

might provide for his own Security: and before the <sup>a</sup> Lords he said, That he thought it reasonable to send this Notice to Lord *North and Grey*, apprehending that the Government would seize the said Lord immediately, on Account of what had passed between his Lordship and him.

It appears to your Committee, that Lord *North and Grey* did, in pursuance of this Message from *Layer*, endeavour to provide for his own Security, by making his Escape. *Layer* sent that Message to Lord *North and Grey* on *Tuesday* the 18th of *September*, the Day that he was taken into Custody; and *Hugh Floyd*, his Lordship's Servant who attended him to *Portsmouth*,<sup>b</sup> has declared, that Lord *North and Grey* came to Town from *Epping* on *Wednesday* the 19th of *September* (which was the Day after his receiving this Message from *Layer*.) That his Lordship did not go to his own House, but to the *King's Arms Tavern* in *Paul's Church-yard*, and there dismissed him, *Floyd*, with Orders to meet him at four in the Morning on the *Friday* following, over-against *St. James's Church* in *Picadilly*. That his Lordship came at the Time and Place appointed, in a hired Coach and Six, without Servants, and ordered the Coachman to drive on to *Kensington*, and then to *Brentford*, and so on from Town to Town, and bid him, *Hugh Floyd*, have nothing to say to any Body, nor take any Notice that he was travelling with his Lordship; so that in the whole Journey to *Portsmouth*, he remembered no Town but *Kensington*, *Brentford* and *Egham*. That the second Morning his Lordship proceeded on his Journey, with hired Saddle-Horses, without Boots, with a Guide and several other minute Circumstances, which may be seen in the <sup>c</sup> Examination of *Hugh Floyd*, and <sup>d</sup> others, in relation to his Lordship's Journey to the *Isle of Wight*, and to the manner of his endeavouring to escape from thence; which serve to shew the Precipitancy of his Lordship's Flight, and of what Importance he thought to take Advantage as soon as possible of the Notice given him by *Layer*.

*Layer* being asked by the Committee from whom he received the <sup>e</sup> Names found in his own Hand-writing among his Papers, viz.

*Digby*. — *Dillon*.  
*Orrery* — *Burford*.  
*Regent*. — *Steele*.  
*Tories*. — *Tanners*.  
*Whigs*. — *Waggs*.  
*Rogers*. — *Plunket*.

said, the Names of some Persons whom he had Occasion to mention in his Letters to Sir *William Ellis*, not being inserted in the Cypher he had from *Ellis*, he applied to *Plunket* now in Custody, to know by what Names he should denote those Persons, and that *Plunket* gave him the six fictitious Names above-mentioned; which Names the Committee find frequently repeated in *Plunket's* Letters and Papers. Being asked if *Plunket* ever explained to him who were meant by *Burford's* Club (an Expression which is often used by *Plunket* in his Letters to *Dillon*, as will be observed in its Place) he said, that *Plunket* had told him, it was an Appellation made use of by the Pretender and his Agents, to denote a Club of Tory Lords and

others, of which Club Lord *Orrery* was Chairman. That *Plunket* had named to him several Persons of Distinction, as Members of that Club, whose Names *Layer* repeated to the Committee, as contained in his <sup>f</sup> Examination, annexed to this Report. But the Committee think it a Justice due to several of the Persons named by *Layer*, to observe, that the Matters asserted of *Burford's* Club in *Plunket's* Letters, seem utterly inconsistent with the known Characters of some of those Persons.

*Layer* being asked by the Committee, whether he ever was employed by *Plunket* to transact Business with this or any other Club, in *Plunket's* Absence (which appears to the Committee to be asserted in <sup>g</sup> one of *Plunket's* Letters) he absolutely deny'd it; but admitted that he went often to visit Lord *Orrery*, and had frequent Conversations with him relating to the Pretender's Affairs, and the necessity of foreign Assistance. And that Mr. *Swortsegger*, Lord *Orrery's* Secretary, came to him once and told him, that Lord *Orrery* had left a Note in Writing, that if *Layer* came to Town, he should come down to Lord *Orrery's* in the Country, which Invitation he understood to be with an Intention of their discoursing more at leisure about the Pretender's Affairs, having never had any Business with Lord *Orrery* in the way of his Profession, nor any other private Business, that could give Occasion to such a Message; but that he did not go down at that Time.

The Committee observe, that a <sup>h</sup> Paper of Memorandums was taken in the Book-Cafe of *Swortsegger*, Secretary to Lord *Orrery*, which he declared to the Lords on his Examination, to be Lord *Orrery's* own writing, in which the Message to *Layer* is contained, and *Swortsegger* <sup>i</sup> owned, that he delivered this Message to *Layer*, and that he had sometimes seen *Layer* at his Lordship's House.

*Layer* being shewn by the Committee a <sup>k</sup> Letter taken among his Papers, signed *J. Plunket* and dated the 8th of *November*, 1720, owned that he received that Letter in *Norfolk* from *Plunket* now in Custody; that it relates to the Pretender's Affairs; that by *Plunket's* Friend in the said Letter is meant, as he believes, *Dillon*, and by his *Law suit*, the Pretender's Cause; in which Sense the Committee find the Word *Law-suit* frequently made use of in others of the intercepted Letters. *Layer* farther owned that *Plunket* gave his Wife a Letter of Recommendation to General *Dillon*, when she went to *Paris*, which Letter was signed *Rogers*.

Being asked by the Committee, whether *Plunket* had any Conferences with the Pretender or his Agents, during their Stay at *Rome*, or had owned to him his being employed by the Pretender in *England*, he said that *Plunket* had two private Conferences with the Pretender, and conversed often with *Francis Kennedy*, Secretary to the Pretender, and with others of his Agents at *Rome*. That *Plunket* has frequently owned to him, that he was employed in the Pretender's Affairs, but never explained to him by which of the Pretender's Agents particularly; and that he, *Layer*, never opened himself to *Plunket* in relation to the Pretender's Affairs, after their Return from *Rome*.

Yet the Committee observe, that *Plunket* in his <sup>l</sup> Letters to *Dillon*, speaks frequently of

<sup>a</sup> B. 11.  
<sup>b</sup> B. 35.

<sup>b</sup> B. 18.  
<sup>i</sup> B. 35.

<sup>c</sup> B. 18.  
<sup>k</sup> B. 33.

<sup>d</sup> B. 13.—17.  
<sup>l</sup> C. 61. 62. 65.

<sup>e</sup> B. V. 10.

<sup>f</sup> B. 38.

<sup>g</sup> C. 61.

himself as privy to *Layer's* treasonable Transactions, and grounds his <sup>a</sup> Recommendation of *Mrs. Layer*, on his Knowledge of her Husband's Merit and Industry in the Service of the Pretender.

They likewise observe, that *Layer* owns he received the Names of *Digby, Burford, &c.* from *Plunket* since his Return from *Rome*, which they think plainly implies, that *Plunket* and he were privy to each other's treasonable Correspondence.

The several Particulars above-mentioned contain the Substance of what *Layer* confessed on his Examinations before the Lords, and before your Committee. And after this long Account given by him, in which there appear so many and such convincing Proofs of the Conspiracy in general, your Committee think it proper to observe, that though he affected a great Openness and Frankness, when such Questions were put to him as tended only to a general Discovery, to accuse himself, or such as he knew were escaped and fled out of the Kingdom, yet when such Questions were put to him, as he apprehended might affect or discover any others of the Conspirators, he always gave Answers with great Shyness and Reserve: and this Care to say as little as possible that might affect others in a criminal Way, joined with a Desire to seem candid and ingenuous, often produced the Inconsistencies and Contradictions, upon which the Committee have thought it their Duty to make the foregoing Observations.

Your Committee will now proceed to lay before you what they have been able to collect from the Papers and Examinations of *John Plunket*, whose treasonable Practices and Correspondences, as has been observed before, appear to be so closely connected with those of *Layer*, that they give great Light and Confirmation to each other.

The Committee observe, from a careful Perusal of the Letters and Cyphers seized at *Plunket's* Lodgings, that he not only of late, but for many Years past, has been employed in carrying on several treasonable Correspondences with Persons of high Rank and Distinction abroad; that a very great Share of Confidence has been placed in him by the Pretender, and several of the most considerable Agents for him, and that he has been a principal Actor in the late horrid Conspiracy, and too much, as they have Reason to believe, concerned in the blackest Part of it. And tho' the Evidence against him, in several Particulars, is most full and undeniable, yet his Behaviour on his Examination was so hardened and obstinate, and attended with such bare-faced Prevarications and Falshoods, that the Committee are very much confirmed in the Opinion of his Guilt, from the Pains he took to deny with solemn Imprecations the most evident Truths.

*Layer*<sup>b</sup> confessed to the Lords, that *Plunket* recommended *Wilson* to him as a Man of Integrity; that *Plunket* went by the Name of *Rogers* in *Italy* and since; and <sup>c</sup> signed the Letter which he gave *Mrs. Layer* for General *Dillon*, by the Name of *Rogers*. But the Committee observe, that *Layer* let them remain in the Error of believing that *Plunket's* Christian Name was *James*, till the Question was put to him, on his second Examination, in such a Manner, that he found the Committee was already apprized of his true Name, which he then owned to be *John*. He

farther owned, as has been observed above, that *Plunket* received a Letter under the Pretender's own Hand at *Rome*, was twice in private Conference with the Pretender, conversed with *Kennedy* and other Agents of the Pretender, had assured him, *Layer*, of a good Reception at *Rome*, was kindly spoken of by the Pretender, had owned to *Layer* his being employed in the Pretender's Service, and his corresponding with *Dillon*, writ to *Layer* in *Norfolk*, in relation to the Pretender's Affairs, and gave *Layer* fictitious Names for *Dillon*, Lord *Orrery*, the Regent, &c. and among the rest, the Name of *Rogers*, to denote him, *Plunket*; which fictitious Names the Committee find all of them frequently used in *Plunket's* Papers.

It appears farther to the Committee from <sup>d</sup> Depositions upon Oath of *Matthew Plunket*, that *John Plunket* came to him in *July* last from *Layer*, to desire him to meet *Layer* at the *Italian* Coffee-house in *Russel-Court*, and named to him the same Persons, as ready to head an Insurrection, who were at some other time named to the said *Matthew Plunket* by *Layer* on the same Occasion.

That he <sup>e</sup> farther ask'd *Matthew Plunket*, whether he was well acquainted in the Army among the Soldiers? to which he replied he knew many of them that had been with him in *Spain* and at *Preston*. That *John Plunket* then told him, he came from *Mr. Layer*, and under the Arch going into *Drury Lane*, desired him to pick out as many Serjeants as he knew in the Guards to recommend them to *Mr. Layer*. That the next time he saw *Matthew Plunket*, which was in two or three Days, he invited him to his Chambers, and there told him *Mr. Layer* was a very good Man, and the only one he could depend on to do him Service: That the Design on which he, *Matthew Plunket*, was to introduce the Soldiers to *Layer's* Acquaintance, was to serve the Pretender by disciplining the Mob, who were to rise in his Favour. And that all the Transactions of *John Plunket*, with him, *Matthew Plunket*, were, to engage him in Person, and by his Acquaintance among the Soldiers, to serve the Pretender: That *John Plunket* meeting him afterwards in *Covent-Garden*, asked him what he had done, to which he replied, he went on very well, and *John Plunket* bid him go and tell *Mr. Layer*.

*Matthew Plunket* farther deposes that *John Plunket* told him, the Business (meaning the Invasion and Rebellion) had been done before, but that the *French* Ambassador wrote to the Regent, and the Regent wrote it to King *George* (or words to that effect) and it was upon that account the Army was sent to Camp.

*Dr. Blackerby Fairfax* has <sup>f</sup> deposed upon Oath, that being in Company with *Plunket* and one *Jeffereys*, *Jeffereys* among other Discourse said, *Plunket*, give the Doctor a Commission, adding, *Plunket has Commissions*, which *Fairfax* understood to mean Commissions from the Pretender; but that *Plunket* answered, *the Doctor does not wear a Sword*.

The Committee observe, that among *Plunket's* Papers was found a large <sup>g</sup> Cypher of Names with fictitious Names over-against them, <sup>h</sup> sworn to be all in *Plunket's* own Hand-writing, which Cypher tallies with, and explains an original <sup>i</sup> Letter of the 23d of *July* 1722, directed to *Mr. Digby* at *Paris*, and signed *J. Rogers*, which was stopt at

<sup>a</sup> C. 61.<sup>b</sup> B. 11.<sup>c</sup> B. 38.<sup>d</sup> C. 42. 43.<sup>e</sup> C. 44.<sup>f</sup> B. 36.<sup>g</sup> C. 51.<sup>h</sup> C. 47.<sup>i</sup> C. 62.

the Post-Office, and is likewise <sup>a</sup> sworn to be *Plunket's* Hand-writing. And several other Letters directed to *Digby*, and signed *J. Rogers*, having likewise been opened and copied at the Post-Office, and then sent forwards, the Clerks who were employed in copying them have sworn, that, to the best of their Memory and Belief, the Originals of the said Letters were all writ in the same Hand with that of the 23d of *July*, which was stopped, and is sworn to be *Plunket's* Hand-writing; and the said Copies of Letters, treat of the same Matters as the other, and contain the same fictitious Names which are found in the Cypher sworn to be in *Plunket's* Hand-writing.

The Committee are informed, that it was thought proper to stop but one of the original Letters from *Plunket*, and to suffer the others to go on, because it was judged that one was sufficient to discover the Writer, and that the Permitting the Correspondence to be continued, might help the Government to farther Lights in this Affair.

The Committee likewise observe, that there was found among his Papers an <sup>b</sup> original Letter signed *Digby*, dated the 20th of *May* 1722, which is sworn by the Clerks of the Post-Office to be the same which they opened and took a Copy of, and which was directed to Mr. *James Rogers*, at Mr. *Arthur's* Banker in *London*, tho' the Direction is since torn off. From this Direction your Committee observe, that his Christian Name was disguised as well as his Surname. The Receipt of this Letter is acknowledged in the <sup>c</sup> Copy of one to *Digby* signed *J. Rogers*, and dated the 21st of *May* O. S. 1722.

The Committee observe, that the original Letter signed *Digby*, is in the same Hand with <sup>d</sup> another signed *Dixwell*, found also among *Plunket's* Papers, and owned by *Layer* to be the very Letter shewn him by *Plunket* at *Antwerp*, as from General *Dillon*; that the Letter signed *Digby* is also in the same Hand with <sup>e</sup> another Letter signed *A. D.* and directed to *Robert Dillon* Esq; which, as your Committee are informed, was taken on one *Blunt* a Popish Priest coming over from *France*, and owned by *Blunt* to be from General *Dillon* to his Nephew. And the Committee farther observe, that these three Letters signed *Digby*, *Dixwell* and *A. D.* are in the same Hand with <sup>f</sup> another signed *G. Howell*, found also among *Plunket's* Papers, which Name of *Howell* is explained in *Plunket's* <sup>g</sup> Cypher to mean *Glasgow*, whom the Committee see Reason to believe to be *Christopher Glascock*, an *Irish* Officer in *Dillon's* Regiment, who appears to be employ'd by *Dillon* in writing the treasonable Letters signed by *Dillon* himself, as well as in writing others of the same Kind, signed by fictitious Names belonging to him *Glascock*.

The Committee observe, that in the <sup>h</sup> Copy of the Letter, signed *J. Rogers* directed to *Digby*, and dated the 5th of *July* 1722, the Person who writ that Letter, says, that his Fellow-Traveller's Wife parted hence the Day before for *Paris*, and that he gave her a Letter to him, *Digby*: which agrees with *Layer's* <sup>i</sup> Confession that *Plunket* did give Mrs. *Layer* a Letter of Recommendation to *Dillon*, signed *Rogers*, and that he received from *Plunket* the Name of *Digby* to denote General *Dillon*,

which Name was also <sup>k</sup> confirmed to *Layer* by Lord *Orrery* to mean *Dillon*. But that *Dillon* went by the Name of *Digby* is put past all doubt, by a Discovery made by Mr. *Craufurd*, his Majesty's Resident at *Paris*, who being ordered to discover the Person meant by that Name, made use of the following Contrivance, mentioned thus in his own <sup>l</sup> Letter.

' I have just now found out, who Mr. *Digby* is.  
' I folded up a Paper in the Form of a Letter, and  
' sealed it, and directed it to Mr. *Digby* at *Paris*,  
' then wrapt it up in a Piece of waste Paper  
' with a Memorandum in it, to be informed at  
' Mr. *Waters's*, Banker in *Christine* Street, in what  
' Part of *Paris* Mr. *Digby* lived; I gave it thus  
' made up to a sharp young Fellow who speaks  
' both *French* and *English*, and ordered him to go  
' booted and a little dirtied to Mr. *Waters's*, to  
' open before him the sham Letter and read his  
' Memorandum, and to shew him the Direction  
' of the Letter, and to desire him at the same time  
' to send somebody with him, to conduct him to  
' the Place where it was to be delivered; that as  
' soon as he should come to the Door, where he  
' was to deliver it, he should pretend to have  
' left a Packet at Home, and making as if he  
' would go back to fetch that Packet, he should  
' slip away from the Person who shewed him thi-  
' ther. The thing succeeded better than I expected,  
' for *Waters* was not at home, and my Man acted  
' his part so well, that *Waters's* chief Book keeper,  
' without giving himself the trouble of going,  
' wrote the Direction for him upon my Sham  
' Letter, in the manner your Excellency will see  
' in the enclosed. The Book-keeper was very de-  
' sirus to have the Letter in order to deliver it  
' himself, but my Man insisted to deliver it with  
' his own Hand, and answered boldly to some  
' Questions which the Book-keeper asked him,  
' pretending he was to return the next Day for  
' *England*.' The Direction writ by Mr. *Waters's*  
Book-keeper under the Name of *Digby* was, *A*  
*Monsieur Dillon, Rue Colombier à l'Hotel de*  
*Hollande*; which, as your Committee are informed,  
is the ordinary Residence of Lieutenant-General  
*Dillon*.

Upon this Discovery <sup>m</sup> Notice was sent from *France*, by *Dillon* and his Agents, to his Correspondents in *England*, to forbid them making use any more of that fictitious Name, as shall be more fully taken Notice of hereafter in this Report.

Notwithstanding all this Evidence of *Plunket's* corresponding with *Dillon*, when he was examined, <sup>n</sup> he denied his knowing General *Dillon*, or his having ever exchanged a Letter with *Dillon*, or his Secretary in his Life; he denied the Letter to *Digby* of the 23d of *July*, stopped at the Post-Office, and the Cypher found at his Lodgings to be his own Hand-writing; he denied the Receipt of the Letters from *Howell*, *Dixwell* and *Digby*, found among his Papers; but owned he had once received a Letter from one *Farelly* a Popish Priest, formerly Governor to the Duke of *Berwick's* Children, signed by the Name of *Digby*, and relating to Stocks of *Nicholas Wogan's* and others. The Committee observe that in this prevaricating Answer he was labouring to account for the Meaning of the

<sup>a</sup> C. 47. 72.  
<sup>b</sup> C. 51.

<sup>c</sup> C. 61.

<sup>d</sup> C. 54.  
<sup>e</sup> B. 38.

<sup>f</sup> C. 57.  
<sup>g</sup> B. 10.

<sup>h</sup> B. 24.  
<sup>i</sup> A. 31.

<sup>j</sup> C. 56.  
<sup>k</sup> E. 58. D. 32.

<sup>l</sup> C. 53.  
<sup>m</sup> C. 73.

Word *Stocks*, which is mention'd in the Letter from *Digby*, but will be shewn in the Sequel of this Report, to be meant in a very different Sense from its natural Import, and to mean the Conspiracy only; and in *Plunket's* own <sup>a</sup> Cypher the fictitious Word *Brokers*, is explained *Agents*. Upon pressing him farther to see if he would own the Correspondence with *Dillon*, and acknowledge the Letters the Committee had such full Evidence were his, they found that, in order to avoid the owning it, he run himself into such an evident Absurdity and Inconsistency, as appears to them a strong Argument of his Guilt.

<sup>b</sup> He affirm'd the Cypher (which is sworn to be his own Hand-writing) to belong to one *Hugh Thomas*, formerly of the Herald's-Office, who had lodged in the same House with himself; that he had heard this *Hugh Thomas* own in Company with *Neynoe*, that he corresponded with *Dillon*; that *Hugh Thomas* went by the Name of *Rogers*, and that he, *Plunket*, found this Cypher and several Letters directed to *Rogers*, among *Hugh Thomas's* old Books and Papers. Being asked whether *Hugh Thomas* ever signed *Plunket*, he said, not to his Knowledge; and then he endeavoured to impose on the Committee, by telling them his own true Name was *Plucknett*. Being asked what was become of this *Thomas*, he said, he had been dead a Year and a Half, and that he, *Plunket*, could not keep him alive. But the Committee observe, that the original Letter to *Digby*, signed *J. Rogers*, is dated the 23<sup>d</sup> of *July* last, and yet is in the same Hand with that Cypher, which he pretends to be the Writing of a Man, who has been dead a Year and a Half. They observe likewise, that the Letter from *Digby* directed to *Rogers* is dated the 20<sup>th</sup> of *May* 1722, and that most of the Letters direct'd to *Rogers* (which *Plunket* pretends were writ to *Hugh Thomas*) had the Name of *Rogers* blotted out, and that of *John Plunket* writ over it; and yet he owns, he never knew, that *Thomas* went by the Name of *Plunket*: Besides which it is notorious, that *Plunket* himself went by the Name of *Rogers* in *Italy*, and *Layer* has <sup>c</sup> owned not only that *Plunket* went by that Name, but that he signed *Mrs. Layer's* Letter of Recommendation to *Dillon*, by the Name of *Rogers*, and also gave him, *Layer*, the Name of *Rogers* to denote himself, at the same Time that he gave him the Name of *Digby* for General *Dillon*.

