stafford*, *Wil-*
 ‘ *liam* Lord *Petre*, *Henry* Lord *Arundel* of *War-*
 ‘ *dour*, and *John* Lord *Bellasis*, and other the Con-
 ‘ spirators aforesaid, against our Sovereign Lord
 ‘ the King, his Crown and Dignity, and against
 ‘ the Laws and Statutes of this Kingdom.

‘ Of all which Treasons, Crimes, and Offences,
 ‘ the Knights, Citizens, and Burgeses in Parlia-
 ‘ ment assembled, do, in the Name of themselves,
 ‘ and of all the Commons of *England*, impeach the
 ‘ said *William* Earl of *Powis*, *William* Viscount
 ‘ *Stafford*, *William* Lord *Petre*, *Henry* Lord *A-*
 ‘ *rundel* of *Wardour*, and *John* Lord *Bellasis*, and
 ‘ every of them.

‘ And the said Commons by Protestation, sav-
 ‘ ing to themselves the Liberty of exhibiting at
 ‘ any Time hereafter, any other Accusations or
 ‘ Impeachments against the said *William* Earl of
 ‘ *Powis*, *William* Viscount *Stafford*, *William* Lord
 ‘ *Petre*, *Henry* Lord *Arundel* of *Wardour*, and
 ‘ *John* Lord *Bellasis*, and every of them: And
 ‘ also of replying to the Answers which they, and
 ‘ every of them, shall make to the Premises, or
 ‘ any of them; or to any other Accusation or Im-
 ‘ peachment which shall be by them exhibited,
 ‘ (as the Cause, according to Course and Proceed-
 ‘ ings of Parliament, shall require) do pray, that
 ‘ the said *William* Earl of *Powis*, *William* Visc.
 ‘ *Stafford*, *William* Lord *Petre*, *Henry* Lord *A-*
 ‘ *rundel* of *Wardour*, and *John* Lord *Bellasis*, and
 ‘ every of them, be put to answer all, and every
 ‘ the Premises: And that such Proceedings, Ex-
 ‘ aminations, Trials and Judgments, may be upon
 ‘ them, and every of them, had and used, as shall
 ‘ be agreeable to Law and Justice, and Course of
 ‘ Parliament.’

The Humble Answer of William Viscount of Staf-
ford, now Prisoner in his Majesty's Tower of
London, to the Impeachment of High-Treason,
and other High Crimes and Misdemeanors exhibit-
ed against him and others, to the Right Honour-
able the Lords Spiritual and Temporal in Parlia-
ment, by the Knights, Citizens, and Burgeses, in
Parliament assembled, in the Name of themselves,
and of the Commons of England.

‘ **T**HE said Viscount, saving to himself all
 ‘ Advantage and Benefit of Exceptions to
 ‘ the Generality, Incertainty, and Insufficiency of
 ‘ the said Impeachment, most humbly beseeching
 ‘ their Lordships thereof to take due Notice, and
 ‘ thereunto at all Times to have a just Regard: He
 ‘ answereth and saith, That he is Not Guilty of
 ‘ all, or any of the Offences charged against him
 ‘ by the said Impeachment; and for his Trial hum-
 ‘ bly and willingly putteth himself upon his Peers;

‘ no ways doubting, but that by the Grace of God,
 ‘ and their Lordships impartial Justice, he shall
 ‘ make his Innocence appear. All which he most
 ‘ humbly submitteth unto their Lordships further
 ‘ Consideration.’

STAFFORD.

L. H. S. Gentlemen of the House of Commons,
 be pleased to proceed.

Then Mr. Serjeant Maynard, one of the Committee
appointed to manage the Evidence, began as fol-
loweth.

My Lords,

MA Y it please your Lordships; by the Com-
 mand of the House of Commons, who
 have imposed upon us this Task, we are here to
 prosecute this great Charge against the Prisoner,
 the Lord at the Bar. My Lords, there are two
 Parts that are in this great Charge; there is a Ge-
 neral, which is the Subversion of the whole Na-
 tion, the King himself to be murdered, the Pro-
 testant Religion to be suppressed, War to be intro-
 duced, and those other Things that are expressed in
 the Articles. This General is charged in particular
 upon this Lord; and, my Lords, it was in Consi-
 deration, how far it was fit to meddle with this
 General at this particular Trial: For if this Lord
 be guilty of such Crimes, it will prove well e-
 nough that there was such a Plot. But, my Lords,
 withal we did consider when the first Discovery
 of this Plot was made, how afterwards it took
 cold, how Rumors were raised against it, how
 there were Endeavours to suppress the Belief of
 it; and therefore, my Lords, we do conceive that
 it is fit we should first settle that, that there was
 a General Plot, a Plot of such a Nature as the Ar-
 ticles express.

Some Objections we thought there might be
 raised, because it hath been so long in the World,
 some Years now since the Discovery of it, some
 Persons, that is, some ten or eleven, prosecuted
 and attainted for it, and therefore that might have
 been Satisfaction enough that such a Plot there
 was; besides, that there have been publick Decla-
 rations of the Particulars of it to the World. But
 being now to proceed before your Lordships in a
 judicial Way, we did think fit, and we hope your
 Lordships will approve of it, to spend some Time
 in the Proof of the General Plot, which we hope
 will be to the Satisfaction of your Lordships and
 the whole World; for we do not think that *Eng-*
land only looks into this Day's Trial, but the
 whole World one Way or other, the whole *Chris-*
tian World is concerned in it. My Lords, after
 the Publication of these Things, (which were not
 judicial) how far your Lordships will believe them,
 as Judges, we know not; we will prove it now,
 that their Policies and Contrivances may be laid
 open to the World. And first we offer it to your
 Lordships, because we have made it Part of the
 Charge. And secondly, we shall do it, because we
 think your Lordships are not obliged to believe
 Things that are in Print, till we prove them by
 Witnesses judicially before you. But the main
 Reason why we do it, is, because we would touch
 upon those Endeavours that have been used to
 make this seem as if it were a kind of State-Plot,
 I know not what to call it, a Chimæra, an Ima-
 gination, and not a real Thing. This they la-
 boured many Ways to effect, but we shall prove
 that it is a very real and a very true one.

When that *Oates* first made a Discovery, it seems it had not that weight that we think now it will clearly have with your Lordships; and had not the Murder of *Sir Edmundbury Godfrey* follow'd in the neck of it, the World, as it was asleep, would have lain so; but that awaked us.

My Lords, it fell out in this case as it did in another: when *Catiline* the Traitor was a great way off *Rome*, and four other Lords with him, *Cassius*, *Cethegus*, and others, five in all; it came to pass, that, as the great Orator that was at that time said, *Many were so ignorant that they would not think it; many were so unwise they would not believe it; some so ill that they would favour it; and some so much worse that they did fester it; but all of them in not believing it, gave strength to the Conspiracy and the Treason.* And so it did here, for we look not upon ourselves as discharged from the Treason when discover'd, but when prevented.

My Lords, another Reason to induce us into the Proof of the Main Plot is this; we do not look upon it as a particular Offence, as if one Lord was only to be question'd, and appear before your Lordships judicially for it; he is indeed only before you at this time to receive his Trial, and your Judgment: But, my Lords, This is a Treason of a Faction, and of a general Party in the Nation; 'tis not this or that Lord, but a great Number: 'tis not this or that Lord that is mention'd in the Articles, but the Conspiracy is of a great Faction. This do we think, and this makes us so earnest to press the General before your Lordships, that we may give Satisfaction to your Lordships and the World what this Plot hath been, and how carried on every where.

My Lords, the Consequence of that is very great: For my Lords, if there were a general Design, and a general Plot, as clearly there was; some were to act in *Spain*, and some in *France*, some in other Places, some in *Ireland*, *Scotland*, and *England*, and a great number of Jesuits, (we have a matter of Thirty in chase about this Business;) I say, my Lords, if it be so, if one Action be in one Place, and another in another; yet if there be a common Consent to accomplish this Plot, then what the one does, is the Act of all, and the Act of all is the Act of every one.

My Lords, The Persons were many, and the Places and Times many they acted in, and the Designs which they were to accomplish, and the Means wherewith they were to accomplish them, were many too. Great and wicked were their Designs, to destroy our King, to take him out of the World; and why? upon hopes of better Times to them under him that should succeed him. Another part of the Design, was to destroy, not this or that Man that stood in their Way, but the whole Body of the Protestants here in *England*; not a Murder but a Massacre and a Slaughter of all whosoever they were that came near them, and none were to escape; for if any meant to flee, they would be sure to cut them off: nay, not only to destroy our King, though that be the greatest Offence that our Law can take hold of, but to destroy our Religion, and to destroy us because of our Religion.

To accomplish this, that we may open the Generals of it, Arms were to be provided, Men to be raised, an Army was formed in effect; and who to lead, and who to command, and who to pay. But, My Lords, not only were Arms to be had here among ourselves, but a *French* Aid must

be fetch'd in; Assistance from *France* must come too: Intelligences and Letters are written, and Correspondencies had, and Aids promised by the Ministers from thence.

My Lords, 'Tis a strange Thing that *Englishmen* should contrive to have an Invasion of Strangers upon their own Country; and surely they are the worst Bigots in the World that were so zealous to destroy their own Nation: and they were not wise sure to think, that if the *French* did come in, they should continue great Lords or great Men; and yet thus it was in general. It is very strange that it should enter into the Heart of any Man to destroy so many Persons. But, my Lords, if we look upon what did encourage them, and what confirmed them in this Design, and what they have published to the World about their Religion, we shall not wonder at it; since they tell us 'tis lawful to kill a Heretick King, and the King of *England* is an Heretick, they say, and so declared, so that whosoever would kill him did a lawful and pious piece of Service to God: nay, not only so, but a meritorious and glorious one too, for which they may be canoniz'd for Saints.

My Lords, We find it is no new thing: Look into all the Nations where the Pope hath any Power, or a possibility of hope to gain a Power, nothing hath been able to stand in their way, but they have broken thro' all the Bonds of Nature, and other Obligations to attain their Ends. Look into *Spain*, King *Philip* there removed his own Son, by what Means the Story tells us, he was Heir apparent, but he was a Protestant; and there also the Father puts fire to his own Daughter, because she was a Protestant; there a *Spaniard* goes from *Spain* into *Germany* to murder, and did murder his Brother for no other cause but because he was a Protestant. Leave *Spain*, and go into *France*; what Massacres have been committed there under the colour of a Marriage in Queen *Elizabeth's* time? And before that, how many hundred *Albigenses* and *Waldenses* have been put to the Sword for Religion? Come we to our own Country, and look into *England*, what hath been done here, when Queen *Elizabeth* had a Successor of another Religion, how many Attempts were there made upon her Person to bring that Successor in? When King *James* came to the Crown, let us remember the *Gunpowder-Treason*, wherein all the Nation was to be destroy'd; King, Lords, and Commons together, and in Parliament assembled, were then to be a Sacrifice, a Burnt-Offering, though they might call it a Peace-Offering; for these Gentlemen are for Sacrifices of Blood as Peace-Offerings, to reconcile us to the Pope. If this be made out, we think, their Principles having produced these Fruits in other Ages, we may believe they would do so now.

What has been said as History of former Times, is not offered as Evidence of Fact to the present Case, but induces a Probability that what hath been done by such Persons may be done by them again. But, my Lords, we shall make it clear, and bring it home to this Lord, that he hath had his Head, his Tongue, his Hand, his Heart and his Purse in this damnable and horrible Contrivance and Treason for the destroying of the King, the Government, our Religion and our Nation. We shall bring it home to him; but my Part is only to open the general Conspiracy: And indeed, my Lords, it is an heavy Burden on my aged Shoulders, considering that the Winter of Infirmity and Age is growing so fast upon me.

My Lords, The Particulars concerning this noble Lord, because the Credit of it rests on the Testimony only of one Man, *viz.* Mr. Oates, whose Testimony being taken by Sir *Edmundbury Godfrey*, Justice of Peace, and kept in writing by him, then Sir *Edmundbury Godfrey* was way-laid, and murder'd by Men of the Popish Religion, thereby to suppress the Examination that he had taken.

This startled and open'd the Eyes of the World to look about us for farther Discovery, lest we should be led as *Oxen to the Slaughter, not knowing whither we went.*

Afterward it pleased God to bring some of their Religion and Party to make further Discovery: whereupon several Jesuits, guilty of the Plot, were therefore prosecuted and brought to Judgment and Death.

After the Murder of *Godfrey*, several Fables were spread abroad, as if he were alive and married, as was declared to several Lords: others of the Party reported he had murder'd himself; but his Body being found, it was hard for the Party to invent or tell, whether he first strangled himself, and then run himself through, or first run himself through, and then strangled himself: That was a Dilemma to disprove their Fables touching *Godfrey's* Murder.

It then fell out, that Mr. *Bedlow* came as a second Discoverer, whose Testimony concurred with *Oates*; and then there being two Witnesses, as is necessary in Case of Treason, the Design was to take off *Bedlow*, that there should remain but one. a single Witness: In order to which, *Reading* tempts *Bedlow* with Rewards to lessen his former Testimony, and qualifies that which he had deposed positively was but Matter of Hear-say; for which *Reading*, the Instrument in that Design and Attempt, was indicted and convicted by three Witnesses, and suffered accordingly.

But then this Attempt upon *Bedlow* failing, the next Attempt was to take off *Oates's* Testimony, by charging him with an infamous Offence: for which purpose one *Knox* is employ'd, who suborns *Lane* and *Osborn*, and they swore it against *Oates*; but on Re examination confess the Subornation and Falshood of their Design, and *Knox* and *Lane* are therefore indicted and found guilty.

Thus when the Treason was discover'd, the Murder of an Officer of Justice is made the Means to hide it; and then false and infamous Stories set on foot of that Officer to hide that Murder, and Perjury and Subornation the Means to blast the Discoverers.

These wicked and ill Practices we take to be a second Proof of the Plot, both in general and particular, the Records of which Convictions are here before your Lordships ready to be proved: For, *cui bono*, none would do such wicked Practices, but to hide a greater Sin; and worse Designs if possible will be opened, and proved by one to whom that is particularly appointed.

My Lords, We speak this that the World may receive Satisfaction; we will let our Evidence be all open and publick in the Face of the Sun, and shew, we go not about by private Subornations, though there are Endeavours to encounter us by such.

My Lords, If we make out these things, here is Matter enough for the Satisfaction of the World, as to the general Contrivance. But, my Lords, as you sit here as Judges of this Lord, the Prisoner at the Bar, we must bring it down to particu-

lar Persons, and we shall do it even to him, that those things which were mention'd in general were his Contrivance at least-wise, as a Man highly deeply guilty of conspiring the King's Death; and in order to that, of raising an Army, and the other Things that have been open'd.

My Lords, I beseech you to pardon me, if I have troubled you too long: The Particulars are many, I have had little help to prepare it from any body but my self, but I submit my self to your Lordships; and hope that what is wanting in me, will be supply'd by others that follow: and I also hope you will find no defect in our Evidence at all, whatsoever may have been in the opening of it.

Then Sir Francis Winnington, another of the Committee appointed for the Management of the Evidence, spoke as followeth.

My Lords,

I Shall begin where Mr. Serjeant *Maynard* ended, and confine my self to this Case, as it stands before you, and to open the particular Evidence relating to the Lord, the now Prisoner at the Bar.

My Lords, I look upon the Cause of this Day to be the Cause of the Protestant Religion; and I doubt not but that Plot, which has alarmed all *Christendom*, will be so clearly made out in this Trial, that the most malicious of our Enemies will henceforth want Confidence to deny it.

That the Religion of the Papists does countenance and encourage the murdering of Princes, the massacring of such as they mis-call Hereticks, and the committing of all sorts of Impiety, in order to promote their Superstitions, and Idolatries, has been mention'd by the Gentleman who spoke before me; and I should mispend time to say more of a Truth so well known, in so great and so learned a Presence: I will therefore directly apply my self to the Business of the Day, to represent to your Lordships our Evidence of the Plot in general, and of the Guilt of this Lord at the Bar in particular.

In order to which, I shall crave your Lordships leave that I may use this Method.

First, to shew what advantageous Opportunities the Papists had to enter into, and undertake this great and detestable Conspiracy.

Secondly, to prove the Reality of the Plot in general, which I look upon as a very easy Undertaking.

Thirdly, To state the particular Evidence against the Prisoner at the Bar, by which he will appear to have been one of the principal Conspirators in this horrid Design, to murder our Sovereign, (whom God preserve) to extirpate the Protestant Religion, and to subvert totally the Government and fundamental Laws of this Kingdom.

My Lords, to shew what extraordinary Advantages the Papists had to enter upon this Conspiracy, will very naturally lead us into our Proof of it; and therefore I shall speak somewhat to that in the first place.

It is not unknown to your Lordships, or to any others who have in the least degree enquired into Affairs, that his Majesty has been so unhappy as that (unawares to him) some Ministers, who have been Papists at the bottom, and others that have drove on their Interest, have crept into his Councils, and thereby gave great Opportunities to advance Popery.

'Tis most true, that as soon as these ill Ministers were detected, and their ill Designs discovered, his Majesty did discharge them: But to the Misfortune of the King and his People, as ill Men have been recommended to succeed them, and came into their Places.

In the next place, my Lords there did appear in some Men too easy and favourable a Disposition towards the Papists. They were grown strangely moderate towards these old Enemies of our Church and State. New Projects of reconciling us were set on foot, and Books were written to distinguish the Church of *Rome* from the Court of *Rome*. One of those Books, which was printed the Year before the Discovery of the Plot, pretends, that there ought to be a Difference made between Papists of loyal and disloyal Principles. This Book, as it was written more artificially than the rest, and published in so critical and dangerous a Juncture, deserves, and I doubt not in time will have, a particular Consideration. 'Tis easy to believe how great Encouragement this must give to the *Romanists*, to see how very willing Men were to meet them, and how freely the Pen was drawn in their favour.

Another great Encouragement, my Lords, which the Papists had, was, That by the means of those Ministers who were secretly of their Faction, whensoever his Majesty was pleased to command the Laws made against them in the Reign of Queen *Elizabeth* and King *James*, to be put in due Execution, his good Intentions were frustrated, and the Severity of those Laws was turned upon the Protestant Dissenters. This was a Master-piece of *Rome*, not only to divert from themselves the Edge of those Laws which were designed against them, but to turn them upon the Protestants, and to make them useful to advance the *Romish* Interest: And when they had thus divided and distracted us, then was the fairest time for them to attempt to destroy us utterly, and to make sharp their Weapons in order to a Massacre.

But, my Lords, that which gave the Papists the greatest Encouragement to enter into this detestable Conspiracy, was, that they had (to the great unhappiness of this Kingdom, and the Protestant Religion) the Expectation and Hopes of a Popish Successor. This was an Opportunity not to be lost. They had abundant Experience of his Majesty's Firmness in the Protestant Religion, both during his Exile, and since his happy Restoration, and how resolutely he had kept that Promise which he made in his Letter from *Breda*, That neither the Unkindness of some Protestants, nor the Civilities of some Papists, should in the least degree startle him, or make him swerve from his Religion.

They therefore could have no Hopes of arriving at their Point, the Re-establishment of their Church, whilst the King lived; and it was too great a Hazard to expect his Majesty's Death by the Course of Nature: And therefore, like true Papists, that would stick at no Wickedness to accomplish their Designs, they threw off all Bonds of Loyalty and Allegiance, and resolved to destroy our Sovereign, whose Life was the only Obstacle in their way. This was the last and most wicked Part of their Plot, which, tho' it consisted of very many Parts, yet this was the principal; and our Evidence against the Lord at the Bar will chiefly run to this Part of the Design.

I have only mentioned some of those Encouragements which the World plainly saw the Papists had, before the Plot was detected: But since the Discovery, it has been abundantly proved, that it had been carrying on for many Years, and that so universally, that it is a wonderful thing it appeared no sooner.

My Lords, I come now to our Evidence: And tho' it may seem unnecessary to prove to your Lordships a general Plot of the Papists, who are so well satisfied of it already, and have more than once declared so to the World; yet because it is the most natural Method for us, first to prove that there was a Conspiracy, before we attempt to prove this Lord to have been one of the Conspirators, we shall beg your leave as to that particular. And as we shall be careful not to take up too much of your Time, so we well know your Lordships will allow us all the Time necessary to give our Evidence.

We have many Records, things reduced to Judgment, whereby the Plot is most undoubtedly proved, and which are legal Evidences before your Lordships: the Attainers of several Jesuits and Priests, the Attainder of *Langborn* and of *Coleman*, whom I should have named in the first place. We have also the Conviction of those that were prosecuted for the Murder of Sir *Edmundbury Godfrey*; and there is a Conviction, tho' not for the Murder, yet for cutting the Throat of Mr. *Arnold*. 'Tis true he is not dead, yet as to the Publick, I count him murdered by the Papists, tho' he be alive in the World. My Lords, we have Convictions not only of Treasons, Murders, and cutting of Throats, but of almost all other Villainies whatsoever: As of Attempts to suborn Witnesses, and to scandalize the King's Evidence; and to that we shall produce the Records concerning *Reading's* Attempt upon *Bedloe*; that concerning the suborning of *Knox* and *Lane* to swear Buggery against Dr. *Oates*; and the Conviction of *Tasborough* and *Price* to corrupt *Dugdale*, a principal Witness as to this Plot.

I only mention these Particulars, my Lords; and certainly as you are a great Court of Record, you will take notice of them. It would be a hard thing perhaps to spend the time in reading all, since all of them are made known to the World already; but we shall in the Course of our Evidence produce them, and you may read such of them as you please. All the Use we make of them, is for the Proof of the general Plot, which is requisite to be done; for it will be hard to believe the Prisoner guilty of the Plot, if there were no such Plot at all.

My Lords, We shall make appear to you things which have not yet been brought into Judgment. In the Year 76, we shall prove by a Witness that was then abroad, and discoursed with *Anderton*, *Campion*, *Green*, and several other Priests and Jesuits, that they did acquaint him that there would be great Alteration in *England* e'er long; that the King was a Heretick and excommunicated, and might be destroy'd; and this Doctrine they continually and industriously preached. And they further said, if once the King were removed, (who alone stood in the way) their Religion must needs flourish; for this reason, as the Witnesses will speak, that the Duke of *York* was on their Side.

My Lords, We shall prove, that they had in *England* Men no less industrious amongst them, some whereof have been executed: *Gavan* by name, who made it his Business to go up and down in se-

veral Counties of this Kingdom, to prove by Scripture, Councils, and Examples, That it was a lawful Undertaking to kill his Majesty. These things I name, as necessary in order to introduce our particular Evidence; I am unwilling to dwell longer upon this Point of the general Plot. I shall produce the Records, and produce our several Witnesses, Mr. *Oates* and others, that will give you a full and plain Account of it.

My Lords, Having done with the general Plot, I come now to open the particular Evidence against my Lord, the Prisoner at the Bar. As to him, my Lords, our Evidence stands not upon Conjectures, or upon mere Probability, because this Lord is, (as we well know) a zealous Papist, and hath owned himself so; but we have express particular Proofs against his Person. My Lords, we have one Witness to produce to your Lordships, who will prove, that in *September 78*, there was a Consult of some Priests, and other Conspirators, at *Tixal* in *Staffordshire*, my Lord *Aston's* House, for killing of the King, where my Lord *Stafford* was present. And by a Discourse in the same Month, we shall prove what Reasons this Lord did give, why he and their Party undertook the murdering of the King, because, he said, that he and many Catholick Families had no Recompence for their Loyalty; but if any thing fell, it was disposed of to Rebels and Traitors. This he repented deeply; but above all, the Obligation of his Conscience, and of his Religion persuaded him to it, and confirmed him in his Resolution to go on in this horrid Design.

My Lords, We will go further, and prove that this Lord offered 500 *l.* out of his own Purse to carry on the Plot, and particularly this part of it, for killing the King. We shall produce to your Lordships a Witness to whom he made this Offer, as looking upon him to be a faithful Man, and having received so great a Character of him from one *Evers* a Priest, that he thought he might safely communicate the Matter to him; and the Argument he urged to persuade the Witness, besides the 500 *l.* which he said upon his Application to *Harcourt* and *Ireland* they should pay him, was this, That others as well as he were employed in the same design; that it was the only way to establish the *Romish* Religion in *England*; that he would lay an everlasting Obligation upon all the Persons of that Persuasion, and that he should not only have his Pardon, but be canoniz'd for it.

My Lords, This is the Substance of the Testimony of the first Witness which we shall produce, against my Lord *Stafford*; and that is so express, as I think it can hardly be answered.

My Lords, Our next Witness says thus; (for I shall but open the Substance of what they say :) In *June* or *July* 1678, there were several Letters from this Lord at the Bar to the Jesuits in *London*, in which his Lordship did declare his Readiness to serve them in their great Design: And in *June* (78) the latter End of the Month, my Lord *Stafford* came to Mr. *Fenwick's* Chamber in *Drury-Lane*, (he went not then by the Name of my Lord *Stafford*, but by the Name of Mr. *Howard* of *Effingham*) and there he did receive a Commission from *Fenwick* to be Paymaster-General of the Army which was to be raised for the carrying on the Plot. His Lordship told them he was then going into the Country, but he hop'd he should soon hear from them, that they had done the Business, at least that it would be done before his Lordship did return. To which

Fenwick made answer, Your Lordship must look after the Business as well as other Persons; and there will be need of some to countenance it in Town: Thereupon the Lord, the Prisoner at the Bar, said, That they had been often deceived by this Prince, and been patient with him, but they would bear no longer, but were now resolved to do the Work without Delay, for their Patience was worn out. Several other particular Circumstances the Witness will acquaint your Lordships withal, which I shall not take up your time with.

My Lords, We have a third Witness as considerable and particular as any of the rest, one that lived three Years in the *Lady Powis's* House, had his Education there, and was persuaded by that Lady, and by one *Morgan* a Jesuit, to become a Frier, and to that end was sent to *Doway*; but not liking to continue at *Doway* (he will tell you the Reason why) he escaped to *France*, and at *Paris* came to his Brother, a *Benedictine* Monk there, who advised him to go for *England*. But whilst he staid at *Paris*, this Gentleman, by the means of his Brother and other Priests, grew into a great familiarity with my Lord *Stafford*, who was then in *France*, and who at last came to have such a great Confidence in him, that his Lordship could not hold, but told him, that tho' he had disoblighed all his Friends by going away from *Doway*, yet he had something to propose to him, which would be a means to reconcile him to his Friends, and bring him into Preferment, and into the Friendship of all good Catholicks, whom he would oblige by it. The Gentleman was willing to embrace to happy an Opportunity, and desired to know what it was could procure him so great a Good. My Lord *Stafford*, the Prisoner at the Bar, told him, It was a thing of very great Importance; and after having required from him all possible Obligations of Secrecy, he told him plainly what great Benefits would accrue to himself, and what Advantage to the Catholick Cause, if he would make himself and the Nation happy, by undertaking to kill the King of *England*, who was an Heretick, and consequently a Rebel to God Almighty. My Lord *Stafford* did believe the Witness did embrace this Proposal warmly, and therefore directed him to prepare to go for *England*, and to go beforehand from *Paris* to *Dip*, where he would meet him, and go over with him. But it seems my Lord *Stafford* met with some Diverfion, for he did not keep his Word with him in coming; and so this Gentleman being disappointed, went over without him: But fearing to be called upon to the same Service, he returned back again suddenly, and went into the *French* Army.

My Lords, we shall produce these Witnesses against the Lord at the Bar; and when they have proved to your Lordships what I have opened, any one who was not acquainted with the *Papish* Party, would believe they would be at a loss how to acquit themselves from this Charge. All manner of foul and indirect Practices have been used by them to terrify, to corrupt, and to scandalize our Witnesses; all manner of Objections have been made to our Evidence. If the Witness does not come up to speak directly to every Point, we are told, he says nothing at all; if he speaks directly, they cry, he is not to be believed. Thus they have a ready Answer to every Witness that has been or ever shall be produced, either that he says nothing material, or that nothing that he says ought to have any Credit.

But we doubt not by this Trial before your Lordships, if we cannot stop their Mouths, at least to convince all the World besides of the Reality of this Plot.

It will be no wonder if their Confidence goes on still to frame Cavils: They are us'd to scandalize the Government, and they cannot give it over. How often has his Majesty under his Great Seal published and declared this Conspiracy? How often has he press'd his Parliaments to go on to bring the Conspirators to Punishment? And at the Opening of this very Parliament he says plainly, That he does not believe himself safe from their Designs. Your Lordships also have voted the unquestionable Truth of the Plot, and so have the Commons; yet these Men are so hardy as still to deny the plainest Truth, so confirmed as this hath been.

Nay, my Lords, their Malice goes yet farther, for they have been so bold as to whisper up and down, and industriously to spread Reports, before the Trial, as if this Lord at the Bar, and the rest who are impeached, should certainly be acquitted. We do hope to be able to detect the Authors of this great Scandal; and the Commons doubt not of your Lordships Concurrence to assist them in bringing them to their deserved Punishment. This is sure the first time that ever any sort of Men presum'd to reflect upon the Justice of this High and Noble Court. Your Ancestors, my Lords, did by their Honour, Courage and Justice, preserve our Ancestors; the Advantages of which, we, who are descended from them, do now enjoy; and we shall never have occasion to doubt in the least, but that your Lordships will tread in their Steps. You have in your Hands a great Opportunity to make your Zeal for Truth and for the Protestant Religion famous to Posterity. No Artifice or Malice can create the least Jealousy in us, that ever your Lordships should shew any Partiality or Injustice to the Commons of *England*. To your Judgment this Cause is submitted; and when we have your Judgment, we doubt not but we shall drive Popery out of this *English* World.

My Lords, We shall go on to the Proof of our Cause; and I hope this will be a happy Day to us and the whole Protestant Interest.

Then Mr. Treby, also one of the Committee appointed for the Management of the Evidence, spoke as followeth:

My Lords,

These two learned Gentlemen have fully discharged their Province.

I shall proceed to call our Witnessess to give their Testimony.

But before we produce them, your Lordships will be pleas'd to take notice, that our Evidence will consist of two Parts, General and Particular; the General, to shew the Universal Conspiracy; the Particular, to shew what special Part this noble Lord, the Prisoner at the Bar, had in it.

And tho' in the first Part my Lord *Stafford* may not be particularly nam'd, yet that Evidence will be pertinent and proper for us to give in this Trial of my Lord *Stafford*; for we charge him not with the private Treason, wherein he with his immediate Complices only might be concerned, but it is a Treason of the Popish Faction, or at least the principal and active Papists.

We lay it in our Articles of Impeachment, That there was an execrable Plot contriv'd and carried

on by Papists, and that the Conspirators acted divers Parts, and in divers Places, beyond Sea as well as here. It was a Treason that did bestride two Lands: *England* indeed was the Thing aim'd at; the Destruction of the Religion, Government, and Liberty of *England*, was the End; but the Means and Instruments were not collected here only, but part of them were to be brought in from Abroad.

This is an Enterprize too extensive to be entirely managed by a single Nobleman: And though we look upon my Lord *Stafford* as a great Malefactor, yet we cannot think him so great a Man, as to be able within his own Sphere to compass this whole Design.

