

and that the *Pendrels* were Menial Servants to the Family; and I hope they deserve some Favour.

*L. C. J.* What have you to say, Sir George, in your present Defence here? Make what Observations you will now, upon the Testimony hath been given against you.

*Sir Geo. Wakeman.* My Lord, I say this, if it had been allowed me to make use of the Records of the House of Lords, it would have made all things so evident and clear, as nothing can be more; for then, when he was called to that Bar, to give an Account what he had declared to the House of Commons concerning me, he gave an Account of this Letter.

*Mr. Just. Pemberton.* Sir George, you must not make mention any more of these things, that could not be given in Evidence.

*Sir Geo. Wakeman.* Then, my Lord, I have no more to say.

*L. C. J.* What say you, Mr. Corker?

*Corker.* My Lord, I hope the Court will not require that I should bring any particular Evidence in Confutation of what is here alledged against me; for, before I came to this Bar, I did not know any particular Accusation that was against me; and therefore I could not be ready to answer it, and make my Defence, or bring particular Witnesses to evidence and shew my Innocency. Besides, my Lord, it is a known general Maxim, That a positive Assertion is as easy to be made, as to prove a Negative, is oft-times hard, if not impossible. Men may easily devise Crimes, and frame Accusations against innocent Men in such a manner, that the contrary cannot possibly be demonstrated. No mortal Man can tell where he was, and what he did and said every Day and Hour of his whole Life. Therefore, I think, 'tis not only Positive bare Swearing, but 'tis Probable Swearing, that must render a Man guilty of a Crime. Otherwise, my Lord, it would be lawful, and in the power of *Oates*, and his Companions here, to hang, by turns, upon bare Oath, all the Innocent Men in the whole Nation, tho' never so Innocent, and that for Crimes never so ridiculous and absurd. And I say this further, he that Swears against another, first, ought to be himself a Credible Witness; and then, secondly, strengthened by Probable Circumstances; Circumstances that bring along with them some Probable Evidence distinct from the Witnesses themselves: Otherwise, I think, that the Party accused, without any Proof of his side, ought to remain in the Possession of his own Innocency. Now, I think, my Lord, there will be never any one of these two necessary Conditions to be found in the Evidence against me; for, First, the Witnesses against me, are Persons that are, or at least formerly have been, of scandalous Lives.

*L. C. J.* You should Prove it, before you Say it. You shall have all things allow'd you that are fit; but you must not heap up Contumelies upon Men unproved, or call Men Names, when you have proved nothing against them. If you can prove any thing, of God's Name do it; prove them as fully as you can.

*Corker.* I do only say this, They have been reported, and owned by themselves, as Men that have been of scandalous Lives.

*L. C. J.* If the Jury know it of their own Knowledge, I leave it to them; but you have proved nothing.

*Corker.* Well, my Lord, but then, in the next place, neither will the positive Oaths of Men formerly Infamous, be any convincing Arguments of our Guilt: And then next, as to the other Circumstances that should render me Guilty, *Mr. Oates* does not here make me Guilty alone of this Grand Conspiracy; but he involves the Nobility, Gentry, and the whole Body of the Catholicks, in this Treason. Now, my Lord, I refer it to the Judgment of the Court, whether so many Persons as he names, and those of such eminent Quality, and of such considerable Estates in their Countries, Persons settled under so good a King, in so peaceable a Kingdom; so Quiet in Condition; Men of Good and Virtuous Lives, and Unblemished Conversations, before this Hour, should hazard their Honours, their Lives, their Families, their Bodies, their Souls, their All in such a Design!

*L. C. J.* What is this to your Case?

*Corker.* My Lord, if this be not probable, I hope I am free of the Plot.

*L. C. J.* But what is this to your Case? Pray hear; you are now making a Speech against *Mr. Oates* and *Mr. Bedlow*, That they do accuse People of great Honour and Quality; he hath given no Accusation against any as yet, that you are to take notice of. You ought to make use of nothing as an Argument to the Jury, but of the Evidence that hath been given to the Jury. If you can make use of any thing that *Mr. Oates* or *Mr. Bedlow* hath said here to contradict them, or invalidate their Testimony, you have said well. But to talk of such a Story, of accusing Noblemen, and such like, when there is nothing of that before you; you must first prove what you will infer from.

*Corker.* My Lord, this I take to be of very great Concern to my self, that since the Truth of this Evidence does depend upon the Certainty of the Plot, and this pretended Conspiracy against his Sacred Majesty; if there be no such Plot and Conspiracy, and if, by Circumstances, I can render it improbable, I hope the Jury will take it into Consideration.

*L. C. J.* Ay, ay, I am of that Opinion, if thou canst but satisfy Us and the Jury, that there is no Plot, thou shalt be quitted by my Consent.

*Corker.* I will, my Lord, shew you the Improbability of it.

*L. C. J.* Av, do but give us one probable Argument, (you being a Learned Man, and a Priest) why we should believe, there is no Plot.

*Corker.* My Lord, I would have endeavoured to have shewn you the Improbability of it, but yet I would not urge it, because it may not be so grateful to your Lordship. But to me, 'tis not probable, that so many Honourable and Virtuous Persons should be involved in a Plot so Dangerous, so Horrid and Detestable in it self; wherein, my Lord, as he says, so many Thousands of People, and even a whole Nation, were to be overwhelmed: of which, if a Discovery had been made by any Person, it would have prevented the utter Ruin of so many Millions. 'Tis not Rational or Probable, that such vast whole Armies should be raised, and Foreign Nations concerned in the Plot. All which, not-

with-

withstanding all the Evidence that can be made out of this Plot, is but only their positive Swearing.

*L. C. J.* Just now you made your Objection, that it was a strange thing that such a Design should be communicated to so many; now you make it a Wonder why so few should know it, only *Oates* and *Bedlow*. Your Argument before was, that it was a wonderful thing, that so great a Concern should be communicated to any one, and now you wonder more, that none should know it but they two.

*Corker*. Therefore, my Lord, I from thence argue thus, that since there is no other Evidence, nor further Proof of it, than from *Mr. Oates*, and *Mr. Bedlow*, I infer there is no such thing at all.

*L. C. J.* Yes, as for your Army, there is more than so: Do you remember what *Mr. Dugdale* and what *Mr. Praunce* say?

*Corker*. Yes, my Lord, considering these Persons, what they are, their vile Oaths, and the Encouragement they have met with, by such Endearments and Caresses, as they have found, their Credit is not much to be weighed. Now, my Lord, I apply to the Accusation that is against my self.

*L. C. J.* Ay, ay, that is your best way, for it would have been an hard Task for you to prove, that there was no Plot. We were in great Expectation what Arguments you would bring us for it.

*Sir Geo. Wakeman*. My Lord, will you give me leave to observe one Thing more to your Lordship and the Court? *Mr. Oates* does mention in his Narrative, of at least Thirty or Forty Pages, and all this upon Oath, (so he saith in the end of his Narrative) but I would observe, that there is not a Letter dated in *France*, or in the *Low-Countries*, or received here, but he swears positively as to the Date of it, and Reception of it; but now, when he comes to mention any Thing wherein a Man's Life is concern'd, he will not tie up himself to a Month.

*L. C. J.* Yes, he does, and to part of a Month. He tells you, it was the beginning, or middle, or latter end; and he speaks punctually as to the Twenty first of *August*.

*Sir Geo. Wakeman*. But in all his whole Narrative, he speaks to a Day.

*Mr. Recorder*. As my Lord says, he speaks punctually to the Twenty first of *August*. And as to the Letters, he took the Date of them in his Memorial.

*Corker*. My Lord, I would only take notice, that at the first, *Mr. Oates* thought to take Advantage of some Words of mine, at my Examination; he told you, that I had gone into *France*, but that I denied it when I was Examined before the Justice of Peace. My Lord, I deny all this; for the Justice of Peace Examined me where I had lived —

*L. C. J.* We have nothing of this Matter here before us.

*Mr. Just. Pemberton*. You are to answer what he says now.

*Corker*. 'Tis what *Mr. Oates* says now, for I knew nothing of it till now. Now, my Lord, as to that, I say, I did not deny it before the Justice of Peace that Examined me; for I told him, I lived with a certain Lady Twelve Years; till she died; and during that time, I never was

beyond the Sea but once, which was five Years since, for the Cure of a Quartane Ague that I had, and I went over to *France*; otherwise, during all that Time that I was with my Lady, I did not go beyond Sea. Upon this, the Justice began to ask me other Questions; whereupon, my Lord, I recollected my self, and said, Sir, I told you I had not been beyond Sea during the Time I had been with my Lady, but that Time, five Years since; but my Lady being Dead, I went over last Summer in *August* to perfect the Cure of that Ague; for I had it seven Years, Spring and Fall. And this I told him of my self, without asking. The last Summer I went over, and there I staid till two Days before *September*; therefore I did commit no Mistakes in what I said, or used any Cloke to cover it. Now, my Lord, he says, I went to *Lampspring*, which is in the farther End of *Germany*.

*L. C. J.* He says, you said so.

*Corker*. Pray ask him how he knows it? he says, by my Letters: Sure if this Man were privy to those great Conspiracies which he charges me to be a Partner in, it is not probable but that I should tell him where I went; and then, if I did tell him so, I must go thither and back again in six Weeks Time, which was morally impossible to do, to go thither, and to return; for I was but six Weeks out of Town.

*L. C. J.* How you argue, Sir! He says, you told him, you went to *Lampspring*: Say you, Certainly I would tell him true, because he was engaged with me in Conspiracies; but this can't be true, because of the length of the Way. Is this a way of Arguing? May not you tell him, you go to one Place, and indeed go to another?

*Corker*. What Reason or Motive had I to tell him a Lye?

*L. C. J.* It is a hard matter for us to give an Account of Jesuits Answers, even one to another.

*Corker*. I am not a Jesuit, I won't say the least Untruth to save my Life. Then as to my being President, as he calls it, of the Congregation; all the Congregation, and all that know us, know that *Stapleton* (formerly Chaplain to the Queen) is and hath been for Twelve Years, President of that Order. And I am confident that all Catholicks, and most of the Court, do likewise know it to be true, and by Consequence, it is likewise untrue, that there was an Agreement made by the Jesuits and *Benedictine* Monks, when I was at *Paris*, to which I was not privy, but could not go on till I was acquainted with it, and consented to it. Now, my Lord, if I be not President of that Order, that must be a Flam and a Story.

*L. C. J.* You say that, Prove who is.

*Corker*. *Mr. Stapleton* was, as 'tis well known.

*L. C. J.* Call who you will to prove it, if you can.

*Corker*. Here is one of the Lay-Brothers of the Order.

*L. C. J.* Who is that?

*Corker*. *Mr. Rumley* here.

*L. C. J.* He cannot be a Witness for you, or against you, at this Trial.

*Corker*. My Lord, since I did not know of it before, I could not bring any Body.

*L. C. J.* You put it upon your selves.

*Corker*. My Lord, I say then I never was at any Consult where any such Sum of Money was proposed

proposed or agreed, nor was it requisite or necessary that I should be so much privy to it, for I was not Superior of the Order, nor President of it, by reason of which my Consent should be necessary, or any such Letter be writ to me, or any such received from me. And then, my Lord, Secondly, I must take notice again, he accuses me of being Bishop of *London*, and that I did consent to this Agreement of paying so many Thousand Pounds; if I were Guilty of this, and likewise of contriving the King's Death, and especially consenting to *Pickering's* Murder of the King, when that *Pickering* was taken, I should have been taken too, or I knowing my self Guilty, should have fled.

*L. C. J.* You excepted against *Pickering*, and thought him not a convenient Man, because he was one of your Order.

*Corker.* I hope he does not positively say I consented to the King's Death; he says indeed I knew something of it; now I was near him when he was taken. All the Officers that came to take Mr. *Pickering*, came to my Chamber. Mr. *Oates* says he was there at the taking of *Pickering*; if I were Guilty of all these Things, being Superior and Master to this *Pickering*, 'tis a strange thing that he should neither know me, nor own me, nor accuse me, nor take me, nor apprehend me, until almost a Month after; all which Time I had my Liberty; but then taking notice of my going down there, and having further Information of me that I had lodged there, he took me into his Catalogue of Bishops, and he came to take me. But if I had been Guilty of these heinous Things, there is no Reason but they should have apprehended and taken me when *Pickering*, and *Grove*, and *Ireland*, and Sir *George Wakeman* were taken.

*L. C. J.* I will tell you what for that: If you were now arraigned for being a Priest, you might well make use of that Argument, That when they took *Pickering* and *Grove*, if they knew you have been a Priest, they should have taken you too, and yet for all that you were a Priest, you could not have denied it. But would it have been an Argument, because you were not then taken, you were not so? So you might be in the Plot, and not be taken, and 'tis no Argument from your not being taken, that you were not.

*Corker.* I say, my Lord, if he came to discover the Plotters, it had been his Duty to have taken me before, if I had been one in the Plot.

*L. C. J.* So it had been his Duty to have taken you as a Priest.

*Corker.* But I was, as he says, equal in the same Crime with *Pickering*, and therefore he should have taken me, when he took him.

*L. C. J.* Have you any thing more?

*Corker.* Besides, my Lord, I find he undertook to tell the Names of all those that were engaged in this Conspiracy, but among them all, my Name is not, therefore 'tis a new Invention of his.

*L. C. J.* That is not said here, you go off from what is said here.

*L. C. J. North.* Can you prove that? then first do it, and then make your Observations upon it, if you can prove what he said before the Lords by Witnesses; but otherwise you must not discourse upon what you have not proved.

*L. C. J.* Here is nothing of that before this Jury.

*Corker.* I cannot prove it otherwise than by the Record. I desire it may be looked upon, and I refer it to the Consideration of the Jury, whether if he did say he did not know any thing else of any Man whatsoever, but what he had then declared, and I am not there accused; whether this Accusation be now to be believed?

*L. C. J.* That hath been answered already.

*Mr. Just. Dolben.* But it is not proved by them.

*Corker.* I leave it to the Jury, whether they will believe it or no.

*L. C. J.* You say well, if you refer it to the Jury, let them consider it.

*Corker.* I say, they ought to take it into their Consideration, they are not rashly to give a Verdict against me; and, Gentlemen, I believe I may refer it to your Consciences, whether you do not know what I say to be true in this Business?

*L. C. J.* Mr. *Marshal*, what say you to it?

*Marshal.* Truly, my Lord, what I have to say for my self is this. About a Month ago I was told the Time of my Trial was at hand, and being then full of good Hope, I did endeavour to provide for it, and I had a great Confidence, my Lord, that it would succeed; but truly, upon the ill Success of the late Trials, either my Hope or my Heart failed me, and I did resolve to cast my self upon God and his Providence, and however my Silence might have been interpreted, I did resolve, with Silence and Submission, to resign up my self to whatsoever your Lordship and the worthy Jury should be pleased to decree upon me. But, my Lord, since your Lordship is pleased to sling forth some Encouragement, and to hang out the White Flag of Hope, for your Lordship hath been pleased to use many gracious Expressions, and so, my Lord, upon this, I shall, contrary to my former Determination, now endeavour to make Defence for my Life as well as I can: But, my Lord, not being so well able to do it, or of so quick Capacity as that Learned and Wise Counsel which we have here of Counsel for us, to wit, the Honourable Bench of Judges; for, upon Enquiry, why, by Law, we were allowed no Counsel? I was told, that the whole Bench of Judges were always of Counsel for the Prisoner; and indeed they look upon it as an Obligation upon them, as far as Truth and Justice will permit them, to plead for us. Now, my Lord, with an humble Heart, I would suggest some Heads of Defence to this Learned, Wise, and Honourable Counsel, and leave it to them to manage my Cause for me, according to Truth and Justice, which they are better able to do for me than I for my self. My Lord, I have, I thank God, no Spleen nor Hatred in my Heart against the worst of my Enemies, nor shall be desirous of Revenge, I leave them and their Proceedings to God; neither am I willing to charge Mr. *Oates* and Mr. *Bedlow* with worse than the Necessity of my Defence will occasion me to say of them. Now, my Lord, the best of Men may be mistaken in a Person, and if I prove Mr. *Oates* is mistaken in the Person in me, then I charge Mr. *Oates* with no great Crime, and yet make my own Defence. Now, my Lord, I offer these Things for that Defence, and I hope your Lordship will appear my great Advocate, and what I suggest in a few Heads, you will, I hope, put it into a Method, and manage it better than I can my self. My Lord,

Lord, when I was first brought before Mr. Oates (as truly all that were with me do know) I carried my self with a great deal of Courage and Confidence, for I was certain that he did not know me, and I did believe it would be only my Trouble of going thither and coming back again.

*L. C. J.* To go whither?

*Marshal.* To *Westminster*. And pray take notice of this: When I was first apprehended, I was never sought for, nor named as a Traitor in this Business; but coming accidentally into an House to ask for one, where they were actually Searching, tho' I saw the Constable at the Door, and Lights in the House, yet I went in and asked, if such an one was within? I think this Confidence will not rationally suppose me Guilty, the House being under Suspicion.

*L. C. J.* Here is no Proof of all this.

*Marshal.* All that were there know it: Sir *William Waller*, which took me, knows it.

*L. C. J.* Sir *William Waller*, is this so?

*Sir William Waller.* My Lord, when I came to search the House, I placed one at the Door, and him I ordered to let whoever would come in, but no Person whatsoever go out. When I was searching, this Person comes and knocks at the Door, but did not know, I suppose, of any Person searching in the House; for when the Door was opened, and he let in, and understood it, he presently endeavoured to get away again.

*Marshal.* By your Favour, my Lord, I am very loth to contradict what Sir *William Waller* says in any thing, I would willingly believe him a just Person, that would say nothing but the Truth; but God Almighty is my Witness that I never knocked, the Door was open, and I came in of my own Accord, both in at the first and the second Door. This the Constable will testify.

*L. C. J.* And you would not have gone away again if you could, would you?

*Marshal.* I will give you better Proof of it: While they were searching in an interior Room (and this is well known by them all that were there) I was in an outward Room by my self, this Sir *William Waller* knows, and when they came back and found me there, the Constable and the rest wondered I was not gone. I was left alone by the Door, by my self; the outward Door I found open, and there is another Door which leads out into an Alley, which any Man can open in three Minutes time, and I know how to do it. Now I could not learn it since I was taken, for I have not been permitted to go abroad, but been under close Confinement. But if it be worth the while, and you will give me leave to go there, I can shew you how 'tis opened in less Time than I can speak Three Words.

*L. C. J.* Would you have the Jury stay here while you go and shew us the Door? If you have any Witnesses to prove it, call them. Come, to the Purpose, Man.

*Marshal.* My Lord, I say, if it were worth the while, that it might be made appear, that if I would go away, I could, but I did not get away, but stayed with a great deal of Confidence, my Lord; therefore I urge this to the Point, that Mr. Oates is mistaken. After I had been there a while before Mr. Oates, Sir *William Waller* wished me to withdraw, and after I had

been absent a while and came back again, Sir *William Waller* wished me to pluck off my Periwig, and turn my Back to him and Mr. Oates; I did not then well understand the Meaning of it. But afterwards Sir *William Waller*, out of his great Civility, came to see me at the *Gate-house*, and brought with him two very worthy Persons, Sir *Philip Matthews* and Sir *John Cutler*. Sir *Philip Matthews* upon Discourse hearing me declare that Mr. Oates was a perfect Stranger to me, said, That Mr. Oates, in Testimony that he knew me, had given such a certain Mark behind in my Head. I told Sir *Philip Matthews*, if he pleased to pluck off my Periwig, he should see whether there was any such Mark or no; but he being an extraordinary civil Person, told me, he would not give me the Trouble. I desire Mr. Oates to declare now beforehand, what that Mark was behind my Head, and if there be such a Mark, 'tis some Evidence that his Testimony is true; but if there be no such, then it will appear to this honourable Court and the Jury, that he did not know me, but was mistaken in the Man.

*L. C. J.* I suppose he does not know you so much by the Mark behind your Head, as by that in your Forehead.

*Marshal.* But why did he then speak of the Mark behind my Head?

*Mr. Recorder.* How does that appear, that he did give such a Mark?

*Sir William Waller.* I shall give your Lordship a short Account what was done: When I brought him to Mr. Oates, I did desire indeed to see his Periwig off, to see if there were any Appearance of a shaven Crown. After that I had done that, I caused him to withdraw till I had taken Mr. Oates's Examination upon Oath, and after I had taken that, I desired him to come in again, and I read it to him, and taxed him with it, to which he gave a general Denial to every Particular, and thereupon I committed him to the *Gate-house*.

*L. C. J.* What is this to the Business of the Mark?

*Sir William Waller.* I do not know of any Mark; but this I do know, that as soon as ever he came in, Mr. Oates called him by his Name.

*Marshal.* I desire Sir *Philip Matthews* may be called.

*Mr. Recorder.* He is not here: What would you have with him?

*Marshal.* To ask, if he did not know in particular, that the Mark was such a Spot behind my Head? Hath he not been here to-day?

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

*L. C. J.* But he called you by your Name, before ever you plucked off your Periwig; so saith Sir *William Waller*.

*Marshal.* That which I was to shew, if I could, and truly all my Defence lies upon it, is, that Mr. Oates is a perfect Stranger to me, and consequently hath nothing against me. Now if Mr. Oates did give a false Mark to know me by, and there is no such Mark, I think 'tis a Proof that he is mistaken.

*L. C. J.* Sir *William Waller* says the contrary, he called you by your Name, and there was no Mark mentioned; but if you will suppose what you please, you may conclude what you list.

*Marshal.* Sir *William Waller* plucked off my Periwig, and bid me turn my Back to him.

*L. C. J.*

L. C. J. That was to see whether you were shaven, or no.

*Marshal.* Sir *William Waller* had not so little Knowledge, as to think that the Priests go shaven here in *England*, where 'tis Death for them, if they be discovered. Besides, my Lord, it was put in the Common News-Books which were dispersed abroad in the Country, that it was a white Lock behind. Well, if there be any thing of Favour or Inclination to Mercy in the Court, I shall find it; but if there be none, it will not succeed, tho' I spoke ten thousand times over; nay, tho' it were spoken by the Tongue of Men or Angels it would do me no good; therefore I inforce it again to the Jury to take notice of, that there was a particular Mark given.

L. C. J. That you have not proved.

*Marshal.* My Lord, I would beseech you to take notice of what every Man knows, and 'tis against Reason to believe, that Sir *William Waller*, knowing the World so well as he is supposed to do, should think we went with shaven Crowns in *England*.

L. C. J. And therefore Dr. *Oates* must look for another Mark, must he; how does that appear?

*Marshal.* All *England* know, that those who go over to any Seminary or Cloister, never come over again to *England* till their Hair be grown out, that it may be no Mark or Testimony that they are such Persons.

L. C. J. Do you think all Mankind knows that?

*Marshal.* All that is rational does.

L. C. J. Well, you hear what Sir *William Waller* says.

*Marshal.* I always looked upon Sir *William Waller* as a very learned upright Person, and did rely upon what he should testify for my Defence, and he knows when Dr. *Oates* brought in his first Testimony against me, I did beg that what he said should be written down by him. Said Sir *William Waller*, it shall not be written down, but I will promise you to remember what he says. Now I hope Sir *William Waller*, as an honest and worthy Gentlemen, will keep his Word, and I desire him to do it, as he will answer it before God at the Great Tribunal.

L. C. J. Ask him what you will. You adjure him, and yet you won't ask him.

*Marshal.* Now, my Lord, I'll tell you how Mr. *Oates* came to know my Name (which is another Proof that he is a Stranger to me.) When I came first in, I asked Mr. *Oates* if he knew me? and looking seriously upon me, he asked me what my Name was? Now we knowing no more of a Man's Thoughts but what his Words discover, it may seem by that very Question that Mr. *Oates* was a perfect stranger to me. Now when I told him my Name was *Marshal*, he was pleased to answer, You are called *Marsh*. But my Lord, I should consider that which hath been before offered to your Lordship, but that I do not much insist upon, that if Mr. *Oates* had a Commission to search for Priests and Traitors, he was as well bound to tell you I was a Priest as a Traitor; that is an Argument for me, I say. If he had a Commission to apprehend Priests, I conceive, if he knew us to be Priests, he should by Force of such a Commission have seized upon us.

L. C. J. He needed no Commission to do that, he did search to find out Traitors.

*Marshal.* He heard us particularly named,

looks upon us, goes away, denies that he knows us, gives us leave to sleep out our Sleep, and if we would to be gone. Therefore 'tis without any Likelihood or Probability that he had any thing to say against us.

L. C. J. You have not proved one Word of all this.

*Marshal.* He owned it himself, that he had searched the *Savoy* for Traitors, and did not take us. I speak this out of his own Mouth, therefore it is incredible, and I hope the Jury will take notice of it: He was searching for Traitors, and knowing me to be a Notorious Traitor, as he would have me to be, that he should find me in Bed, have his Majesty's Officers with him, and not seize upon me.

*Mr. Just. Pemberton.* It does not appear to us, you have not proved it.

L. C. J. Sir *William Waller*, did he say first, *Do you know me?* and then *Oates* ask his Name?

*Sir William Waller.* I speak solemnly, as in the Presence of God, there was not one Word of all this.

*Corker.* I beseech you, may I speak one Word?

L. C. J. Have you done, Mr. *Marshal*?

*Marshal.* Truly my Lord, I am astonished, I protest and confess before God I am astonished. There is Mr. *Gill* the Constable who owned this, and promised to be here to attest it, for there was a dispute about it between Dr. *Oates* and me: for said I presently, if you took me in Bed and knew me to be a Traitor, why did you not seize me? he answered me again expressly, before Sir *William Waller*, I had no Commission then to seize you: but said I, you acknowledge I was then a Conspirator, and such your Commission was to seize. You might have declared to the Officers you knew me to be a Traitor, and have bid them take charge of me: 'tis impossible that you should so well know it and not do it, sure.

L. C. J. Was there any such thing as this, Sir *William Waller*?

*Sir William Waller.* Really my Lord, I do not remember any thing of it.

L. C. J. Mr. *Marshal*, call your Witnesses.

*Marshal.* Is Mr. *Gill* the Constable here, he owned it. I think I had as good make an end, I may leave it here, for what I shall say I find will be to little Purpose.

L. C. J. You do not prove what you affirm.

*Marshal.* My Lord, I do not go as Mr. *Oates* and Mr. *Bedlow* do, who bring no Circumstance of Probability or Likelihood; they only say they were such a time amongst such and such Persons, and such and such things were agreed, but shew no Probability of it. But I instance in such things as do carry a Probability in themselves, and I name those that were by.

L. C. J. And have no Proof of it in the World. And what you call Sir *William Waller* for, he says the contrary, there was no such thing.

*Marshal.* I say, my Lord, what he says is to my great astonishment. Do you remember, Sir *William Waller*, this, that Mr. *Oates* said there, when he was asked if he saw me last Summer, I saw you not only in *August*, but in *June* and *July*?

*Sir William Waller.* I remember something of that.

*Marshal.* I humbly thank you, Sir, for acknowledging that.

L. C. J. What use do you make of that?

*Marshal.*

*Marshal.* I shall make use of that. The Dispute was so eminent betwixt us that it was impossible to forget it.

*L. C. J.* Well, have you done, Mr. *Marshal*?

*Mr. Marshal.* No, my Lord, tho' I had as good hold my Peace. I could not have Witnesses to disprove Mr. *Oates* in particulars of Time and Place, because I could not foresee what Time or Place he would name. My Lord, I had Witnesses here at the time of my last Trial to prove and swear, if they might be admitted, that I was here neither in *June*, nor *July*, or *August*, but spent some Months at a Place called *Farnborough* in *Warwickshire*.

*L. C. J.* Can you prove this?

*Marshal.* I can prove that I had such as would have proved it then. Now, my Lord, this is that I say, if the Court be inclined to any Favour or Mercy: Life being a thing of such concern, I hope some little Stop may be allowed to have some time to bring such People; but if there be no Inclination to Mercy, it would be the same thing if the Proof were here.

*L. C. J.* The Court will do you all Justice here, and that is their Mercy.

*Marshal.* I am confident I shall have great Justice done me, I would not have said one Word in my Defence if I did not believe so. I took heart by what your Lordship had said, and I have already done that which I thought most material for it. I have urged first the false Mark that he gave to know me by. And then his taking me in Bed and disowning to know me. Besides Mr. *Oates* hath been positive in his Testimony about the 24th of *August*, I could not now have Witnesses to disprove that, because I knew it not before, but I can have several Witnesses to prove, that I had then Witnesses to prove it, sufficient Witnesses from *Farnborough*, who were sure and certain that I was that very Day there, and would instance in some particular Reasons why I was there that Day. And then these Witnesses will swear that I was never from thence for three Months at any distance, but twice at a Neighbour's House, and they can tell the Places where I was then.

*L. C. J.* You come and tell us what other Folks could tell, why have you not them here? Can the Jury take notice of this?

*Marshal.* I hope you will not throw away my Life, when in three Days time I could bring Witnesses to prove it.

*L. C. J.* Then we must throw away the Lives of the Jury, for they must be kept fasting all those Days till they give in their Verdict; for they must be shut up till then.

*Marshal.* My Lord, with your leave, there have been those that have been upon their Trials, and sent back to Prison before the Jury have given a Verdict, and after tried again.

*L. C. J. North.* Ay, if they be discharged quite of you.

*L. C. J.* I tell you the Jury must be kept together close, till they give their Verdict.

*Marshal.* The Jury was not kept up when Mr. *Whitebread* and Mr. *Fenwick* were Tried, and they were afterwards Tried again.

*L. C. J.* The Jury were wholly discharged of them.

*Marshal.* If you have any regard of my Life you may discharge them of me.

*L. C. J.* Truly this is as reasonable as any

thing you have offered.

*Marshal.* If your Lordship believe what I say is true, you throw away my Life unless you grant me this time. I should be a very infamous Man if I did not prove it then.

*L. C. J.* If the Jury believe it, I am satisfied.

*Marshal.* My Lord, I should then come full of Shame, if I did not prove what I say; therefore I hope the Court will allow me time to prove what I affirm, that that particular Day, and the Day before, and the Day after I was in the Country, and stirred not. And then as to the Day before the *Assumption* which he charges upon me, and the Day after, I can bring Witnesses to prove I was those three Days at another House almost 50 Miles off *London*; so there is nothing in all that is said against me by Mr. *Oates* which comes to be determinative and positive in his Testimony, but I can disprove it if time be allowed me, but if that cannot, I can bring such Proof as can testify, that I had before those that could Evidence it.

*Corker.* I told your Lordship, I think, that the Constables and other Persons that came there to take *Pickering*, said they knew nothing of me, and had nothing to say to me. Your Lordship tells me, this I ought to prove. I must confess I could not expect that, when there were so many, an hundred People at least, that all those People coming in I should be put to prove it. But here is a Servant that was in the House then, that will tell you the same, that will attest they said they had nothing to say to me.

*Mr. Just. Pemberton.* Call any of your Witnesses that you have.

*Mr. Just. Dolben.* Mr. *Corker*, you remember that the last time you were here at the Bar, you desired time because you had not your Witnesses; it is now above a Month ago, and therefore you have no Reason to say your Witnesses are not ready. Let us see them, that we may see you did not abuse us.

*Mr. Recorder.* Who were the Persons that were then at *Tunbridge*?

*Corker.* I tell you sincerely, my Lord, I did not know what they would say, but then I did take notice when my Accusation was read against me, That there was a time mentioned of the 24th of *April*, that I conspired the Killing of the King. Now I could prove the contrary of that I thought, for I did remember, and so my Friends know very well, that always in the Spring-time I go once or twice, most commonly about Thirty Miles out of Town, to take the Air. So my Lord, from that Observation I did really believe I was actually there at that time; and from this belief I did then tell your Lordship, that I thought I could bring Witnesses that would prove I was at that Place then. According to your Lordship's Order I sent for the Gentlewoman that kept the House, and she coming up I asked her, Mistress, said I, can you tell when I was at *Tunbridge*; said she, I believe you were there about or near *April*; but that is not the thing, said I, I ask you, can you positively say that it was either before or after the 24th, can you give me any determinate Circumstance of it. She could not swear, nor durst, what Day I was there exactly; then said I, go back again; for I resolved to die in my Innocency without Proof, rather than my Witnesses should speak what was false or doubtful.

*Marshal.* I desire that one *Thomas Sumner* may

be called. He was the Man that went down to fetch up the Witnesses from *Farnborough*.

*Mr. Recorder.* What is your Witness, *Mr. Corker*?

*Corker.* My Witness's Name is *Ellen Rigby* [*Who stood up.*]

*L. C. J.* What is it you ask her?

*Corker.* I desire she may be asked, whether she knows that I was in the House when the Search was in the *Savoy*, when *Mr. Pickering* was taken? and whether then they charged me, or said I was a Person that they had nothing at all to do with.

*Marshal.* And me the same.

*L. C. J.* Do you hear the Question?

*Corker.* Was not I in the *Savoy* when *Pickering* was taken?

*Marshal.* And I?

*Rigby.* Yes, you were both in Bed then.

*Corker.* Are you ready to swear it, if my Lord will permit you?

*Rigby.* Yes. And the Company that came in never asked for you, but when they saw you, said they had nothing to do with you.

*L. C. J.* Who said so?

*Rigby.* The Company that came and searched the House for *Pickering*.

*L. C. J.* Was *Mr. Oates* there?

*Rigby.* Yes, my Lord, *Mr. Oates* was there.

*L. C. J.* Did he say that he had nothing to say to them?

*Rigby.* Several of them did say so, and he among them. They asked me who were in the House, I told them several. They said they had nothing to do with any but *Mr. Pickering*.

*L. C. J. North.* Who did you tell were in the House?

*Rigby.* I told them there was *Pickering*, *Marsh*, *Heskett*, *Corker*, *Smaydon* the Porter and his Wife, two Children, &c.