Your Committee are of Opinion, that these Circumstances laid together leave no room to doubt but that *Plunket* writ and received the Letter above-mentioned; the Contents of which will be explained in their Place.

*Plunket* being shewn a <sup>d</sup> Letter without Direction, signed *N. Wogan*, enclosing a <sup>e</sup> Cypher, which is called in the Letter the Duke of *Berwick's* Key, he said, this Letter and Cypher likewise belong'd to *Hugh Thomas*, who, he said, corresponded with the Duke of *Berwick* about getting Subscriptions to a Book; which Matter, the Committee observe, neither needed any Cypher, nor could well be treated of by the Help of that. They likewise take Notice, that *Plunket* owned the receiving a Letter from *Digby* in relation to the said *Wogan's* Stocks, and that *Wogan* is inserted in *Plunket's* own <sup>f</sup> Cypher by the Name of

*Xoland*, which Circumstances make it probable he did correspond with *Wogan*.

There is one farther Particular relating to this Cypher, which the Committee think it proper to remark to the House, which is, that *Plunket* while he was in Custody, desired a certain Book might be brought to him from his Lodgings, but the Messenger's Wife, searching the Book before she deliver'd it, has <sup>g</sup> deposed upon Oath, that she found in it this Letter from *N. Wogan*. And as the Committee are informed, that most of his other Cyphers and Papers were found hid in the Leaves of his Books, they think it probable, that he singled out this Book in hopes of recovering and destroying the Cypher that serves to explain his Letters; the Contents of which the Committee will now proceed to lay before the House, and to avoid Repetition of Names, where-ever they can, will make use of the real Names found in his Cypher, instead of the fictitious ones, by which they are expressed in his Letters annexed to this Report.

Among his Papers was found the <sup>h</sup> foul Draught of a Letter, dated *March* the 22<sup>d</sup>, 1721, and directed to *Mr. Jackson*, which in his own <sup>i</sup> Cypher is explained the Pretender. In this foul Draught (which is sworn to be his Hand-writing) are the following Passages.

' I look, Sir, on your Law-Suit to be in such  
' a Forwardness, that a speedy and happy *Replica-*  
' *tion* must inevitably ensue; the *Waggs*, as well  
' as the *Tanners* (which Names he explained to  
' *Layer* to denote the Whigs and Tories) seem  
' convinc'd that nothing less can redress their Ru-  
' in: Nay the latter is apprehensive the former  
' will compliment you with it on your own  
' Terms, in order to engross your Favour for the  
' future. The *Precepts* my Friend and I gave in  
' lately, have contributed much to this Emula-  
' tion: We have more to give in; and if they im-  
' prove them as they have the former, you will  
' have a good Game on't.' The Words *Replica-*  
' *tion* and *Precepts* are not found in his Cypher, but  
the Sense of the former may easily be guessed at.

He afterwards adds; ' The Gentleman I men-  
' tioned to you formerly, is come out of the  
' Country, with Instructions to wait on you, and  
' tender you his Service; he offers to bear my  
' Expences if I go with him: As I take it that my  
' going will be of more use than my staying now,  
' I believe I shall accept of his Offer.' In <sup>k</sup> another foul Draught of the same Letter, he says (as has been before observed) ' There is one sets out  
' from *Norfolk* in a few Days, to let you know  
' the *Tanners* will stand by you on Occasion, and  
' offers to bear my Expences; so that I shall wait  
' on you, and have the Satisfaction to tell you by  
' word of Mouth what will be acceptable. He  
' carries *the List* with him.' And in <sup>l</sup> Heads or Minutes of the same Letter, he says, ' *Wag* and  
' *Tanner* will equally concur. — My Friend will  
' wait on you to tender *their* Service — *Our Mes-*  
' *sage* will pin the Basket — You may have daily  
' Messages of this Kind; you will be courted, 'tis  
' the *English* Way —'

The Committee think it unnecessary to repeat here, how inconsistent these Accounts of *Layer's* Journey, are with <sup>m</sup> those given by *Layer* himself;

<sup>a</sup> C. 51.

<sup>b</sup> C. 73.

<sup>c</sup> B. 10. 38.

<sup>d</sup> C. 49.

<sup>e</sup> C. 50.

<sup>f</sup> C. 51.

<sup>g</sup> C. 49.

<sup>h</sup> C. 41.

<sup>i</sup> C. 51.

<sup>k</sup> B. 23.

<sup>l</sup> B. 23.

<sup>m</sup> B. 38.

and how strongly they contradict *Plunket's* bold  
<sup>a</sup> Affeuration, that he knew nothing of *Layer's*  
 intending to go to *Rome*, before they set out.

<sup>b</sup> Another foul Draught of a Letter was found  
 among *Plunket's* Papers, and is sworn to be his  
 Hand-writing; the Matter of which appears to  
 your Committee very remarkable. It is not dated  
 nor directed, but appears plainly to have been  
 writ the Beginning of the last Year, and in it are  
 the following Passages. 'I had four of Count  
<sup>c</sup> *Bothmar's* Letters since my last to you; Mr.  
<sup>d</sup> *Burford* had them all; his Clerk gave me to un-  
 derstand they were sent to Mr. *Jos*— This  
 made me not to trouble you. This only to wish  
 you a happy new Year. I hope it will bring the  
 Law-Suit to bear, afore 'twill end; if they  
 would have Courage and Integrity, they may  
 walk *K. George* out afore Lady-day next—' (and  
 in another Part he says, afore *May* come) 'He is  
 weary of them, and thinks no more of staying  
 among them.' It appears from this Paper, that  
*Plunket* had conveyed Copies of some Letters of  
 Count *Bothmar's* to Lord *Orrery*; that Lord *Orrery's*  
 Clerk had given him to understand, those  
 Letters were sent to the Pretender (from whence  
 it may be concluded, that either Lord *Orrery* or  
 his Clerk had a direct Correspondence with the  
 Pretender) and that *Plunket* was privy to some  
 Design for walking *K. George* out (as he calls it)  
 which Design required Courage and Integrity,  
 and was to have been executed either before Lady-  
 day, which was during the Elections, or by the  
 Beginning of *May*, which was the second Period  
 fixed (as has been observed) for beginning the In-  
 surrection. *Simon Swortsegger*, Secretary to Lord  
*Orrery*, owned upon his <sup>e</sup> Examination before the  
 Lords, that he was acquainted with *Plunket*, and  
 had been in company with him and *Layer* at Mr.  
*Aaron Thompson's* Chambers. And *Plunket* <sup>f</sup> own-  
 ed to the Committee his being acquainted with  
*Swortsegger*, and his having been in company with  
 him and *Layer*, at *Layer's* House; but denied his  
 knowing any thing of the foul Draughts of the  
 Letters abovementioned.

*Plunket* in his <sup>g</sup> Letter to *Digby* of the 21st of  
*May*, says, 'I hope in a little Time Mr. *Joseph*  
 (which *Layer* owned to be the Pretender) will  
 be the Ministry's only Refuge. *Burford* (whom  
*Layer* declared likewise to be *Orrery*) and his  
 Club seem to think so: They will have a Finger  
 in the Pye if they can; I know they can come  
 in for a good Share in it, if they can have a lit-  
 tle Concert and Regulation; there are those  
 that will undertake to do the Job in twelve  
 Hours Time. A little Time will shew whether  
 they will give fitting Encouragement; if two  
 or three are taken off, no matter how, King  
*George* will go off by hook or by crook, and of  
 course the *Lowty* will be for *Joseph*: This has  
 been communicated to your Friends.'

What is meant by the *Lowty*, does not appear  
 by his Cypher; but by the Sense, and the alpha-  
 betical Order of the Cypher, it is not improbable  
 but it may mean the Ministry.

Whether the Job that was ready to be under-  
 taken on fitting Encouragement, and to be per-  
 formed in twelve Hours Time, relates to the rash  
 Enterprize for surprising the City of *London*, which  
 has been already taken Notice of, or to the wicked  
 and execrable Design for seizing and destroying

his Majesty's Sacred Person, of which mention is  
 expressly made in <sup>h</sup> two subsequent Letters of *Plun-*  
*ket's*, is left to the Consideration of the House.

But the Committee, from comparing the Me-  
 morandum at the End of the <sup>i</sup> Paper of Resolu-  
 tions, in the following Characters *Dis. C. IV. M.*  
 with the two or three that are mentioned in this  
 Letter to be taken off, and likewise with *Wilson's*  
 Intimation to *Layer*, that if Lord *Cadogan* were  
 but shot, the Soldiers would declare for *Ormond*;  
 and also with *Layer's* Negotiation about seizing  
 Lord *Cadogan*, and with the Paragraph in his  
 Scheme for seizing some great Persons at their  
 Houses, see Reason to believe, that by the first of  
 those Characters is meant *Dispatch Lord Cadogan*;  
 and by the others, two other Officers of Distinction.

In the same <sup>j</sup> Letter of the 21st of *May*,  
*Plunket* takes Notice, 'That *Johnson*, an Acquain-  
 tance, was taken up the Day before, but had  
 burnt his Papers, and seemed to be easy in the  
 Matter; and adds, I believe they will get no-  
 thing by him.'

*Plunket* being asked by the Committee, whe-  
 ther he was acquainted with *George Kelly*, alias  
*Johnson*, said he knew him by Sight and Coffee-  
 house Acquaintance only; that he did not remem-  
 ber his having ever received a Letter from him,  
 and *Kelly* gave the same <sup>k</sup> Account in relation to  
*Plunket*: Yet a <sup>l</sup> Letter from *Kelly* was found  
 among *Plunket's* Papers; and *John Malone*, who  
 waited on *Kelly* at his Lodgings, has named *Plun-*  
*ket* in his <sup>m</sup> Deposition, as one who often visited  
*Kelly* there. And the Committee are satisfied,  
 that they were privy to each other's treasonable  
 Correspondence, by some Passages in the <sup>n</sup> Letters  
 to and from *Kelly*, in which mention is made of  
*Plunket* by the Name of *Rogers*, as will be shewn  
 in its proper Place. *Plunket* concludes his Letter  
 of the 21st of *May* with these Words: 'The  
 Motive of my Journey is over at present, my  
 Pocket feels it, the Man must be fed with Mo-  
 ney now and then; the labouring Oar will, I  
 believe, be laid on me.'

As he denied the writing these Letters, the  
 Committee could not draw from him any Expli-  
 cation of this Paragraph; but comparing it with  
 the other Part of his Letter, where it is said, that  
 a little Time will shew whether *Burford* (Lord  
*Orrery*) and the Club, would give fitting Encou-  
 ragement for undertaking the Job; they think it  
 appears probable, that some part in this Job is the  
 labouring Oar referred to, for which he expected  
 to be fed with Money.

His next <sup>o</sup> Letter to *Digby* is of the 31st of  
*May*, in which he says, 'He finds the Regent  
 had a Hand in keeping *K. George* from going  
 Abroad, so that the Ministry will carry on their  
 Game safely and leisurely without any Opposi-  
 tion whatever from the Club, or any of the  
 Pretender's Friends.' He adds, 'Let them be  
 ever so sanguine, they can do nothing as long as  
 the Regent stands by the Ministry: But should  
*Ormond* come, with half a dozen Regiments on-  
 ly he would carry his Point, and make *K.*  
*George* run for it.' This Passage confirms what  
 hath been set forth above, that the late Duke of  
*Ormond's* coming over made a Part of the Original  
 Scheme, and agrees with the <sup>p</sup> Accounts re-  
 ceived from *Spain*, of *Irish* Soldiers provided there  
 for the Pretender's Service.

<sup>a</sup> C. 73.

<sup>b</sup> B. 22.

<sup>c</sup> B. 35.

<sup>d</sup> C. 73.

<sup>e</sup> C. 57.

<sup>f</sup> C. 58. 60.

<sup>g</sup> BB. 2.

<sup>h</sup> C. 57.

<sup>i</sup> E. 87.

<sup>j</sup> C. 40.

<sup>k</sup> E. 14.

<sup>l</sup> C. 66, 67, 68

<sup>m</sup> C. 58.

<sup>n</sup> A. 28, &c.

*Plunket* then adds, ' If *Burford* (Lord *Orrery*) and the Club have a mind to have *K. George* delivered up to them *be shall*; there are those that will undertake it, and offer to do whatever required.' And in his Letter of the 4th of July he says, '—I can assure you, *Despair* has made some to take a Resolution to lay violent Hands on *K. George*; but there is a Stop put to them at present: It is not the Pretender's Interest, but you can't do so always; an ill Precedent is dangerous.'

The black and villainous Design expressed by these two Paragraphs, needs no Explication from your Committee, who are sensible the House cannot have heard them read, without the utmost Horror and Indignation.

He speaks of himself in these Letters as knowing the Men, who had taken a Resolution to lay violent Hands on the sacred Person of his Majesty; and was himself so far engaged in this execrable Design, as to say in one of his Letters, If the Club desire it, *His Majesty shall* be delivered up into their Hands: And in another Letter dissuades it, not out of any Conscience or Remorse for the Crime, but merely for fear the same Barbarity should be retaliated on the Pretender: Yet this Man still continues so hardened and obstinate, as to renew his Guilt by refusing to make the least Discovery of his Accomplices, or to give this only Reparation and Atonement he is capable of, to a Country which he has been labouring to involve in the greatest Calamities.

He afterwards <sup>b</sup> says, ' That tho' there should be a Rising in most Parts, if the Mob is beat in one Place, the rest will go home and be quiet for seven Years more.'

His next Letter is of the 21st of June: In this he says, ' That *Burford* and the Club think themselves slighted by the Regent and Ministry of *France*; and conceive, that the Regent joins with *King George* to be revenged on them. That he may have room to repent it early or late; for should the Parliament be broke, and a new one called, he might find himself more embarrassed than he is aware of.' He adds, ' If the Regent stands neuter, they will soon bring the Law-Suit to bear; so far I am satisfied of it, that four or five hundred Men, and as many Arms, with 1500 *l.* will complete the Matters in a little Time, and give a good Account of *King George* and the Ministry. The Army want only an Opportunity to do their Duty. This Scheme, if duly and discreetly managed, will give them an Opportunity to do it. Were we sure the Regent would not interpose, we would take it in hand forthwith.'

The Committee make no doubt but the House has prevented them, in observing how exactly this Letter agrees with the <sup>d</sup> Accounts sent some Time before from *France*; that the Conspirators reckoned on great Part of the King's own Forces; and only desired the Regent that he would keep himself neuter between the Pretender and his Majesty. And this Letter appears to have been writ at the Time when *Laver*, *Wilson*, *Murphey* and *Plunket* were labouring to corrupt the Officers and Soldiers of the Army.

*Plunket* adds in the same Letter, ' If the Regent and Court of *Spain* will but ply *K. George* with large Demands, and bring the *Czar* down

to *Hanover*, the Pretender will have a *Carte Blanche* from the Ministry and *King George*, as also from all the rest of his Friends and Foes: This I take to be the best and safest Way, both for the Pretender and his Wellwishers.'

This Expression of the Pretender's getting a *Carte Blanche* from the King and Ministry, is repeated several Times in *Plunket's* Letters; and however extravagant and ill-founded such Suggestions were, yet the Committee cannot but observe, that his Representations appear to have met with such a Spirit of Credulity and Delusion in the Pretender and his Agents, that not long after he was vain enough to entertain Hopes of capitulating with his Majesty for the Crown, by that traitorous and insolent Declaration, against which both Houses have so lately expressed their just Resentment and Abhorrence.

*Plunket's* next Letters are of the 4th and 5th of July, 1722; in which he has the Vanity to tell *Dillon*, ' That he had been desired, by some leading Members of the then Parliament, to acquaint the Regent's Agent here, that it was now in the Power of the Regent and *Spain*, to send away *King George*, and to send home *Mr. Jos.* with a *bonne grace*, and much to their Advantage; that it was only to insist on the Stipulation *King George* had made with them, and they would have a fair Pretence to do it.'

It appears by other Passages, that this supposed Stipulation relates to the Cession of *Gibraltar*.

He afterwards gives an Account, ' That he did, both on the 4th and 5th of July, wait on the Regent's Agent with this Message; and says, That as that Agent was acquainted with some of the Members of Parliament who employed him, he gave some Attention to him: But the Objections which the Regent's Agent made, appear to have been, That the Pretender had not the Name of a Man of great Parts or Resolution: That he had hitherto no great Opinion of *Burford* and the Club; and that such a Procedure on the Part of the Regent, would be a Violation of the *bonne Foy*. To which last *Plunket* replied, That it would be no Breach of their *bonne Foy* to be grateful to those who were their Deliverers formerly.' However, *Plunket* says, ' He convinced the Agent, that it was now in the Regent's Power to make the Ministry and *King George* give the Pretender a *Carte Blanche*; and by so doing, to make the Emperor vomit up what he has now in *Flanders*, without striking a Stroke. That the Common People, the Country Party, and all the *English* Gentlemen might be brought to join with the Regent in proper Measures to do it; or, that if the Regent would but stand neuter, they would soon bring the Pretender's Law-Suit to bear independent on any whatever.' He adds, ' That he is satisfied the Agent would write these Sentiments to his Court; and that it is *Dillon's* Business to let the Regent see he has the same Sentiments from other People here.'

*Plunket* being examined by the Committee, in relation to this Letter, ' owned, he had frequent Access to one of the *French* Ministers on private Affairs: And that *Laver* knowing him to be acquainted with him, asked him, Whether he could not find out, by the help of that Minister, whether the Regent might not be brought into Tory

Measures? and *Stephen Lynch* has<sup>a</sup> deposed, That *Layer* told him, Application had been made, either by himself, or some other Person, to one of the *French* Agents here, to the Effect mentioned in *Plunket's* Letter. However, *Plunket* denied his having ever spoke to that Minister in relation to State-Affairs, or his having writ any such Account to *France*.

The Committee, from comparing this Relation of these two Conversations with what he says in other Letters, of bringing the *Czar* down to *Hanover*, in order to oblige his Majesty to withdraw from *England*; observe, that the Conspirators were so intent on compassing their wicked Designs by any Means, that having failed in their Applications for foreign Assistance, they were now labouring to make *France* and *Spain* insist on the Restitution of *Gibraltar*, to throw *Flanders* into the Hands of *France*, and to bring the *Czar* into *Germany*, in hopes to involve all *Europe* in Confusion, and thereby to pave the Way for bringing in the Pretender.

In the same<sup>b</sup> Letters he tells *Dillon*, ' Now is the Time for the Regent and Ministry of *France* to serve you: If they do not, I can assure them, they may have room to repent it: For the Pretender's Friends will find Means to get into the Saddle, in spite of the Ministry and *K. George*.'

He adds, ' That the Army, will not stand by the King and Ministry, against the great Bent of the *English* Gentlemen, the common People, and the Country Party; who are so incens'd against the Court, that the least Accident would surely overturn what they have been doing these seven Years past.'

He then says, ' That his Fellow-Traveller is, and has been very active since his coming from his Travels, and is more serviceable than those who move in a higher Sphere: That he is spurring on the Club daily, and has made many of them more active in the Law-Suit, than they otherwise would have been. That his Wife parted the Day before for *Paris*; and that he gave her a Letter for *Dillon*; his Fellow-Traveller thinking himself intitled to it, or any other Civilities *Dillon* could shew her, during her stay there.' He adds, ' Your Friends continue their Preparation, and resolve to hold themselves in readiness on Occasion.'

The Committee take Notice, that these Letters were writ just about the Time that *Layer* went down to *Norfolk*. And they think the sanguine Manner in which *Plunket* writes, is in part accounted for by what Lord *North* and *Grey*<sup>c</sup> told *Layer*, That the Encampment had spoiled the Project: But we shall have them again. And by his Lordship's saying, ' Be you quiet, something will be done: If there be a Rising, you shall not want Men, or Money, or Arms. And that these Letters and Passages make it highly probable, that the Substance of *Layer's* Scheme had not been only seen, but approved of.

Notwithstanding the Account which *Plunket* gives in this and other Letters, of *Layer's* Proceedings, yet *Layer* denied that he had ever opened himself to *Plunket*, in relation to the Pretender's Affairs, after their return from *Rome*; and *Plunket* affirmed, that he only knew *Layer* by Coffee-house Acquaintance, and never conversed with him but in the Streets publickly.