Should we not take this Course of Evidence, first to prove the general Plot, it might be a great and just Objection in my Lord's Mouth to say, *You charge me with a Design of subverting the Kingdom, how is that possible to be undertaken by me, and those I have had opportunity to converse and confederate with? A mighty Part of the Catholick World had need to be engaged for such a Purpose.*

My Lords, If this would be a material Objection from this Lord, then will it be requisite for us to obviate and prevent this Objection, by shewing, first, that there was such a grand and universal Design of Papists, in which this Lord was to co-operate for his distinct Share; tho' perhaps when we descend to our particular Evidence, it will appear, that his Part hath been great, and manag'd with Malice as great as any.

My Lords, We shall begin with a Witness, a Gentleman whose Education has given him the Opportunity of knowing the Inside of their Affairs; and we presume he will give you a satisfactory Account: His Name is Mr. *John Smith*.

L. H. S. What do you call him to, Gentlemen?
Mr. *Treby*. To the general Plot, my Lords.

Lord *Stafford*. May it please your Lordships, I know not who he is, nor his Name; I humbly beseech your Lordships, that this Witness, whoever he be, and all the rest that have any thing to witness against me, may look upon me face to face, according to the Words of the Statute. I humbly beseech your Lordships to grant me this, which I take to be according to Law; and that each may give his Evidence alone, and that both against me and for me, one may not know what the other says.

L. H. S. My Lord, You shall have all the fair Proceedings that can be.

L. Staff. The Law says my Accusers must look me face to face. I desire to have the Words read.

L. H. S. Your Lordship may see him where he stands up.

Then Mr. *Smith* turn'd, and look'd upon my Lord *Stafford*.

L. Staff. I do see him, but I don't know him.

L. H. S. Swear him.

Clerk. The Evidence that you shall give in the Trial of *William Viscount Stafford*, shall be the Truth, the whole Truth, and nothing but the Truth; so help you God, and the Contents of this Book.

L. H. S. Your Lordship observes he is not brought as a particular Witness against your Lordship, but to prove the general Design of your Party.

L. Staff. 'Tis still concerning me.

L. H. S. Look upon my Lord *Stafford*, (which he did) and now tell your Evidence.

Mr. *Treby*. This is Mr. *Smith*, my Lords. And that which we would examine this Witness to, is,
the

the general Design of the Plot; what Knowledge he hath had of it here or beyond Sea; the Gentleman is able to understand the general Question.

Mr. *Smith*. My Lords, I remember very well when I went first into *France*, I came acquainted with Abbot *Montague*, Father *Gascoigne*, and several other Popish Priests and Jesuits, who often discoursed with me, and told me, if I would make myself a Catholick, I should have an Employment amongst them there, and afterwards in *England*; for they did not doubt but the Popish Religion would come in very soon. Upon which I ask'd his Lordship the Abbot one Day, what reason he had to believe it? He told me two Reasons; first, that they did not doubt but to procure a Toleration of Religion, by which they should bring it in without Noise; and secondly, that the Gentry that went abroad did observe the Novelty of their own Religion, and the Antiquity of theirs, and the Advantages that were to be had by it. These Reasons Abbot *Montague* gave me. There was one Father *Bennet* and others that told me the chief Reason was, their Party was very strong in *England*, and in a few Years they would bring it in right or wrong. All this would not prevail upon me to turn Papist, and I liv'd among them several Years. At last I had a Design to go to *Rome*; and as I went I had a Design to go to *Provence*, (and so into *Italy*) where there was one Cardinal *Grimaldi* coming thro' the Town, and the Jesuits having a great School there, I was curious to go to the School, and they were very desirous I should tarry for some time in the Town: I did, and they made much of me, and told me much to the same Substance, what Assurances they had of their Religion coming into *England*. At last they had a desire I should discourse with the Cardinal, which I did; and he made much of me, and he it was that perverted me to the *Romish* Religion. Upon this, the Cardinal shewed me a Pair of Hangings that were in his House, which he said did belong to the Queen-Mother, and were bought in *Paris*; and he told me he was acquainted with many of the Nobility in *England*, and that he had great Assurance the Popish Religion would prevail; and he told me there was but one in the way, and tho' that Man was a good-natur'd Man, yet they could not so far prevail upon him; but that to accomplish their Designs they must take him out of the way. But at last I left this Place, and went to *Rome*, where I liv'd some Years in the *English* Jesuits College there; and when I had liv'd there five Years, I came to be Prefect of several Rooms there, which are the Scholars Lodgings and Places of Study. I have heard it there often disputed in their own College, both preach'd and privately exhorted, that the King of *England* was an Heretick, and that there was no King really reigning, and whoever took him out of the way would do a meritorious Action.

L. H. S. Who was that that said so?

Mr. *Treby*. Name the Persons.

Mr. *Smith*. Father *Arderton*, Rector of the College, who was a very good Scholar; Father *Munford*, and one Father *Campion*, but chiefly one Father *Southwell*, one of the chief of the Jesuits. And I doubting of the Truth of that Opinion, they did shew me several of their Books, there, and directed me to some Passages of *Mariana*, *Vasquez*, and *Bellarminc*, which I have since publish'd to the World, wherein they did assert it as a true Doctrine, and as Christian Doctrine, what the Fathers told me; and this was never condemn'd at *Rome*. Besides, my

Lords, when I was coming from *Rome*, with my Faculty and License sign'd by Cardinal *Barberino*, who generally conducts, or causes to be conducted, all Papists to take their Leave of the Pope; and before we came away, (for there were five or six of us together) for a whole Month these Fathers were exhorting of us, That we were not oblig'd to obey the King of *England*, and that in all private Confessions we were to instruct all Persons that we thought were capable of any Design, that they should use all their Endeavours for promoting the Popish Religion. I, coming into *England*, made my Application to Dr. *Perrot*, who belonged to the *Portugal* Ambassador, and was chief of the Popish Clergy in *England*. I was kept there some Months to say Mass in his Chapel; and afterwards I was sent into the *North*, where there were abundance of Jesuits and Friers, to one Mr. *Jenison's* House; where knowing the Principles of these People, I made it my Business to rout these Jesuits away, especially out of Mr. *Jenison's* House, who had a Kinsman of his own that was a Jesuit, and us'd to serve him in his House, and great Complaint was made against me: And there was one Mr. *Smith*, otherwise *Serjeant*, in the *North*, who gave me Intimation of it, and to whom I wrote to satisfy him and the Clergy of the Grounds and Reasons why I routed them away; which, if he be in *England* now, he can justify. Upon this, I received a smart Letter, as a kind of Reprimand for my doing so; and he told me, that tho' they did agree with me in Doctrine, yet they would endeavour what they could to bring in the Popish Religion, and tax'd me sharply for appearing against it. I told him how the Jesuits perverted the Duke of *York*; and that by that means they would be the chief Men in *England*, tho' there were none of their Order till Queen *Elizabeth's* Time. Besides, my Lords, in *Rome* I saw *Coleman's* Letters, and read them once a Month, as I believe; wherein he gave us Intelligence of several Passages that happened in Court; how the Duke, and the Queen, and the chief of the Nobility were of their side; how they carried Matters several times; the Ways my Lord *Clifford* did use, and Sir *William Gololphin*, to effect the Work; and that they did not question but they should get my Lord-Treasurer *Dumby* on their Side too. This was in *Coleman's* Letters; and he had so much Allowance for his Intelligence. These Letters of his I read several times in the College. My Lords, afterwards, when I came from *Rome*, I saw Abbot *Montague* again, and he said he was very glad to see me, and that I was a Priest. Well, but said I, what am I the better? where is the Employment you promis'd me when I should come into *England*? He told me I should have it very soon, and he was glad that I had not made myself a Jesuit; and he recommended me to Dr. *Goffe*, Confessor to the Queen-Mother, who said he would do any thing in the world for me, and he did not doubt but he should get a Preferment for me; which Dr. *Goffe* is now living. Truly when I came into *England*, I found all the Popish Clergy of *England*, that I discoursed with, of the same Opinion, that they did not doubt but the *Romish* Religion would soon come in. And besides, in the *North* there was gathering of Money, in which I was order'd to be one of the chief Men; but I was against it. I told them I would do nothing in it; I thought it was illegal to send any Money beyond Sea: They told me it was Charity, only to repair the College at *Dowry*. I

told them it was strange that there should be so much Money raised only to repair one College, which would serve three or four Colleges; and I persuaded Mr. *Jenison*, and all other Persons I had to do with, not to meddle with it. As to this raising of the Money, I conceive it may be infer'd, it was for some other private Business, and I believe was for the carrying on the Design. As for the Gentleman at the Bar, my Lord *Stafford*, I know nothing of my own particular Knowledge, but only this; There was one *Thomas Smith*, Sir *Edward Smith's* Brother, that lived at a Place not far off the Place where I lived, who was one that contributed in paying the Money that was then collecting: He was the Man that writ a Letter up to my Lord *Stafford*, to complain of two or three Justices of the Peace that were active against Popery; upon which there was one that was turn'd out, that I think is now of the honourable House of Commons—

Mr. *Treby*. Name him.

Mr. *Smith*. Sir *Henry Calverly*. The other was not turn'd out. So I ask'd *Smith*, when I was lately in the Country, about it; for I heard a Rumour, that there was a Letter of this Mr. *Smith's* found in my Lord *Stafford's* Chamber, and I was told it by a Parliament-Man, one Colonel *Tempest*. So, said I to him, now you will be concerned in the Plot. No, said he, I care not for that Letter, it will signify nothing; for my Lord won't keep by him any thing of any Moment. I asked him what he knew about my Lord. He told me he writ another Letter to my Lord, to know whether he would make a Conveyance of his Estate away, and whether he apprehended they were in Danger: And he told me, his Lordship's Answer was, That several did so, but he would not; for he expected some sudden Change or Alteration. I asked him what Change or Alteration he understood by it. Sir, said he, what can be understood by it, but an Alteration of the Government and Religion? I am sure, said he, my Lord is so wise a Man, that he would not write so without some Ground. This is all I can say to the Gentleman at the Bar; and this is true by the Oath I have taken.

Mr. *Treby*. My Lords, I observe Mr. *Smith* in the Beginning of his Testimony (speaking of the Discourse he had at *Rome*) said, they told him there was one in the way; I presume 'tis not uneasy to conjecture who was that one.

L. H. S. It was surely the King.

Mr. *Treby*. But we would rather have it explained by himself.

Mr. *Smith*. Father *Anderdon* and Father *Southwell* did say that the King was a good Man, but he was not for their turn, and he was the only Man that stood in the way.

Mr. *Treby*. Did they name the King?

Mr. *Smith*. Yes, it was the common Discourse all over the Country.

Mr. *Treby*. My Lords, I desire Mr. *Smith* in the next place may give an account of the Methods they were to use to accomplish this Design, the firing of the City, and the rest.

Mr. *Smith*. As to the burning of *London*, I heard nothing beyond Seas at all but this; it was discoursed that the Papists did it, and the like, but they denied it, and they said it came accidentally in a Baker's House: But this I have often heard them say, that it was no great Matter if it had been all burnt.

L. H. S. Will you ask him any more Questions yet?

Mr. *Treby*. No, we have done with him.

L. H. S. Have you concluded your Evidence, Sir?

Mr. *Smith*. Yes.

L. H. S. My Lord *Stafford*, will your Lordship ask him any Questions?

L. *Stafford*. I desire to know how long ago it was, my Lord, since he was made a Priest.

Sir *F. Win*. My Lords, with your Lordships Leave, no Man is bound to answer a Question whereby he shall accuse himself? therefore under favour the Question is somewhat harsh, and we demand your Judgment in it.

L. H. S. What is the Question your Lordship would have asked him?

L. *Staff*. I will not ask it since 'tis an Offence; but did not he say he said Mass? Pray how long ago was that?

L. H. S. I will ask him a Question. Are not you a Protestant?

Mr. *Smith*. Yes, my Lord.

L. H. S. How long have you been so?

Mr. *Smith*. I have been a Protestant near upon two Years.

L. H. S. How long ago before were you perverted?

Mr. *Smith*. Some six or seven Years.

L. H. S. That is nine Years. That was, I suppose, about 71.

Mr. *Smith*. I was always bred a Protestant, and was so abroad till I went towards *Rome*.

L. H. S. It is not criminal to have been a Priest, if he have conform'd.

L. *Staff*. I have no more to say to him.

L. H. S. Have you any more Questions to ask him?

L. *Staff*. No; I never saw him before; he may be as honest a Gentleman for ought I know as any one here.

Mr. *Treby*. Then, if your Lordships have no more Questions to ask him, he may withdraw. My Lords, the next Witness we produce is to the General still, and that is Mr. *Stephen Dugdale*.

L. *Staff*. Is he only to speak to the General, or to me?

Mr. *Treby*. To the General; we shall tell your Lordship when we come to the Particular.

Sir *F. Win*. My Lords, with your Lordships Favour, we have opened our Case, first, that we would go on with the General; while we are upon that Head, we will only call those that speak to the General, but it may happen that one Witness may speak to both; but we shall divide his Testimony when we come to observe upon it.

Mr. *Treby*. My Lords, I take leave to acquaint your Lordships, that Mr. *Dugdale* hath but a low Voice, and your Lordships will not hear him without a Command of Silence: which was done by Proclamation, and Mr. *Dugdale* sworn.

Mr. *Treby*. Mr. *Dugdale*, take notice, we call you now only to the general part of the Plot, what Discourses you have heard from Priests in general concerning any part of the Plot: And you are not to give your particular Evidence against this noble Lord, my Lord *Stafford*, till we call you thereunto.

L. H. S. What say you, Sir?

Mr. *Dugdale*. About fifteen or sixteen Years I have been acquainted, that there was a Design carrying on for the bringing in the Romish Religion.

I have

I have at several times, by the means of my ghostly Father, that was Mr. *Evers*, been acquainted that there were several Lords and several Priests in several Places in *England* that were to carry it on; that is, they were to have Money and Arms ready, for those that wanted, against the Death of the King. I have seen several Letters which have come from *Paris*, *Rome*, and *St. Omers*, all relating to this, to encourage Mr. *Evers*, and that he should go on to encourage the rest that were engaged. For that purpose I read some of 'em, and intercepted them, because they were all directed to me. Mr. *Evers* hath sent me upon Messages, sometimes by Letters, and sometimes by word of Mouth, and all tended for the introducing of their Religion, that all should be ready with Money and Arms against the King's Death: For I did hear nothing till of late about the killing of the King. In particular, there came one Letter to *Evers* from my Lord *Stafford*, to shew that things went on well beyond Sea, and hoped they did so here. I saw another time some Letters which were also transmitted to my Hands by a Messenger that came from *Boscobel*, which did come from *Paris*, and so to *St. Omers*, from whence they came to *Harcourt*, and *Harcourt* had delivered the Letters to have the Opinion of some Lords; all which contained Advice which they had received from *Paris*, which they counted extraordinary good. The Purport of these Letters were to shew there was no way could be more likely to do their Work, than if any sudden Death should happen to the King, then to throw it upon the *Presbyterians*, who had killed the old King, and were likeliest to be thought to have done this; and so they might easily get the Protestants, those of the Church of *England*, to join with the Papists against the Presbyterians, who would by that become odious, and so should weaken the Party, the more easily to accomplish their Design. I have of late several times been in Company with Priests and other Gentlemen in the Country, when they have had Consultations both for the introducing their own Religion, and taking away the King's Life, which they did always intend to be about *November*, *December*, or *January* 78. It was late in the Year; but all that Year (78) this was their Consultation. I have been sent to the Jesuits, some of them, particularly to Mr. *Vavasor* and Mr. *Gavan*, for some Monies, for there was a general Collection, and there was the Sum of five hundred Pounds at one time, which I received, and gave to Mr. *Evers*, and he returned it to *London* for the carrying on this Design, and for discharging an Account of Arms and Things received from beyond Sea. And it was agreed that my Lord *Aston*, Sir *James Symons*, and others, should go in *October* 1678, to dispose of the Arms which they had so received, some here, and some beyond Sea, to the Value, I heard say, of 30000*l.* Moreover, I did hear that they were to have Men raised there, as well as here. So I have heard from Mr. *Evers*, and Mr. *Gwyn* and others, and I have been also by when it hath been discoursed that the King of *France* was acquainted with all these Designs, and that he would furnish us with Men, and should not be wanting with all other Aid and Assistance, if there should be any Alteration, if the King should die or be taken away, or to that purpose. I have been several times put upon to make Foot-Races, to draw People together, that they might the better have Discourses together without Suspicion. I was likewise put in trust by the Jesuits all the

while the Plot was carrying on, and particularly, for two Years, all the Letters relating to the Plot came to my hand, some of which I opened, and some I kept in my own Hands; and particularly I had one that came to my Hands, which was about the Death of Sir *Edmundbury Godfrey*; for when I carried it to Mr. *Evers*, he said, There was one of our Enemies taken out of the way: and it was contained in the Letter, *This Night Sir Edmundbury Godfrey is dispatch'd*; which by the Date of it was the 12th of *October* 1678. I told him that that would prove a Discouragement to us, and would be the Ruin of all the Design: he said, not so, it would rather prove otherwise; for he was one that was active in punishing lewd and debauched Persons, and it would rather be put upon them than us, as done out of Revenge.

Mr. *Treby*. Pray, Sir, speak the particular time when that Letter came into *Staffordshire*.

Mr. *Dugd.* The 14th of *October* 1678, which was *Monday*.

Mr. *Treby*. The Date of it pray tell us.

Mr. *Dugd.* The 12th of *October* 1678.

Mr. *Treby*. The very Night that it was done.

Mr. *Dugd.* Likewise when I did hear there was like to be an Alteration in the Government, and having such fair Promises, I was encouraged to it, and was very willing to contribute to the Design; and I did then make over an Estate which I had of four hundred Pound Value for that Purpose, and for the praying for my Soul. And when my Lord *Aston* and I should come to account, as there was Money over and above due to me, I did likewise promise, because I saw Money would be wanting, I would give them a hundred Pound more. There were several other Gentlemen, as Mr. *Heveningham*, Sir *James Symons*, my Lord *Aston*, Mr. *Draycott*, Mr. *Howard*, and Mr. *Gerard*, who did to my Knowledge contribute towards the carrying on of this Charge, for defraying of Money and raising Arms, and paying for them. And I have seen Letters from beyond Sea, that have been to Mr. *Evers*, that all Things have been ready as to the Arms, and there only wanted Orders how they should be disposed of; and I have been several times brought to the Oath of Secrefy for fear I should disclose it; and particularly that time that I went away from my Lord *Aston's*, which was on a *Monday* Morning, Mr. *Evers* gave it me, about the 18th or 19th of *November* 1678. And I did then promise by all the Promises I could make, and upon the Sacrament, in his Chamber, that I would not disclose it; but having others to advise me in it, such as could better do it, that told me such Oaths were better broken than kept: and thereupon I came to discover the thing, which I have done to the best of my Knowledge. I am very loth to charge my Memory in particular, about Times, or how many were in Company, but those that I am sure of; but there hath been in Company at the Consultation several times, Mr. *Heveningham*, Sir *James Symons*, Mr. *Vavasor*, Mr. *Petre*, Mr. *Howard*, and my Lord *Aston* himself; when there hath been a Speech about the Design, for the introducing of Religion, and for taking Order about Money to buy Arms, and particularly when my Lord *Stafford* was by about the Death of the King, and that was about *September* 1678.

Mr. *Treby*. Mr. *Dugdale*, you speak of levying Arms, and of the Oath of Secrefy that was given you; were there not other spiritual Weapons used? Was there not an Indulgence, or such a thing?

Mr. *Dugd.* There was an Indulgence about 78, or thereabout, which came through *Ireland's* Hands, transmitted from beyond Sea, and so to Mr. *Evers*, and Mr. *Govan* was put on to publish it, which he did one Time at *Boscobel*. And it was likewise at all private Chapels, That whosoever was active for the introducing the *Romish* Religion, or killing the King, should have a free Pardon of all his Sins.

Mr. *Foley.* Pray declare what Arguments have been used by your Priests, to induce you to this Design?

L. H. S. Raise your Voice, that we may hear what you ask.

Mr. *Foley.* We would know what Arguments have been used to persuade to this Design?

Mr. *Dugd.* They have told me in their Meetings, the King was an excommunicated Heretick, and he was out of the Pale of the Church, therefore it was lawful to kill him, and it was no more than the killing of a Dog.

Sir *John Trevor.* My Lords, I desire to ask him one Question farther, what he hath heard about a Massacre that was intended?

L. H. S. Have you heard of any Massacre that was to be?

Mr. *Dugd.* I have heard that about the Time the King should be killed, several should be provided with Arms, and such Instruments, and rise all of a sudden at an Hour's Warning, and so come in upon the Protestants, and cut their Throats; that was one Proposal: And if any did escape, there should be an Army to cut them off in their Flight.

Mr. *Treby.* My Lords, I desire to ask him one Question further, Whether he ever knew or heard of Mr. *Oates* and *Bedloe* till the Plot was detected?

Mr. *Dugd.* I have heard of them from Priests, as Messengers entrusted by them, but no otherwise.

L. H. S. When did you hear that?

Mr. *Dugd.* I have formerly declared it.

Mr. *Treby.* Ay, when?

L. H. S. Before the Discovery, or after?

Mr. *Dugd.* Before the Discovery.

Mr. *Treby.* My Lord, the Reason of the Question, and the Use we make of it is this; we charge the Papists with the Conspiracy of a Plot, and they charge our Witnesses with a Conspiracy to accuse: Now it appears, that Mr. *Dugdale* had not any Knowledge of the other Witnesses, and only had heard of them as Persons concerned; so it could not possibly be a joint Contrivance amongst them.

Sir *John Trevor.* My Lords, I desire to ask this Question, Whether Mr. *Dugdale* hath seen any Letters from *Whitebread* to *Evers*, and what Instructions were in those Letters to *Evers* about the Persons to be concerned, and what kind of Creatures he was to employ in this great Design of theirs?

Mr. *Dugd.* I saw a Letter from *Whitebread*, to give Mr. *Evers* a Caution who he did employ or trust in the Design; for he told him there had been good Care taken therein hitherto; and it were no Matter whether they were Gentlemen of Quality or not, so they were stout and trusty, or to that Purpose.

L. H. S. What should they be trusty for?

Mr. *Dugd.* For the killing the King.

L. H. S. Was that said plainly in the Letter?

Mr. *Dugd.* To the best of my Remembrance in those very Words.

L. H. S. Was there no Cypher or Character?

Mr. *Dugd.* There was no Cypher or Character that I know of, nothing but two Letters for his Name.

Mr. *Treby.* My Lords, I desire Mr. *Dugdale* may give an Account of those Papers he speaks of; what became of them, and tell us the Reason why they were not produced?

Mr. *Dugd.* My Lords, when I was by the Instruction of Mr. *Evers* to take my Flight, I conveyed all my Papers, that either belonged to him or myself, for the carrying on of the Plot, and carried them to an House not far remote from my Lord *Aston's*, and by the Help of two Maids—

Mr. *Treby.* Name them.

Mr. *Dugdale.* *Elizabeth Eld*, and *Anne Eld*. And they two did prepare a Fire in their Chamber for that Purpose, and they assisted me to burn them: I was in a great Consternation, and great Fear, in regard I must fly and abscond myself, and indeed I did it with Tears in my Eyes. And whilst we were burning of the Papers, one of them spied a little Paper-Book, by Chance, and she asked me, whether that should be burnt; I told her, no; burn not that, for there is no Treason in it. With that one of them asked me, Is there any Treason in the rest? And I put them off, to the best of my Knowledge, and would not give them a direct Answer.

Sir *John Trevor.* Why did you consent to burn them?

Mr. *Dugd.* Because I knew they would discover me, and others that were concerned in the Plot.

Sir *Fr. Winnington.* Your Lordship will be pleased to observe, the burning of the Letters was before he discovered the Plot, or any Thing.

Mr. *Sacheverell.* My Lords, We desire he may be asked one Question; he told your Lordships of the Letter that came into *Staffordshire* about the Death of Sir *Edmundbury Godfrey*, but he hath not told you of the Reason why he was to be taken away. We desire he will let your Lordships know what Reasons they gave for it.

Mr. *Dugd.* My Lords, I was desirous to know how Things went, being concerned as well as Mr. *Evers*; and I asked what the Reason was they took away his Life? Mr. *Evers* told me, that there was a Message sent to Mr. *Coleman*, to desire him that he would not reveal what he knew concerning the Plot, or any Thing of that Nature.

Mr. *Sacheverell.* From whom was that Message sent?

Mr. *Dugd.* From the Duke of *York*. And *Coleman* did send Word back again, What was it the nearer? for he had been so foolish as to reveal all to Sir *Edmundbury Godfrey*, who had promised to keep it all as a Secret. But upon the Examination of *Oates*, before Sir *Edmundbury Godfrey*, as a Justice of Peace, he was afraid he would come in an Evidence against him; and had shewn himself a little too eager, which made *Coleman* afraid he would witness against him. And the Duke of *York* did send Word back again, That if he would take Care not to reveal but conceal it, he should not come in against him, or to that Purpose: And the next News we heard was the Letter that he was dispatched.

Mr. *Foley.* I desire he may give an Account what Assistance the Pope gave for the carrying on of this Design?

Mr. *Dugd.* I heard the Pope had out of his Revenue promised several Sums of Money for the carrying on this Plot; and particularly that he would assist the poor distressed *Irish*, with both Men and Money; and there should not be any Thing wanting on his Part.

L. H. S. Have you done with him, Gentlemen?

Mr. Treby. Yes, I think we have done with him as to the general.

L. Staff. I desire to ask him then what Sums of Money did the Pope contribute to it?

L. H. S. What Sums of Money did the Pope contribute to this Design?

Mr. Dugd. I have heard of several Sums in general that he was to contribute for the carrying on of the Plot.

L. H. S. Did you hear of any Sum certain?

Mr. Dugd. I do not know, but I think I have heard sometimes of ten thousand Pound, or some such Sum. I have been told by a Servant, that formerly belonged to my Lord *Stafford*, That the Pope's daily Income was twenty-four thousand Pounds a Day; and that if he would do as he had promised, he was able to do very much.

L. H. S. They told you so, you do not know it otherwise.

Mr. Treby. We have done then with him: We call *Mr. Prance* next. (Who was sworn.)

Mr. Treby. My Lords, I desire *Mr. Prance* would give us an Account of what Discourse he had with one *Mr. Singleton* a Priest, and when.

Mr. Prance. I went to one *Mr. Singleton* a Priest, at one *Hall's*, in the Year 78; and he told me, That he did not fear but in a little Time to be a Priest in a Parish-Church; and that he would make no more to stab forty Parliament Men, than to eat his Dinner, which he was at, at that very Time.

L. H. S. Where was that?

Mr. Prance. At one *Hall's* a Cook in *Ivy-Lane*.

L. H. S. Will you ask him any Questions, my Lord?

L. Staff. No, my Lord.

Mr. Treby. Then call *Dr. Oates*. (Who was sworn.)

L. H. S. Do you examine *Mr. Oates* upon the general Plot, or the particular?

Mr. Treby. Only to the general now; and we desire him to take Notice he is so to speak, and to confine himself to that at present.

Dr. Oates. My Lords, in the Year 76, I was admitted into the Service of the Duke of *Norfolk*, as Chaplain in his House, and there I came acquainted with one *Bing*, that was a Priest in the House. And being acquainted with him, there came one *Kemish* very often to visit him, and one *Singleton*, who told me, that I should find that the Protestant Religion was upon it's last Legs, and that it would become me, and all Men of my Coat (for then I professed myself a Minister of the Church of *England*) to hasten betimes Home to the Church of *Rome*. My Lords, having had strong Suspicions for some Years before, of the great and apparent Growth of Popery; to satisfy my Curiosity, I pretended some Doubts in my Mind. My Lords, after some Time had passed over, and I had had some Conversation with these Men, I found they were not Men for my turn, because being regular Men, they were not Men that had any great Degree of Learning. Afterwards, my Lords, I met with one *Hutchinson*; I found him a faint-like Man, or one that was religious for Religion sake; and him I found not for my turn neither: For, my Lords, my Design was to deal with their Casualts; that is, those of the Society. After that I had obtained the Favour from him, to have some Conference with one of the Society, I found they were the Men for my turn, because I found they were the cunning politick Men, and the Men that

could satisfy me. After that I had had some Discourse with them, I pretended to be convinced by their Arguments. And, my Lords, after that I had thus acknowledged my Conviction, I desired to be reconciled; and accordingly on *Asb-Wednesday*, 1676, I was reconciled. And soon after my Reconciliation, *Strange*, who was then Provincial of the Society, did tell me much after this way; *Mr. Oates*, you are now reconciled to the Church of *Rome*, and you must lay down your Ministry, for your Ordination is invalid, and you must look upon yourself as no more than a Layman: Pray, says he, now what Course do you think to take? I told him, I did desire to be one of their Society, and to be admitted a Novice into their Order. He said, it was a very honest Request, and a very honest Desire; and he said, he would take some Time to consider of it, and he would take till the *Saturday* following. *Saturday* following I was sent for by one *Fenwick*: I lodged then in *Barbican*, and *Fenwick* came to me, and told me, the Fathers were met at *Wild-house*, and would speak with me: And he also told me they had granted my Request, and I should be admitted. After I was admitted, they told me, I had some Years upon me, and I could not undergo those Burdens they put upon younger Men; but what did I think of travelling, and going beyond Sea to do their Business? I did agree to it, and in *April* 77, I went aboard one *Luke Roch*, Master of the *Bilboa-Merchant*, bound for *Bilboa*, having their Letters of Recommendation. After I arrived there, which was on a *Sunday* in *May* or *June*, I can't tell which, I went the *Friday* following for *Valladolid* in *Castile*, and I got thither the *Tuesday* following; but by the Way I opened certain Letters, wherein was made mention of a Disturbance designed in *Scotland*. And the Letters did express what Hopes they had to effect their Design in *England*, for the carrying on (as they worded it) the Catholick Cause, and for the Advancement of the Interest of the Bishop of *Rome*. My Lords, after I had arrived at *Valladolid*, there were Letters there got before me, which were dated in *May*, wherein was expressed News, that the King was dispatched, which was the Cause of great Joy to the Fathers there; and afterwards Letters dated in *May* too (but towards the latter End of *May*) came, that they were mistaken, and desired the Fathers there to stifle that News. My Lords, there came Letters dated in *June*, wherein they did give an Account, That they had procured one *Beddingfield* to be Confessor to the Duke of *York*; which *Beddingfield* by his Interest might prevail much with the Duke, in order to this Design. Letters came also in *June* from *St. Omers*, which gave them an account, that Father *Beddingfield* had assured them of the Duke's Willingness to comply with them for the Advancement of the Catholick Religion. My Lords, after I had stay'd some Time there, and had passed through the Country for the Business of the Society, I found that in the Court of *Spain* some Ministers of that Court had been very ready to advance Money, which Money was returned for *England*; and that the Father Provincial of the Jesuits of *Castile*, by his Care and Industry, had advanced ten thousand Pound, which was promised to be paid in *June* following, within a twelve Month after. My Lords, in *July* I received Letters out of *England*, wherein an Account was given there, to the Fathers in *Spain*, that they were sending them a Mission of twelve Students, four whereof were to go to *Madrid*, and eight to *Valladolid*:

ladolid: The Conductors of these twelve Students were one Father *Crosse*, that was his true Name, and one Father *Mumford*, whose true Name was *Armstrong*. These Missioners arrived in *December*, where they had a Sermon preached at their coming by this same *Armstrong*, wherein the Oaths of Allegiance and Supremacy were declared to be antichristian, heretical, and devilish; in which the King's Legitimacy was vilified and abused; and that his Religion did entitle him to nothing but sudden Death and Destruction, in that he appeared an Enemy both to God and Man. These were the Contents of that Sermon, as near as I remember. My Lords, after the meeting with several Letters there, in *July*, *August*, and *September*, in the Kingdom of *Spain*, it was ordered, I should return for *England*; and in the Month of *November* I came for *England*, at which Time I had Letters from the Provincial of *Castile*, called by the Name of *Padre de Hieronimo de Corduba*, who did in his Letter assure the Provincial in *England* and the Fathers here, that the ten thousand Pounds should be paid (as I said before) in *June* following. When I came for *England*, at *London* I was lodged at one *Grigson's*, that lived in *Drury-Lane*, near the Sign of the *Red-Lion*, and there I lay till I went to *St. Omers*; and by the Provincial and Consultors of the Province I was order'd a Maintenance, and it was paid to this Man for entertaining of me. I went and brought these Letters to this *Strange*, and there was Father *Keins* lying ill upon *Strange's* Bed; and *Keins* was saying, he was mighty sorry for *honest William* (so they called the Ruffian that was to kill the King) that he had missed in his Enterprize. But, my Lords, this I think good to tell your Lordships, they were not so zealous for the Destruction of the King, till the King had refused *Coleman* the dissolving of the long Parliament. Then they were more intent upon it, though they had several Times attempted it ever since the Fire of *London*; but when *Coleman* was refused the Dissolution of the Long Parliament, then were they more zealous for the Destruction of the King: But the Design for the introducing the Popish Religion, they have been carrying on some Years before the Fire, by those Instruments, some of whom are yet alive. My Lords, I left *England* in *November* O. S. and *December* N. S. for when I came to *St. Omers*, it was (as near as I can remember) the 9th or 10th of *December*, according to the Stile of the Place. I carried with me a Packet of Letters from *Strange* the Provincial, and other Fathers that were of the Consult for the Province of *England*, to the Fathers at *St. Omers*, wherein *Strange* did tell them, that they had great Hopes of their Design taking effect the next Year, but as yet it would not be effected: He said, therefore they at *London* thought fit to suspend it till they saw what the Parliament would do. And he did in the same Letter declare, That the Parliament would be about a long Bill that had been brought into the Commons House some Sessions before, but he did not question but that the Catholick Party would evade that Bill. And, my Lords, in that Year, some Time after, we had a Letter from our new Provincial, whose true Name was *Whitebread*, and his counterfeit Name *White*. This Father writes to the Fathers at *St. Omers*, and therein he does order one *Coryers* to preach upon *St. Thomas of Canterbury's* Day; and he did therein also tell them, that he would be as zealous for the carrying on of the Design as his Predecessor had been: And a Sermon was accordingly preached at

the Sodality Church, wherein after he had commended the Saint, whose Day they celebrated, for his great Virtues, declaring how unworthily he was sacrificed, he did inveigh against the Tyranny (as he called it) of temporal Princes, and particularly of the King of *England*; and when he came to speak of the Oaths of Allegiance and Supremacy, he declared, that he looked upon them as antichristian and devilish, and that it was fit to destroy all such as would countenance them. We have done with the Year 77, and we come now to *January* 1678.