*Corker.* Now 'tis incredible he should search for Traitors, and, as he says, knew us to be such, and should not ask for us: Nay, when he saw us, leave us there, and never bid the Officer secure us.

*Mr. Just. Pemberton.* Who did ask you the Question?

*Rigby.* There were five or six, *Mr. Oates* and *Mr. Bedlow*.

*Corker.* I desire to know this of you, Have you not heard all along that *Mr. Stapleton* is President of the *Benedictines*, and how long he hath been so, for she was Housekeeper?

*Marshal.* Who is President of the *Benedictines*?

*Rigby.* *Mr. Stapleton*.

*Corker.* How long hath he been so?

*Rigby.* Four Years and a quarter, for any thing I know to the contrary.

*L. C. J.* In his absence, who was?

*Rigby.* I know not who.

*L. C. J.* Did not *Corker* officiate?

*Rigby.* Never in his life.

*L. C. J.* Do you know who did?

*Rigby.* I can tell he did not.

*Corker.* Pray ask her if she knows of any Consult of the Jesuits in the *Benedictine* Convent?

*L. C. J.* How should she know that? was she one?

*Corker.* Because there can none come to the House, but she must entertain them; there was no other Servant at all but she.

*Marshal.* Now, my Lord, since she is here, let her see *Mr. Oates* and *Mr. Bedlow*; ask her whether ever she saw them in the House in her life.

*Rigby.* I saw *Mr. Oates* in the House; he came a begging to *Mr. Pickering* for Charity.

*L. C. J.* What was the time?

*Rigby.* This Summer was Twelvemonth: And *Mr. Pickering* bid me shut the Door, and never let that Man come in again.

*Marshal.* That was in the very heat of the Plot, the very nick of time when he was employed to carry on the Conspiracy, as he say; and that then we should suffer him to be in such Necessity; and sent away with a Plea in his Ear, when he could gain such Advantages by discovering us: Is it likely that we would trust him with the whole Plot, and yet suffer him to wan? I appeal to your Lordship and the Jury whether that be probable?

*Then Sumner appeared and stood up.*

*L. C. J.* What say you to him?

*Marshal.* I desire he may be asked, whether he does not know that here were Witnesses to testify I was then at *Farnborough*.

*L. C. J.* This is not a Question to be asked, what another Body can Swear.

*Marshal.* He was sent down, my Lord, to fetch the Witnesses up.

*L. C. J.* Well, to satisfy you we will ask the Question, tho' it be improper: Were you sent down for Witnesses?

*Sumner.* Yes, my Lord.

*L. C. J.* Why did not they come?

*Sumner.* They did come?

*L. C. J.* Why are they not here? The last Sessions was adjourned particularly to a certain Day, and you knew when you were to be tried.

*Mr. Recorder.* For this very Reason, That all might take notice of it, it was adjourn'd to the 16th Day at this place.

*Marshal.* Your Lordship does suppose we have a better Purse than we have: Would you have them leave their Employments, and come up, and be at great Charges; 'tis not in the Capacity of every one to endure it?

*L. C. J.* What would you have us do in this case?

*Marshal.* What is but Reasonable, Give me but three or four Days time, and I can have my Witnesses up.

*Mr. Just. Dolben.* I pray ask them whether they were not told of the time of their Trial?

*L. C. J.* Why did not you send for them before, when you knew what Day it was to be?

*Mr. Just. Dolben.* You knew as much before as you do now. If you did not, what did you send for them up for then, more than now?

*Corker.* There was no Certainty at all of the Time when we should be tried. We were told it was near, but not the very Day; some said the 12th, some the 14th, some the 16th, some not at all.

*Mr. Recorder.* You must not say so; for notice was publickly given here that it should not be till the 16th, and the Sessions was adjourned till then.

*Marshal.* I was told it would be two or three Days after last Term. I confess God Almighty hath been pleased to give me a long Imprisonment to prepare for my last Close. I do not fear Death,

Death, tho' it should appear in far more frightful Shapes, than that we may be like to suffer. So, my Lord, it is not so much a Concernedness for my own Life, as for the Honour and Justice of the Court, that I plead for a Respite to have Witnesses that may positively and particularly disprove the Testimony of Mr. Oates. And all the World will think it an hard Case when I do attest and call to Witness such as have a great Probability to prove what I say to be true; when I can have such a numerous Train of Witnesses to prove that I was that particular Day threescore Miles out of London, and would positively swear it, if permitted. It will be hard, and will, I fear, draw an heavy censure upon this Honourable Court, if some time be not allowed.

*L. C. J.* It cannot be allow'd you, for then we must tie up the Jury, and make them fast all the time.

*Marshal* You may discharge them of me.

*L. C. J.* We cannot do it now.

*Mr. Just. Pemberton.* There is no reason for it now, for you had time for your Witnesses before. What do you come here to make a great Harangue about Witnesses which you had, and did not bring them?

*L. C. J.* Did you know they would come to prove, to any Day?

*Marshal.* I know they could prove such a Day.

*L. C. J.* Why then were they not here?

*Marshal.* Pray, my Lord, give me leave. I hope I shall not speak more than is reasonable and just, and then I care not how it succeeds. Every Judge is as much obliged to follow his Conscience, as any Formality in Law.

*L. C. J.* Pray teach your own Disciples, don't teach us: You come and talk here what regard we are to have to our own Consciences, as if we did not know that better than any Papist or Priest in the World.

*Marshal.* I suppose that, and 'tis rational too. And I do suppose that this Bench is infinitely just and merciful, and upon that supposition I plead. Then if there be great reason to believe that I can disprove Mr. Oates in his positive Testimony, then there is great reason to believe that I can save my Life. And if there be reason to believe that I can save my Life, I suppose there will be more regard to this than to any Formality of Law. Be pleased to ask him, whether he were not to fetch Witnesses that could attest this.

*L. C. J.* What can you say?

*Sumner.* I went down into the Country for Witnesses.

*L. C. J.* Why did you not bring them up against this time?

*Sumner.* I had no Order for this time.

*Marshal.* We did not know when we should be tried.

*Cl. of the Peace.* My Lord, I did tell the Messenger when the Sessions was?

*L. C. J.* Did the Officers here acquaint you when the Sessions was?

*Sumner.* I had order from Captain Richardson at first, I did ask leave to go down to fetch his Witnesses; says Captain Richardson, you have order to do what he shall direct, to provide him his Witnesses; that was for the last, not for this.

*L. C. J.* How far were the Witnesses off?

*Sumner.* Threescore Miles.

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*L. C. J.* Why, you have had notice long enough of your Trials, to get up Witnesses threescore Miles.

*Mr. Recorder.* Capt. Richardson, Did not you tell the Prisoners when their Trials would be?

*Mr. Just. Dolben.* They had all notice of the Sessions by the Adjournment, and should have provided for it.

*Capt. Richardson.* Ever since the last Sessions they have all of them had the Permission of any People to come to them in order to the preparing for their Trials.

*L. C. J.* As when?

*Capt. Richardson.* As for this Sessions.

*L. C. J.* First you did know that the Sessions did begin on Wednesday; if you had prepared your selves against Wednesday, you had been delayed but for two Days.

*Marshal.* But how could I prepare Witnesses for that which I did not know would be testified against me?

*L. C. J.* Why did you prepare them for the last Trial? why had you not the same Witnesses you had then?

*Marshal.* Because it was upon somewhat he had said upon my taking, that he saw me in June and July, I did provide Witnesses for it.

*Mr. Just. Pemberton.* He holds to the very Day he said first, and this is but plain trifling.

*L. C. J.* Truly, if the Merit of your Cause be no better than such weak Assertions, your Defence is but very poor.

*Marshal.* But that I humbly offer, is this, whether you will believe I can have such Witnesses, and therefore stay till they be sent for.

*Mr. Just. Dolben.* We have no Reason to believe you.

*Mr. Just. Wyndham.* We have no Reason to believe you, when you have had time to prove it, and have not got them.

*L. C. J.* Why were they not here now?

*Marshal.* My Lord, I do give you a double Reason. Then, my Lord, I offer this, that my Name is in no List, Paper, nor Narrative that ever was put forth; and if I had been Guilty, as he says, would not he have named me amongst the other Conspirators?

*L. C. J.* No, I think he should not, it would have given you Notice, and too much Opportunity to have gone away.

*Marshal.* He gave me leave, when he left me in my Bed.

*L. C. J.* But yet for all that it does not prove your Innocency. All People that are Guilty, don't run away for it, for you have abundance of Priest-holes, and hiding-holes. Well, have you any more Witnesses? if you have, Call them.

*Corker.* Call Alice Broadhead [but She did not presently appear;] then I desire Mrs. Eliz. Sheldon may be called; [Who being in the Gallery, answered and came down.]

*Marshal.* I do desire to know whether she knows who is President of the Benedictine Monks?

*L. C. J.* Who is President of the Benedictines, Mistress? *Sheldon.* Mr. Stapleton.

*L. C. J.* How many Years hath he been?

*Sheldon.* A great many Years, my Lord, to my Knowledge.

*L. C. J.* How many?

*Sheldon.* Four or five Years.

*Mr. Recorder.* Where is Dr. Oates? call him.



*L. C. J.* But if he were absent did nor Mr. *Corker* officiate in his place?

*Sheldon.* Never, my Lord.

*Corker.* Mr. *Stapleton* was actually at *Paris* when I was there, and therefore I could not officiate in his stead; there is another that can testify the same, that is *Alice Broadhead*, [*Who appeared then.*] Pray ask her the same Question.

*L. C. J.* Who is President of the *Benedictines*?

*Broadhead.* Mr. *Stapleton*, I have known him for many Years, and there hath not been for a great many Years any other.

*Corker.* Then I do desire that I may observe this, That Mr. *Oates* doth seem to accuse me positively of nothing, but only of consenting to the *Benedictines* Contribution of 6000 *l.* which he says they could not do without my leave, because I was their President; but I have brought three Witnesses which say, and are ready to swear, that Mr. *Stapleton* is President, was so these many Years, and I never was so in my Life.

*Mr. Recorder.* Here is Dr. *Oates* again now.

[*But he was not Examined.*]

*L. C. J.* Have you done now, all Three?

*Sir Geo. Wakeman.* I say, my Lord, I find that it was imputed to me, at least as a sin of Omision, that when I was before the Council, I did not sufficiently detest, and abominate, and abhor this Crime that is laid to my Charge. I now detest, abhor, and abominate the Fact charged on me. I call God to Witness, I never was in any Consultation about it in my Life, I never received any Bill for any Money upon this account, nor did ever receive any Money.

*L. C. J.* Had not you Two Thousand Pounds?

*Sir Geo. Wakeman.* No, my Lord, I wish I may never enter into the Kingdom of Heaven, if I received one Farthing for any such thing.

*Corker.* He says, that I was employed in distributing Moneys; and I profess before God, I never distributed any Money upon such Account; all that I had was an Annual Annuity which I gave amongst the Poor. I protest before God, I never in my Life did deliver or hold it as a matter of Faith or commendable Doctrine, That it was lawful for the promoting of the Catholick Religion, to Murder the King, or destroy my Country. And I renounce and detest it from the bottom of my Soul. And this is all can be expected from a good Christian upon that account; and I hope the Jury will have no prejudice against me for that; and neither Pope or any breathing upon Earth can dispense with me from that Obligation.

*Marshal.* And if no Door can be opened for a merciful Sentence upon any Consideration offered by the Living; at the loud Cries of the dying; I hope there may; and all the earnest Vows, and all those solemn Protestations of Innocency by such as were lately Executed for the Crimes we stand here charg'd with, left behind them as sacred Testimonies of their Loyalty and unviolated Faith to the King. And I beg leave to put before the Eyes of this Honourable Court, and this whole Assembly, this Landskip of Horror, wherein may be seen those Caves of Darknes, those Baths of glowing Sulphur, such Men must be eternally judged to be condemned unto, if what they then spoke had not the Characters of the fairest Truth sound instamped upon it. Now if a right Survey be taken of this Landskip, and it be well observed what these Men so solemnly

signed and sealed to with their last Breath, it must be confessed they either conspired finally to damn their own Souls, or were not Conspirators against the King, nor were they Guilty of what was charged upon them. Present Content, where the Enjoyment is like to continue, works with a strong Influence upon humane Nature, and chains it fast to the present World. But, my Lord, with the approach of Death, Reformation of Conscience does offer to advance, and we do observe those who have lived a very ill Life, frequently to make a good End; but, my Lord, it is a thing scarce ever heard of or known, that those who have lived all their Lives well, should die ill. Nor can such as were looked upon while they lived as Persons of much Integrity, great candor of Spirit, and unquestionable truth in all their Attestations, Dying, should become Profane to Blasphemy, become Irreligious even to Sacrilege, and fall even to the worst of Atheism. My Lord, this cannot readily be believed, or easily imagined; nor will be, tho' it be possible; and yet all that will not believe this, must own an Innocency where Guilt is so strongly supposed. And if there be great Cause to doubt whether those that were lately executed, and were supposed to be Leaders in this Conspiracy, were Guilty upon the Consideration of those solemn dying Protestations they have made to the contrary; I humbly conceive it may be much more rationally doubted, whether others brought in only by the by, as I am, as a Letter-Carrier, and only as Marginal-Notes to the great Conspirators, may not wholly be innocent. Now, my Lord, if no Credit be to be given to the Protestations of Men dying, that have ever been judged sober and just; how can Faith be reposed in the Testimony of such Living Persons as know no God nor Goodness? And if the reputed just Man at the very point of Death can be judged rationally false in his Protestations, tho' Death be in his Eyes, and Hell threatening to engulf him; may not he, my Lord, who hath owned himself a Villain in print, be thought false in his Testimony, while Preferment tickles him, Rewards march before him, and Ambition beckons to him, which he greedily follows, tho' God and Conscience tell him 'tis unjust.

*England* is become now a mournful Theatre, upon which such a Tragedy is acted, as turns the Eyes of all *Europe* toward it; and the Blood which hath been already spilt, hath found a Channel to convey it even to the remotest Parts of the World. And tho' it inspires different Breasts with different Resentments, yet it may speak a Language that none who are Friends of *England* will be willing to understand. Our present Transactions here, are the present Discourse and Entertainment of foreign Nations; and without all doubt will be chronicled and subjected to the Censure of ensuing Ages. Now my Lord, I have great Reason to believe, That not any one of those Honourable Persons that now sit Judges over us, would be willing to have their Names writ in any Characters, but those of a just Moderation, of a profound Integrity, of an impartial Justice, and of a gracious Clemency. And tho' we would not be all thought to be well-wishers to the *Roman* Catholick Religion, yet we would be all thought Friends to Religion; and tho' we exclaim against Idolatry and new Principles of Faith, yet we all stand up for old Christianity;

Christianity; whereas if the Testimony of Living Impiety be applauded and admitted of, and the Cries of Dying-honesty scoffed at and rejected, what will become of old Christianity? And if any Voice, Cry, or Protestation of Dying Men may pass for Truth, and obtain Belief, where is now our new Conspiracy? The Question now seems to come to this, the belief of Christianity now in *Roman* Catholics, and the Appearance of their Innocency, are so fast linked together by those solemn Vows and Protestations of their Innocency, made by the late Executed Persons, that no Man can take up Arms against the Latter, but must proclaim War against the Former. Nor can our Innocency bleed, but our Christianity must needs by the same Dart be wounded. Nor can any Tutelar Hand stretch it self forth —

*L. C. J. North.* You speak *ad faciendum populum*, and should not be interrupted, but only I think you lash out a little too much.

*Marshal.* I speak this to add the Testimony and solemn Vows of the Dying, to what we say Living for our own Defence. And I desired they may be put in both together, and weighed in the Scales of an impartial Judgment. Now, my Lord, I say, the Question seems not so much whether *Roman* Catholics are Conspirators, as whether indeed they be Christians. Nor is it the great Doubt now whether they designed to kill the King, but whether they believe there is a God. For whoever grants this last, the belief of a God, of a Heaven, and an Hell, and considers what Alleviations they made at their Death, what solemn Protestations they insisted upon, does with the self-same breath proclaim them Innocent.

*Mr. Just. Pemberton.* But *Mr. Marshal*, will you go on to affront the Court in this manner, to vouch for the Truth of their Speeches, which they made at the Gallows, and affirm them Innocent after they have been found Guilty, and executed according to Law?

*Marshal.* My Lord, I do not avouch them Innocent, I only desire there may be consideration had, and that the Words of such Dying Men may be thought of. If they did believe a God and a Judgment-Seat that they were going to, could they be Innocent and Christians too?

*L. C. J.* I was loth to interrupt you because you are upon your Lives, and because 'tis fit you should have as much Indulgence as can be allowed. Your Defence hath been very mean, I tell you beforehand; your Cause looked much better before you spoke a Word in your own Defence, so wisely have you managed it.

*Mr. Recorder.* But really for your particular Part, *Mr. Marshal*, you abound too much in your Flowers of Rhetorick, which are all to no Purpose.

*Marshal.* I hope it would be no Offence to insist. —

*L. C. J.* But I will tell you, and I'll be heard as well as you, Sir; Because of the Protestations of these Men, which you make so much a stir about. If you had a Religion that deserved the Name of a Religion, if you were not made up of Equivocation and Lying, if you had not Indulgences and Dispensations for it, if to kill Kings might not be meritorious, if this were not printed and owned, if your Popes and all your Great Men had not avowed this, you had said something; but if you can have Absolutions either

for Money, or because you have advanced the Catholick Cause as you call it, and can be made Saints as *Coleman* is supposed to be, there is an end of all your Arguments. There is a God, you say, and you think we shall go to that God because he hath given us the Power, we can let our selves in and turn the Key upon Hereticks. So that if they kill a King, and do all the Wick-edness they can devise, they shall go to Heaven at last; for you have a Trick, either you can directly pardon the killing of a King, or if you excommunicate him he is no King, and so you may kill him if it be for the Advancement of Religion. But it will be in vain for you or any Priest in *England* to deny this, because we know you Print it and publickly own it, and no body was ever yet punished for any such Doctrine as this. Therefore all your Doings being accompanied with such Equivocations and Arts as your Religion is made up of, 'tis not any of your Rhetorick can make you be believed. I do believe it is possible for an Atheist to be a Papist, but 'tis hardly possible for a knowing Christian to be a Christian and a Papist. 'Tis hardly possible for any Man of understanding, setting aside the Prejudices of Education, to be a Papist and a true Christian, because your Doctrines do contradict the Foundations of Christianity. Your Doctrine is a Doctrine of Blood and Cruelty, Christ's Doctrine is a Law of Mercy, Simplicity, Gentleness, Meekness and Obedience; but you have nothing but all the Pride that ever a Pope can usurp over Princes: and you are fill'd with Pride, and mad till you come again into the Possession of the Tyranny which you once exercised here: insomuch that 'tis strange to me, but that Princes abroad think you more conducing to their politick Interest, else sure they could not endure such Spiritual Tyranny to Lord it over their Souls and their Dominions. Therefore never brag of your Religion, for it is a foul one, and so contrary to Christ; that 'tis easier to believe any thing, than to believe an understanding Man may be a Papist. Well, Sir, if you have any more to say speak it. You have provoked me to this: and indeed I ought to do it, because you have so much reflected on the Justice of the Court: but if you have any thing to say in your Defence; speak it, or to your own particular Case. As for your Religion, we know what it is, and what merciful Men you are: and if we look into the bottom of you, we know what you were ever since *Queen Mary's* Days: and if we look into the Gunpowder-Treason, we know how honest you are in your Oaths, and what Truth there is in your Words, and that to blow up King, Lords and Commons, is with you a merciful Act, and a sign of a candid Religion; but that is all a Story with you: for it is easier for you to believe, that a Saint, after her Head is cut off, did go three Miles with her Head in her Hand, to the Place where she would be buried, than that there was a Gunpowder-Treason. [*At which the People gave a Shout.*]

*L. C. J. North.* You must not meddle any more with the Speeches of those that died.

*Marshal.* I did not intend, my Lord, to call any thing of Justice in question.

*L. C. J.* What, do you think we will be imposed upon in this manner? Perhaps you have Tricks enough to gull your own Party, but you have not to deceive Protestants; they can look thro'

thro' all your Arts; nay, I never saw such Men of weak Parts, as your Priests generally are; so that I wonder you should have any disciples, but silly Women, or Men without Learning.

*Marshal.* If we were guilty of this Conspiracy, we should gull only our selves.

*L. C. J.* Go you on with one Harangue, I warrant you I will give you another; you shall not be hindered to say any thing that is pertinent; but this is not at all so. We have a Bench of Aldermen have more Wit than your Conclave, and a Lord-Mayor that is as infallible as your Pope. Have you any thing more to say for your selves?

*Marshal.* 'Tis not proper to contradict your Lordship, but 'tis a Wonder you should know our Religion better than our selves; for I know not of any such Doctrines owned amongst us.

*L. C. J.* No! then I believe you have not read your own Books; I suppose that your Business is not now to read, but to seduce silly Women, or weaker Men. What, don't you publish them all over the World? Is there any *Index expurgatorius*, into which you have put these Doctrines? Surely you know not any thing, if you know not this.

*L. C. J. North.* If you have any thing more to say in the proper Defence of your Trial, pray speak it now.

*Corker.* As to those damnable Doctrines, we profess our selves innocent of them. I desire that the Jury may not go upon such a Prejudice, that I entertain such Principles of Religion, as Matters of my Faith. They are horrid Crimes, I protest against them, and own them not. I desire the Jury to take notice of it.

*Marshal.* I have this further to offer to your Lordship, that Mr. *Bedlow* owned before the Lords that he knew no more to be guilty than he had declared, and among all those I am not named; and this was a Month or six Weeks before I was taken.

*Mr. Just. Pemberton.* There is no such thing at all proved here, or given in Evidence, and therefore why do you insist upon it?

*Marshal.* In this I appeal to the Knowledge of your Lordship: and if you know it, I hope you will be pleased to acquaint the Jury with it.

*L. C. J.* I do not know for my own particular, what Answer was made; I was not in the House, nor do I know it.

*Judges.* None of us know it.

*Marshal.* I desire the worthy Jury to take notice, that among all the Persons named, there is no such Name mentioned as mine.

*Mr. Just. Pemberton.* There is no such Thing proved here.

*Marshal.* They deny all the Lords Records.

*L. C. J.* Well, have you done? Look you, Gentlemen of the Jury——

*Marshal.* I desire but one Word: These Things I have insisted upon as far as I can for my self; but the main Matter I rely'd upon was, that Mr. *Oates* did not know me, neither as to my Calling, Conversation, Words nor Actions. He can bring no Person, Man nor Woman, that ever saw him in my Company, nor took notice of our meeting together, nor *Bedlow* neither; he can name no Place where he saw me, none but the *Savoy*, against which no Proof can be found. And then at the Searching of the House, I desire the Jury to take notice, that at that Time

he disowned us, and said he did not know us. A sufficient rational Cause cannot be given why, he should say now he knows me, and did not then take me.

*Mr. Just. Pemberton.* You have said all this before.

*Marshal.* Then, my Lord, for a Conclusion, I have been told, and I will only desire the Jury to take notice of it, that every Jury that finds a Man guilty of Death, upon the Testimony of Witnesses that come in against him, do take it solemnly upon their Consciences, that what such Witnesses swear is true.

*L. C. J.* That they believe they swear true: For we have no Infallibility with us: 'Tis one thing to say 'tis true, and another thing to say we believe it is true. Look you, the Jury may give a Verdict that is false, and yet go according to their Consciences. Do you understand that, Priest?

*Mr. Just. Pemberton.* You need not teach the Jury what they are to do.

*Marshal.* But considering in case an Oath be false, and the Jury have reason to doubt what the Prisoners say in their own Defence, upon what they hear or have learnt of their own Knowledge, if they find such Doubt grounded upon that double Matter, then they are in great Danger to bring the Fault to their own Doors, and make the Crime of Perjury their own.

*Mr. Just. Pemberton.* What, do you go over Things again and again?

*L. C. J.* All this signifies but little; if you had Popery here, you would get but little by it. We should hardly part with our *Peter Pence* for all your Speeches. We all know what Things are, 'tis not a Parcel of Words patch'd thus together, will do your Business.

*Marshal.* I wish all Thoughts were as open-fac'd as ours are.

*L. C. J.* Look you, Gentlemen of the Jury, here are four Prisoners; as to one of them, that is *Rumley*, the Truth of it is, there is but one Witness against him, and by the Law there ought to be two; so I cannot say, but you ought to discharge him: We do not find, that there is Testimony sufficient, according to the Law, to condemn him, and therefore you ought to acquit him. As to the rest, here is Sir *George Wakeman*, Mr. *Corker*, and Mr. *Marshal*; there hath been two sorts of Evidences given, I will repeat them as well as I can, and as short as I can. There hath been a general Evidence, and a particular Evidence: There was a general Evidence given by Mr. *Dugdale*, of the Plot in general, and by Mr. *Praunce*, and something of Intimation by Mr. *Jennison*. These of *Dugdale*, *Praunce*, and *Jennison*, do not mention so much as the Names of the three Gentlemen that are upon their Lives; but I'll tell you why it was necessary, and answers a great Objection that they seem to make: for you are to believe Men, say they, and to believe Men upon probable Circumstances, something to guide you besides the Positiveness of an Oath; and that is well enough said. Now here is something besides, and that is the Plot; that there was a Conspiracy to introduce Popery, by the likeliest Means, which was to kill the King; and that such People as these Men were to do it. Now that there was such a general Design to do it, is a circumstantial Evidence, (as to these Men I call it so.) And these are Circumstances which may

may answer the Objection they make, when they say, You are not to give Credit to positive Oaths without any thing to govern you by; for you have this to govern you by, besides the Oath, that there was a Plot.

The Testimony of Mr *Jennison* does go more particularly to the Business of *Ireland*, which I would observe, by the way, for the sake of that Gentleman that stands so much upon the Innocency of those Men, and would have them to be believed upon their own Assertions, because he says they dare not die with a Lye in their Mouths. I believe it is notorious enough, Mr. *Jennison* that comes here is a Man of Quality, and one against whom there is no Objection, and he is justified by one or two more. He says, he saw Mr. *Ireland* the 19th of *August*, when he, to his Death, took upon him to aver he was then in *Staffordshire*, and brought several of his own Religion, who would outface it to the Court, that he kept them Company so many Days, and was in the Country all the while. There was a Maid, before this, that came and testified that she saw *Ireland*, and saw him at his own Door, in *August*, but this Gentleman comes and proves it upon him more particularly, and tells you when, the Day of the Week, and of the Month, that he was with him at his own Lodging, that Night he came from *Windsor*, that he was putting off his Boots, and pretended to come Post from *Staffordshire*, and so that he was in *Staffordshire* is true, because he came thence Post, but he hath always constantly deny'd that he was here, and that may serve for the Integrity even of their dying Oaths. And you are not going, according to your own Doctrine, so immediately to Hell, I hope you suppose a Purgatory, where you may be purged from such Peccadillo's as this of dying with a Lye in your Mouths.

As for the Testimony of the particular Evidence, first, against Sir *George Wakeman*, Mr. *Oates* says, he saw a Letter subscribed, *George Wakeman*; and it was writ to Mr. *Asby*, and therein, among other Expressions, was this Particular, That the Queen would assist him to kill the King. He was asked, How he knew it was his Hand? He said, He had never seen his Hand before, but afterwards he saw him writing, (as he thinks, writing,) in a writing Posture, and there he looked upon that Paper when he was gone from it, while it was wet, and that Character, to his thinking, was just the Character of the Letter. Now I must observe this to you: First, Supposing it to be true, yet it is somewhat hard, for a Man that had never known a Man's Hand in his Life, to see a Hand to-day, and some time after to come and see his Hand to a Bill of Physick, and to recollect the Character so much backward, as to know, this is that, or that Man's Hand, that I saw before. 'Tis one thing to know Hands we are used to, but 'tis another thing, if we see a Hand that we never saw before in our Lives, and then by Reflection at another Time, and by comparison of Hands to say this is the same, that is hard; but that is supposing it to be true. Sir *George Wakeman*, as all People will that are accused, does deny the Fact, and says there was no such thing. Against him besides, he says he saw, in a Book that the Jesuit Priests kept among them of their Transactions and Affairs, he saw, in *Harcourt's Chamber*, a Book, wherein was written, *This Day*,

(and there was a certain Day in *August* named, but he cannot tell what Day,) *This Day agreed with Sir G. W. for 15000l. to which he consented.* And under was written, *Received 5000l. part of 15000l. by Order of Mr. Coleman. George Wakeman.* This he says he saw, and he believes that to be the very same Hand that he saw before, so it is by a Comparison of Hands. He does not charge Sir *George Wakeman*, to the best of my Memory, with any positive Thing of his own Knowledge, more than as I tell you of this Matter.

*Sir Rob. Sawyer.* Ycs, my Lord, he says he saw his Commission.

*L. C. J.* Indeed he does say, he saw a Commission in his Hands, to be Physician-General of the Army that was to be raised. And that he denied 10000l. and would have 15. The Truth I leave with you, Gentlemen. Look you, Gentlemen, we will shew our selves what we ought to do, let them be as they will; we would not, to prevent all their Plots, (let them be as big as they can make them) shed one Drop of innocent Blood, therefore I would have you, in all these Gentlemens Cases, consider seriously, and weigh truly the Circumstances, and the Probability of Things charged upon them. There is an additional Evidence against Sir *George Wakeman*, by *Bedlow*: He says he saw him have a Note for 2000l. which was said came from the Queen, there were Discourses of doubtful Words, but whether they be plain enough to satisfy your Consciences, when Men are upon their Lives, I leave to you. That Sir *George Wakeman* should say, *Are you ready for me? Why am I drill'd on thus, in a Matter of this Concern?* This he would have to imply the poisoning of the King; but there is but one Thing that sounds any thing plain to the Matter, and that was this, said he, *If they miss* (speaking of killing the King) *if they miss at Windsor, and you miss your Way, then it shall be done at New-Market.* This he did swear directly, and then Sir *George Wakeman* reply'd, He would be ready. Now if you believe this, then there are two Witnesses against Sir *George Wakeman*, for the Matter of the Bill alone would do nothing, but when he says he saw such a Bill, it must be for something; and if he did say so, *If they miss killing him at Windsor, and you miss your Way, we will do it at New-Market;* and he reply'd, *I will be ready,* the Thing is made plain; I leave it to you; and this is all the Evidence against Sir *George Wakeman*, as I remember: I hope my Brothers, if they remember more, will repeat it to you. I cannot undertake to repeat every Word; I remember so much as is material, and my Brothers I hope will help me out, in what they have better observed.

As to Mr. *Corker*, *Oates* says, that he saw a Letter under his Hand, that is, his Name, I suppose, was to it, wherein he consented to the raising the 6000l. which was to be raised out of the *Benedictine* Estates, and was in order to the carrying on of this Plot. I do not find that he does prove that he did know Mr. *Corker's* Hand. And he says of him further, he was their President, and so it was necessary to have his Consent for the raising the 6000l. and particularly he says, that he did except against *Pickering's* being designed for the Murdering of the King; for, said he, *He is a Main that waits at the Altar, and methinks you should choose some fitter Person.* For  
that.

that, says Mr. Corker, which he says, that I was President; I was not President; and he makes it necessary for me to set my Hand, because I being President, it was supposed it could not be done without me; and Dr. Oates does intend such a Thing by his enforcing of it too: But he does produce to you two or three Witnesses, that do say, Mr. Stapleton hath been President for four or five Years; and said he, *If I were not President, what needs all this ado about my Consent?* So he contradicts him in that Particular, that he was not President, and it is not only a bare immaterial Thing, because his being President made his Hand more necessary to the raising the 6000*l.* And for that Matter of his saying, that he did except against Pickering, and they might have chose another, he does not charge him to be actually at the Consultation, but he says he knew of it, because he said Pickering was not a fit Man to do it. And he said, they had better choose a Layman. He proves no Fact, but only these Words. And Mr. Bedlow he speaks against him, and what he says is rather less than what Oates says. For 'tis, that he talked with *Le Fevre* the Priest about the Plot in general Words. It may be, he was talking with some body else, and yet he could hear that they talked together in general about it. That is all against him.

Against Mr. Marshal, 'tis rather less than against Corker, that is, that he did consent to the 6000*l.* that should be raised among the *Benedictines*, he being a *Benedictine* too, and that he took Exceptions against Pickering, as Corker did, that it was not convenient to employ him in Killing the King. And this is that Oates says, and that he was a Carrier of Letters up and down, and a Factor that Way. And Bedlow says, that he knew that he carried Letters, and was at the Consult where they were read and answered, and when they asked him, Where? He said, At the *Benedictine* Convent in the *Savoy*. And names in particular, a Letter to Sir Francis Radcliff, and that there was a Discourse concerning the Plot, in his hearing.

They say for themselves, they cannot answer any more than by Circumstances, 'Tis a very strange thing, if Dr. Oates knew this of us, why did not he take us before? And says Sir George Wakeman, Why did not he accuse me of this Letter that he talks of, before the King and Council? He makes an Answer (which to me indeed is a very faint one) as if he were so weak and tired, that he could not speak any Word farther. When the Council asked Sir George Wakeman what he had to say for himself, and he behaved himself ruggedly, they call for Oates again, What, said they, *do you know any thing of your own Knowledge?* No, said he, *God forbid; I know nothing more;* as Sir Philip Lloyd says, and as the Matter speaks: For if he had charged him that he had seen that Letter, the Lords would infallibly have committed him. If he had but said, *I saw a Letter with his Name to it, which by the Character I believe was his, because I saw his Writing elsewhere.* And 'tis wonderful to me; I don't know, if a Man be never so faint, could not he say, *I saw a Letter under his Hand,* as well as, *I knew nothing more of him?* There are as few Words in one, as in the other. If he had said, *I beg your Lordships or His Majesty's Pardon, I am so weak I cannot recollect my self,* it had been something; but to make a great Protestation that

he knew nothing of him. This is that that is said by Sir Philip Lloyd, on his Behalf.