*Plunket's* next<sup>d</sup> Letter is of the 23d of *July*,

the Original of which being stopped, and being sworn to be his own Hand-writing, the Committee think it proper to lay the whole before the House, with the Explanation of the fictitious Names taken out of the Cypher, which is sworn to be his own Hand also.

*A Monsieur Digby a Paris.*

*Under a Blank Cover to Waters.*

*July 23d, 1722.*

' BY the Time this comes to hand, King *George's* Agent will arrive there: I'm glad on't, because I hope all the Negotiations and Proceedings of the Ministry and King *George*, will be laid before the Parliament, which will be a Means to send him to *Hanover*. Though he thinks to bring the Country Party to approve of whatever he will propose to the Parliament; he will hardly even bring the Court Party to do it. He thinks to disculpe himself at the Expence of the Dead. This I told some of the Parliament-Men; they say 'twont do for Love or Money. Certain Persons are forming Projects that will distress the Court of *Spain*, in case of War between *Spain* and the Emperor. Count *Bethmar* comes into it by King *George's* Connivance; 'tis now in Embrio: When it comes to Perfection, I shall be Master on't. I gave a Hint on't to the Regent's Agent; he was not a little surprized at it. They must not linger much longer; if they do, the Emperor and King *George* will find Means to distress the Court of *Spain* and the Ministry in *France*; they must hasten the Peace to prevent it.

' My Companion, who has been in the Country this three Weeks past, came to Town Yesterday: He seems to be sure of his Game, viz. that Mr. *Joseph's* Friends will run down the Ministry and King *George*, in a little Time, and bring the Law-Suit to bear on their own Bottom, and independent of the Regent, or any Body else. I am resolv'd to know nothing of their Proceedings; I am for having every Thing laid before the Parliament first, and then every Body will see we want the Pretender more than he wants us. Both Friend and Foe will join in any Enterprize that will be made in his Favour: Neither will they ever dare upbraid him, if, on any Occasion, he should look askint on 'em hereafter. I hinted often, the only Way to spirit 'em up, was to convince 'em the Law-suit would be brought to bear without them; and that by the Regent, and King *George*. The Construction they put upon this was, that the former was subtle enough to make use of the Folly of the latter, to play the Game to his own Advantage at our Cost, and that he will govern Mr. *Joseph*, when here, as he does now King *George*. This, or some such Imagination, gave them an uncommon Resolution; and I believe they will struggle hard for a Start in the Race of Honour. 'Tis in the Regent's Power to make King *George*, the Ministry and the Club, to give Mr. *Joseph* a *Carte Blanche*: 'Tis incumbent on you to convince him of it. I am sure his Agent here is already; for I gave him this Morning demonstrative Proof, that King *George* designs to support the Emperor against the *French* King and his Coff, and that without being seen in it.

<sup>a</sup> B 2.

<sup>b</sup> C 60. 61.

<sup>c</sup> B 5.

<sup>d</sup> B 35.

<sup>e</sup> B 11.

<sup>f</sup> C 63.

I would be glad to know how the Duke of Berwick does, and if he continues there this Summer. I have little to do in Town, so I design to go to the Country for three Weeks. The Town is dull and empty.

We hear the Czar is in Motion, I wish it may be towards Hanover, for King George would soon move from his Country Seat here.

I believe Mr. Joseph will laugh, when he'll hear of the Stratagem I made use of to bring his Friends to so good Temper of Duty. I hope they will keep to it, which is the Wish of,

S I R,

Your humble, obedient Servant,

JO. ROGERS.

In his Letter of the 16th of August, he says, The Pretender's Law-Business continues in the same Plight. My Companion goes on, as he thinks, very successfully, and is confident he will bring the Business to bear in a little Time.

This Letter was writ nine Days before L<sup>ayer</sup> went down to Lord North and Grey's with L<sup>ynch</sup>.

Plunket says in the same Letter, 'That the Pretender must promise the Regent and Ministry of France fair, and that he will be a fast Friend, when in his Power, and must seem to rely more on them, than any here; that this is the only Game he has to play at this Time.'

In his next Letter of the 23d of August, he says, 'That his Friend came out of the Country a few Days ago, and told him that his Clients seem now to despair of bringing the Law-Business to bear this next Term, except the Regent were made a Party; that he, Plunket, told him, in case the Regent were applied to in a proper Manner, he might be prevailed upon to come into proper Measures, at least indirectly, and that without Breach of the *bonne Foy* he owes King George or the Ministry.' He adds, 'that they (his Friend's Clients) are for any thing but under their Hands; and that if they should apply to Dillon, or the Regent (as his Companion had told him they soon would) they might safely offer at least to come into their Measures, to stop their Mouths hereafter; And he thinks, with Submission, 'tis pity to hinder them from plunging themselves, as they did before.' He adds, 'That it is in the Power of the Regent and Ministry of France, to make the ensuing Parliament give the Pretender his own Terms and that as the French King is soon to be of Age, he may do every thing with a good *Grace* and *bonne Foy*; and settle the Pretender so, that it will always be in his Power to serve him, and the Court of Spain.'

Plunket, who assumes to himself so considerable a Part in these Transactions, being asked by the Committee, to give some Account of his Life and Education, said, that he was born at Dublin, and bred up when a Boy, at the Jesuits College at Vienna; that he is a Roman Catholick, but not in any Orders. And tho' he endeavoured (as has been observed above) by his Dress, Appearance, and Behaviour, to represent himself to the Committee as very inconsiderable, and no ways equal to the Part he was taxed with, yet a great Number of Letters from Persons of the first

Quality abroad, were found among his Papers, in which the Committee observe he is treated with great Intimacy and Confidence. And in a Letter from the Lady Middleton, of an old Date, Mention is made of her being to introduce him to the late King James's Queen in France; to whom, as he owed to the Committee, he had been introduced. And that the Trust and Confidence reposed in him, still subsists undiminished, appears to the Committee, not only by his own confessing, that he did walk and converse with the Pretender publickly in his Garden at Rome, but from L<sup>ayer</sup>'s Account, that he had two private Conferences with the Pretender; and above all, from the Letter under the Pretender's own Hand, which he shewed to L<sup>ayer</sup> at Rome, and which has been communicated to the Committee, as before-mentioned, in which the Pretender treats him with such Distinction, as to charge him not to mention any Thing of Business to any Body, till he himself had seen him alone; than which, the Committee think a stronger and more convincing Proof of Trust could not well have been given. It appears also by several Draughts of Letters taken among his Papers, that he writ directly to the Pretender himself.

Mention being made in Plunket's Letters of Johnson, alias George Kelly, and some Extracts of Letters to and from the said Kelly having been referred to the Committee among L<sup>ayer</sup>'s and Plunket's Papers, by which it appeared to them, that Kelly's treasonable Correspondence had a Connexion with the others, and particularly, that he was privy to some of Plunket's Transactions; your Committee thought that their having a general View of all the Papers relating to the Conspiracy, might help to illustrate and explain the several Parts of it, in the same manner as L<sup>ayer</sup>'s and Plunket's Papers mutually confirm and give Light to each other.

For this Reason they moved the House to have those Papers laid before them, and to empower them to take such farther Examinations, as might be necessary to lead them on in tracing out the Source of the Treasons enquired into.

Having accordingly perused those Papers, and examined some of the Persons principally concerned in them, they now proceed to lay before you the Result of that Enquiry.

It appears to them, that George Kelly, Clerk, has been of late Years constantly employed in carrying on several treasonable Correspondences and Negotiations between the Pretender's Agents abroad, and Persons of great Distinction at home, tending to the bringing in the Pretender with an armed Force, and to the overturning the present happy Establishment in Church and State.

And here your Committee find themselves obliged to mention the Lord Bishop of Rochester, as principally aiding, directing and employing the said Kelly, in the Prosecution of his treasonable Designs.

As Kelly's Correspondences seem to derive their Weight and Significancy chiefly from his being employed by the Bishop of Rochester, your Committee will first lay before you the several Reasons that induce them to believe he was so employed, and the Part which it appears to them the Bishop has had in this Conspiracy.

<sup>a</sup> C. 64.  
<sup>b</sup> C. 69.

<sup>c</sup> C. 65.  
<sup>d</sup> B. 23 C. 41.

<sup>e</sup> C. 73.

<sup>f</sup> C. 1, — 36.

<sup>g</sup> C. 34.

<sup>h</sup> C. 73.

It appears to your Committee, from several Informations of *Philip Neynoe*, Clerk, formerly mentioned, ' That *George Kelly*, alias *Johnson*, frequently told him, that the Bishop of *Rochester* held Correspondences with the Pretender and his Agents: That he, *Kelly*, was employed by the Bishop, in writing for him, and carrying on the said Correspondences; that *Kelly* told him, the Pretender relied more on Advices from the Bishop, than from any other Person; that he had several times left *Kelly* at the Bishop's Door, when *Kelly* went into the Bishop's House, and staid there an Hour or two, and upon coming back to him, *Kelly* made Apologies for staying so long, and told him, he had been writing the Bishop's Letters, which he always apprehended to be the Foreign Correspondence of the Bishop with the Pretender's Agents; and that *Kelly* told him, the Bishop never suffered him to take a Bit of Paper of the Bishop's Hand-writing out of the Room.

' That he knows Letters were directed to *Kelly*, by the Name of *Moses Hancock* and *Hatfield*; and that he has seen at *Burton's* Coffee-house a Letter to *Kelly* from *Howell*, (whom he takes to be Agent or Secretary to *Dillon*, and employed by *Dillon* in the same manner as *Kelly* was by the Bishop of *Rochester*) in which Letter there were Compliments to the Bishop, by the Name of *Naunton*, which Name *Kelly* explained to him to mean the Bishop. That *Kelly* has told him, the Bishop of *Rochester* went sometimes by the Name of *Jones*, that he had likewise heard the Bishop went sometimes by the Name of *Illington*, which last he was told by *Mr. Carte*, to the best of his Memory. That in the Letter which *Kelly* shewed him at *Burton's* Coffee-house, mention was made of *Manfield*, which *Kelly* explained to him, to mean the late Duke of *Ormond*. That he has seen several Cyphers in *Kelly's* Hands, one in Figures, another of fictitious Names, in which last, *Carpenters* stood for *Scotch Soldiers*; *Saddlers* and *Sophisters*, for *Irish Soldiers*, and the like; that he has seen *Kelly* make use of these Cyphers, and that *Kelly* with great Freedom owned, that these Cyphers were for carrying on the Correspondence with the Pretender's Agents. That he had likewise seen Cyphers in *Carte's* Hands, who was also employed in writing Dispatches to the Pretender's Agents abroad. That he, *Neynoe*, had been employed to draw up three several Memorials to the Regent of *France*, to solicit him to send Forces to the Assistance of the Conspirators, the last of which was in *December*, 1721, and contained a Demand of five Thousand Men to be sent to invade these Kingdoms; that the Heads of these Memorials were given him by *Kelly*, and one who went by the Name of *Watson*, whom he took to be the late *Earl Maribhal*.

' That in *March* last, *Kelly* brought him the Heads of a Letter, to be drawn up with a Design of its being intercepted by the Government, in order to amuse them into a false Security. That he drew up the said Letter in a Paper writ Column-ways; that this Paper was brought back to him, corrected by the Bishop of *Rochester*, as he believed.'

Your Committee are informed this Letter was not intercepted, but that a Copy of it was sent,

about that Time, to one of the Secretaries of State, from an unknown Hand.

*Neynoe* farther declared, ' That the Bishop of *Rochester*, Lord *Orrery*, Lord *North*, and Sir *Harry Goring*, were the principal Leaders and Directors of the Conspiracy, which was first to have been executed in the Spring of the Year 1722, by seizing the *Tower*, upon which the late Duke of *Ormond* was to have landed in the River; that upon the Discovery of the Plot, and the King's not going abroad, it was put off for some Time, but that it was afterwards resumed to be attempted in the *West*.' *Neynoe* farther added, ' That *Kelly* assured him, the Bishop got Notice of his being to be taken up, some Days before it happened; and that this Notice was given the Bishop by one of the Lords of the Council.' But he afterwards confessed, (as your Committee are informed) that in this, and other Examinations, he had endeavoured all he could, to create Diffidence and Suspicions among his Majesty's Servants.

These Informations of *Neynoe* are contained, great Part of them, in a Paper<sup>b</sup> writ with his own Hand, and deliver'd by him to a Committee of Lords of the Council. The other Part is extracted out of<sup>c</sup> Papers which he dictated at his several Examinations; which Papers were read to him Paragraph by Paragraph, and agreed to by him before the Lords.

That *Neynoe* was intimately acquainted with *Kelly*, visited him often, and sometimes lay at his Lodgings, and thereby had a better Opportunity of being informed by him, appears from the Depositions of *Stevenson* and his Wife, *Margaret Kilburn*, Landlady to *Kelly*, and *Job Malone*, Servant to Mrs. *Barnes*, who waited on *Kelly* at his Lodgings.

That the Bishop of *Rochester* was acquainted with *Kelly*, invited him to dine with him, sent his Servants to enquire after his Health, and wrote to him, appears from<sup>e</sup> *Stevenson's* and *Kilburn's* Depositions, as also in Part from<sup>h</sup> Mrs. *Lovett's*.

But what gives the greatest Weight to the several Particulars contained in *Neynoe's* Informations, is, that they are corroborated and supported in every material Circumstance, by several concurrent Proofs, as will appear from the Sequel of this Report.

*Pancier* has<sup>i</sup> deposed upon Oath, that *Skeene*, among other Particulars of the Conspiracy, told him, that the Bishop of *Rochester*, in Conjunction with the Lord *North* and *Grey*, had the principal Direction of the Conspiracy; and that two Hundred Thousand Pounds had been raised, and put into the Management of the Bishop of *Rochester*, which was called *the military Chest*, and was to be kept together till the Project was put in Execution.

Your Committee are informed, that when the Bishop was taken into Custody, vast Numbers of Letters and Papers were found in his House, bearing Date before the Year 1712; but from that Time downwards, few of any Consequence, except these which follow.

<sup>k</sup> One was from the Dutchess of *Ormond*, dated *January* 14, 1721. in which are these Words: ' I resolved to send what I received: For tho' it had not happened to belong to the Person I addressed it to, I was sure it could not be put into better Hands.'

<sup>a</sup> E. 7.—10.

<sup>b</sup> E. 7.

<sup>c</sup> E. 8. 9.

<sup>d</sup> E. 12.

<sup>e</sup> E. 13.

<sup>f</sup> E. 14.

<sup>g</sup> E. 12. 13.

<sup>h</sup> E. 6. a.

<sup>i</sup> D. 1.

<sup>k</sup> D. 5.

This Passage makes it highly probable, that the Bishop used to receive Letters from Abroad, directed by fictitious Names. Which is still further confirmed by the following Circumstances :

In the <sup>a</sup> Cypher which *Laver* owned he received from Sir *William Ellis*, the Bishop of *Rochester* is designed by the Name of *Justus*.

*Neynoe* <sup>b</sup> declared, that in the Letter which *Kelly* shewed him from *Dillon's* Secretary, there were Compliments to the Bishop of *Rochester*, by the Name of *Naunton*.

Among the Bishop's Letters was found one directed to Mr. *Dubois*, not signed with any Name, nor dated from any Place. It was in the following Words :

S I R,

FORgive my Silence. You easily conceive the Difficulties I am under in that Regard. I write this only to assure you of my sincerest and unalterable Respect; and refer you to the worthy Bearer for News, and for every Thing, which otherwise I should have found *some Way or other* of writing to you myself. I have heard nothing from you since the Letter I had about two Months ago by Mr. *Johnson*, to which I immediately in his Hand returned my Answer. A Rumour has reached me of your having written hither since; but I can find no Body that *owns* he has seen your Letters.

I am always, S I R,

Dec. 16.

Your truly Obedient, and

most Humble Servant.

Your Committee observe, That *Johnson* is the Name by which *Kelly* constantly went, as appears to them from several <sup>c</sup> Affidavits: And that he was at *Paris* the 16th of *December*, 1721. N. S. and set out in two or three Days after for *England*, as appears from the <sup>d</sup> Pocket-Book taken upon him: And the Letter to *Dubois* seems to intimate such a Correspondence as made it unsafe to write openly, and without Disguise.

Among the Bishop's Papers was found another <sup>e</sup> Letter, dated *Rouen*, Jan. 15th, 1722. without any Name; and the Superscription torn off, Which Letter is mentioned to be sent by an honest Gentleman; and the Writer of it desires to know how he may direct; and desires to be directed to by the Name of *Wishart*, at Mr. *Arbutnot's* at *Rouen*, which is probably a fictitious Direction, no Name being subscribed to the Letter. He likewise mentions a former Letter sent under Cover to their common Friend Sir *Red*. Who Sir *Red*. is, does not appear to your Committee; but they find one Sir *Red. Everard* inserted in *Plunket's* <sup>f</sup> Cypher, and designed by the fictitious Name of *Fly*.

Among the Bishop's Papers were likewise found two <sup>g</sup> Letters from Captain *Charles Halstead* of *Greenwich*; the Person who, as has been mentioned above, was sent to *Bilboa*, to transport the late Duke of *Ormond* to *England*.

Some Letters having been intercepted, which there is good Reason to believe were from the Bishop of *Rochester*; and <sup>h</sup> one of these Letters being signed *T. Jones*, and another <sup>i</sup> *T. Illington*,

your Committee will now lay before the House the Evidence they have found of the Bishop's being designed by those two Names, collected from Circumstances, which being in themselves seemingly minute, and of little Consequence, were for this Reason more frankly confessed by those, who were obstinate in concealing stronger Proofs; and yet at the same Time lead directly to the Discovery of the Person meant by those Names.

Mrs. *Barnes* being examined before a Committee of Lords of the Council, obstinately refused to make the least Discovery relating to *George Kelly*; but when she came to be asked what she knew about a Dog, sent over to *Kelly* from *France*; not suspecting this could lead to any Discovery, she readily <sup>k</sup> owned, That a spotted little Dog, call'd *Harlequin*, which was brought from *France*, and had a Leg broken, was left with her by Mr. *Kelly*, to be cured: That the said Dog was not for her, but for the Bishop of *Rochester*; and that *Kelly* promised to get the Dog of the Bishop of *Rochester* for her, in case it did not recover of its Lameness. This Declaration she made and signed in the Presence of the Committee of Council: And *Kelly* himself made no Difficulty <sup>l</sup> to own the receiving such a Dog from *France*.

But it appears to your Committee, by Letters intercepted between *Kelly* and his Correspondents in *France* (the Proofs of which will be set forth in the Sequel of this Report) That a Dog so named and hurt, was sent over to *Kelly* from *France*, to be delivered as a Present to the Person denoted by the Names of *Jones* and *Illington*.

For in his <sup>m</sup> Letter to *Howell* (who is explained in *Plunket's* Cypher to mean *Glasgow*, and has been observed above to be *Dillon's* Secretary) he mentions his having received the Present, and the Accident of a Leg being broken in the Voyage; and adds, *I will inform Mr. Jones soon of it, to whom I know any Thing from that Quarter will be very acceptable*. In the same Paragraph he says, *Mrs. Jones died last Week; and when the Days of Mourning are over, he will, I hope, be fit for Business*. This Letter was writ on *Monday* the 30th of *April*; and the Bishop's Lady <sup>n</sup> died the Week before, on *Thursday* the 26th of *April*.

*Kelly* in his <sup>o</sup> Letter to *Musgrave*, (which Name will be hereafter shewn to signify the late Lord *Marr*) dated the 7th of *May*, says, *Mrs. Illington is in great Tribulation for poor Harlequin, who is in a bad Way, having slipp'd his Leg again, before it was thoroughly well: However, his Obligations to the Lady are as great as if he had come safe, which he desires you to let her know.*

The Words *He* and *His* being relative to Mrs. *Illington*, shew it is a Man that is spoken of: The Bishop's Lady was dead at the Time this Letter was writ. And this Disguise of putting *Mrs.* for *Mr.* is frequently made use of in the intercepted Letters, and is confirmed by a parallel Instance immediatly following.

*May* the 9th, *Dillon's* Secretary <sup>p</sup> writes to *Kelly*, and says, *Mrs. Chivers*, (which will be shewn to be General *Dillon*) prays you will condole in his Name on the Death of Mrs. *Illington.*

<sup>a</sup> B. Y. 1. <sup>b</sup> E. 10. <sup>c</sup> E. 6. 12. 13. 14. <sup>d</sup> E. 17. <sup>e</sup> D. 7. <sup>f</sup> C. 51. <sup>g</sup> D. 8. 9.

<sup>h</sup> D. 10. <sup>i</sup> D. 11. <sup>k</sup> E. 4. <sup>l</sup> E. 1. <sup>m</sup> E. 35. <sup>n</sup> D. 47. 48. <sup>o</sup> E. 42. <sup>p</sup> E. 43.