L. H. S. You speak of one *Keins*, who (lying upon *Strange's* Bed) said he was sorry *honest Will* had missed his Enterprize: You have not explain'd who that *honest Will* was; explain that.

Dr. Oates. It was *Grove*.

L. H. S. But about what did he say he was sorry for him?

Dr. Oates. That he had missed his Design.

Mr. Foley. What was that missing of his Design?

Dr. Oates. That he had not killed the King, my Lords, in *January* 78.

L. H. S. You mean according to the foreign Stile?

Dr. Oates. Yes, according to the foreign Stile, my Lords; we received Letters out of *Ireland*, and there, my Lords, we found by the Contents of those Letters, that they were as busy in *Ireland* as we were in *England*. We found there that the *Talbots*, and other Persons, were very zealous in raising of Forces, and were resolved to let in the *French* King, provided that the Parliament should urge the King to break with *France*. My Lords, likewise in *January* (as near as I can remember) *Morgan* was sent into *Ireland* as a Visitor, (which is something a better Place than a Provincial, but only it is but temporary for the Time he visits) and he returns in *February* or *March*, and gives us an Account how ready the *Irish* were to vindicate their Freedom and their Religion, from the Oppression of the *English*, as they called it. My Lords, in *February* some were employed to go into some Parts of *Germany*, to *Liege*, and to some Parts of *Flanders*, to see how the Affairs there stood, and how their Correspondencies stood, to see whether there was not an Interruption in the Correspondencies. My Lords, upon their Return, they found that the Fathers at *Ghent* were inclined to take into this Business the secular Clergy; but the Fathers of *St. Omers*, together with the Provincial, did refuse the Motion, because the secular Clergy were more cowardly, and sought themselves, and not the Interest of the Church, or to that Purpose. My Lords, in *March* we received Letters, that there was a very shrewd Attempt made upon the Person of the King, and that the Flint of *Pickering's* Gun or Pistol was loose, and his Hand shaking, the King did then escape, for which he received a Discipline, and the other a severe Chiding.

L. H. S. You explain not the Meaning of what you say; that was not *honest Will*, for he you say was *Grove*.

Dr. Oates. I mean *Pickering* received the Discipline, and *William* was chid; for it was *Pickering's* Flint that was loose. My Lords, this was in *March*, and at the latter End of *March* there comes a Letter from *London*, in which there was a Summons to a Consult here in *London*; and being summon'd, there went over eight or nine from *St. Omers*, *Leige*, and *Ghent*, to this Consult, and I did attend them in their Journey.

L. H. S. When did that Summons come?

Dr. Oates. The latter End of *March*, or the Beginning of *April*, as I remember; they had Notice of it in *England* before, but we had Notice of it just when we were to come. I think it was in *April*, as near as I can remember; I cannot be certain in that, my Lord. We did come to Town in *April*, there the Consult was held; it begun at the *White-Horse* Tavern, where they did consult about some Things of the Society, and afterwards they did adjourn into particular Societies, where they did debate and resolve on the Death of the King, and that *Grove* should have fifteen hundred Pounds for his Pains, and the other being a religious Man, should have thirty thousand Masses said for him. My Lords, after staying in Town a while we returned to *St. Omers*; and after I had staid there some few Days, the new Provincial did begin to visit his Province, and comes over to *St. Omers*, where after staying some six Days, he goes over from thence to *Wotton*. But whilst he staid at *St. Omers*, I was ordered to go into *England* to attend the Affairs here, and for to do some other Services that they should employ me about. My Lords, accordingly I did come over, and it was on the 23d N. S. as near as I remember, I got to *Calais*; the 24th I got to *Dover*; on the 25th I got to *Sittenburn*, but between *Dover* and *Sittenburn* we had some Boxes seized: For at *Dover* we met with *Fenwick*, who is since executed, who went by the Name of *Thompson*, and carried a Box with him; and a little on this Side *Canterbury* it was seized by the Custom-House Officers, and several little Trinkets in it, which were seized as *French* Goods; and he did desire the Searcher to stand his Friend, and he would give him something for his Pains, and told him where he should write to him in *London*. There was a Supercription on the Box to one *Blundel*, but he should write to him by the Name of *Thompson*, at the *Fountain* Tavern near *Charing-Cross*. We arrived in Town the 17th of *June*, which is the 27th N. S.; it was upon a *Monday*; and there were Letters which did follow us, wherein were Proposals made to *Sir George Wakeman* for the poisoning of the King, and that the ten thousand Pounds which the *Spaniards* had promised in *January* before, and was accordingly paid in *London* at the Time, should be proposed to *Wakeman* to poison the King. I found that *Coleman* did look upon it as too little, and he thought fifteen thousand Pounds should be given to him: I found that *Langham* thought it too much, and that he ought to do so great a Piece of Service for nothing, and told us he was a narrow-spirited Man, if he would not engage in such a Thing. My Lords, there was five thousand Pounds, as the Books told me, paid; but I did not then see it paid, because I was then ill, and not fit to stir Abroad. My Lords, we are now past *June* 78. In *July* *Father Ashby* comes to Town, who did revive the Proposal to *Sir George Wakeman*; but being sick of the Gout, he hastened down to the *Bath*; and when he came there, as soon as he began to be well, he was advised by the Fathers to see how the Catholics stood affected in *Somersetshire*; for they had an Account in *March* 78, by Letters from *Berkshire*, *Oxfordshire*, and *Essex*, that the Catholics stood well affected; and *Sir William Andrews* did secure that the People of *Essex* should stand to their Points; and so several Men did secure that they would have them in Readiness. My Lords, in *August* (I cannot remember every Particular, but refer myself to the Records of the House,) about the

26th of *August*, I find that *Fenwick* went to *St. Omers*, and there he was to attend the Provincial Home, and to give the Provincial an Account of the Proposal accepted by *Sir George Wakeman*; but in *July* (if your Lordships please to give me Leave to go back again) *Strange* comes to Town, and falling in Discourse about the Fire of *London*, and the Rebuilding of it, he very frankly told me how it was fired, and how many of those concerned were seiz'd; and amongst the rest, told me, that the Duke of *York's* Guard, as by his Order, did receive them, and were afterwards willing to discharge them; which I forgot to mention before, but upon review of my Papers, I do find that it was told me his Guard did release the Prisoners that were suspected about the Fire, and that all the Order they had for it, they pretended was from the Duke. But now, my Lords, we return to *August* again. Upon the 3d of *August*, I find *Ireland* did pretend to go to *St. Omers*, and a Letter came from him as directed from thence; but we find by his Trial and other Things since, that he went into *Staffordshire*; and about the 12th of *August* (as I remember) he was here in Town. The latter Part of *July* I communicated with *Dr. Tongue*, and gave him some particular Account of Affairs; I desired him to communicate it to some that might make it known to the King: The King had Notice the 13th of *August*, or the 14th, as I remember; and by the 3d of *September* I was betrayed, and was exposed to the Vengeance of these Men whose Contrivances I had thus discovered. So my Intelligence did cease wholly the 8th of *September*. Then was I forced to keep private; and upon my Examination, what Information I gave before the Lords and Commons, I refer myself to them.

L. H. S. My Lord *Stafford*, will you ask him any Questions?

L. Staf. No, my Lord; I am not at all concerned in his Evidence.

L. H. S. You say you were betrayed: Can you tell how, or which Way you were betrayed?

Dr. Oates. My Lord, I will give this Honourable House what Light I can in it; but I desire then to be excused from my Oath, for I can't speak it of my own Knowledge.

Sir J. Trevor. Then the next Witness we desire may be called, is Mr. *Bernard Dennis*.

Mr. Serj. *Maynard*. This Witness we call now, is to confirm what *Dr. Oates* hath said, that he was at *Valladolid* and other Places in *Spain*; he will be short.

L. H. S. Call you *Oates* again?

Sir F. *Win*. No, my Lord, we call *Dennis* to confirm what *Dr. Oates* hath said. He hath given your Lordship an Account that he was in *Spain*; we now produce one that saw him when he was there, and so confirms the Evidence that was given by him.

[Then Mr. *Dennis* was sworn.]

Mr. *Treby*. Mr. *Dennis*, Do you give their Lordships an Account of your discoursing with *Dr. Oates* in *Spain*, or any where else Abroad, and where.

L. H. S. Stay a little; do you know Mr. *Oates*?

Mr. *Dennis*. Yes, my Lord.

L. H. S. How long have you known him?

Mr. *Dennis*. I knew him in the Year 77.

L. H. S. Where?

Mr. *Dennis*. At *Valladolid*.

L. H. S. Did you see him there? Was he a Student there?

Mr. *Dennis*. Yes, my Lord.

L. H. S. Was he known by the Name of *Oates*?

Mr. *Dennis*. Yes, my Lord, he was.

Sir

Sir *Fr. Win.* My Lord, we desire he may tell his Knowledge of Mr. *Oates*, what Conversation he had with him in *Spain*.

Mr. *Dennis*. My Lords, I was in *Spain*, in the City of *Victoria*; and leaving the City of *Victoria* in the Month of *June*, I took my course to *Madrid*, and passing through the City of *Valladolid*, going into the Convent of Dominicans, there came an *Irish* Man, a Priest of *Ireland*, out of the City to see me; and there he told me there was a Student of the Jesuits, by Name Mr. *Oates*, an *Englishman*; and I understanding this, went into the College of the Jesuits, to see Mr. *Oates*, and there had Conversation with Mr. *Oates*; and in the Conversation I had with him there, he told me that he was a Vicar in *Kent*, and that he was Chaplain to a great Nobleman of *England*, by Name *Howard*; and that he went out of *England* by the Consent of the Jesuits in *England*, being converted by them to the *Roman* Catholick Faith, and that his going into *Spain* was to fit himself for the Society of the Jesuits. And understanding my Resolution was to go to *Madrid*, he did desire me to carry a Letter to the Archbishop of *Tune*, one *James Lench* an *Irishman*, who liv'd at *Madrid*. And further; he lent me four Pieces of Eight to defray my Journey to *Madrid*, and desir'd me to pay the Money to the Procurator of the Jesuits at *Madrid*. And in carrying this Letter to the Archbishop, when I came there, I got a Dominican Frier of *Ireland*, by Name *Humphrey Delphin*, to go with me and see the Archbishop at his Lodging; and going in, I deliver'd him the Letter in the Presence of the Dominican, and he perused it in my Presence, and in the Presence of a Priest that waited upon him; and finishing the Contents of the Letter, as I suppose, with a smiling Countenance he turn'd about, and said, Sirs, the Contents of this Letter is, that Mr. *Oates* is desirous to receive the Order of Priesthood from me, or at my Hands; and if it be so, it will be much in our Way, and this Man will be a fit Man for our Purpose: for, said he further, Dr. *Oliver Plunket*, Primate of *Ireland*, is resolv'd this Year, or with the next Convenience, to bring in a *French* Power into *Ireland*, thereby to support the *Roman* Catholicks in *England* and *Ireland*; and if it please God, I my self, without any delay, will go into *Ireland* to assist in that pious Work. All this Discourse between us and the Archbishop, and between *Oates* and me, was in *July* 77. And there I did speak and converse with Mr. *Oates*. All this I can testify for Truth on the behalf of Mr. *Oates*, who was then a Student in the College of *Valladolid*, and had no other Name nor Title.

Mr. *Foley*. I desire himself may tell your Lordship what Religion he is of.

L. H. S. What Religion are you of?

Mr. *Dennis*. I am a Dominican Frier, my Lord.

L. H. S. Are you?

Mr. *Dennis*. My Lords, I am.

L. H. S. At this Time?

Mr. *Dennis*. Yes, my Lords.

Mr. *Serj. Maynard*. He hath a Pardon, my Lords.

Mr. *Treby*. This hath been controverted, my Lords, whether Mr. *Oates* ever was in *Spain*; we desire to make it out plain to the World, for the Confirmation of his Evidence; therefore we ask him again, Do you know the Person of Mr. *Oates*?

Mr. *Dennis*. Yes, I do.

Mr. *Treby*. Is this Person that gave Evidence last before you, the same Person you saw at *Valladolid*?

Mr. *Dennis*. Yes, it is.

Mr. *Sacheverel*. My Lords, We desire to ask of him, why he had the four Pieces of Eight of Mr. *Oates*?

L. H. S. Why had you that Money of *Oates*?

Mr. *Dennis*. For to defray my Journey to *Madrid*.

L. H. S. Was that all you had?

Mr. *Dennis*. Yes, my Lords.

Mr. *Sachew*. We pray he may be ask'd how he came to be so needy?

Mr. *Dennis*. My Lords, I was not altogether needy; but it is very certain, religious Persons, especially of my Order, cannot carry any Money about them but what is requisite for their Journey, and that which may be remov'd from place to place.

Sir *J. Trevor*. I desire to ask him, did he see any more Money that Dr. *Oates* had?

Mr. *Dennis*. I did see Dr. *Oates* in his Chamber in the College at *Valladolid*, when he delivered me the four Pieces of Eight, to draw out a Drawer of a Table in his Chamber, and out of the Drawer he pull'd a Bag of Money, which was a very considerable Sum of Money, and I am certain he did not want Money there then.

Mr. *Treby*. My Lords, I think we have done with him; if my Lord please to ask him any Question, he may.

L. *Staff*. But only one Question, for I never saw the Man in my Life. I desire he may be asked whether he be still of the *Romish* Religion.

Sir *J. Trevor*. My Lords, We have not yet done with him; the Question we would ask him, is this, whether he hath heard of any Money that was gathered in *Ireland* for the Support of this Plot?

L. H. S. The Question ask'd of you, have you heard of any Money gather'd in *Ireland* for the Support of this Plot?

Mr. *Dennis*. I have both heard and seen of it.

L. H. S. When, and where?

Mr. *Dennis*. My Lords, In the Year 68, I entred into the Order of the Dominicans in *Ireland*; and in the same Year there arrived at *Dublin* a Franciscan Frier, Brother to the late Earl of *Carlingford*; and arriving there, he made several Collectors for the levying a competent Sum of Money out of every Convent and Religious House. My Lords, the Collectors were by Name *John Reynolds*, alias *Landy*, and *John Berne*; and arriving at the County of *Sligoe*, in the Month of *May*—

L. H. S. What Year?

Mr. *Dennis*. 68. And when the Collectors came to the Convent of our Friars in *Sligoe*, all the Friars gather'd together into a Room, and these Collectors coming in did read their Commission given them from one *James Taaffe*, as they said; and I was there personally present, though a Novice; and upon reading their Commissions, they said Forty Shillings was to be paid by the Prior, and the Friars of that Convent; and the Provincial of the Order of the Dominicans question'd the Power of the said *Reynolds* and *Berne*, and so did the Prior; and I ask'd why the Money was levy'd? They gave answer, That that Levy and several other Levies was to encourage the *French* King, in whose Kingdom were several Bishops of *Ireland*, Clergymen, and others, whose Business it was to provoke the King to bring an Army to invade *Ireland*, whenever Time should serve.

L. H. S. Have you done with him now?

Mr. *Treby*. Yes.

L. H. S. Will your Lordship ask him any Questions?

L. *Staff*.

L. *Staff.* My Question is only whether he profess himself of the Church of *Rome*, or a Protestant?

Mr. *Dennis.* I am a *Roman* Catholick still, my Lord.

L. *H. S.* Are you?

Mr. *Dennis.* I am, my Lord.

L. *Staff.* Then I have no more to say.

Sir *J. Trevor.* Then we call Mr. *Jenison.*

[*Who was sworn.*]

Mr. *Treby.* Mr. *Jenison*, you have been among the Papists, and you have had great Confidence among them; pray declare what you know of their Designs for the Destruction of the Protestant Religion, or the Means of doing it, whether by the Murder of the King, or what other Means, tell your whole Knowledge.

Mr. *Jenison.* My Lords, in the Beginning of the Year 78, I have heard Mr. *Ireland*, and Mr. *Thomas Jenison*, both Jesuits, speak of a Design they had to gain a Toleration of Conscience for their Party in *England*: and the way then design'd to get it, was, by procuring a great Sum of Money from their Party, and by bribing the then Parliament. I have heard them likewise discourse of procuring the Duke of *York's* Succession; and that (they told me) was to be done, by procuring of Commissions to be granted out to those of their Party, to be ready to rise upon the Death of the King. I likewise have heard them discourse of the Necessity and Usefulness to their Party of the Alteration of the Government establish'd, and that their Religion could never flourish till that was done, and this Kingdom altered according to the *French* Model. In the Month of *June* 78, I was at Mr. *Ireland's* Chamber; and there happening a Discourse, that the *Roman* Catholick Religion was like to come into *England*, Mr. *Ireland* did then say, there was but one who stood in the Way, and that it was an easy Thing to poison the King, and that Sir *George Wakeman* might easily and opportunely do it. I ask'd Mr. *Ireland*, whether Sir *George Wakeman* was the King's Physician? His Answer was, No, but he was the Queen's, and so might have an Opportunity to do it. In the Month of *August* the same Year, the Day that I came from *Windsor*, I went to Mr. *Ireland's* Chamber, and I found that he was newly come from *Staffordshire*, and was drawing off his Boots on the Frame of a Table; he ask'd me whence I was come? I told him from *Windsor*: He enquired of me about the Diversions of the Court. I told him I understood his Majesty did take Delight in Hawking and Fishing, but chiefly in Fishing; and that he went accompanied only with two or three, early in the Morning. Then Mr. *Ireland* reply'd, He were easily taken off or remov'd. To which I answer'd, God forbid; being surpriz'd at that Time: Oh, said he, I say not that it is lawful. Then there happen'd some interruption to our Discourse, about *Staffordshire*; then we fell into a Discourse of their Religion that he said was suddenly to come into *England*; and he ask'd me if I would be one of those that would go to *Windsor* to assist to take off the King. I told him No; then he told me he would remit the 20*l.* I ow'd him, if I would go to *Windsor* to be one of those that were to take off the King. My Lords, I told him I would have no hand in any such Matter, and that I would not for twenty times 20*l.* have any hand in the Death of the King. Said he, Would you do nothing for the bringing in of our Religion? I told him I thought it would never come in by Blood: I told him further, God for-

give me, if the King were taken off so, well and good, but I would have nothing to do with it. He left not the Discourse there, but ask'd me if I knew any *Irishmen* that were stout and courageous. I told him, yes I did, and nam'd Captain *Levallian*, Mr. *Karney*, Mr. *Brogball*, and Mr. *Wilson*, all Gentlemen of my Acquaintance about *Grays-Inn*. When I nam'd these, he ask'd me if I would go along with him to *Windsor*, to assist them in taking off the King. I told him I did not think any Man of Estate would engage in such a Matter; that I was Heir to an Estate, my Brother being a Priest, and that Captain *Levallian* was Heir to a very good Estate, and therefore I did believe he would not do such a thing, unless the Pique which he had to the King or Religion might move him to it. My Lords, he approved of these Persons, and said, he knew the first two of them, *Levallian* and *Karney*; and he set down, as I remember, the other two Names in Writing. He told me he was going to the Club, to Mr. *Coleman*, and Mr. *Levallian*, and *Karney* at that Time, and then ask'd me for the Money, the 20*l.* that I ow'd him. He told me, he wanted fourscore Pounds, and he desir'd me that I would return it as soon as I came into the Country. Now, my Lords, the same Day that I receiv'd this twenty Pound of *Ireland*, I went with Mr. *Thomas Jenison*, the Jesuit, to *Harcourt's* Chamber, to give the Fathers Thanks for the Loan of the Money; and there Mr. *Jenison* falling into Discourse on that common Topick of their Religion coming into *England*, he did then use that Expression which Dr. *Oates* hath in his Narrative, *If C. R. would not be R. C. he should not be long C. R.* And he did interpret it thus in *Latin*: *Si Carolus Rex non esset Rex Catholicus, non foret diu Carolus Rex.* And he did add, my Lords, upon the Discourse, that if the King were excommunicated or depos'd, he was not longer King, and it was no Sin, or no great Sin to take him off; and if it were discover'd who did it, two or three might perhaps suffer, but denying the Fact, the Matter soon would be blown over. My Lords, about two Months after the mustering the Forces upon *Hounslow-Heath*, Mr. *Thomas Jenison* did tell me he had a Matter of great Consequence to impart to me; that there was a Design on Foot so laid, as that it could not well be discover'd, and that the greatest Papists, the greatest Catholicks in *England*, were in the Design; that the Queen and the Duke were in it, and that several Lords, by Name my Lord *Belleasis*, my Lord *Powis*, my Lord *Arundel* of *Wardour*, and others: I believe my Lord *Stafford* was nam'd, but I cannot be positive in that. At that Time, my Lords, I did wish I had had a Commission in the new rais'd Levies that were muster'd on *Hounslow-Heath*. He told me he would procure me a Commission from the Duke of *York*, and that there was a new Army to be rais'd to bring in the Catholick Religion; but he did say he would tell me more Particulars after my receiving the Sacrament of *Secresy*; and I did understand by him that that Commission was not to be sent till the taking off the King was effected: But being I was surpriz'd at it, he would not tell me the whole Matter, but he desir'd me to come and receive the Sacrament at Sir *Philip Tyrwhitt's* in *Bloomsbury*, and then he would acquaint me with the whole Affair. My Lords, being in *Berkshire* about the Month of *December* 78. at *Madam Hall's* in *Shinefeld* Parish, one Mr. *Cuffil* a Jesuit came into our Company. It was about the Trial of *Coleman*; and Mr. *Cuffil* did then say, that

he thought Mr. *Coleman* was infatuated, upon the Discovery of the Plot, to give Notice to Mr. *Harcourt*, Mr. *Ireland*, and Mr. *Fenwick*, and the other Jesuits, to burn or secure their Papers, and yet not to secure his own. My Sister *Hall* was present at this Discourse; and Mr. *Cuffil* did then further say, that *Bellarmino* did draw a Sentence out of the Scripture, to favour the Pope's Authority of excommunicating, depriving, and deposing temporal Princes; and the Saying was this, *Quod Papa habeat eandem potestatem super Reges, quam Jeboiada habuit super Athaliam*. And that there were other corroborating Testimonies among the Fathers for it.

Mr. *Treby*. My Lords, we desire to ask him whether ever he heard of Mr. *Oates* being in the Plot, or being thought Trust-worthy among them.

Mr. *Jen*. Yes, my Lords, I did.

L. H. S. When did you hear it, and of whom?

Mr. *Jen*. Of my Brother *Tbo. Jenison* the Jesuit.

L. H. S. When did he tell you so?

Mr. *Jen*. About the latter end of *July 78*, when there was a Discourse of a Design, and that the greatest Papists were in it, he said, Mr. *Oates*, a Parson newly come over to them, was in that Design: I answer'd, I did wonder that he would trust a reconcil'd Enemy. He answer'd, That being once reconcil'd, they were more zealous and trusty. I submitted to his Opinion, and instanc'd in Dr. *Godwyn* and Dr. *Bayley*, that were Protestants, and afterwards came over to the Church of *Rome*.

Mr. *Treby*. We have done with him, my Lord.

L. H. S. Will your Lordship ask him any Questions, my Lord *Stafford*?

L. *Staf*. No, my Lord.

Sir *F. Win*. My Lords, I would only observe the time when he says his Brother told him of the Design, that it was about the time of the mustering the Forces on *Hounslow-beath*; and that he was then told Mr. *Oates* was in the Plot: I only observe it now for the end of the Case in point of Time.

L. H. S. He said it was in *July*.

Mr. *Jen*. It was two Months after the mustering of the Forces, about the latter end of *July*.

L. H. S. Before the Discovery?

Mr. *Jen*. Yes.

L. H. S. Did you know *Oates* at that time?

Mr. *Jen*. No, my Lords, I was not acquainted with him.

Sir *J. Trevor*. Did you not see him then?

Mr. *Jen*. Yes, I saw him at *Ireland's* Chamber.

Sir *J. Trevor*. When was that?

Mr. *Jen*. The latter end of *April*, or the beginning of *May*.

L. H. S. You say you did not know him in *July*; how then can you say you saw him before?

Mr. *Jen*. I did not know him; I only saw him come into *Ireland's* Chamber, and whisper for some time, two or three Minutes, and then they told me that that was Mr. *Oates*, a Parson newly come over to them, a brisk jolly Man, and worthy my Acquaintance.

L. H. S. Is this the same Man you saw there?

Mr. *Jen*. My Lords, I cannot remember his Face, for he was gone out when I was told of him.

L. H. S. Why, you know Mr. *Oates* now?

Mr. *Jenison*. Yes, I do.

L. H. S. Do you know him to be the same Man that you saw then?

Mr. *Jenison*. I can't tell that.

Sir *J. Trevor*. My Lords, He says Mr. *Oates* only came in for three or four Minutes, and his Back was

towards him, and his Brother told him when he was gone who it was.

Mr. *Jenison*. I only knew his Name from my Brother.

Mr. *Treby*. And I presume your Lordships will observe this was at the very Time of the Jesuits Consult.

Sir *J. Trevor*. We desire this Gentleman may tell your Lordships who his Brother is, and what Profession he is of.

Mr. *Jenison*. My Brother was a Jesuit brought up at *St. Omers*.

L. H. S. Your Brother is dead, and died in *Newgate*?

Mr. *Jenison*. Yes, he did so.

L. H. S. Pray recollect yourself again: When was it that you saw the Man they called *Oates* at the Jesuit's Chamber?

Mr. *Jenison*. My Lords, It was in the Year 78, the latter end of *April*, or the beginning of *May*. And I will tell you why I apprehend it to be that Time. My Brother being a Priest, liv'd with Sir *Philip Tyrwhitt* in *Lincolnshire*; and in that Year in *Lent* he came to Town with my Lady and that Family, and he and I us'd to dine together at the Fish-Ordinary at *Pedley's*. And about three Weeks or a Month after that Time, when he came to Town, I was at Mr. *Ireland's* Chamber, and there was a Gentleman, whom they told me was *Oates*.

L. H. S. This you say was the latter end of *April*, or beginning of *May 78*; for the Time is material: Upon your Oath you say it?

Mr. *Jenison*. Yes, my Lords, I do.

L. H. S. You say it was at *Ireland's* Chamber.

Mr. *Jenison*. Yes, my Lords.

Sir *F. Win*. My Lords, Will you give us leave to ask him one short Question; because some of the Gentlemen doubt of it, we would ask it again: What his Brother was, whether he was a Jesuit or no?

Mr. *Jenison*. I have heard him own it, my Lords.

L. H. S. Whom do you call next, Gentlemen?

Mr. *Treby*. If it please your Lordships, we shall in the next place produce our Evidences that are Matters of Record; and we desire your Lordships Advice and Direction how we are to minister the same, whether your Lordships will have them all read, or but a Word of them, and let them be left with your Lordships.

L. H. S. What Records are they?

Mr. *Treby*. They are the Records of the Attainder of *Coleman*, *Ireland*, and the other Conspirators.

L. H. S. The Fact is so notorious that they were attainted and executed, that the reading of a Word will serve the Turn.

Sir *J. Trevor*. Then we desire they may be produc'd here, and the Copies prov'd upon Oath; and then we shall leave them upon your Lordships Table: And, my Lords, we desire likewise at the same time to save another Trouble, there may be deliver'd in the Convictions of *Reading*, *Lane*, *Knox*, and others.

Then Mr. *Clare* was sworn, and deliver'd in the Copies of the Records.

L. H. S. What Record is that?

Mr. *Clare*. It is the Record of the Attainder of *Coleman* for High-Treason.

L. H. S. Did you examine it?

Mr. *Clare*. I did examine it.

L. H. S. Is it a true Copy?

Mr. *Clare*. To the best of my Understanding it is. Here is likewise a Copy of the Record of the Conviction of *Ireland, Pickering, and Grove*, for High-Treason.

L. H. S. Is there Judgment of Attainder entred upon Record?

Mr. *Clare*. Yes, my Lords, there is Judgment entred. Here is a Copy of the Indictment, Conviction, and Attainder of *Whitebread, Fenwick, Harcourt, Gavan, and Turner* for High-Treason. Here is a Copy of the Record of Attainder of *Richard Langborn* for High-Treason. Here is a Copy of the Attainder of *Green, Berry, and Hill*, for the Murder of Sir *Edmundbury Godfrey*. Here is a Copy of the Conviction of Mr. *Nathaniel Reading*, for endeavouring to suborn Mr. *Bedloe* to retract his Evidence against some of the Lords in the *Tower*, and Sir *Henry Tichburn*.