These other Gentlemen say, that Oates did not know them, and the Woman does say, that she did tell them, when they came to search, that Corker and Marshal were there, and Dr. Oates and they said, they had nothing to do with any but Pickering. They make Answer now and say, that they had no Commission to take any but him. But 'tis strange indeed, if they were there, and they did see them, that they did not apprehend them. For what Defence they make about what Talk was had at the *Gate-house*, 'tis all contradicted by Sir William Waller. And indeed, if it were possible, they have almost undone themselves in their own Defences, by making weak Observations, and insisting upon trivial Things; improper for the Court to hear, and impertinent for them to urge. But I deal faithfully with you, I will discharge my own Conscience to you. It lies upon the Oaths of these two Men. Tho' there was a Plot in general proved, yet that does not affect these Men in particular, but was only used to answer that Objection, that it should not be believed upon positive Swearing, Hand over Head, without something else. Here was something else, the Plot in general, and their being Priests, is another Circumstance to me, who are mad to bring in Popery, and would do any thing to get their Tyranny again established amongst us. And there is more than probable Evidence of that I assure you.

Sir Tho. Doleman did indeed say Mr. Oates was very weak, so that he was in great Confusion, and scarce able to stand; weigh it with you how it will, but to me 'tis no Answer. I tell you plainly, I think a Man could not be so weak but he could have said, he saw a Letter under his Hand. It was as short as he could make an Answer, and 'tis strange that he should go and make Protestation that he knew nothing. And so I pray you weigh it well. Let us not be so amazed and frightened with the Noise of Plots, as to take away any Man's Life without any reasonable Evidence. If you are satisfied with the Oaths of these two Men, so; I have observed to you what Objections they make for themselves, and those Objections are material: What Sir George Wakeman says about his not accusing him before the Council, and what these Men say that he did not apprehend them. And 'tis very strange, they should have so little Knowledge, and so little Acquaintance with Oates and Bedlow, and so great a Matter as they speak should be true. And 'tis well enough observed, that he was a begging there; 'tis very much that such a Man should know of such a great Design on Foot, and they should use him in that manner. These are the things that I remember, worthy of your Consideration. These Men's Bloods are at stake, and your Souls and mine, and our Oaths and Consciences are at stake; and therefore never care what the World says, follow your Consciences; if you are satisfied these Men swear true, you will do well to find them Guilty, and they deserve to die for it: If you are unsatisfied, upon these Things put together, and they do weigh with you, that they have not said true, you will do well to acquit them.

Bedlow. My Lord, my Evidence is not right summ'd up.

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L. C. J. I know not by what Authority this Man speaks.

Cl. of Cr. Make way for the Jury there; who keeps the Jury?

*Then an Officer was sworn to keep the Jury: The Judges went off the Bench, leaving Mr. Recorder and some Justices to take the Verdict. And after about an Hour's Space the Jury returned, and the Foreman coming up to the Table, spoke thus to Mr. Recorder.*

Foreman. Sir, the Gentlemen of the Jury desire to know, whether they may not find the Prisoners Guilty of Misprison of Treason?

Mr. Recorder. No, you must either convict them of High-Treason, or acquit them.

Foreman. Then take a Verdict.

Cl. of Cr. Gentlemen, answer to your Names, *Ralph Hawtrey.*

Hawtrey. Here, &c.

Cl. of Cr. Gentlemen, are you all agreed of your Verdict?

Omnes. Yes.

Cl. of Cr. Who shall say for you?

Omnes. Our Foreman.

Cl. of Cr. *George Wakeman*, hold up thy Hand. [*Which he did.*] Look upon the Prisoner. How say you, is he Guilty of the High-Treason whereof he stands Indicted, or Not Guilty?

Foreman. Not Guilty.

Capt. *Richardson*. Down on your Knees.

*Sir George Wakeman*. God bless the King and the Honourable Bench.

*And in like manner were the other Three acquitted.* †

*After the Verdict was Recorded, the Court adjourned 'till 5 in the Afternoon.*



LXXXVI. *The Trial of CHARLES KERNE, at Hereford Assizes, for High-Treason, being a Romish Priest.*  
Aug. 4, 1679. 31 Car. II.

**O**N Monday the Fourth Day of August, *Charles Kerne* was brought to the Bar, and being Arraigned, he pleaded Not Guilty to the Indictment: Then the Court (after the usual Formalities performed) proceeded to the Trial as followeth.

Cl. of Arr. Gentlemen of the Jury, Look upon the Prisoner, and hearken to his Cause. You shall understand that he stands Indicted by the Name of *Charles Kerne*, late of the Parish of *Woolby* in the County of *Hereford*, Gent. For that he being born within the Kingdom of *England*, the Twenty Ninth Day of *April*, in the Thirty First Year of the Reign of our Sovereign Lord King *Charles the Second*, by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. Then being a Seminary Priest, made, professed, and ordained by the Authority and Jurisdiction challenged, pretended, and derived from the See of *Rome*, the said Twenty Ninth Day of *April*, in the Year aforesaid, within this Kingdom of *England* (*viz.*) at *Woolby* aforesaid, in the County aforesaid, Traiterously did come, was, and did remain, against the Form of the Statute in that Case made and provided; and against the Peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been Arraigned, and thereunto pleaded Not Guilty; and for his Trial hath put himself upon God and his Country, which Country you are. Your Charge is to enquire whether he be Guilty of the High-Treason whereof he stands Indicted, or Not Guilty: If you find him Guilty, you are to

enquire what Lands, Goods or Tenements he had at the Time of the Treason committed, or at any Time since; if you find him Not Guilty, you are to enquire whether he did flee for the same: If you find he did flee for the same, you are to enquire what Lands, Tenements or Goods he had at the Time of such Flight, or at any Time since; if you find him Not Guilty, nor that he did flee for the same, you are to say so, and no more; and hear your Evidence.

Cl. of Arr. Call *Edward Biddolph*. [*Who was Sworn.*]

L. C. J. \* Give the Jury Pen, Ink, and Paper.

L. C. J. *Biddolph*, do you know Mr. *Kerne*?

*Biddolph*. I do not know him now: I did know such a Man about six Years ago; I have seen him once or twice at Mr. *Somerset's* at *Boltingham*, about six Years ago.

L. C. J. How long is it ago since you saw him last?

*Biddolph*. About a Year.

L. C. J. Had you any Discourse with him?

*Biddolph*. No, I never had any.

L. C. J. Look on the Prisoner, can you say that is the Man?

*Biddolph*. No, my Lord, I cannot.

L. C. J. Can you say you ever saw or knew him?

*Biddolph*. I cannot.

L. C. J. Set him down. Call another Witness.

Cl. of Arr. Swear *Margaret Edwards*. [*Which was done.*]

L. C. J. Do you know Mr. *Kerne*?

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*Edwards.*

† See Observations on these Trials, in State Trials, Vol. 8. p. 437.

\* *Sir William Scroggs.*

*Edwards.* Yes, my Lord, I do.

*L. C. J.* How long have you known him?

*Edwards.* Five or six Years.

*L. C. J.* Where did you know him?

*Edwards.* At *Sarnsfield*, at *Mrs. Monington's*.

*L. C. J.* Were you a Servant there?

*Edwards.* No, I went thither about Business.

*L. C. J.* Where did you first see him?

*Edwards.* At *Mr. Wigmore's* of *Luton*.

*L. C. J.* Had you any Discourse with him there?

*Edwards.* No.

*L. C. J.* How came you to see him at *Mrs. Monington's*?

*Edwards.* My Lord, one *James Harris's* Wife being very sick, I was desired by him to go to *Mrs. Anne Monington* to seek some Remedy for her: He desired me the rather, for that she being a Papist, and I of the same Religion, he believed for that Reason she would be the more kind to her.

*L. C. J.* Were you a Papist then?

*Edwards.* Yes, my Lord.

*L. C. J.* Well, what said *Mrs. Monington* to you?

*Edwards.* My Lord, she told me she was glad that they had sent me, for that she did not care to discourse the Distempers of a Woman to a Man.

*L. C. J.* Well, go on.

*Edwards.* My Lord, after she had discoursed to me concerning the sick Woman, she desired me to go with her, which I did; and she brought me into the Chapel, where I saw *Mr. Kerne* in his Robes.

*L. C. J.* Were there any more in the Room besides him?

*Edwards.* Yes, my Lord, four or five: He was in his Robes and Surplice, and was at the Altar, and gave the Sacrament to the rest, but I did not receive it.

*L. C. J.* What did you see him do?

*Edwards.* I saw him give the Sacrament.

*L. C. J.* What did he say?

*Edwards.* He said *Corpus Christi*, or some such Words.

*L. C. J.* Did you see him deliver the Wafers?

*Edwards.* Yes, my Lord.

*L. C. J.* To how many?

*Edwards.* To Four.

*L. C. J.* You swear positively to Four: Did they confess to him?

*Edwards.* Yes, I believe they did.

*L. C. J.* Did you ever see him since?

*Edwards.* No, my Lord, I never saw him between that and this.

*L. C. J.* Did you ever receive the Sacrament before, and of whom?

*Edwards.* Yes, I received several times: The first time was of *Mr. Duffres*, next of *Mr. Kemble*, then of *Mr. Rowenbill*, *Mr. Standish*, *Mr. Morgan*, *Mr. Trindal*; I have received from *Mr. Draycot* at *Mr. Berrington's*; I have received at *Mr. Blount's*; but the last time was from *Mr. Jennings* at *Mr. Wigmore's* House.

*Pris.* My Lord, I desire she may be ask'd whether she came to *Mrs. Monington's* of her own accord, or was sent for Physick?

*Edwards.* I was sent.

*Pris.* Did the Man send you, or his Wife?

*Edwards.* The Man.

*Pris.* Have a care what you say, *Harris's* Wife is here to trepan you.

*L. C. J.* Give good Words; you begin to triumph too soon. Woman, was it *Harris* or his Wife sent you?

*Edwards.* It was *Harris* himself that desired me to go, because I might have more Favour, being a Papist.

*Pris.* Where did that *Harris* live?

*Edwards.* At *Lempster*.

*Pris.* I am satisfied, 'twas a Mistake, I thought it had been *Harris* of *Lawton* she had meant.

*L. C. J.* Will you ask her any thing else?

*Pris.* I desire to know the Time when she saw me at *Mrs. Monington's*?

*Edwards.* It was in last *May* was *Twelvemonth*, the twenty ninth Day, to the best of my Memory.

*L. C. J.* Do you take it to be certain, or do you believe it only that it was that Day?

*Edwards.* My Lord, I am certain it was that very Day; for the Woman died that Day, and that Day is writ on the Grave-Stone.

*Pris.* I desire to know of her whether she was ever ask'd upon her Oath, whether she was ever at *Mrs. Monington's* since that Time?

*Edwards.* I was not there since, nor ever ask'd the Question, to the best of my Knowledge.

*L. C. J.* What a Question is that?

*Pris.* 'Tis very remarkable, for she was ask'd by a Juryman last Affizes, it was not upon the Trial, but before the Grand Jury, and she denied then that she was ever at *Mrs. Monington's* in her Life.

*Edwards.* I have been there above Twenty times.

*Pris.* Call *Roger Hyet*.

*L. C. J.* By and by your Defence will be proper, in the mean time, what will you ask her more?

*Pris.* I desire to ask her what Discourse she had with *Mary Jones*, the other Witness, for she has been instructing her what to say; and that they may be examined afunder. [*Which was granted.*]

*L. C. J.* What Discourse had you with the other Woman?

*Edwards.* My Lord, she told me that she had never in all her Life been before a Judge or Justice of Peace; and that she was afraid of coming before one, for she did not know how to behave herself.

*L. C. J.* Did you tell her what she should say?

*Edwards.* No, my Lord.

*L. C. J.* What did you say to her?

*Edwards.* I told her, that she would hear her Name call'd, and then she must answer: And I bid her have a care that she spoke what she knew, and no more or less than the Truth.

*L. C. J.* Did she tell you what she could say?

*Edwards.* She did.

*L. C. J.* What?

*Edwards.* That she liv'd at *Mr. Somerset's*, where *Mr. Kerne* usually was, and that several People used to come thither, and go up Stairs into the Chamber; and she went once to hear-ken, and she heard *Mr. Kerne* say something in *Latin*, which she said was *Mafs*.

*Pris.* Here is a material Question to ask this Witness. I desire to know where this Woman saw me first?

*Edwards.*

*Edwards.* At Mr. *Wigmore's* of *Luton*, as they told me it was him, for I did not know his Name.

*Pris.* I would know if the Man she saw at Mrs. *Monington's*, was the same Person she saw at *Luton*?

*Edwards.* To the best of my Knowledge it was.

*Pris.* I never was at *Luton* in all my life.

*L. C. J.* Call the other Woman: You shall now see how these Women agree.

*Cl. of Arr.* Call *Mary Jones*. Crier, swear her.

[Which was done.]

*Pris.* I desire they may be examined apart.

*L. C. J.* Let the other Woman go out.

*L. C. J.* When was the first time you saw *Margaret Edwards*?

*Jones.* Yesterday, and again to-day.

*L. C. J.* Did she tell you and instruct you what you should say against the Prisoner?

*Jones.* No, my Lord.

*L. C. J.* Did you tell her what you could say against him?

*Jones.* No.

*L. C. J.* Did not you tell her that you liv'd at Mr. *Somerfet's*, and that several People used to come thither and go up stairs into the Chamber, and that once you went up to hearken, and heard Mr. *Kerne* say *Mafs*?

*Jones.* She did say so to me, but I did not answer her any thing.

*L. C. J.* Did she ask where you saw Mr. *Kerne*?

*Jones.* Yes.

*L. C. J.* Where, at *Bollingham*?

*Jones.* I did tell her that I saw him at *Bollingham*, and that I heard him say somewhat aloud, I think it was *Latin*.

*L. C. J.* How you answer: I asked you but just now, whether you told her that you saw Mr. *Kerne* at Mr. *Somerfet's* House, and that you went up to hearken, and heard him say somewhat in *Latin*? And you then said you did not, and now you say you did.

*Jones.* She spoke to me first about it, and I did but answer.

*L. C. J.* What, did she ask you what you could say against Mr. *Kerne*?

*Jones.* Yes.

*L. C. J.* And what did you tell her you could say?

*Jones.* I told her, that one Sunday Morning several People came to *Bollingham*, out of the Town and out of the Country, and went up after him, and he said somewhat aloud that I did not understand.

*L. C. J.* Did you not tell *Margaret Edwards* that you heard him say *Mafs*?

*Jones.* No, my Lord.

*L. C. J.* Call *Margaret Edwards* again. *Margaret Edwards*, Did *Mary Jones* tell you that she heard Mr. *Kerne* say *Mafs*?

*Edwards.* Yes, my Lord.

*L. C. J.* Now, *Mary Jones*, what say you? Did not you tell her that you heard the Prisoner say *Mafs*?

*Jones.* No, I am sure I did not; for I never heard the Word before, nor do not know what it means.

*L. C. J.* The one Witness says she did not name *Mafs*, for she did not understand what it was; the other says she did; so they contradict one another in that.

*L. C. J.* *Mary Jones*, when did you see Mr. *Kerne*?

*James.* Seven or eight Years ago.

*L. C. J.* Where?

*Jones.* At Mr. *Somerfet's* at *Bollingham*, he lived there half a Year.

*L. C. J.* What did you see him do?

*Jones.* One Sunday Morning I was busy a washing the Rooms, and I saw several People follow him into the Chamber.

*L. C. J.* Did you see him do any thing?

*Jones.* No, I heard him say somewhat aloud which I did not understand.

*L. C. J.* How near were you to him?

*Jones.* There was only a Wall between.

*L. C. J.* Did you ever see him give a Wafer, Marry, or Christen?

*Jones.* No, my Lord: There was a Child Christened in the House.

*L. C. J.* Who Christened it?

*Jones.* I cannot tell: There was no one there but my Master and Mistress, Mr. *Lachet* and his Wife, and Mr. *Kerne*: I was in the next Room, and I heard words spoken by the Voice of Mr. *Kerne*.

*L. C. J.* What can you say more?

*Jones.* I wash'd a Surplice.

*L. C. J.* Whose was it, the Prisoner's?

*Jones.* I cannot tell, because I did not see it on his Back.

*Pris.* How could you know a Voice?

*Jones.* Very easily, there was but a Wall between.

*Pris.* Was there no Room between?

*Jones.* No, there was not.

*L. C. J.* The Woman speaks sensibly: If you have done asking Questions, you had best call your Witnesses.

*Pris.* Call Mr. *Hyet*.

*L. C. J.* Mr. *Hyet*, you cannot be sworn, but you must speak the Truth as much as if you were: Well, what can you say?

*Hyet.* I ask'd *Margaret Edwards* if she had been at Mrs. *Monington's*; she said she had: I ask'd her if she knew Mr. *Kerne*? She said, she did not.

*L. C. J.* Was she upon her Oath when you ask'd her this?

*Hyet.* No, my Lord.

*L. C. J.* Have you any more Witnesses?

*Pris.* Call Mr. *Weston's* Maid.

*L. C. J.* What can you say?

*West. M.* I saw those two Women talking together, and that Woman instructed the other what she should say.

*L. C. J.* What say you to this?

*Edwards and Jones.* My Lord, we did not.

*L. C. J.* Look you, they both deny it on their Oaths.

*L. C. J.* How often between the first time and the twenty ninth of *May* was Twelve-month, did you see Mr. *Kerne*?

*Edwards.* Twice or thrice in *Weobly*.

*L. C. J.* What can you say for yourself?

*Pris.* My Lord, I am very happy that I receive my Trial before your Lordship.

*L. C. J.* Come, setting aside your Apologies, tell what you have to say; if you have any more Witnesses, call them.

*Pris.* My Lord, here are several Witnesses who will prove that that Woman was never at Mrs. *Monington's*.

*L. C. J.* That's very improbable; but call whom you will.

*Pris.* My Lord, here's Mrs. *Monington*, the Person



Person she pretends shew'd her up, will swear she never saw the Woman in her life; and upon my Salvation I never saw either of them before.

*L. C. J.* Mrs. *Monington*, the Law will not allow you to be sworn, but I presume that a Person of your Quality will speak the Truth, as much as if you were upon your Oath. Do you know *Margaret Edwards*?

*Mon.* My Lord, I do not.

*L. C. J.* Woman, tell Mrs. *Monington* from whom you came.

*Edwards.* I came from *James Harris* of *Lempster*.

*L. C. J.* Mrs. *Monington*, do you know *James Harris* of *Lempster*?

*Mon.* My Lord, I do not.

*L. C. J.* Do you remember that about *May* was Twelvemonth this Woman came to you for Physick for a Woman that was sick?

*Mon.* A great many People come to me on that Errand, so that it is impossible for me to remember any particular Person.

*L. C. J.* Did you ever take up that Woman to hear Mass?

*Mon.* That I am sure I did not, for I never took up any Stranger in my Life.

*L. C. J.* Did Mrs. *Monington* know you by Face, or by Name?

*Edwards.* I had been at the House several times, but this time I was carried up to Mrs. *Monington* by *Mary Lewis* her Maid: Mrs. *Monington* told me that she was very glad that I was sent, for she said she would not give the Man so just an Account, because he was a Man.

*L. C. J.* Mrs. *Monington*, do you remember this?

*Mon.* This is frequent.

*Edwards.* Then she told me that I must put a Plaister of *Diapalma* to the Woman's Back, and give her a Drink with Malt with Raisins, &c.

*Mon.* As for the Plaister, 'tis possible I may prescribe it, but the Drink is no Receipt of mine.

*Edwards.* My Lord, the Maid when I came in was making a Cheese in the Dairy, and I ask'd for Mrs. *Monington*, and she told me she was within, and straightway brought me up to her: Mrs. *Monington* in a little time fell into discourse with me about Religion; and understanding what I was, desired me to go into the Chamber with her.

*L. C. J.* What kind of Chapel was it?

*Edwards.* I will give an Account of it as well as I can remember. When we came up stairs, we turn'd in at a Door on the right Hand; the Altar stood just before the Door; it was richly adorned, the Altar-Cloth was white, and a fine Crucifix on the Altar.

*Mon.* What were the Cushions of?

*Edwards.* As I remember they were Needlework.

*L. C. J.* What was the Chapel adorn'd with?

*Edwards.* With abundance of Pictures: I think the Window was on the left hand of the Altar.

*Mon.* She has fail'd in the first description, for we go not off the Stairs into the Chapel, as she says; neither is it adorn'd in the manner as she says it is, nor is there any Needlework. Here is a Maid that I deliver all my Medicines to, that perhaps can give a better Account whether this Woman were at my House, than I can.

*L. C. J.* Call the Maid. You wait on Mrs. *Monington*: Did you ever see that Woman?

*Maid.* No.

*L. C. J.* I'll shew you how you shall remember her; she came to Mrs. *Monington* on the behalf of one *Harris's* Wife, and ask'd if she were within, and you carried her to your Mistress.

*Edwards.* My Lord, I was there several times besides this, for I carried the Child, Mr. *Thomas Monington*, thither several times.

*L. C. J.* Do you remember this?

*Mon.* I do not remember that she ever brought the Child to me, but another.

*Edwards.* My Lord, I always lay with him, and tended him, and carried him Abroad.

*L. C. J.* If you have any thing more to say, speak. What say you for yourself?

*Pris.* I hope your Lordship will sum up the Evidence.

*L. C. J.* That I will: I will tell the Jury all I can remember on both sides; I will not shed innocent Blood, neither wil I help the Guilty; for I, by the Duty of my Place, am Counsel for the Prisoner in all things fit and legal.

*Pris.* I desire the Statute may be read.

*L. C. J.* Let it be read. What Statute do you mean, that of 27 *Eliz*?

*Pris.* Yes, my Lord. [*Then the Statute was read.*]

*Pris.* Now Gentlemen, I desire you to take into consideration, whether my Blood shall be drawn by the Evidence of a Woman that says she saw me give a Wafer; or on that Evidence of the other, who says she heard me read she knows not what through a Wall: My Lord, it is an Oppression that Statutes should be construed otherwise than they are intended. I hope, my Lord, that the Statute will not take hold of a Man for saying Mass, for many say Masses that are not in Orders.

*L. C. J.* It is one of the greatest Evidences to prove a Man to be a Priest that can be; for we cannot think of bringing Witnesses who saw you take Orders; Do any say Mass but Priests? Is it lawful for any one but a Priest to say Mass?

*Pris.* That of Bread and Wine they do not, but the other they do.

*L. C. J.* Do any Bury or Christen but Priests?

*Pris.* Yes they do *in extremis*; and, my Lord, I do acknowledge that I read Prayers sometimes, and sometimes others did. And I desire your Lordship and the Jury will take notice, that I have taken the Oaths of Allegiance and Supremacy.

*L. C. J.* Is that all you have say?

*Pris.* Yes, my Lord.

*L. C. J.* Then Gentlemen of the Jury, The Matter you are to try is, whether *Charles Kerne*, the Prisoner at the Bar, be a Popish Priest: An *Englishman* I suppose he does not deny himself to be; the Question is then if he be a Romish Priest? If so, he is guilty of High-Treason by the Statute of 27 *Eliz*. This was a Law made for the Preservation of the Queen, for the Preservation of our Religion, and for the Preservation of all Protestants. The Witnesses are *Margaret Edwards* and *Mary Jones*. *Margaret* says, the first time that she saw the Prisoner was at Mr. *Wigmore's*, who told her it was Mr. *Kerne*; and she says that she hath seen him several times since; twice or thrice at *Weobly*, and the last time was the twenty ninth of *May* was Twelvemonth, at Mrs. *Monington's*, where she saw him deliver

deliver the Wafer, which is the Sacrament, to four Persons that were there, but she herself did not receive it; and then she gives you an account of the reason of her coming then to Mrs. *Monington's*, which was at the request of one *Harris*, whose Wife was sick, to seek some Remedy from Mrs. *Monington* for the sick Woman: She tells you how the Maid brought her up to her Mistress, how she acquainted her with her Errand, what Advice Mrs. *Monington* gave her for the sick Woman, and how that Mrs. *Monington* understanding what Religion she was of, took her into the Chapel, where she gives you a Description. 'Tis very probable she may go on such an Errand, and yet Mrs. *Monington* not know her; but Mrs. *Monington* cannot positively say, but believes she was never there: Mr. *Kerne*, I suppose, will not deny but that he who gives the Wafer is a Priest.

*Pris.* There is blessed Bread which others may give.

*L. C. J.* When you give such Bread, do you not say, *Accipe Corpus Christi*?

*Pris.* We use no such words. [But it appeared, upon his own repeating of the Latin words they used upon the giving the Sacrament, that those were part of the Words.]

*L. C. J.* The Prisoner made an offer to prove some Disagreement between the Witnesses; 'tis true, they did differ in some small things, as the saying the word Mass, but from hence can no great matter be infer'd against the Evidence; so here is one positive Evidence.

There must indeed be two Witnesses; now the Question will be about the second Woman's Testimony: She says she knew Mr. *Kerne* about eight Years ago, when she lived at Mr. *Somerset's*, and that Mr. *Kerne* lived in the House about half a Year: She tells you that she hath seen several Persons come thither; and amongst the rest, she says, that one Sunday Morning several Persons came thither; and went up with Mr. *Kerne*, and that she was so curious as to hearken, and did hear Mr. *Kerne* say something

in an unknown Tongue: *Kerne* objects that she could not know it was his Voice; but for that, I think Men are easily distinguished by their Voices; but that I must leave to your consideration.

But now the main Question will be, what it was she heard him say? Mr. *Kerne* says, that in Times of straitness, Persons that are not Priests may read Prayers, and so perhaps he may be then reading the Collects.

But then again: She says there was a Child Christened in the House, and no one there but Mr. *Somerset* and his Wife, Mr. *Latchet* and his Wife, and Mr. *Kerne*, to do it: She did not see him Christen it, and 'tis true likewise what he says, that in their Church they allow others, as Midwives, to Christen *in extremis*; not that he confesses he did Christen.

*L. C. J.* Call *Mary Jones* again. *Mary Jones*, was it a sickly Child?

*Jones.* No, My Lord.

*L. C. J.* Then that is answered: So that if you believe that he did Christen the Child, there are two Witnesses against him: I must leave it with you as a tender Point on both sides; I would not shed innocent Blood, neither would I willingly let a Popish Priest escape. There is one positive Witness, and if you believe upon the Woman's hearing his Voice, that he did say Mass, or did Christen, for I must confess she says she did not see him Christen, then you must find him Guilty: So I leave it to you upon the whole matter.

*The Jury return'd, and were call'd over.*

*William Barret, &c.*

*Cl. of Arr.* Jaylor, set up *Charles Kerne*.

Gentlemen, Are you agreed of your Verdict?

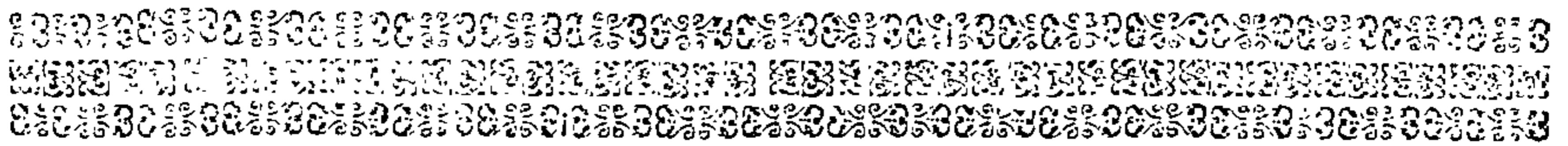
*Jury.* Yes.

*Cl.* Who shall say for you?

*Jury.* The Foreman.

*Cl.* Look upon the Prisoner: What say you, is *Charles Kerne* Guilty of the High-Treason whereof he stands indicted, or Not Guilty?

*Foreman.* Not Guilty.



LXXXVII. *The Trial of ANDREW BROMMICH at Stafford Assizes for High-Treason, being a Romish Priest, Aug. 13, 1679. 31 Car. II.*

*The Court being sat, they proceeded to the Trial thus.*

**T**HE Lord Chief Justice having the Night before charged the Sheriff to Return a good Jury, and the Court being sat, he enquired of him if he had observed his Directions; The Sheriff acquainted his Lordship, that since he had impanell'd the said Jury, he had heard that one *Allen*, of \_\_\_\_\_ in the said County, being then returned to serve on the said Jury, had said in Discourse with some of his Fellows, that nothing was done against the Popish Priests a-

bove, and therefore he would do nothing against them here, nor find them guilty; whereupon his Lordship called for the said *Allen* and one *Randal Calclough*, one of his Fellow Jurymen, and another Witness upon Oath, who proving the words against him, his Lordship discharged him of the Jury, and committed him to Prison till he found Sureties for his good Behaviour; and likewise three more of the Jury were discharged upon suspicion of being Popishly affected, his Lordship commanding the Sheriff to return good Men in their places; which was accordingly done, and the Jury Sworn, *viz.*

*Thomas*

<p><i>Thomas Higgin,</i> <i>John Webb,</i> <i>Edward Ward,</i> <i>Thomas Marshall,</i> <i>John Beech,</i> <i>Randal Calclough,</i></p>	}	Jur'	<p><i>Richard Trindall,</i> <i>James Beckett,</i> <i>William Smyth,</i> <i>William Pinson,</i> <i>Daniel Buxton, and</i> <i>Richard Cartwright.</i></p>
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*Cl. of Arr.* Jaylor, set up *Andrew Brommich* to the Bar: Crier, make Proclamation.

*Crier.* O yes! If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney or this Inquest now to be taken, of any Treasons, Murders, Felonies, or other Misdemeanors, committed or done by the Prisoner at the Bar, let them come forth and they shall be heard.

*Cl. of Arr.* *Andrew Brommich*, hold up thy Hand. These good Men that were lately called, and have now appeared, are those which must pass between our Sovereign Lord the King and you upon your Life or Death: If you will challenge any of them you must speak as they come to the Book to be sworn, and before they be sworn.

*The Prisoner challenging none, the Jury was sworn, ut ante.*

*Cl. of Arr.* Gentlemen of the Jury, look upon the Prisoner and hearken to his Cause. You shall understand that he stands Indicted by the Name of *Andrew Brommich*, late of *Perry Barr* in the County of *Stafford*, Gent. for that he being born within the Kingdom of *England*, the Thirteenth Day of *January*, in the Thirtieth Year of the Reign of our Sovereign Lord King *Charles II*, by the Grace of God of *England, Scotland, France, and Ireland* King, Defender of the Faith, &c. then being a Seminary Priest made, professed and ordained by the Authority and Jurisdiction challenged, pretended and derived from the See of *Rome*, the said Thirteenth Day of *January* in the Year aforesaid, within this Kingdom of *England*, viz. at *Perry Barr* aforesaid, in the County aforesaid, Traiterously did come, was, and did remain, against the Form of the Statute in that Case made and provided, and against the Peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been Arraigned, and hath pleaded thereunto Not Guilty, and for his Trial hath put himself upon God and his Country, which Country you are: Your Charge is to enquire whether he be guilty of the High-Treason whereof he stands indicted, or Not Guilty: If you find him Guilty, you are to enquire what Lands, Goods or Tenements he had at the Time of the Treason committed, or at any time since: If you find him Not Guilty, you are to enquire whether he did fly for the same, and what Lands, Goods or Tenements he had at the same time of such flight, or at any time since; if you find him Not Guilty, nor that he did fly for the same, you are to say so and no more, and hear your Evidence.

*Cl. of Arr.* Crier, call *Ann Robinson*. [*Who was sworn.*]

\* *L. C. J.* *Ann Robinson*, what can you say against *Andrew Brommich*?

*A. Rob.* My Lord, I can say that I received the Sacrament of him according to the Church of *Rome* in a Wafer.

*L. C. J.* When? How long ago?

*A. Rob.* About *Christmas* last.

*L. C. J.* What Company was there? How many were there in Company?

*A. Rob.* My Lord, I cannot positively tell how many, but I believe there were about seven or eight.

*L. C. J.* Did they all receive at the same time?

*A. Rob.* Yes, my Lord, they did all receive at that time.

*L. C. J.* Are you a Papist?

*A. Rob.* No, my Lord.

*L. C. J.* How long were you a Papist?

*A. Rob.* Several Years.

*L. C. J.* Who first seduced you?

*A. Rob.* My Lord, I cannot tell his Name.

*L. C. J.* Did you ever receive the Sacrament, according to their way, of *Mr. Brommich*, before the time you speak of?

*A. Rob.* Yes.

*L. C. J.* How often?

*A. Rob.* Four times, my Lord; twice at *Mr. Birch's*, and twice at *Mr. Pursal's*.

*L. C. J.* How came you to give her the Sacrament? [*To the Prisoner.*]

*Pris.* My Lord, I never did.

*L. C. J.* Why, she has sworn you gave it her several times, once in particular at *Christmas* last, and four times more, twice at *Mr. Birch's*, and twice at *Mr. Pursal's*.

*Pris.* My Lord, I cannot help it. I desire your Lordship will take notice of one thing, that I have taken the Oaths of Allegiance and Supremacy, and have not refused any thing which might testify my Loyalty.

*L. C. J.* That will not serve your turn, you Priests have Tricks to evade that.

*Pris.* Besides, my Lord, I never absconded.

*L. C. J.* You never absconded; what is that to giving the Woman the Sacrament several times?

*Pris.* My Lord, I desire she may prove it.

*L. C. J.* She does so.

*Pris.* My Lord, I humbly conceive it was no Sacrament unless I were a Priest.

*L. C. J.* What an Argument is that? You expect we should prove you a Priest by Witnesses which saw you take Orders; but we know so much of your Religion, that none undertake to give the Sacrament in a Wafer, or say Mass, but a Priest; and you gave the Sacrament to that Woman in a Wafer, therefore you are a Priest.