It appears by these Passages, that the Dog was for Mr. Jones, alias *Illington*: And upon *Kelly's* writing word that Mrs. Jones was dead, the Correspondents condole on the Death of Mrs. *Illington*; which shews *Jones* and *Illington* to be the same, and both to be made use of to denote the Bishop.

On the 11th of *May*, *Motfield* (who is the same with *Musgrave*, that is, the late Lord *Marr*) sends a <sup>a</sup> Letter to Mr. *Illington*, enclosed under Cover to *Kelly*; in which, after acknowledging the Receipt of *Illington's* Letter of the 20th of *April*, he adds, 'I did not expect so soon after to have heard of a Loss you have had since; for which I condole with you, and nothing which concerns you so near can fail touching me, as in Friendship it ought. It is tho, becoming us, as it is our Duty, to submit with Resignation, to what the Just and Great God thinks fit to order for us in this vain and transitory World; but you know such Things so much better than I, that will not trouble you with saying any more upon it.'

This last Paragraph seems to point out the Character and Function of the Person to whom the Letter was writ.

*Motfield* adds, 'I would fain hope that your own Distemper will soon give you ease;' which agrees with the Circumstance of the Bishop's being ill of the Gout, at the Time of his Wife's Death.

This Particularity, as also several others, which will be taken Notice of, as to the Bishop's being in Town or in the Country, at the respective Times mentioned in the intercepted Letters, have been carefully inquired into; and it appears by a <sup>b</sup> Paper annexed to the Report, that these several Circumstances do exactly agree with what is mentioned in the Letters.

*Kelly* <sup>c</sup> writing to *Musgrave* (the late Lord *Marr*) the 7th of *May* says, Mrs. Jones is come to Town: The same Day writing to *Chivers* (*Dillon*) he says Mr. *Illington* is now in Town; which again confirms *Jones* and *Illington* to be the same, and agrees with the Inquiry made at that Time.

On the 10th of *May*, *Kelly* <sup>d</sup> writes to *Dillon's* Secretary, *Illington* is gone into the Country, and sent me word he would be in Town on *Tuesday* Night, when he has desired to see me at a particular Hour, by which I conclude it may be about Business. And on *Monday* the 14th of *May*, (the Day before, it is said, *Illington* was come to Town) <sup>e</sup> writing to the same Person, he says, *Jones* is still in the Country, but has sent me word he will be in Town to-morrow.

These several Circumstances, join'd to *Neynoe's* Declaration, that *Kelly* had told him, the Bishop went sometimes by the Name of *Jones*, and that *Carte* had told him, the Bishop went by the Name of *Illington*, shew, that wherever *Jones* and *Illington* are named in *Kelly's* Correspondence, the Bishop of *Rochester* is to be understood by those Names.

Your Committee therefore will next proceed to lay before you the Part which *Jones* or *Illington* appear to have borne in the treasonable Correspondence.

It appears by *Kelly's* <sup>f</sup> Pocket-Book, that *Kelly* set out for *Paris* on the 22d of *February* 1721-2, and return'd to *London* about the 8th of *April* fol-

lowing. It appears by <sup>g</sup> Mrs. *Levell's* and <sup>h</sup> *John Malone's* Deposition, that he came to Mrs. *Barnes's* on *Wednesday* the 11th of *April*, at eight in the Morning, extremely fatigued, and went immediately to bed. Mrs. *Levell* has deposed upon Oath, 'That Mrs. *Barnes* told her he was then just arrived from *France*, and brought over Letters with him: That several of the Disaffected had been at her House to inquire after him before his Arrival, and express'd the utmost Concern for fear he should be taken.' And <sup>i</sup> *Neynoe* declar'd, 'That he saw a great Bundle of Letters, which *Kelly* brought over from *France*.' Mrs. *Barnes* farther told Mrs. *Levell*, 'That the Day after, (*viz.* *Thursday* the 12th of *April*) the Bishop of *Rochester* sent his own Coach to fetch him, and that *Kelly* was absent in the Country till *Saturday* the 14th.' Two <sup>k</sup> Depositions, annexed to this Report, shew, that the Bishop of *Rochester* came to Town on *Wednesday* the 11th, and went to *Bromley* on *Thursday* the 12th of *April*.

It appears by a <sup>l</sup> Letter writ to *Kelly* from *France* by the late Lord *Marr*, and intercepted, that on *Monday* the 16th of *April* (which was the first Post-day to *France*, after the Bishop had sent for *Kelly*.) *Kelly* had writ to *Marr* an Account of his Negotiations with *Illington*, and of *Illington's* Willingness to be reconcil'd to one, designed by the Name of *Hacket*. Who *Hacket* is, does not appear to your Committee, but he is describ'd in several of the Letters as a Person in ill Health, retired in the Country, and one in whom the Pretender's Agents at *Paris* place their greatest Hopes and Confidence next to *Illington*. This Reconciliation with *Hacket*, *Illington* was desirous might be kept secret for some Time, that it might not be known they acted in concert.

It appears by another <sup>m</sup> Letter to *Kelly* from *Dillon's* Secretary at *Paris*, that *Illington* had writ a mysterious Letter thither, and that *Kelly* had writ a subsequent one in Explanation of it, which had been shewn to *Dillon*.

The first <sup>n</sup> Letter that was intercepted from *Kelly* himself, was dated the 22d of *April*, signed *James Johnson* (the Name he always went by, and often signed by) and directed to *Gordon junior*, Banker at *Boulogne*, at whose House it is probable he had been entertained in his last Return from *Paris*; which *Gordon* is mentioned in a <sup>o</sup> Letter from Mr. *Crausford*, as being formerly the Pretender's Banker, and as one employed in hiring a Vessel to transport some of the Chiefs of the Conspiracy to *England*. In this Letter to *Gordon*, *Kelly* recommends to his Care a Packet enclosed.

This Packet was directed to Mr. *Chivers* (which will be proved to be *Dillon*) and consisted of three Letters, one to *Chivers* himself, signed *T. Jones*, another to *Musgrave* (which will be prov'd to be *Marr*) sign'd *T. Illington*, a third to Mr. *Jackson* (which will be proved to be the Pretender) sign'd 1378, which Number is found by the Decyphers, to denote the proper Name of a Person beginning with the Letter *R*, in the Cypher made use of in these three Letters, the Order of which, as your Committee is inform'd, is alphabetical. All the three Letters were dated the 20th of *April*, and appear by the Matter to be from the same Person, which prove 1378 to be the same with *Jones* and *Illington*. The Letters to *Mus-*

<sup>a</sup> D. 24.  
<sup>i</sup> E. 9.

<sup>b</sup> D. 47.  
<sup>k</sup> D. 47. 48.

<sup>c</sup> E. 42.  
<sup>l</sup> D. 13.

<sup>d</sup> E. 44.  
<sup>m</sup> D. 14.

<sup>e</sup> E. 45.  
<sup>n</sup> E. 26.

<sup>f</sup> E. 17.  
<sup>o</sup> A. 9.

<sup>g</sup> E. 6.  
<sup>h</sup> E. 15.

grave and Jackson were enclosed in that to Chivers.

The Person who dictated these Letters speaks of himself as being in ill Health, in great Pain, under some sad and melancholy Circumstances, which made him incapable of doing any thing regularly at that time, but which he expected would soon blow over; which agrees with the Bishop's<sup>a</sup> Circumstances at that time, whose Wife was extremely ill, and died six days after, and he himself, as has been observed before, was at that time afflicted with the Gout.

The Letter to Chivers is a great part of it out of Cypher, and with the Decyphering is in the following Words.

S I R, 20th of April 1722.

I Ought to acknowledge in form the several Papers I have successively receiv'd from you, if I were capable at present of doing any thing regularly; but indeed I am not, as Hatfield well knows, and why I am not. Some time must pass before I am any way capable of Business; in the mean time you are in the right to press the Gentlemen concerned by all manner of ways you can think of, to furnish, what by being hitherto not supply'd, has render'd the thing impracticable. They were desirous of having that Matter intirely in their own Management, and I not unwilling that they should have it, being always diffident of Success on my part upon Interpositions of that kind; and therefore it gave me no concern to be so freely excused from any Share (as I was for a great while) in that trouble. At last indeed, when the point was found upon trial to be more difficult than they expected, I was press'd to undertake the Matter; but so late that I did not think it reasonable for me then to interpose, nor can I yet undertake any thing of that kind, it being what (since some former Mismanagement wherein I was deeply concerned) I have constantly declined, hoping that I might not be altogether unuseful to the Service, if I went on to promote it in my own, that is, in another way. I still hope so, and that a little time (which must be employed in doing nothing but soliciting Supplies) will give me room for entering into Measures that may be somewhat more significant than those formerly taken; this I shall endeavour, being at present perfectly tired by the distracting Measures which have been taken from several Quarters, by Persons no ways equal to the Work, and at the same time not agreeing among themselves. This is all I can say at present, but that I am, with the same entire Respect and Fidelity I ever was,

S I R, Your most, &c.

T. Jones.

I have communicated the Copies of Mr. Mansfield's and Jacob's Letters, which besides the<sup>b</sup> G.....:....., (whereof they had a Copy) were the only ones of those transmitted, that I was directed, or indeed thought proper so to do. Tho' I have for some time thought, that nothing of Importance should be trusted to the Post, and am resolv'd myself not to send that way; yet the Death of Lord Sunderland

makes such a Caution more indispensibly necessary; for you may depend upon't, that those in Power here will now enter into Measures of more Severity and Strictness, and employ all their Diligence, as well as Power, on such Occasions.

That Chivers, to whom this Letter was directed, means General Dillon, is evident from the following Circumstances.

On the 13th of May, Cane<sup>c</sup> writing to Kelly, owns the Receipt of these Letters from the Bishop, but over-against the Name of Cane in Plunket's<sup>d</sup> Cypher, is writ Dillon and Kelly<sup>e</sup> answering this very Letter of Cane's, directs to Chivers. Besides which, it appears from innumerable Passages that Cane and Chivers mean the same with Digby and Dixwell, which have been shewn at large to denote General Dillon.

The Bishop's Letter to Musgrave (who will be prov'd to be the late Lord Marr) is as follows:

To Mr. Musgrave.

S I R, April the 20th 1722.

I Received from Mr. Hatfield (after a long Intermission of such Favours) a Letter which was very welcome to me: I have also consider'd carefully what he had to offer to me in particular, and intirely agree with what is propos'd; but my present sad Circumstances (of which he has already inform'd you) will not suffer me to be active soon, or even set forward the Affairs entrusted with me in so speedy a manner as I could wish. The best is, that as I cannot act openly, so neither is there, I think, any immediate Need of it, some time being requisite towards ripening Matters, in order to fix the<sup>f</sup> C.....:.....'d, which, if hastily begun, may be attended with Suspicious and other Inconveniencys; but you may depend upon it that the<sup>f</sup> :.....:.....s committed to my care, shall be forwarded in due time to the Persons concerned, as also all such other<sup>f</sup> :.....:.....s as I judge, and at the time I judge, they will best promote the Service. What is to be wish'd for, is, that the Person whom I am to act with, would come to Town, and his doing so may be facilitated better from your side, than by any thing that can be done here; by that time he comes, I hope I shall be able to take my part with him. I add no more now; being very unfit to say even thus much, but that I am with entire Respect and Confidence,

S I R, &c.

T. Illington.

That Musgrave (to whom this Letter was directed) means Marr, is thus proved.

Dillon's Secretary<sup>g</sup> writes to Kelly that Mr. Lane (over-against which Name in<sup>h</sup> Plunket's Cypher is writ Lord Marr) was much pleas'd with his first Letter, which, as has been observed before, was writ on the 16th of April.

Soon after a Person<sup>i</sup> writes to Kelly, acknowledging the Receipt of this Letter of the 16th of April, and expressing his Satisfaction at Illington's Willingness to be reconciled with Hacket; his Letter is sign'd 918, which Number is found by

<sup>a</sup> D. 47. 48. <sup>b</sup> Not decyphered. <sup>c</sup> E. 38. <sup>d</sup> C. 51. <sup>e</sup> E. 41. 2. <sup>f</sup> Not decyphered. <sup>g</sup> E. 30.  
<sup>h</sup> C. 51. <sup>i</sup> E. 32.

the Decyphers to denote the proper Name of a Person beginning with the Letter *M*, and *Kelly* answering this Letter directs to *Musgrave*.

Besides which, *Musgrave* is found to be a Person, whose Pension is said to be stopt in *England*, at the very time that a<sup>b</sup> Pension granted to the late Lord *Marr* was stopt, and is spoken of in other<sup>c</sup> Letters as one suspected of betraying them, with such Circumstances as fix the Person meant to be the late Lord *Marr*.

The Bishop's Letter to *Jackson* (who will be proved to mean the Pretender) is as follows:

To Mr. Jackson, under the Cover of  
M. Gordon le fils, Banquier à  
Boulogne sur Mer.

S I R, April the 20th, 1722.

I AM sorry to find by yours, which *Hatfield* brought, that you know our Circumstances on this side so well, because that Knowledge does not, I apprehend, give you any advantageous Opinion of us; however let that be as it will, 'tis not fit you should be deceiv'd, and rely on more than will be made good to you: if you guess'd at my right Mind, I dare say, it was agreeable to your own, and that you could not but see thro' the forwardness of all those unsupported pretending People. Notwithstanding this Opportunity is elapsed, I agree with you another may offer before the end of the Year, tho' not perhaps every way so favourable: however it became me to speak strongly on that head, especially at the time when the<sup>d</sup> . . . . . was drawn, which was long before it was transmitted, for it was kept back a great while, in hopes that Deeds might have accompany'd Words, and sent at last rather to justify the Writer in respect to that part he had undertaken, than to push on any Design in so unprovided a Condition. I find I was not mistaken and am glad I was not so, tho' every Word of that<sup>d</sup> . . . . . pass'd the View and Approbation of the Persons concern'd, but they were to be and shall always be by me treated tenderly; tho' nothing shall engage me to enter deep with them for the future. I had taken this Resolution before *Hatfield's* Return, and am pleas'd to find that you concur with me in Opinion. As soon as God restores me to my Health, and some other melancholy Circumstances are blown over, which will be as soon as there is any occasion for me, I will not be idle: in the meantime give me leave to withdraw myself seemingly from any Engagement of this kind; I shall return to it, I doubt not, with more Ability to promote the Work: not that I will decline any proper Occasions that may offer themselves to converse freely with the Men and in the manner I have been us'd to do, for it is fit upon all Accounts I should do so; but by little and little that Confidence will cool, and make room, I hope, for somewhat of a more solid and important Nature. I dictate this in great Pain, and for that Reason, and because I am not at present in any readiness to go further, shall add only my faithful Assurances of an entire and unalterable Respect for you.

R.

That *Jackson* (to whom this Letter is directed) means the Pretender, appears from<sup>e</sup> *Plunket's* Cypher, in which, over-against the Name of *Jackson*, is writ, *the King*; tho' two Names had gone before in that Cypher, over-against which is writ, *King George*.

Besides which, <sup>f</sup> *Plunket's* Letter mentioning his and *Layer's* Journey to *Rome*, is directed to Mr. *Jackson*; and *Jackson* appears from other Letters to be the same with *Malcom*, to whom Application is made in a<sup>g</sup> Letter from *Edinburgh*, for a Patent for Knight Baronet, and for Orders to raise one or two Battalions.

The Cypher made use of in these three Letters is the very same that is made use of in two Letters intercepted from the late Duke of *Ormond's* Agents in *Spain*, of which Notice has been already taken. And the same Cypher is also used in Letters from *George Kelly*, and to *Dennis Kelly*. And among the Papers of the latter was found a<sup>h</sup> Piece of a Cypher in *George Kelly's* Hand-writing, which your Committee are inform'd is a Supplement to the Cypher made use of in *Jones* and *Illington's* Letters.

The Clerks of the Post-Office, who opened and copied these Letters, having been shewn several Papers sworn to be *George Kelly's* Hand-writing, have<sup>i</sup> deposed upon Oath, that the Letter to *Gordon junior*, signed *James Johnson*, as well as the three Letters enclos'd in it, directed to *Clivers*, *Musgrave* and *Jackson*, were all, to the best of their Knowledge and Belief, writ in the same Hand with those Papers; which join'd to<sup>j</sup> *Neynoe's* Information, that *Kelly* had told him, he was employ'd in writing Letters for the Bishop to the Pretender's Agents abroad; that the Bishop never let him carry a Bit of his Hand-writing out of the Room; and that *Kelly* made use both of a numerical Cypher, and a Cypher of fictitious Names, for managing this treasonable Correspondence; appears to be a strong Confirmation that these three Letters were dictated to *Kelly* by the Bishop, and that the Bishop is the Person denoted by the Names of *Jones* and *Illington*, and by the Cypher 1378.

In what manner these Letters were convey'd to *Paris*, will be observ'd in that part of the Report which relates to *Kelly*. The Correspondents at *Paris* own the Receipt of the Packet from their Cousin *Jones*; and on the 7th of *May*, *Kelly*<sup>m</sup> writes *Dillon* word, that *Illington* is glad to hear his Letters came safe, and wishes his next be more to *Dillon's* Satisfaction.

Your Committee having thus laid before you the Grounds they have to be convinced, that these three Letters were sent from the Bishop of *Rochester* to General *Dillon*, the late Lord *Marr*, and the Pretender; they think it their Duty to make some Observations on the Contents of them.

They observe from his Letter to *Dillon*, that he has contracted a great Intimacy and Familiarity with a profess'd *Roman* Catholick, who appear'd openly in Arms against the late King *William* in *Ireland*, and being obliged to leave that Country so long ago as the Capitulation of *Limerick*, has ever since adher'd to the same Cause in foreign Parts, and is at present more active and industrious than any other of the Pretender's Agents in exciting a Rebellion in these Kingdoms. He is at this time a Lieutenant-General, and has the Com-

<sup>a</sup> E. 42.    <sup>b</sup> E. 71.    <sup>c</sup> E. 37. 41.    <sup>d</sup> Not decyphered.    <sup>e</sup> C. 51.    <sup>f</sup> C. 41.    <sup>g</sup> L. 9.  
<sup>h</sup> E. 11. a.    <sup>i</sup> E. 19.    <sup>j</sup> E. 10.    <sup>k</sup> E. 37. 38.    <sup>l</sup> E. 41. a.

mand of one of the *Irish* Regiments in the *French* Service.

Your Committee observe, That as the different Professions of these two Persons could lay no sort of Foundation for any Intimacy or Intercourse between them, so the long Absence of General *Dillon* makes it highly probable, that their Acquaintance could not be commenced before his leaving these Kingdoms; and that it can only have proceeded from their being long united and confederated in the common Support of the same wicked Cause.

Yet their Intimacy is such, that the Bishop acknowledges the Receipt of several Papers from *Dillon*, together with Directions of communicating them, which the Bishop owns he obey'd as far as he judg'd it proper for the Service. Some of these Papers appear to have been from the late Duke of *Ormond*, who is attainted; and others probably from the Pretender, whom he has so often abjured.

He advises *Dillon* to press the soliciting Supplies; and owns he has been desired to undertake that Province himself, but that he had hitherto declin'd it; not from such Restraints as should naturally have arisen in the Mind of one of his Character and Function, but merely on account of some former ill Success and Mismanagement, in which he owns he had been deeply concern'd.

He afterwards advises *Dillon* to use the same Caution which he himself intended, of not trusting any thing of Importance to the Post, endeavouring to act within the Shelter and Safeguard of the Laws for subverting our happy Constitution.

This great Caution, which (as *Neynoe* said *Kelly* told him) the Bishop used, made him so extremely careful, as not to let even the Man he trusted most, have one Line of his own Hand-writing; and shews that he was wonderfully solicitous, not to avoid the Guilt of Treason, but only to escape the Punishment due to it, by saving himself from the Danger of legal Conviction.

Another of his Letters is to the late Lord *Marr*, who so lately appear'd in Arms against his Majesty, and has since had a Post of the greatest Confidence and Trust near the Pretender.

In this Letter he owns the Receipt of one from *Marr* by *Kelly*, together with verbal Instructions; which, to cut off all Excuse of Surprize or Inadvertency, he says he carefully consider'd, and yet entirely agreed to.

He then mentions his present sad Circumstances, but comforts himself, that as they will not permit him soon to act openly; so neither is there, he thinks, any immediate Occasion for it, some Time being necessary towards ripening Matters. So that when a proper Opportunity should have offer'd, the Mask was to have been thrown off, and then he was openly to have avowed the Cause, which he has hitherto supported only in Disguise.

The other Letter of the Bishop's is to the Pretender himself, in defiance of that Law which makes the holding any Correspondence with him, or his Agents, High-Treason. In this Letter he owns the Receipt of one from the Pretender; and to shew how well he deserved that Confidence, he himself, who best knows the Thoughts of his own Heart, declares, that if the Pretender

guess'd at his right Mind, he dares say it is agreeable to the Pretender's own.

He then encourages the Pretender to hope for a second Opportunity, tho' not every Way so favourable as the first, which was elapsed.