L. H. S. What is the Judgment there?

Mr. *Clare*. The Judgment is entred upon it; and 'tis to pay 1000 *l.* Fine, and to be put in and upon the Pillory in the *Palace-Yard, Westminster*, for an Hour, with a Paper upon his Head, written in great Letters, *For endeavouring Subornation of Perjury*. Here is a Copy of the Record of the Conviction of *Tasbrough and Price*, for endeavouring to suborn Mr. *Dugdale*, and Judgment entred upon it. And here is a Copy of the Record of Conviction of *Knox and Lane*, for conspiring to asperse Dr. *Oates* and Mr. *Bedloe*.

Here is the Record of the Conviction of *John Giles*, for barbarously attempting to assassinate *John Arnold*, Esq; one of his Majesty's Justices of the Peace; and the Judgment entred thereupon is, To stand three times on the Pillory, with a Paper on his Hat declaring his Offence; to pay 500 *l.* to the King, to lie in Execution till the same be paid, and find Sureties for his good Behaviour during Life.

L. H. S. Deliver them all in. And if my Lords have occasion to doubt of any thing, being left in the Court, they will be there ready to be us'd. (All which were then deliver'd in.)

Mr. *Treby*. My Lords, we humbly desire that the Record of *Coleman* may be read, because there is more of special Matter in it than any of the rest, and your Lordships may dispose of the others as you please.

L. H. S. Read the Record of *Coleman*.

Then the Clerk read (in *Latin*) the Record of the Attainder of *Edward Coleman*, formerly executed for High-Treason, by him committed in this horrid Popish Plot, which is in *English* as followeth.

Of the Term of St. Michael, to the thirteenth Year of the Reign of King Charles the Second, &c.

Middlesex.

AT another Time, to wit, on *Wednesday* next after eight Days of *St. Martin* this same Term, before our Lord the King at *Westminster*, by the Oath of twelve Jurors, honest and lawful Men of the County aforesaid, sworn and charged to enquire for our said Lord the King and the Body of the County aforesaid, it stands presented, That *Edward Coleman* late of the Parish of *St. Margaret Westminster*, in the County of *Middlesex*, Gent. as a false Traitor against the most illustrious, most serene, and most excellent Prince, our Lord *Charles the Second*, by the Grace of God of *England, Scot-*

land, France and Ireland, King, Defender of the Faith, &c. and his natural Lord, not having the Fear of God in his Heart, nor weighing the Duty of his Allegiance, but by the Instigation of the Devil moved and seduced, the cordial Love, and the true, due and natural Obedience, which true and faithful Subjects of our said Lord the King towards him our said Lord the King, ought and of right are bound to bear; utterly withdrawing, and devising, and with his whole Strength intending the Peace and common Tranquillity of this Kingdom of *England* to disturb, and the true Worship of God within this Kingdom of *England* practised, and by Law established, to overthrow; and Sedition and Rebellion within this Realm of *England* to move, stir up, and procure; and the cordial Love, and true and due Obedience, which true and faithful Subjects of our said Lord the King towards him our said Lord the King should bear, and of right are bound to bear, utterly to withdraw, blot out, and extinguish, and our said Lord the King to Death and final Destruction to bring and put, the 29th Day of *September* the 27th Year of the Reign of our Lord *Charles the Second*, by the Grace of God, of *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. at the Parish of *St. Margaret Westminster* aforesaid, in the County aforesaid, falsely, maliciously, subtilly and traitorously proposed, compassed, imagined and intended Sedition and Rebellion within this Realm of *England* to move, raise up and procure, and a miserable Slaughter among the Subjects of our said Lord the King to procure and cause; and our said Lord the King from his kingly State, Title, Power and Government of his Realm of *England* utterly to deprive, depose, deject and disinherit, and him our said Lord the King to Death and final Destruction to bring and put, and the Government of the same Realm, and the sincere Religion of God in this Kingdom, rightly, and by the Laws of this Realm, established, for his Will and Pleasure to change and alter, and the State of this whole Kingdom in it's universal Parts well instituted and ordained, wholly to subvert and destroy, and War against our said Lord the King within this Realm of *England* to levy. And to accomplish and fulfil these his most wicked Treasons and traitorous Imaginations and Purposes aforesaid, the same *Edward Coleman* afterwards, to wit, the said 29th Day of *September*, in the abovesaid 27th Year of the Reign of our said Lord the King, at the Parish of *St. Margaret Westminster* aforesaid, in the County of *Middlesex* aforesaid, falsely, subtilly and traitorously devised, composed. and writ two Letters to be sent to one Monsieur *le Chais*, then Servant and Confessor of *Lewis the French King*, to desire, procure and obtain to the said *Edward Coleman*, and other false Traitors against our said Sovereign Lord the King from the said *French King*, his Aid, Assistance and Adherence, to alter the true Religion in this Kingdom then and still established, to the Superstition of the Church of *Rome*, and to subvert the Government of this Kingdom of *England*: and afterwards, to wit, the said 29th Day of *September*, in the abovesaid 27th Year of the Reign of our said Lord, now King of *England, &c.* at the aforesaid Parish of *St. Margaret Westminster* in the County of *Middlesex* aforesaid, falsely and traitorously devised, composed and writ two other Letters to be sent to one Monsi. *le Chaise*, then Servant and Confessor of the said *French King*, to the Intent that he the said Monsieur *le Chaise* should

should intreat, procure and obtain to the said *Edward Coleman*, and other false Traitors against our said Sovereign Lord the King, from the aforesaid *French King*, his Aid, Assistance and Adherence to alter the true Religion in this Kingdom of *England*, then and still establish'd, to the Superstition of the Church of *Rome*, and to subvert the Government of this Kingdom of *England*: And that the aforesaid *Edward Coleman*, in further Prosecution of his Treasons and traitorous Imaginations and Purposes aforesaid, afterwards, to wit, the same 29th Day of *September*, in the aforesaid 27th Year of the Reign of our said now Lord the King, the aforesaid several Letters from the said Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, falsely, subtilly and traitorously did send into Parts beyond the Seas, there to be delivered to the said *Monsieur le Chaise*. And that the aforesaid *Edward Coleman*, afterwards, to wit, the 1st Day of *December* in the 27th Year of the Reign of our Sovereign Lord *Charles* the Second, now King of *England*, &c. at the aforesaid Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, one Letter from the aforesaid *Monsieur le Chaise* (in answer to one of the said Letters, so by him the said *Edward Coleman* writ, and to the said *Monsieur le Chaise* to be sent, first mentioned) falsely, subtilly and traitorously receiv'd, and that Letter so in Answer receiv'd, the Day and Year last aforesaid, at the aforesaid Parish of *St. Margaret Westminster* aforesaid, in the County of *Middlesex* aforesaid, falsely, subtilly and traitorously did inspect and read over; and that the aforesaid *Edward Coleman*, the Letter aforesaid so by him in answer received in his Custody and Possession the Day and Year last aforesaid, at the aforesaid Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, falsely, subtilly and traitorously detained, concealed and kept; by which said Letter the said *Monsieur le Chaise*, the Day and Year last aforesaid, at the aforesaid Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, signify'd and promised to the said *Edward Coleman*, to obtain for him the said *Edward Coleman* and other false Traitors against our said Lord the King, from the said *French King*, his Aid, Assistance and Adherence. And that the aforesaid *Edward Coleman*, afterwards, to wit, the 10th Day of *December* in the aforesaid 27th Year of the Reign of our said Sovereign Lord *Charles* II. now King of *England*, &c. at the Parish of *St. Margaret Westminster* aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, subtilly and traitorously did relate and declare his traitorous Designs and Purposes aforesaid to one *Monsieur Ruvigni* (then Envoy Extraordinary from the *French King* to our said most serene King, at the Parish aforesaid, in the County aforesaid, residing) to move and excite him the said Envoy Extraordinary with him the said *Edward Coleman*, in his Treasons aforesaid to partake: And the sooner to fulfil and compleat those his most wicked Treasons and traitorous Imaginations and Purposes aforesaid, he the said *Edward Coleman*, afterwards, to wit, the 19th Day of *December*, in the aforesaid 27th Year of the Reign of our said Lord *Charles* the Second now King of *England*, &c. at the aforesaid Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, advisedly, maliciously, subtilly and traitorously did devise, compose, and write three other Letters to be sent to one *Sir William Throgmorton*, Kt. then a Subject of our now Lord the King, of this Kingdom of Eng-

land, and residing in *France*, in Parts beyond the Seas, to solicit him the aforesaid *Monsieur le Chaise* to procure and obtain of the said *French King* his Aid, Assistance and Adherence aforesaid. And those Letters last mentioned, afterwards, to wit, the Day and Year last aforesaid, from the aforesaid Parish of *St. Margaret Westminster*, in the County of *Middlesex* aforesaid, to the same *Sir William Throgmorton* in *France* aforesaid, falsely and traitorously did send, and cause to be delivered, against the Duty of his Allegiance, and against the Peace of our said now Lord the King, his Crown and Dignity, and against the Form of the Statute in such Case made and provided. Wherefore it was commanded the Sheriff of the County aforesaid, that he should not omit, &c. but that he should take him, if, &c. to answer, &c. And now, to wit, on *Saturday* next after eight Days of *St. Martin*, this same Term, before our Lord the King at *Westminster*, came the aforesaid *Edward Coleman*, under the Custody of *William Richardson*, Gent. Keeper of the Goal of our said Lord the King of *Newgate*, by vertue of the King's Writ of *Habeas Corpus ad subjiciend'*, &c. (into whose Custody before then for the Cause aforesaid, he was committed) to the Bar here brought in his proper Person, who is committed to the *Marshal*, &c. and presently of the Premises to him above imposed, being asked, How he will thereof be acquitted? saith, That he is in no wise thereof guilty, and thereof for Good and Evil doth put himself upon the Country. Therefore let a Jury thereupon come before our Lord the King at *Westminster* on *Wednesday* next after fifteen Days of *St. Martin*; and who, &c. to recognize, &c. because, &c. the same Day is given to the said *Edward Coleman*, &c. under the Custody of the said Keeper of the Goal of our said Lord the King, of *Newgate* aforesaid, in the mean time committed to be safely kept until, &c. At which *Wednesday* next after fifteen Days of *St. Martin*, before our Lord the King at *Westminster*, came the aforesaid *Edward Coleman* under Custody of the aforesaid Keeper of the King's Goal of *Newgate* aforesaid, by vertue of a Writ of our Lord the King of *Habeas Corpus ad subjiciend'*, &c. to the Bar here brought in his proper Person, who is committed to the aforesaid Keeper of the King's Goal of *Newgate* aforesaid. And the Jurors of the Jury aforesaid, by the Sheriff of the County aforesaid hereunto impannell'd, being call'd, came, who being chosen, tried and sworn to speak the Truth upon the Premises, say upon their Oaths, That the aforesaid *Edward Coleman* is guilty of the High-Treason aforesaid, in the Indictment aforesaid specify'd in manner and form as by the said Indictment above against him is supposed; and that the aforesaid *Edward Coleman* at the time of Perpetration of the High-Treason aforesaid, or at any time afterwards had no Goods, Chattels, Lands or Tenements, to the Knowledge of the Jurors aforesaid. And the aforesaid *Edward Coleman* being asked if he hath any thing, or knows what to say for himself, why the Court here ought not to proceed to Judgment and Execution of him upon the Verdict aforesaid, saith nothing, but as before he had said: And hereupon instantly the Attorney-General of our said Lord the King, according to due form of Law, demandeth against him the said *Edward Coleman*, Judgment and Execution to be had upon the Verdict aforesaid, for our Lord the King. Whereupon all and singular the Premises being view'd, and by the Court here understood, it is considered, That

the said *Edward Coleman* be led by the said Keeper of the Goal of *Newgate* aforesaid, unto *Newgate* aforesaid, and from thence directly be drawn to the Gallows of *Tyburn*, and upon those Gallows there be hanged, and be cut down alive to the Earth, and his Entrails be taken out of his Belly and be burned (he still living); and that the Head of him be cut off, and the Body of him be divided into four Parts; and that those Head and Quarters be put where our Lord the King will assign them, &c.

L. Staff. I do not hear one Word he says, my Lords.

L. H. S. My Lord, This does not concern your Lordship any further than as to the Generality of the Plot.

Sir Will. Jones. My Lords, We have now done with our Proofs for the first general Head that we open'd, which was to make it out, that there was a Plot in general. We now come to give our particular Evidence against this very Lord; and before we do begin, we think fit to acquaint your Lordships, that our Evidence will take up some time: If your Lordships will have the patience to hear it out now, we will give it; but if your Lordships will not sit so long till we can finish it, it may be some Inconvenience to us to break off in the middle. And therefore we humbly offer it to your Lordships Consideration, whether you will hear it now, or no.

L. H. S. If it cannot be all given and heard now, it were better all should be given to-morrow.

Sir Will. Jones. If your Lordships please then, we will reserve it till to morrow.

L. Staff. My Lords, I would only have your Directions, whether I shall answer this General first, or stay till all be said against me. That which I have to say to this General, will be very short.

L. H. S. My Lord, you are to make all your Answer entire, and that is best for you.

L. Staff. I am very well contented, that I may be the better prepared for it.

L. H. S. Is it your Lordships Pleasure that we should adjourn into the Parliament-Chamber?

Lords. Ay, Ay.

L. H. S. Then this House is adjourned into the Parliament-Chamber.

And the Lords went away in the same Order they came.

The Commons returned to their House, and Mr. Speaker resumed the Chair, and then the House adjourned to eight of the Clock the next Morning.

THE SECOND DAY,

Wednesday, December 1. 1680.

A Message was sent from the Lords, by *Sir Timothy Baldwyn*, and *Sir Samuel Clark*.

Mr. Speaker.

The Lords have sent us to acquaint this House, That they intend to proceed to the Trial of *William Viscount Stafford*, at ten of the Clock this Morning, in *Westminster-Hall*.

Mr. Speaker left the Chair, and the Commons came into *Westminster-Hall* in the new-erected Court.

And the Managers appointed by the Commons went into the Room prepared for them in that Court, to proceed to the particular Evidence against *William Viscount Stafford*.

About ten of the Clock in the Morning, the Lords came into the said Court in their former Order; and Proclamation being made of Silence, and for the Lieutenant of the *Tower* to bring his Prisoner to the Bar, they proceeded.

L. H. S. My Lords expect you should go on with your Evidence, and proceed in the Trial of this noble Lord.

L. Staff. My Lords if your Lordships please, I humbly desire that my Council may be near me for the arguing of what is fit to them to speak to, as to Points of Law; for Points of Fact I do not desire it.

L. H. S. My Lord, You have an Order for your Council to attend, and they must and ought to attend.

Mr. Serj. Maynard. The Council must not suggest any thing to him while the Evidence is giving; they are not to be heard as to Matter of Fact.

L. H. S. It is not intended to make use of Council as to Matter of Fact, but they may stand by.

Mr. Serj. Maynard. My Lords, They may stand within hearing, but not within prompting.

L. Staff. I assure you, if I had all the Council in the World, I would not make use of them for any Matter of Fact.

Mr. Treby. My Lords, will you please to order them to stand at a convenient Distance, that they may not prompt the Prisoner?

Sir Will. Jones. My Lords, I hope your Lordships will consider, that a Man in a capital Cause ought not to have Council to Matter of Fact. 'Tis true, he may advise with his Council; I deny it not; but for him in the Face of the Court to communicate with his Council, and by them be told what he shall say, as to Matters of Fact, is that, which (with Submission) is not to be allow'd. If your Lordships order they shall be within hearing, I do not oppose it; but then I desire they may stand at that Distance, that there may be no Means of Intercourse, unless Points in Law do rise.

L. H. S. You were best make that Exception when there is Cause for it, in the mean time go on with your Evidence.

Sir F. Win. We did perceive his Council came up towards the Bar, and very near him, and therefore we thought it our Duty to speak before any Inconvenience happened. This Lord being accused of High-Treason, the allowing of Council is not a Matter of Discretion. If Matters of Law arise, all our Books say, that Council ought to be allow'd: But we pray that there may be no Council to advise him in Matter of Fact, nor till your Lordships find some Question of Law to arise upon the Evidence.

L. H. S. When there is Cause, take the Exception; but they do not as yet misbehave themselves.

Mr. Treby. My Lords, We presume your Lordships did, from the Strength and Clearness of Yesterday's Evidence, receive full Satisfaction concerning the general Plot and Conspiracy of the Popish Party.

It being an Evidence apparently invincible, not out of the Mouths of two or three Witnesses only, but of twice that Number, or more, credible Persons,

Upon

Upon which we doubt not but your Lordships who hear, and Strangers and unborn Posterity when they shall hear, will justify this Prosecution of the Commons, and will allow that this Impeachment is the proper Voice of the Nation crying out, as when the Knife is at the Throat. By the Evidence already given, I say, it is manifest that there was a general grand Design to destroy our Religion, our King, and his Protestant Subjects. And 'tis even impossible that this Design, so big, could be conducted without the Concurrence of such Persons as this noble Lord at the Bar: It could not be carry'd on by less and lower Men.

And it were a Wonder, that a Person so fervently affected and addicted (as this Lord is) to that Party, should not be in, at so general a Design of the Party.

But this indeed is but presumptive Evidence, which will induce a moral Persuasion.

We shall now produce such positive Evidence as will make a judicial Certainty; and will abundantly suffice to convince your Lordships, and convict this Lord.

The Particulars you will hear out of the Mouths of the Witnesses, whom we shall call: They will testify what Share this Lord had in (almost) all the Parts and Articles in our Charge; contriving and contracting for the Murder of the King, levying Arms, &c. And first we call Mr. Dugdale.

L. Staff. My Lords, I do conceive I have good ground to except against this Man for a Witness: For my own particular, I know myself as clear and free as any one here, but I will not except against him now, but reserve it against the time when I come to make my Defence, and therefore admit him to be sworn, provided, my Lords, that he look me full in Face.

L. H. S. My Lord Stafford, What is your Exception against this Man that he may not be a Witness?

L. Staff. I do admit him to be sworn, I say nothing now against him.

Mr. Treby. He is sworn already.

L. H. S. You swore him to give Evidence as to the general Plot; you did not swear him as to the Particulars against my Lord Stafford.

Sir John Trevor. We are content he shall be sworn again, we pray he may be sworn.

Sir Will. Jones. 'Tis true, my Lords, we did divide the Evidence into two Parts, but his Oath was not divided: If your Lordships please, you may swear them all over again, if it may be any Satisfaction, but I think it was never seen before.

Then Mr. Dugdale was sworn.

L. H. S. There is Mr. Dugdale; come, Sir, what say you?

L. Staff. Really he is so changed I do not know him.

Mr. Dugd. My Lord, I have Witnesses to prove that you know me.

L. Staff. I beg your Lordships that he may look me in the Face, and give his Evidence, as the Law is.

Sir John Trevor. My Lords, if this noble Lord, the Prisoner at the Bar, will have this Witness to look him continually in the Face, the Court will not hear half his Evidence: We desire he may address himself, as the Law is, to your Lordships and the Judges.

L. Staff. I desire the Letter of the Law, which says, my Accuser shall come Face to Face.

Mr. Dugd. My Lords, I am willing to do as your Lordships shall order.

L. H. S. My Lord, you do see the Witness, that is enough for Face to Face; and you make no legal Exception against him, why he should not be heard.

L. Staff. Very well, my Lord, I submit.

Mr. Dugd. My Lords, I have for some Years past, whilst I was a Servant with my Lord Astor, been acquainted and frequently had Discourses with my Lord Stafford, before we came to discourse any thing concerning the Plot on foot. Lately, in 78, my Lord coming down into the Country, it was either in August or September, the latter end of August, or the beginning of September—

L. Staff. I beseech your Lordships he may name the times.

L. H. S. My Lord, if your Lordship please, do not interrupt the Witnesses, but wherein he is short, do you ask him the Question when it comes to your turn, I will bring it to as much Certainty as I can.

Mr. Dugd. There was a Meeting at Tixal, where there were several present—

L. H. S. When?

Mr. Dugd. It was in September, or the latter end of August.

L. H. S. What Year?

Mr. Dugd. 78. My Lords, I had been by Mr. Evers's means Admittance to hear, because of my Encouragement, what the Discourse was at that time. It was to debate and determine upon the former Resolutions both beyond Sea and at London before, both to take away the Life of the King, and to introduce their Religion, of which I was then one. My Lord Stafford was there present, and did with the rest consent to it. Afterwards my Lord Stafford being at one Mr. Abnett's of Stafford one Sunday Morning in September, came to my Lord Astor's House to Mass: I met with my Lord Stafford at some Distance from the Gate, and my Lord speaking to me when he alighted off from his Horse, told me it was a very sad thing they could not say their Prayers but in an hidden manner, but ere long we should have our Religion established; which was much to my Joy at that time. After that time my Lord Stafford was sometimes at Stafford, and sometimes at Tixal, I will not be positive as to a Day, but I think it was about the middle of September. My Lord Stafford sent for me to his Lodging-Chamber, as he had several times before sent for me; and said, he had had great Commendations of me from Mr. Evers, that I was faithful and trusty.

L. Staff. My Lords, I desire I may have Pen, Ink, and Paper, allowed me.

L. H. S. Ay, God forbid you should be denied that: Give my Lord Pen, Ink, and Paper. I hope your Lordship hath one to assist you that takes Notes for you; if you have not, you have lost a great deal of time already.

L. Staff. There was one all Day yesterday, my Lords; I desire he may speak his Evidence over again.

L. H. S. Let him begin his Evidence again, for my Lord had not Pen, Ink, nor Paper, which he ought to have, to help his Memory.

Mr. Dugd. I may miss as to the Words, but the Matter of Fact I shall repeat: My Lords, I have been frequently acquainted whilst I was a Servant at my Lord Astor's with my Lord Stafford, coming to my Lord's House in the Country, and my Lord being several times where I came to that Intimacy

by Mr. *Evers's* Means, that my Lord would frequently discourse with me. About the latter end of *August*, or some Day in *September*, my Lord *Stafford*, my Lord *Aston*, and several other Gentlemen, were in a Room in my Lord *Aston's* House, and by the means of Mr. *Evers* I was admitted to hear for my Encouragement, and there I heard them in that Debate at that time fully determine a Resolution upon all the Debates that had been beyond Sea and at *London* before, That it was the best way they could resolve on to take away the Life of the King, as the speediest Means to introduce their own Religion. After some time my Lord being at *Stafford* at Mr. *Abnett's*—

L. H. S. Was my Lord *Stafford* at that Meeting where they debated to kill the King?

Mr. Dugd. My Lord was there.

L. H. S. Was he consenting to that Resolution?

Mr. Dugd. Yes, I heard every one give their particular full Assent.

(*At which there was a great Hum.*)

L. H. S. What is the Meaning of this? For the Honour and Dignity of publick Justice, let us not carry it as if we were in a Theatre.

Mr. Dugd. My Lords, some time in *September*, my Lord *Stafford* being at Mr. *Abnett's* House in *Stafford*, came once upon a *Sunday* Morning to hear Mass: I meeting him at the outward Gate of my Lord *Aston's* House when he alighted off his Horse, after some Discourse he turned to me, and told me, It was a sad thing we could not say our Prayers but in an hidden Manner; but ere long if Things took Effect, we should have the *Romish* Religion established: and I at that time did seem to be, and really was as glad as any Person could be. After some time, I think it was about the 20th or 21st of *September*, my Lord *Stafford* sent for me into his Lodging-Room, I think it was by his Page or him that waited upon him in his Chamber; and he told me I must come to my Lord; and I immediately went to his Lordship, he was just then arising and dressing, he sent his Man out, and told me, he had had a good Account from Mr. *Evers* and other Gentlemen, that I would be faithful and true to their Intentions about the introducing their Religion. He told me, he was likewise concerned himself, and that in a very high Degree; and for taking away the Life of the King, he offered me at that time for my Charges and Encouragement 500*l.* and that I should go in *October* after to *London* with him (my Lord *Stafford*) and that I should be with him sometimes at *London*, and sometimes at an House of my Lord *Aston's*, about twenty-five Miles from *London*, and that I should be under the Care of him in *London* and Mr. *Ireland*, and in the Country of one Mr. *Parsons* that knew of the Design. I did then shew as much Resolution to be faithful to my Lord as I could, and that I would be true to what my Lord then engaged me. I after went to Mr. *Evers*, and communicated to him what my Lord *Stafford* said, and was something in Admiration at my Lord's offering me such a Sum of Money, for I doubted of my Lord's Ability to make good Payment. He told me, that I need not fear it, for Mr. *Harcourt* and Mr. *Ireland* had Money enough in their Hands to defray that and other Charges; and I should not want Money for the carrying it on. My Lords, I remember that at another time there was a Meeting, wherein there was a Debate about my going up, and other Business; my Lord *Stafford* was present, and there were several there besides, I did not know them all then; but in the first place they told me I should

be made equal with one Captain *Alderley* that is since dead, and that I should have a Reward in *London*. I understood that the Duke of *York*, my Lord *Arundel*, and my Lord *Bellafts*, and others, were to give it me; and speaking of the Rewards to those that were engaged, they said, there would be Land enough from the Protestants to satisfy all that acted in the Design. Another time my Lord *Stafford* discoursing in a Dining-Room in my Lord *Aston's* House, did express his great Zeal, and the Reason why he was such an Enemy against the King; he said, both he and my Lord *Aston* had been great Sufferers for the King, and for his Father, and that my Lord in particular, his Grandfather or his Father, had spent 30000*l.* in the King's Service, and had no Recompence; that he had always shewed himself loyal to the King, but whenever there came any Place of Preferment to be dispos'd of, it was rather given to such as had been Traitors and Rebels to the old King, and likewise to the King himself, than to any that had been loyal. He said, this was his chief Motive, if there were not Religion in the Case, which was of an higher Nature, or to that Purpose.

L. H. S. When was this last Discourse?

Mr. Dugd. In *September* 78, as near as I remember, for we had several Discourses.

L. H. S. This was not the time you were at my Lord's Chamber?

Mr. Dugd. No, it was in my Lord *Aston's* Dining-Room.

L. H. S. No, nor when he sent for you to offer you the 500*l.*

Mr. Dugd. No, not at that time, it was another time.

L. H. S. What Month and Year?

Mr. Dugd. *September* 78, my Lord.

Mr. Foley. I desire he may give your Lordships an Account what Assurance he had of Pardon, if he did succeed.

Mr. Dugd. I was told I need not fear; and particularly my Lord *Stafford* told me, I should have a free Pardon for it; for the King had been excommunicated, and was likewise a Traitor, and a Rebel, and an Enemy to Jesus Christ.

L. H. S. But how could you be pardon'd? From whom were you to have that Pardon?

Mr. Dugd. I was to be pardon'd by the Pope.

L. H. S. That was for your Sins.

Mr. Dugd. Yes; I expected no other if I had gone on.

Mr. Treby. Were you promis'd nothing else but a Pardon from the Pope?

Mr. Dugd. Yes, I was to be sainted.

Sir W. Jones. Will his Lordship please to ask him any Questions? we ask him no more.

Mr. Foley. Yes, I desire another Question may be ask'd him; That he would give an account of the Letters my Lord *Stafford* writ to *Evers* about the Design.

L. H. S. What say you to that Question?

Mr. Dugd. There came a Letter to *Evers* from my Lord *Stafford*; I knew it to be my Lord's Hand: some might counterfeit his Hand; but as near as a Man can swear to the Hand of another in a Paper he did not see written, that was my Lord's Hand; That Things went all well beyond Sea, and so he did hope they did here, for the carrying on of the Design: it was to this purpose expressly.

Mr. Treby. We have done, my Lords, with him.

L. H. S. My Lord *Stafford*, will you ask him any Questions?

L. Staff.

L. Staff. My Lords, I have divers Questions to ask him, very many; but I humbly crave your Lordships Directions, if I ask him any Questions now, whether I may not ask him some afterwards?

L. H. S. My Lord, you may ask Questions of the Witnesses as often as you please, and whenever you find it useful to you: God forbid there should be any time to foreclose a Man from asking a Question that may save his Life.

L. Staff. I pray he may be ask'd how long before this time he knew of the Plot.

L. H. S. How long have you known this Plot?

Mr. Dugd. In general, for the introducing of the Popish Religion, and the Encouragement to it by the Duke of York's being Successor, I have known it fifteen or sixteen Years by the means of Mr. Evers.

L. Staff. My Lords, I understand him, he says he knew the Plot fifteen or sixteen Years ago; if I be not mistaken, he says so.

Mr. Dugd. My Lords, if your Lordships please to give me leave to explain my self further, it was not for taking away the Life of the King, but for making ready against the King died, with Men and Arms.

L. Staff. My Lords, he says in the latter end of August, or beginning of September, I told him such and such things; I desire he may name the Day; that may be many Days, and I may prove I was not there, and I can prove for all August, and a good while in September; therefore I desire he may name the Day.

L. H. S. My Lord Stafford, I come thus near on purpose to serve your Lordship, that you may not strain your Voice too much; but I am not so happy as to apprehend what it is you say.

L. Staff. My Lords, I say, he speaks of the latter end of August, or the beginning of September which is too great a Latitude, and I conceive more than ought to be given in such a Matter of Importance as this is to me; I desire he may name the Day, for he may name Days perhaps that I was not there.

L. H. S. Look you, Mr. Dugdale, my Lord does desire, if you can, you would be a little more particular than about the latter end of August, or the beginning of September; if you can remember the Day, tell it us.

Mr. Dugd. I cannot remember particular Days, it being a thing I then took no account of; only this I do remember by a remarkable Circumstance, that one time was either the 20th or 21st of September 78.

L. H. S. That was the time of your coming into his Chamber, and his offering you five hundred Pound?

Mr. Dugd. It was so; but other Meetings I dare not charge to a day.

L. Staff. How then can I make my Defence?

Mr. Dugd. I will stand to that time.

L. Staff. How, my Lords, can I be able to give an Account of it; I shall prove to your Lordships, that he once said it was in August, now he says it was in August or September. I beseech you that he may positively stand to the Month, if not to the Day.

Mr. Dugd. I speak as near as I can.

L. Staff. But he says the 20th or 21st particularly.

Mr. Dugd. Thereabouts I am sure it was.

L. Staff. Look you, he will be positive in nothing.

Mr. Dugd. I will stand to that time.

L. Staff. If he swears false in one Thing, I hope, upon proof of that, your Lordships will believe he may be false in all. I pray he may be asked what Hour of the Day it was, whether it was Morning or Afternoon.

L. H. S. He is positive only to the 20th or 21st of September, the time when he says you called for him into your Chamber, and offered him five hundred Pound to kill the King: would your Lordship ask him whether it were in the Forenoon or the Afternoon?

L. Staff. Yes, my Lord, I would.

L. H. S. Was it in the Forenoon or in the Afternoon?

Mr. Dugd. It was in the Forenoon; for I did formerly speak of that, he was dressing himself when I came in.

L. H. S. Then that is answered positively.

L. Staff. My Lords, he says one Sunday Morning I came to my Lord Aston's to Mass, I desire you would please to ask him, whether ever he saw Mr. Evers and me in his Life alone together?