*Cl. of Arr.* Crier, call another Witness; swear *Jeoffery Robinson*.

*L. C. J.* What can you say to *Mr. Brommich*?

*Jeof. Rob.* I can say nothing against him.

*L. C. J.* Did you ever hear him say Mass?

*Jeof. Rob.* I cannot tell, I have heard him say something in an unknown Tongue; but I know not what it was.

*L. C. J.* Was it *Latin* that he said?

*Jeof. Rob.* I cannot tell: I am no Scholar.

*L. C. J.* Had he a Surplice on?

*Jeof.* Yes, my Lord, he had.

*L. C. J.* *Robinson*, are you a Papist?

*Jeof. Rob.* Yes, my Lord.

*L. C. J.* I thought so, it is so hard to get the Truth out of you.

*Cl. of Arr.* Crier, swear *Jane Robinson*.

*L. C. J.* Come, what can you say? Did you ever see *Brommich* give the Sacrament?

*Jane Rob.* Not to my Knowledge.

*L. C. J.* Did you ever hear him say Mass?

*Jane Rob.* I never saw him do any thing; for I only went up and said my Prayers, I took no notice of any thing.

*L. C. J.* Did you not see *Brommich* there?

*Jane Rob.* I cannot tell.

*L. C. J.* Why, don't you know him?

*Jane Rob.* No, my Lord.

*L. C. J.* Your Husband knows him. You *Jeoffery Robinson*, do not you know Mr. *Brommich*?

*Jeof. Rob.* Not I, my Lord.

*L. C. J.* That's right like a Papist. Did you not but just now say you heard him say something in an unknown Tongue, and saw him in a Surplice, and yet now you do not know him? You have no more Conscience than what your Priests allow you. But though your Priests can persuade you to take false Oaths, I would not have you think they can protect you from the Punishment due to them here or hereafter.

*An. Rob.* My Lord, they both took the Sacrament with me at the same time from him.

*L. C. J.* Look you there, was ever the like Impudence seen? Come Friend, consider you are upon your Oath, and do not bring your self into the Snare of a Pillory. Come *Robinson*, I ask you by the Oath you have taken, did you receive the Sacrament with *Ann Robinson* at the time she speaks of at Mr. *Pursal's*?

*Jeof. Rob.* Yes, my Lord.

*L. C. J.* How hard is the Truth to be gotten out of you! But within this County, which abounds so with Priests and swarms with Papists, that you get Popery here like the Itch; if they but rub upon you, you catch it.

*Jane Rob.* My Lord, he's a weak Man.

*L. C. J.* Who gave it you?

*Jeof. Rob.* I do not know.

*L. C. J.* He'll say no more than his Wife and Priest will give him leave.

*L. C. J.* Look you Gentlemen of the Jury, here are two Papists that are Witnesses; you are to consider how far they tell the Truth, and how far they conceal it, how they tell their Tale so as to serve a Turn: For here you see the Man said at first he heard him say somewhat in an unknown Tongue, and that he saw him in a Surplice; after that he denies he knows him, but now you see by this Woman the Truth is come out; he hath confess'd and own'd he received the Sacrament at *Pursal's* with her. We cannot expect more positive Evidence from such People. Come read the Statute.

Anno 27 *Eliz.* cap. 2.

Whereas divers Persons, called or professed Jesuit, Seminary Priests, and other Priests, which have been, and from time to time are made in the parts beyond the Seas, by or according to the Order and Rites of the Romish Church, have of late comen and been sent, and daily do come and are sent into this Realm of England, and other the Queens Majesties Dominions, of purpose (as it hath appeared) as well by sundry of their own Examinations and Confessions, as divers other manifest means and proofs, not only to

withdraw her Highnesses Subjects from their due obedience to her Majestie, but also to stir up and move sedition, rebellion and open hostility within the same her Highness Realms and Dominions, to the great endangering of the safety of her most Royal Person, and to the utter ruine, desolation and overthrow of the whole Realm, if the same be not the sooner by some good means foreseen and prevented.

For reformation whereof be it ordained, established and enacted by the Queens most excellent Majestie, and the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same Parliament, That all and every Jesuits, Seminary Priests, and other Priests whatsoever, made or Ordained out of the Realm of England, or other her Highness Dominions, or within any of her Majesties Realms or Dominions, by any Authority, Power or Jurisdiction, derived, challenged, or pretended from the See of Rome since the feast of the Nativity of St. John Baptist, in the first year of her Highness Reign, shall within forty days next after the end of this present Session of Parliament depart out of this Realm of England, and out of all other her Highness Realms and Dominions, if the wind, weather, and passage shall serve for the same, or else so soon after the end of the said forty days as the wind, weather and passage shall so serve.

And be it further enacted by the Authority aforesaid, That it shall not be lawful to, or for any Jesuit, Seminary Priest, or other such Priest, Deacon, or Religious, or Ecclesiastical Person whatsoever, being born within this Realm, or any other her Highness Dominions, and heretofore since the said feast of the Nativity of St. John Baptist in the first year of her Majesties Reign made, ordained or professed, or hereafter to be made, ordained or professed by any Authority or Jurisdiction derived, challenged or pretended from the See of Rome, by, or of what name, title or degree soever the same shall be called or known, to come into, be or remain in any part of this Realm or any other her Highness Dominions, after the end of the same forty days, other than in such special cases, and upon such special occasions only, and for such time only as is expressed in this Act. And if he do, that then every such offense shall be taken and adjudged to be High Treason, and every person so offending shall for his offence be adjudged a Traytor, and shall suffer losse, and forfeit as in case of High Treason.

And every person which after the end of the same forty days, and after such time of departure

departure as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid or maintain any such Jesuit, Seminary Priest, or other Priest, Deacon or Religious, or Ecclesiastical person as is aforesaid, being at liberty, or out of hold, knowing him to be a Jesuit, Seminary Priest, or other such Priest, Deacon or Religious, or Ecclesiastical person as is aforesaid, shall also for such offence be adjudged a felon without benefit of Clergy, and suffer death, losse, and forfeit, as in case of one attainted of felony.

L. C. J. Come, what have you more to say?

Pris. I desire that there may be notice taken what *Robinson* and his Wife said upon their Examinations before the Justice of Peace.

L. C. J. We are to take notice only of what they say here.

Pris. My Lord, they said here they did not know me.

L. C. J. No: Did not *Robinson* say he heard you say something in an unknown Tongue; that he then saw you in a Surplice? Did we talk of any one but you? Come Jesuit, with your Learning, you shall not think to baffle us: I have of late had occasion to converse with your most learned Priests, and never yet saw one that had either Learning or Honesty.

L. C. J. Have you any Witnesses? Have you any more to say?

Pris. No.

L. C. J. Then Gentlemen of the Jury, the Question you are to try, is, Whether *Andrew Brommich* be a Popish Priest or not: To prove that he is, here is a Woman, one *Ann Robinson*, that swears she received the Sacrament of him in a Wafer once at *Christmas* last, and twice at *Mr. Birch's*, and twice at *Mr. Pursal's*, and that he gave it to several others at the same time. There needs not much to persuade you that he who gives the Sacrament is a Priest, for in their

Church they allow no one but a Priest to give the Sacrament, so there is one express Evidence against him: And now I must satisfy you in one thing, that you are to give a Verdict not that he is a Priest, but that you believe him in your Conscience upon the whole Evidence, to be a Priest. To make you do this, here is one positive Evidence.

The other Man, when I came to examine him whether he ever heard the Prisoner say Mass; he answered, that he heard him say something in an unknown Tongue, and that he was in a Surplice. This is as much as we could expect from one of their own Religion, who dare say no more than their Priests will give them leave to do. So Gentlemen I must leave it to you, whether or no you will not believe the Testimony of this real positive Witness, and the circumstantial Evidence of the other Man: For you see in what Dangers we are; I leave it upon your Consciences, whether you will let Priests escape, who are the very Pests and Dangers of Church and State; You had better be rid of one Priest than three Felons; so Gentlemen, I leave it to you.

*The Jury having staid some time, returned to the Court to give their Verdict.*

Cl. of Arr. Gentlemen of the Jury, have you agreed on your Verdict?

Jury. Yes.

Cl. of Arr. Who shall say it for you?

Jury. The Foreman.

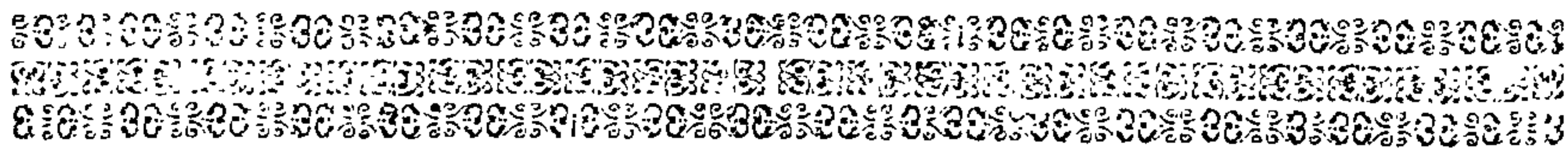
Cl. of Arr. Jaylor, set up *Andrew Brommich* to the Bar.

Gentlemen, do you find *Andrew Brommich* Guilty of the High Treason he hath been Arraigned of, or Not Guilty?


Jury. Guilty.

L. C. J. Gentlemen, you have found a good Verdict, and if I had been one of you, I should have found the same my self.

*Afterwards he receiv'd the usual Sentence as is High-Treason.*



LXXXVIII. *The Trial of WILLIAM ATKINS, at Stafford Assizes for High-Treason, being a Romish Priest, August 13, 1679. 31 Car. II.*

Cl. of Arr.  YLOR, set up *William Atkins* to the Bar: Crier, Make Proclamation.

*The Jury were called and Sworn.*

Cl. of Arr. Gentlemen of the Jury, Look on the Prisoner and hearken to his Cause. You shall understand that he stands Indicted by the Name of *William Atkins*, late of *Wolverhampton* in the County of *Stafford*, Gent. for that he being born within the Kingdom of *England*, the Fifth Day of *December*, in the Thir-

tieth Year of the Reign of our Sovereign Lord King *Charles* the Second, by the Grace of God of *England, Scotland, France* and *Ireland* King, Defender of the Faith, &c. Then being a Seminary Priest, made, professed, and ordained by the Authority and Jurisdiction challenged, pretended, and derived from the See of *Rome*; the said Fifth day of *December* in the Year aforesaid, within this Kingdom of *England*, viz. at *Wolverhampton* aforesaid in the County aforesaid, Traiterously did come, was, and did remain, against the Form of the Statute in that Case made and

and provided; and against the Peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been Arraigned, and thereunto pleaded Not Guilty; and for his Trial he hath put himself upon God and his Country, which Country you are. Your Charge is, to enquire whether he be Guilty of the High-Treason whereof he stands Indicted, or Not Guilty: If you find him Guilty, you are to enquire what Lands, Goods or Tenements he had at the time of the High-Treason committed, or at any time since; if you find him Not Guilty, you are to enquire whether he did fly for the same; if you find he did fly for the same, you are to enquire what Lands, Goods or Tenements he had at the time of such flight, or at any time since; if you find him Not Guilty, nor that he did fly for the same, you are to say so and no more, and hear your Evidence.

*Cl. of Arr.* Crier, call the Witnesses; call *William Jackson, Francis Wilden, Jo. Jarvis, &c.* Swear *Jackson*. [Which was done.]

*L. C. J.* Come, Friend, what can you say concerning *Atkins* the Prisoner being a Priest?

*Jackson*. My Lord, I can say nothing at all, I was there when he was apprehended, and bound over to prosecute him.

*Cl. of Arr.* Crier, Swear *Francis Wilden*. [Which was done.]

*L. C. J.* \* Sir William Scioggs. What can you say concerning *Atkins* being a Priest?

*Wilden*. My Lord, I have seen him at Prayers.

*L. C. J.* Was he in a Surplice then?

*Wilden*. Yes, my Lord.

*L. C. J.* Did you ever hear him say Mass?

*Wilden*. I cannot tell.

*L. C. J.* In what Language were his Prayers?

*Wilden*. In an unknown Tongue.

*L. C. J.* Were they in Latin?

*Wilden*. I cannot tell, my Lord; I am not a Scholar good enough to know.

*L. C. J.* Are you a Papist?

*Wilden*. I have been a Protestant since *Christmas*.

*L. C. J.* 'Tis the Principle of a Protestant to tell downright Truth, and the Principle of a Papist is to equivocate; come speak Truth, and your Conscience will be lighter: Did you ever see *Atkins* deliver the Sacrament in a Wafer, according to the manner and way of the Church of *Rome*.

*Wilden*. My Lord, I never received it of him my self, but I have seen him give it to others.

*L. C. J.* Where?

*Wilden*. At *Mrs. Stanford's*, at *Wolverhampton*.

*L. C. J.* To how many?

*Wilden*. To seven or eight at a time.

*L. C. J.* Was he in a Surplice then?

*Wilden*. Yes, my Lord.

*L. C. J.* I do not know whether the Prisoner can hear what the Witness says; 'tis fit he should know. [The Prisoner being told, he reply'd, he knew not the Witness.]

*Cl. of Arr.* Swear *John Jarvis*.

*Crier*. My Lord, he refuseth to be sworn.

*L. C. J.* *Jarvis*, why will you not be sworn?

*Jarvis*. My Lord, I was troubled with a Vision the last Night.

*L. C. J.* You mistake, Friend, old Men dream Dreams, 'tis young Men see Visions, and you are an old Man: Speak the Truth, and I'll warrant you, you will not be troubled with Visions

any more; this is a Trick of the Priests. Swear him, Crier. [Which was done.]

*L. C. J.* Come, *Jarvis*, what can you say?

*Jarvis*. My Lord, he is a Man that hath relieved me and my Children oftentimes when I was in want.

*L. C. J.* Did you ever hear him say Mass?

*Jarvis*. My Lord, I am an ignorant Man; I cannot tell; I have heard him say somewhat in an unknown Tongue.

*L. C. J.* Did you ever confes to him?

*Jarvis*. Yes, my Lord, I did.

*L. C. J.* Did you ever receive the Sacrament of him according to the manner of the Church of *Rome*?

*Jarvis*. Yes, my Lord, I have; I must speak the Truth.

*L. C. J.* How often?

*Jarvis*. A great many times.

*L. C. J.* And had he not his Priest's Habit on when he gave it you?

*Jarvis*. Yes, my Lord, he had.

*Cl. of Arr.* Crier, call *Joan Wright*. [Who was called, but did not appear.]

Call *Henry Brown*. [Who appeared and was sworn.]

*L. C. J.* Come, *Mr. Brown*, what can you say against the Prisoner? Did you ever receive the Sacrament of him, or hear him say Mass?

*Brown*. My Lord, I was almost turned from the Protestant Religion to that of the Church of *Rome*; but I never went further than Confession, and that was to this Man, and then I left them.

*L. C. J.* Indeed you were the wiser.

*Cl. of Arr.* Crier, call *Tho. Dudley*. [Who was sworn.]

*L. C. J.* What can you say against the Prisoner?

*Dudley*. I was a little given that way, and have been at Confession with one *Atkins*, and have seen him perform several Rites of the Church of *Rome*, at *Well-head*, at *Ham*.

*L. C. J.* Do you believe this to be the Man?

*Dudley*. Yes, my Lord, I do.

*L. C. J.* Have you any more to say?

*Dudley*. No, my Lord.

*L. C. J.* Read the Statute. [Which was done.] Have you Witnesses, *Atkins*, or any thing to say for your self?

*Pris.* No, my Lord.

*L. C. J.* Look you Gentlemen of the Jury, Here is as full and as positive an Evidence as can be against the Prisoner: The two first Witnesses, *Wilden* and *Jarvis*, are positive. *Wilden* swears he heard him say his Prayers in an unknown Tongue; and further says, that he gave the Sacrament to seven or eight according to the manner of the Church of *Rome* in a Wafer, at *Mrs. Stanford's* House in *Wolverhampton*. *Jarvis*, the other Witness, swears that he hath been at Confession with him, and hath oftentimes received the Sacrament of him. Here are two other honest Men, that speak very full as to Circumstances; so that in the whole you cannot have a more clear Evidence: And, Gentlemen, I must tell you, it is to these sorts of Men we owe all the Troubles and Hazards we are in, the Fear of the King's Life, the Subversion of our Government, and the Loss of our Religion. It is notorious by what they have done, that they are departed from the Meekness and Simplicity of Christ's Doctrine, and would bring in a Religi-

on of Blood and Tyranny amongst us. As if God Almighty were some Omnipotent Mischief, that delighted and would be served with the Sacrifices of human Blood. I need not say more to you, the Matter's plain; I think you need not stir from the Bar, but do as you will.

*The Jury having considered of the Evidence some Time, gave in their Verdict.*

Cl. of Arr. Gentlemen of the Jury, are you agreed of your Verdict?

Jury. Yes.

Cl. of Arr. Who shall say for you?

Jury. The Foreman.

Cl. of Arr. Jailor, set up *William Atkins*. [*Which was done.*] Gentlemen of the Jury look on the Prisoner. What say you, Is he Guilty of the High-Treason whereof he stands Indicted, or Not Guilty?

Jury. Guilty.

Cl. of Arr. What Lands, Goods or Tenements had he?

Jury. None to our knowledge.

Cl. of Arr. Look to him, Jailor, he is found Guilty of High-Treason.

*He received the Sentence usual in Cases of High-Treason.*



## LXXXIX. *The Trial of THOMAS KNOX and JOHN LANE, at the Kings-Bench, for a Misdemeanor, Nov. 25, 1679. Mich. 31 Car. II.*

**O**N *Tuesday* the Twenty-fifth Day of *November*, 1679, at the *Kings-Bench* Bar at *Westminster*, *Thomas Knox* and *John Lane* were tried for the Misdemeanor and Offence herein after in the Indictment expressed; which Trial was in manner following.

Proclamation being made in usual manner for Information, and the Defendants called to their Challenges, the Jury were sworn, whose Names follow,

Sir <i>John Kirke</i> , <i>Thomas Harriot</i> , <i>Henry Johnson</i> , <i>Simon Middleton</i> , <i>Hugh Squire</i> , <i>Francis Dorrington</i> ,	}	Jur	{ <i>John Roberts</i> , <i>Rainsford Waterhouse</i> , <i>Thomas Earsby</i> , <i>Joseph Radcliffe</i> , <i>James Supple</i> , <i>Richard Cooper</i> .
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Who being numbred, the Clerk of the Crown charged them with the Indictment thus:

Cl. of Cr. Gentlemen, You of the Jury that are sworn, hearken to your Charge; you shall understand that the Defendants stand Indicted by the Oaths of Twelve honest and lawful Men of the County of *Middlesex*, by the Names of *Thomas Knox* of the Parish of *St. Margaret's, Westminster*, in the County of *Middlesex*, Labourer, and *John Lane* of the same Parish and County, Labourer, for that whereas *Edward Coleman*, *William Ireland*, and *John Grove*, and other false Traitors against our Sovereign Lord *Charles II.* by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. to the Jurors aforesaid unknown, the 24th Day of *April*, in the 30th Year of the Reign of our said Sovereign Lord the King, at the Parish of *St. Margaret's, Westminster*, in the County of *Middlesex*, traiterously amongst themselves had conspired, consulted, and agreed, to bring and put to Death and Destruction our said Sovereign Lord the King, and War against our

said Sovereign Lord the King within this Kingdom of *England* to stir up, and the Religion in the said Kingdom of *England*, rightly and by the Laws of the said Kingdom established, to the Superstition of the Romish Church to change and alter, and the Government of the said Kingdom of *England* to subvert; for which their said most wicked Treasons, and traiterous Conspiracies, Consultations, and Agreements, the said *Edward Coleman*, *William Ireland*, and *John Grove*, in due Manner, and according to the Laws of this Kingdom of *England*, were afterwards attainted, and underwent the Pain of Death for the same. And whereas *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel of Wardor*, *William Lord Petre*, and *Sir Henry Titchbourn*, Bart. the 30th Day of *November*; in the 30th Year of the Reign of our said Sovereign Lord the King aforesaid, at the Parish of *St. Margaret's Westminster*, aforesaid, in the County of *Middlesex* aforesaid, of the Treasons aforesaid were lawfully accused, and thereupon, according to due Form of Law, were committed to the *Tower of London*, being the Prison of our said Sovereign Lord the King, there safely to be kept to answer for the Treasons aforesaid, whereupon they the said *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel of Wardor*, and *William Lord Petre*, were in Parliament impeached by the Commons in the same Parliament assembled. And whereas *Thomas Earl of Danby*, afterwards to wit the said Thirtieth Day of *November*, in the Thirtieth Year aforesaid, at the Parish aforesaid, in the County aforesaid, of certain Treasons and other Misdemeanors was lawfully accused, and thereupon, according to due Form of Law, was committed to the said *Tower of London*, there to be safely kept to answer for the Treasons and Misdemeanors aforesaid, of which said Treasons and Misdemeanors he the said *Thomas Earl of Danby* is impeached in Parliament, by the Commons in the same Parliament

ment assembled, that they the said *Thomas Knox* and *John Lane*, well knowing the said *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel of Wardor*, *William Lord Petre*, and *Thomas Earl of Danby*, to be accused of the Treasons and Misdemeanors aforesaid; and they the said *Thomas Knox* and *John Lane*, being devilishly affected towards our said Sovereign Lord the King, their Supreme and Natural Lord, and devising, and with all their Strength intending the Peace and Tranquillity of this Kingdom of *England* to disturb, and to hinder and stifle the Discovery of the said Treasons, by the said *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel*, and *William Lord Petre*, as aforesaid, supposed to be committed, and, as much as in them lay, to elude the due Course of Law, and the Prosecution of Justice against the said *William Earl of Powis*, *William Viscount Stafford*, *William Lord Petre*, *John Lord Bellasis*, *Sir Henry Tichbourn*, and *Thomas Earl of Danby*, to retard, they the said *Thomas Knox* and *John Lane*, afterwards, to wit, the Thirtieth Day of *April*, in the Thirty First Year of the Reign of our said Sovereign Lord the King, at the Parish aforesaid, in the County aforesaid, falsely, maliciously and unlawfully did consult and agree among themselves, *Titus Oates* Clerk, and *William Bedlow* Gentleman, who Informations of the Treasons aforesaid had given, and whom they the said *Thomas Knox* and *John Lane*, the Day and Year aforesaid, well knew to have given Information of the Treasons aforesaid against them, the said *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel*, and *William Lord Petre*, to scandalize, and upon the Trial of the said *William Earl of Powis*, *William Viscount Stafford*, *John Lord Bellasis*, *Henry Lord Arundel*, and *William Lord Petre*, to represent them to be Persons of evil Conversation, and Witnesses not deserving Credit. And that he the said *Thomas Knox* afterwards, to wit, the said Thirtieth Day of *April*, in the Thirty First Year aforesaid, at the Parish aforesaid, in the County aforesaid, in the Names, and with the Consent and Agreement of the said *John Lane*, and one *William Osborn*, to disgrace the Information of the said *Titus Oates* and *William Bedlow*, against them the said *William Earl of Powis*, *William Viscount Stafford*, *William Lord Petre*, *John Lord Bellasis*, and *Henry Lord Arundel*, for our said Sovereign Lord the King, to be given, falsely, maliciously, subtilly, and advisedly, did write and cause to be written three Letters; and those Letters, so written, falsely, craftily, unlawfully, and advisedly, did direct and cause to be delivered to himself the said *Thomas Knox*, by which said Letters falsely, craftily, and deceitfully, it was declared, That they the said *John Lane* and *William Osborn* were greatly troubled in their Consciences by reason of certain things which they well knew, and had concealed concerning the unjust Contrivances of the said *Titus Oates* and *William Bedlow*, in accusing the said *Thomas Earl of Danby*, to be guilty of the Treasons and other Misdemeanors aforesaid, and that the said *Titus Oates* was a Person of a wicked and vicious Life, and made an Assault upon the said *John Lane*, and with the said *John Lane* to commit that detestable Sin called Sodomy before that time had endeavoured. And that he the said *Thomas Knox*,

the sooner and more effectually to persuade the said *John Lane* and *William Osborn* falsely to accuse the said *Titus Oates* and *William Bedlow*, that they the said *Titus Oates* and *William Bedlow* unjustly, and against all Truth, had accused the said *Thomas Earl of Danby*, of the Treasons and other Misdemeanors aforesaid, and so to affirm against the Evidence of our said Sovereign Lord the King, upon the Trial of the said *Thomas Earl of Danby*, for the Treasons and other Misdemeanors aforesaid, to be had afterwards, to wit, the said Thirtieth Day of *April*, in the Thirty first Year of the Reign of our said Sovereign Lord the King aforesaid, at the Parish aforesaid, in the County aforesaid, falsely, advisedly, corruptly, and against the Duty of his Allegiance, unlawfully gave to the said *John Lane* and *William Osborn*, divers great Sums of Money, and also further falsely, advisedly, corruptly, and against the Duty of his Allegiance, the Day and Year aforesaid, at the Parish aforesaid, in the County aforesaid, did promise unto the said *John Lane* and *William Osborn*, that they the said *John Lane* and *William Osborn*, within a certain Time, by the said *Thomas Knox* to the said *John Lane* and *William Osborn* propounded, divers other great Sums of Money, and other great Rewards therefore should have and receive, against the Duty of their Allegiance, to the great retarding, obstructing and suppressing of Justice, in manifest Contempt of the Laws of this Kingdom of *England*, to the evil and pernicious Example of all others in the like Case offending, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity. To this Indictment, the said *Thomas Knox* and *John Lane*, by their Attorney, pleaded that they are Not Guilty, nor either of them is Guilty of the Offence aforesaid, and further withal put themselves upon the Country, and the King's Attorney likewise. And your Charge is to enquire if they are Guilty or Not Guilty, &c.

*Cl. of Cr.* Make an O Yes.

*Crier.* O yes! if any one will give Evidence on the Behalf of our Sovereign Lord the King, against *Thomas Knox* and *John Lane*, of the Misdemeanors and Offence whereof they stand Indicted, let them come forth and give their Evidence.

*Mr. Trenchard.* May it please your Lordship, and you Gentlemen of the Jury, *Thomas Knox* and *John Lane* stand Indicted for a great and high Misdemeanor, and the Indictment sets forth, that whereas *Coleman*, *Ireland*, *Pickering*, and *Grove*, and other false Traitors did conspire to destroy the King, and change the Religion established by Law, to levy War against our Sovereign Lord the King, and to introduce Popery, and for these Treasons were convicted, attainted; and executed; and further sets forth, that the Lord *Powis*, Lord *Arundel of Wardor*, and others, were accused of the said Treasons, and were committed to the *Tower*, and afterwards were impeached for the same by the Commons in Parliament assembled; as also that *Thomas Earl of Danby* was impeached of High-Treason and other Misdemeanors; that the Defendants knowing *Mr. Oates* and *Mr. Bedlow* had given Information of these Treasons, to stifle the Evidence, and to scandalize them, did falsely conspire to represent them as wicked Persons, and Men of no Credit. And the Indictment further sets forth,



that the Defendant *Knox*, with the Agreement of *Lane*, and one *Osborn*, did cause several Letters to be writ, in which it was contrived to accuse the said *Oates* and *Bedlow*, that they had conspired falsely to accuse the said Earl of *Danby*, and that *Oates* was a Person of a vicious Conversation, and had a Design to attempt an Assault upon the Person of the said *Lane*, with an Intention to commit that detestable Sin of Sodomy; the better to effect which wicked Designs, the said *Knox* gave several Sums of Money to *Osborn* and *Lane*, and had offered great Rewards unto them. To this Indictment they have pleaded Not Guilty, and you are to try whether they are Guilty or Not, of this Misdemeanor.

*Then Sir John Maynard, the King's eldest Serjeant at Law, pursued the Charge thus.*

*Mr. Serj. Maynard.* May it please your Lordship, and you Gentlemen of the Jury; this Cause is of great Consequence; and, my Lord, I desire the Jury to observe, that their Question this Day is not to enquire whether the Lords or the other Persons accused and impeached in Parliament are Guilty or Not; but the Question before them, is, Whether the Persons that stand here indicted, are guilty of wicked and vile Endeavours to discountenance and suppress the Evidence, and scandalize their Persons, who were to give Evidence against these Lords; we are not to give Evidence against the Lords, but against these Persons.

*L. C. J.* \* You are right, Brother.

*Mr. Serj. Maynard.* Gentlemen, something I must observe to you, that is an Inducement to this Matter: That there hath been an horrid and abominable Conspiracy against the King, the Nation, the Religion, and the Law, appears (my Lord) by the Proceedings in Parliament, wherein the Lords and the Commons have several times jointly declared so, and, I think, 'tis so publick that no Body will doubt there is such a thing; who is guilty, that is another Matter.

*L. C. J.* This Court must take notice of that, because some have been tried, convicted, and condemned for it by this Court.

*Mr. Serj. Maynard.* Your Lordship says right. But, my Lord, the first Discovery of this Conspiracy came from a single Person, one that stood single and discouraged a long time, and that there were Endeavours to discourage his further Discovery, that will appear. My Lord, when it stood so, it happen'd that Sir *Edmundbury Godfrey* had taken his Examination, and these things will be material in the End of the Cause. Sir *Edmundbury Godfrey* having taken the Examination of *Oates*, then the Endeavour was to suppress this Examination that he had taken, and that by no less a Wickedness than the barbarous Murder of that honest Gentleman, whom you all knew; and they not only took away his Life, but they did strive to baffle and defame him, when he was dead, and that will appear too, and is publick and known. My Lord, all this while stood *Oates* single; it fell out by the Mercy of God, that a further Discovery was made by *Bedlow*, he was examined, and it is publickly known, and publick Justice hath gone upon it.

The next Attempt was to corrupt the Testimony of *Bedlow* with Bribes and Rewards, and by other Ways; and the Person that transacted it, *Reading*, is attainted of it, *Scelere tutandum est scelus*, when Men have invented and designed any great Wickedness, they are forced to enter upon others to cover and conceal the former. My Lord, it proceeded now, and comes to that which will be the Question this Day. Having gone all these ways, now they return again, to see if they can disgrace and baffle the Evidence *Oates* and *Bedlow* had given, and the way to that is by disparaging and scandalizing them with foul Offences, especially Dr. *Oates*; and that was thus, (as we shall prove to your Lordship) *Lane* had been a Servant with *Oates*, and the other was one of the like Condition, and he was tampered with to accuse Dr. *Oates* of that horrid Sin of Sodomy, and I think if he were such an one, little Credit were to be given to such a Man. This was the Design they were to accomplish. And we shall prove to you, in order to it, there were Letters (written and contrived by *Knox* indeed) written by *Osborn* who is not now before you, but a Contrivance of them all. And, my Lord, there must be a Pretence; for in truth these Persons had been examined, and had charged him with this Offence, but upon further Examination they had renounced their Discovery.

*L. C. J.* Had they all given Evidence? Or who did?

*Mr. Serj. Maynard.* No, my Lord, pardon me, I am not speaking of their Evidence, but only of their Examination before the Lords.

*L. C. J.* What was it that was there witnessed?

*Mr. Serj. Maynard.* Then they pretended this Matter, That they were touch'd in Conscience, and now they repent, and must discover the Truth for the Truth's sake, that themselves were false in making of the Charge, and this, my Lord, must be furthered with Bribes and Rewards, as we shall prove to you. We shall make out the Particulars by Witnesses, and then we think we may leave it to your Lordship and the Jury to determine. In truth, my Lord, it happens in this Case as it did long ago, when the first Discovery was of a like Design, and as is told by the Historian; *Multi ob stultitiam non partabant, multi ob Ignorantiam non videbant, multi ob pravitatem non credebant, & non credendo conjurationem adjuvabant.*

*Mr. Att. General.* † May it please your Lordship, and you Gentlemen of the Jury: I am of Counsel for the King in this Cause, whose Suit it is. The Evidence hath been opened fully by Mr. Serjeant. I shall only say this, that this is a Counter-part of Mr. *Reading's* Case, only it seems in this to differ, that the Counter-part exceeds the Original; for, I think, that it is of a further Extent than his was. It hath been told you by Mr. Serjeant, and, I know, the Court will tell you, that it matters not whether those Persons that are accused of the Plot, and impeached for it, were Guilty or Not, it is sufficient that they are accused, and that by these Persons. For any body to endeavour to suppress and withdraw the King's Evidence, or to disgrace the King's Evidence, that is not lawful, be the Crime what it will; but it is a much greater Crime in a Case

\* Sir William Scroggs.

† Sir Creswell Levinz.

of this Nature of High-Treason, where the Life of the King, the Government of the Kingdom, the Religion, and the true Worship of God established in it, and the Laws of the Nation are in danger: Some of these Persons are guilty, for Mr. Coleman, and several others, have been found Guilty, and have been executed for it.

The Design in this Case that lies before you, Gentlemen, to try, was to throw a Disparagement upon the Testimony of those Persons by whose Evidence those Traitors were principally attainted and executed. This is, Gentlemen, to affront the Justice of the Nation, and indeed to cast a Disparagement upon it; and that sure is as great an Offence as can be; the Matter of the Evidence hath been open'd to you, I shall only acquaint your Lordship and the Jury, that it hath been design'd a great while, and so long design'd, that one of the Persons here accused, Mr. Lane, one of Oates's Servants, had the Opportunity to get into his Master's Secrets, thereby the more effectually to betray him, and, as it will appear by Witnesses, did carry on the Design till it was discovered, and by that Discovery prevented, as to any Success.

*Mr. Recorder* †. Your Lordship is pleased to observe in the Indictment that is now to be tried, there are but two Persons that stand Indicted, that is, Lane and Knox. I presume the Gentlemen that are on the other side for each of the Prisoners (for I perceive those that are for the one, are not for the other) may expect that there should be Proof made of what is laid as Inducement in the Indictment, and will not tend immediately to that which will be the Question in this Case: for there is recited in the Indictment the Conviction of Coleman in this Place, and others in other Places, for the High-Treason the Evidence whereof these Persons are Indicted for scandalizing, we have here the Records ready to prove it.