This favourable Opportunity appears to have been that of the Elections; and your Committee cannot but observe, that the two most riotous Elections of any throughout the Kingdom, were that of *Westminster*, a Place under the immediate Influence of the Bishop of *Rocheſter*; and that of *Coventry*, which appears by this Report to have been animated by *Carte*, an Agent of the Bishop's, and one employ'd by him in managing his treasonable Correspondence.

He afterwards takes to himself the Merit of some Writing, which he had drawn up and transmitted to the Pretender, after it had first passed the View and Approbation of the Persons concern'd: Tho' he says it had been kept back a great while, in hopes that *Deeds* might have accompanied *Words*. Which again shews his treasonable Intentions to have been the Result of mature Deliberation; and that tho' he had hitherto dealt in Words, yet other Acts of Treason were what he hoped for, and was aiming at.

As soon as God should restore him to his Health, he promises to abuse it towards the Prosecution of his Treasons, and in the mean Time desires leave to withdraw himself seemingly from any Engagements of that Kind, that he might return with greater Zeal and Activity to destroy this Church and State, by placing a Popish Pretender on the Throne, in violation of the most sacred Oaths so frequently taken by him.

Your Committee will now proceed to shew what farther Part the Bishop appears to have had in the treasonable Correspondence and Negotiations carried on with the Pretender's Agents in *France*.

On the 11th of *May*, *Motfield* answers *Illington's* Letter sent to *Musgrave* (*Marr*) the 20th of *April*. This was inclos'd in a Letter to *Kelly*. The Substance of the Answer is to condole with *Illington* on his Loss, and to express great Satisfaction on finding him in the same Sentiments with *Marr*, in Relation to their old Friend and Acquaintance (*Hacket*) and in another Letter, to *Kelly*, he lets *Illington* know how agreeable this Reconciliation would be to *Farmer*, and how much to *Farmer's* Interest.

Your Committee see Reason to believe from Passages in several of the Letters, that *Farmer* means the Pretender.

It has been observed above, one of the Periods of Time, fixed by the Conspirators for putting their Design in execution, was the Beginning of *May* 1722.

On the 1st of *May*, *Dillon's* Secretary <sup>a</sup> writes to *Kelly*, 'that Mr. *Jones* cannot take a better Time to have himself fitted with an easy Saddle, 'there being a Number of Saddlers idle in *France* 'at present, who in case of Wars would be so 'very busy there would be no coming at them.' This is explain'd by what <sup>d</sup> *Neynoe* said, that in *Kelly's* Cypher *Sadlers* stood for *Irish Soldiers*, tho' he did not know any Letters had been intercepted where that Term was made use of, and in <sup>e</sup> *Plunket's* Cypher *Saddles* stands for Regiments, and *Girt* for one hundred Men.

<sup>a</sup> D. 24.

<sup>b</sup> D. 13.

<sup>c</sup> D. 17.

<sup>d</sup> E. 10.

<sup>e</sup> C. 51.

On the 2d of *May*, *Dillon* himself <sup>a</sup> acknowledges the Receipt of his Cousin *Jones's* Letters of the 20th of *April*, and <sup>c</sup> expresses much Concern <sup>c</sup> for that *Lady's* ill State of Health, being much <sup>c</sup> afraid his own small Concerns can hardly be settled to Satisfaction, till she is able to solicit in <sup>c</sup> his Favour.

On the 7th of *May*, *Kelly* <sup>b</sup> writes to *Musgrave* (*Murr*) <sup>c</sup> that he had communicated his Letter to <sup>c</sup> Mr. *Jones*; and that Mr. *Jones* desir'd a Letter <sup>c</sup> from *Musgrave* or *Farmer* (the Pretender) to <sup>c</sup> *Hacket*, to bring him to Town, without which <sup>c</sup> it would be impracticable for them to do Business together. That *Jones* finds *Armstrong* and <sup>c</sup> *Company* very loth to be any way concerned, <sup>c</sup> having no Opinion of the present Hands; however that it is still necessary to make the most of <sup>c</sup> them.

Who is meant by *Armstrong and Company* does not appear to the Committee.

On the 9th of *May*, *Dillon's* Secretary <sup>c</sup> writes to *Kelly*, <sup>c</sup> That if this Post had not brought an <sup>c</sup> Addition of three to the six formerly come from <sup>c</sup> *Repney*, it is easy for Mrs. *Jones* to see what is <sup>c</sup> still wanting for the Purchase she intends to <sup>c</sup> make. Who is meant by *Repney* is not certain, but in the following Part of this Report there will appear Grounds of a probable Conjecture.

This Passage relates to a Bill of Exchange (of six thousand Pounds probably) sent over to *Calais*, and thence to *Waters* the Pretender's Banker at *Paris*, on the 16th of *April*; the Receipt of which is acknowledged in several Letters both to <sup>d</sup> *George Kelly* and <sup>e</sup> *Dennis Kelly*. This Paragraph, which says, <sup>c</sup> That if three more are not come, <sup>c</sup> besides the six from *Repney*, it is easy for Mrs. <sup>c</sup> *Jones* to see what is still wanting for the <sup>c</sup> Purchase she intends to make; <sup>c</sup> shews plainly, that *Jones* was at least privy to that Remittance: which agrees with what *Pancier* <sup>f</sup> has deposed upon Oath, that he was told by *Skeene*, among other Particulars relating to the Conspiracy, that a large Contribution had been raised and put under the Management of the Bishop of *Rocheſter*, which was called their military Chest.

On the 10th of *May* (three Days after the Encampment) <sup>g</sup> *Kelly* writes to *Dillon's* Secretary, <sup>c</sup> That it was reported the King had absolutely <sup>c</sup> refused to put off his Journey, and intended to <sup>c</sup> set out early next Month; and that if they could <sup>c</sup> then compass *Barrels* enough, the sooner the <sup>c</sup> Wine comes, he believes, the better. He adds, <sup>c</sup> that *Jones* promises to be a good Customer, <sup>c</sup> and that he hopes *Hacket* and *Jones* will give <sup>c</sup> them the finishing Stroke. The Time of Year in which this Letter was writ, and the absurd Supposition of its being more difficult to find *Barrels* than *Wine*, shew sufficiently that these Words are not to be taken in their literal Sense.

Your Committee are inform'd, that Wine was explain'd by *Neynoe* to mean *Invasion*, tho' he had never been told that any such Word had been made use of in these Letters, nor had been asked any Question about it; and in <sup>h</sup> *Plunkett's* Cypher, *Barrels* is explain'd *Army*, and *Vines*, *one thousand Men*.

On the 19th of *May*, *Dillon's* Secretary <sup>i</sup> writes to *Kelly*, <sup>c</sup> That he is assured by good <sup>c</sup> Hands, *Hacket* and *Jones* are the best able to

<sup>c</sup> adjust his particular Concerns; that he does not <sup>c</sup> question their good Dispositions, and that doing <sup>c</sup> it timely will be a double Merit.

On the 19th of *May*, *Kelly* was taken into Custody, about the 7th of *June* he was admitted to Bail, and on the 11th he <sup>k</sup> writes an Account of his Examination to one *Gerrard*, whom your Committee believe to be Sir *John D'Obryan*, whom *Kelly* <sup>l</sup> owned to be employ'd by *Dillon* in writing for him. In this Letter *Kelly* says, <sup>c</sup> He <sup>c</sup> was chiefly questioned about a little Dog he got <sup>c</sup> from *France*, and about five or six cant Names, <sup>c</sup> which were *Illington*, *Jones*, *Cane*, *Howell*, <sup>c</sup> *Quitwell* and *Hacket*, and that whoever *Illington* is, he was the Person chiefly struck at.

On the 18th of *June* <sup>m</sup> he writes to *Dillon*, <sup>c</sup> That it is absolutely necessary to make no more <sup>c</sup> use of their present *Account-Book*, since those <sup>c</sup> that have got part, may by the same Method <sup>c</sup> have got the whole; and that it will be highly <sup>c</sup> improper for him to meddle with Business, at <sup>c</sup> least for some Time.

From this Time forward your Committee observe, that the Names of *Jones* and *Illington* are no more heard of in the intercepted Correspondence; neither does *Kelly* so frequently write Letters of great Business, but in his stead *Thomas Carte*, Clerk, takes up the Management of the Bishop's Correspondence.

The Letters from *Carte* are signed, and those to him directed by the Name of *George Williams*; and Mrs. *Harbin*, to whose House they were directed, having been examined before some Lords of the Council, <sup>n</sup> has deposed on Oath, that *Carte* desired her to take in Letters so directed, and that she delivered one so directed into his own Hands.

And in the <sup>o</sup> Cypher taken among *Dennis Kelly's* Papers in *George Kelly's* Hand-writing, Mr. *Carte* is designed by the fictitious Names of *Thomas* and *Trotter*, who appear, by comparing several Passages in the Letters, to mean the same Person with *George Williams*.

From the Time of *George Kelly's* being first taken up, the Bishop of *Rocheſter* is denoted by the Names of *Rig* and *Weston*, as will appear from the following Circumstances.

On the 30th of *August*, *Kelly* <sup>p</sup> writes to *Dillon* a long Letter, which contains the Particulars of the Bishop's being taken into Custody, examined and committed. On the 14th of *September* *Dillon's* Secretary <sup>q</sup> writes to *Kelly*, <sup>c</sup> That his Letter on <sup>c</sup> the 30th of *August* came safe, and that the Particulars he gave of Mr. *Rig's* Case were very acceptable to *Dillon*, whose Concern for a true and <sup>c</sup> worthy Friend and Relation cannot be doubted <sup>c</sup> and a longing Desire to know her entirely clear <sup>c</sup> of her Distemper. In the same Letter he desires to know what is become of *Carte*.

That *Rig* denotes the Bishop, is farther confirmed by these Particulars: *Kelly* in his first <sup>r</sup> Letter after his Enlargement, writes word to *Gerrard*; <sup>c</sup> All I can do now, will be only to deliver to <sup>c</sup> your Cousin *Rig* any Goods that you can send by <sup>c</sup> private Hands: He is determined not to receive <sup>c</sup> them any other Way, and indeed I cannot say <sup>c</sup> he is in the wrong. How far this late Affair <sup>c</sup> may affect him, I cannot tell.

<sup>a</sup> E. 38.

<sup>b</sup> E. 44.

<sup>c</sup> F. 11. a.

<sup>b</sup> E. 42.

<sup>c</sup> C. 51.

<sup>d</sup> D. 45.

<sup>c</sup> E. 43.

<sup>i</sup> E. 46.

<sup>g</sup> D. 46.

<sup>d</sup> E. 31.

<sup>k</sup> E. 47.

<sup>e</sup> E. 47.

<sup>l</sup> E. 81.

<sup>f</sup> F. 19. 21.

<sup>m</sup> E. 49.

<sup>f</sup> D. 1.

<sup>n</sup> D. 4.

Now since it appears that *Kelly* was formerly employed in conveying Letters to and from the Bishop (which are often called *Goods* in the intercepted Correspondence) since the Bishop himself had desired in his Letter to *Dillon*, that no more Letters of Consequence might be trusted to the Post; and since *Kelly's* Examination about the Dog could affect no one but the Bishop, it may justly be concluded that *Rig* and the Bishop are the same.

That *Weston* is the Bishop, will appear from the following Circumstances.

On the 7th of *June*, *Dillon's* Secretary <sup>a</sup> writes to *Carte*, and acknowledges the Receipt of a Letter from him of the 28th of *May* (which was soon after *Kelly's* being taken up) and after expressing great Satisfaction, 'That the late Rumours of a Plot had not occasioned a total Interruption of *Commerce*, nor obliged any of their Correspondents to go aside;' he adds, 'That *Dillon* desires to be most kindly remember'd to his good Friend Mr. *Weston*, for whom he was in the greatest Concern, on account of a Story that his Clerk had been laid up for Debt; but that he hopes *Carte's* next Letter will put him at full Ease in this Matter.'

This plainly has reference to *Kelly's* being taken up; and his relation of *Clerkship* to the Bishop, has been fully explain'd by what goes before.

On the 14th of *June*, *Carte* <sup>b</sup> writes to *Dillon's* Secretary, and endeavours to put him at full Ease in relation to Mr. *Weston*, by telling him, 'That Mr. *Weston* is in the Country, that he saw him two Days ago; that he is perfectly well, and as easy in all his Affairs as any Man alive, and very much *Dillon's* humble Servant.' It appears by Depositions <sup>c</sup> annexed to this Report, that the Bishop was in the Country at that Time.

On the 14th of *July*, *Dillon* <sup>d</sup> writes to *Weston*, under Cover to *Carte*; and desires he will admit one *Skinner* (sent over from *France* express) to receive his Commands.

On the 26th of *July*, *Kelly* <sup>e</sup> writes word that *Rig* and *Skin* had been lately together; and that before they met, *Rig* sent to him to know how *Skin* stood with *Dillon* and his Partners.

On the same Day, *Stanley* (who appears by the Matter of his Letter to be the same with *Skinner*) writes <sup>f</sup> to *Dillon*, 'That he had been with the Correspondent, to whom the Letter of Credit was sent, and had partly engaged him in his Arrack Affair.' On the 30th of *July*, *Carte* writes <sup>g</sup> word, he had the Honour of introducing *Stanley* to Mr. *Weston*, and mentions the Arrack Affair, of which notice will be taken in its Place.

From these Passages it appears, that *Weston* (the Name made use of by *Carte*) means the same with *Rig* (made use of by *Kelly*) which last was shewn before to mean the Bishop of *Rochebester*.

*Rig* therefore, and *Weston* being made use of to denote the Bishop; it remains to be considered what Part *Rig* or *Weston* appear to bear in the Sequel of the intercepted Correspondence.

It appears by the <sup>h</sup> Letter from *Dillon's* Secretary of the 7th of *June*, that they apprehended in general, on *Kelly's* being taken up, that some of their Correspondents would be obliged to go aside; but that their greatest Pain was for Mr. *Weston*, whose Intimacy with *Kelly* was such, that *Kelly* is

styled his Clerk, which is no improper Name for one that kept the Cyphers, which are styled throughout the intercepted Letters, *Books of Accompts*; and in *Layr's* Cypher are call'd *Rentals*. If *Kelly* had had no Secrets to reveal; the Pain for Mr. *Weston*, and the Fear of other Correspondents going aside, would not have been so considerable.

On the 14th of *June*, <sup>i</sup> *Carte* sets them at ease in relation to *Weston*, who was, he says, as easy in his Affairs as any Man alive: Which might be the Case, *Kelly* having burnt his Papers; being bailed out, and at Liberty to assure his Friends that the Lords could get nothing out of him at his Examination, where he strenuously denied his having ever heard of the Names of *Jones* or *Illington*.

On the 11th of *June*, *Kelly* <sup>k</sup> sends his Friends at *Paris* an Account of his late Misfortune; and after complaining of their Neglect, in not bailing him out sooner, and intimating that such Usage might have provoked a passionate Man to betray their Secrets; he says, your old Friend *Rig*, indeed, offered all that could be expected from the poor Man. This Passage proves pretty plainly, that *Rig* was one of those whose Secrets it was in *Kelly's* power to have betrayed; and who therefore thought himself principally concerned to keep *Kelly* in good Temper, by all possible offers of Assistance.

*Kelly* in his next <sup>l</sup> Letter of the 18th of *June*, says, 'The Occasion of my Misfortune I will lay at no body's Door in particular; tho' your old Friend *Rig* seems to believe, it has rather proceeded from some pretended Friend than any real Enemy: And as his Conjecture lies on this side, you may easily guess the Point it tends to.' This Passage shews that the Discoveries made, were known by *Rig* to be well founded; since no one could be led to suspect, that an Information entirely false should proceed from some Friend entirely in the Secret: besides, it shews *Rig* had Friends, in whose Power it was to betray him; and that those Friends were known to the Correspondents in *France*, since *Kelly* says, they are able to guess who it is that *Rig* suspects on this side. This is a farther Intimation, that *Rig* had Friends on the other side of the Water, in whose power it was equally to have betrayed the Secret.

*Kelly* then tells *Dillon*, 'That it is absolutely necessary to make no more use of their present Accompt-Book; since they that have got part, may by the same Method have got the whole.' This is a direct Confession, that the Names of *Jones* and *Illington*, and others on which *Kelly* was questioned, were really a Part of the Cypher in use between him and his Correspondents in *France*: And as *Kelly* writ Word that *Illington* was the Person principally struck at, and knew very well by Mrs. *Barnes's* Confession about the Dog, who *Illington* was understood to be; it amounts to a Confession, that that Exposition of the Name of *Illington* was true.

He then adds, 'All that lies in my Power now, will be to deliver to your Cousin *Rig* any Goods you can send by private Hands; he being determined not to receive them any other way.' So that by private hands *Rig* was still willing to receive them.

<sup>a</sup> D. 27.<sup>b</sup> D. 29.<sup>c</sup> D. 47. 48.<sup>d</sup> D. 35.<sup>e</sup> D. 41.<sup>f</sup> D. 40.<sup>g</sup> D. 42.<sup>h</sup> D. 27.<sup>i</sup> D. 29.<sup>k</sup> E. 47.<sup>l</sup> E. 49.

However *Kelly* says, ' If your Business can be conveyed any other way to him, you cannot do me a greater Favour: For to tell you the Truth, it is against my Opinion and Inclination to have any farther Dealing that way.' This shews what Dealing *Kelly* had hitherto had; and at the same time explains how *Carte* comes to be employed in managing the Bishop's Correspondence for the future.

*Kelly* adds, ' That he does not know how far this late Affair may affect *Rig*.' This shews that he knew *Rig* was engaged in some criminal Correspondence; since the receiving a Dog from *France*, or being called by a fictitious Name, could not otherwise have affected him.

On the 16th of *July*, *Carte* writes a long Letter about some MSS. and *Weston's* Opinion of them, as also that of *Finch*. What is meant by *Manuscripts*, does not appear; neither is it certain who *Finch* is, but he is spoke of as being in high Repute with *Weston*.

On the 1st of *August*, *Dillon* writes to *Carte*, ' That he cannot apply to a more sufficient Judge than *Weston* about his Concern with Mr. *Finch*.' And he often repeats, ' That he makes a most particular Case of Mr. *Weston's* Judgment; and that he relies entirely on *Weston's* Friendship and Advice;' and other Expressions of the like nature.

On the 14th of *July*, *Dillon* writes a Letter to *Weston* (the Bishop) enclosed to *Carte*, in the following Words.

To Mrs. *Weston*, inclosed to Mr. George Williams, at Mrs. Harbin's over-against Somerset-House.

Dear Madam, Saturday 25 July 1722.

I cannot on any reasonable Grounds complain of your Silence, tho' long it appears, because I am informed of the Situation of your Health, and the Concerns your Family are in, by Bankrupts and Law-Suits. Permit me, however, to fulfil a part of my Duty in presenting you my best Respects, and unalterable Attachment to you and yours. I wish this may find you so far recovered from past Mischances, as that you may be once more in a Humour of affording me a comfortable Line. I have all the Stock I bought lying by, and I intend it shall remain so, until you advise me of the proper Time to dispose of it: being fully convinced, that in the slippery Age we live in, I cannot confide to any better than you. I hear many say, that our Stocks wil infallibly rise again to a good height, by Mr. *Walpole's* wife and able Management; from whence I should hope not to be so much a Loser in reserving mine. Still my Lights at this distance can be but very imperfect: therefore, Dear Madam, I will earnestly pray your Direction, when you find leisure to grant me this Favour, as also of forgiving this Trouble, for which I offer amends in any manner I can be of service to you. The few Acquaintances of yours I converse with in these Parts, are well; and rely, as I do, on your friendly Advice in a most particular manner, about their Concerns in the Funds. They desire you will be pleased to admit Mr. *Skinner* to receive your Commands, who is directed to call upon you, and explain some Particulars too tedious for a Letter. He seems to be very ready at Business, and will

obey your Orders punctually. I am, with the greatest Esteem and Sincerity,

Dear Madam,

Your most humble, and most

Obedient Servant,

Digby.

On the 16th of *July*, *Dennis Kelly* writes word to *France*, that *Skinner* arrived in Town the Night before; that he had been to wait on him, longing much to know how the Fall of Stocks affected his Friends.

On the 26th of *July*, *Kelly* writes to *Dillon's* Secretary, ' That *Rig* and *Skin* had been lately together; and that before they met, *Rig* had sent to him, to know if *Skin* stood well with *Dillon* and Partners.' He adds, ' that *Rig* still seems to promise his Assistance, if he can get the better of his Suspicions: and that *Rig* went into the Country, the day after *Skin* and he had been together.' It appears by a Deposition annexed to this Report, that the Bishop came to Town on the 19th, and return'd to *Bromley* on the 21st of *July*.

On the same Day that *Kelly* writ, *Stanley* (who is the same with *Skinner*) writes to *Dillon*, ' I have been with your Correspondent to whom the Letter of Credit was sent, who has partly answered my Demands, and promises to comply in all Points with your Directions.' He then adds, ' I must now give you an Account of what Pro- duct may be hoped for from the Publick Funds.'