L. H. S. Have you seen my Lord Stafford and Mr. Evers ever together alone?

Mr. Dugd. Several times I have seen them walking together in the Garden, and in the Walks, at my Lord Aston's; and I have been with them myself when there hath been only them two besides.

L. H. S. That is answered fully; will your Lordship ask him any thing else?

L. Staff. He says he was to go to London in October with me, I stand not upon that till I come to make my Answer; but I take it he says the 20th or 21st of September when I offered him five hundred Pound, in my Chamber, to kill the King, that he went presently to Evers to speak with him about it.

L. H. S. As doubting the Payment of the Money, and he told him, that Harcourt and Ireland would pay it.

L. Staff. Was it the same Day? pray ask him, my Lords.

Mr. Dugd. I do not say it was the same Day, but it was the next time I could come to speak with him.

L. H. S. He tells you it was as soon as he could speak with him.

L. Staff. He said before, it was presently after he went from me. I desire your Lordships would take notice how he contradicts himself in every Circumstance.

L. H. S. What say you, did you go presently to Mr. Evers after my Lord Stafford had made the Offer; or was it the same Day or the next Day?

Mr. Dugd. To the best of my remembrance it was the same Day; I can't say positively.

L. Staff. My Lords, I have no other Questions with Dugdale.

Sir J. Trevor. Then my Lords, we will call another Witness.

L. H. S. Have you no more to say to Dugdale, my Lord?

L. Staff. Not at present, till I come to make my Defence.

L. H. S. God forbid, but you should have leave to say all that you can for yourself.

Mr. Treby. Then set up Dr. Oates. Do your Lordships require that he should be sworn again?

L. Staff. I desire nothing, nor propose it, if he will declare upon his Oath that he took yesterday.

L. H. S. Hark you Dr. Oates, this is but a Continuation of the Proceedings yesterday, you are upon the same Oath now that you were then, and what you say this Morning will be taken to be upon the same Oath.

Mr. Treby. Dr. Oates, upon the Oath you have taken yesterday——

L. H. S. Pray swear him again. (*Which was done.*)

Mr. Treby. Dr. Oates, pray speak your Knowledge of my Lord *Stafford's* being engaged in the Design.

Dr. Oates. I desire I may be left to my own Method.

L. H. S. Go on in your own Method.

Dr. Oates. My Lords in the Year 67, there were divers Attempts upon the Life of the King, as the Jesuits told me; and in the Year 74, there was an Attempt upon the account of the King's withdrawing the Indulgence in 74, and 75: in the Year 1677, whilst I was in *Spain*, I met with several Letters signed *Stafford*, wherein my Lord *Stafford* did assure the Jesuits in *Spain*, that were of the *Irisb* Nation, how zealous he should appear in the promoting of the Catholick Design. My Lords, in the Year 77, I went to *St. Omers*, and I came there in *December*. My Lords, in that Year I being order'd to look over the Papers, and put them in order, I found several Letters signed *Stafford*; wherein my Lord *Stafford* did intimate to the Fathers, that whereas there had been some Difference betwixt him and the Society for several Years, the Business was reconciled by one Signior *Con*, who came over into *England* in the Year 76, to reconcile the great Difference that was betwixt the Jesuits and the Secular Clergy, and between the Benedictine Monks and the Jesuits. My Lords, my Lord *Stafford*, upon the persuasion of this Signior *Con*, as he does intimate in his Letter, does assure the Jesuits of his Fidelity and his Zeal. My Lords, in the Year 78, I found Letters from my Lord *Stafford*, wherein he does blame Mr. *Coleman's* Openness, and his being too publick in the great Affair, and that Mr. *Coleman* was pleased to communicate several great Secrets to Men, of whose Fidelity his Lordship was not secure. My Lords, in 1678, in the Month of *June*, my Lord *Stafford*, the Prisoner at the Bar, came to Mr. *Fenwick*, and there received a Commission from him to pay an Army that was to be raised for the promoting of the Catholick Interest, and he did assure Mr. *Fenwick* that he was going down into *Staffordshire*, and there he did not question but he should have a good Account how the Catholics stood affected; and he did not question but to give a good account how affairs stood in *Staffordshire*, *Sbropshire*, and *Lancashire*: and this Commission to my Lord *Stafford* was, as near as I can remember, to be Pay-Master-General of the Army. My Lords, among other Discourses with my Lord at the Bar, he was discoursing about my Lord Duke of *Norfolk*, and my Lord *Arundel* his Son; and after several other Passages, he (*Fenwick*) was asking of him how my Lord *Arundel* came to have a Jesuit in his House. My Lord *Stafford* did say, that my Lord of *Peterborough*, his Father-in-Law, was instrumental in it, on purpose to oblige the Duke of *York*; for my Lord *Arundel*, as I have been told, kept Father *Symonds* in his House, who to my knowledge was a Jesuit. But, my Lords, he came to Mr. *Fenwick's* (my Lord *Stafford* did) by the Name of Mr. *Howard of Effingham*.

L. H. S. Were you at *Fenwick's* when my Lord *Stafford* came to his Chamber?

Dr. Oates. Yes, my Lords.

L. H. S. Look upon my Lord *Stafford*, is that the same Person?

Dr. Oates. It is the same Gentleman that came there by the Name of *Howard of Effingham*.

L. H. S. And he took the Commission?

Dr. Oates. Yes, he did so.

L. H. S. And he promised to effect it?

Dr. Oates. Yes, and he said that he was then going down into the Country, and he did not doubt but at his return *Grove* should do the Business.

L. H. S. Who said so, *Fenwick*?

Dr. Oates. No, my Lord *Stafford*. And says *Fenwick* to my Lord *Stafford* again, Sir, 'tis fit that some should be here present, lest you fail of your Expectation; or to that purpose. 'Tis two Years since, and I cannot remember the Words, but my Lord *Stafford* did say, he was of necessity to go into the Country at that time. And there he did write a Letter to *St. Omers*, in which he did excuse himself about a young Man that was to be sent to the Jesuits College, whom he had taken care of another way. And he desired their excuse, but he would be as faithful to them as any body for all that. And the same Hand that wrote that Letter, by all the comparing I could make in my Thoughts, wrote all the other Letters that I saw at *St. Omers*, and in *Spain*. My Lords, I saw my Lord *Stafford* at Dr. *Perrott's*, I think verily it was in *June* or *July* 78; it was before the rising of the Parliament that sat that Summer, and my Lord *Stafford* was discoursing of a Son he was to send over to *Lisbon*, and he went over by the Name of Sir *John Stafford*. And after this Discourse was over, they fell into a Discourse of the Affairs in hand, and my Lord was mighty glad there was so good a Correspondence and Concord, tho', my Lords, it was not very great; for the Jesuits had an irreconcilable Quarrel with the rest of the Clergy: But my Lord did hope that their fair Correspondence might tend highly to the advancing the Catholick Cause. But, my Lords, I have one thing more to speak as to the Discourse at *Fenwick's* Chamber; speaking of the King, he said, he hath deceived us a great while, and we can bear no longer.

L. H. S. Who said so?

Dr. Oates. My Lord *Stafford*, the Gentleman at the Bar.

L. H. S. When was that? At Dr. *Perrott's*?

Dr. Oates. No, I speak of a Passage at *Fenwick's* which I had forgot. My Lords, this is all I can remember at present.

Mr. *Folcy*. My Lords, I desire he may give an account what Letters my Lord *Stafford* sent to *Fenwick* and *Ireland* to pay Money.

Dr. Oates. There was some Money returned, but it was no great Sum, and it was about private Business; Mr. *Morgan* was to receive it: I chanced to have the Money in my own keeping; Mr. *Fenwick* gave it me to pay to Mr. *Morgan*, and the Letter in which the Sum was mentioned did give them an account (for it was out of *Staffordshire*) that he found things stand in a very good state there. But I being not within, Mr. *Morgan* called on Mr. *Fenwick* for the Money, which I returned to him when he had paid it.

L. Staff. My Lords, I do in the first place desire to know where Mr. *Fenwick* lived.

L. H. S. Where did Mr. *Fenwick* live when you saw my Lord at his Chamber, and the Commission delivered?

Dr. Oates. His Lordship, I suppose, knows very well where he lived; he lived in *Drury-Lane*.

L. Staff. I will submit to any Thing, if ever I saw the Man, or heard of him till the Discovery of the Plot.

Dr. Oates. He came to him by the Name of *Thompson*.

L. H. S. Your Lordship does not observe; your Lordship says that you never knew any *Fenwick*, but your Lordship knew one *Thompson* and that *Thompson* was *Fenwick*.

L. Staff. I did know one *Thompson*, but that *Thompson* I knew was an *English* Merchant in *Brussels*, and not a Jesuit.

Dr. Oates. I can't say what my Lord knows, that he knew *Fenwick* to be a Jesuit, but he knew one *Thompson*, that was *Fenwick* the Jesuit.

L. Staff. I never heard of the Name till this Plot.

Dr. Oates. But, if your Lordships please, I will give you a Reason why I believe he knew him to be a Jesuit, because the Society was very often in their Mouths in their Discourses; which gives me a Ground to believe he knew him to be what he was: But, my Lord, he took his Commission from him.

L. Staff. I desire he may be asked—

L. H. S. Good, my Lord, raise your Voice, for I am come half way to hear you.

L. Staff. Pray, my Lords, give me leave to ask him, whether Dr. Oates hath not said several times since I was first imprison'd, that he never saw me in his Life. I think I was imprison'd the 21st of *October* 78.

Dr. Oates. My Lords, I never said any such thing.

L. Staff. I will willingly die, if ever I saw this Doctor in my Life.

Dr. Oates. I excuse my Lord for that, for I was in another Habit, and I went by another Name; and your Lordships do remember I came in another Habit to make the first Discovery.

L. Staff. My Lord, I never saw his Face, nor know him, nor *Fenwick*, or *Thompson*, otherwise than one *Thompson*, a Merchant at *Brussels*.

Dr. Oates. But, my Lords, I have one thing more to say of my Lord *Stafford*; my Lord *Stafford* went into *France*, I can't say the Year, but I believe it is within the Term of six or seven, but he went over to *France*; and it did appear by Letters from him, that Signior *Con* was made choice of to heal the Difference between the Regulars and the Seculars; and Signior *Con* did come over in the Year 76, and there did make a kind of a Peace among them, which lasted whilst *Con* stayed here, and *Con* did bring over Messages, to which my Lord *Stafford* (if he tells any Truth in his own Letter) did return Answers.

L. Staff. For the present all I say to it is this, I never writ any one Letter this 25 Years, nor had any Correspondence with any Jesuit.

L. H. S. I beseech you, my Lord, make me capable of serving your Lordship, by letting me hear what you say.

L. Staff. My Lord, I have a great Cold, and can speak no louder; I desire to ask this Witness no more Questions at present, but I say I never writ any Letters to any Priest this 25 Years.

Mr. Foley. Then, my Lords, if my Lord hath done, we will call another Witness, and that is Mr. *Edward Turberville*. (Who was sworn.)

L. H. S. Look upon the Prisoner. Do you know my Lord *Stafford*?

Mr. Tur. Yes, my Lord.

L. H. S. Raise your Voice, and speak deliberately.

Mr. Treby. Give an account of your Knowledge, and use your own Method.

Mr. Tur. My Lords, in the Year 1675 I was persuaded by my Lady *Powis*, and one *Morgan* that was Confessor to the Family, to go to *Dorway*, in order to take upon me the Frier's Habit. When I came there, instead of Religion, I found nothing but Hypocrisy and Villainy amongst them, and quickly grew weary of staying there, and with much difficulty I escaped thence to go for *England*: When I came into *England*, I did think that my Friends would look unkindly upon me, because I refused to live in that Way that they proposed to me to live in. I used all the Means I could to have them reconcil'd, and made Applications to them, that since I could not bear with the Life they would have had me lived in, they would contrive some Way for me, being a younger Brother, that I might live in the World; but they were so averse and inveterate against me, that they told me, instead of doing any thing for me, they would do me all the Mischief and Prejudice they could; and having lived all my Time among them, I thought the World would receive a Character of me from them who were my Relations, as they would please to represent it. So having no hopes in *England*, I took a Resolution to go into *France*, where I had a Brother that was a *Benedictine* Monk; And I hoped that he being in good repute amongst them, might be able to do me some Service there. When I came to *Paris*, my Brother used all the Endeavours imaginable to get me to be of that Order; but I having so ill a Conceit and Opinion of the Order that I was in before, and thinking all the rest were the same, I was unwilling at all to enter into it. And after I had staid there a while, I resolved to come over into *England*. My Brother used all the means he could for my Accommodation, and recommended me to this noble Lord, the Prisoner at the Bar, who lodged then at a Corner-House in a Street which, as I remember, bears the Name of *La Rue de Beaufert*, where I was several times with him, in order to come over with him in the Yacht for *England*. After I had been there for a Fortnight with this Lord, he understanding my Condition, by my Brother, and by the other Fathers of that Convent, and imagining I was a fit Instrument to be employ'd on such an Occasion, propos'd to me a Way, whereby, as he said, I might not only retrieve my Reputation with my Relations, but also make my self a very happy Man: And after having exacted from me all the Obligations of Secrecy which I could give him, he at length told me in direct Terms, it was to take away the Life of the King of *England*, who was an Heretick, and consequently a Rebel against God Almighty. I looked upon it as an extraordinary Attempt, and desired time to consider of it before I would undertake it. And I gave him this Answer, I would give him my Resolution at *Diep*, where we were to go on board for *England*. And when I came to take my leave of this noble Lord at the Bar, he was sitting upon a Bench, and he was troubled with the Gout in his Foot at that time. And he told me he had some Business to go to *Versailles*, and that he should not be in six or seven Days at *Diep*, where I was to wait for him. After a while, I received

ceived a Letter at *Diep* from his Lordship, wherein he writ me word, that he had altered his Resolution, and would go by the way of *Calais*, and that I should hasten to wait on his Lordship at *London*. I have one thing more to observe to your Lordships: When I got passage from *Diep*, in a Fisher-boat for *England*, I never came near my Lord *Stafford*, because being not willing to undertake his Proposal, I thought my self not safe, even from my own Relations; and therefore I made my Applications to the Duke of *Monmouth*, and his Grace was pleased by Letter to recommend me into the *French* Service, and by that means I avoided his Lordship's further Importunity.

L. H. S. You say my Lord did propose to you the killing of the King; did he plainly make the Proposal in direct Terms to kill the King?

Mr. Tur. Yes, he did, my Lord.

L. H. S. What did he offer you to do it?

Mr. Tur. Nothing, for I would not accept of it. I told him it was a Matter of great Concernment, and I ought to consider of it, and I took time to think of it, and would give him my Answer at *Diep*, which he came not to; and so there was an end of it.

L. H. S. What Engagements of Secrecy had you given my Lord, before he open'd himself so plainly to you?

Mr. Tur. I gave my Lord my Word and my Promise, that I would not discover it to any Person directly or indirectly; my Lord had nothing of an Oath from me.

L. H. S. Will you ask him any more Questions, Gentlemen?

Sir Will. Jones. No, my Lords.

L. H. S. Will your Lordship ask him any Questions, my Lord *Stafford*?

L. Staff. My Lord, I never saw the Man before in my Life. I will ask him one Question, since he hath been pleased to swear against me.

Mr. Tur. My Lords, I had no Reason but the Truth to do it; for I never received any Injury from his Lordship in my Life.

L. Staff. It seems I had ill Luck to chuse this Man for an Attempt to kill the King, who was such a Coward he ran away from his Colours, and was to have been shot to death.

Mr. Tur. Ask the Duke of *Monmouth* what Character he received of me.

L. Staff. He says, in the Year 75 he went from *London* to *Doway*, and staid some time there, and then came back to *England*; I beseech your Lordships to ask him what time he went back to *Paris*.

L. H. S. What time was it that you went back to *Paris*?

Mr. Tur. Truly, my Lord, I cannot be punctual to a Fortnight, but I believe it was the Beginning of *June*.

L. H. S. What Year?

Mr. Tur. 75.

L. Staff. My Lords, I would know who recommended him to me to go over with me into *England*?

L. H. S. Who recommended you to my Lord *Stafford* to go into *England*?

Mr. Tur. My Lords, it was Father *Sherborn*, who was then Prior of the *Benedictine* Monks in *Paris*, and Father *Nelson* Sub-Prior of those Monks, and my Brother, who is a Monk in the same Convent.

L. H. S. He says, that there were three Persons that recommended him to your Lordship.

L. Staff. I never saw them in my Life.

Mr. Tur. Your Lordship, that says I was a Coward, and run away from my Colours, will say any thing.

L. Staff. I not only say it, but will prove it by two Witnesses.

Mr. Tur. Do it if you can.

L. Staff. He says, in the beginning of *June* 75 he went into *France*. I desire to know of him when was it he spoke to me?

Mr. Tur. In *November* 75.

L. Staff. He says in *November*?

Mr. Tur. Yes, my Lord, about the Beginning of *November*.

L. Staff. I beseech your Lordship, where was it he spoke to me?

L. H. S. Turberville, where was it you spoke to my Lord?

Mr. Tur. In *Paris*.

L. Staff. Whereabouts in *Paris*?

M. Tur. It was the Corner-House of the Street, which Street faces *Luxembourg*-House, the Prince of *Conde* lodges on the right hand in that Street, I take it to be so, and you lodged at the Corner-House; I think the Name of the Street was *La Rue de Beaufort*.

L. Staff. Which if the Prince of *Conde* did—I will say no more.

Mr. Tur. I cannot be upon my Oath in such Cases, but I think he does, I take it so.

L. Staff. He says he was with me a Fortnight, what does he mean?

Mr. Tur. I came to my Lord several times in the Space of a Fortnight.

L. Staff. I desire to know who brought him to me?

Mr. Tur. Father *Sherborn*, Father *Nelson*, and my Brother Father *Anthony Turberville*; and sometimes I came alone.

L. H. S. He says those three Fathers recommended him to your Lordship, and he came himself several times.

Mr. Tur. Yes, my Lords, it is true.

L. Staff. I beseech your Lordships, did he come directly to my Chamber, or where?

Mr. Tur. Sometimes to my Lord's Chamber, and at other times I met him in a lower Room.

L. Staff. It concerns me much, my Lords; and tho' they be foolish Questions, yet I hope your Lordships will pardon me if I ask them. Where was this Discourse about killing the King?

L. H. S. Was this Discourse in the Chamber, or in the lower Room?

Mr. Tur. In the lower Room.

L. Staff. He says, I think, that he hath been in my Chamber.

L. H. S. Have you been in my Lord's Chamber as well as in the lower Room?

Mr. Tur. Yes, my Lords, I have.

L. Staff. What kind of Room is it?

Mr. Tur. I can't remember that.

L. Staff. No, I dare swear you can't.

Mr. Tur. I cannot tell the Particulars; what Stools and Chairs were in the Room.

L. Staff. My Lords, I have no more to say to him at present.

L. H. S. Mr. Turberville, how long have you been in *England*?

Mr. Tur. I cannot answer punctually; I have been in *England* near four Years.

L. H. S. How came it to pass that you never discovered this sooner?

Mr. Tur. I had no Faith to believe that I should be safe if I did it, but my Brains might be knocked

out ; and that kept me off from doing that Service which I might be better able to do, if I did defer it.

L. H. S. How come you to discover it now ?

Mr. Tur. The King's Proclamation, and some Friends that have persuaded me that I may do it with Safety, who will give your Lordships an account of it.

L. Staff. I desire he may attend when I make my Defence.

Mr. Tur. Yes, I shall : But I am sorry his Lordship hath so ill a Memory as to what passed between us. I shall be very unwilling to do his Lordship or any body else any Injury, but I must tell the Truth.

Sir Will. Jones. My Lords, we shall call no more Witnesses, unless my Lord, the Prisoner, give us an Occasion. If he shall make any Objections to any of our Witnesses, I hope we shall have Liberty to call Witnesses to support them ; but we give over at present, and expect his Lordship's Answer.

L. Staff. May it please your Lordships, I beseech your Lordships, before I say any thing, that I may know if they have any more Witnesses to examine.

L. H. S. They say they will call no more Evidence, unless your Lordship's Answer do give them Occasion to fortify their Witnesses you except against.

L. Staff. My Lords, it is now about two Years that I have had the Misfortune to be accused of this detestable Treason. I have been several times in these two Years a close Prisoner, that my Wife and Children were deny'd to come near me ; and hardly a Servant permitted to ask how I did, but at the Door of my Prison. My Lords, this was a great and an heavy Affliction to me ; and, my Lords, it was so great an Affliction to me, that truly I did not know how to bear it. 'Tis true, I had that Comfort, that I did hope I should soon come to my Trial, and before your Lordships make my Innocency appear. In order to which, I did all I could, having heard this Hall was provided for it ; and I did expect in a very few Days to clear myself before your Lordships and all the World. When I had settled my Mind, and did not foresee any greater Affliction that could befall me, I had on the sudden, by some of my Friends, a sad Message sent me, That the House of Commons had impeached me of High-Treason. My Lords, I looked upon the House of Commons then (as I do now) as the great Representative Body of the Commons of *England* ; and I confess, my Lords, to be accused by them was a Load, especially being added to what lay before upon me, more especially to my weak Body and weaker Mind, that I was so afflicted with it, and have so continued, that I am scarce yet able to bear up under it : for I look upon the House of Commons as the great and worthy Patriots of this Kingdom ; I ever held them so, and I hold them so still. My Lords, these Things being such great Afflictions to me, and some other Accidents, which I shall not trouble your Lordships with the telling you of, have so much disorder'd my Sense and Reason (which before was little) that I scarce know how to clear myself to your Lordships, as I ought to do ; or which way to go about the doing of it : therefore I do with all Humility beg your Lordship's Pardon if I say any thing that may give an Offence, or urge that which may not be to the Purpose. All

VOL. III.

which I desire you would be pleased to attribute to the true Cause, my want of Understanding, not of Innocency, or a Desire to make it appear.

My Lords, These Gentlemen the Managers of the House of Commons, who are great and able Men, some I am sure, if not all of them very well read, and have Understanding in the Law, have set forth to your Lordships Treason in an horrid Shape ; but I confess, my Lords, if they had made it never so much worse, it cannot be so horrid as I have often fancied it myself : For, my Lords, I do, and did ever hold Treason to be the greatest Sin in the World, and I cannot use Words enough to express it ; and therefore I hope you will give me leave to clear myself of it, and I shall give you one Notion of it, which I heard at your Lordship's Bar some Years ago, where you were pleased to hear several People of several Persuasions give you some Reason why Liberty of Conscience should be allowed them. And I remember one of them, an Anabaptist, I think, did tell you, That they held Treason to be the Sin of Witchcraft, and so do I. And next to Treason, I hold Murder to be the worst Sin. But the Murder of the King I look'd upon to be so above all others, that it is not to be express'd by Words.

My Lords, I have heard very much of a thing that was nam'd by these Gentlemen of the House of Commons, and that very properly too, to wit, of the Gun-Powder-Treason. My Lords, I was not born then, but some Years after I heard very much Discourse of it, and very various Reports ; and I made a particular Enquiry, perhaps more than any one Person did else, both of my Father who was alive then, and my Uncle, and others ; and I am satisfied, and do clearly believe, by the Evidence I have received, that that thing called the Gun-Powder-Treason, was a wicked and horrid Design (among the rest) of some of the Jesuits : and I think the Malice of the Jesuits, or the Wit of Man, cannot offer an Excuse for it, it was so execrable a thing. Besides, my Lords, I was acquainted with one of them that was concerned in it, who had his Pardon, and lived many Years after : I discoursed with him about it, and he confessed it, and said, he was sorry for it then ; and I here declare to your Lordships, that I never heard any one of the Church of *Rome* speak a good word of it : it was so horrid a thing, that it cannot be express'd or excus'd. And God Almighty shewed his Judgments upon them for their Wickedness ; for hardly any of the Persons, or their Posterity, are left, that were concerned in it, and even a very great Family too, that had collaterally something to do in it, is in the Male-Line extinct totally ; and I do think God Almighty always shews his Judgments upon such vile Actions. And I have been told, all those Persons that were engaged in this wicked Act, were all heartily sorry for it, and repented of it before they died, without which I am sure there is no Salvation. And therefore I think it was not the Interest of Religion, but a private Interest put them upon it.

My Lords, as to the Doctrine of King-killing, and absolving Persons from their Allegiance, I cannot say the Church of *Rome* does not hold it ; I never heard it did hold it ; it may be it does, it may be not. I say not one Thing or other : But, my Lords, there was an *English* College of Priests at *Rheims*, that translated the Bible, and printed it with Authority, according to their Translation ; and in

their Annotations upon the 14th Chapter to the *Romans*, they do declare their Dislike and Detestation of that Opinion. They say all Subjects ought to obey their Kings, as the primitive Christians did the Heathen Princes of the Empire; and the learned Doctors of the College at *Sorbonne*, did, upon an Occasion administered to them about that Opinion, declare the Mistakes that were in it, and own'd it to be a damnable Principle. My Lords, I have an authentical Copy of that Decree of the *Sorbonnists*, whether it be here or no, I can't tell—Yes, here it is, which does declare that a damnable Position: and there is lately come out a Book, written by a Priest of the Church of *Rome*, tried for his Life for being in the Plot, but acquitted of that, in which he says, That that Opinion of killing Kings is damnable and heretical, and declar'd so by the Council of *Trent*.

My Lords, this gives me Occasion to believe that the Church of *Rome* holds it riot. I do not say that it does not; but some particular Persons do abhor it, which are great in that Church, and which weighs far with me: but that which furthest of all confirms me in my ill Opinion of it, is the Words of our Saviour, when not only he commands us to give unto *Cæsar* the Things that are *Cæsar's*, but asserts our Obedience to our Governors in many other Passages of the Holy Scripture; and what I find there, the whole World is not able to alter my Opinion of.

I do assure your Lordships in the Presence of Almighty God, that I do extremely admire when I hear of any thing like it; and I did read with great Horror what I found the other Day in the *Gazette*, of some imprudent People in *Scotland*, and of their wicked Principles and Practices.

My Lords, I do in the Presence of Almighty God, who knows and sees all Things, and of his Angels which are continually about us, and of your Lordships who are my Peers and Judges, solemnly profess and declare, that I hate and detest any such Opinion, as I do Damnation to myself. And I cannot be more desirous of Salvation to my self, than I am cordial in hating this Opinion.

My Lords, I know no Person upon Earth, nor all the Persons in the World put together, nor all the Power they have, can in the least absolve me of my Allegiance. And I do acknowledge the King is my Sovereign, and I ought to obey him as far as the Law of the Land obliges any Subject of his to obey him: Whether I have taken the Oath of Allegiance, I appeal to your Lordships to be my Witnesses; and if I did not take it a thousand times for my Allegiance to the King, if required, I should think I deserved a thousand Deaths, and all the Torments in the World for refusing it.

My Lords, These Gentlemen here did begin their Charge (Serjeant *Maynard*, and Sir *Francis Winnington*) with telling your Lordships there was an horrid Design to murder the King, to alter the Government, and introduce the Popish Religion. This, they say, was engag'd in by the *Roman* Catholicks; that all the Church of *Rome* were the Contrivers of it; for they tell your Lordships, the whole Body hath been engag'd in it, and they have given you many Proofs by Witnesses examined the first Day, of a general Plot: what Credit you will give to them, I leave to your Lordships in the end of the Case; but still they said it was the Body of the *Roman* Catholicks in

England, or the Papists, or what they call them, that were the Plotters in this Design. But I beseech your Lordships, how am I concerned in it? for I must say to your Lordships, they have not offer'd one Proof that I am of that Religion. So that tho' any of you should have seen me at the Exercises of that Religion, or otherwise know it of your selves, yet if there be no Proof judicially before you, you are not to take notice of it. I have heard, if a Man be accused of a Crime, and be to be tried, and no Evidence come in; if every Man of the Jury were sure that the Fact was done, yet they must go upon the Evidence produced to them, and not upon their own Knowledge. So then, no Evidence being produc'd before your Lordships about my being a Papist, you are not to take me for such a one. But, my Lords, if I were of that Church, and that were never so well prov'd too, I hope I have an Advantage in it, that I have kept myself from being poison'd with so wicked a Principle, or engaged with the rest in so ill a Thing.

My Lords, I am here accus'd of having endeavoured to kill the King. I find by the Law, upon reading Sir *Edward Coke*, since my Imprisonment, That all Accusations of Treason ought to be accompanied with Circumstances antecedent, concomitant, and subsequent: but I conceive, my Lords, there is no Tittle of any such thing prov'd against me. The whole Compass of my Life, from my Infancy, hath been clear otherwise. In the beginning of the late unhappy Times, the late King of happy and glorious Memory, did me the honour to make me a Peer; and thinking that my Presence might rather prejudice him than serve him, my Wife and I settled at *Antwerp* when the War begun, where I might have liv'd, tho' obscurely, yet safely; but I was not satisfy'd in my Conscience to see my King in so much Disorder, and I not endeavour to serve him what I could, to free him from his Troubles. And I did come into *England*, and served his Majesty faithfully and loyally, as long as he lived. And some of your Lordships here know, whether I did not wait upon the now King in his Exile, from which he was happily restored; which shews I had no ill Intention then.

My Lords, I hope this I have said does shew, that my Life hath given no Countenance to this Accusation, but clear contrary to what these (I hope I may call them so, and I doubt not to prove them so) perjur'd Villains say against me.

My Lords, After I had this Misfortune to be thus accused, about a Month or six Weeks after, your Lordships were pleased to send two Members of this honourable Body to me, (I do not see them at present here) to examine me about the Plot, (they were my Lord of *Bridgewater*, and my Lord of *Essex*) if they be here, I appeal to them what I did say. These two, after they had examin'd me, told me, they did believe, and could almost assure me, that if I would confess my Fault, and let them know the Particulars of it, your Lordships would intercede with the King for my Pardon; but I then, as I ought, asserted my own Innocency. Not long after, the King, out of his Grace and Goodness to me, sent six of the Council to the *Tower*, to offer me, That tho' I was never so guilty, yet if I would confess, I should have my Pardon. I did then consider with myself; I could not imagine what Ground there was to believe your Lordships could have Evidence of

what there was not, to bring me in Guilty; and thereupon I was so far from being able to make a Discovery, that I could not invent any Thing that might save my Life, if I would.

My Lords, I was seven Days in the Country after I heard of the Plot; if I had known myself guilty, I should surely have run away. As I came to *London*, when I was at *Lichfield*, there met me two of my Lords; they told me, and so did a Gentleman of the House of Commons, how much there was in the Plot, which, if I had had a Hand in it, would certainly make me fly for it. I have ever heard when a Man is accused or suspected of a Crime, Flight is a great Sign of Guilt; and that it is often asked of the Jury, though there be no certain positive Evidence of the Fact, whether a Man fled or no? As that is a Sign of Guilt, so remaining is a Sign of Innocency. If then after Notice I come to Town, and suffer myself to be taken; if after Imprisonment and Accusation, I refuse my Pardon, and yet had been guilty, I ought to die for my Folly as well as my Crime.