*L. C. J.* I suppose they will admit that.

*Mr. Recorder.* If they will not, we have that which will prove it.

*Mr. Withins.* My Lord, we shall not stand upon that.

*Mr. Solicitor General* \*. We are ready, if you do.

*Mr. Serj. Maynard.* And you will admit that Doctor Oates and Mr. Bealox were Witnesses upon those Trials?

*Mr. Withins.* Yes, and gave Evidence very considerable.

*Mr. Recorder.* Then my Lord, we must hint to you, that Lane, who is one of the Persons taken notice of in the Indictment, was a Servant to Dr. Oates; Knox was not in his Service, but Knox is a Man that made use of Lane as a Handle to the Matter he had design'd; therefore Letters are prepared, but by whom? That we shall give you an Account of was by the Direction of Knox, tho' the Letters that will be produc'd, are directed to Knox himself.

*L. C. J.* Your Indictment says so.

*Mr. Recorder.* But we shall give you an Account, that he was Director of those Letters himself; but as your Lordship may observe, there are not only Letters, but some Accusations or Informations. We shall prove to your Lordship whose Hand-writing they were, and who dictated those Informations: For I think that Mr. Knox

is pretended to have the most Brains; and I believe Mr. Knox, in the Consequence, will appear to have the most Malice. And we shall prove in the next Place, that inasmuch as it would be natural in the course of Justice to ask whether these Persons should not have Money for the Reward of such a Business; we shall prove that there were Treaties with Mr. Lane, and one Mr. Osborn who is not Indicted, (but was likewise a Servant to Dr. Oates, and had thereby an Opportunity of deceiving him) that they had Meetings; how Guineas have been cunningly dropt down, which was to prevent, as I was acquainting your Lordship, any such Question that should be ask'd, what Monies and Rewards they were to have for this great Discovery of any Wickedness that Mr. Oates should be guilty of. Mr. Knox, he prepares them in this manner. At every Meeting, when they were discoursing and pursuing this Business, then by some *unlucky* Accident or other, Mr. Knox he is to drop a Guinea or two, according as Mr. Lane and the other Person had occasion, or a Desire to have it; but none were to be given, but as by Accident, as if Knox holding his Guineas in his Hand, or in some other accidental way, should drop them; and then Osborn and Lane were to pick them up in a kind of a Jest only, as if Knox had accidentally let them fall, and they had as accidentally taken them up. How this came to be discover'd, we must give you an Account. Matters being thus prepar'd by the Instigation of Knox, and transacted so far by Lane and Osborn, they thought it then fit to put their Design in Execution. Accordingly their Informations are produced before a Justice of Peace, who finding the Matters were improbable, (for I think they had some Scrutiny before the Justice of Peace, and before the Lords Committees of the Lords House) one of them, Gentlemen, tho' now he is pleased to say he is *Not Guilty*, yet at that Time had a little more Ingenuity, and did confess the whole Matter, and how he was drawn in, and how far he was concern'd, and how Mr. Knox had directed him, and the Money and Rewards he had received, and that besides, divers other Sums of Money had been promised, and great Rewards offered in case this Design had taken effect. We shall call our Witnesses before your Lordship, and give in Evidence the Informations that they had intended to offer; and if we shall prove the Matters that have been open'd to you, I believe the Consequence of this Case will appear as much to concern the Government, as any that hath come to this Bar.

*Sir Fr. Winnington.* My Lord, if your Lordship please, we shall now go to prove our Case; the Question was ask'd whether they would admit the several Attainders of those Persons that have been Executed for this Plot. I now ask them, whether they will admit the several Impeachments that are also mentioned in the Indictment, both of the five Lords in the Tower, and also of the Lord Danby.

*Mr. Withins* and *Mr. Scroggs.* Yes we do.

*Mr. Just. Pemberton.* All that they will allow.

*Mr. Recorder.* Then we begin with Mr. Radford. [*Who was sworn.*]

*Mr. Att. Gen.* What is your Name, Sir?

*Radford.* Robert Radford.

*Mr. Att. Gen.*

† Sir George Jefferies.

\* Sir Francis Winnington.

*Mr. Att. Gen.* Come on, *Mr. Radford*, tell my Lord and the Jury what you know concerning this Business, about *Lane* and *Knox*.

*Radford.* Sir, if it please your Honour, *R. Lane*, Father of *John Lane*, was a Yeoman of the Guard extraordinary, and I am one of his Majesty's Yeomen of the Guard. As he was in waiting, he was telling me a Story ———

*L. C. J.* *Richard* was?

*Radford.* Yes, *Richard* the Father was telling me that *Dr. Oates* did attempt his Son many times to do such and such things to him, that was in the way of Buggery; said I, *Richard*, I am ashamed of you, that you should cherish your Son in such things as these are; so I went away in Anger, and told him, That if he were my Son, I would correct him severely for it; and said no more, knowing him to be a lying Fellow; and all the whole Guard know him to be a lying Fellow, and that there is no Truth in him.

*L. C. J.* All who?

*Radford.* All the Guard; and that is all I can say.

*Mr. Just. Jones.* When was this?

*Radford.* Above a Twelvemonth ago. And I knew that he was a lying Man, and I durst not speak of it, because I knew he was so, and was afraid he would have put it upon me.

*L. C. J.* What, he told you that his Son told him so?

*Radford.* No, he told me only that his Son was weary of *Dr. Oates's* Service; and I told him that he was come away once before, and why did he go again? He said his Son could not be quiet.

*L. C. J.* Did he say his Son told him? The Question is plain: Did he speak it of himself, and not that his Son told him?

*Radford.* He said only, that he had attempted his Son.

*Mr. Att. Gen.* My Lord, we will call *Thomas Allen*. [*Who was sworn.*]

*L. C. J.* What is this Man's Name?

*Mr. Att. Gen.* *Mr. Allen*, my Lord. What do you know of any Application to bring this *Lane* into *Oates's* Service? Tell your whole Knowledge of the Matter.

*Allen.* My Lord, about the Month of *December* last, when he was gone out of *Dr. Oates's* Service ———

*L. C. J.* Who was gone out of *Dr. Oates's* Service?

*Allen.* *Lane*; he desired me to intercede for him again and again, and accordingly he was admitted into his Service again.

*Mr. Att. Gen.* Did you hear any Discourse before this, of any Attempt upon him?

*Allen.* How Attempt?

*Mr. Att. Gen.* Did you ever hear of any Complaints made by *Lane* against *Dr. Oates*?

*L. C. J.* Did you ever hear *Lane* complain that his Matter would be uncivil with him?

*Allen.* No, I remember nothing of that.

*Mr. Recorder.* Now, if your Lordship please, we shall give your Lordship an Account, that when he was admitted again, he bragg'd he should get a great Sum of Money; and for that we call *Mr. Samuel Oates*. [*Who was sworn.*]

*L. C. J.* Are you Brother to *Mr. Oates*?

*Mr. S. Oates.* Yes, Sir.

*Mr. Att. Gen.* What do you know of any Sum that this *Mr. Lane* did pretend to get, and on what Account?

*Mr. S. Oates.* My Lord, about a matter of a Fortnight before he went away from my Brother, I was in the Withdrawing Room ———

*L. C. J.* How long is it ago since he went away?

*Mr. S. Oates.* It was in *April* last, as near as I can remember.

*L. C. J.* Well, go on, Sir.

*Mr. S. Oates.* So there were several Servants in the Room, and they were talking and laughing together; and he was wishing, said he, I wish I had a Thousand Pounds; said some of them to him, What would you do with it? Said he, I would take it and fling it upon the Ground, and tumble in it; says one of them, You may wish long enough before you have it; I question not, says he, but ere long to find a way to get a Thousand Pounds.

*Mr. Recorder.* Do you hear him, Gentlemen? This was a Fortnight before he went away.

*Mr. S. Oates.* I can only speak as to *Osborn*, as to the Thing it self.

*Mr. Att. Gen.* Did you ever hear him say which way he did intend to get this Thousand Pounds?

*Mr. S. Oates.* No, I do not remember that; but upon these scandalous things coming out, I was considering what he had said, and how he behaved himself in his Service, and upon Recollection, I did think of this Saying of his.

*Mr. Just. Pemberton.* Ay, he recollected it afterwards.

*Mr. Williams.* Speak those Words over again, as near as you can remember.

Then *Mr. S. Oates* repeated his Evidence to the same Effect.

*Sir Fr. Winnington.* What is that of *Osborn* that you can say?

*L. C. J.* What does that signify to these Defendants?

*Sir Fr. Winnington.* Although he is not a Party that does defend this Matter; yet it is all one entire Act that they three were in Combination to corrupt the King's Evidence, and to stifle it; and tho' so far as it does relate to *Osborn*, it will not convict him being absent; yet it will enlighten the King's Evidence about the Conspiracy, for he is mentioned in the Indictment.

*L. C. J.* Well, if you think it material, you may ask what Questions you will about it.

*Mr. S. Oates.* I was asking *Osborn*, a little after he was let out of the *Gate-House*, how he came to repent himself ———

*L. C. J.* Who had repented himself?

*Mr. S. Oates.* *Osborn*.

*L. C. J.* Had *Osborn* repented himself, of what?

*Mr. S. Oates.* Of what he had given an Account of before the Committee.

*Mr. Just. Pemberton.* Do you know any thing of that?

*Mr. S. Oates.* I know nothing but what they did say upon their Examination.

*L. C. J.* Were you by and present at their Examination?

*Mr. S. Oates.* I heard nothing but what they said for themselves; I was at some part of their Examination.

*Mr. Just. Pemberton.* What did *Knox* and *Lane* say?

*Mr. S. Oates.* *Osborn* was a saying, That as we walked, said he, in the Cloisters of the  
Abbey,

Abbey, where he did dictate what we were to do.

L. C. J. This is no Evidence. Shall what *Osborn* says at one time, and apart from the rest, be any Evidence here!

Mr. Recorder. No, my Lord, we offer it only as an Evidence of the general Conspiracy.

L. C. J. *Osborn* is a telling how *Knox* and *Lane* and he did conspire and contrive this Business; is this Evidence against these Defendants? I ask my Brother *Maynard*.

Mr. Serj. *Maynard* My Lord, if this were single clearly, it were no Evidence; but if it fall out in the Evidence, that we shall prove *Osborn*, *Knox* and *Lane* were all in the Conspiracy, tho' it is not direct Evidence to Convict the other, yet it will enlighten that Evidence we give against them.

L. C. J. Why did you not make *Osborn* a Party?

Mr. Serj. *Maynard*. He is laid in the Indictment to join with them, but he is run away.

Mr. Just. *Pemberton*. My Brother intends it thus, that the Business is so interwoven between them all, that to make it be understood, it is necessary to bring in something about *Osborn*.

Mr. *Sanders*. I pray they may bring something against them first.

L. C. J. Ay, the Counsel say very well on the other side; first prove some Fact against *Knox* and *Lane*, and then prove what you will afterwards.

Mr. Serj. *Maynard*. It is an Inducement to it: But I beseech you, in all Cases that are Capital, are not the King's Counsel at liberty to prove Circumstances as well as the Substance?

L. C. J. The Court will direct it is no Evidence against the now Defendants, unless you prove the Fact upon them.

Mr. Serj. *Maynard*. Unless we do bring it down to *Knox* and *Lane* afterwards, that they were guilty, it will not be any Evidence, I know.

Mr. *Holt*. If it be not Evidence, we conceive, with submission to your Lordship, it ought not to be heard.

L. C. J. Prove something first, Brother, against the Defendants, and then urge this.

Mr. Recorder. They need not labour it on the other side. We agree it is no Evidence against the Defendants, but only circumstantial as of the general Conspiracy.

L. C. J. But pray how can it be circumstantial Evidence, and yet no Evidence? Prove the Conspiracy, or it signifies nothing.

Mr. Serj. *Maynard*. If it be circumstantial to make good the Evidence of the Fact, it will be material for us to urge it.

L. C. J. But first prove the Fact.

Mr. Recorder. We shall now prove, if your Lordship please, that *Knox*, who is one of the Persons indicted, hath made his Applications to others that had relation to Dr. *Oates*, to endeavour to persuade them to pick out something or other against Dr. *Oates*. Call *Thurston* and *Ray*.

Mr. Serj. *Maynard*. My Lord, we shall first go to the Substance of the Evidence, and then the circumstantial things will be material, which before were not material.

L. C. J. Now you go right, Brother.

Mr. Serj. *Maynard*. We shall go this way, to shew that *Lane* and *Osborn* did accuse Dr. *Oates*; and after they had accused him, they were con-

victed in their own Consciences, and did confess they had falsely accused him, and afterward did repent of that Repentance; and that *Knox* had an Hand in all this.

L. C. J. I think you have not opened that clear enough; before whom was that Accusation?

Mr. Serj. *Maynard*. Before the Lords, and before Sir *William Waller*.

Mr. Recorder. For they were in the *Gatehouse*, and there they sent for Sir *W. Waller* to come to them, and there did confess the matter to him; whom we desire may be sworn.

[Which was done accordingly.]

Sir *W. Waller*. My Lord, upon the Twenty ninth of *April*, during the Sessions of Parliament, there was a Committee of Lords appointed for the taking Instructions about this Plot: Being there attending upon the Lords, this Complaint of Mr. *Oates* was brought before them, of the horrid Abuse of two of his Servants. And the Lords were pleased to order Mr. *Warcup* and myself to take their Examinations.

L. C. J. What two Servants were they?

Sir *W. Waller*. They did belong to Dr. *Oates*.

L. C. J. What were their Names?

Sir *W. Waller*. *Osborn* and *Lane*.

L. C. J. What found you upon their Examination?

Sir *W. Waller*. Upon the Examination of *Osborn* and *Lane*, I did find they did agree together to a Tittle.

L. C. J. Then tell us *Lane's* Evidence first. If they agreed in a Tittle, tell it us what it was.

Sir *W. Waller*. My Lord, Mr. *Lane* did confess this.

L. C. J. What, upon his Oath?

Sir *W. Waller*. Yes, upon his Oath, my Lord.

L. C. J. To you?

Sir *W. Waller*. Yes, my Lord, that he had been induced by Mr. *Knox* to betray his Master, and for to swear several things against him which *Knox* had drawn up and dictated to him. He did not write them himself, but *Osborn* writ them, and he did sign them. There were four Letters that were brought before us; there were three or four Memorials, as they called them, three or four Informations, which were those Papers that they carried to Mr. *Cheyney* to *Chelsey*.

L. C. J. Who carried them?

Sir *W. Waller*. *Knox* took *Osborn* and *Lane* with him, and carried them thither, as *Lane* swore. And when they came thither, and he was acquainted with the Business, he looked upon it as so foul and notorious a thing, that he would not meddle with it; but he advised them that they should go (because *Knox* pretended the Lord of *Danby* was much concerned in it) to some other Justice of Peace, or some of the Privy-Council that were Friends of my Lord of *Danby*.

L. C. J. *Knox* advised this, did he?

Sir *W. Waller*. No, they said Mr. *Cheyney* did. They went afterwards (and they did all confess it) to Mr. *Dewy*, and Mr. *Dewy* gave them the same Answer, that he could not meddle with it. And after this, Mr. *Knox* went and took several Lodgings for them, fearing that Dr. *Oates* would hunt after them; and one Lodging, amongst others, was, I think, the *Three Flower-de-luces* in *White-Friers*. And afterwards they removed to

a place in the paved Alley betwixt *Lincolns-Imm Fields* and *Chancery-Lanc.* During which time, *Knox* did bid them stand firm to what they were to do, and they should not want for a considerable Reward, and have wherewithal to maintain them with their Footmen, and live very well. And, my Lord, *Lane* did confess this, that he brought *Mr. Osborn* to *Knox* first into the *Painted Chamber*, and made them acquainted there. And, my Lord, there is one thing that I omitted; *Mr. Lane* did confess to me, that *Mr. Knox* did, at the *One Tun Tavern* I think it was, drop a Guinea upon the Table, and said, I will not give it you, because now I can safely swear that I never gave you any Money; but be sure you stand fast to these Informations, and to what I have dictated to you, and you may be sure you shall be well rewarded for your pains. And he told them this more, *My Lord-Treasurer* would never have surrendered himself to the *Black-Rod*, unless you had promised to stand fast to this Evidence; that was, to swear to what Evidence he had dictated to them.

*L. C. J.* Did *Lane* produce the Informations, and those things that *Knox* tempted him to swear?

*Sir W. Waller.* My Lord, they were produced before us.

*L. C. J.* What were they? What was the Substance of them?

*Sir W. Waller.* One part was to swear that *Mr. Bedlow* should come to *Mr. Oates*, and say to him, That my Lord of *Danby* should offer him a considerable Sum of Money to go beyond Sea.

*L. C. J.* To whom?

*Sir W. Waller.* To *Bedlow*. And that was only considerable as relating to *Mr. Bedlow* in any part of the Examination: But as to *Mr. Oates*, they were to accuse him of having a design of abusing his Body; for he sent to me —

*L. C. J.* Who did?

*Sir W. Waller.* *Lane* sent twice. Upon his first Examination he did seem to be very shy; but upon the second, he sent one *Rix* to me, one of the Yeomen of the Guard, to let me know, that he was troubled in his Conscience at what he had unjustly done in charging *Mr. Oates*, and that he was desirous to discharge his Conscience of the burden that lay on it, and to wave his own Reputation, that he might acquit the Innocent.

*L. C. J.* Why, where was the Villany done that he repented of?

*Sir W. Waller.* My Lord, it was in reference to his swearing against *Dr. Oates*.

*L. C. J.* Where, before the Lords?

*Sir W. Waller.* He was brought that very morning before the Lords; but not ce being come that the King was come in, and the Houic was sitting, he was remanded, and afterwards sent *Rix* to me, to tell me, he was sensible of the Injury he had done to *Dr. Oates*, and would make a Confession of all.

*L. C. J.* Where had he done him Injury?

*Sir W. Waller.* In reference to those Abuses that he had offered to swear, and I think had sworn, but before whom I don't know; I suppose you will have an Account of that by and by.

*L. C. J.* So then this is the Substance of what you say as to *Mr. Oates*: That *Lane* sent to you,

and shewed you several Papers and Informations against the Credit of *Oates* and *Bedlow*, and told you that *Knox* did tempt him to justify this, and swear it; and that he went with them to a Justice of Peace in order to do it, but he did not care to meddle with it, and bid them apply themselves elsewhere, and afterwards they came to you; and whether it was sworn or no, you cannot tell, but you say he did confess he had wrong'd *Mr. Oates* in those Scandals that he would have put upon him; and that this was by *Knox's* Advice and Direction.

*Sir W. Waller.* But there is this thing further: He said truly that *Mr. Oates* would be something hasty and passionate, but that he was very religious, and was very constant in sending his Servants to Prayers; and that what he had accused him of, it was an abominable Falshood, and was done by the instigation of *Knox*, who had encouraged him to it by the Promises of a great Reward.

*Mr Just. Pemberton.* And it was he that told you of the dropping of the Guinea, was it not?

*Sir W. Waller.* My Lord, he did contents that himself, but he said he lent it.

*Sir F. Winnington.* Pray did *Lane* confess to you from whom this Money and Reward was to be had? For he was not a Person that was likely to bestow so much Money of his own. Was it from any of the Conspirators? Or from whom, that the Rewards, and this Money should come, upon your Oath?

*Sir W. Waller.* I have examined them many times as to that, but could never learn any thing.

*Mr. Just. Pemberton.* *Sir W. Waller*, was *Knox* ever before you?

*Sir W. Waller.* Yes, my Lord, I took his Examination, and it was only to excuse himself, that he received the Lettes from them, which they said they writ out of trouble of Conscience, and would have him to take their Examinations and to go along with them before a Justice of Peace.

*L. C. J.* That was *Knox's* Defence? Said he, they came to me, and I did not go to them, but they desired me to go along with them to a Justice of Peace.

*Mr. Just. Pemberton.* Did you let him know what they had said to you?

*Sir W. Waller.* No, my Lord, I kept that private: But there is one thing very material. That Morning we took *Knox's* Examination, we were so long about it, that we could not dispatch it in the Forenoon, and therefore ordered *Lane* to be brought before us in the Afternoon; and then did *Knox* write a Note, and sent it up by a Woman that was a Nurse there in the Prison, and there was a Paper convey'd thro' the Door to him to this purpose, *We paid our* —

*L. C. J.* Who writ that Note?

*Sir W. Waller.* *Knox* did, and confessed it to me.

*L. C. J.* To whom was it convey'd?

*Sir W. Waller.* To *Mr. Osborn* from *Knox*; and it was, *We always paid our Club* —

*Mr. Sanders.* How do you know it was from *Knox*?

*Sir W. Waller.* He confessed it.

*Mr. Sanders.* Did he shew it you?

*Sir W. Waller.* No, I did not see the Note, but he confessed it.

*Mr. Just. Pemberton.* Pray *Mr. Sanders* don't interrupt them, they are in their Evidence.

*Mr. Serj. Maynard.* They must do that, for that is the best part of their Defence, for ought I know.

*Sir W. Waller.* The Words, my Lord, were these, *We always club'd, and you paid two Shillings at the Sugar-loaf. Tear this.*

*L. C. J.* Why, what could this be?

*Sir W. Waller.* Why, I will tell you, my Lord, it was upon this Account, that he should not gainsay what he had confessed and agreed to, that so they might not be in two Stories.

*Mr. Serj. Maynard.* My Lord, *Osborne* and *Lane* had formerly accused, and given some Informations against *Dr. Oates*; afterwards you see what happened before *Sir W. Waller*, they renounce what they had done, and then, my Lord, was *Knox* imprisoned, and thereupon he writes this Note, *We always club'd together, and you paid two Shillings at such a Place*: The Circumstances will come out by and by. They met at several Places, and we shall prove that *Knox* bore their Charges, and paid for them, though by this Note he would make it, that they bore their own Charges.

*Mr. Just. Pemberton.* The succeeding Evidence will open it.

*Sir W. Waller.* My Lord, here is one thing more that I had forgot: *Lane* did confess, that for the preventing of any Discovery of this horrid Fact, it was agreed amongst them, that if any one should make a Discovery of it, the other two should murder him.

*Mr. Sol. Gen.* We desire that the Jury may observe that.

*Sir W. Waller.* He did likewise declare, that the Lords in the *Tower* would not be wanting to acknowledge the Kindness in disparaging the King's Evidence.

*Mr. Just. Pemberton.* That was *Lane* and *Osborne* did confess that?

*Sir W. Waller.* Yes, both *Lane* and *Osborne* swore it positively.

*Sir Fr. Winnington.* If you have done as to *Lane*, pray acquaint my Lord and the Jury what you know of the Confession of *Knox* upon his Examination.

*Sir W. Waller.* *Knox* confessed not any thing, but stood stiff to it, that the Papers and Letters were written by them, and contrived by them.

*Mr. Just. Pemberton.* And that what he did was at their Request?

*Sir W. Waller.* Yes, but the rest did both confess, that what was done was wholly by the Contrivance of *Knox*.

*L. C. J.* Did you ask *Knox* if he had dropp'd a Guinea?

*Sir W. Waller.* My Lord, he confess'd he had dropp'd a Guinea, but it was only to lend them, and they promised to repay him; and that one morning he dropp'd ten Shillings upon the Bed, and they took it up.

*L. C. J.* *Knox* said he only lent it?

*Sir W. Waller.* Yes, but they positively swore both the one and the other.

*Mr. Just. Pemberton.* What said *Knox* to that?

*Sir W. Waller.* He lent them only.

*L. C. J.* Well, go on, Sir.

*Sir W. Waller.* And *Lane* did positively confess, that at all the Places, and the several Lodgings, and the Treats and Entertainments they

had been at, they were all at *Knox's* Charge, except twice, which might amount to about eighteen Pence, and that he paid.

*L. C. J.* What said *Knox* to it?

*Sir W. Waller.* He deny'd all.

*Mr. Just. Pemberton.* As to the manner of it, what said *Knox* to the dropping of it?

*Sir W. Waller.* He confess'd he dropp'd it, but only lent it them.

*Sir Fr. Winnington.* You say *Lane* was a Servant to *Dr. Oates*, pray whose Servant was *Knox*?

*Sir W. Waller.* He did belong to my Lord *Dunblane*. And moreover, *Mr. Knox* did confess to me, that the Papers so drawn up and deliver'd into his Hands, had been in the Custody of my Lord *Latimer* for a long time.

*Sir Fr. Winnington.* Did he so, I hope the Jury will believe him then.

*L. C. J.* *Sir W. Waller* does swear, that *Knox* confessed that all those Scandals raised against *Dr. Oates*, had been by his Hands deliver'd into the Hands of my Lord *Latimer*, and were there for some time.

*Sir W. Waller.* Yes, my Lord.

*Sir Fr. Winnington.* I did not well hear you, Sir, one thing you were saying in the beginning of your Evidence, that these Gentlemen spoke of my Lord of *Danby's* not surrendring himself, pray let us hear that over again.

*Sir W. Waller.* *Mr. Lane* said this, that my Lord of *Danby* would not have surrendred himself to the *Black-Rod*, but that he did depend upon their standing to what Informations they had given in.

*L. C. J.* Upon your Oath *Lane* did say this?

*Sir W. Waller.* Yes, my Lord.

*Mr. Serj. Maynard.* My Lord, now we will call another Justice of Peace, that took their Examinations, and we shall then particularly apply ourselves to *Mr. Knox*, that seems to make these Excuses for himself. Call *Mr. Justice Warcup*. [*Who was sworn.*]

*Mr. Warcup.* I must beg the Favour of the Court, because my Memory is bad, that I may refer to the Informations that were taken before me.

*Mr. Just. Pemberton.* You may look upon them for the Refreshment of your Memory.

*Mr. Warcup.* I answer to every Part of this that hath my Hand to it, I desire it may be read.

*Mr. Recorder.* No, that can't be, you must not read them, but only refresh your Memory by them.

*Mr. Warcup.* This *John Lane* did confess he liv'd with *Dr. Oates*, and about the Seventh of *April* he left him, and while he liv'd with him, he said, he sent his Servants daily to Prayer in the morning to the Chapel, and left but one at home to dress him, and whilst he was with *Dr. Oates*, he was never charged by his Master with the opening of any Letters, and that the Informations marked 1, 2, 3, 4 and 5 —

*Mr. Williams.* Pray, Sir, acquaint the Court as far as you can by your Memory.

*Mr. Warcup.* *Lane*, my Lord, before me denied all that he had said, that is, that what he had said before the Lords was true, but that particular Examination before *Sir W. Waller* was by him alone.

*Sir Fr. Winnington.* Was he upon Oath before you?

*Mr. Warcup.* Yes, I find he was.

*L. C. J.* Did you examine him after *Sir William Waller*, or before?

*Mr. Warcup.* To the best of my Remembrance it was before.

*Mr. Just. Jones.* He was upon his Oath there too?

*Mr. Warcup.* Yes, and I must acquaint you I find it at the bottom to be (*Jurat.*) He was brought before the Lords of the Committee for Examinations, and did there likewise at first swear the things in these Notes contained, and did afterwards come to the said Committee, and beg their Pardon, and God's Pardon for what he had sworn, for it was false.

*L. C. J.* Who did?

*Mr. Warcup.* Lane did.

*L. C. J.* Did you hear him?

*Mr. Warcup.* Yes.

*Mr. Just. Jones.* Was he upon his Oath the last time, when he said this to the Committee?

*Sir W. Waller.* Yes, my Lord, I was by too, I heard him.

*L. C. J.* So he swears backwards and forwards.

*Sir Fr. Winnington.* Such People us'd to do so.

*Mr. Warcup.* That particular of the Note, that *Mr. Knox* sent up by the Nurse, I was by and did hear him confess it.

*Sir W. Waller.* But he did declare there to the Committee, that it was his Voluntary Repentance, and that he was exceeding sensible of the Abuses he had offered to *Dr. Oates*, in this Design of accusing him in such a manner.

*Mr. Just. Jones.* What, before the Lords?

*Sir W. Waller.* Yes, my Lord.

*Mr. Warcup.* *Mr. Knox* did say he sent such a Note up to *Osborne*, and the Words were, as I remember, *We always club'd, and you paid two Shillings at the Sugar-Loaf, Tear this.*

*L. C. J.* Look you, the use I see that would be made of this, is, that *Knox* in a secret way should give Intimation to this *Osborne*, that he should not own that he had been treated by him, or any Money spent upon him, and this Note is the cunning way of insinuating that Matter, as I understand it.

*Mr. Warcup.* I shall humbly acquaint your Lordship with one thing further; *Knox* did confess that he had lain with these People in several private Places, for there were Warrants out for the apprehending them, upon the Information given by *Dr. Oates* of this Contrivance, that he had lain with them at *White-Friers*, and *Charing-Cross*, and at other Places.

*Mr. Just. Pemberton.* That he had obscured them when they were in danger.

*Mr. Warcup.* That he had lain with them at that time.

*Sir Fr. Winnington.* Pray, upon your Oath, when he had told you he had lain with them in any private Lodging —

*Mr. Just. Pemberton.* Did he say he had advised them where to lie?

*Mr. Warcup.* He said he had been with them, and advised them where to lie.

*Mr. Just. Pemberton.* Did he say he had taken Lodgings for them?

*Mr. Warcup.* Yes, he did.

*Sir Fr. Winnington.* Your Question, Sir, hath prevented mine; but I would ask him a Question further. Did he confess to you he paid for those Lodgings?

*Mr. Warcup.* Truly, my Lord, unless I read the Information, I cannot tell:

*Sir W. Waller.* My Lord, I perfectly remember this, That *Knox* did confess he had paid for their Lodgings, but they were to pay him again; but both *Osborne* and *Lane* did positively swear he did pay for all, and several times at several Taverns where he treated them, he bid them call for what they would, and they should have it.

*Mr. Sol. Gen.* What do you know of being at the *Sugar-Loaf* at any time?

*Mr. Warcup.* I tell you what I find here he confess'd, that they complaining they knew not where conveniently to lodge, this Examinant told them he would endeavour to find them a Lodging, and the very self-same Day, he went by the Direction of one of my Lord *Dunblane's* Servants, a Coachman, to the *Sugar-Loaf* in *White-Friers*, and took Lodgings as for himself and two of his Friends, and lay there with them to the time of his going from the same Lodging, which was five or six Days.

*Mr. Just. Pemberton.* And he did it by the Direction of my Lord *Dunblane's* Coachman?

*Mr. Warcup.* Yes, my Lord, it is so in the Information.

*Mr. Serj. Maynard.* Is that Information true?

*Mr. Warcup.* Yes, my Lord, I am sure he said it, or I should not have writ it down.

*L. C. J.* *Mr. Warcup*, Had *Lane* recanted what he had said against *Mr. Oates* at that time when the Lodgings were taken?

*Mr. Warcup.* My Lord, it was before they came to the Lords that they took these Lodgings.

*Mr. Just. Pemberton.* Ay, that's clear, it was before all came out.

*Mr. Warcup.* I was commanded by the House of Peers to give my Warrant for the apprehending of them.

*L. C. J.* The Lords sent to apprehend them upon the Slander of *Mr. Oates*, and then he concealed them.

*Mr. Recorder.* My Lord, *Sir W. Waller* speaks of one *Rix* that was sent by *Lane* to him to make a Discovery, this is the Gentleman. [*Who was sworn.*]

*Rix.* May it please your Lordship, There was one *Osborne* that was concern'd with this *Lane*, who is since run away: *Osborne* came first upon the Guard to me, and desir'd me to get him into Service. He desir'd to come into my Lord-Treasurer's Service, and what he desir'd of me was to frame him a Petition to my Lord-Treasurer. We had no Answer till two Days after, and I being upon the Guard with *Dr. Oates*, I did suppose I might get him into his Service, I spoke to *Dr. Oates*, and he entertain'd him; and after he had entertain'd him a while, this *Lane* then being a Servant with him, they both told me they were going off now from *Mr. Oates*.

*L. C. J.* Who told you?

*Rix.* *Lane* and *Osborne*, and that they should get Preferment; they were sworn Brothers together, if one did go, the other would go. I ask'd them why they would go away? Oh, said he, I shall keep my Man myself. Say you so, said I, I have been in Town so long, and I could get no such Preferment. Then they told me they should have 100*l.* a Year, and 500*l.* in Money.

*Mr. Just. Pemberton.* Who told you so?

*Rix.*

*Rix.* Osborne and Lane both.

*Mr. Just. Pemberton.* What, 100 l. a Year, and 500 l. a-piece.