Then follows a Paragraph, some few Letters of which are in Cypher, but as your Committee is informed, in such an easy and obvious one, that any one that reads it, may with the least Attention decypher it. In this Paragraph, instead of saying a word about the Funds, he acquaints *Dillon*, ' That they are certainly betrayed by some one entirely in the Secret, who has given such Light into all their Affairs, that the most minute Circumstances are perfectly found out; that therefore he must caution him, as he is requested, to be very careful who he converses with, even at *Paris*, without excepting any one.'

This Paragraph explains sufficiently what is meant by *Stocks* and *Funds*; and it is remarkable, that in *Plunket's* Cypher, *Brokers* is explained *Agents*. The owning themselves discovered by some one entirely in the Secret, proves there was a Secret, and that the Discoveries of the Government were well founded.

He then adds, ' I have partly prevailed with the Correspondent (*Weston*) to undertake what he had firmly resolved against, which is the procuring *Arrack*, which cannot fail succeeding by that Channel.' And on the 30th of *July*, *Carte* writes to *Dillon* in the following Words:

' I had the Honour of introducing Mr. *Stanley* to Mr. *West*, who received him in the best manner, and assured him of his Readiness to serve him in what he could. Mr. *St.* was much pleased with him, but did not engage him to solicit in his *Arrack* Affair, which yet is of the greatest consequence to him, and Mr. *W.* is most capable of serving him in, because in the Esteem of all the Commissioners in whose Power it is to relieve him in the Case. And as Mr. *W.*

<sup>a</sup> D. 36.

<sup>b</sup> D. 40.

<sup>c</sup> D. 43.

<sup>d</sup> D. 35.

<sup>e</sup> D. 37.

<sup>f</sup> D. 41.

<sup>g</sup> D. 48.

<sup>h</sup> D. 40.

<sup>i</sup> would

‘ would do it effectually, if engaged in it, so Mr. Stanley desires me to beg the Favour of you, to request the Favour of Mr. W. in a Letter from you to Mr. Stanley, which he is sure would fortify the good Inclinations Mr. W. has already to serve him, and effectually engage him in the Thing.’

The Original of this <sup>a</sup> Letter being stopped, is, as your Committee are informed, in *Carte’s* own Hand-writing.

What is meant by these mysterious Passages about *Arrack*, must be left to the Conjecture of the House.

If this be compared with the Bishop’s <sup>b</sup> Letter to *Dillon*, and with <sup>c</sup> *Pancier’s* Deposition, it is not improbable that by *Arrack* may be meant Contributions of Money.

But whatever is meant by it, the Committee observe, that it was a Point of the greatest Importance to the Conspirators, since it was thought necessary to be laboured by a Person sent from *France* on purpose; and the Bishop’s Reluctancy to come into it argues it to have been something very dangerous, and beyond the ordinary Lengths of his Compliance.

And they observe that the principal Direction of the Conspiracy under all the Disguises of *Stocks*, *Manuscripts* and *Arrack*, is submitted to the Bishop’s Judgment, on which, it is often said, they do entirely rely.

Your Committee having thus laid before you the principal Matters in the intercepted Correspondence, that relate to the Bishop of *Rochester* more immediately, will now proceed to state to you what they find in the same Correspondence, relating to *George Kelly*; who, as has been shewn before, acted so much under the Direction and Influence of the Bishop, that it cannot be supposed he would take any Step of Consequence in an Affair of this Nature, without the Bishop’s being at least made privy to it.

The Committee forbear repeating what was mentioned before, about the Heads of Memorials to the Regent, brought by *Kelly* to *Neynoe*; but they find some farther Particulars <sup>d</sup> in *Neynoe’s* Papers, relating to *Kelly* alone.

‘ That *Kelly* had owned to him his having been formerly at *Avignon* while the Pretender was there; that at his Return from *France* last Winter, he brought over several Papers and Letters, and among the rest, one in *French*, in the Hand-writing of *Dillon’s* Secretary, intituled, *Reasons humbly offered to Cardinal Du Bois, proving that the establishing the House of Stuart on the Throne of England, preferably to that of Hanover, is the real Interest of the Crown of France, or to that Effect.* That this Piece was brought to *Neynoe* to be translated, which being written by a Papist, and turning much on the Advantage that would accrue to Popery, *Neynoe* advised against publishing it.

‘ That *Kelly* told him at other Times, that one Hundred Thousand Pounds, nay, fifty Thousand Pounds would be sufficient for bringing in the Pretender; and that he would warrant that Sum would be found.

‘ That whenever there happen’d to be a Stand made for the Pretender, great Numbers of Volunteers from *France* would appear for him:’ Which agrees with the Accounts sent from

thence, and with the <sup>e</sup> Letter from *Dillon’s* Secretary about securing *Sadlers*, which *Kelly* explained to *Neynoe* to mean *Irish* Soldiers.

*Neynoe* farther said, ‘ That *Kelly* propos’d to him to go over to *France*, and to settle in Lord *Landsdown’s* Family, where he said he might be of Service, and promised to make his Reception easy.’ And your Committee observe, that the very Time when *Neynoe* was taken going to *France*, *Kelly* <sup>f</sup> writ to *Dillon’s* Secretary, ‘ That he would soon see a young Fellow, whom he had mentioned to him some Time before, and that he might rely on his Honesty.’

*Neynoe* farther declared, ‘ That *Bingley* his Fellow-Traveller (now in Custody) lodging in the same House with *Kelly*, when *Kelly* was first taken up, burnt a Bundle of Writings he had that Day received from *Kelly*.’

*John Malone* (formerly Servant to Mrs. *Barnes*) who waited on *Kelly* at his Lodgings, <sup>g</sup> has deposed, that this *Neynoe*, *John Plunket* (now in Custody,) *Carte* and *Dennis Kelly*, often visited *George Kelly*.

As *George Kelly* is frequently designed by a great Variety of fictitious Names, in the intercepted Correspondence, the Committee think it proper first to apprize the House what Reason there is to assert that those Names do really belong to *Kelly*, and then to shew the Nature and Import of the Correspondence carried on under those Names.

It appears to your Committee, that since the Beginning of *April* 1722. (the Time of *Kelly’s* last Return from *France*) a great Number of Letters going to *France* were by Order of the Government opened, and Copies of them taken; and that several of those Letters, tho’ sign’d by different Names, were <sup>h</sup> observed by the Clerks who copied them, to be all in the same Hand-writing; and <sup>i</sup> one of the Originals having been stopped for a Specimen of the Hand, and having been shewn to *John Malone*, he has <sup>k</sup> deposed upon Oath, that he had often seen *George Kelly* write, and that he believes it to be his Hand. <sup>l</sup> Three other Papers, seized at Mrs. *Barnes’s*, having been shewn to *Malone*, he has sworn them severally to be *Kelly’s* Writing; and the same three Papers having been shewn to the Clerks of the Post-Office, they have sworn, That to the best of their Knowledge and Belief, as well the original Letters stopped, as the others sent forwards, which were signed, some of them *Johnson*, others *Hatfield*, *J. J. G. H.*, and *Wilkins*, were all in the same Hand with those three Papers so attested.

This general Proof fixes several of the Names to belong to *Kelly*; and it is remarkable that if any one of the Names above-mentioned be allowed to belong to *Kelly*, all the rest by which he signs, or is directed to, may, by the Series of his Correspondence, be shewn to belong to the same Person.

But your Committee farther observe that almost every individual Name he makes use of is attended with some particular Proof, which determines it to belong to him; of which Notice will be taken as the Names are mentioned.

It has been observ’d already, that he came from *France* about the Nineteenth of *December*, *N. S.* 1721. and that a <sup>m</sup> Letter was found a-

<sup>a</sup> D. 42. <sup>b</sup> D. 10. <sup>c</sup> D. 1. <sup>d</sup> E. 7. 8. 9. <sup>e</sup> E. 37. <sup>f</sup> E. 73. <sup>g</sup> E. 14. <sup>h</sup> E. 19.  
<sup>i</sup> E. 21. <sup>k</sup> E. 20. <sup>l</sup> E. 9. <sup>m</sup> D. 6.

among the Bishop's Papers, dated the 16th of *December*, in which mention is made of a Letter received by *Johson*, and an Answer returned some Time before in *Johson's* Hand.

*Neyce* declared, that the last Memorial to the Regent, which *Kelly* employed him to draw up, was in *December* 1721, and that it contained a Demand of five Thousand Men for the Assistance of the Conspirators. In *February* following *Kelly* went again to *France*, and towards the End of *April*, the Government received unquestionable Accounts, that repeated Application had been made to the Regent for such a Body of Forces.

The Bishop in his Letters writ soon after *Kelly's* Return from *France* acknowledges the Receipt of a Letter, and verbal Instructions from *Marr*, by *Hatfield*, and of a Letter from the Pretender by the same Hand, and mentions *Hatfield* as knowing his present Unfitness for Business.

But the Letters signed *Hatfield*, which were copied at the Post-Office, are sworn to have been in the same Hand with other Papers which are sworn to be *Kelly's* Hand-writing. And it appears by a Letter from *Marr* to *Hatfield*, that he was the Person to whom the Dog was sent for *Illington*; which shews *Hatfield* to be *Kelly*, and confirms *Neyce's* Information, that *Kelly* received Letters directed by the Name of *Hatfield*: And it appears that he not only brought over Letters from *France*, agreeably to what was told Mrs. *Lett* by Mrs. *Barnes*, and confirmed by *Neyce*; but that he was trusted with a Letter to the Bishop from *Jarvis*, the Name made use of for the Pretender in *Plunket's* Cypher; which Cypher it is evident *Kelly* was no Stranger to, since he makes use of several other Names found in that Cypher, to denote the very same Persons that are there expressed and defined by those Names.

On the twenty first of *April*, *Dillon's* Secretary writes to *Johson Vernon* (which will be shewn to be another of *Kelly's* Names) congratulating his safe Return, and tells him, 'That his first Letter was very pleasing to Mr. *Lane* (which is explained Lord *Marr* in *Plunket's* Cypher) who waited with much Impatience for those of Monday, hoping to receive a more particular Account of his Bills, which he daily becomes more pressed for; the Prospect of a good Vintage increasing by late Showers which had dropped there, and raised the Spirit of the Labourers. He adds, that it seems more plain, that on Advances of ready Money, good Bargains may be proposed.'

He afterwards tells him, 'That *Dillon* advises, that the Money which *Kelly* mentioned in *Clynton's* Hands, should be equally divided between *Medley* and the Pretender.' Who *Clynton* is does not appear to the Committee; but they see Reason to believe, from Passages in other Letters, that *Medley* means the late Duke of *Ormond*.

He then tells *Kelly*, 'That *Farmer* and Family are well, and that Mrs. *Hughes* became so very uneasy she was dismissed, and is on return.'

This Passage shews that *Farmer* means the Pretender, it being well known that Mrs. *Hughes*

was Nurse to the Pretender's Child, and was on her Return to *England* about this Time.

From this Letter your Committee observe, that *Kelly* was employed by *Marr* and *Dillon*, in soliciting Supplies for the Service of the Conspirators; and that he had acquainted them of a Sum of Money lodged in the Hands of one, whom they call *Clynton*, which they advised should be equally divided between the Pretender and *Ormond*. Whether *Kelly* was considerable enough to have this Advice sent him for his own Government and Direction, or was only to be the Channel for conveying it to some other Person of greater Distinction, is left to the Consideration of the House.

On the twenty third of *April* (as has been observed above) *Kelly* sent the Bishop's Pacquet of Letters under Cover to *Gordon* at *Boulogne*, with Orders to him to deliver it to a tall black Man, who would soon call on him for it.

This Person is in other Letters called *Crow*, and appears to your Committee by several concurrent Proofs, to be *James Talbot*, an Irish Papist, concerned in the *Prifson* Rebellion, and now in the *Spanish* Service.

*Kelly*, in his Examination before the Committee, owned his being intimately acquainted with this *Talbot*, and his having seen him the Morning he left *England*; and a Letter signed *J. Talbot*, was seized among Mrs. *Barnes's* Papers, in the same Hand with a Letter sent from *France* to *Kelly*, signed *J. T.* which is an Answer to one writ by *Kelly* to *Crow*.

On the twenty ninth of *April* *Gordon* acknowledges the Receipt of a Pacquet (already proved to be the Bishop's) and says he delivered it to the Gentleman as he was directed, who set out for *Paris* on the thirtieth of *April*. On the first of *May*, *Dillon's* Secretary writes to *Kelly*, 'Your Friend *Crow* is arrived safe, and delivered the three Books you gave him, as directed.'

On the second of *May*, *Dillon* himself writes to *James Baker* (which will be shewn to be another of *Kelly's* Names) and says, 'I saw your Acquaintance *Crow* two Days ago, who delivered me a Present from my Cousin *Jones*.'

And on the same Day *James Talbot* writes to *Kelly*, 'That Mr. *Gordon* gave him the Pacquet at *Boulogne*, which he delivered safe on Monday last, as directed. He adds, the Person received me very obligingly, and was much more open to me than I expected. Then, and since, he let me know he does not despair of doing his Business.'

On the seventh of *May*, *Kelly* writes to *Dillon*, 'That *Illington* was glad to hear he had received his Letters by *Crow*, and wished his next might be more to *Dillon's* Satisfaction.'

From these Passages it appears at one View, that the Bishop's Letters were sent by *Kelly* to *Boulogne*, by the Post; and thence conveyed to *Dillon* at *Paris*, by *Talbot*, *Kelly's* intimate Friend.

On the twenty fourth of *April*, *Dillon's* Secretary writes to *Kelly* a long Account of one *Xeland* (*Nicholas Wogan*) who was to command one of the Ships that was to be hired of some *Swedish* Merchants at *Cadix*.

<sup>a</sup> E. 10.      <sup>b</sup> E. 17.      <sup>c</sup> A. 2.      <sup>d</sup> D. 11, 12.      <sup>e</sup> E. 19.      <sup>f</sup> E. 32.      <sup>g</sup> E. 6.      <sup>h</sup> C. 51.  
<sup>i</sup> Lane, Howell, Xeland, Case.      <sup>k</sup> E. 30.      <sup>l</sup> E. 26.      <sup>m</sup> E. 81.      <sup>n</sup> E. 3.      <sup>o</sup> E. 62.      <sup>p</sup> E. 55.      <sup>q</sup> E. 34.  
<sup>r</sup> E. 37.      <sup>s</sup> E. 38.      <sup>t</sup> E. 40.      <sup>v</sup> E. 41. 4.      <sup>w</sup> E. 51.

This agrees with Mr. Craufurd's<sup>a</sup> Letter of the twenty fifth of July, N. S. 1722. in which he says that *Nicholas Wogan* was to have the Command of one of the Ships under *Morgan*, one of which having been lately taken at *Genoa*, the Commander (as your Committee are informed) has writ<sup>b</sup> over hither, that she was hired of some Swedish Merchants at *Cadiz*, with several other Circumstances, which agree entirely with this Letter to *Kelly*, and shew for what Use those Swedish Ships were hired.

In the same Letter *Dillon's* Secretary takes notice 'How kindly *Freeman* (the Pretender) had spoken of *Kelly* in his last.'

On the 30th of April, *Kelly* answers this Letter, but calls *Nicholas Wogan* by the Name of *Moore*, and says, 'I wish his Chief may succeed in his Journey.' Which being compared with the Accounts<sup>c</sup> sent about that Time from Mr. *Davenant* at *Rome*, that the Pretender was preparing to embark, makes it more than probable that he is the Chief, to whom *Kelly* wishes Success.

*Kelly* then gives an Account of a very important Conversation he had with one *Hore*: Who is meant by *Hore*, your Committee will not take upon them positively to determine, but by comparing several Passages of the Letters together, it appears to them highly probable, that it is Sir *Harry Goring*; in which Opinion they are the more confirmed by *Hore's* being mentioned as ill of the Gout in *France*, on the 14th of September: And *Kelly* takes notice in his<sup>d</sup> Pocket-Book, that Sir *H. G.* went to *P.* the 23d of August, which was the Day before the Bishop was taken up.

In this Letter *Kelly* says, '*Hore* is most impatient to have a more satisfactory Account from your Side; and hopes there may be room now to expect it, since there was nine remitted by *Repney*: he will soon, as he tells me, send you two more, which with the Twelve thousand Arms provided by *Mansfield's* (*Ormond's*) Relations, and which are now ready to be sent wherever design'd, and paid for too, will, he hopes, bring Matters to some Prospect of bearing.'

Your Committee observe, that this Impatience of *Hore* falls in, in point of Time, with the Account<sup>e</sup> Lord *Orrery* gave *Layer*, that Lord *North* and *Grey*, Sir *Harry Goring*, Lord *Strafford* and others, were going to do a rash thing in favour of the Pretender. That it likewise agrees with the<sup>f</sup> Letter to *Dodsworth*, mention'd in the former Part of the Report; where it is said, 'That the Hopes given by *G.* to expect a great Sum, and by *N.* that he had raised Twenty thousand Pounds, induced *Ormond* to supply *Morgan*, and to make other necessary Provisions;' part of which Provisions appear to have been the Twelve thousand Arms mentioned in<sup>h</sup> *Ormond's* Letter of the 27th of April, in<sup>i</sup> Mr. *Stanhope's* the 8th of June, and again in this Letter of *Kelly's*.

*Kelly* adds, 'That he hears *Ormond* continues still upon the old String, that he can get no Officers, and says, I wish the sending over *Hore's* &c. Commissions may not do more hurt than good; for that Affair is already become no Secret, and may pique some Friends, as well as put Ill-wishers on their guard.'

This Passage shews that the Scheme for an Infurrection was at that time in such Forwardness,

that Commissions were actually sent over; and confirms the Account of the late Duke of *Ormond's* being expected with Officers and Arms to support it.

On the 1st of May *O. S. Dillon's* Secretary writes<sup>k</sup> to *Kelly*, 'That he believes they have a sufficient quantity of Barrels bespoke, for the Wine they intend to buy; and that he hopes *Clynton* and Company have sent *Malcom* half Money, which *Hore* said he had, to pay for the Barrels which *Jacobs* has at his disposal.'

It has already been shewn that *Malcom* means the Pretender, and as *Clynton's* Money, which was before to be divided between *Ormond* and *Jackson*, is now to be sent half of it to *Malcom*: This is a farther Confirmation that *Jackson* means the Pretender; and agrees with the<sup>l</sup> Intelligence from *France*, of Sums sent about this time to *Ormond* and the Pretender.

In a Letter to *Kelly* of the 2d of May, was inclosed one<sup>m</sup> from *Dillon* to *Jemison*, who appears to be some intimate Friend of *John Plunket's*, and<sup>n</sup> was present in *France*, when the Cyphers were settled between *Dillon* and *Kelly*; but his real Name is undiscover'd.

In this Letter *Dillon* acquaints *Jemison*, 'That Mrs. *Freeman* intends to bring her Cause to a Trial as soon as possible; and that he believes Mr. *Abel's* Departure will be no Detriment to her Pretensions.' This Passage, compared with other Letters, shews that by *Freeman* is meant the Pretender, and by *Abel* his Majesty; and confirms the Design of an Infurrection at the beginning of May.

*Dillon* then desires *Jemison*, 'To assure his Cousin *Rogers* (*John Plunket*) of his best Respects, and how much he depends on her friendly and kind Offices in his Family-Concerns, which have great need of so good Assistance.'

*Plunket* being<sup>o</sup> examined by the Committee in relation to this Letter, denied his knowing any such Person.

On the 7th of May, *Kelly*<sup>p</sup> writes to *Dillon*, acknowledging the Receipt of the Letter for *Jemison*, mentions a long Discourse he had with one whom he calls Mr. *Fox*, who resented his being put out of the Pretender's Service by *Dillon*; but *Kelly* endeavour'd to convince him that *Dillon* had no hand in it, and laboured to regain him. Who *Fox* is, does not appear to your Committee.

*Kelly* then takes notice, 'That the Pretender's Favours to *Hore*, &c. had given great Offence; and that *Rogers* (*Plunket*) hearing of the Freedom which *Hore* and some of his Partners took with him, is much disoblige'd at it, and order'd *Jemison* to tell *Dillon* so.'

Your Committee observe from this Passage, that *Plunket* is treated as one whom it was thought of consequence not to disoblige; and that *Kelly* was apprised of his Intimacy with *Dillon*.

*Kelly* then gives an Account of his having called on Mrs. *Medley's* (the Dutchess of *Ormond's*) Chaplain. The Letter which desired him so to do, was directed to *James Baker*; and this, in which he says he has called upon the Chaplain, is signed *J. J.* which shews that *James Baker* is the same with *J. J.* which are the initial Letters of *James Johnson*.

On the 10th of May, *Kelly*<sup>q</sup> writes to *Dillon's* Secretary an Account of the Discoveries made by

<sup>a</sup> A. 32.  
<sup>3</sup> A. 15.

<sup>b</sup> A. 45.  
<sup>k</sup> E. 37.