My Lords, 'Tis a great Offence to commit Treason, and a great Addition to continue obstinate, when upon Acknowledgment a Man can save his Life; nay, my Lords, if I should have refused these Offers, and yet known myself guilty, I had at the same Time been guilty of one of the greatest Sins in the World, as being the Cause of my own Death. And as I hold, next to Treason, Murder the greatest Sin, so I hold of all Murders Self-murder to be the greatest; nay, I do not think any Man living can pardon that Sin of Murder. And I do profess to your Lordships, in the Presence of Almighty God, that if I could immediately, by the Death of this impudent Fellow *Dugdale*, who hath done me so much Wrong, make myself the greatest Man in the World, that is or ever was, I profess before God I would not. I cannot say my Charity is so great, but that I should be glad to see him suffer those Punishments the Law can inflict upon him for his Crimes; but his Death I would not have. Blood is so great a Crime, and I know every Man is careful of giving his Voice in the Case of Blood, I should be very cautious myself; and if I were a Judge, I would rather save twenty Guilty, than condemn one Innocent. I bless God, I have not the least Desire of the Death of any Man, and would not for all the World have innocent Blood lie upon me.

I beg your Lordships Pardon that I have troubled you thus long: I shall now, as well as I can, apply myself to my particular Defence. I do, my Lords, before I can go on to it, desire I may have such Depositions as have been taken against me, and the Liberty to look upon your Journal-Book, when I have Occasion. I do particularly desire the Depositions of *Oates*, upon which I was committed by my Lord Chief Justice; the two Depositions of *Stephen Dugdale*, taken at *Stafford* before two Justices of the Peace, *Mr. Lane*, and *Mr. Vernon*; I desire the Depositions taken before, I think it was *Mr. Warcup*, and *Sir William Poultney*, or some other two Justices, which was made by *Turberville*; and then I shall compare their Testimonies together, and I hope shall give you a clear Account that they are perjured Persons. How without these to go on to my just Defence, I cannot well tell.

L. H. S. What do you say to it, Gentlemen? You hear what my Lord prays.

Sir F. Win. The Witnesses are here, and have been heard *viva voce*: As we cannot use any of the Depositions of which he speaks, so no more can they be used by him.

L. H. S. If I understand my Lord aright, this is the Thing he desires: Says he, You have brought Witnesses against me *viva voce*, they have been examined here, and they have been examined elsewhere, and their Depositions are upon Record; I desire to confront what they have said here, with what they have said contrary in other Places.

Mr. Serj. Mayn. If there be any Thing expressed by my Lord, wherein they have contradicted themselves, and produce that Deposition, he may do that; but to desire to have all the Depositions that have been made by our Witnesses, is a strange Request. When there is Occasion to use them upon any particular Point, he may produce them if he can.

L. H. S. Can you object why my Lord should not have Copies of any Thing that is upon the Journal and Depositions that are sworn before a Magistrate, which may be of Use to him?

Sir W. Jones. My Lords, We do not object against it; but, my Lords, I think it is out of Time to desire it. What was sworn, and is entered in your Lordships Journal was sworn above two Years since. My Lord, or any Man else, might repair to them; they are Matters of Record, and for ought we know, were never denied to any, especially if they desired it in the House; but after two Years Time, and after three Weeks Time given to prepare for this Trial, when my Lord could not but know what Witnesses would be examined before your Lordships, for him to come now and desire such and such Depositions may be produced, which if by Law he might be allowed to do, he might have done before, is to no other Purpose, under favour, but to gain Time, and cause our Evidence to be forgotten; and therefore we most humbly pray it may not be admitted: My Lords, I think it is an unusual Thing. My Lords, the Judges are near your Lordships, I suppose they will inform your Lordships. If a Man be tried at the Assizes, for him to desire a Copy of the Informations remaining in Court, by which he may except against the Witnesses, is what the Court does not use to grant. But if your Lordships Proceedings vary from the common Proceedings of other Courts, then I resort to what I said before, Whether your Lordships will think this a proper Time, when he might have had it in the Parliament that was first dissolved, and then in the Parliament that was last dissolved. Now to desire those Copies at this Time, is to put off the Cause for that which perhaps he cannot be furnished within a Day or two.

Sir F. Win. I would add but one Word, if your Lordships please to give me Leave. My Lords, You have the learned Judges near you, who will inform you, whether ever, when a Man was accused of a capital Offence, and the Evidence against him had been fully heard by the Court and by himself, he was admitted to require from the Prosecutors the Copies of Examinations formerly taken before other Persons. Does my Lord intend to have Time to peruse those Examinations, and to have the Copies of them, that he may consult in private with his Council to find out Exceptions, and with his Witnesses to make them good? My Lords, I must say, that in my short Experience (and I have attended a considerable Time upon the greatest Court for Trial of Offenders) I never

heard such a Thing asked by a Prisoner, either at the Bar of the *King's-Bench*, or at the Affizes. I speak with all the Tenderness imaginable, because we are in a Matter of Blood, and God forbid but the Lord at the Bar should have true and equal Justice done him. But if I take my Lord right, this seems but an Artifice to delay the Trial, of which it is our Duty to be very cautious. Indeed I have seen the Judges, upon Trial of a Criminal, call for the Depositions or Informations from the Clerk, or the Justice of the Peace who took them, and caused them to be read; but for a Prisoner to call for Examinations at the Bar from the Prosecutors, & *ex debita Justitia*, to demand them, is a Thing, which, as it never has been, so I think will not be admitted at this Time, especially when we are now almost at the End of the Cause. And with all Modesty and Submission to your Lordships, I look upon it as a very strange and unreasonable Demand.

L. H. S. My Lord *Stafford*, What is the Reason your Lordship had not all this while Copies of the Journal, which is that you now ask?

L. Staff. I shall not undertake that I am able to give your Lordships a Reason for it, because I think wherein I have been mistaken as to Point of Time, your Lordships will not tie me up to that. But this Gentleman that spoke last is not acquainted with me, and does not know me; for I have no desire to go back, or to put off this Trial: But if it cannot be done to Day, I am as guilty to Morrow as I am to Day; and I desire no more than what he says hath been done in the like Cases. I do desire, my Lord, the Informations and Depositions of *Dugdale*, *Oates* and *Turberville* may be produced and read, and I will make Observations upon them in my Defence. I desire those Affidavits may be brought.

L. H. S. Affidavits taken when and where?

L. Staff. Of Dr. *Oates*, that was read in your Lordships House, I heard it.

L. H. S. Let us understand your Lordship's Demands, that when my Lords are withdrawn, I may know what Questions to put to them, and acquaint them with your Desires: The one is the Journal of the Lords House, which is always before their Lordships, and you might have had Copies long since. The next Thing you ask is an Affidavit of *Dugdale*; if this Affidavit is entered into the Journal, that supplies your Demands; if it be not entered there, where shall we find it?

L. Staff. I do not know.

L. H. S. Does your Lordship think all this Matter must stay till we can find a loose Affidavit, that we know not where 'tis filed?

L. Staff. I know it was before the Council, and I believe my Accusers have it; I desire the Gentlemen of the House of Commons may produce it.

Sir J. Trevor. I have seen none, nor have none.

L. Staff. The one was taken the 24th of *December* this Time two Year, and the other the 29th.

L. H. S. My Lord, Will your Lordship give me Leave to tell you, you ought to be provided with some particular Exception, and not to make your Demand in general. If your Lordship will say *Dugdale* did swear such and such Things, which are contrary to what he now affirms, we know what to make of it; but to hunt after an Affidavit that we know not where to find, to pick something out of it, that I do not understand.

L. Staff. I appeal to my Lord *Effex*, and my Lord *Bridgewater*, whether they did not examine

me the first Time upon one or two Affidavits of *Dugdale*.

L. H. S. Suppose it be not to be found, my Lord?

L. Staff. Then I must have Patience, and submit.

L. H. S. Can you tell wherein he swore quite blank contrary to what he swears now?

L. Staff. My Lord, I conceive it was never denied before; but your Lordships may do what you please.

L. H. S. Well, my Lord, let us go on to the next. The Affidavits of *Dugdale*, if they be entered on the Journal, may be ready; if not, then I shall acquaint their Lordships, and they will direct what is fit in the Case.

L. Staff. Then there is the Affidavit of *Oates* before my Lord Chief Justice, upon which I was committed; the next Day, which was *Friday*, it was read in your Lordships House.

L. H. S. I believe that it is entered upon the Journal, and so will be ready to be used.

L. Staff. I do hope to make it evidently appear thereby that he is forsworn. I desire two Affidavits more, that were taken before the Justices of the Peace of *Middlesex*, who examined Mr. *Turberville* twice.

L. H. S. What Justices of the Peace?

L. Staff. Mr. *Warcup*, Sir *William Poultny*, and Sir *Thomas Stringer*. I desire I may not be misunderstood, I do not desire to have them to instruct my Council, or advise with them upon them, but I cannot make my Defence without them.

L. H. S. Those are voluntary extrajudicial Affidavits, that no body is bound to keep.

L. Staff. They were spoken of in the Votes of the House of Commons.

L. H. S. What say you Gentlemen to it?

Sir F. Win. My Lords, because my Lord at the Bar is pleased to insinuate, as if we knew where those Affidavits are which he seems to desire, and because your Lordship was pleased to say that the Commons in Parliament are the Grand-Jury of the Kingdom, I desire to say one Thing, That certainly it will not be required from us to produce and publish the several Facts and Circumstances that induced us to impeach him, if it shall be demanded by the Prisoner at the Bar.

L. H. S. I wish you would answer the Question, and not argue upon it, whether those Affidavits of *Turberville* may not be produced; for 'tis my Lord's Exception against your Witnesses, that he swears several Ways; and by those Affidavits of *Turberville*, he intends to disprove him in what he hath said to Day.

Sir F. Win. My Lords, The House of Commons never administer an Oath, and therefore it is not to be said to us, but my Lord *Stafford* must go to the particular Offices where they are to be found.

L. H. S. I do not ask you where my Lord should find them, but whether if they can be found, you can object any Thing why they should not be produced and read?

Mr. Serj. Mayn. When they are produced, we will give Answer.

L. Staff. My Lords, I am informed this is the Substance of the Affidavit, That *Turberville* did swear before two Justices of the Peace, whether they be of the House of Commons, or no, I can't tell, That he spake with me at *Dorway*, and in *Paris*, in the Years 73 and 76, and now he says 72 and 75, I am informed,

ed, my Lords: And I appeal to the House of Commons, they are all Persons of Honour and Worth, (if my Information be mistaken, I beg their Pardon and yours for't) whether he did not mend it after he had sworn it.

L. H. S. Are these all you do demand?

L. Staff. Yes, my Lords. Whether this was true or no, I don't know; it is what I have been told; I appeal to the House of Commons, (who are all worthy Persons, I do not believe I have an Enemy among them,) they know whether I speak true or no.

L. H. S. When will your Lordship be ready to make your Defence?

L. Staff. As soon as ever I have them, I will not stay a Minute, a Moment, an Instant; I desire not to shew my Council, nor any one, for my Trial is a thing that I have long desired; therefore I would not be mistaken, as if I would put off the Cause. I am innocent, and shall be so while I live, and hope I shall make it appear so.

I beg, if this be a Matter of Law whether I may have them or not, that my Council be heard to it.

L. H. S. This is a Matter of Fact.

L. Staff. I insist upon it as things without which I cannot make my Defence: I am innocent, and I suppose not one of the House of Commons, nor one of your Lordships, will debar me of that by which I may make my Innocency appear.

L. H. S. You cannot know my Lords Pleasure till they are withdrawn.

Sir W. Jones. Before your Lordships withdraw, I hope you will please to hear us a few Words, which we think may be for the Service of this Court. My Lords, what Evidence is before your Lordships, 'tis in your Lordship's Pleasure what of that you shall please to communicate to my Lord *Stafford*; but for this Evidence he speaks of, as remaining in our Hands, and which he takes upon himself to appeal to us for, admits of another Consideration. My Lords, if we were conscious of any thing in these Affidavits that were for my Lord's Advantage, and knew where they were, we would readily produce them; but for my self, I must answer, and I think my Companions will say so too, that we do not know where these Affidavits are, nor of any Variation in those Affidavits from what is now sworn; but whatever they were, they were taken for the Information of the House of Commons, who are the Prosecutors in this Cause, and who are no Judges. Now if my Lord will bring any Witness that will say this Witness of ours did before a Justice of Peace depose so and so, and says the contrary now, there might be then just Reasons to look after these Affidavits, and to have them produced; but upon a bare Imagination that there is a Variance, where in truth there is none, and the Truth may otherwise be known; to desire that these Affidavits that never were before you should be produc'd, whether such a Suggestion is to be admitted, I humbly submit to your Lordships Consideration.

L. Staff. My Lords, if these Gentlemen that are the Managers for the House of Commons will aver to your Lordships, that there is no Variation in them, I will submit to them and be quiet; if they will say it was not debated in the House, whether he should amend or no.

L. H. S. Look you, he puts it upon you so far, Gentlemen, that if you will take it upon you to aver that there is no Variation between those Affidavits upon which you grounded your Impeach-

ment, and the Evidence you have given upon the Trial of your Impeachment, he will not give you the trouble.

L. Staff. I beseech you let me say one Word: My Lords, I have been thus long a Prisoner, I was as far from being proceeded against now, as any of the rest of the Lords in the *Tower*, till *Turberville* came in with his Discovery; and I believe I am now called the sooner (which I am glad of, and I give the Gentlemen thanks for it) upon the Affidavit of *Turberville*; I desire that Affidavit. And though it be true, the House of Commons give no Oath, yet they appointed two Members of the House, that were Justices of the Peace of *Middlesex*, to take it upon Oath, and he desired the next Day to amend it; and I put my self upon them, whether this be not true.

L. H. S. What say you, Sir, to it?

Sir W. Jones. My Lord, I cannot answer, because I don't hear.

L. Staff. My Lords, I say this, I do observe that Mr. *Turberville* (whose Face I never saw in my Life that I know of, till to-day, nor never spoke a Word to him, and I shall prove that no Servant that ever I had see him) did depose (for the purpose) to-day, that he was in the Years 73 and 76 in such and such Places, and that he did speak with me at *Doway* and *Paris*; and to-morrow recollecting his Notes, he found he was mistaken in his Affidavit that he had made before, and desired to mend it, and brought it to the Years 72 and 75: There was some Debate in the House about it, whether they should permit him to mend it: I appeal to all the Gentlemen, whether it were not so.

L. H. S. Your Labour is to have two Affidavits; that you do presume will do your Business in order to the finding out a Variety of Time of his being at *Doway* or at *Paris*: That which does press your Lordship we know in *Turberville's* Evidence is, That at *Paris*, in the Room below your Lodging, you encourag'd him to kill the King, and you were to have met him at *Diep* to know his mind, but you came not, and he went away; if you have it in the Affidavit quite contrary to this, you say somewhat.

L. Staff. My Lords, I beseech you, it presses me and every Man in *England*, not to be run down by a Fellow that forswears himself: For him to swear one Thing to day, and another Thing to-morrow, is Perjury.

L. H. S. What say you to it, Gentlemen?

Sir W. Jones. What was done in the House of Commons, it does not become any of us that are Members to disclose: But I have heard, and will admit it, that in the Depositions the Witness made before a Justice of Peace, there was a Year put down, which he going home, and upon sight of Letters and Papers finding it to be mistaken, he comes the next Day, and desires to alter it: If this be for my Lord's Service, we shall grant it.

L. H. S. What say you, my Lord, now?

L. Staff. I do say, my Lord, I am informed by what I have heard cursorily, (for I have not seen one of the House of Commons before the Day of my Trial) that though in his second Deposition he named the Years 72 and 75, yet I can prove him perjured as to what he hath sworn here to-day.

L. H. S. Since 'tis insisted upon, Gentlemen, that there is a Variety in the last Deposition from what he swore at first, what can you say why he should not have the Avail of his Exception?

Sir Will. Jones. My Lords, whether your Lordships will think fit to consider by what Ways and

Means

Means the House of Commons inform'd themselves in order to Impeachments, I submit to you; and for those things that still remain in the Hands of the Commons, I suppose you will be pleased to consider how you can send for them to inform you. We would not be mistaken in the Matter; let not any one that hears us think that we are conscious there is the least Variation, nay we are confident if the thing were produced, it would turn to my Lord's Prejudice; but what is done in this Case may be a Precedent for the future, and therefore we cannot, without resorting to the House, consent to deliver any thing the House took for their Information. Therefore if your Lordships stand upon it, and incline to have it done, we must resort to the House to ask their Leave, whether we shall do it or no.

L. H. S. I cannot tell what my Lords will incline to do; but I desire when you are gone back, you will consider how far it will make the Matter easy to my Lord.

Sir Will. Jones. My Lords, we can give no Answer to that till we have attended our House.

Mr. Serj. Mayn. I desire your Lordships to consider what a piece of Cunning he hath put upon both Houses, to pass by his vilifying our Witnesses, which I may say was not comely. But if he makes any Question, it must be put to the Houses upon Supposition to be a Question, and so he would bring things only to this Issue to put off the Cause for to Day. He ought to put that which might probably be something of a Question. Let him instance in Particulars, and make out his Evidence, not feign things to put off the Cause, for ought I see 'tis to no other End, and 'tis a Jesuitical Trick I think.

L. Staff. I feign nothing; I have been told this that I speak here, and I desire it may be proved.

L. H. S. If you are bound up so that you cannot consent, I can't help it.

Mr. Serj. Maynard. Let him put the Fact, my Lords, and not suppose and imagine Things, and then raise Questions.

L. H. S. It is usual in these Cases for the Gentlemen of the House of Commons to stay till the Lords are withdrawn, and expect their Lordships Resolution; perhaps they may so order it that you need not go back.

Sir Will. Jones. I desire before your Lordships withdraw, that it may be taken Notice of by your Lordships, that for the Matter of the Variation of the Year, we do admit it. My Lord is not pleas'd to mention any other particular Matter of the Affidavit, but only says in general that it is contrary to what he says to Day: If my Lord would tell us wherein, perhaps we should admit it, or answer it, or take it into further Consideration: But to make so general an Allegation, and give your Lordships no particular Account, we submit whether such a Suggestion ought to be regarded.

L. H. S. Is there any further Variation, besides the Variation of the Year?

L. Staff. I cannot say there is, my Lord, I do not know it; but I do really believe in my Conscience there is, from what I have heard; but however I insist upon it, and demand your Judgment.

Sir Fr. Win. My Lords, I humbly desire one Word as to the Objection that hath been made, that he hath prayed your Lordships to grant him the sight of such and such Papers. The Nature of this Cause, my Lords, we know is such, that there was never the like Number of Papers known, as to the general Plot; and my Lord that is the

Prisoner at the Bar, may as well demand to-morrow such a particular Paper, and the next Day another, that he hath heard of in the general Plot; and where will the End of this be? So that if the thing be granted upon the Variation of the Time that it was immediately rectified, and he cannot produce any Grounds that may satisfy your Lordships why he should have that Paper, you may as well suffer him to demand any other Paper after, and so never end the Cause.

L. H. S. Your Lordship hath been told, and you shall find it, that you shall have as fair and equal an Hearing as is possible, and nothing shall be denied you that is just and reasonable to save your Life, or make your Defence. But pray, my Lord, for so much as is upon the Journal, which you may resort unto, you may easily know what Answer my Lords will give to that; but for this other Thing, if it be only the Variety you alledge of the Time and the Year, and you do desire it to look for other Exceptions, and you pray the Help of the Lords to see such a Paper, that you may make Enquiry after other Varieties, do you think they are to help you to find out Exceptions to the Witnesses?

L. Staff. I do not desire their Lordships to help me to find out Exceptions; but I have told your Lordships of one Exception to the Affidavit, which these Gentlemen acknowledge to be true; and the other Affidavit is, that he swears I spoke to him at *Doway* in the Year 72 or 73, which I can disprove; and then I say, he swearing several Things false, he is no credible Witness.

L. H. S. 'Tis admitted to your Lordship that he did mistake the Time.

L. Staff. It is admitted that he said he spoke to me at *Doway*.

L. H. S. How very easy a Matter were it to expedite this Process, by allowing the Prisoner his Demand in this Particular!

Sir Will. Jones. I never saw it, and a great many of the Managers say they never saw it.

L. Staff. These Gentlemen say I did it to put off the Cause, I am far from it; for tho' I am in a Condition very unfit to manage my Defence, faint and weak with speaking so long, and hardly able to speak any more, yet I desire to finish this Night; and if I see it now, it will be enough, I shall not desire to have a Copy to advise with my Council, or any body else.

L. H. S. Pray Gentlemen of the House of Commons will you observe my Lord, as weary as he is, would make an end of the Matter presently, if you would but send for the Affidavit.

Mr. Foley. My Lords, it is not in our hands here; if the House of Commons will order it, it may be done, we cannot order it our selves.

Mr. Powle. My Lords, this is a Paper that does properly belong to the House; and I do think, that none of us here that are Managers for this Trial, will undertake it shall be deliver'd, without resorting to the House for their Opinion: For tho' I do verily believe, and am fully persuaded, that what this noble Lord at the Bar does object, will not appear to be so; for I think there is not any thing of my Lord *Stafford's* speaking with this Witness at *Doway* mentioned therein; yet how far the Precedents of this may reach in other Cases, I think is worthy the Consideration of the House. And we cannot presume to offer any thing in it to your Lordships, until you be pleased to give us leave to go and resort thither.

Then the Lords withdrew, and after an Hour and a half's Space returned, and Proclamation was made for Silence.

L. H. S. My Lord Viscount *Stafford*, my Lords have considered of the Demands you made, and my Lords upon the Debate of the Reasons of your Demands, are come to this Resolution: Your Lordship did demand in the first Place, that you might have a Sight of the Journal, and have the Papers lodged in the House of Peers; my Lords take Notice that this Demand which your Lordship now makes, is a Demand that was granted you long ago, about two Years since; you have an Order entred upon the Books, that your Lordship should have Copies of every Thing in that House; and if your Lordship have not taken out Copies, and if any Thing is missing to your Lordship that is yet there extant, 'tis your Lordship's Fault. However, my Lords will command their Journals to be brought hither, that your Lordship may make that use of them that may be of most Profit to you. For the other Demand touching the Affidavit supposed to be taken from *Turberville* by the Justices of the Peace, that my Lords, upon Consideration had, do find that there is no Obligation at all upon them as a Court, to concern themselves in that Matter. And therefore my Lords have made no order in that Point, but your Lordship must come provided as well as you can, and the Court can do no more to help you in it. For the rest, my Lords did take Notice that your Lordship said before they were withdrawn, that you found yourself very faint and weary, and that you were much spent in Discourse, and tired with what already you have done. My Lords are extremely willing to give your Lordship all the Favour and Accommodation possible, for the recollecting yourself, therefore my Lords will not now put you upon it, to go on to make your Defence, but will give you Time till to Morrow.

L. *Staff*. I humbly give your Lordships Thanks for your Kindness and Favour to me; but here I profess, and call Almighty God to witness, rather than I would have it thought I am willing to put it off, I would have sunk down dead at the Bar. But, my Lords, there was another Demand that I made: Your Lordships say I shall have Copies of all the Journals, and that you cannot help me to the Affidavit of *Turberville*. I submit to it without saying one Word more: But I desire that I may have brought hither to Morrow the Journals, and other Papers in the Lords House; but I desire also the two Affidavits of *Dugdale*, taken the one the 24th, the other the 29th of *December* following, which Depositions were taken before Mr. *Lane* and Mr. *Vernon*, in *Stafford* Town, when *Dugdale* was in Prison.

L. H. S. Look you, my Lord, this is all under the same Rule: What Evidence soever there is before the Court of Peers, that you shall have; whatsoever Evidence is not in that Court, you ought to come provided of: The Court is not to stay, nor to help you to Evidence.

L. *Staff*. My Lord, I beg your Pardon, *Dugdale* made an Affidavit then, and says the clean contrary now; I desire nothing but Justice, and I am sure I shall have all Justice from your Lordships.

L. H. S. Produce it, alledge what you will for yourself, it shall be heard.

L. *Staff*. How then shall I be able to make my Defence, if I have not those Papers, which I humbly conceive by the Law ought to be brought? These Gentlemen of the House of Commons say, that I could

not have *Turberville's* Affidavit, because it was in the House, and they could not give it without Consent of the House; but this was examined before a Justice of Peace, and returned to the Council: Sure I shall have that. I was examined by my Lord of *Essex*, and my Lord of *Bridgewater*, upon that Affidavit twice, I think, therefore that is material and necessary; and I know your Lordships would not have me come to defend myself without Weapons.

L. H. S. My Lord *Stafford*, I do beseech your Lordship to be a little better informed in your own Business. You have Leave to make Use of the Journal, and all Papers that are entred there; the Clerks say *Dugdale's* Oath is entred there.

L. *Staff*. Is the 24th of *December* there?

Clerk. It is there.

L. H. S. Pray my Lord do not put the Court upon Interrogatories, but come provided as well as you can.

L. *Staff*. If it be entred on the Journal-Book, I desire not the Original, I am very well satisfied.

L. H. S. Will you be ready to go on to Morrow, my Lord?

L. *Staff*. I will with all my Heart.

L. H. S. 'Tis too late, Gentlemen, to go on to Night, we must adjourn till to Morrow.

L. *Staff*. My Lords, I had so much to write last Night, that I had very little Sleep; I desire I may not come till ten.

L. H. S. My Lord, I am not able to hear you, I take as much Pains to come near you as I can.

L. *Staff*. I had a great deal to write last Night, I say, and I want some Sleep; I desire I may not come till ten.

L. H. S. Will you be ready by ten o'Clock to Morrow.

L. *Staff*. I will be ready by ten.

L. H. S. I will move my Lords when they are withdrawn, to adjourn till ten to Morrow. But my Lord *Stafford*, I do not know how your Lordship is provided, or how you look after your own Business. If you have not had Copies of the Journal all this while, 'tis you are in the Fault. A great deal of it is in Print, you may send your Solicitor to the Clerk of the Parliament, and take Copies of what you have need of. I give you Notice of it, that if you come unprovided, you may know it is your own Fault.

L. *Staff*. I do acknowledge I have Copies of the Journal-Book, I think of all; but I do not find any Thing of *Dugdale's* second Deposition there.

L. H. S. Here is that of the 24th of *December*, that you ask after; send your Solicitor, and then you shall have a Copy out of the Journal of it.

L. *Staff*. I assure your Lordship I will be ready to Morrow, if I can get those Copies.

L. H. S. My Lords will give you as much Ease, and all the Accommodations that are fit.

L. *Staff*. Then to Morrow I will be ready by ten o'Clock, if your Lordships please; only I would desire your Lordships to take Notice that these Gentlemen of the House of Commons do acknowledge that *Turberville* swore one Day to one Year, and the next Day to another.

L. H. S. My Lord *Stafford*, you say you can be ready to Morrow at ten o'Clock; are you sure you can be ready then?

L. *Staff*. I say, my Lords, this, I shall not be so ready as I shall be next Day; but I assure your Lordships, I will rather sink down in the Place where I am, if you think fit, than put off the Trial.

L. H. S.

L. H. S. Look you Gentlemen of the House of Commons, in a Case of this Consequence, and of this vital Importance to a Man as this is, where is the Inconvenience if there should be a Day's Respite, and the Court should adjourn till *Friday*, if my Lords be moved in it? I make no Direction, but what Inconvenience will be in it? Will it not be every Way as well?

Sir Will. Jones. My Lords, your Lordships do not expect from us to give our Consent to put off the Trial.

L. H. S. I ask only what Inconvenience it is?

Sir Will. Jones. Your Lordships are the Judges, and will do as you find it reasonable; but this I say, it is very unusual, and scarce to be precedent, that when the Prosecutors have given an Evidence, the Prisoner should have Time, a further considerable Time, to give his Answer to it. The Prisoner knows before-hand the general Scope and Drift of the Evidence; therefore for him to have Time till to Morrow, is a Favour; but to have more than that, even a whole Day to intervene, is very unusual.

L. H. S. If that be all, and the Matter depend upon what is usual, I do venture with my Lords leave to inform you, that my Lord of *Stafford* had two Days Time after the Prosecution, to give his Answer to what was said against him.

Sir Will. Jones. That was an Evidence of twenty eight Articles, this but upon two Heads; and that was after a long Examination of many Days.

L. Staff. My Lords, I had prepared myself for my Trial as well as I could, and had written down a few Things that I intended to say; and I profess before God, as I am a Man, and as I am a Christian, of all I intended to say: I have in a Manner made use of very few Words; but as to what I had to say upon Evidence, I was forced to lay all aside, because I wanted these Papers. I have not eaten to Day, and being forced to lay aside all that I had written, I shall need a whole Day to write; however, I submit myself to your Lordships in that Matter.

L. H. S. My Lord, if it will be equal to your Lordship, and your Lordship will be as ready to Morrow as another Day, this Court will be more ready.

L. Staff. I assure your Lordships, if your Lordships do give me another Day, I will not debate with my Council any one Thing upon the Papers I have asked.

L. H. S. Pray, my Lord, will you be pleased to make your Demand to my Lords, who are your Judges, by what Time you will be content to be foreclosed.

L. Staff. My Lords, if you will give me till *Friday*, I shall be ready to give my Evidence, and I will bring Witnesses sufficient I hope to prove my Innocency.

Sir Will. Jones. My Lords we do not presume at all to offer our Consent to what Time the Court shall be adjourned—

L. H. S. No, we do not ask your Consent.

Sir Will. Jones. And I hope your Lordships will not ask the Prisoner's Consent, nor do it by his Direction.

L. H. S. *De morte hominis non est cunctatio longa.*

Sir Will. Jones. But we must desire your Lordships, as we are entrusted by the House of Commons to manage this Trial, to take Notice, that as we do not expect your Lordships should take

the Measures from our Desires, much less do we expect you should do it at the only Instance of the Prisoner. 'Tis a great Advantage to this Lord to chuse his own Time, when he will please to answer our Evidence. We do know very well, that in this Case there have been Attempts to suborn Witnesses, and that we shall prove in due Time, and Attempts to destroy Witnesses too; so that there hath been too much Time lost already, and I think to Morrow is a very convenient Time for him to make his Answer. And I must observe to your Lordships, that the Prisoner hath gained his End of not making his Answer this Day, by raising an Objection, which in my Thoughts carried no great Weight in it; though when it was made, your Lordships were pleased to adjourn upon it: But seeing he hath got his Point of deferring the making Answer till to Morrow, there can be no Reason he should gain a further Day, since the Depositions may be ready by to Morrow as well as by the next Day. And therefore we desire your Lordships will be pleased to go on in the Trial to Morrow.

L. H. S. You shall know their Lordships Pleasure when they are withdrawn. Is it your Lordships Pleasure that we should adjourn?

Lords. Ay, ay.

L. H. S. This House is adjourned into the Parliament-Chamber.

So the Lords withdrew in their Order, and the Commons went back to their House, and Mr. Speaker resumed the Chair.

A Message was sent from the Lords by *Sir Timothy Baldwyn*, and *Sir Samuel Clark*.

Mr. Speaker, *The Lords have sent us to acquaint this House, that they have ordered the Prisoner William Viscount Stafford, to be brought to the Bar in Westminster-Hall to Morrow Morning at ten of the Clock.*

And then the Commons adjourned to eight of the Clock next Morning.

THE THIRD DAY.

Thursday, December 2. 1680.