*Rix.* Yes: So I asked them how, but they would not tell me, but said Osborne to me, for your preferring me to Mr. Oates, you shall be no Loser. I met him another time, for Osborne came to desire me to lend him a Cravat. Said he, I must come down to your House to-morrow Morning to get a Cravat, I desire I may have a good one, for I am to go before one of the greatest Peers of the Realm to dine with him: Where, said I, to which end of the Town? The other end of the Town, said he to me: But, said I, why do you leave Mr. Oates? Oh, said he, let Mr. Oates look to himself, for I have enough against him. Then I smelt something of some Design against Dr. Oates, and brought it before Justice Warcup, and gave in my Testimony, and upon further Inquiry into it, the Lords ordered him to send out his Warrant for the taking of those Fellows, Knox, Lane, and Osborne, which he assigned over to me; in a short time after they were taken, first Lane was taken, and in a Day or two Osborne and Knox, and were examined and taxed with it. Osborne he made a Confession before Justice Warcup, and they desired me to see Knox and Lane in Prison, and I did see them in Prison, and when they did come there, Knox said, where is Osborne, why don't he come to Prison as well as I? I am a better Gentleman than he. Oh, said I, he hath confessed; so he was turned up into the Prison. Said I to Mr. Lane, will you drink a Pot of Beer? said he, I don't much care if I do; and said he, Mr. Rix, if I have not gone too far against myself, if you will stand my Friend, I will make an honest Confession. Said I, I am glad there is so much Grace in you, I will then do you all the good I can. Pray, said he, will you please to go and call Sir William Waller: Why not Justice Warcup, said I, who was first concerned in this Discovery? No, he would have only Sir William Waller. I came and found him in the Court of Requests, so I went with him to Smith's the Tobacconist near the Gate, and sent for Lane; the Keeper brought him: I think this was about nine or ten in the Morning, and from that time till about Six at Night he was in Examination. I then went to Mr. Oates, and told him Lane had made an honest Confession. I waited on Sir William Waller till the Afternoon, and then he made an Order, that he having made an honest Confession, should have the Enlargement of the Prison, and not be confined, as others were, which he had. Lane sent for me the next Day, I came down in a Day or two after, and his Sister was there with him, they were eating Butter and Radishes, and when I would have paid for the Drink, Lane cried No, by no means; for Knox hath sent me in Three and twenty Shillings the other Day, and that will serve me, I hope, till I come out: But now, said he, I have made a Confession, I believe I shall have no more Money from him; and I desire you would speak for my Enlargement. I came down to him another time, and he told me he had received a Note, which Note was put up from a Gentlewoman in the Street,

*That if he would stand firm to his Text, he should have Five hundred Pounds; nay he should not want One thousand Pounds; but in case they*

*would not stand firm to their Text, the Lord Treasurer would never have come in; and if yet they did not stand firm, he would lose his Head.*

*L. C. J.* Who came that Note from?

*Sir W. Waller.* He told me this, That there was such Word brought to him by the Nurse, and she told him, That a Gentlewoman very well clad came to her, and desired her to speak to him to stand fast, and that Osborne and Knox would be sure to stand fast, and that they two should be too strong for the other, he being but a single Evidence; and more than that, he should not want a Thousand Pounds, if he had occasion for it. I asked the Nurse what the Gentlewoman's Name was, she told me, she had asked, but she would not tell her.

*L. C. J.* Where is this Woman, this Nurse?

*Sir W. Waller.* She was Nurse to the Goaler, and was turned out upon this Discovery by the Goaler.

*Mr. Just. Pemberton.* You had this from Lane, Sir William Waller?

*Sir W. Waller.* Yes:

*Rix.* My Lord, after this was done, Lane's Father and Mother told me this at my own House, That had it not been upon their Son's Account, my Lord Treasurer would never have come in; and they told me that one Hest should come and tell them so: And Lane himself told me, he thank'd God that now he had made an honest Confession, that now his Heart was very light; he had a Burden upon him before, but now he had confessed, and his Heart was light.

*L. C. J.* What did he confess?

*Rix.* He did confess, That my Lord Treasurer would never have surrendered himself if he had thought they would not have stood firm, and if they did not stand firm he should lose his Head.

*Mr. Williams.* You say Lane confessed this as of himself.

*Rix.* Yes, and afterwards his Father and Mother told me so, and he did say as of himself, that he had a Note put under the Door.

*L. C. J.* But from whom had he that Note?

*Rix.* From a Gentlewoman in the Street, he told me so.

*Mr. Just. Pemberton.* What did he say as to Knox?

*Rix.* He told me he was set on by Knox, and he drew up all the Writings for him; and Knox told him, if you come to be examined at such or such a thing, make a stop, and turn this way and that way.

*Mr. Williams.* Pray acquaint the Court and the Jury, Did Lane tell you how he was drawn into this, and who drew him in?

*Rix.* Knox was the Man that drew up the Writings, and promised him those Rewards, he said.

*Mr. Just. Pemberton.* You say he told you that Knox promised them? How far Knox will be concerned in this Evidence, will be considered afterwards.

*Mr. Serj. Maynard.* Now we come to Knox's own particular Actings. What hath been said already, hath been out of other People's Mouths, now we come to him himself, and we call Richard Slightam. [*Who was sworn*]

*Mr. Att. Gen.* Pray, Mr. Slightam, will you tell my Lord and the Jury what you know of this Knox, what Offers have been made you, by whom, and when, and for what?



*Slightam.* I was offered Money to carry Notes from the one to the other.

*Mr. Sol. Gen.* Why, what Office had you there?

*Slightam.* I was a Prisoner there my self, and Under-goaler too, and I was offered Money to carry Notes between the one and the other, that they might not betray one another.

*Mr. Recorder.* By whom?

*Slightam.* By *Knox*.

*L. C. J.* What did they offer you?

*Slightam.* I had three Half-Crowns given me at one time by *Knox*, and he promised me he would give me a considerable Sum.

*L. C. J.* But he did not name the Sum?

*Slightam.* No.

*L. C. J.* What did he desire you to do for that Money?

*Slightam.* He desired me to carry Notes from the one to the other, that they might not betray one another.

*Mr. Att. Gen.* Between whom? Name them.

*Slightam.* *Knox*, *Lane*, and *Osborne*.

*L. C. J.* What did you say, that they might not betray one another? Why?

*Slightam.* Yes, that they might not betray one another, for they were fearful that they should, because they could not speak together, to lay their Stories together.

*Mr. Att. Gen.* And hark you, Sir. What Messages did you carry between them?

*Slightam.* None, I never carried any.

*L. C. J.* No, what had you your Money for?

*Slightam.* I told them of it below, and they would not let me carry any.

*L. C. J.* But you got your Money?

*Slightam.* Yes, I got some Money.

*Mr. Att. Gen.* *Knox* you say gave you the three Half-Crowns. Did you speak with *Lane* and *Osborne*?

*Slightam.* *Lane* I spoke with every day, and *Lane* said, he hoped that the Lords would not put him in the Pillory, for all he had sworn falsely.

*L. C. J.* What Lords?

*Slightam.* My Lord *Shaftsbury*, and my Lord *Privy Seal*.

*Mr. Smith.* What did *Knox* say to you after *Osborne* had confessed?

*Slightam.* That is nothing, said he, if we do but stand firm together, what *Osborne* hath given in Evidence will signify nothing.

*Mr. Smith.* Why?

*Slightam.* For two, he said, were better than one.

*Sir Fr. Winnington.* I think you say you had three Half-Crowns given you by *Knox*, pray who was the first that offered you Money to carry the Notes?

*Slightam.* It was *Knox*.

*Sir Fr. Winnington.* Ay, he carried the Purse.

*Slightam.* Yes, I suppose he did.

*Mr. Just. Jones.* They were both in the *Gatehouse* Prisoners at that time.

*Slightam.* Yes, so was I. But they were lock'd in several Rooms, and none could come at them.

*L. C. J.* But you carried no Note nor Messages, upon your Oath?

*Slightam.* No.

*Mr. Williams.* Pray call *Mr. Dewy*. [*Who was sworn.*] Pray, *Mr. Dewy*, will you acquaint the Court and the Jury, what Discourse you had with

*Knox*, who he came from, what he came about, and what Recommendations he brought with him, and from whom?

*Dewy.* My Lord, some time in the sitting of the last Parliament that began in *March*, about Ten o'Clock at Night a Message was sent in to me that one would speak with me from my Lord *Latimer*: I was either in bed, or going to bed; and I did not think there was really any such Message, because my Lord *Latimer* did not know me, nor I him. They were very pressing to come in, insomuch as my Man could hardly keep them out. I told them there was nothing sure of so much haste, but what might be done to-morrow, or some other time: So I spoke not with them that Night. Either the next Day, or some short time after, as I remember, *Mr. Knox* came to me with another Gentleman, and he brought Papers in his Hands ready written; he told me that they were Informations of one *Lane* and *Osborne* (as I remember those were the Names he mentioned then) and they were against *Mr. Oates*. Then I began to look upon it as something extraordinary, the Parliament being then sitting, and the Committee of each House having the Examination of this Business. Said I, *Mr. Knox*, you have been a Justice of Peace's Clerk (for I knew him so) and you know it is very unusual to take Informations against a Person without the Party's being present, if he may be had, to cross-examine the Witnesses upon Interrogatories, as the Case may be: And besides this looks as if it were to take Informations against the King; which we never do upon Oath. So I dismissed them, and directed them to the Committee of Secrecy of the House of Commons, for whom it was most proper. This is all I know of this Business.

*Mr. Williams.* Did *Mr. Knox* tell you any thing that was contained in those Examinations?

*Dewy.* Yes, he did give me some Information, that *Osborne* and *Lane* did repent of something, but I can't give you Information particularly.

*Mr. Williams.* Pray tell the Substance of it.

*Dewy.* I can't remember what the Particulars were, but *Lane* and *Osborne* were the Parties to be examined, and I shifted them off as well as I could.

*L. C. J.* Did they come along with *Knox*?

*Dewy.* They were not in my Room, but they were without, I believe.

*L. C. J.* And did he tell you at the same time that they had recanted?

*Dewy.* Truly, my Lord, I can't well remember; but he said they repented of what they had falsely accused my Lord Treasurer of.

*L. C. J.* Did they say they had falsely accused *Mr. Oates*?

*Dewy.* No, they did charge *Mr. Oates* with some Crime; and they did speak something of false accusing, I can't remember what.

*L. C. J.* Did not they say, *Mr. Oates*?

*Dewy.* I remember it now; it was as if *Mr. Bedlow* and *Mr. Oates* had made a Conspiracy against my Lord of *Danby*.

*Sir Fr. Winnington.* I think you say, you knew *Mr. Knox*, a Justice of Peace's Clerk: Pray, Sir, you are an ingenuous Man, from whom did he pretend to come to you?

*Dewy.* He came to me from my Lord *Latimer*, as he said.

*Sir Fr. Winnington.* Did he say so, that the Lord *Latimer* wished him to go to you?

*Dewy.* Yes; and I wondered at it, because I did not know my Lord, nor my Lord me.

*Mr. Withins.* When was this?

*Dewy.* It was the latter end of *April*, or the beginning of *May*, as I take it; I do not very well remember: But the Substance of it I remember was, that they had over-heard *Mr. Oates* and *Mr. Bedlow* conspiring against my Lord of *Danby*.

*L. C. J.* *Mr. Dewy*, can you remember whether they did come to give you Information against *Mr. Oates* for abusing their Bodies, or *Oates* and *Bedlow's* Conspiracy against the Earl of *Danby*?

*Dewy.* Truly, my Lord, I can't be positive in it; for the Parliament was then sitting, and I shifted them off.

*Mr. Just. Pemberton.* You never looked into the Information at all?

*Dewy.* No, I did not, I thought it not proper for me.

*Mr. Recorder.* Call *Henry Wiggins* and his Mother. [*Who were both Sworn.*]

*Mr. Att. Gen.* Come on *Mr. Wiggins*, what do you know of any Endeavours of *Knox* or *Lane*, or any of these Persons, to take off or scandalize *Mr. Oates's* or *Mr. Bedlow's* Testimony?

*L. C. J.* What is this Man's Name?

*Mr. Att. Gen.* *Henry Wiggins*.

*Wiggins.* About the latter end of *February* last, *Mr. Knox* and I met at *Charing-Cross*, and we went in and drank together; and he proposed several things to me; first he desired that I would get for him a Copy of the Papers my Master had.

*L. C. J.* Who is your Master?

*Wiggins.* *Mr. Bedlow*. And especially what concerned my Lord-Treasurer; as also to take a Journal of all my Master's Actions; and the Names of the Persons that came to him; for, said he, my Lord hears that my Lord of *Shaftsbury* and the Duke of *Buckingham* do cabal with him against my Lord. But if my Lord could but find out his Enemies, he would oppose them, and strive to baffle them. My Lord, to encourage me to this, he told me he would carry me to his Lord, tho' it were at Midnight, to discourse with him.

*L. C. J.* What Lord?

*Wiggins.* My Lord-Treasurer: And he said he should give me Encouragement to go on. Said I, Does my Lord know of this? Yes, said he, I told my Lord I had a Friend lived with *Mr. Bedlow*, and he gave me Encouragement to go on and treat with him. And he said moreover, my Lord, *Mr. Oates* and *Bedlow* were two great Rogues; that the King believed not a Word they said; and as soon as he had heard all they could say, they should be hanged.

*Mr. Williams.* Pray did he propose any Reward to you?

*Wiggins.* He told me his Lord should give me Encouragement.

*L. C. J.* What should you do?

*Wiggins.* He desired me to give my Lord the Papers, and then my Lord should tell me what I should do about my Master.

*Sir Fr. Winnington.* What did he say of *Oates* and *Bedlow*, Sir?

*Wiggins.* He said, That *Oates* and *Bedlow* were

great Rogues, and that the King knew them to be so; and when he had heard what they could say, he would hang them.

*Mr. Williams.* Pray upon your Oath, did he offer you any Money, or any Reward?

*Wiggins.* He offered me not any particular Sum, but he told me I should have Satisfaction and Reward, or any Place in my Lord's Disposal I should be entertained into, if I went away upon this Business.

*Mr. Williams.* Did he say any thing to you, to invite you, or encourage you to swear against your Master?

*Wiggins.* No, But he told me my Lord should give me Directions how to go on.

*Mr. Recorder.* What say you as to *Lane* and *Osborne*?

*Wiggins.* I did not know them at that time.

*Mr. Recorder.* What time after was it that you did know them?

*Wiggins.* I met with them a little while after, and they were discoursing all together, but I had no Discourse with them.

*Mr. Recorder.* Did *Knox* at any time speak to you, to bring him into the Company of *Lane* and *Osborne*?

*Wiggins.* No, Sir.

*Mr. Recorder.* This was the first time you met with him about this Matter?

*Wiggins.* Yes, it was.

*L. C. J.* What did you promise *Knox* you would do?

*Wiggins.* I told him I would do him any Service that lay in my Power, but nothing that would be to my Master's Prejudice; and I was appointed by him to meet him at my Lord-Treasurer's.

*L. C. J.* And what other Meetings had you besides?

*Wiggins.* I was but twice with him.

*L. C. J.* You never agreed to any thing?

*Wiggins.* I told it my Master, and it was discovered soon after, so that the Lords came to hear it.

*Mr. Att. Gen.* Where is *Mrs. Wiggins*? What do you know of any Endeavours to corrupt this Evidence?

*Mrs. Wiggins.* I know no more than what my Son knows; he first came to my House.

*L. C. J.* Who?

*Mrs. Wiggins.* *Mr. Knox*; and asking me where my Son was, I told him he lived with *Mr. Bedlow*: And he said, he very much rejoiced at it, and desired to speak with him. I told him, No, he could not, for his Master had so much Employment for him, that it was very seldom I myself could get a sight of him. Said he, I have a little Concern with him; and he living with *Mr. Bedlow*, may do my Lord-Treasurer great Service, and doing my Lord-Treasurer Service, he does his Majesty Service; for his Majesty loves my Lord-Treasurer above all things in the World. And he would not be contradicted, but he would see him. Then the next day I told him he should come, and we appointed to go to him, but he should not see him alone without me, I told him; he told me he desired it not. He came according to the Appointment, and I carried him to *Charing-Cross* to an Alehouse, and there sent a Porter for my Son, and he came: And the first thing he said to him was, I am mighty joyful to know you live

live with Mr. *Bedlow*; you may do my Lord great Service: In what? says my Son. In letting my Lord know what Company your Master keeps, and what Lords they are that daily and hourly keep Company with your Master, and cabal against my Lord. Said I, Mr. *Knox*, that is the way to bring my Son's Neck to the Stake; that he shall never do. But, says he, I will tell him a way how he shall do himself no harm at all: And then he up and told him, he desired him to write him Letters when he found any thing of Secrecy, and set no Name to it; and if he came at Twelve o'clock at Night, he would let him into my Lord Treasurer's, and no-body should take notice of it: And he would have had him taken a Coach to have gone to my Lady *Danby* presently, to have an Assurance from her Mouth of Encouragement, and that he should have any Place in her Lord's Disposal.

*L. C. J.* Were you ever with my Lady *Danby*?

*Mrs. Wiggins.* No, we deny'd it; and it was discover'd. And besides, my Lord, I told him, if he would lay down my Son a Thousand Pounds he should not do it; he should not betray his Trust. And then he said, that the King knew Mr. *Oates* and Mr. *Bedlow* to be two great Rogues; and when he had got what he could out of them, he would hang them.

*Mr. Williams.* Have you had any Offers of late not to come here as a Witness in this Case?

*Mrs. Wiggins.* No, my Lord, but there have been Persons three times at my House to know whether I were *Suborn'd*, yea or no, as from Mr. *Knox*.

*Mr. Williams.* Did ever any body persuade you not to come to give Evidence?

*Mrs. Wiggins.* No.

*L. C. J.* When was this you speak of?

*Mrs. Wiggins.* In *February*, the latter end.

*Mr. Serj. Maynard.* Mr. *Dewy*, who came in company with Mr. *Knox* to you?

*Dewy.* One Mr. *Blayden*.

*Mr. Serj. Maynard.* Who is that?

*Dewy.* Steward to my Lord of *Danby*, I think.

*Mr. Serj. Maynard.* Here is *Slightam* again, my Lord.

*Mr. Att. Gen.* What have you to say more?

*Slightam.* Mr. *Lane* told me they had many Treats, and had so much Money, a Guinea, as I think he told me, to swear against Mr. *Oates*.

*L. C. J.* Who gave it him?

*Slightam.* Mr. *Osborne*, or Mr. *Knox*, I can't tell which.

*L. C. J.* Where did *Lane* tell you so?

*Slightam.* In Prison.

*L. C. J.* In what Prison?

*Slightam.* In the *Gate-house*.

*Mr. Williams.* Call Mr. *Palmer*. [*Who was sworn.*] We call him to corroborate what that young Man *Wiggins* hath said.

*Palmer.* What he hath told here, he discovered first to me, and I discovered to his Master, that Mr. *Knox* would have had him to take a Journal of his Master's Actions, and to give it him every Day. My Lord, I am one of the Yeomen of the Guard, and I waited upon Mr. *Bedlow*, and he desired me to help him to a Clerk: and I helped him to *Wiggins*, this young Man. He had not been there three Weeks, or a very little time, when *Knox* came to him to tempt him; and being a Stranger to his Master, he

knew not how to discover it to him, and told me; Such a thing is offered to me, but I am a Stranger to my Master, and I know not how to break it to him.

*L. C. J.* The use you make of this, is no more, but only to corroborate what he hath said, that he told it him while it was fresh, and that it is no new Matter of his Invention now.

*Mr. Recorder.* It is very right, my Lord, that is the use we make of it. Call *Thomas Dangerfield*. [*Who was sworn.*]

*Mr. Williams.* Pray, Sir, give an Account what you know concerning Mr. *Knox* and Mr. *Lane*, and what Designs they have had against Mr. *Oates*, and who supported them and maintained them in it.

*Dangerfield.* My Lord, all that I have to say in this Case, is this: I do think it was in the Month of *June* I was at my Lord *Castlemain's*, and he asked me, if I had been employed in a Business of *Knox* and *Lane*, that were Prisoners at the *Gate-house*: I told him, Not. His Lordship then wrote a Letter to my Lady *Powis*, and desired I might be employed in it: And she did tell me that it was a thing of material Consequence, and that I should be furnished with Money for the getting of *Knox* and *Lane* out. I took all Opportunities for the doing of it that were necessary. I went to the *Gate-house*, made Enquiry after *Lane*, and took care with his Mother to relieve him, for I heard he was in an indigent Condition at that time.

*L. C. J.* Did you give his Mother the Money?

*Dangerfield.* Yes, my Lord, Twenty Shillings, and I had that Money from Mrs. *Cellier* by my Lady *Powis's* Order. After that time there was one Mrs. *Airy*, who used to carry Money to the Catholicks in Prison, she said that it was possible, as she had been informed from some of the Priests in the *Gate-house*, that some things might be had under the Hands of *Knox* and *Lane* that would be very material against Mr. *Oates*: She said, she had been informed so. I then desired that Mrs. *Airy*, that Pen and Ink might be conveyed to them, that they might have the Convenience of giving it under their Hands, which she promised, and they did convey Pen and Ink under the Door to this Mr. *Lane*.

*L. C. J.* How do you know that?

*Dangerfield.* As Mrs. *Airy* told me. Then she came again, and withal told me, that it was Mr. *Knox's* Desire that *Lane* should do something to signify to him, or satisfy him that he did stand fast; then *Lane* wrote a little Note, and that Note was to this effect. *I will die before I will comply with that Villain Oates; and if any good People will do me the Kindness to get me my Liberty, I will do the Catholicks the greatest Service imaginable in discovering what I know about Mr. Oates. This I write from the bottom of my heart, and shall die in it. So help me God.*

*L. C. J.* How came you by the Note?

*Dangerfield.* This Note was written by *Lane's* own Hand, and given from under the Door to one Mr. *Parsons* a Priest in the *Gate-house*. This *Parsons* gave the Note to Mrs. *Airy*, and she gave it to me.

*L. C. J.* Do you know *Lane's* Hand?

*Dangerfield.* Yes, very well, as I shall shew you anon.

*L. C. J.* What became of the Note?

*Danger-*

*Dangerfield.* My Lord, I don't know what became of the Note, for the Countess of *Powis* had it afterwards.

*L. C. J.* Do you believe it was of *Lane's* own writing?

*Dangerfield.* I am very well satisfied of it, my Lord, according to the Judgment I am capable to give of Hands; indeed I was not acquainted with his Hand then, but that was the first, to my Knowledge, that ever I saw of it; but after I having parted with the Note, and seeing some of his Hand-writing, upon Recollection I can say I believe it was his own Hand.

*L. C. J.* Did you ever see the Note again?

*Dangerfield.* Never afterwards. And then, my Lord, my Lady *Powis* was exceeding glad upon the hearing of it, and, as I was informed of it afterwards, she was the greatest part of the following Day upon her Knees giving God Thanks for the great Advantage and Strength that was come to their Cause.

*L. C. J.* What! for having a Villain to come over to her side that swore backwards and forwards?

*Dangerfield.* Afterwards I received Money several times, and gave his Mother more to furnish and relieve him. And several times afterwards I received Money from Mrs. *Celier* by Order of my Lady *Powis*, for the doing of *Lane's* Business, that is, for his Liberty; and I had the Papers from one *Lawson* an Attorney that had been employed in the same Business before; and, as I was informed by him, a Motion or two was made at this Bar for their Liberty, but however he began to despair of it, and I was to undertake it; but withal he said, he was glad he was rid of it, for he had been often employ'd in the Business of the Catholics, and it had impair'd his Credit very much, and very freely deliver'd the Papers to me, which indeed were not many. After that, my Lord, I retained Mr. *Sanders*, as I think it was he, but there was a Motion about it, and with great Difficulty I did get *Lane* out upon Common Bail; and when I had done so, according to my Lady *Powis's* Order, I brought him to *Powis-House*; and then my Lady *Powis* ordered, that he should go by the Name of *Johnson*; because if any of the Servants should talk of one *Lane* being in the House, it might come to *Oates's* Ear, the House might be search'd, and if he were found there, it might be prejudicial to the Lords, and all their Business. And then, my Lord, Mr. *Wood* came a little after with the same Command from his Lord, and he had some Order—

*L. C. J.* Who is *Wood*?

*Dangerfield.* That *Wood* is my Lady *Powis's* Gentleman: And he came and ordered that my Lady *Powis* gave particular Command to the Porter of the House, in my hearing, that he should give order to all the Servants, to have a particular Eye and Care that he did not go from the House, for they were very dubious of him, having made so many Equivocations before; for they feared Mr. *Oates* might find him, or he might go voluntarily and make a Discovery of himself, and so contradict all he had given an Account of there. For, my Lord, before this, as soon as ever *Lane* was gone out, they were very desirous to have what he had to say put in Writing; but they had not opportunity then, but we let it alone to some other time. Then,

my Lord, soon after, about three Weeks or a Month after; I cannot be positive in the time, because I had a great deal of Business upon my Hands; but I suppose it was about three Weeks or a Month after, my Lord *Powis* sent for me to the *Tower*, and told me, he was informed that Mr. *Oates* was then making search after *Lane*, and if he found him at his House, it would be very prejudicial to their Business; and he desired me to take care, and to send him out of the way, that Mr. *Oates* might not find him; which I did; and thinking of several Places, I could not find any so convenient as *Grays* in *Essex*, by the Waterside. I came to *Lane*, and told him that he should be furnished with Money and Necessaries for his Journey, and, in order to it, that very day I took him and gave him a Pair of Shoes and Ten Shillings in his Pocket, and sent him to *Grays*. I received two Letters afterwards from this *Lane*, by which Letters I am very well satisfied, that that Note that he wrote before, that was given under the Door, was his Hand. So then I received a third Letter (I think) my Lord, and in the Letter he told me that some Person of Mr. *Oates's* Acquaintance had been in that Town and seen him, and he thought it was not material that he staid any longer there, and desired to be removed. So then I shewed my Lady *Powis* the Letter, and I suppose my Lord *Powis* had an Account of it also; but I cannot be positive in that, but I had order to remove *Lane*, and by my Lady *Powis's* means I sent down one on Horseback, and he discharged some Debts *Lane* had contracted in the House, and sent him away to *London*; and after his return to *London* he continued three days more at my Lord *Powis's* House; at which time, he says, he was forced to lie upon the Chairs, for at that time were the *St. Omers's* Witnesses removed from Mrs. *Celier's*, because they were afraid of being taken up by Sir *William Waller*, who was in search for them. So having some other Business, I did not send him away presently, but I had particular order to send *Lane* into some other place; and I did advise with Mrs. *Celier* where to send him, and she said, I think it will be necessary to send him to *Peterley*, at one Mr. *Waite's* House in *Buckinghamshire*; for, said she, they are Catholics, and will be sure to take a particular care of him: But I told her it would be too far, and I would think of some place nearer; and then I thought it would be necessary to send him to *Tottenham*, to the *White-Hart*; and there he stay'd, I suppose, four or five Days, or a Week. This was after the Trial of the five Jesuits, as I remember. My Lord *Powis* sent to me, and told me; says he, I am in several Doubts about this *Lane*, and if it should be known that he is countenanced by me, or any of our People, it would not be well; so I leave him wholly to you, do what you will with him; but I advise you to send for him up to Town, and give him Ten Shillings a Week to live upon. So when I was at leisure I sent for him again from *Tottenham*, and I told him; Mr. *Lane*, it will be very necessary that you do take some care for a Livelihood about Town; it is not safe nor adviseable for you to be about *Powis-House*; and at that time I took care he should come there no more, and that if my Lord *Powis's* Servants should meet him, they should take no Notice of him; which they did per-

perform, I suppose, and as I was told. But before this, and before I sent *Lane* into the Country the second time, as near as I can remember, *Knox* was at Liberty. I had been endeavouring, as soon as I had got *Lane* out of the *Gate-House*, to get *Knox* out also; but I found I could not, and I left that. But I have been informed by Mr. *Knox* himself, that one Mr. *Nevil*, alias *Paine*, was furnished with Money from the Lords in the *Tower*, for the getting of *Knox's* Liberty; and this *Nevil* himself did say, as Mr. *Knox* told me, that he did it by their Order; and from this *Knox*, by Mrs. *Celier's* Persuasion, I received several Papers, which were Informations against *Oates*; or at least, those Papers that they had drawn up before they were in Custody. These Papers were sent by me to the *Tower*, and from thence to Mr. *Nevil* to enlarge upon, I suppose, as he thought fit; and after to my Lord *Castlemain*, and afterwards they were re-sent to me by Mrs. *Celier*, who order'd me to draw up an Affidavit according to those Directions, and get *Lane* sworn to the same; which I did, and took *Lane*, and asked him, said I, Mr. *Lane*, here is an Affidavit, can you swear it? Yes, said he, I can swear it, before I read it to him.

*L. C. J.* I believe so.

*Dangerfield.* Nay, said I, you know not what it is; so I read it to him; said I, Do you know this to be a Truth? Yes, said he, I do know it to be all true: Said I, I will read it again to you, because you are to make Oath of it, and I would not have you do any thing but what is safe; and then we went to Sir *James Butler*, but he was not at home then, to have it sworn.

*L. C. J.* What was the Purport of that Affidavit?

*Dangerfield.* My Lord, I cannot well remember the Words, but it was about accusing Mr. *Oates* of Sodomy.

*L. C. J.* On whom?

*Dangerfield.* It was for attempting Buggery on the Body of this *Lane*.

*L. C. J.* That was the Substance of it?

*Dangerfield.* Yes, my Lord: And I did take this *Lane* to Sir *James Butler*, and he did make Affidavit that it was true: And it was left there before Sir *James Butler*. I suppose the Affidavit may be in Court, or a Copy of it. So, my Lord, after that *Lane* being gone from *Powis-House*, and I having no manner of Converse with him more; but only that every *Saturday* I took care he should have his Money; sometimes I went to his Mother's Lodgings, and left it there for him; sometimes he would come to me for it. After this we were removed from *Powis-House* to Mrs. *Celier's*, but he was always certain of Ten Shillings a Week. Sometimes he would pretend that it was too little for him to live upon; and sometimes I would give him Two, or Three, or Four Shillings more of myself; but I had no Order to do that from any body. This is all, my Lord, I do know of *Lane*, as I remember.

*Mr. Just. Jones.* What do you know of *Knox*?

*Mr. Dangerfield.* *Knox* first delivered to me those Papers that were sent first to the *Tower*, and afterwards to *Nevil*, and afterwards to my

Lord *Castlemain*, and re-delivered to me; and I did deliver them again to *Knox*, after they were enlarged upon: And I believe, after that, *Knox* had prevailed with *Lane* to write them in his own Hand.

*L. C. J.* Why do you believe so?

*Dangerfield.* Because being writ in a fair Hand, *Knox* told me when the Papers were delivered, These are the main things that I am to work by, and these must be produced against *Oates*, and be writ over in a fairer Hand; and by that, I believe he prevailed with *Lane* to write it in his own Hand.

*L. C. J.* Whose Hand were they in?

*Dangerfield.* It was a strange Hand I knew not, and I do not believe it was *Knox's* Hand, tho' indeed I can't tell, I know it not.

*Mr. Just. Jones.* Did *Knox* ask you who had the Perusal of those Papers? And who had made Additions to them?

*Dangerfield.* No; he took the Papers, and took no Notice of any Addition or Enlargement.

*Mr. Just. Pemberton.* Pray, Sir, tell the manner of the delivering of those Papers.