<sup>c</sup> E. 35.  
<sup>1</sup> A. 6.

<sup>d</sup> A. 3.  
<sup>m</sup> E. 39.

<sup>e</sup> E. 17.  
<sup>n</sup> E. 57.

<sup>f</sup> B. 10.  
<sup>o</sup> C. 73.

<sup>g</sup> AA. 6.  
<sup>p</sup> E. 41. a.

<sup>h</sup> AA. 5.  
<sup>q</sup> E. 44

the Government, and the Encampment of the King's Forces; but your Committee observe his Assurances of Success were so strong, that in the same Letter he says, 'The King will go abroad next Month, and if you can then compass *Barrels* enough, the sooner the *Wine* comes, I believe the better.'

On the 19th of *May* he was taken into Custody; and it appears to your Committee by the Deposition<sup>a</sup> of one of the Messengers who seized him, that when he was seized he offered to draw his Sword, but was prevented. That the other Messenger being called out of the Room to rescue one of their Companions, who was in danger of being murdered in the Street, *Kelly* called to the People of the House to lock the Door; and seizing his Sword, which had been laid by in the Window, drew it, and made a Pass at the Messenger, who verily believes he did it with an Intention to murder him: That he afterwards made a second Pass, and swore if he came in again he would stab him; and said, that if the Secretary of State who signed the Warrant had been there, he would have done the same. That the Messenger going out to call for help, and returning within a Minute, was told, that *Kelly* had in the mean time burnt one of the Papers seized upon him.

Another of the Messengers<sup>b</sup> has deposed, that before *Kelly* offered this Violence, he had been shewn by the Messengers the Scutcheons or Badges of their Office, and likewise had been shewn their Warrant signed by one of the Secretaries of State: That the Warrant was also shewn to a Person present in the Room, who perused it, and declar'd to *Kelly*, that it was a sufficient Authority for apprehending him.

Your Committee think it unnecessary to make any Observation on a Behaviour, which implies his having so strong a Sense of his own Guilt, that he rather chose to stand all the Consequences of resisting and assaulting his Majesty's Messenger in the Execution of his Office, than to let his Papers fall into the Hands of the Government; fearing (as may justly be concluded) that such a Discovery might prove fatal to himself as well as others.

But your Committee find, that however careful he was to destroy all his Papers, yet one was seized upon him and preserved, which is of itself sufficient to prove him concerned in the treasonable Correspondence above set forth.

It was a List of Directions, in the following Words:

To Anthony Saunders Esq; or Mr. Joshua Vernon at Will's Coffeehouse Covent-Garden, London.

To Mr. James Baker, or Arthur Stephens Esq; at Burton's Coffeehouse in King's Street, near St. James's London.

By the three first of these Names, most of the Letters to him above mentioned came directed; and your Committee find, that a Person having been employed to watch at *Burton's* Coffeehouse, who should take up Letters directed to Mr. *James Baker* at that House, has<sup>c</sup> deposed upon Oath, That on the 14th of *May*, a Letter so directed being left there by the Postman, *George Kelly* came in and took the same, opened and read it, and went out of the House with a Letter in his Pocket to Mrs. *Barnes's*.

It appears to your Committee, that when he was<sup>d</sup> examined before the Lords, the 21st of *May*, 1722. he endeavoured to account for his receiving Letters by various Names, by saying, That one Mr. *Talbot*, who was under a Cloud, and who went for *France* or *Spain* about a Week before, had desired him to call at Coffeehouses for Letters directed to the said *Talbot* by several Names; and particularly that the Letter directed to *Baker*, which he own'd he took up, was for the said *Talbot*. Yet your Committee observe, that the said *Talbot*<sup>e</sup> arrived at *Boulogne* on the 25th of *April*, and did himself send a Letter from *Paris* to *Kelly*, on the 2d of *May*, signed *J. T.* directed To Mr. *James Baker* at *Burton's* Coffeehouse aforesaid; and Letters<sup>f</sup> continued to be sent by that Direction from *Paris*, till the time that *Kelly* was taken into Custody, tho' *Talbot* was all that time in *France*.

*Kelly* being<sup>h</sup> examin'd by your Committee in relation to these Letters, persisted in the same Account, that they were for *Talbot*, and that the Occasion of *Talbot's* going abroad was, that *Talbot* had received an Account of General *Crofton's* being dead, and of his having left him what he had. Which Particular, your Committee observe, agrees in part with *Neynoe's*<sup>i</sup> Account, that *Kelly* had shewn him a Letter at *Burton's* Coffeehouse from *Dillon's* Agent or Secretary, in which it was said, that the Death of General *Crofton* would be a great Loss to *Mansfield*, which Name *Kelly* explain'd to him to mean the late Duke of *Ormond*.

*Kelly* farther<sup>k</sup> own'd to your Committee, 'That he went to *France* the beginning of the Winter 1721. and again the Spring following, on account of Transactions he had in the Stocks there. That he was desired by a Brother of the Lord *Dillon's* to carry over to General *Dillon* an Act of Parliament relating to the Estate of that Family, but that this was the only Paper he carried' That he saw *Christy*, her *Glajcock*, who is a Captain in *Dillon's* Regiment, and knew Sir *John D'Obryan*, who is *Dillon's* Secretary, and had likewise seen *Colin Campbell* of *Glenderoule* at Coffeehouses, but had never spoke to the latter.

Yet your Committee observe, that as in his Letters he often sends Services to Sir *John* and *Christy*, he does also to *Glen* and *Collins*, which last Name is explain'd *Glenderoule* in his own Cypher<sup>l</sup> taken among *Dennis Kelly's* Papers. And when he was examined before the<sup>m</sup> Lords, he own'd his having receiv'd Letters from one *Glasgow* at *Paris*, which Name in *Plunket's* Cypher is expressed by the fictitious Name of *Howell*, and has been shewn above to mean the same with *Quitwell*, *Querry*, *Bonnerville*, and other Names which belong to *Dillon's* Secretary, and are subscribed to several treasonable Letters from *France*.

*Kelly* denied to your Committee his being at all known to the late Lord *Marr*, or *Alexander Gordon* of *Boulogne*; tho' he own'd his going by the Name of *Johnson*, by which Name the<sup>n</sup> Letter to *Gordon* was signed, and the<sup>o</sup> Answer from *Gordon* directed: And the<sup>p</sup> Letter from *Marr* was directed to *Hatfield*, which Name has been shewn to mean the same Person as *James Johnson*, and has been proved by other Circumstances to belong to *Kelly*.

He own'd his writing to a broken Banker at *Paris* by a fictitious Name in relation to Stocks, but said he had forgot the Name, and that

<sup>a</sup> E. 5. a.    <sup>b</sup> E. 5. b.    <sup>c</sup> E. 36.    <sup>d</sup> E. 1.    <sup>e</sup> E. 34.    <sup>f</sup> E. 40.    <sup>g</sup> E. 46.    <sup>h</sup> E. 81.    <sup>i</sup> E. 10.  
<sup>k</sup> E. 81.    <sup>l</sup> F. 11. a.    <sup>m</sup> E. 1.    <sup>n</sup> E. 26.    <sup>o</sup> E. 34.    <sup>p</sup> E. 32.

he never received a Letter in his Life signed by a fictitious Name.

But your Committee had reason to believe from the whole Tenour of his Behaviour at his<sup>a</sup> Examination, that he grossly prevaricated with them; for at his first coming in, before he would make any Answer; he very formally insisted that nothing he should then say should be made use of against his own Life, nor as Evidence against any other Person: And upon these Conditions he promised to answer directly to all Questions that should be ask'd him.

Your Committee seeing some Reason from the manner of his insisting upon these Conditions, to believe that he was dispos'd to act ingenuously with them, order'd him to withdraw, that they might consider amongst themselves, how far it was in their Power, or proper for them to agree to Conditions, which would have made his Examination of no Effect; and upon his being called in again, and receiving such Answer as the Committee thought it in their Power to give, he deny'd his knowing any thing at all of the Conspiracy. This your Committee apprehend to be altogether inconsistent with the Conditions he insisted on; which manifestly imply'd that a Confession of all he knew, might endanger his own Life, as well as affect other Persons. But in the Course of his Examination he owned to them, that the Promise they had given him, was not satisfactory, tho', as he pretended, he could not have answer'd their Questions in any other Manner, if their Promise had come up to the Conditions he insisted on.

Your Committee observe, that *Kelly* was admitted to Bail from his first Confinement about the seventh of *June* last, and they conceive it to be a great Aggravation of his Guilt, that he immediately took advantage of this Enlargement to resume the same treasonable Correspondences, and to send triumphant Accounts to *France*, of his having baffled the Government by the harden'd Obstinacy of his Behaviour; thereby improving, as far as in him lay, the Liberty granted him by the Favour and Indulgence of the Laws, to the Subversion of our happy Constitution. For on the 11th of *June*, but a very few Days after his being out on Bail, he sent a long<sup>b</sup> Letter to *Gerrard*, (whom your Committee believe to be Sir *John D'Obryan*, as has been already observ'd) in which, the better to disguise the Matter, he gives an Account of his Cousin's late Misfortune, as from a third Person; but in a<sup>c</sup> subsequent Letter to *Dillon* the 18th of *June*, he owns the writing this Letter himself.

In this Letter to *Gerrard* he says, ' That he was bailed the *Thursday* before, and that the Judges were never known so severe in any Case of the like Kind: That most of the Questions ask'd him at his Examination were about a little Dog which he got from a Surgeon when he was last in *France*; that they mention'd no Persons to him but *General Dillon*, and one Mr. *Morgan*: That to the first he owns he is a little known, having carry'd over an Act of Parliament to him that concerned his Family, but that the latter he never saw: That Lord *Carteret* had a List of five or six Cant Names, as he call'd them, which were, *Illington*, *Jones*, *Howel*, *Quitwell* and *Hacket*, and what he never heard

of before; that however they would persuade him he knew some Persons that were meant by those Names, which he vows he never did, and whosoever *Illington* is, he was the Person principally struck at. That he is not at all satisfy'd with the Behaviour of his Friends: that *Gerrard's* old Friend *Rig* indeed offered all that could be expected of the poor Man; but others in whose Power it was to do more, shew'd no Concern at all for his Misfortune. That he lay ten Days in the closest Confinement, without so much as a Message from any of those he depended most upon; that it is well he had no Secrets to reveal, since such Usage might provoke a passionate Man, and that the World is pretty well convinc'd that he had not, since no Persons seem'd to be the least apprehensive that he could do them any Mischief.

' That this shews what the Friendship of some People is; but whilst there is *one righteous Person*, we must, for his sake, overlook greater Misfortunes.

' That he is very well, and under no great Concern for any thing as to himself but the Expence, having more than his own to answer.

' He concludes, with desiring *Gerrard* to direct under Cover to Mr. *Andrews* at the *Dog and Duck* in *St. James's-street*.'

Your Committee find, that after this Time several Letters did come from *France*, directed to Mr. *Andrews* at the *Dog and Duck*, and that the Master of that House having been examined, has deposed on Oath, ' That one *Andrews* order'd him to take in Letters that should come by the foreign Post so directed, and that three of those Letters were directed to the *Dog and Duck* in *King-street*, by Mistake; but were afterward brought to his House in *St. James's-street*, and taken up by *Andrews*, who happen'd to be there when they came in.'

It appears farther to your Committee, that the said *Andrews* having been examined, has deposed on Oath, ' That Mr. *Johnson* alias *Kelly*, desired him to take in some Letters directed to him, *Andrews*, at the *Dog and Duck* Ale-house in *St. James's-street*; that he received in the whole four or five, in the Months of *July*, *August* and *September* last, to the best of his Remembrance; that they appeared by the Charge of Postage to be foreign Letters, and that he delivered them unopened to the said *Johnson* alias *Kelly*, who paid him the Postage; that he, *Andrews*, knew nothing of the Contents, nor ever returned any Answer to them.'

On the 18th of *June*,<sup>f</sup> *Kelly* writes to *Crow* (*James Talbot*) giving him an Account of his late Misfortune, and the Reasons of his Silence, and mentioning his Design of going over into *France*, as soon as his Appearance in *Westminster-Hall* should be over.

' He then sends his Service to all Friends, particularly to Sir *John* and *Christy* (Sir *John D'Obryan* and *Christopher Glascock*), and desires *Talbot* to tell the latter he must find out some other Address for him to write by, since he has good Reasons for not using the former, which have prevented him from writing to him these ten Days past, and that if it were to a *French* Person, it would be so much the better.'

<sup>a</sup> E. 51.<sup>b</sup> E. 47.<sup>c</sup> E. 49.<sup>d</sup> E. 50.<sup>e</sup> E. 51.<sup>f</sup> E. 48.

Your Committee observe, that soon after, a French Direction to Monsieur *Maisonneuve*<sup>a</sup> was sent over to *Kelly* by *Christopher Glascock*, which *Kelly* made use of for some Time, and the original Letter in *Kelly*'s Hand stopt at the Post-Office, is so directed. They likewise observe the Reasons which *Kelly* says he had, not to make use of the old Directions, appear evidently to have been, that he was questioned before the Lords on the Names of *Howell* and *Quitwell*, which were the Names made use of for *Glascock*.

He concludes his Letter to *Crow*, with desiring him to direct to him by the Name of *Wilkins* at *Will*'s Coffee-house; and your Committee observe, that not long after a Letter came signed *J. T.* and so directed; which was stopt, and is in the same Hand with the Letter signed *J. Talbot*, seized at *Mrs. Barnes*'s; which confirms *Talbot* to be *Crow*.

In this Letter to *Crow* was enclosed one from *Kelly* to *Dillon* by the Name of *Dixwell*; the Substance of which has been partly set forth in that Part of the Report, which relates to the Bishop of *Rocheſter*. In this Letter he desires to be excused from meddling in Business for some Time; but says, it does not proceed from any Change of Opinion, or Resentment of the little Concern that has been shewn him; but from a Conviction, that without changing both their Method and their People it will be impossible to make any Thing of it.

*Kelly* adds in this Letter: 'Your Correspondents at *Will*'s and *Burton*'s are gone, and desire you may write no more that Way; and when you do me that Favour, please to address under Cover to Mr. *David Wilkins* at *Will*'s Coffee-house, *Covent-Garden*, and not to *Andrews*, as I desired.'

This Passage confirms the List of Directions to *Will*'s and *Burton*'s, found in *Kelly*'s Pocket; and shews that the Letters to *Wilkins*, as well as *Andrews*, were for *Kelly*, tho', as is before observed, he denied the having ever received any Letter under a fictitious Name.

On the twenty-eighth of *June*, *James Talbot* writes to *Kelly*, congratulating him on his Enlargement and Behaviour, and expressing his Surprise, that he should at such a Juncture have Reason to complain of want of Friends.

On the same Day *Glascock* writes to *Ireton* under Cover to *Andrews*; and as *Andrews* delivered these Letters unopened to *Kelly*, this shews that *Ireton* is another Name for *Kelly*, of which the Matter of the Letters furnishes abundant Proof.

In this Letter *Glascock* takes notice, that *Kelly*'s Letter to *Chitwood* came safe. This refers to *Kelly*'s Letter of the eighteenth to *Dixwell*, and shews *Chitwood* to be another Name for *Dillon*.

'That what he had recommended in relation to the New Book of Accounts would be observed, and that *Forrester* had the same Advice given to him and *Ormond*.' Who *Forrester* is does not appear to the Committee, but, as he is mention'd here with the late Duke of *Ormond*, he is probably the Person who wrote the Letters to *Dumville* and *Dodsworth* above-mentioned.

*Glascock* then tells him, 'That *Ormond* had expressed much Concern for what had befallen *Kelly*. He afterwards desires the Particulars of

his Case, and to know what is wanting for paying off the Doctor's and Apothecary's Bills, acknowledges the Receipt of a Letter from *Rogers*, and inquires after *Jemison*.'

On the twenty-eighth of *June*, *Kelly* writes to *Talbot* of the Neglect that had been shewn him, and the Reasons that he had to decline any farther Traffick with the Merchants here; he says, if *Talbot* perceives no likelihood of a sudden Change for the better, he must retire to some cheap part of the Country, if *Dillon* allows of it; expresses his great Obligations to *Dillon*, and his Readiness to execute any private Commands of his; and adds, (what appears to your Committee very remarkable) 'If I were in a Condition to bear the Weight of publick Business, *Dillon* should never be at the Trouble to employ another, but that he is heartily sorry *Dillon* himself has done it so long, for ungrateful People on this Side; says, he never intended to trouble his Friends on this Side on his own private Account, but publick ones of this Nature are what he thinks they ought to take care of, since they are best able to do it, and expect the best Returns for it.'

Your Committee observe from Passages, that tho' *Kelly* would have it believed he only corresponded with Persons in *France* on private Affairs, relating to the Stocks, yet he here owns in Effect, that he had been trusted with Affairs of a publick Nature, and that those Transactions having brought on him the Displeasure of the Government, it was reasonable for him to hope for Support from those in *England*, who expected the best Returns from his and *Dillon*'s joint Labours.

Your Committee farther observe, that this Letter was directed to *Crow*, and yet in it was enclosed one from *Ireland*, relating to Family Affairs, directed to *James Talbot*, Esq;

On the fourth of *July*, *Glascock* writes to *Kelly*, 'That *Dillon* intended to have sent him a Letter of Credit by the Post, drawn on Mr. *Harrold*, but kept it back till he heard from him, for fear, by removal into the Country, or by any other Accident, it should be lost.'

On the eleventh of *July*, *Glascock* repeats the same, and his Suspicion that the Letters to *Andrews* had miscarried. Then acquaints *Kelly* with kind Expressions that he had seen from Dr. *Frecman* and Mrs. *Malcom* (the Pretender and his Spouse) in relation to *Hawkſby*'s first Operation in his late violent Distemper.

Your Committee observe from what follows in this Letter, that, tho' in *Plunket*'s Cypher *Hawkſby* stands for King *George*, yet in the Pretender's Cypher it stands for *George* without any Addition, and appears for that Reason to be made use of to denote *George Kelly* in this Place. Be that as it will, it is evident from what follows, that *Kelly* is the Person here meant.

The Pretender's Words mention'd in this Letter are as follows:

*Hawkſby*'s steady and resolute Behaviour in the first Operation, answers the good Opinion I have long had of him; I am fully persuaded that all the Surgeons will do hereafter shall not be able to alter his Temper, and I hope he will come off with Patience and a short Confinement, by which his Health will become more perfect and satisfactory to his Friends.'

<sup>a</sup> E. 54.<sup>b</sup> E. 21.<sup>c</sup> E. 62.<sup>d</sup> E. 3.<sup>e</sup> E. 53.<sup>f</sup> E. 54.<sup>g</sup> E. 55.<sup>h</sup> E. 56.<sup>i</sup> E. 57.

*Glascock* then adds, ' *Mrs. Malcolm* (the Pretender's Spouse) in her short way of Expression, says, *I am truly glad that honest Hawksby is recover'd, for I take him to be a very valuable Man.*'

Then he says, ' I know these Compliments will be comfortable to a sick Person from his Friends, for which reason I trouble you with them, as a Proof of my Attention towards one I wish so well.'

These last words shew, that this Comfort was intended for *Kelly*, to support him under his Trouble, which is disguis'd under the Notion of Sickness; and your Committee think it unnecessary for them to make any Observation on a Passage, which shews so plainly *for whose sake* it was understood he had brought this Trouble on himself.

*Glascock* next tells him, ' That as he is upon regulating his new Book of Accounts, he should be glad to know whether *Kelly* and *Jemison* had those by them, they and *Glascock* rectily'd together.'

This shews that *Kelly's* Journeys into *France* were not wholly on private Affairs, and confirms *Nevnoe's* Account of his having seen Cyphers in *Kelly's* Hands, and is again confirm'd by the Cypher found among *Dennis Kelly's* Papers, which is in *George Kelly's* Hand-writing.

*Glascock* then sends him the *French* Direction he had desired.

On the seventeenth of *July*, *Glascock* writes again to *Kelly*, to let him know why the Bill was not sent, and to desire a sure Address. He likewise cautions *Kelly* not to draw any more on *Digby*, but on *Messieurs Chitwood* and *Dupleffis*, at *Mr. Hucs Banker rue de la Monnoye*. Your Committee observe, that this was about the time that *Mr. Cravesford* made the Discovery above related about the Name of *Digby*; and that for some time after, *Kelly* directs his Letters for *Dillon* to *Dupleffis*, till a new Cypher, which he, *Kelly*, sent over afterwards came to be made use of.

On the 19th of *July*, *Kelly* writes to *Glascock*, that *Mr. Andrews* received the several Letters from *Glascock* all together; which was occasioned by a Mistake in directing them to *King-Street*, instead of *St. James's*; which agrees with *Andrews's* Deposition above-mention'd.