AT the Hour of ten in the Morning, the Lords adjourned into *Westminster-Hall*, and returned in their former Order into the Court there erected; and Mr. Speaker having left the Chair, the Commons were seated as before. The Court being sat, Proclamation for Silence was made, and the Lieutenant of the *Tower* commanded to bring his Prisoner to the Bar; which being done, the Lord High Steward spake to him as followeth:

L. H. S. My Lord *Stafford*, this is the Time appointed to hear what your Lordship hath to say in your Defence, and to call your Witnesses.

Sir W. Jones. My Lords, Yesterday my Lord Viscount *Stafford* was pleased to make mention of an Affidavit of Mr. *Turbervile* taken before two Justices of the Peace, wherein he was pleased to say there was some Amendment made; and so indeed we did then acknowledge there was. But he had a Desire to see it, notwithstanding our Acknowledgment, because he was informed that that which *Turbervile* swore then, differed from what *Turbervile* swore Yesterday. My Lords, at that Time we had not the Affidavit, nor was it proper for us to produce it, for indeed it remained in the Justice of

of Peace's hands that took it: but now that his Lordship may have full Satisfaction, and not only his Lordship, but also all that are present at this Trial, I do inform his Lordship, that the Affidavit is in the hands of a Member of the House of Commons, Sir *Will. Poultney* by Name; and if his Lordship please, he may have it produc'd, and make what use he can of it.

L. H. S. It is extreme honourably and worthily done of the House of Commons; and my Lord hath no manner of Exception left him.

L. Staff. My Lords, if I shall have occasion to use it, I shall call for it; but I would first say something to your Lordships: My Lords, I first give your Lordships Thanks for granting me the liberty to come so late to-day; I have had a little Sleep upon it. Your Lordships heard yesterday, when you had *Dr. Oates* at the Bar, the first thing that he said, as I remember, was, to desire you would be pleas'd to leave him to his own Method: I beg of your Lordships the same Favour, that I may begin with the one or the other Witnesses, or with Matter of Law, as I please.

L. H. S. God forbid but you should take your own Method in your Defence.

L. Staff. In order to which, I desire first Mr. *Turberville* may come to the Bar.

L. H. S. Do you call *Turberville*, my Lord?

L. Staff. Yes, my Lord, I do.

L. H. S. He is there, what say you to him?

L. Staff. My Lords, I will ask him but one Question, and I hope I shall have occasion to ask him no more: When was the last time that he spoke with me?

L. H. S. Mr. *Turberville*, I think I hear right, I do not know: My Lord *Stafford* asks when was the last time you spoke with his Lordship?

Mr. *Tur.* It was in *November* 1675.

L. Staff. I have very much to say against his Evidence; but I hope your Lordships will not think him any Evidence at all against me, or any Body else. But I desire your Judgment, whether I be not within the Compass of the Time limited by the Statute.

Mr. Serj. *Mayn.* Express yourself, my Lord, for we do not understand you.

L. Staff. I cannot say more than I do: the Time which the Statute limits is six Months, but this is five Years; I desire the Statute may be read.

L. H. S. What Statute, my Lord?

L. Staff. The Statute of the 13th of this King.

L. H. S. If your Lordship pleases you shall have it read: But your Lordship does not observe, you are prosecuted and impeach'd of High-Treason upon the Statute of the 25th of *Edward III.* not upon the Statute of the 13th of this King, made for the Safety of the King's Person, which limits the Prosecution of some Offences to be within six Months; but the Prosecution for Treason may be at any time.

L. Staff. Does your Lordship say it may be at any time?

L. H. S. Yes, my Lord.

L. Staff. This truly does very much surprize me, tho' I am wholly ignorant in Matters of Law. My Lords, I have ever heard that no Man can be prosecuted by that Statute, but within so many Days, in one part of it in thirty Days, in another six Months; and I desire your Lordships that the Statute may be read.

L. H. S. If your Lordship please the Statute shall be read; if your Lordship desires the Clause of the

Statute of the 13th of this King, which limits the Prosecution to be within six Months, that shall be read. But I conceive your Lordship is not accus'd upon that Statute.

L. Staff. I beseech your Lordships, I may know whether I am prosecuted upon the Statute of the 13th of this King, or upon what other Statute.

L. H. S. What say the worthy Gentlemen of the House of Commons: Is my Lord prosecuted upon the Statute of the 13th of this King?

Mr. Serj. *Mayn.* Not at all, my Lord; he is not prosecuted upon that Statute, but upon the Common Law, and the 25th of *Edward III.* which was only declarative of the Common Law.

L. Staff. This is a Point of Law.

Sir *W. Jones.* What is the Point of Law?

L. Staff. Whether I can be prosecuted after so many Days.

L. H. S. The Law is very clear. If you were prosecuted upon the 13th of this King for any less Offence than Treason, you could not be prosecuted after six Months; but if you be prosecuted for Treason either upon the 25th of *Edward III.* or the 13th of *Car. II.* there is no time limited, and God forbid there should.

L. Staff. I beseech your Lordships Judgment, whether there be not a Statute, I think 'tis in the Reign of *Edward VI.* that sets the time, after which no Man shall be prosecuted for any thing of Treason. I desire a quarter of an Hour's time to look into the Statute.

L. H. S. What say you, Gentlemen?

L. Staff. Pray, my Lord, let me read the Statute of *Edward VI.*

Mr. Serj. *Mayn.* We know not of any such Statute.

L. Staff. I will not say there is, but I will say I cannot read if there be not.

L. H. S. Pray, Gentlemen of the House of Commons, my Lord does suppose he has some kind of Objection in Law to make, which he cannot make out of himself; will it be amiss to let his Council make and propose the Question for him?

Sir *W. Jones.* My Lords, we rather would have my Lord propose the Objection; for your Lordships know, till a Matter of Law is proposed, he cannot be admitted to have Council. If he desires time to recollect himself about the Objection, we can't oppose it. But we desire that he may propose the Objection; and after, if it be any Doubt in Matter of Law, your Lordships will assign him Council to be heard to speak to it.

Sir *F. Win.* This would be a way for a Prisoner to have the Advantage of Council, when they ought not to be allowed it; for 'tis but to say, he hath some Doubt which he cannot propose himself, and so let in his Council to make Objections for him. If any Question of Law do arise, and that Question is stated, you will allow the Prisoner Council to argue it: but at this rate he may make the like Pretences in every part of his Defence, and so obtain that Council shall manage his whole Defence for him.

L. H. S. I suppose my Lord does intend an Objection as to the Time of the Prosecution, but he does not know how to make it. He supposes he is prosecuted after the six Months, which he thinks is the Time limited for the Prosecution. But I pray, my Lord *Stafford*, will your Lordship take time to recollect yourself, and make an Objection fit for Council to be heard upon, and you shall have it.

L. Staff. I beseech you I may have the Statute-Book with me, for I have none myself, my Lord.

Sir W. Jones. With all our hearts, we do not oppose it.

Then my Lord withdrew into the Room provided for him, and within a quarter of an Hour return'd.

L. H. S. Say, my Lord.

L. Staff. My Lords, I do confess I have been very much mistaken ever since I was first committed to the Tower: For I did conceive that they would have proceeded, as I thought I was impeached, upon the Statute of the 13th of this King. I humbly desire your Lordships Judgment, whether I ought or no to be prosecuted upon that Statute?

L. H. S. The Gentlemen have told you already: They prosecuted you upon the Statute of 25 Ed. III. and upon the Common Law.

L. Staff. And they lay aside that Statute.

L. H. S. What Statute?

L. Staff. The 13th of this King.

L. H. S. What say you, Gentlemen, once more?

Sir F. Win. My Lords, we have declared already to his Lordship; and if my Lord had look'd well upon the Articles of Impeachment, he could not have put that Question, but would have found himself impeach'd for Treason at the Common Law, declared by the 25th of Edward III.

L. Staff. So then they lay that aside of the 13th of this King?

Mr. Serj. Mayn. We do not mention any Statute, but we mention the Crime; and that Crime is against the Common Law, declared by the Statute, to wit, the attempting the King's Death, and the Subversion of the Government.

L. Staff. My Lords, there is no doubt but the attempting the King's Death is a great and heinous Crime; but, my Lords, I do not find that in the Impeachment there is any Overt-Act at all. And whether I shall answer to a Treason not prov'd by any Overt-Act sworn by two Witnesses, I submit to your Lordships. But, my Lord, because your Lordships and the House of Commons may not think that I propose these things out of a desire of Delay; if your Lordships please it may be saved to me, with all other Points of Law, I will go on to my Proofs.

L. H. S. Yes, all these things shall be sav'd to you; pray let us hear your Evidence.

L. Staff. Since your Lordships have granted me that, be pleas'd to give me leave to go to my Evidence; and I begin with *Stephen Dugdale*.

L. H. S. Set up *Dugdale*.

L. Staff. Will your Lordships please I may have Pen, Ink, and Paper?

L. H. S. By all means, my Lord. [*Which was given him.*]

L. Staff. May it please your Lordships, *Stephen Dugdale* said, if I understand him right (and I ask him again) that he knew something of the Plot fifteen or sixteen Years ago?

L. H. S. What say you, Mr. *Dugdale*, you hear the Question? Did not you say you knew of the Plot fifteen or sixteen Years ago?

Mr. *Dugd.* I did say it, and did explain my Meaning in it. I did say there was among us such a Preparation to be made against the King died, of Arms and Money, that neither should be wanting.

L. Staff. I beseech your Lordship to ask what Proportion of Arms was to be provided.

L. H. S. What Proportion of Arms was to be provided?

Mr. *Dugd.* I never heard it nominated how many absolutely. I have heard of some Numbers. I heard of late of 30000 that were to be rais'd beyond Sea: what the whole Number in *England* was, I have forgot; but I think I have heard Mr. *Gavan*, and some of the Priests say, that if there was occasion they should have at least 200000 to assist them, that was of Men; and I suppose they had Arms as well as Men.

L. Staff. My Lords, if this were true which he says Mr. *Gavan* said, that they were 200000, I desire to know what Men he meant, what Religion they must be of.

L. H. S. What Religion were they of that were to come in and help?

Mr. *Dugd.* He did not name them at that time; but I understood them, and so I apprehend the Company would, that they were *Roman* Catholics.

L. Staff. 'Tis a strange thing that there should be 200000 Catholics rais'd, when there are not 20000 in *England* that can bear Arms.

L. H. S. Good my Lord, they might come from beyond Sea, and so they might be so many *Roman* Catholics, tho' there were not so many in *England*.

Mr. Serj. *Mayn.* And he says not they were *Roman* Catholics, but he heard so.

Mr. *Treby.* There might be so many *Roman* Catholics, and such as should be with them.

L. Staff. Did he hear fifteen or sixteen Years ago that I was to be among them?

L. H. S. Answer that Question: Did you hear then that my Lord *Stafford* was to be one among them?

Mr. *Dugd.* I cannot remember that I did, my Lord.

L. Staff. Then, my Lords, I make this use of it: He tells you of a Plot sixteen Years ago, that 200000 Men in Arms were ready against the King's Death——

Mr. *Dugd.* I did not say so, my Lords; I desire I may be understood aright——

L. Staff. You say you heard so.

Mr. *Dugd.* I speak as to the Number of Men, what I heard of late at the Consults and Meetings within these two Years.

L. Staff. But I speak of sixteen Years ago, what Number of Men was there to be rais'd?

Mr. *Dugd.* My Lords, it was a general Word that was amongst us, That we must be provided against that time, against the Death of the King, but no Number at all.

L. Staff. This, my Lords, under favour, I conceive does not concern me. He tells you there was such a thing; it might be so, or it might not be so; I am not concerned in it, then 'tis out of doors as to what concerns me, I conceive; if the Gentlemen conceive otherwise, they will say so. Then, my Lords, the next thing is, How long ago it is since I first spake to him about this Plot? and I beseech your Lordship he may mention Time and Place.

L. H. S. You hear the Question, Mr. *Dugdale*.

Mr. *Dugd.* The first time, to my best Remembrance——

L. Staff. I beseech you, my Lords, let us have no Remembrance, but let him swear positively.

L. H. S.

L. H. S. There is no Mortal Man can swear otherwise than according to his Remembrance.

L. Staff. When a Man's Life and Honour, and all he hath is at stake, and indeed in consequence, every Man in *England* is concerned, if they swear not positively, but still say, As I remember; who can make a Defence?

L. H. S. Mr. *Dugdale*, go on, and say, as near as you can, and be as particular as you can, upon your Oath.

Mr. *Dugd.* That which I can positively affirm, is, It was about *August* or *September*, 78.

L. Staff. He said Yesterday it was in the latter end of *August*, or the Beginning of *September*, which are two Months. I beseech you what does he mean by the latter end of *August*? How long before the End of *August*?

L. H. S. How long was it before the last Day in *August*?

Mr. *Dugd.* My Lords, I will not be positive; but it was either in one Month or the other: I did not keep a Diary, or else I would give your Lordships Satisfaction.

L. Staff. I beseech your Lordships he may positively say whether in *August*, or not in *August*; or whether in *September*, or not in *September*.

Mr. *Dugd.* I dare not venture to swear that, I dare not do it.

L. Staff. Then saving my Exceptions to the Uncertainty of that afterwards, I would ask him what Day was it in *September* that I spoke to him.

Mr. *Dugd.* I remember one was either the 20th or 21st of *September*, 78.

L. Staff. My Lords, He says the 20th or 21st; does he say that was the first time he spoke with me?

Sir *J. Trevor*. No, no.

L. Staff. I beseech you, my Lords, they may not answer the Questions, but the Witnesses; they cry, no, no.

L. H. S. My Lord, You shall certainly have an Answer to all the Questions you will ask.

L. Staff. But when I ask, they answer for them; I would know whether that is the Course or no?

L. H. S. Do not disquiet your self for any thing that is said about you; you shall have a fair Hearing.

L. Staff. But, my Lords, I cannot but be disquieted when I hear these learned Gentlemen make Answers to my Questions for the Witnesses.

L. H. S. Mr. *Dugdale*, was the 20th or the 21st of *September*, you speak of, the first time that you spoke to my Lord *Stafford*?

Mr. *Dugd.* No, my Lords, it was not.

L. Staff. Pray, my Lords, what Day was it then I spoke first to him?

L. H. S. What was the Day you first spoke to my Lord?

Mr. *Dugd.* Truly, my Lords, I cannot remember so well as to tell you.

L. H. S. Do you remember when my Lord came to *Tixall*?

Mr. *Dugd.* I remember one *Sunday* in particular; but I cannot tell what Day of the Month it was.

L. H. S. Do you remember my Lord *Stafford* at *Tixall*, in Company with my Lord *Aston* and Father *Evers*?

Mr. *Dugd.* Yes, I do.

L. H. S. Do you remember that any Discourse passed between them?

Mr. *Dugd.* Yes, I do.

L. H. S. Was that before or after the 21st of *September*?

Mr. *Dugd.* Both before and after.

L. Staff. My Lords, He says there was a Consult at *Tixall*, where such and such were present, and the King's Death determined; I ask when was that?

Mr. *Dugd.* That was in *September*, I cannot say positively the Day; but in *September*, or the latter end of *August*.

L. Staff. My Lords, I must acquiesce and submit to your Lordships to do what you please; but if he does not name Times nor Places, how can I make my Defence? I desire he may say positively within five Days of the one or of the other; and, my Lords, I will put it upon that, if he say five Days before the end of *August*, or five Days in the beginning of *September*, which one would think is space enough, that is ten Days time.

L. H. S. My Lords do observe how far Mr. *Dugdale* goes, and that he is no further positive than he does express himself.

L. Staff. I beseech your Lordships, I press this, because it concerns me very much, that he may be positive within five Days or under.

L. H. S. Can you remember whether it were within five Days of the one or of the other?

Mr. *Dugd.* Truly, my Lords, I cannot be positive; if I had not made a particular Remark upon that of the 20th or the 21st, I could not have remembered that; for I did not then intend to reveal the Plot, or else I could have given you Satisfaction in that.

L. H. S. My Lord, Your Lordship hath an Answer to it; he cannot speak more positively to it than he does.

L. Staff. I beseech you then, how is it possible I can make my Defence?

Mr. *Dugd.* My Lords, I kept no Journal; if I had, I would be more positive.

L. Staff. He says it was the latter end of *August*, or the beginning of *September*; I desire he will say, whether it was the last Week in *August*, or the first Week in *September*.

L. H. S. He answers he cannot tell; your Lordship must make what Advantage you can of that Answer.

L. Staff. I can make no Advantage of it, unless he does speak positively to the time. My Lords, I beseech you I may know what is the End of *August* and the Beginning of *September*?

L. H. S. My Lord, I hear you not.

L. Staff. If a Man says the Beginning of *June* I was at such a Place, how many Days is the Beginning, and how many Days the End of a Month? How much time will your Lordships understand the Meaning of that to be? I am concerned extremely in the point of Time; for it is that which the whole Business depends upon, I mean as to this Man.

L. H. S. My Lord, go on with your Evidence; I know not how to give you an Answer, what Judgment my Lords will make of it, or how much they will understand by it, till they are withdrawn: They observe how much your Lordship insists upon it, and will hear what the worthy Gentlemen of the House of Commons will answer to it.

L. Staff. My Lords, My whole Business with this Fellow is concerned in a positive Answer to this Question; I give him, I think, reasonable time to confine himself to.

L. H. S. What say you to the 20th or 21st of September, my Lord?

L. Staff. My Lords I shall give a clear Answer to that anon; but I am extremely concerned in this, to know whether it was in *August* or *September*.

L. H. S. My Lord, if your Lordship be concerned never so much at that, the Witnesses can swear no more than he can swear. He says about the latter end of *August*, or the beginning of *September*; will your Lordship stand still for that?

L. Staff. Well then, I will go on as well as I can: As for the matter of the 20th or 21st of *September*, I beseech your Lordships I may ask *Dugdale* one Question, whether at the Trial of *Sir George Wakeman*, or the five Jesuits, he did not say the Consult was in *August*; if he deny it, I shall prove it.

L. H. S. Mr. *Dugdale*, My Lord asks whether at the Trial of *Wakeman*, or of the five Jesuits, you did not say it was in *August*?

Mr. *Dugd.* My Lords, I did name there was a Consult at *Boscobel* in *August*, but I do not remember that I did name my Lord *Stafford* in any Consult in *August* positively; but, as I say now, the latter end of *August*, or the beginning of *September*. But I did name that there was a Consult at *Boscobel* in *August* 78.

L. Staff. My Lords, He did say I was at the Consult in *August*.

Mr. *Dugd.* I did not say my Lord *Stafford* was there, I don't charge him in it; and if any such thing was printed, I have wrong done me.

L. Staff. Then he says he had nothing to do with me till the latter end of *August*, or the beginning of *September*. My Lords, I beseech your Lordships to ask him, whether in *Sir George Wakeman's* Trial he did not say, he was to receive Orders from me in *June* or *July*, when I came into the Country.

L. H. S. Did not you say at *Sir George Wakeman's* Trial, That you were to receive Orders from my Lord *Stafford* in *June* or *July*, when he came into the Country?

Mr. *Dugd.* My Lord, I submit to your Lordship, and the rest of my Lords here, whether when that Question was ask'd by my Lord *Stafford*, I did not say, That the first time I entred into Correspondency with the Consulters, they told me, my Lord was to come down then, and I should receive Orders from him. I had heard of my Lord *Stafford* before, but not to enter into any Consults with him, till he came down the latter end of that Summer.

L. Staff. I beseech your Lordships pardon me; I desire him to answer positively, whether at the Trial of *Sir George Wakeman*, he did not say he was to receive Orders from me in *June* or *July*, when I came into the Country.

L. H. S. Did you say so at *Sir George Wakeman's* Trial?

Mr. *Dugd.* I believe I did say so; for I had it from others, and not my Lord *Stafford* himself.

L. Staff. My Lords, In *June* or *July* I was not in the Country.

L. H. S. He says you were to come down, not that you did come down.

L. Staff. If you will let him do thus, there is no Man safe: I shall begin the Tragedy, and Millions will follow. He swore at the Trial of *Sir George Wakeman*, or that of those other Persons, That

there was a Consult at my Lord *Aston's* at *Tixall*, where I was one, in *August*.

Mr. *Dugd.* My Lords, I did not swear so; but in *August* or *September*, or one of them, as now I swear.

L. Staff. I shall prove it by the Book, and Witnesses that were there.

Mr. *Dugd.* Then they did me wrong by printing it; for I never said of your Lordship otherwise than I do now.

L. Staff. I desire my Witnesses may be call'd to prove it, for I conceive it is very material. My Lords, does he deny it?

Mr. *Dugd.* I do say there was a Consult at *Tixall* in *August*; but I did not charge your Lordship positively to be there then, nor with any more than I do now.

L. Staff. I think you did, and I have Witnesses to prove it. And 'tis impossible for any Man living to defend himself, if Persons shall swear as they suppose, think, or remember. I tell your Lordships I was not there all the Month of *August*.

L. H. S. Does your Lordship intend to call any Witnesses?

L. Staff. My Lords, I thought I had more Witnesses than I have. But I have two here, if your Lordships will hear them, that he did swear I was at *Tixall* in *August*.

L. H. S. Who are they?

L. Staff. My Daughter *Winchester* for one, and a Lady that is my Kinswoman for another.

L. H. S. Let them stand up, they are not to be sworn. You don't except against them, Gentlemen?

Sir *W. Jones.* No, let him prove what he can.

L. Marchioness of Winchester. He did swear that he was to receive his Orders from——

L. H. S. Madam, your Ladyship is not upon your Oath; but you are under all the Obligations of Truth and Honour in the World.

L. March. Winch. My Lords, by the Grace of God, I will not speak an untrue Word.

Sir *Will. Jones.* We desire to know this Lady's Name.

L. Staff. It is my Daughter *Winchester*.

L. March. Winch. This *Stephen Dugdale* did say at the Trial of *Sir George Wakeman*, That he was to receive Orders from my Lord in *June* or *July*, when he was to come down; and that my Lord was at a Consult at *Tixall* in *August*.

L. H. S. Did he say positively in *August*, or in *August* and *September*.

L. March. Winch. No, he did not name *September*.

Mr. *Dugd.* My Lords, I might say my Lord was to come down then; but not that ever I said he was there, but as now.

L. H. S. But she says you did not name *September*.

L. Staff. Here is another Lady.

Sir *Will. Jones.* Who is she, my Lord?

L. Staff. Mrs. *Howard*, Daughter to *Sir George Blount*, and married to Mr. *Howard*, a Kinsman of mine; she is now a Widow.

Mrs. *Howard.* My Lords, at the Trial of *Sir George Wakeman*, *Dugdale* was asked to be positive in the Month my Lord *Stafford* came down; and he said, he came down in *June* or *July*; but he said the Consult was in *August*, wherein my Lord *Stafford* was.

L. H. S. That Lady likewise says the same, That you would not be positive as to *June* or *July*; but as to *August*, you were positive that my Lord was there.

Mr. *Dugd.* No, my Lords, I only said, In *August* there was a Consult; and in *June* or *July* my Lord was to come down.

Mrs. *Howard.* I do assure you we came to that Trial on purpose to observe every Word he said about my Lord *Stafford*, and we have kept it in our Memories ever since.

L. H. S. What do you say, Mr. *Dugdale*, to it?

Mr. *Dugd.* I suppose there was a great many more at that Trial than those two worthy Ladies; and I suppose some of them may remember I said no more than I do now. I said then, my Lord was to come down at that time, and so I said several times, but not positively, that he was there till the End of *August*, or the Beginning of *September*.

L. *Staff.* My Lords, I do positively aver, here are two Witnesses that say, he swore I was there at the Consult in *August*. Now it concerns me to prove that I was not there in *August*, since he said absolutely I was there in *August*; and I assure you I can prove I was not there all the whole Month. In the Beginning of *August* I came from *London*, from my own House; on *Tuesday* or *Wednesday* the 6th of *August*, I went to my Lord *Bellasis's*, and that Night I went to *George Porter's*; the next Night I went onwards towards *Bath*; when I was there, I went over and staid with my Noble Lord the Marquis of *Worcester*; there I staid two or three Days, and I went thence to another Place hard by there; and then I came back again to *Bath*, and went back again afterwards to my Lord's House; and the first or second of *September*, I went from my Lord's House to *London*. Then if this be acknowledged I need say no more; if not, I'll prove it by sufficient Witnesses: So then I was not there the whole Month of *August*; and the Beginning of *September* he says he spoke with me. I was not there till the 12th of *September*. Now I beseech your Lordships how that could possibly be the beginning of *September*. I submit to you, Whether then he be a Witness fit to be heard, that shall swear positively what hath no Colour of Truth in it, I also leave to you. And if they object I was not where I say I was in *August*, I will prove it. And for the 20th and 21st of *September*, I do own something of that, and I shall prove to your Lordship what it was.

L. H. S. Call what Witnesses you please, my Lord.

L. *Staff.* My Daughter proves when I went out of Town.

L. *March. Winch.* My Lords, it was on a *Tuesday* my Father went to my Lord *Bellasis's*, he dined there, and then went on to *George Porter's*.

L. *Staff.* That I was at *Bath* I shall call Witnesses.

L. H. S. My Lord, you should prove when you first came to *Tixall*, my Lord *Aston's*.

L. *Staff.* Will that satisfy your Lordship?

L. H. S. Me! 'Tis not me you are to satisfy, but my Lords, and the Gentlemen of the House of Commons.

L. *Staff.* Then I do own to your Lordships, I came the first time the 12th of *September* to *Tixall*.

L. H. S. That was the first Day you were there?

L. *Staff.* That Year, my Lord, it was.

Sir *Will. Jones.* Prove it.

L. *Staff.* Does he deny that, my Lords?

L. H. S. Do you deny that my Lord came first to *Tixall* the 12th of *September*; or do you know he was there before?

Mr. *Dugd.* My Lords, I have positively spoke to no Day, but only to the 21st or 20th of *September*.

L. *Staff.* Where is my Lord Marquis of *Worcester's* Servant?

L. H. S. My Lord *Stafford*, it will be best for your Lordship to produce all the Witnesses you have, and not to leave any thing undone that you can prove.

L. *Staff.* But I beseech your Lordships I may ask one Question: If I shall name any of the House of Peers as my Witnesses, does that exempt them from being Judges?

L. H. S. No, my Lord. If your Lordship have any Witnesses among any of my Lords here, they may very well testify for you, and yet remain still in the Capacities of your Judges; for my Lord of *Stafford* had a great many Witnesses that were Peers.

Sir *J. Trevor.* We do not oppose it, my Lords.

L. H. S. My Lord, Call your Witnesses.

L. *Staff.* There is no Place appointed for them, and therefore I could not have them ready here; I have sent for them; I have a Throng of them.

L. H. S. They will open the Way, and we will stay for them.

L. *Staff.* My Lords, I desire, that as Yesterday, when the Witnesses were sworn against me, mine did not hear what they said, so I desire when my Witnesses come, theirs may not be present.

L. H. S. My Lord, with your Lordship's Pardon, it was not well done that your Witnesses were not there; but if Witnesses be to confront one another, shall they not hear what one another say?

L. *Staff.* My Lords, I am so clear in every thing, I will dispute no little Matters.

Then my Lord's Witness stood up.

L. H. S. What is this Man's Name you call now, my Lord?

L. *Staff.* Indeed, my Lord, I don't know.

Witness. My Name is *Bonny*, my Lords.

L. H. S. Does your Lordship call this Man?

L. *Staff.* Yes, my Lords.

L. H. S. You are not upon your Oath, but you are to look that a strict Account will be taken of what you say.

Mr. *Foley.* My Lords, we desire to know where this Witness lives?

Bonny. I live in *Exeter-Street*, by *Exeter-Exchange*.

L. *Staff.* I declare it I know him not, but I am told he can witness for me.

L. H. S. Your Christian Name?

Bonny. *Thomas.*

L. H. S. What Profession are you of?

Bonny. I live as Clerk of the Kitchen to my Lord Marquis of *Worcester*.

Mr. *Foley.* What Religion are you of?

Bonny. A Protestant, one of the Church of *England*.

L. *Staff.* My Lords, I humbly move your Lordships, when I asked Mr. *Smit* the first Day, where he was made a Priest, the Gentleman said, he was not bound to answer any thing against himself that might make him criminal. I desire that the Question may not be put to my Witnesses what Religion they are of.

L. H. S. The Gentlemen will not offer to ask any Question that may make a Man accuse himself; but

my Lord, a Papist or not a Papist is not so penal as a Priest or no Priest.

Mr. *Foley*. To acknowledge a Man's self a Papist, is not to make him a Criminal.

L. H. S. What does your Lordship call this Witnesses for?

L. *Staff*. To prove when I was at my Lord Marquis of *Worcester's*.

L. H. S. What say you? when was my Lord *Stafford* at my Lord Marquis of *Worcester's*?

Bonny. In *August* 78.

L. H. S. Do you remember it perfectly?

Bonny. Very well.

L. H. S. What Day of *August*?

Bonny. The 17th of *August*, which my Lord Marquis keeps as his Wedding-Day every Year, and the Gentlemen of the Country are invited thither. My Lord *Stafford* was then at *Bath*, and my Lord Marquis was pleased to send his Coach for him, to be present there that Day; there he staid that Day and the next Day, and then return'd on *Monday*. And in the same Month, the 31st of *August*, my Lord came again from *Bath* to *Badminton*, my Lord Marquis of *Worcester's*, and upon the *Monday* after returned for *London*.

L. H. S. That was the Beginning of *September*?

Bonny. Yes, the 2d he went to *London*.

L. H. S. Will you ask him, Gentlemen, any Questions?

Managers. No, my Lords.

L. H. S. Call another Witness then.

(*Who stood up.*)

L. H. S. What is this Man's Name?

Witness. *Thomas*.

L. H. S. *Thomas* what?

Witness. *Thomas White*.

L. H. S. Where do you live?

White. I live with my Lord Marquis of *Worcester* at *Badminton*.

L. H. S. What do you say?

White. My Lords—

Lord Marquis of *Worcester*. My Lord Steward, I have only this to say, my Lord *Stafford* desired that his Witnesses might not be asked what Religion they were of, but I desire all my Servants may be asked, for I keep none but Protestants.

L. H. S. What Religion are you of?

White. A Protestant.

L. *Staff*. My Lords, I did not require it for them, I know my Lord keeps none but Protestants; but I asked it for others of my Witnesses, that may come, and be startled at it.

L. H. S. What say you, when was my Lord *Stafford* at my Lord Marquis of *Worcester's* House?

White. The 17th of *August* 78; I fetched him from *Bath*, being my Lord's Wedding-Day.

L. H. S. You fetched him?

White. Yes, my Lords.

L. H. S. What Place do you serve my Lord Marquis in?

White. As Coachman.

L. H. S. Was he there afterwards?

White. Yes, he was, but I can't remember the Day; only this being a remarkable Day, I can remember it.

L. H. S. Did you carry my Lord from thence towards *London*?

White. Yes, I did.

L. H. S. When was that?

White. The second of *September*, to the best of my Remembrance.

L. H. S. Gentlemen will you ask him any Questions.

Managers. No.

L. *Staff*. I think this is so clear, I shall not need to trouble your Lordships further with more Witnesses.

L. H. S. Call whom you please, my Lord, and as many as you think fit, they shall be heard.

L. *Staff*. One more then, my Lords.

(*Who stood up.*)

L. H. S. What is your Name?

Witness. *Richard Bevan*.