*Dangerfield.* First, by Mrs. *Celier's* Persuasion, *Knox* delivered to me the Papers, which imported the whole Matter of the Charge against Mr. *Oates*. These I sent to the *Tower* by Mrs. *Celier's* Hands; from thence they were sent to *Nevil* to be enlarged upon; from thence to my Lord *Castlemain*, who was also to enlarge upon them; and from thence they were sent to Mrs. *Celier* again, and from her delivered to me, and I delivered them to *Knox* again. I found by his Discourse, and every thing else, that Mr. *Knox* was desirous of my Correspondence, but yet seemed as if he were shy of any body's taking notice of it. Said I to Mr. *Knox*, there is one Mrs. *Downing* that lives at *Lambeth* over the Water, where Mr. *Oates* and Dr. *Tongue*, and several other Persons used to meet, where I had been informed by some of the Catholics, by *Parsons*, my Lady *Powis*, and several others, that Mr. *Oates*, Dr. *Tongue*, my Lord of *Danby*, and others, did meet at the Alms-Houses there, where the Plot was contrived and formed, for they pretended to me there was no such thing really. So, said I, if you will go with me, we will discourse with her about the Matter, for I heard she talked very freely in several Matters nearly concerning Mr. *Oates*, and my Lord of *Danby*, and other Persons. So, as I said, I told him, if you will go along with me, I have not been there yet, I will go and discourse with her, and put down what she says in Writing: Then Mr. *Knox*, my Brother, and myself, did go over to this Mrs. *Downing*, and had much Discourse with her, where she did repeat many Transactions that were very agreeable to the Story that I had received from my Lady *Powis*, and several other Persons before. *Knox* did seem to be very well satisfied about it, and promised to take cognizance of it, and said, it was very material; but we did not put it down in Writing. I did not, I know not what he did afterwards. We promised to come again another time, but I do not remember we did ever go afterwards. But Mr. *Knox* solicited me to go with him, and some Business or other did still intervene. That is all that is remarkable of Mr. *Knox*, which I do remember at that time. But I do remember that after we were removed

removed from *Powis* House, when I was at Mrs. *Celier's*, nay, I think both before and after, he was often treating with Mrs. *Celier*; but I know not what was their Discourse, nor was I desirous to know. But Mr. *Knox* came then to me, and began to renew his Correspondence; and withal told me, that he had some Likelihood of bringing *Osborne* over to their Party. Said he, I find he is gone again to his Master, but he shall do his Business (meaning, as I suppose, Mr. *Oates*) for he had, as I understood by him at that time, been tampering with *Osborne*, but he did tell me it was *Osborne's* voluntary Act, that he did own it, and that he did go to Mr. *Oates* again only to do Mr. *Knox's* Service. My Lord, some time after this, *Knox* came to me at Mrs. *Celier's*, and told me he had done the Business; expressing the greatest Joy that could be. What Business, said I? *Osborne* is come over, said he, and I have had an Account from the Beginning to the End of all the Transactions of his Master *Oates*; and I have not only an Account of it, but it is put into Writing; and I took *Osborne* before a Justice of Peace, and he has made Affidavit of it. When I heard this, I thought it would give great Satisfaction to the Lords in the *Tower*, and desired Mr. *Knox* to let me have a Copy of that Affidavit. He told me, No, he thought it would not be material to let me have a Copy, for by that means it might become publick, and be discovered. And, said he, I have some further Design in this; Mr. *Oates* is going down to my Lord *Lovelace's* in *Oxfordshire*, and *Osborne* is going with him, and he hath promised me to be a Spy upon his Master's Actions, and to give me an Account of all. And this will be material; but I do not think fit to let you have a Copy of the Affidavit at present. Some time after this, I told Mrs. *Celier* the Story, who I suppose went to the *Tower*, and gave the Lords an Account of it. And the next time I had the Honour to see my Lady *Powis*, she was pleased to say, she liked it very well, but did not, as I remember, say any thing of the Copy; but being desirous to see what *Osborne* had sworn, and whether it were agreeable to *Lane's* Affidavit, that I spake of before, I did desire *Knox* to let me see it, but he had it not about him at that time. Some time after that, as near as I can remember, I was at *Proffor's* Coffee-House at *Charing-Cross*, and Mr. *Knox* came thither, whether by my Appointment or his, I can't well tell; but there we met, and one *Bedford* was with me. At that same time Mr. *Knox* desired we would go into a Back-Room; and now, said he, I will give you Satisfaction, and drew out of his Pocket an Affidavit; it was a Sheet of Paper, if not written of every side, I believe of three sides; it was very long; and he read it, my Lord, and I did find by the Contents of it, that it did imply the same thing that *Lane* had sworn before Sir *James Butler*; that is, That Mr. *Oates* should attempt upon *Lane's* Body, to commit Sodomy, or something very agreeable to it. I told him, Mr. *Knox*, said I, this is very material, this will do you a great deal of Service. The Term is coming on, you would do well to get an Indictment drawn up against Mr. *Oates*. Said he, I will do his Business, and will advise with Persons able to instruct me in it; and I don't doubt but to carry on the

Business effectually. And to that purpose I desired him to let me have a Copy of the Affidavit; he promised me I should, and said he would bring it several times; and he came several times to my Lodging, but did not bring it; but I having it read to me, and remembering the Contents of it, the next time I saw my Lady *Powis*, I gave her an Account of it. Said she, this Man is very diligent, and deserves to be encouraged; and, as I believe, gave the Lords in the *Tower* an Account of it too; for then she was lodged at the *Tower* with her Lord, and so her Ladyship told me. And, said she, do you know whether this Man be in a Condition to prosecute this Business against Mr. *Oates*? Said she, I believe he is put upon this by my Lord of *Danby*, and he, I believe, takes care of him to furnish him with Money. Said I, I have endeavoured to trace him out in that thing, and by all his Correspondents I could never find, but only by one, that Mr. *Knox* was ever acquainted, or held Correspondence with my Lord of *Danby*, and that Person is Mr. *Netterville*, who is a worthy Gentleman of my Acquaintance in the *Pall-Mall*: And being in his Chamber, *Knox* came in, and speaking merrily after his manner to him, said he, *Knox*, when were you at the *Tower* with my Lord of *Danby*? Said he, I hold no Correspondence with him. Yes, said Mr. *Netterville*, 'tis plain you do; and I believe a Friend of mine saw you go in the other Day: But *Knox* did positively deny it; that was all that ever I heard of his Correspondence with my Lord of *Danby*. After this, when her Ladyship came to me to ask me what Condition he was in to prosecute the Trial; I told her, I believed his Condition was very mean, and it would be very acceptable, if he might or could be furnished with Money. Well, said she, I will take care of it, and give an Account of it to my Lord, and he shall be furnished. And in the mean time, if Mr. *Knox* wants Money, be sure you take care and furnish him; but you need not let it be very considerable, till you see what is raised. Some time after this, Mr. *Knox* came to Mrs. *Celier's* House to ask for me, I was then in my Chamber, but not ready; he came up to me, and told me, said he, Really I am very poor, I am going to pawn my Sword; or something to that purpose; Can you lend me Five Pounds? Really, Mr. *Knox*, said I, I will tell you, the Affidavit that you read to me, I have given an Account of it to my Lady *Powis*, and I suppose some other Persons of Honour have had an Account of it also; I am satisfied they are; and that the Lords in the *Tower* will take care that Money shall be raised for your prosecuting of Mr. *Oates*. He seemed to smile at this; But, said he, if this should be known, it would be very prejudicial to the Business, and spoil it; but yet however if you can furnish me with Money at this time, you will do me a great Kindness, for I have very great Occasion. I told him, said I, I have not so much Money by me; you come at an unseasonable Time; though indeed I told him a Lye; but I thought it not safe to part with Money without further Order. Mr. *Knox* went away, and I gave an Account of it to Mrs. *Celier*, who went either every Day, or every other Day to the *Tower*. I told her what Mr. *Knox* said, and I do believe (as she told me afterwards) she told my Lady *Powis* of it, and

Mrs. *Celier* seem'd to be angry that I did not let him have the Money, and order'd me that at what time soever after that Mr. *Knox* should come to me, I should let him have what Money he wanted. Some time after this, Mr. *Knox* did come to me, and said his Condition was very mean, and you told me, said he, that Care should be taken by the Lords in the *Tower* to furnish me with Money. Said I, Mr. *Knox*, I can let you have 30 or 40 s. if that will do you any Kindness. I have no Order for any Sum at present; but as soon as it comes, it must come to you through my Hands; and it must pass as if I lent it you; and you shall give me a Note for it to repay it, lest any thing should come to be discovered, and coming to Mr. *Oates's* Hearing, should prejudice the Business; though I had been too forward before in giving Mr. *Knox* an Account that the Lords in the *Tower* would contribute to this Business. At that Time, I went up Stairs and fetch'd down 40 s. and gave it him. He came afterwards, and would have borrow'd more of me at other times, once or twice after that, but I did not furnish him, for I had received no Order to furnish him any further. And this, my Lord, is all the Correspondence I had with him, and, as near as I can remember, I have given nothing in but what is a very true Account of the Transaction.

*Sir Fr. Winnington.* My Lord I crave one Question of him, if he have done. After the Papers were corrected and written fair, and enlarged upon by the several Persons, did you read them? And what were the Contents of them?

*Dangerfield.* My Lord, I did not read them, nor did I draw them, but I do believe that the Contents were the same for Substance with the Affidavit that *Lane* made before Sir *James Butler*.

*Mr Williams.* Sir, you mention several Sums of Money that you paid to *Knox*, and paid to *Lane*; pray where had you this Money?

*Dangerfield.* The 40 s. that I gave to *Knox*, it was my own Money; but if I must give an Account where I had it, I believe it came originally from the *Tower*.

*Mr Williams.* The Ten Shillings a Week, whence came that?

*Dangerfield.* Sometimes from the Hands of my Lady *Powis*; at other times from Mrs. *Celier*; sometimes from Mr. *Wood*; and sometimes from my self, and I placed it to Accompt.

*Mr. Serj. Maynard.* If your Lordship please, we will now proceed to another Part of our Evidence.

*Mr Williams.* About what time were they to Indict Mr. *Oates*? Was not this Project on foot when the Presbyterian Plot was on foot?

*Dangerfield.* My Lord, I don't know what time; but it was by my Advice to be done this Term, and so did *Nevil* advise too.

*Mr. Serj. Maynard.* My Lord, I would read some of the Memorials or Informations, that they were to swear against Dr. *Oates* concerning the Business that you have heard.

*L. C. J.* Wou'd you have them read, Brother?

*Mr. Serj. Maynard.* Yes, my Lord.

*L. C. J.* Who proves them?

*Then the Justices of Peace swore them.*

*Mr. Just. Peimberton.* Sir *William Waller*, Did he confess he left them with my Lord *Latimer*?

*Sir William Waller.* These are the Papers that were confessed to be carry'd to my Lord *Latimer*.

*Mr. Warcup. Osborne* did swear, that the Informations marked 1, 2, 3, 4, and 5, were all of his own Hand-writing, and were dictated by the said *Knox*.

*Mr. Just. Peimberton.* And he did confess, That these were the Informations that he had deliver'd to my Lord *Latimer*.

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

*Mr. Serj. Maynard.* It will lie on his Part, to prove that they were true.

*Mr. Just. Peimberton.* Which will you have read, one, or all of them?

*Mr. Serj. Maynard.* One, or Two, take *Knox's* first.

[Which was delivered to the Clerk of the Crown, who read it in hæc Verba.]

[Numb. 1.] The Information of *Thomas Knox*, sworn before me this Day of 1679.

**T**HIS Informant doth upon his Oath declare, That on the first of this present April, there came one *William Osborne*, to the Informant in the Painted Chamber in Westminster, and told to him the said Informant, that he had something of Moment to reveal to him; and did also desire the Informant to go with him into the Abby, and he would reveal it to him: Upon which the said *Osborne* and the Informant being together, the said *Osborne* did tell the Informant, that his Conscience was mightily troubled, for that he found the Lord-Treasurer was maliciously prosecuted by Mr. *Oates* and Mr. *Bedlow*; for that he having been a Servant to Mr. *Oates*, and had often heard Mr. *Oates* and Mr. *Bedlow* consult together, in Mr. *Oates's* Chamber in Whitehall, and resolve how they might contrive a Way whereby to destroy my Lord-Treasurer: And that he had chosen to reveal this Secret, and ease his Conscience to the Informant, rather than to any one else, because he thought he would keep it secret, for his own sake, because he had already suffered by endeavouring to serve the said Lord-Treasurer; and thereupon the said *Osborne* shewed to the Informant some Papers written, as he told the Informant, all in his own Hand, and which were relating to the said Lord-Treasurer. Upon which the said Informant told the said *Osborne*, that he was no Servant of the said Lord-Treasurer's, and did not therefore desire to meddle in it; and that particularly, because he had never spoke with the said *Osborne* before, and desired to be excused; upon which the said *Osborne* did press the Informant; and withal did tell him, that if he did not assist him in this Affair, it was resolved both by him, and one Mr. *Lane*, that they would come in on the Day of the said Lord-Treasurer's Trial, and declare the Truth concerning what they knew, concerning the malicious Design of the said Mr. *Oates* and Mr. *Bedlow*, against the said Lord-Treasurer; for that they could not rest for fear he should suffer innocently, whilst they could, with so good a Conscience,

science, as they thought, save him. And the said Osborne did withal declare, that the aforesaid Mr. Lane was resolv'd to speak to the Informant upon the aforesaid Matter: And the said Lane did accordingly, upon the said First of April in the Evening, meet the Informant, and shewed him some Papers, wherein he had taken several Memorials relating to His Majesty, the Queen, my Lord-Treasurer, and several other Persons: And did withal declare to the Informant, that his Conscience was so troubled to see the malicious Proceedings of the said Mr. Oates and Bedlow against the said Lord-Treasurer, that he could not rest in his Bed, until he had disburdened it, by telling the Truth; and if he had not met with this Informant, he was resolv'd to declare it speedily to some one else; or come himself at the Day of the said Lord-Treasurer's Trial, and there declare all that he knew relating to that Affair. And did withal conjure the Informant, as also the said Osborne, to keep all they had told him secret; for if it should come to the Ears of the said Mr. Oates and Bedlow, they would endeavour to poison or murder them, the said Osborne and Lane, the first time they should see them.

Tho. Knox.

Then a Second was offered to be read; but there appearing scandalous Matter to be in it, reflecting on the King, the Court thought not fit to suffer the same to be read through.

Mr. Serj. Maynard. My Lord, I think it appears by the Evidence sufficiently, how they did design to accuse Mr. Oates.

L. C. J. Ay, Brother, come let us hear what they can say to it on the other side.

Mr. Withins. May it please your Lordship, and you Gentlemen of the Jury; I am of Counsel for the Defendant Knox, and for Knox only.

Mr. Williams. Pray, Sir, hold; my Lord, we have here two Witnesses more, that will fortify Mr. Dangerfield in what he hath said. Call Susan Edwards, and Mrs. Blake.

Then Mrs. Blake appeared and was sworn.

Mr. Williams. Pray, Mrs. Blake, what can you say of any Reward Lane was to have, for accusing Mr. Oates? Or any Promises were made to him?

Blake. All that I can say of Lane, is this; That Lane did say once to me, I am here; and I was Dr. Oates's Man, and he would have buggered me: And he did make Complaint for want of Linen; and spoke to me to wash him some Linen. Said he, Here I have no Linen, neither will they let me have any; and his Boy here will not stir to look for any, unless Willoughby speak to him. Then the Boy was spoke to.

L. C. J. What is all this? What says the other Woman?

Mr. Williams. He is called Willoughby sometimes, and sometimes Dangerfield; for he went by both Names: But I ask you what Money you know was given to him?

Blake. He told me, he was to be allowed Ten Shillings a Week.

L. C. J. This is only to strengthen his Evidence.

Blake. He never said to me, from whom it was.

Then Mrs. Edwards was sworn.

Mr. Serjeant Maynard. What do you say, Mistress?

Edwards. May it please you, I don't know Lane; I never saw him in my Life, but only when he was sent for by Mrs. Celier, to get an Habeas Corpus for Willoughby, who was then in Newgate; and he did come the next Day, and gave his Answer to me.

L. C. J. She says nothing, but only he was desired to get an Habeas Corpus for Willoughby.

Mr. Sol. Gen. Yes, my Lord, she is called to shew you, whether Lane had not Money from Mrs. Celier.

Edwards. That was the first time I saw him, and the next Morning I saw him again: And when he came to the Door, he told his Errand to me. He said, he could get no Habeas Corpus; for he was such a Rogue, no body would meddle nor make with him.

Dangerfield. I would fain have her ask'd this Question, my Lord, if you please: Did you ever see Mr. Knox at Mrs. Celier's House?

Edwards. If I see him, I can tell.

Then the Defendant, Knox, was shewn to her.

Edwards. I cannot say, this is the Man: I have heard much talk of Mr. Knox, and that he hath been there; but I cannot swear this is he.

Dangerfield. My Lord, if your Lordship pleases, when Lane was first brought to me to the Countess of Powis's House, he was very meanly equipaged, and the Countess of Powis was informed of it, and did desire me to take some particular care to clothe him, and that I should put him into a Disguise; but at that time I had a Suit of Clothes that were lined with blue, which I gave to him; and I also advised him to cut off his Hair, and to put on a Peruke, which he did, and hath worn it ever since, as I believe.

L. C. J. Well, let us hear what they say to it.

Mr. Withins. May it please your Lordship, I am of Counsel in this Case for Mr. Knox; there are two Persons here made Defendants: As for Mr. Lane, I have nothing to do with him, nor to say for him; and his Case hath made him appear to be a very evil Man. But, my Lord, I do observe that the Indictment consists of two Parts: The first is, That these two Defendants did conspire together; and this was the Thirtieth of April (and the Proof comes to that Time, for it will be material in our Case) that they did maliciously and deceitfully combine and conspire against Titus Oates, Clerk, and William Bedlow, Gentleman, who had discovered this horrid Popish Plot, and whom they knew to have given Informations of it, to take away their Reputation, and make them Witnesses of no Belief, or Credit; that is one part of the Indictment. The other Part is, That to further the same, Mr. Knox did cause two or three Letters to be written, as from Osborne and Lane to him, purporting those Aspersions to be laid upon Oates and Bedlow; For the last



Part of the Indictment, the Counsel for the King have not thought fit to proceed upon it, and they have not given an Account of the Letters: But for the first Part, their conspiring to take off the Reputation of *Oates* and *Bedlow*, is the only thing they have proceeded upon, as I conceive. I must needs say, my Lord, that *Mr. Knox*, as well as *Dr. Oates* and *Bedlow*, have had a very great Misfortune to meet with these Men.

*L. C. J.* To meet with whom?

*Mr. Withins.* To meet with *Osborne* and *Lane*; for I do not here pretend to lay any Asperision, or make any Reflections upon the Credit or Reputation of *Dr. Oates* or *Mr. Bedlow*. I think they have served the Nation too well to be vilified here. But I shall say this, that as *Osborne* and *Lane* had a great Design to Disgrace and Discredit *Mr. Oates* and *Mr. Bedlow*, so they had a Design to draw my Client *Mr. Knox* in, to pursue their Malice. I did shew you, that they did begin their Evidence, as to Time, in *April*, and they have laid it so in the Indictment: We shall prove to your Lordship, and shew you, that before this, and before that *Mr. Knox* knew either *Osborne* or *Lane*, that they had drawn up this Accusation against *Mr. Oates*, and read it to several Witnesses, which we shall produce. And afterwards, when they came to advise how they should prosecute the same, they were advised first to go to *Mr. Thw-er*: He told them that it was a dangerous thing to meddle about, and he would not involve himself, but bid them take care what they did in it. Upon this they apply themselves to my Client *Mr. Knox*, he told them the same thing; it is a Matter of great Consequence, I desire not to meddle with it. Said they, will you not assist us in this Business, when we only discover this to acquit our own Consciences, who knew these things to be treating and contriving against the King and my Lord of *Danby*? For my part, says one of them, I cannot leave the Town till I have discovered it. Notwithstanding this, *Mr. Knox* would not undertake to meddle with it, but left them. They come to him the second Time, and *Mr. Knox* being a young Man, and it seems being a Servant in the Family, entered into a Correspondence with them, to prosecute what they had designed to do. There is nothing appears (and this I would observe, if your Lordship please) in the whole Evidence, that *Mr. Knox* was to swear any thing against *Dr. Oates* or *Mr. Bedlow* (as I remember) but he was indeed engaged to carry on the Prosecution, these Witnesses informing him of it; and that it was a Truth, I must observe to your Lordship upon their Evidence, they did insinuate, as if *Mr. Knox* had been at the Charge of maintaining *Lane*: But I think, that *Mr. Dangerfield* hath pretty well cleared whence that Maintenance came that he gave to *Mr. Lane*; that it came thro' none of the Hands of my Client, *Mr. Knox*.

*L. C. J.* No, *Mr. Withins*, he is not accused for giving him a constant Maintenance, but for the Money, the Guineas and Ten Shillings. 'Tis true, it was said, it was to be paid again; but from him they had the Money: And it appears, that he provided Lodgings for them, and paid for their Lodgings.

*Mr. Just. Pemberton.* And pray observe this, That what *Mr. Dangerfield* speaks of, is of a Time afterwards, after they had been taken and imprisoned, and confessed the Matter.

*Mr. Withins.* But this you observe, I hope, my Lord, from *Mr. Dangerfield's* Evidence; That *Knox* was very poor, had not any thing to maintain himself with.

*L. C. J.* The Sums indeed do not seem to be very great; a Guinea, and Ten Shillings in Silver: But whatever it was, he gave it them, and took Lodgings for them, and paid for them.

*Mr. Withins.* I did intend to observe to your Lordship, That it is a pretty strange thing, that there should be a Design to corrupt Persons to commit this foul and horrid Offence; and nothing of a Reward or Corruption proved, but two Guineas and ten Shillings.

*Mr. Just. Pemberton.* What say you to the Promises of 500*l.* and 100*l.* a Year a-piece?

*Mr. Withins.* That was *Lane's* own Evidence. *Lane* and *Osborne* might brag what they would of what they were to have, and from whom; but I believe not one in the Court believed a Word they said. For it does appear, that *Lane* did forswear himself backwards and forwards, as the Wind blew. So that, as for what *Lane* hath said, it weighs not: But we shall call two Witnesses, to whom *Lane* declared this Matter in *February* and *March*, before the Time that *Knox* was concerned: So that if we make it appear, that the Contrivance was theirs, and there was only a great deal of Weakness and Indiscretion in *Mr. Knox* to believe such idle Persons, against Persons that had shewed themselves so considerable in this Discovery; I hope it will not be thought such a Crime in us, seeing there is nothing in it, but that a young Man was lead away; and only his Folly and his Indiscretion drew him in, not any Malice or ill Design.

*Sir W. Waller.* My Lord, *Mr. Knox* did confess to me, that he did throw down a Guinea, and then *Lane* and *Osborne* took it up; but they both positively swore, that he threw it down for this Reason, that he might safely swear he never gave them it.

*Mr. Saunders.* All that they swear is not agreed to be true: My Lord, if your Lordship please, I am of Counsel for the Defendant *Knox*, and as to that part of the Indictment that charges him with writing the Letters, they do not proceed upon.

*Mr. Serj. Maynard.* Yes, we do, we proceed upon the whole—

*L. C. J.* They proceed upon the whole, but you may say, if you will, they give no Proof of it.

*Saunders.* Then, as to that, with Submission to your Lordship's Judgment, the Defendant is to be found Not Guilty.

*Mr. Just. Pemberton.* You must observe, these are not several Crimes, but one continued Crime, and therefore the Evidence must go to the whole.

*L. C. J.* You do well to observe it for your Client; but if you require it of the Counsel on the other side, it may be they will give you an Answer, if you will undertake to affirm, that they have given no Evidence as to that part of the

the Indictment wherein it says, Mr. *Knox* contrived three Letters to scandalize Mr. *Oates*.

Mr. *Saunders*. We submit it to the Court whether they have or no. For the other part of the Indictment, wherein it is charged, that he should maliciously contrive with *Lane* to lay a Calumny and Scandal upon Mr. *Oates* and Mr. *Bedlow*, the very Point we are to answer to is this, Whether this were a malicious Contrivance or no, and for that we shall give your Lordship this Evidence: That *Knox* was a young ignorant Man, and drawn in by *Lane* and *Osborne* to patronize their Mischief they intended against *Oates* and *Bedlow*; for, my Lord, Mr. *Knox* was not acquainted with them, or had any thing to do with them, till that they had contrived this matter among themselves: For, my Lord, we shall call you Witnesses to prove, that before *Knox* had to do with them, they would have had another Person to prosecute this Business for them. And if we satisfy you that he was drawn in, I hope it will acquit us; notwithstanding I will observe to your Lordship and the Jury, whether *Lane* be guilty or not guilty does not affect us, if we were only drawn into the Contrivance.

L. C. J. Wherever *Lane's* Testimony stands singly against *Knox*, it is no Evidence.

Mr. Just. *Jones*. But if he was not in the Plot at the beginning, but was drawn in, and did after proceed with them, as *Dangerfield* proves, I doubt it will not acquit him.

Mr. Just. *Pemberton*. Consider a little your Case; you say here was a Contrivance of two, that *Knox* was not in the beginning, but they offered it to others with whom it would not take. Why, let *Knox* come in when he will, if he does come into the Contrivance, and takes the Papers, and manages the business to fix these Scandals, and encourage them to carry them on, *Knox* is as guilty as all the rest.

Mr. *Saunders*. But if these Men come and tell him these things are true, and we can swear them, and so is drawn in, it takes away the Malice of the Contrivance.

L. C. J. This is the Use the Defendant *Knox* his Counsel make of it: At first *Knox* was not acquainted with the matter; and when he did come to understand it, he thought it to be true, as they affirmed it was true, and, said they, we will go before a Justice of Peace and swear it: He was willing, there being a Discovery of several Conspiracies against his Lord's Life, as they said, he being his Servant, he was willing to prosecute the Business; and this is the Use they make of it.

Mr. Just. *Pemberton*. Come, let us hear your Witnesses.

Mr. *Scroggs*. Call *Frances Lane* and *Mary Lane*.

L. C. J. But I'll tell you what; it will be necessary to clear your selves, as well as you can, of those Papers that were delivered by *Knox* to *Dangerfield*, and went about to the Lords in the Tower, and afterward to *Nevil*, and by him amended, and after delivered to *Knox* again by *Dangerfield*: This does shew as if you were concerned in the whole Affair, and in all the matter of the Information, before it was cook'd and after it was dress'd. You must give some Account of that, for that sticks strongly upon you.

[Then Mrs. *Frances Lane*, and her Daughter *Mary Lane*, were Sworn.]

Mr. *Scroggs*. Mrs. *Lane*, are not you Mother to *Lane* the Defendant?

*Frances Lane*. Yes.

Mr. *Wilbins*. Pray will you give an Account what your Son said to you in *February* last?

Mr. Serj. *Maynard*. We pray they may ask their Questions in general.

Mr. Just. *Pemberton*. Don't you point her to a Time.

L. C. J. Answer me: What hath your Son said to you at any time concerning *Oates*?

*Frances Lane*. He spoke it about *March*.

L. C. J. What did he say?

*Frances Lane*. He used him uncivilly, he had no mind to stay with him.

L. C. J. What said you?

*Frances Lane*. I desired him to stay longer.

L. C. J. How often did he tell you this?

*Frances Lane*. Several times.

L. C. J. He had left his Service once, had he not?

*Frances Lane*. Yes.

L. C. J. Was it before or after he left his Service?

*Frances Lane*. Before and after too.

L. C. J. If he complained he had so used him before, why would he go to him again?

*Frances Lane*. Because the Times were hard, and I persuaded him.

L. C. J. Ay, but would you persuade him after such an Abuse of your Son as that?

*Frances Lane*. I thought then he would not do so again.

Mr. Just. *Jones*. When was the first time he complained to you?

*Frances Lane*. It was about *Christmas*.

Mr. Just. *Jones*. Was it before *Christmas*?

*Frances Lane*. It was after.

Mr. Just. *Pemberton*. Consider here you bring *Lane's* Mother to accuse him to excuse your self.

L. C. J. But is this material?

Mr. *Scroggs*. It is material to our Client Mr. *Knox*, who was drawn in here by a couple of Rascals. We prove, that before this time which Justice *Warcup* and Sir *William Waller* have in their Informations, they offered the same Discovery to others.

L. C. J. Call them and prove it, but you will never have the better Name for calling them ill ones.

Mr. *Scroggs*. We lay all upon *Lane* and *Osborne*, who inveigled *Knox*.

Mr. *Saunders*. Pray, Mrs. *Lane*, tell the Court and Jury how and when your Son came acquainted with Mr. *Knox*.

*Frances Lane*. May it please you, my Lord, *Osborne* brings a Paper to our House, and would have had my Son have read it, but he could not, so he read it himself; and there were some desperate things in it.

L. C. J. What were they?

*Frances Lane*. I can't tell, they were concerning the King and the Queen and my Lord Treasurer.

L. C. J. When was this?

*Frances Lane*. In *March* last, at our House, and I desired them they would not meddle with such things, for I said they were things beyond them. My Son promised me he would not meddle with it, but let *Osborne* alone with it; but said I, pray go to one Captain *Thever*, he is a good civil Man, and a Man of Understanding. So they did go as I directed them.

Mr.

Mr. Just. *Pemberton*. Who went?

*Frances Lane*. *Osborne* did.

Mr. Just. *Pemberton*. Who went with him? for you say They.

*Frances Lane*. *John Lane*, my Son.

L. C. J. Was there any thing particular in those Papers concerning Mr. *Oates* being guilty of Sodomy?

*Frances Lane*. I cannot say in particular, it is a great while ago, but he went to Captain *Thewer*, and he wish'd him, after he had read it, said he, don't meddle with any of these things, for it will be the worse for you.

L. C. J. As your Son told you, you were not by.

*Frances Lane*. Yes, they both told me so. With that says Mr. *Osborne*, I'll find out one Mr. *Knox*, who had been some Acquaintance of Mr. *Wiggins*, Mr. *Bedlow's* Clerk; and so, said he, I will ask Mr. *Wiggins* if he be acquainted with Mr. *Knox*.

L. C. J. Did you Son at that time know *Knox*?

*Frances Lane*. No, my Lord, he had never seen him at that time; so my Son went, and they found Mr. *Wiggins* and Mr. *Knox* walking in the *Abbey*.

L. C. J. Was *Lane* with him then?

*Frances Lane*. He went with *Osborne*, and came and told me, *Knox* would not meddle with them.

L. C. J. Who came and told you so?

*Frances Lane*. *Osborne* came and told me so, and my Son.

L. C. J. You were not by?

*Frances Lane*. No, not I; but, said he, as he told me, I will go to him again; and afterwards he did meet him again, as he said, and delivered them to him.

Mr. *Wilbins*. Did you ever see *Knox* in your life?

*Frances Lane*. I had never seen him then.

Mr. *Wilbins*. Did you ever hear your Son say, he did know *Knox* before that time?

*Frances Lane*. Never in my life.

Mr. Just. *Pemberton*. But you do not prove that they were not acquainted.

L. C. J. Do you believe *Osborne* said true, Mr. *Saunders*?

Mr. *Saunders*. Not when he spoke to Sir *William Waller* to accuse my Client of the Contrivance.

L. C. J. In that case, when 'tis against your Client he did not, but in other cases he might; well, go on.

Mr. *Wilbins*. Which is *Mary Lane*?

*Mary Lane*. I am she, Sir, I can say no more than my Mother hath said, I was by at the same time.

Mr. *Saunders*. Do you know when *John Lane* came acquainted with *Knox*? was it before *April* last, or after?

Mr. Just. *Pemberton*. How is it possible that any one can swear a Negative?

Mr. *Saunders*. If we can't prove the Negative, nor they the Affirmative, it will be presumed they were not, because it is not known.

Mr. Just. *Pemberton*. Nor do you prove any Informations before given to any one.

Mr. *Saunders*. Yes, To *Thewer*.

Mr. *Wilbins*. We will ask the Daughter about that.

*Frances Lane*. She can only prove it by hearing it, for she was sick.

Mr. *Wilbins*. Young Mr. *Lane*, what was there in that Paper that *Osborne* brought to your House?

*Mary Lane*. There was concerning the King, and the Queen, and my Lord-Treasurer.

L. C. J. Was there any thing in it concerning Mr. *Oates*?

*Mary Lane*. Yes, there was concerning his Beastlines.

Mr. Just. *Pemberton*. Who read it?

*Mary Lane*. *Osborne* I did hear read it.

Mr. *Saunders*. Your Brother was not acquainted with *Knox* then?

Mr. Just. *Pemberton*. How can they tell that? 'tis impossible.

L. C. J. The Nature of the thing is such, that it can be proved no otherwise. But it seemed to them that they were of no Acquaintance; it is hard to prove when an Acquaintance begins.

Mr. *Saunders*. And further than this we cannot go in such a Case; for that thing of the great Sums of Money, certainly it was as little a thing as could be; there was no more in the case than a Guinea, and ten Shillings, and three half Crowns, as proved, and he was cheated of them, it seems, for they would not do the Work.

Mr. *Scroggs*. 'Tis an improbable thing that he should be so poor as to sell the Handle of his Sword, and yet be engaged in the Management of such a Plot, and not have Money for it.

L. C. J. There is no great store of Money appears to be given to *Lane*, but he was kept upon a mean Maintenance.

Mr. Just. *Jones*. But it was not without Expectation of a Reward.

Mr. Just. *Pemberton*. He tells you the Wages was to be paid when the Work was done.

L. C. J. And when the Roguery was discovered, they had no more Money then.

Mr. Just. *Pemberton*. When the Business came to be controverted thus, they had no reason to give it.

Mr. *Saunders*. Though *Lane* had Maintenance, yet our Client *Knox* was not taken such care of; still there was Provision made for him, but none for us, because we were drawn in and did not contrive it.

Mr. Just. *Pemberton*. But remember, Mr. *Saunders*, by the same Hand there were forty Shillings given at one time.

Mr. *Wilbins*. Well, my Lord, we have done: We say, that we had no part in the Malice of the Contrivance, and therefore ought not to be punished with them.

L. C. J. Well, Mr. *Holt*, what say you for *Lane*?

Mr. *Holt*. My Lord, I am assign'd of Counsel for the Defendant *Lane*. I have no Witnesses at all to examine, but only shall make some little Observations upon the Evidence that is given for the King. As for the Indictment it self, though it is not several Crimes, but one complicated Crime; yet the Evidence that is given is only to one part thereof; and therefore I submit it to your Lordship, if the Proof be proportionable to the Charge, and whether the Defendant ought not to be found Not Guilty. There hath been great mention made of the writing Letters, yet it would be hard that the Defendant should be found Guilty of such an Offence, when the

Proof

Proof does not come up so high; that would introduce a severer Punishment than the Crime proved would justify.

Mr. Just. *Pemberton*. Pray, Mr. *Holt*, don't go away with that; I must set you right a little there: The Crime that is laid is, To discountenance the King's Evidence, and to make them that they should not be believed. The Means are several, partly by casting of Crimes upon them, partly by writing Letters; that Crime is another thing, and therefore if they do not find them Guilty of every one of the particular means, yet the Crime must be found.

L. C. J. You are in the right thus far Mr. *Holt*; they have laid the Indictment, That they endeavouring to disparage the Credit of *Oates* and *Bedlow*, have, for Money's sake, and by Promises and Contrivances, and writing of Letters, wherein was scandalous matter against *Oates* and *Bedlow*; they thereby did attempt to discredit them. Now say you, if this matter be not proved, that there was any scandalous matter concerning *Oates* and *Bedlow*, then the Contrivance is not proved: But what though all the Facts in the Indictment are not proved, yet if there be enough to prove your Contrivance to discredit them; and if you suppose the Evidence true that is given, it rests, I think, plainly upon your Client, and you cannot get off from it: But if there be not sufficient Proof to maintain the Indictment for the Crime of endeavouring to discredit *Oates* and *Bedlow*, unless they prove the Letters also, you say something; but there is the Business that sticks on you, they have proved enough without that.

Mr. *Holt*. If the Jury do not find them Not Guilty generally, may they not find them Not Guilty of writing the Letters?

L. C. J. No: For if the other part of the Evidence did not amount to a Proof of a Design of Disparaging their Testimony, you had a very strong Objection of it: But if they lay five things, and they prove but one of them upon you; if that one serves to the Disparaging of *Oates* and *Bedlow*, which is the Substance of the Indictment, that maintains the Indictment.

Mr. *Holt*. It does so, my Lord; but not the Aggravations.

L. C. J. All that you say then is in mitigation of a Fine; but if all be true that is proved upon your Client, as I see no reason to doubt it, you will save but little by this Defence.

Mr. *Holt*. My Lord, as to the Matter, it all depends upon the Credit, of the Witnesses, and Credibility of the Circumstances in themselves, and one with another. Some of the Evidence is but very slight, and sure were but produced to spend Time.

L. C. J. Indeed there was a great deal of it to little purpose: for ought I see, this Trial needed not to have been above an Hour.

Mr. *Holt*. As for his saying he should have a 100*l.* a Year, and the bettering of his Fortune, it was but his Vanity and Extravagance.

L. C. J. Mr. *Holt* does argue as much for his Client as the Case will bear.

Mr. *Holt*. They have endeavoured to lay all upon us; now if so be we are affected with any severe Evidence, I think the same Evidence (to requite them) does affect them.

L. C. J. This is a kind of Battle-Royal, where every one hath two Enemies to oppose.

Mr. *Holt*. Here is Mr. *Dangerfield*, he comes, and in his Evidence tells you, That my Lady *Powis* was so long upon her Knees to thank God that her Party was so much strengthen'd by the Accession of *Lane*: My Lord, I desire the Quality of Mr. *Lane* may be taken notice of; a Footman and a young rash Fellow, one that both for Age and Quality could not be very considerable.

L. C. J. But two Witnesses are better than one, Mr. *Holt*; do you remember that? *Knox* used that Expression, If *Lane* do but keep firm, we shall be too hard for *Osborne* alone, for two Witnesses are better than one; but by that he counted *Lane* worth something.

Mr. *Holt*. You must consider, what he was to swear, they could scarce get an Evidence so proper for what they would have him swear.

L. C. J. Mr. *Williams*, what Answer can you give to all the Transactions that Mr. *Dangerfield* tells you of about *Knox*? Besides, take notice of this; you would have this to be a Contrivance by *Lane* and *Osborne*, to be between themselves, and that your Client must be a Stranger to it; and when he comes to know it, he knows it only as a Remorse of Conscience that they tell him they have, and desire him to go with them before a Justice of Peace to swear it, and he hearing something that might affect his Master the Earl of *Danby*, and believing that all was true, did encourage that matter only for his Master's Service, and thought he did a good Act in it. But your subsequent Behaviour shews it was a Conspiracy rather; for, first, your secret ways of sending your cunning Notes, *We all club'd together, and you paid two Shillings at the Sugar-loaf; tear this*; which shews, and does to my apprehension signify, as if he would never own that he spent any thing upon them, and that he was bountiful to them. And then the giving of Money to the Man to convey Notes, that they might not betray one another; do not all these subsequent Actions, especially those *Dangerfield* tells you of, and receiving the Papers after they were enlarged upon, speak it a Conspiracy? What can you say to all this?

Mr. *Williams*. My Lord—

Mr. Just. *Pemberton*. Stay a little, and answer all together. Do but consider with your self, those Informations your Client Mr. *Knox* did own he took, and before they were sworn, and carried them to my Lord *Latimer's* Lodgings, and he himself owns, that he took Lodgings for them, and lay with them, and when the Lords were in pursuit of them.

L. C. J. And then does he steal them from place to place, and takes Lodgings for them, and pays for them.

Mr. Just. *Jones*. He brings one of them to make Affidavit, and will keep it by him, is shy of shewing it: afterwards does shew it, this makes him a Contriver too, as well as an Executor.

Mr. *Saunders*. If your Lordship please—

Mr. Just. *Pemberton*. Consider too the Papers that were put in too of Caution, that *Knox* and they should not be found in several Tales; for *Knox* had been examined before they were: what was the meaning of those Instructions?

L. C. J. If you have any Witnesses to wipe your selves clean from the matter of receiving the Papers from *Dangerfield*, and taking Lodgings for

for them when they were under that Accufation, do.

Mr. *Saunders*. I have a word to answer upon the Testimony of Mr. *Dangerfield*.

Mr. Just. *Pemberton*. Consider this, that he attempted another Man upon the same Account; your Client did tempt *Wiggins* to do the same thing to his Master.

Mr. *Saunders*. That was in *February* before, and all that he said was, that he would have had out of Mr. *Beilow's* Servant, what Company his Master kept, and what he did.

L. C. J. You do observe right.

Mr. Just. *Pemberton*. And to have betrayed his Papers to him.

L. C. J. That does not reach this Indictment indeed; but that thing that he would have tempted him to, was to have discovered, and to have a Transcript of all the Papers that concern'd my Lord of *Danby*; that he should watch his Company, and know what Lords were with him, that he might make his opposition as well as he could, and that he should have what Place he did desire under my Lord. It does not affect the Case of the Indictment, but it shews you are a Tempter of Men, and that you are a Cautioner, that you would hire a Man to betray his Master's Papers, which is not fair, let the Master be who he will.

Mr. Just. *Pemberton*. It facilitates the belief of this.

L. C. J. Yes; Ay, ay, it is to make the Jury more apt to credit what the Evidence of this particular Fact is.

Mr. *Saunders*. My Lord, let me offer this Word, and I submit: Mr. *Dangerfield* himself does swear, that *Lane* brought him a Paper containing the same matter that he did falsely accuse Mr. *Oates* of, and he read it over three times to him, and then he swore it before Sir *James Butler*. My Lord, I will put my Cause upon that Point, Whether Mr. *Dangerfield* did not believe it to be true at that time.

Mr. Just. *Jones*. Your Client is the more mischievous Man, to contrive it so, as to make the thing to be believed when it was false.

L. C. J. The use of the Argument he makes is this; That as Mr. *Dangerfield* might be deceived into a belief that the Information was

true, so might Mr. *Knox* as well, when he saw one ready to swear it: But hath *Dangerfield* done those subsequent Acts which he hath done in the Confederacy, for which he is now Indicted?

Mr. *Saunders*. He swears in his Information, that they came to his Hands from *Lane* and *Osborne*.

L. C. J. Well Gentlemen, you of the King's Council and of the Jury, you need not any summing up of the Evidence, I thin kthe thing is evident.

Mr. Just. *Pemberton*. Gentlemen, it is a very clear Case, as clear as the Day; I think you need not go from the Bar; but do as you will.

[Then the Jury laying their Heads together, agreed without delay, and without moving from the Bar.]

Cl. of Cr. Gentlemen, Are you all agreed of your Verdict.

Omnes. Yes.

Cl. of Cr. Who shall say for you?

Omnes. Foreman.

Cl. of Cr. How say you, are the Defendants Guilty of the Offence and Misdemeanor whereof they stand Indicted, or not Guilty?

Foreman. Guilty.

[At which the People gave a great Shout.]

Mr. Serj. *Maynard*. My Lord, I pray the Verdict may be Recorded.

Mr. Just. *Jones*. Let it be so. Come, where are these two young Fellows? Let us see if they can shew their Faces now.

[And they were brought into the middle of the Court.]

*Knox*. Will your Lordship give me leave to speak one Word for my self?

Mr. Just. *Jones*. No, no, there's no speaking now; take them into your Custody, Marshal.

[Which was done, and the Court broke up.]

They were afterwards sentenced: *Thomas Knox* to a Fine of 200 Marks, a Year's Imprisonment, and to find Sureties for his good Behaviour for three Years. *John Lane* to a Fine of 100 Marks, to stand in the Pillory for an Hour, and to be Imprisoned for one Year.



XC. *The Trials of* LIONEL ANDERSON, *alias* MUNSON, WILLIAM RUSSEL, *alias* NAPPER, CHARLES PARRIS, *alias* PARRY, HENRY STARKEY, JAMES CORKER, WILLIAM MARSHAL, *and* ALEXANDER LUMSDEN, *with the Arraignment of* JOSEPH KEMISH, *at the Old-Baily, for High-Treason, being Romish Priests, Jan. 17, 1679. 31 Car. II.*

Cl. of Cr. KEEPER, set David Joseph Kemish to the Bar.

[Which was done.]

David Joseph Kemish, hold up thy Hand. [Which he did.]

*Thou standest Indicted by the Name of David Joseph Kemish, of the Parish of St. Giles's in the Fields, in the County of Middlesex, Clerk; for that thou being born within the Dominions of our Sovereign Lord the King, and being a Priest, made and ordained by Authority derived from the See of Rome, after the Feast of the Nativity of St. John Baptist, in the first Year of the Reign of Queen Elizabeth, and before the Fifteenth of November, in the Thirtieth Year of the Reign of our Sovereign Lord the King that now is, The Laws and Statutes of this Kingdom of England not regarding, nor the Penalties in the same contained any ways fearing, the said 15th day of November, in the 30th Year of the King aforesaid at the Parish of St. Giles's in the Fields, in the County of Middlesex aforesaid, traiterously, and as a false traitor of our Sovereign Lord the King, thou wast and didst remain and abide, against the Form of the Statute in this Case made and provided, and against the Peace of our Sovereign Lord the King, his Crown and Dignity. How sayest thou, David Joseph Kemish, Art thou Guilty of this High-Treason whereof thou standest Indicted, or Not Guilty?*

Kemish. Not Guilty.

Cl. of Cr. Culprit, How wilt thou be Tried?

Kemish. By God and my Country.

Cl. of Cr. God send thee a good Deliverance.

Kemish. I cannot speak, I am not able to stand upon my Legs a quarter of an Hour.

\* L. C. J. What does he say?

† Sir William Scroggs. Capt. Richardson. He says he is so ill and weak he is not able to stand.

L. C. J. Then he must have a Stool.

Kemish. I am not able to speak in my own Defence, and I have had no Time to prepare myself.

L. C. J. Captain, He shall speak softly to you, and you shall report it to the Court again.

Capt. Richardson. You may speak softly to me, and I will give an Account what you say.

L. C. J. How will he be Tried? Ask him.

Kemish. I would desire my Trial might be deferred till I be in a Condition to answer for myself.

L. C. J. What say you, Brothers, I think his Request is very reasonable; he appears not to be in a Condition of taking his Trial now, and Mr. Attorney is willing he should be set aside till next Sessions.

\* Mr. Att. Gen. 'Tis, I think, very fit, if your Lordships please. † Sir Creswell Lewin.

Mr. Jutt. Dolben. He must Plead first. Have you recorded his Plea?

Cl. of Cr. Yes, 'tis recorded.

L. C. J. What then look you, Capt. Richardson, you must take him back; the Court does think fit, and Mr. Attorney does think fit, by reason of his extraordinary Infirmity, that it is not reasonable to Try him now. And that the World may not say we are grown Barbarous and Inhumane, we are all contented he should be set by. Therefore let him be returned back, and in the mean time you must take care that he have that reasonable looking to as is fit for a Man in his Condition to have.

L. C. Baron. Acquaint him with what the Court says to you.

Capt. Richardson. I will, my Lord.

Mr. Att. Gen. My Lord, I desire that the Judges may declare their Opinion in it.

L. C. J. They have done so already, we do all consent to it; therefore take him, and go get him a Bed.

Cl. of Cr. Set William Ruffel, alias Napper, to the Bar. Who was Arraigned upon an Indictment of the same Form, only the Day of the Fact differing, which was laid to be the 27th of November, in 30 Car. 2. To which he likewise pleaded Not Guilty, and put himself upon the Country.

Cl. of Cr. Set Henry Starkey to the Bar. Whose Indictment was the same, only the Time differing, which was the 26th of January 30 Car 2. And he also pleaded Not Guilty, and put himself upon the Country.

Cl. of Cr. Set William Marshal to the Bar. Who being Arraigned upon a like Indictment, and the Time mentioned to be the 15th of January 30 Car 2. And being asked, Whether Guilty, or Not Guilty, answered thus:

Marshal. My Lord, I do find by this Indictment, That I am Arraigned for the same Crime for which I was Tried before: I do humbly desire to know, Whether, according to Law, I can be tried twice for the same Fact?

*L. C. J.* No, according to the Law you cannot be tried twice for the same Fact, nor are you; for before you were Indicted for having an Hand in the great Conspiracy, for being a Conspirator in the Plot, and now you are tried for being a Priest, and abiding in *England*.

*Marshal.* I was tried before your Lordship as a Traitor.

*L. C. J.* You were so.

*Marshal.* Now I am tried for a Priest.

*L. C. J.* Which is another Treason.

*Marshal.* If I am tried for a Priest, I conceive I cannot be tried unless as a Criminal Priest: And I conceive I cannot be tried as a Criminal Priest, unless it be as a Priest that hath had some Attempt or Design against the Government.

*L. C. J.* Nay, you mistake there: There may be Priests that have had no Hand in the Plot; if you were acquitted for the Plot, yet you remain a Priest still. Do you suppose then that every Priest had a Hand in the Plot?

*Marshal.* My Lord, I humbly conceive, that Priesthood, as Priesthood, is no Crime at all.

*L. C. J.* That is no Crime at all.

*Mr. Just. Dolben.* Come, you must plead without more ado; and you must not use any more Speeches.

*L. C. J.* You must be governed in all things by the Direction of the Court.

*Marshal.* I do submit to the Direction of this Honourable Bench: But, my Lord, give me leave to say, I suppose I am Indicted upon 27 *Eliz.* Now if it be made appear, that according to that Statute Priesthood alone is not Treason——

*Mr. Just. Dolben.* Then you must speak it afterwards, but now you must plead.

*Marshal.* But if it be at least made doubtful, then it becomes matter of Law; and I have just occasion to insist upon it, and pray Counsel.

*Mr. Just. Dolben.* You must plead to the Indictment first.

*Marshal.* Why, can I ask Counsel after Plea pleaded?

*L. C. J.* Yes, you may, if matter of Law arise, and you may have Counsel as to that matter.

*Mr. Just. Atkins.* The Court is of Counsel for you in such a Case.

*L. C. Baron.* But you must plead first.

*Mr. Just. Pemberton.* You cannot be heard at all till you have pleaded to the Indictment.

*L. C. J.* Pray take the Directions of the Court.

*Marshal.* I have a great deal of reason to submit to this Honourable Court that hath been so full of Mercy and Clemency, and therefore I do answer, That I am Not Guilty.

*Cl. of Cr.* How wilt thou be Tried?

*Marshal.* By the King and my Country.

*L. C. J.* No, no, that will not do.

*Marshal.* By God and my Country.

*Cl. of Cr.* God send thee a good Deliverance. Set *Alexander Lumsden* to the Bar. Whose Indictment being of the same Nature, only reciting the Fact to be 11 *Maui* 31 *Car. 2di*, he pleaded Not Guilty, and put himself upon the Country.

*Cl. of Cr.* Set *James Corker* to the Bar; who was also Arraigned for the same Treason, done upon the 24 *Octobr.* 30 *Car. 2di*. And being asked, Whether Guilty or Not Guilty, answered in these Words.

*Corker.* My Lord, I humbly beg the Judgment

of the Court; I humbly conceive, my Lord, I have been already tried and acquitted for this Crime.

*L. C. J.* Look you, that hath been over-rul'd already in the Case of *Marshal* just now, who is in the same Condition: You are not now tried for the same Fact for which you were tried before.

*Corker.* My Lord, I suppose there is something particular in my Case; I was expressly Indicted as Clerk, one that received Orders from the See of *Rome*.

*Mr. Just. Pemberton.* His Addition was Clerk, that is all.

*L. C. J.* But you were not charged in that Indictment for this Fact.

*Corker.* My Lord, I pleaded to that Indictment under that Qualification of Clerk.

*L. C. J.* So Men do when they say in the Indictment Labourer, plead to it in that Qualification; but if a Man plead by the Name of Gent. the Question is not whether he be a Gent. or no, but whether he be Guilty of the Fact he is Indicted for: And the Question in your Case was not whether you were Clerk or were not Clerk, but whether you had a Hand in the Plot or no.

*Mr. Just. Atkins.* If the Jury had found you a Priest at that time, it had been a void Finding, more than they were to enquire of.

*Mr. Belwood.* He was told so at that time, he was not tried for a Priest.

*Mr. Just. Ellis.* After you have pleaded, then you may urge what you have to say.

*Corker.* Then I say, I am not Guilty. *And he put himself upon the Country.*

*Cl. of Cr.* Set *Lionel Anderson*, alias *Munson*, to the Bar. Whose Indictment was for being a Priest, and abiding here the 28th. *Jan.* 30 *Car. 2.* And he pleaded Not Guilty, and put himself upon the Country.

*Cl. of Cr.* Set *Charles Parris*, alias *Parry*, to the Bar. Whose Indictment was of the same nature, for abiding here 30 *Maui* 31 *Car. 2.* And he also pleaded Not Guilty, and put himself upon the Country.

*Cl. of Cr.* Set all the Prisoners to the Bar that are to be Tried. *William Russel*, *Henry Starkey*, *William Marshal*, *Alexander Lumsden*, *James Corker*, *Lionel Anderson*, and *Charles Parry*.

*Capt. Richardson.* They are all on.

*Russel.* My Lord, I have been confin'd, I have not had my Liberty till within these two or three days.

*L. C. J.* What then?

*Russel.* I have not had my Friends to come to me, to advise me upon what Account I was to be Tried.

*Capt. Richardson.* He says, he wanted his Friends to advise for what he was to be Tried.

*L. C. J.* Why, he knows he is to be Tried for a Popish Priest.

*Capt. Richardson.* Here is one says he is sick.

*L. C. J.* Who is that?

*Capt. Richardson.* 'Tis *Anderson*.

*Mr. Just. Pemberton.* Then he must have a Chair to sit down on.

*L. C. J.* We will try him first that is sick.

Then the Prisoners were called to their Challenges, and the Jury of *Middlesex* appearing upon their

their Summons, and none of them being excepted against, the Twelve that were first called and sworn, were the Gentlemen following :

<p>John Bradshaw, Lawrence Wood, Matthew Bateman, John Vyner, Francis Mayo, Martin James,</p>	}	Jur <sup>s</sup>	<p>Anthony Hall, Samuel Jewel, Richard Bealing, Thomas Hall, Richard Bromfield, Samuel Lynne.</p>
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Then they were number'd, and Proclamation for Information in usual manner was made.

L. C. J. Come, begin with the sick Man *Anderfon* ; and set away the rest.

Cl. of Cr. *Lionel Anderfon*, hold up thy Hand. You that are sworn, look upon the Prisoner and hearken to his Cause. He stands indicted by the Name of *Lionel Anderfon*, &c. Upon this Indictment he hath been Arraigned, and thereunto hath pleaded Not guilty ; and for his Trial hath put himself upon God and his Country, which Country you are. Your Charge is to enquire, whether he be guilty, &c.

*Mr. Belwood*. May it please your Lordship, and you Gentlemen of the Jury ; the Prisoner at the Bar, *Lionel Anderfon*, alias *Munson*, stands Indicted for High-Treason ; and it is alledged in the Indictment, That he being born within the King's Dominions, and made a Priest, and having received Orders by pretended Authority from the See of *Rome*, he did the 28th Day of *January* last come into the Kingdom of *England*, that is, as 'tis laid, in the Parish of *St. Giles in the Fields*, in this County ; and there he did abide contrary to the Form of the Statute. And this is laid to be Traiterously done. To this he hath pleaded Not Guilty, and we are to prove it upon him by the King's Evidence, whom we are now to call.

*Anderfon*. My Lord, for my staying in the Kingdom, I had the King's express Command, and an Order from the Council-Board : In the Year 71, they ordered *Mr. Peter Welsh*, and my self, with four or five others, who had in Writing asserted his Majesty's just Rights over all his Subjects, whether Protestant or Papist, against those so frequently imputed Usurpations of the Court of *Rome*. After this Plot was discovered I came to the King, being afraid of being involved in the general Calamity, and said to him, *Sir, I desire to know what to do?*

L. C. J. Do, Why?

*Anderfon*. Good my Lord hear me out. My Lord *Privy-Seal* brought me an Order from the Council-board, and so 'tis Recorded ; and I think *Dr. Oates* will be so just to me, as to acknowledge that he hath seen it, and this is all that I have to say.

L. C. J. If you have an Order from the Council to protect you, you must apply your self elsewhere ; our Business is to try the single Issue, whether you have offended against the Law.

*Anderfon*. My Lord, I that am but a poor little *Individuum*, who am born with an innate and implicit Obedience to my King, pray judge whether it lie in my power to dispute with him and his Council, whether they can legally do this or no ? Or that I ought to obey the King's Command. My Lord, I am put upon a hard *Dilemma* ; if I (notwithstanding his Majesty's Command to the contrary) go out of the Kingdom,

then the severe Imputation upon us is urged against me, That I have, with my Religion, renounced my Natural Allegiance : And if I stay, then by the Law (as you tell me) I forfeit my Life.

*Mr. Belwood*. This is not a Time for him now to insist on this matter.

L. C. J. Reserve your self till the King's Counsel have done, and the Evidence given.

*Mr. Just. Jones*. Let him save his Speech till such time as he comes to answer for himself.

L. C. J. Give him a Chair if he be not able to stand.

*Sir J. Keiling*. May it please your Lordship, and you Gentlemen of the Jury, *Lionel Anderfon*, otherwise *Munson*, the Prisoner at the Bar, stands indicted here, for that, he being a Subject born within the Dominions of the King, hath taken Orders from the See of *Rome*, and hath contrary to the Law come into *England*, and staid here as a Traitor : For this Treason he is Indicted, and the Indictment is grounded upon the Statute of the 27th *Elizabeth*. a Statute made almost an hundred Years since, and it was upon great occasion : For it tells you plainly, That these Priests that had taken Orders from the See of *Rome*, were not only busy in seducing and perverting the King's Subjects to the *Romish* Superstition ; but they had made many Attempts upon the Government, raising Sedition and Rebellion, and levying War against their Sovereign ; which is evident from the Preamble of the Statute it self. And it is true, the Lenity and Mildness of our Princes hath in a great measure let this Statute lie asleep ; they have not been willing to execute the Severity of the Law upon all occasions at all times : But the occasion being renewed at this time, for the remedying of which this Statute was principally made (that is to say, raising Seditions and Com-motions, and Rebellion against the King, the Particulars of which I shall not enlarge upon, it hath been notorious in this place) that is the Reason of the present Prosecution of these Persons : Who have not been contented to enjoy the Indul-gence of our Princes, (which hath been extended to them, notwithstanding all their former numerous Affronts that they have given) but have raised new Com-motions, and made Attempts upon the Person of our King, and of our Govern-ment, and that is the Occasion upon which these Persons come to be tried. It is not purely (though that is a main Ingredient) that they are tried *quatenus* Priests, but as ordained by the See of *Rome*, and coming into *England* and abiding here. For a Priest, if he be ordained by the See of *Rome*, if he comes not here, can do no hurt ; but it is his coming and abiding here, that makes him the Subject of this Punish-ment, and hath occasioned this Man's Prosecu-tion. Now, my Lord, we shall prove that this *Anderfon* alias *Munson* hath taken Orders from the See of *Rome*, whose Authority constituted him a Priest, and this we shall prove by several Instances and Steps ; and then we doubt not but you will take that Care for the Preservation of the Government, and for the Peace and Quiet of the Nation, which becomes you, and give a Verdict according as your Evidence shall lead you.

*Mr. Serj. Strode*. My Lord, we shall call our Evidence. The Fact is this, That this Person being a Subject of the King's, and having re-



ceived Orders from the See of *Rome*, that is, being a *Romish* Priest, did come and abide here contrary to the Statute; not that his Priesthood is the Crime, no 'tis his being a Subject of the King's, and owning an Authority from Abroad, and thereby denying the Authority of his own Sovereign. To prove this, we shall call Dr. *Oates*, Mr. *Bedlow*, Mr. *Dangerfield*, and Mr. *Praunce*. [*Who were all sworn.*] Set up Mr. *Dangerfield* first. Mr. *Dangerfield*, tell my Lord and the Jury what you know of the Prisoner at the Bar, Mr. *Anderfon*.

*Dangerfield*. What I do know against him?

*L. C. J.* Yes, for being a Priest.

*Dangerfield*. What, that particularly?

*L. C. J.* Yes, that particularly.

*Dangerfield*. My Lord, about the latter end of *May*, or beginning of *June*, when I was a Prisoner for Debt in the *King's-Bench*, this Person took occasion to speak privately to me, and desired me to go into his Room: He told me he had received a Letter from my Lady *Powis*, and that Letter was burnt. But the next Letter that came from my Lady *Powis*, he would shew it me. And he did so; and the Contents of the Letter was, as near as I can remember, just thus: Sir, You must desire *Willoughby* to scour his Kettle; which was to confess, and receive the Sacrament, to be true to the Cause. A little after, that was Saturday, and I think it was the next Day, being Sunday, I went into Mr. *Anderfon's*, alias *Munson's* Chamber, and there I went to Confession, and received Absolution. And he sent me to another Person to receive the Sacrament, who was saying Mass at that time. And when I had received the Sacrament and return'd to him again, he did tell me, That he, as a Priest, did give me free Toleration to go and be drunk, and drink with one *Stroude*: and I asked him, being something scrupulous in the matter, Whether I might lawfully do it, having but just received the Sacrament? he told me, Yes, he gave me Authority so to do, being for the good of the Cause.

*L. C. J.* Were you a *Papist* then?

*Dangerfield*. Yes, I was.

*Mr. Just. Atkins*. You went to Confession to him, and received Absolution?

*Mr. Belwood*. What was the good of the Cause that he meant?

*Mr. Serj. Strode*. If you please, give an Account of the whole Thing.

*Dangerfield*. That was, as I was employed in a general Affair for the *Catholicks*: For I was to use my Endeavour to bring over *Stroude* to be a Witness for the Lords in the *Tower*, concerning the Plot, and to invalidate Mr. *Bedlow's* Testimony.

*Anderfon*. Here I am upon my Life and Death; all the World knows me, that hath heard of my Name——

*Mr. Just. Pemberton*. Pray make no Speeches, if you will ask any Questions you may.

*Anderfon*. No, I won't. Pray do not interrupt me; I perceive you have a Pique against my Life, and it may be I am as ready to give it, as you are to desire it; I wish that all the Punishments of Hell and Damnation may come upon me, if ever I open'd my Mouth to this Rogue for one Farthing, or about any such Business in the World.

*L. C. J.* You must not call him Rogue in open

Court. Let us have that Respect shewn us that is fitting, and so shall you have; but this Language we must not suffer.

*Anderfon*. In the first place, I will bring all the Prisoners in the *King's-Bench* Prison to testify, That I desired to be removed to *Newgate*, for here was the greatest Rogue come in that was in *England*.

*Mr. Just. Pemberton*. This must not be suffer'd.

*L. C. J.* If you will ask him any Questions, you may.

*Anderfon*. Well, come Mr. *Dangerfield*, in the first place, Who ever saw you with me? 'Tis impossible but some body must see you with me, if we were together, as you say.

*Dangerfield*. My Lord, there is one *Hill*, that is now a Prisoner in the *King's-Bench*, that saw me several times go into his Chamber.

*L. C. J.* Was there any body by when you confessed your self to him?

*Mr. Just. Dolben*. Confessions use to be in secret.

*Dangerfield*. No, my Lord, he was not in the Chamber, neither was it reasonable he should, but he saw me go in often.

*Anderfon*. Surely, Mr. *Dangerfield*, you and I could not be so well acquainted, but somebody or other must take notice, that we spoke together sometimes. Now if you can produce any one body that will testify it, I will be bound to be hang'd, and say no more.

*Mr. Just. Atkins*. He is not bound to bring Witnesses to this purpose. He swears the Fact charged upon you positively.

*Dangerfield*. This *Hill*, my Lord, that is in the *King's-Bench*, hath made Oath of it before Mr. Justice *Foster*.

*Anderfon*. But, my Lord, this one thing I have to say against this Rogue; there is a Statute, made since his Majesty's happy Restauration, which judges what shall be Treason during his Majesty's Life: And after enumerating the Crimes, and directing that the Offender shall be convicted by the Oaths of two Lawful, adds, and Credible Witnesses: As if the Prudence of our Legislators, which brings good out of evil, and measures the Subjects future Safety by past Practices, judges that Clause necessary, and credible.

*L. C. J.* Pray speak out, Sir, for I cannot hear you.

*Anderfon*. My Lord, I understand the Meaning applicable to me thus, That since the Statute does use the Word (Credible) as well as Legal, it does judge that both would be very necessary. Now that he is not a credible Witness I can prove——

*L. C. J.* Why is he not credible? Certainly if he be legal he is credible.

*Anderfon*. No, my Lord, that does not follow. First the——

*Mr. Recorder*. 'Tis not his time to make this sort of Defence.

*Mr. Just. Dolben*. He should have done it before the Witness was sworn, if he would except against his Testimony.

*L. C. J.* But why is he not a good Witness, pray?

*Anderfon*. My Lord, a Man pilloried twice, that hath broke Prison once, and committed other heinous Offences——

*L. C. J.* Where is the Record of any of this?

*Anderfon*.

*Anderfon.* My Lord, I'll tell you how I prove it. That worthy Gentleman, Colonel *Mansel*, whom this Villain would have involved in—

*L. C. J.* You must not do thus, abuse Persons with Words, without Proof.

*Anderfon.* What, to prove it is Day?

*Mr. Just. Pemberton.* He must not be suffer'd so to do.

*Anderfon.* Why, here is Captain *Richardson*, [Taking him at the same time by the Shoulders.] knows what I say to be true: Come, speak, you have been familiarly acquainted with that Rogue, (pointing at *Dangerfield*.) [Captain *Richardson* laughing, *I must not witness.*] My Lord, I will do thus no more; indulge a little to my Innocency and Infirmity.

*Mr. Just. Pemberton.* You don't seem to have so much Infirmity upon you.

*Anderfon.* My Lord, I will produce that worthy Gentleman, Colonel *Mansel*, whose innocent Blood was design'd to be shed by that Villain; who stood qualified then (as he doth now) with that magnificent Title of the King's Evidence; but as soon as Colonel *Mansel* urged, that he was Pillory'd twice, &c. our worshipful King's Evidence was clap'd up, and Colonel *Mansel* left at Liberty.

*L. C. J.* Have you that Record here?

*Anderfon.* I have not.

*Sir John Keeling.* We pray we may go on then.

*Mr. Serj. Strode.* Set up Dr. *Oates*. Dr. *Oates*, will you tell what you know of this Matter?

*Oates.* My Lord, he is a Priest. I can in Sincerity say it; I have heard him say *Mafs* myself.

*L. C. J.* Where?

*Anderfon.* 'Tis very true, I did it; but, my Lord, I will shew you, *Mafs* is no Proof of a Priest: For, 1. The Statute makes a Difference between saying *Mafs*, and being a Priest; in punishing Priests with Death; but saying of *Mafs*, with a pecuniary Mulct of 200 Marks, and a Year's Imprisonment.

*Oates.* He does execute the Office of a Priest, for I have been at Confession with him as a Priest, and have seen him consecrate the Sacrament, and I have seen his Letters of Orders as a Priest.

*L. C. J.* Did he wear the Habit of a Priest?

*Oates.* Yes, at *Mafs*.

*Mr. Belwood.* Pray, Sir, are you sure you saw his Orders as a Priest?

*Oates.* Yes, I did.

*L. C. J.* Of what Order is he?

*Oates.* A *Dominican* Frier he is.

*L. C. J.* What can you say to that?

*Anderfon.* I can say enough; but what can I say against the King's Evidence? Your Lordship sees this makes a very fine Jingle, but there is no Proof of it.

*L. C. J.* We can go no further than the Evidence. He says, You are a *Dominican* Frier: That he heard you say *Mafs*: That he saw you consecrate the Sacrament. And I am sure you allow none but a Priest to do that.

*Anderfon.* I understand by the Laws of *England*, that I am try'd upon a Statute which makes Priesthood a Crime. Now I will ask Mr. *Oates* a Question: Mr. *Oates*, can you prove, that I received Orders from the See of *Rome*? You are to prove, by this Statute, three things a-

gainst me. I am tried upon a Penal Statute, which ought to be construed most in favour of the Prisoner.

*Mr. Just. Pemberton.* Ask him any Questions, if you will, but this is not your Time for arguing.

*L. C. J.* Look you, we must do with you as we have done with others, and will do with the rest. If you mean that this Statute should never have any Effect, that is, that the Priests shall not be convicted as such, unless we can produce Witnesses that saw them take Orders, then you have avoided all the Statute; but if so be it be plainly proved, that you have done the Acts of a Priest, those that none are allow'd of to do, or undertake to do, but a Priest, is not this a Satisfaction, and a plain one too, to yourself and all the World, that this Issue, Whether you are a Priest, or not a Priest, is well proved in the Affirmative?

*Oates.* My Lord, I saw his Letters of Orders.

*Anderfon.* My Lord Chief Justice, I would speak a little to what you say.

*Mr. Just. Pemberton.* Look you, Sir, you must not have such Liberty as this granted to you: You may, if you will, ask Questions, but it is not your Time to dispute.

*Mr. Just. Jones.* You must not invert the Order of Trials. When a Witness is call'd, he must give his Evidence. If you will ask him any Questions, you may do it. But if you will observe any thing, you have time to do it when the King's Witnesses are all heard.

*Mr. Just. Atkins.* Dr. *Oates*, the Prisoner did not understand sure what you said. Did not he confess to you he had Orders from *Rome*?

*Oates.* Yes, he did confess so.

*L. C. J.* You confessed it yourself.

*Anderfon.* My Lord, how comes it to pass, that I did not come here in a Yellow Coat, and was arraigned for a Fool, and not for a Traitor? If I am a Priest, that I should tell him I was such an one.

*L. C. J.* Nay, I can't tell, because you did not put it on. If you would ask him any Questions, do.

*Anderfon.* Yes, Whether you do know me to be an *Englishman*? And whether you saw me take Orders from the See of *Rome*?

*Oates.* You said you were an *Englishman*, and a Gentleman, and the Son of an *English* Gentleman.

*L. C. J.* Do you deny you are an *Englishman*?

*Anderfon.* I am not, nor no Man is to be try'd upon a Presumption; 'tis but a Conceit in Law, and penal Laws are to be taken strictly, and in favour of the Prisoner.

*L. C. J.* Methinks you speak very like an *Englishman*.

*Mr. Belwood.* My Lord, we call now Mr. *Bedlow*. You know the Question, what it is, Sir, concerning the Prisoner's being a Priest.

*Bedlow.* He is a Priest, and an *Englishman*, if his Mother was honest, and he honestly born; for he is Mr. *Anderfon*'s Son of *Oxfordshire*, a Gentleman of 2 or 300 *l.* a Year; I know him and his Father very well.

*Anderfon.* My Lord, could I but apprehend that I lay under so great a Guilt, as to have been acquainted with so great a Rogue as this Fellow