L. H. S. Who do you live with?

Bevan. I am Groom to my Lord Marquis of *Worcester*.

L. H. S. What Religion are you of?

Bevan. A Protestant.

L. H. S. Do you remember when my Lord *Stafford* was at the Marquis of *Worcester's* House?

Bevan. Yes, I do.

L. H. S. What time was it?

Bevan. The 17th of *August*.

L. H. S. Do you remember any other Day?

Bev. No, my Lord; but he was there that Day.

L. H. S. Will you ask him any Questions?

Managers. No, my Lords.

L. *Staff*. My Lords, if your Lordships please, I desire my Lord Marquis of *Worcester* may tell your Lordships whether his Men have said true or no.

L. Marq. of *Worcest*. My Lords, I do remember, that my Lord *Stafford* was pleased to do me the honour to come upon my Wedding-Day from the *Bath*, and dinewith me, as most Persons of Quality that are of my Acquaintance, and happen to be at the *Bath* at that time, are pleased to do; and as most of the Gentlemen of the Country, within such a Distance, do also. (And that Day is the 17th of *August*.) I think he was there once or twice after, from the *Bath*, but I cannot tell precisely the Days; but that particular Day I remember, because it was my Wedding-Day.

L. H. S. Can your Lordship remember when my Lord *Stafford* went to *London*?

L. Marq. of *Worcest*. Truly I cannot tell that, my Lords.

L. H. S. Did you not after that lend my Lord your Coach?

L. Marq. of *Worcest*. Yes, I did, to carry him as far as *Sandy-lane*, on the Road to *London*; but the particular Day I remember not: But one of the Persons examined (who was then my Clerk of the Kitchen) must needs know, because he books every Day who is in the House, and therefore I believe what he has said is true.

L. *Staff*. *Stephen Dugdale* I desire may come again. I conceive I have made it plain to your Lordships, that *Stephen Dugdale* did swear, That in *August* there was a Consult at my Lord *Aston's* where I was; and I conceive it is also clear that in *August* I was not there; and then if it were the Beginning of *September*, that could not be neither; for I came not down to *Tixall* till the 12th. I beseech you to ask him when I offer'd him the five hundred Pounds to kill the King, I think he says it was the 20th or 21st.

L. H. S. What was the time my Lord offered you the five hundred Pounds?

Mr. *Dugd*. It was about that time, the 20th or 21st of *September*, to my Remembrance.

L. *Staff*. He said positively before, it was one of those two Days; I beseech your Lordship to ask him where it was.

L. H. S. Where was that Offer made?

Mr. Dugd. In my Lord's Lodging-Chamber at *Tixall*.

L. Staff. Then one Question more, I desire your Lordship to ask him what Day the Race was at *Etching-Hill* between Sir *John Crew's* Man and *Lazingby*.

Mr. Dugd. If it please your Lordship, I do conceive it was about that time.

L. Staff. I pray he may answer positively, for if you please I will tell you how it was. It is very true, the 20th of *September* this Fellow was in my Chamber, and I shall trouble your Lordships with some little Discourse about it, and my Reasons why: First, I beseech your Lordships to permit me to let you know, that this Fellow did serve my Lord *Aston* in the Quality of a Bailiff. And I never thought him to be an honest Man, he was a mean Servant, and when the other Servants waited but till the second Course came in, he staid till the Coachman and the Groom went to dinner, and eat with them. I profess before God it is true as that the Sun shines, I have often and often, I cannot tell how many times, when I have been very dry at my Lord's Table, and seen him by me, not called for Drink; I did detest him as so mean a Knave, that I often refused to take drink at his Hands: And now for me to offer this Fellow five hundred Pounds——

L. H. S. I think your Lordship says he was Bailiff to my Lord *Aston*?

L. Staff. But I knew him to be an arrant Knave, and a great Gamester at Races and such Things.

L. H. S. My Lord, would you have offered five hundred Pounds to an honest Man to kill the King?

Mr. Serj. Mayn. You said you never saw him.

L. Staff. I said I had seen him, but now I did not know him by his *Perriwig*.

L. H. S. Did you not know him, my Lord?

L. Staff. No, my Lords, I profess I did not.

L. H. S. Why, your Lordship was a going to shew that the Race at *Etching Hill* was upon the 20th of *September*; and your Lordship confesses, that he did speak with you on the 20th of *September* in your Chamber; and *Dugdale* says, this Day was the very Offer made him of five Hundred Pounds to kill the King. What do you say *Dugdale*, were you at the Race?

Mr. Dugd. Yes, I was with my Lord at the Race?

L. H. S. Did my Lord speak with you before he went, or after?

Mr. Dugd. Before.

L. H. S. That Morning in his Chamber?

Mr. Dugd. Yes, it was that very Morning, before he went to the Race.

L. Staff. I do own, my Lord, thus far; he was in my Chamber that Morning; but, my Lord, I can prove what I say to you: My Lords, that 20th of *September* in the Morning, I was in my Bed, and there comes a Servant of mine that hath served me twelve or fourteen Years, and he comes in to me, and says, Yonder is *Stephen Dugdale*, very desirous to go to this Race. It seems he says he went along with me to this Race.

Mr. Dugd. I say I went either before or after, or when you went to the Race, for I was with you at the Race.

L. H. S. Whether he went with you or no, is not the Point, but whether he was in your Chamber at that time.

L. Staff. 'Tis the Point; for he said just now, he went with me, as I apprehended him. But I tell your Lordships, my Servant came and told me,

Stephen Dugdale desires that you will ask my Lord *Aston* leave that he may go before to the Race; my Lord is angry with him already for his meddling in Races, and he dare not ask himself. My Lords, I was a little concerned in the Race, for I had betted some Money; and I thought with myself, should I ask my Lord *Aston* leave for him to go, my Lord will not deny me, but perhaps will take it ill to be asked, so I was not over-willing to do it. But I bid my Servant call him in, and when he came I asked him some foolish Questions about the Race, as who he thought would win, and the like; but I told him I would get leave of my Lord for him. My Lords, I did go to my Lord *Aston*, and told him, My Lord, I am sending my Servant before to the Place of the Race, but I am afraid he does not well know the way, shall *Stephen Dugdale* go along with him? My Lord gave him leave to go. But, my Lords, I dressed me, and did not speak one tittle more to this *Dugdale*, but he went before, and I was hardly or but just dressed when he was gone.

L. H. S. I pray, my Lord, was your Lordship at no time alone with him in your Chamber?

L. Staff. No, never since I was born, never in all my Life.

L. H. S. No, my Lord?

L. Staff. He says my Servants used to come for him, I profess it is all false.

L. H. S. What say you to that, *Mr. Dugdale*?

Mr. Dugd. My Lords, I was in my Chamber, and busy when my Lord sent for me that Morning, and it was either by his Page or one that waits on him in his Chamber; I went to my Lord, and the Page was in the Chamber, and he ordered him to go out.

L. Staff. I declare and aver to your Lordships he was in the Hall, or the next Room, and desired to come in.

L. H. S. Where is the Page?

L. Staff. This Fellow was but a poor Boy, found at the Door, then he was a Thresher, and now a Witness for the King.

(Then my Lord *Stafford's* Man stood up.)

L. H. S. What is your Name?

Witness. My Name is *Nicholas Furnese*.

L. H. S. Do you remember the Day of the Race at *Etching-Hill*?

Furnese. Yes, I do, my Lords.

L. H. S. Do you remember *Dugdale* was in your Lord's Chamber that Morning.

Furnese. Yes, I do.

L. H. S. Do you remember whether your Lord did bid you go out or no?

Furnese. No, he did not.

L. H. S. Were you there all the while *Dugdale* was there?

Furnese. Yes, my Lords, I was.

L. Staff. Pray, my Lords, ask him whether I sent for *Dugdale*, or he desired to speak to me.

L. H. S. Did my Lord send for *Dugdale*, or did he come to you to speak to my Lord for him?

Furnese. No, *Dugdale* spoke to me first.

L. H. S. What did he say to you, pray?

Furnese. My Lords, about eight or nine of the Clock in the Morning I came to go to my Lord's Chamber, and I came through my Lord *Aston's* Hall; and coming through, I met *Mr. Dugdale* coming to me, and said, he had one Favour to desire of me. He said he would fain go to the Race, but said he, I do not know how to go, for my Lord is very angry with me, and if I should ask him, he would be worse, for he is displeas'd that I have meddled

meddled so far in these Matters already; therefore I desire some Means may be used that I may go, and I desire that you would speak to my Lord to get leave for me to go: for Mr. Fox is there, and hath a great deal of Money in his Hands, and divers People will give Money to bett, and so it will be a great Loss and Prejudice to me not to go. So I did promise him, my Lords, and I went into my Lord's Chamber, and told him; and when I had spoke to my Lord, my Lord bid him come in. And when he came in, my Lord asked him several Questions about the Race: My Lord asked him what Hopes he had, for he said, a great deal of Money was laid by several People; he reply'd, he could win, but he wanted Money to bett: says, my Lord, I will bett twenty Pound for *Staffordshire* sake, tho' I were sure to lose. And then after some Discourse to that purpose, my Lord told him, he would speak to his Lord. After my Lord was dress'd, he went out of his Chamber, and went to my Lord *Aston*, to ask him leave for *Dugdale*; and my Lord bid me make my self ready to go to the Race. About Nine or Ten of the Clock I was ready to go, and coming down the Back-stairs, my Lord met me: Go, says he, to *Etching-Hill*, and see what Betts there are, and take *Stephen Dugdale* with you to shew you the way; for I have asked his Lord leave for him to go. So *Stephen Dugdale* went along with me to the Stable, and took out his Horse; mine was not ready, but I overtook him in half a Mile, and it was eleven of the Clock e're we were at *Ridgely*. I asked him some Questions about one Mr. *Gerard*; and I think about twelve of the Clock we were at the Race, and I stay'd till one with him and Mr. *Fox*, who was a Party concerned in the Race, and there were several Betts laid. I was watchful when my Lord should come, lest he should want me; so I left them, and went to the Room where my Lord was to dine; and when I went to my Lord, I left him betting. About two of the Clock the Lords and Gentlemen all went to dinner (that were there) and when we had half dined, betwixt two and three, *Dugdale* came in, and we asked him how the Wagers went; he said he would bett Gold to Silver, if he had it, but he had betted away all his Money, I know not how much. So there was a Gentleman that was Servant to my Lord *Aston*, one *George Hobson* by Name, he lent him two Guineas and odd Money, and I lent him some forty or fifty Shillings out of my own Pocket, which I told him, I would not lend, unless he would give it me at the Hill again, before the Race begun, because I was fearful my Lord should go to *Stafford* again from my Lord *Aston's* that Night. About four or five a-clock I went up to the Race, and demanded my Money, and he paid it me before the Race begun, and after the Race was done I lost him. My Lord went home, and I waited on him. This was about five or six, and about the Midway towards my Lord *Aston's* House, he went into the Coach, and I got on horseback, and we got home about six or seven of the Clock, as I suppose. But at night after Supper I enquired for *Dugdale*, how he took his Losings, and how he did after it: They told me, he was gone to-bed, so I saw him no more that Night. The next Morning, my Lord bid me come betimes, for he would go to *Stafford* that Morning, where we dined, at Mr. *Abden's*, and from thence took our way to go to my Lord's own House.

L. Staff. Now my Lords, if you please to ask this Boy whether I bid him go and call *Dugdale* to me, and leave him there.

L. H. S. My Lord *Stafford* did bid you, Mr. *Furnese*, go and dress your self, and make you ready for the Race; did you not leave *Dugdale* behind you in the Chamber when you went to dress yourself?

Furnese. No, my Lord, *Dugdale* was gone thence; and my Lord was gone too, before me, to my Lord *Aston's*.

L. H. S. I still ask you the Question, (you are upon an Obligation very great, as much as if you were upon your Oath) Whether you were in my Lord's Chamber before *Dugdale* came in, and staid till after he went out?

L. Staff. And whether I bid him go out or no?

L. H. S. Were you there before *Dugdale* went in?

Furnese. He went along with me in; I conducted him in.

L. H. S. Did you stay all the while *Dugdale* was there?

Furnese. As near as I remember, I staid there all the while.

L. Staff. Ask him positively.

Furnese. Yes, my Lords, I was there all the while *Dugdale* staid; but I cannot say positively how long it was.

L. H. S. Mr. *Dugdale* you are upon your Oath; he says he came in along with you, and you went out of the Chamber before him, and he was there all the while you were there.

Mr. *Dugd.* My Lords, I am not positive which of my Lord's Servants it was that came for me; but one it was. But when I came into the Chamber to my Lord, my Lord was getting up, and he charged them both to go forth, and the Room was clear, and I saw no body.

L. Staff. My Lords, ask my Man.

Furnese. My Lord never bid me go forth that Day, nor any else in my Life, when any was in the Room.

Mr. *Dugd.* My Lords, if it please your Lordships, Mr. *Furnese* was pleased to say I would bett Gold to Silver; but in that he was mistaken, for the Odds was quite six to four against us.

L. H. S. Well, we are not upon the Race now, or the Wagers laid there. But, Gentlemen of the House of Commons, will you ask this Man any Questions?

Sir *William Jones.* No, my Lords, we have none to ask.

Sir *Thomas Lee.* We desire to know where he lives now, what Countryman he is, and what Religion he is of.

L. H. S. Whom do you serve now?

Furnese. My Lord *Stafford*.

L. H. S. Do you live with him still?

Furnese. Yes, I do, and have done this fourteen Years.

L. H. S. What Countryman are you?

Furnese. A Dutch-Man?

L. H. S. Where born?

Furnese. At *Brussels*.

Sir *Francis Winnington.* We would ask him what Persuasion or Religion he is of.

L. H. S. You may be sure of what Answer you shall have.

Furnese. I am a Roman Catholick.

L. Staff. That is as good as a Jew.

Mr. *Treby.* The Question is not intended for any harm, not with any Purpose to criminate him; 'tis only in regard of his Credit in this Matter.

L. H. S. Call another Witness, my Lord.

L. Staff. Where is *George Leigh*? (*Who stood up.*)

L. H. S.

L. H. S. How old are you ?

Leigh. I am about fifteen or sixteen.

L. Staff. My Lords, I believe he is eighteen or nineteen.

Mr. Treby. Whose Servant is he ?

L. Staff. He is my Servant ; he hath served me seven or eight Years.

L. H. S. What does your Lordship call him for ?

L. Staff. To tell you whether I bid my Servants to go out when *Dugdale* came in, and whether ever he saw *Dugdale* and I alone.

L. H. S. *George Leigh*, how long have you lived with my Lord *Stafford* ?

Leigh. Seven Years the 10th of *June* last.

L. H. S. Why then you were but nine Years old when you came to him ?

Leigh. No, my Lords, I think I was not.

L. H. S. Do you remember when my Lord *Stafford* was at *Tixall* ?

Leigh. I do not remember the Month very well.

L. H. S. Do you remember the Time of the Race at *Etching-bill* ?

Leigh. I do not remember the Day ; but I was at it.

L. H. S. Did Mr. *Dugdale* come into your Lord's Chamber that Morning ?

Leigh. I do not remember he was there that very Morning.

L. Staff. Be pleased to ask him whether ever I bid him go out of my Chamber when *Dugdale* was there.

L. H. S. Did you ever see *Dugdale* any other Morning in your Lord's Chamber ?

Leigh. My Lords, I think not ; I am not certain : He was there one Morning, and it was about a Race ; but I am not certain what Race it was, whether it was two Boys ran, or two Men.

L. H. S. Did your Lord bid you go out of his Chamber ?

Leigh. No, my Lords.

L. Staff. *Dugdale* says I often sent him for him ; pray ask him that Question.

L. H. S. My Lord, this Boy does not remember that *Dugdale* at all was at your Chamber that time of the Race at *Etching-bill* ; so that it is not material to the Thing in question.

L. Staff. Yes, my Lords, *Dugdale* told your Lordships yesterday that I sent this Boy often for him.

L. H. S. Did ever this Boy come for you ?

Mr. *Dugdale*. Yes, he hath, I am sure, come to my Chamber for me to go to my Lord.

L. H. S. Were you sent for by my Lord more than once ?

Mr. *Dugdale*. Yes, several times.

L. H. S. Before or after the Race ?

Mr. *Dugdale*. Both before the Race, and after the Race.

L. H. S. By whom were you sent for ?

Mr. *Dugdale*. Sometimes by the Gentleman that was last examined, and sometimes by this Boy.

L. H. S. Did you ever come from my Lord *Stafford* to bid *Dugdale* come to him ?

Leigh. My Lords, I do not remember that ever I did.

L. H. S. 'Tis an hard thing to remember so long.

L. Staff. If ever he came once to me, and was alone with me, I will be content to acknowledge all this to be true. Pray ask the other Man if ever I sent him for him.

L. H. S. He did testify before, that he came with him that Day to your Lordship's Chamber.

VOL. III.

L. Staff. That Day, my Lords : But he says, other Days I sent for him.

L. H. S. Call *Furnese* again. (*Who stood up*.) *Furnese*, did my Lord *Stafford* ever send you for *Dugdale*, either before or after the Race ?

Furnese. Never, my Lords, to his Chamber.

L. H. S. Did he ever in his Life send you to Mr. *Dugdale*, to speak with him, as you remember ?

Furnese. Never, my Lords.

L. Staff. He was, my Lords, such a Fellow, I could not endure he should come near me ; such an impudent lying fellow.

L. H. S. Have you any more Witnesses, my Lord ?

L. Staff. Yes, a great many.

L. H. S. Call them all, I pray.

L. Staff. My Lords, I hope you think I would not be so great and imprudent a Fool to employ such a Fellow as this, who not long after run away from my Lord *Aston*'s.

L. H. S. Who did ?

L. Staff. *Stephen Dugdale*. And for that, if you please, I would call some Witnesses.

L. H. S. Call *Furnese* again. (*Who stood up*.) Did you ever see *Dugdale* and my Lord *Stafford* together ?

Furnese. Never in my Life.

L. H. S. Why you saw them together that Morning you brought him to the Chamber.

(*Then the Auditory laughed*.)

Furnese. Never alone.

L. Staff. I did not think I was in a Cock-Pit, or a Play-house. But if your Lordships please to let me call my Witnesses, to prove that *Dugdale* ran away from my Lord *Aston*, I shall call for that *Thomas Sawyer*. (*Who stood up*.)

L. H. S. What is your Name ?

Witness. *Sawyer*.

L. H. S. Your Christian Name.

Witness. *Thomas*.

L. H. S. Who do you live withal ?

Sawyer. My Lord *Aston*.

L. H. S. Where do you live ?

Sawyer. At *Tixall*.

L. H. S. Are you my Lord *Aston*'s Servant ?

Sawyer. Yes.

L. H. S. How long have you been so ?

Sawyer. Six Years, and ever since *Michaelmas*.

L. H. S. What have you to say ?

Sawyer. As to *Dugdale*'s Reputation, I have this to say, How that he went from my Lord *Aston*'s for Debt, and was taken by the Watch at *Heywood*.

L. H. S. When was that ?

Sawyer. The latter end of *November*, or the beginning of *December*.

L. H. S. What Year ?

Sawyer. (78.)

L. H. S. Then the Family broke up.

Sawyer. And coming thither, and being taken by the Watch, he was brought by the Justices to *Tixall* ; and after the Justices had been with my Lord, their Resolution was to carry him to the Goal. So coming to *Tixall*, where *Dugdale* was at an Ale-house, he desired me to go to my Lord, and desire him that he would own him as his Servant, for he was so much in Debt, that he should else be undone for ever. In the mean time Mr. *Philips*, the Parson of the Town, had been with my Lord, (for *Dugdale* had desired him to go to him also) and he asking me whither I was going ; said I, I am going to my Lord from *Dugdale*, to
U
desire

desire him to own him as his Servant. Said he, I have been with my Lord just now, and he said, he will not own him as his Servant; it was his own Act and Deed. So Mr. *Philips* and I came back to him, and told him. So he sat down in the Chair, and then rose up again, and swore, He would be revenged of my Lord *Aston*, if ever it lay in his Power.

L. H. S. You never heard him say he would be revenged of my Lord *Stafford*, did you?

Sawyer. No, of my Lord *Aston*. Then another time, being at *Stafford*, he owed me twenty nine Pounds, and he was under the Serjeant's hands; and then he promised me from time to time he would pay me, and did not keep his Word. This was three or four Days before he began to peach. He bid me come such a Day, and he would pay me part of the Money; and when I came thither, he told me it was reported that he should be a Peacher; and that there was a Speech, how that he should have two hundred Pounds for informing that there were fourteen Priests in the Country: But he takes a Glas of Drink, and, *Thomas*, says he, by God, I wish this may be my Damnation and my Poison, if I know of any Plot, or any Priests.

L. H. S. Was not he a Papist then?

Sawyer. I cannot absolutely tell that, whether he was or no.

L. H. S. Do you know one Father *Evers*?

Sawyer. My Lords, I have seen him.

L. H. S. Hath he never been at *Tixall*?

Sawyer. Yes, my Lords, I have seen him there.

L. H. S. And have not you seen *Dugdale* in his Company?

Sawyer. Yes, I have.

L. H. S. Did not you at *Tixall* think *Dugdale* a stout able Fellow?

Sawyer. No, he never was accounted to be so.

L. H. S. Then I ask you, if you thought him an honest Man, or a rich Man?

Sawyer. No, truly, my Lords: For I'll tell you more than that; My Lord *Aston* employed him to be his Bailiff, and receive his Rents, and to pay Workmen their Wages, which he received every *Saturday*. And my Lord *Aston* did account with him, where he did set his Hand to receive the poor Workmens Wages according to their Bills, when they had not been paid some of them whole Years, and half Years, and Quarters. And they came and cried to my Lord, that they were not paid. And thereupon *Dugdale* did say, that one of them had demanded more of my Lord than was his due; for he said he had reckon'd such a Day with him, and paid him so much Money; which Man said he was not that Day at *Tixall*: And so he hindered him of part of his Money.

L. H. S. Did you ever know that *Dugdale* did forswear himself?

Sawyer. That I do not know, my Lords. I did hear he was concerned in a Race, about which there was a Trial and a Dispute which had won. This I have heard by Report.

Sir Fran. Win. Speak your own Knowledge, not Reports.

L. H. S. I ask you, do you remember the Day when my Lord *Stafford* came to *Tixall*?

Sawyer. He came on the twelfth Day of the Month.

L. H. S. What, *September*?

Sawyer. Yes, the 12th of *September*.

L. H. S. Did you ever see *Dugdale* in the Company of my Lord *Stafford*, while he was at *Tixall*?

Sawyer. No, never in the House; but at the Race, he hath come into the Parlour.

Mr. Treby. You had Discourse with *Dugdale*: You say he took a Glas, and drank, and wished it might be his Poison. Was not Father *Evers* that time at my Lord *Aston's*?

Sawyer. Not as I know of, my Lords.

Mr. Treby. Was he not commonly there?

Sawyer. Yes.

Mr. Treby. If he were, Mr. *Dugdale* must know it; and how then could he take a Glas, and wish it were Poison, if he knew where any Priest was; since it was apparent he knew where that Priest was? 'Tis most improbable Mr. *Dugdale* should say thus!

Sawyer. My Lords, this was three or four Days e'er he confessed any thing he knew of his Knowledge.

Mr. Treby. What Persuasion of Religion are you?

Sawyer. Of the Church of *England*.

Mr. Serj. Mayn. Pray, my Lords, ask him one Question; he says *Dugdale* went away from my Lord *Aston's*, was not there a Speech of a Plot (at that time) that was discover'd?

Sawyer. Yes, that I heard.

Sir Fr. Win. My Lords, I would ask him one Question more: Was there no Discourse of the Death of a Justice of Peace that was said to be killed in *London* about that time?

Sawyer. To my best remembrance, as I heard, there was.

Mr. Dugd. My Lords, if your Lordships please that I should call Witnesses to confront him now, or afterwards?

Sir Will. Jones. Not now; stay till your time comes.

L. Staff. Then call *Philips*. (*Who stood up.*)

L. H. S. What is your Name, Sir?

Witness. *Ralph Philips*.

L. H. S. What are you, a Clergyman?

Mr. Philips. Yes.

L. H. S. Are you beneficed?

Mr. Philips. Yes, my Lord.

L. H. S. Where?

Mr. Philips. At *Tixall*, my Lord.

L. H. S. You are a Person that knows the Obligation that lies upon you to give a true Testimony; what can you say of Mr. *Dugdale*?

Mr. Philips. My Lords, I have very little to say concerning *Stephen Dugdale* as to any thing of the Plot, but in reference to what he should relate concerning Mr. *Sambidge* and me in the Narrative which he deposed upon the Trial of Sir *George Wakeman*: He said then he did receive a Letter concerning the Death of Sir *Edmundbury Godfrey*, which was dated the 12th of *October*, as I remember; and that he did communicate the Letter to Mr. *Sambidge* and me immediately the next *Tuesday*: whereas I will assure you, my Lords, I never heard neither by Letter nor Word of Mouth from him nor any other, till it was publickly known.

L. H. S. You did not live in my Lord *Aston's* House, did you?

Mr. Philips. No, my Lords.

Sir W. Jones. We know not what he says, we desire to understand what he means.

L. H. S. He takes notice that *Dugdale* at the Trial of Sir *George Wakeman* did depose touching a Letter dated the 12th of *October*, which should come down to *Tixall*, intimating the Death of Sir *Edmundbury Godfrey*, and that he did communicate that with the Parson of *Tixall* and another; which

which Parson comes now to say, he did communicate no such Matter to him.

Sir *W. Jones*. We desire to ask him whether he was present at that Trial, and heard him say so?

Mr. *Philips*. I was not present at the Trial, but if the Narrative of the Trial be Truth, he did say so.

L. H. S. So then, you only come to disprove what is printed that *Dugdale* should say.

Mr. *Philips*. Then I leave it to your Judgments, whether what he said in the Narrative of that Trial do concur with the Truth.

L. *Staff*. I desire then to ask him whether *Stephen Dugdale* did not run away from my Lord *Aston's*, and would have him go to my Lord to own him for his Servant.

L. H. S. What do you know of *Dugdale's* running away?

Mr. *Philips*. I know nothing at all of that, my Lords.

L. *Staff*. Whether he did speak to him to own him for his Servant when he was in the Justices Hands?

L. H. S. Can you say any Thing touching the Credit of *Dugdale*?

Mr. *Philips*. I have nothing to say concerning *Dugdale's* Credit.

L. H. S. Did you know him?

Mr. *Philips*. Yes, ever since I came to *Tixall*.

L. H. S. How long is that?

Mr. *Philips*. About fourteen Years.

L. H. S. What Reputation had he in the Country? Was he looked upon as one that would perjure himself?

Mr. *Philips*. I never knew any Thing of that.

L. H. S. Was he thought a stout Man?

Mr. *Philips*. He was in good Repute with some, and indifferent with others.

L. H. S. Will you call any more Witnesses, my Lord?

L. *Staff*. I would only ask him one Question; whether he did go to my Lord *Aston* from *Dugdale* to know if he would own him for his Servant?

L. H. S. What say you, Sir; did you?

Mr. *Philips*. Yes, my Lords, he knows very well I did; he did request me to go to him. My Lord *Aston* I was loth to go to, because I had no Familiarity with him, nor Interest in him; but he did request and urge me so much, that I did go by much Motives and Persuasion from him, and I did speak to my Lord: So I told him the Message I had was from Mr. *Dugdale*, who would request of my Lord that he would own him for his Servant; for if he did not, he knew not what to do with himself; but if he did, he might be free from the Goal and from the Oaths, and escape the Troubles that were upon him. So my Lord replied to me, 'tis his own Act and Deed, and I have nothing to do with him, and let the Justices do what they will with him; which were Sir *Walter Bagott*, and Mr. *Kinnerley*.

Mr. *Foley*. We desire to know whether he heard any Discourse about a Plot at that Time, or no?

Mr. *Philips*. Truly, my Lords, I heard a Talk of a Plot, but not at that Time.

Mr. *Foley*. My Lords, I desire to know if he took Mr. *Dugdale* for a Person that might be in the Plot, if there was any such Thing?

Mr. *Philips*. I cannot tell how to answer that, 'tis a hard Question; I am not so intimately acquainted with Persons whose Secrets are not reposed in me.

L. *Staff*. The next Witness I desire may be (with the leave of the Gentlemen of the House

of Commons) Sir *Walter Bagott*; I did desire him to be here.

Sir *W. Jones*. There he is, we do not oppose it.

L. H. S. Is it your Lordships Pleasure that Sir *Walter Bagott* be heard in his Place?

Lords. Yes.

Sir *Walter Bagott*.

L. H. S. What would you ask Sir *Walter*, my Lord?

L. *Staff*. My Lords, I desire to ask Sir *Walter Bagott*, whether he did not apprehend *Dugdale*, and upon what Account it was?

L. H. S. Sir *Walter Bagott*, My Lord desires to know of you, whether you did apprehend *Dugdale*, and upon what Account?

Sir *Walter Bagott*. My Lords, Mr. *Dugdale* was taken at an unseasonable Time of Night, and brought to me the next Morning by the Watch, as the other Witnesses have told your Lordships. And I took him away to *Stafford*, where there were several other Justices of the Peace; there were offered him the Oaths of Allegiance and Supremacy, which he took. After the taking of these Oaths, we told him, that he was a likely Man to know something of the Plot, and it was a very proper Time for him to discover it to us that were Justices; he at that Time did deny the Knowledge of it; that is all I can say.

L. *Staff*. I desire Sir *Walter Bagott* may be asked whether he did not go to my Lord *Aston*, to see whether he would own *Dugdale* for his Servant?

L. H. S. Did you ask my Lord *Aston* to own him for his Servant.

Sir *W. Bagott*. Yes, I did: For my Lord's House being in the Way to *Stafford*, whither I was going, I called upon him to know if Mr. *Dugdale* were his Servant: He told me he was no Servant of his, and he would not receive him; upon which I and another Justice of the Peace that was with me, took him to *Stafford*. The Occasion of our meeting there, was to summon in the Militia, upon an Alarm of the Papists being risen in *Derbyshire*.

L. *Staff*. I make this Use of it, my Lords, that my Lord *Aston* would not receive him: And if my Lord *Aston* had known he had been in the Plot, and could have discovered him, he would not have disobliged him.

L. H. S. Nay, he says more than that, which you don't hear; he says, when they examined him, they gave him the Oaths of Allegiance and Supremacy, and then told him he would do well to discover his Knowledge of the Plot, and then he did not own any Thing he knew; nay, he denied it.

Mr. *Foley*. Did he deny the knowing of it?

Sir *Walt. Bagott*. Yes, he did then.

Sir *F. Win*. He was not resolved to discover at that Time.

Mr. Serj. *Mayn*. We desire Sir *Walter Bagott* may be asked whether he examined him upon his Oath, or no?

Sir *Walter Bagott*. No, I did not.

Mr. Serj. *Mayn*. But had they then just given him the Oaths of Allegiance and Supremacy?

Sir *Wal. Bagott*. Yes, my Lords, we gave him those Oaths, and those only.

L. *Staff*. Then Mr. *Kinnerley*, if you please. (*Who stood up*.) Be pleased to ask this worthy Gentleman what he knows about *Dugdale's* going from my Lord *Aston*.

L. H. S. First let us know this Gentleman.

L. *Staff*. His Name is *Kinnerley*.