He then returns Thanks for the Letter of Credit intended him, and says it will come safe either to *Mr. Wilkins* at *Will's* Coffee-house, or to *Mr. Andrews* at the *Dog and Duck*. This, compared with *Andrews's* Deposition, shews that the Bill was for *Kelly* himself: which Observation the Committee think it proper to make, because, when he was examined before them in relation to the Letters directed to *Andrews*, tho' nothing was said to him about the said Bill, he immediately endeavour'd to explain away that Matter by the following Prevarication.

He said, ' He had been desir'd by one *Mrs. Oxburgh* in the City, Daughter to him who was executed, to receive some Letters for her from abroad, and that he did not know but he might employ one *Andrews*, or some other Friend to take up such Letters. That he had likewise received some Money on a Bill for the said *Mrs. Oxburgh*, of a little Man, a Banker in *Lothbury*,

or somewhere behind the *Exchange*, and that he had endorsed the Bill with his own Hand.'

Your Committee observe that this last Circumstance makes it probable the Bill was for himself, since his Endorsement on a Foreign Bill (which is not usually made payable to the Bearer) would not have entitled him to have received the Money; nor have been a sufficient Discharge except the Bill had been made payable to him.

They likewise observe, that *Mr. Martin Harold*, on whom the Bill was drawn, whom *Kelly* avoided to name, does live behind the *Exchange*, tho' not in *Lothbury*; and in *Glascock's* Letter of the Twenty-fourth of *July*, *Kelly* is particularly directed to indorse the Bill on *Harold* with his own Name. Your Committee submit it to the Consideration of the House, whether it is not evident from these Circumstances, that *Kelly* received the said Money for his own use, as a Reward for his Sufferings, and an Encouragement to persist in his Obstinacy.

On the 23d of *July* *Kelly* writes to *Talbot*, ' That this Bill and the hopes of Success in another Particular, when the Term is over, makes him a little easy.

' That as to what they had so often talk'd about, he did not know what to say to it, and that *Nicholas Wogan's* Return gave him the less hopes of it; but that he heard the *Beautiful Squire* was certainly determin'd on something, but when, and in what manner, is what he knows nothing of.' Who is meant by the *Beautiful Squire*, the Committee cannot take upon them to determine; but they observe this Letter was writ the Day after *Laver's* return by *Epping* from *Norfolk*, at which time he told *Plunket*, ' That the Pretender's Friends would run down the Ministry and King *George* in a little time, and bring the Law-Suit to bear on their own bottom, independent of the Regent, or any Body else;' as is related in *Plunket's* Letter of the same Date with this of *Kelly's*.

On the 2d of *August*, *Kelly* writes to *Glascock*, ' That he had received the Bill. That his Letter of Licence is not out till the end of *October*, and that his Creditors threaten then to shew him no mercy: In the mean time he must hope the best, and wish that some good Turn of Fortune may enable him to do them justice.'

He adds, ' That he expected to have sent the State of their Accounts before now, but that the Gentleman who was to carry them, met with an Accident the other Night, which prevented him; therefore he cannot do it till he recovers, or some other Opportunity offers.' Then sends a long Account of *Dennis Kelly's* being taken up.

On the 6th of *August* he sends the same Account to *Dillon*, and mentions the great Terror the Guards are under from Informers; which Intelligence your Committee observe, was thought considerable enough to make an Article in the Pretender's late Declaration.

On the same day he sends *Glascock* an account of *Sample's*, *Cotton's*, and one *Campbell's* being taken up; ' That there were Reports of one *Sir Harry Goring's* being taken, and of Forces being sent for the Lord *North* and *Grey*,

<sup>a</sup> E. 10.

<sup>b</sup> F. 11. a.

<sup>c</sup> E. 58.

<sup>d</sup> A. 31.

<sup>e</sup> E. 59.

<sup>f</sup> E. 51.

<sup>g</sup> E. 81.

<sup>h</sup> E. 61.

<sup>i</sup> E. 60.

<sup>k</sup> C. 63.

<sup>l</sup> E. 66.

<sup>m</sup> E. 67.

<sup>n</sup> E. 68.

‘ Lord *Strafford*, and other Persons of Quality ;  
 ‘ but that he finds there is no Truth in them,  
 ‘ and is told that the two last are come to Town.  
 ‘ He then desires to know *Dillon’s* private  
 ‘ Thoughts from whence the ill Report of his  
 ‘ Cousin’s Circumstances comes, which has occa-  
 ‘ sion’d this Severity from his Creditors, and says,  
 ‘ he hopes soon to send the State of their Ac-  
 ‘ counts, which has hitherto been delay’d for  
 ‘ want of a proper Hand.’

On the 9th of *August*, *Kelly*<sup>a</sup> writes to *Glascock*, ‘ That *Den* is come to Town, and behaves  
 ‘ like a Friend; but that *Rep* is still in the Coun-  
 ‘ try, and so is *Ho*; and that the latter had ear-  
 ‘ nestly desired *Kelly* to go to him for a few Days,  
 ‘ which he had hopes of doing, but intended to  
 ‘ make but a short stay.’

Your Committee see reason to believe, that  
 by *Ho* is meant *Hore*; and they find an Entry  
 in *Kelly’s* Pocket-Book of his having been at  
 Mrs. *H.’s*, and another Entry in these Words;  
*To enquire for Mr. — at Mr. William Bayning’s*  
 at Horn-Dean, which is a House much frequen-  
 ted by Sir *Harry Goring*, as appears by a<sup>b</sup> De-  
 position annexed to this Report.

Who are meant by *Den* and *Rep* your Com-  
 mittee will not take upon them to determine,  
 tho’ they think this Letter compared with that  
 writ three Days before, may lead to a Discovery  
 of the Persons meant.

On the 13th of *August*, *Kelly*<sup>c</sup> writes again to  
*Glascock*, ‘ That he intends to visit *H.* who being  
 ‘ at a pretty good Distance in the Country, he  
 ‘ cannot return under four or five Days. Which  
 agrees with the Circumstance of his going down  
 as far as *Horn-Dean* near *Petersfield*.

He afterwards adds a very remarkable Para-  
 graph in these Words: ‘ what would you advise  
 ‘ poor *Trotter* to do, he is ready to take a Voyage  
 ‘ any where, and is, you know, an honest and fit  
 ‘ Person for that Business; he has wrote very  
 ‘ earnestly to me for my Advice, which I told  
 ‘ him I could not give till I heard from you.’

Your Committee think it their Duty to ob-  
 serve to the House, that in the<sup>d</sup> Cypher found  
 among *Dennis Kelly’s* Papers, in *George Kelly’s* own  
 Hand-writing, *Trotter* is one of the fictitious Names  
 set over against the Name of *Carte*, and that on  
 the Day this Letter was writ, His Majesty had  
 issued his Royal Proclamation for apprehending  
 the said *Carte*, against whom it is there set forth  
 a Warrant had been issued by one of the Secreta-  
 ries of State for Treasonable Practices, and that  
 he had absconded and fled from Justice.

Yet it appears from this Letter, that *George Kelly*,  
 far from discovering where the said *Carte* was con-  
 ceal’d, was desirous to promote his Escape, by  
 getting him invited to undertake a Voyage into  
 foreign Parts; and that notwithstanding the trea-  
 sonable Practices alledged against him, he here  
 gives him the Testimonial of an honest Man, owns  
 his having had Communication with him by Let-  
 ter, after the Time of his Escape, sollicitated *Glascock*  
 in his Favour, and undertakes to aid and  
 assist the said *Carte* with his Advice, as soon as he  
 should have an Answer from *Glascock*.

On the 13th of *August*,<sup>e</sup> *Glascock* writes again  
 to *Kelly*, in relation to the Bill on *Harold*, and  
 mentions his expecting the Gentleman soon that  
 was to clear Accounts.

He afterwards tells *Kelly*, ‘ That Mrs. *Musgrave*  
 ‘ had received Advice from her Father,  
 ‘ that she is not to expect a Farthing of the Al-  
 ‘ lowance due to her for the Time past; or to  
 ‘ come, which *Allen* had procured a seizure of,  
 ‘ on account of her Husband’s Debts and Mis-  
 ‘ management.’

Your Committee, from comparing this Letter  
 with others, where *Musgrave* is mentioned, and  
 from observing the Date, see reason to believe,  
 that this Passage relates to the stopping a Pension,  
 which the Committee are informed by his Ma-  
 jesty’s singular Bounty and Indulgence, and upon  
 Application from the late Lord *Marr*, and Pro-  
 mise of Services, was allowed to him; and they  
 cannot reflect, without Indignation and Astonish-  
 ment, on the black Ingratitude of Persons, who,  
 while they were in a great measure subsisted by  
 his Majesty’s unexampled Liberality, were labour-  
 ing by the most wicked and unjustifiable Practices  
 to dispossess him of his Crown, and to destroy his  
 sacred Life.

On the 17th of *August*, *Glascock*<sup>f</sup> writes again  
 to *Kelly*, and among other things says, ‘ He is  
 ‘ contriving to get at *Barker* for a Relief in favour  
 ‘ of *Farmer’s* (the Pretender’s) Children, in case  
 ‘ their Step-Father should pretend to deprive  
 ‘ them of their Due.’ It appears by another<sup>g</sup>  
 Letter, *Barker* means some considerable Person  
 in *France*; but what this Passage particularly re-  
 lates to, your Committee cannot with certainty  
 determine. However they have thought it their  
 Duty to lay this and other obscure Passages before  
 the House, that it may be seen how much it  
 is in the power of Persons now in custody to dis-  
 cover; and of what Importance it is to the Safe-  
 ty of his Majesty’s Government, that such Dis-  
 covery should be required at their Hands.

On the 20th of *August*, three Days before the  
 Bishop of *Rochester* was taken into custody, *Kelly*<sup>h</sup>  
 writes to *Glascock* (the Original of which Letter  
 is stopp’d, and sworn to be his Hand-writing;) and  
 says, ‘ Your Cousins *Ireton* and *Wilkins* are  
 ‘ both gone into the Country, and earnestly beg  
 ‘ the Favour of you not to write to them any  
 ‘ more for which you will soon know the Reasons.’

On the 30th of *August* he<sup>i</sup> writes to *Dillon*;  
 and after giving a very long and particular Ac-  
 count of all the Circumstances of the Bishop’s be-  
 ing taken up, examined, and committed to the  
 Tower, he says, ‘ You are by this satisfy’d of  
 ‘ the Reasons of my late Silence.’ Your Committee  
 observe, That these Passages shew the Connection  
 which *Kelly* thought there was between the Bishop  
 and himself.

In the same Letter of the 20th of *August* your  
 Committee observe another very remarkable Cir-  
 cumstance; *Kelly* says, that he is going to the  
 Country that Day, and he had said<sup>k</sup> before that  
 he was going to Mr. *Hore’s*.

In his<sup>l</sup> Pocket-Book notice is taken, that Sir  
*H. G.* went to *F.* on the 23d.

On the 14th of *September*, *Glascock*<sup>m</sup> writes him  
 word, ‘ That Mrs. *Hore* was under a Fit of her  
 ‘ old Sickness at *Rouen*; but that it was not safe,  
 ‘ for many good Reasons, to have her transported  
 ‘ to *Paris*, there being abundance of Quacks go-  
 ‘ ing about, which cause much Mischief.’

<sup>a</sup> E. 69.  
<sup>b</sup> E. 21.

<sup>c</sup> E. 80.  
<sup>d</sup> D. 45.

<sup>e</sup> E. 70.  
<sup>f</sup> E. 69.

<sup>g</sup> F. 11. 2.

<sup>h</sup> E. 17.

<sup>i</sup> E. 71.

<sup>j</sup> E. 72.  
<sup>k</sup> E. 74.

<sup>l</sup> E. 71.

From this Time forwards *Kelly* makes use of a new Cypher of Names, and new Directions to his Letters.

On the 27th *Kelly*, <sup>a</sup> writes again and says, 'That since Mr. *G. Sampson* went, he has not heard a Syllable from his Correspondents in France, which has been a great Detriment to several of their Friends.'

On the 9th of *October*, <sup>b</sup> *Glascock* sends him word, 'That all the Letters he wrote by the Post, came safe; but that he had not yet seen the Person who was to deliver him the particular Instructions and Address he was to make use of, that Person being still detained in the Country; but that he had taken Measures to get from him the Memorandum *Kelly* had given him.'

On the 17th of *October*, *Glascock* <sup>c</sup> sends *Kelly* word, That the Book of Accounts sent by *G. Saunders* is at last come to hand, tho' the Person that brought it is still in the Country, so that they are now in a Condition to settle Accounts with *Kelly*.<sup>d</sup> And from this Time forward the Correspondents in France make use of a new Cypher of Names, and new Directions to their Letters.

From all these Circumstances, your Committee see reason to believe, that *Kelly* sent over a new Cypher, and a new List of Directions to France by Sir *Harry Goring*; in which they are the more confirm'd, by observing that this new Cypher appears fram'd in such a Manner, that the initial Letters of the real Names are always prefixed to the fictitious ones, which last are frequently varied, but the initial Letter never. This will be more clearly understood by instancing in one of the Names.

The Person who carried over the Cypher and List of Directions from *Kelly*, is in some Letters call'd *G. Sampson*; in others *G. Stephenson*, *G. Saunders*, and *G. Sandford*; and appears to be the same with Mrs. *Hore*, who was observed before to be probably Sir *Harry Goring*.

Your Committee farther observe, That all the Names made use of in the new Directions, were enter'd by *Kelly* in the <sup>e</sup> Pocket-Book that was taken upon him when he was last seiz'd, with such Marks and Observations before them, as need no great Explanation. Over-against the Names of *Bonnarville* and *Disode*, is writ the Abbreviation *Glas.* and a <sup>f</sup> Letter signed *Disode*, having been stopped at the Post Office, appears to be in the same hand as those signed *Howell*, *Quitwell*, *Querry*, &c. which were shewn above to have been writ by *Glascock*. Over-against *Brisac* and *Du Puy*, is writ *Stur*; and your Committee find that Letters came for *Kelly*, directed by these Names to *Sturgis's* Coffee-house. Over-against *Contade* and *Lunelle*, is writ *Slau*; and your Committee find, that Letters thus directed were left for him at *Slaughter's* Coffee-house.

The Committee are sensible, that their entering into so minute a Detail, must be tedious to the House; but as the Conspirators have been no less industrious than they are obstinate in concealing their Treason, your Committee have thought it their Duty to trace it thro' every Disguise, as near as they could, and to lay before the House every Circumstance which may any way tend to a Discovery so necessary for the Safety and Quiet of these Kingdoms, and yet so little to be hoped for

from the present Temper and Disposition of the Conspirators themselves.

The first <sup>g</sup> of *Kelly's* Letters, writ in this new Cypher, is of the 10th of *September*, directed to *Bonnarville (Glascock)* under Cover to *Hues*, Banker at *Paris*.

In this he says, 'I hope you have seen *G. Stephenson* before now,' and mentions a Trunk that he is soon to send to him; which Circumstance shews he is the same Person meant by *G. Sandford* in other Letters.

He then takes notice of a young Fellow that he had recommended, (which was observed before to be probably *Neynoe*) 'and earnestly begs the Goods he carries with him may be disposed of at any Rate; and, if possible, without Mr. *L. Crawford's* or his Partners being concerned in the Bargain.' Your Committee observe from *Neynoe's* Informations, that he was to be recommended by *Kelly* to Lord *Lansdown's* Family. They likewise observe from several other Letters, that *Dillon*, upon the Caution given him by *Skinner* from the Bishop of *Rocheſter*, was grown very jealous of his former Friends at *Paris*; from which Circumstances, they think it probable, that by *L. Crawford*, is meant Lord *Lansdown*.

He then adds, 'Your Cousin *C. Saunders* is well, and with a Friend in the Country, who will take particular Care of her, till a better Service can be got for her.'

This compared with what he says in his Letter of the 13th of *August*, of *Trotter's* having writ to him for Advice, and wanting to be employ'd in a Voyage or other Business, makes it probable, that by *C. Saunders* is meant *Carte*.

He then adds, 'Your Relations, *N. Crone* and *S. Farrel*, have made several Bargains for ready Money in the third Subscription; and as the Time allow'd by Parliament for Non-prosecution will be out as soon as it fits, their Creditors will then fall upon them and all their Friends, and put them in Jail, except you can send them some Relief: And tho' your Actions are at a very low Price, however, I believe, they would be extremely pleased to have them sold at any rate, to enable them to pacify their Creditors on this Side, and to put them in a state of Safety.'

It has been observ'd that the Conspiracy is often treated of under the Cant of *Stocks*; and whether this third Subscription may not mean the third Period of Time fix'd by the Conspirators, and the Relief desired be not some Assistance from Abroad, is submitted to the Consideration of the House.

That this Passage cannot be understood in the literal Sense, is evident from its being said, that the Time of Non-prosecution expires at the Sitting of the Parliament; but your Committee apprehend, that the Meaning of this Paragraph is fully explain'd by another in the same Letter, in which *Kelly* says, 'There is no Prospect of the State Prisoners getting out till next Term, and if the *Habeas Corpus* Act be suspended at the Meeting of the Parliament, they will remain during the Government's Pleasure, and perhaps have Company enough.' Who are meant by *N. Crone* and *S. Farrel*, is submitted to the Conjecture of the House.

<sup>a</sup> E. 75.<sup>b</sup> E. 76.<sup>c</sup> E. 78.<sup>d</sup> E. 17.<sup>e</sup> E. 78.<sup>f</sup> E. 73.

His next <sup>a</sup> Letter to *Glascock* is of the 27th *Sept.* in which he complains, 'That he has not heard a Syllable from *D. Gainer* (*Dillon* probably or *G. Roberts* (*Glascock* probably) since Mr. *G. Sampson* (*Goring*) went; which has been no small Detriment to some of their Friends.' He adds, 'The Term being soon at hand, we shall be much at a Loss how to manage without their Advice; which *G. Sampson* positively promis'd to send a speedy Account of.'

'The Situation of your Friends stands much as it did, and nothing has happened of late in your Family to ease their Losses, or mend their Condition.'

He then gives a long Account of the Lord *North and Grey's* being seiz'd at *Portsmouth*, and of his being to be brought to Town that Night; and concludes thus:

'I must now plainly tell you, that I am afraid your Cousin *N. Clifton* is in a very bad Way, and a Person (whom he lately employed to manage some Things for him, particularly to compound some *S. Sea* Bargains) has not been true to him: For his Creditors have actually put him in Jail, and except you can contrive to send him some Relief from what *Effects* he put into your *Mississippi* (for I don't find he has any other Prospect) his Confinement will prove fatal to him. You know his Worth, and for Heaven's sake don't forsake him.'

This Letter being mentioned to be writ on the Day Lord *North and Grey* was brought up in Custody, your Committee cannot but be led to conjecture, that by *N. Clifton* is meant the said Lord, and that the Person said to be employ'd by him, and suspected of being false to him, is either *Lynch* or *Layer*; and if this Conjecture be admitted, it is not improbable that by *N. Crone*, in the former Letter, may be meant the said Lord *North*.

On the 20th *October*. *Glascock* <sup>b</sup> writes to *Kelly*, 'That *D. Gainer* (who in another Part of the Letter is call'd *D. Gregory*, and is probably *Dillon*) thinks very seriously of the Commissions with which *Kelly* had charg'd him for his Friends, and does not refuse to employ his whole Credit in that Affair; but that one single Article had consum'd the Bill of Exchange, which *N. Cleaton* sent, and that there is not any other come that *Dillon* knows of.'

Here *N. Cleaton* means evidently the same as *N. Clifton* in *Kelly's* Letter; and it appears he had sent a Bill of Exchange to *France*, which was all consum'd in one single Article of Expence. In former Letters notice was taken of a Bill of Exchange sent over by *Repney*, and of 20000*l.* raised by *N.*

In the same Letter, *Glascock* takes notice of some Goods sent by *Contade* and *Lunelle* for *Kelly's* Use, which he desires *Kelly* to send for, and to acknowledge the Receipt of them carefully.

It appears to your Committee, that these Goods were the Pretender's Declarations, which <sup>c</sup> came inclosed that Post, or the next, under blank Covers to *Contade* and *Lunelle* at *Slaughter's* Coffee-house, agreeable to the *Memorandum* in *Kelly's* Pocket-Book.

In another Part of the foregoing Letter, it is

said, that Mr. *G. Sampson* has sent over his *Project of Accommodation*, and waits the Event of it, which it is probable relates to the same Declaration.

*Kelly* being examin'd by the Committee in relation to the Names in his <sup>d</sup> Pocket-Book, said, 'They were Names of Persons, with whom he had transacted Stock-Affairs in *France* several Years ago. He own'd he had seen Letters at *Slaughter's* and *Sturgis's* Coffee-house, directed by some of those Names, but that it might easily happen, that there might be Persons in *England* of the same Names with others in *France*; and that it was his Misfortune Letters should come directed by those Names. He insisted, that his Pocket-Book, tho' taken upon him, was an old one, that had lain by neglected these three Years: Yet your Committee observe, the *Memorandums* in it were of a late Date, and contain'd a particular Account of the Time of his Journeys to and from *France*, and of the Days on which he and *Dennis Kelly*, and the Bishop of *Rocheſter*, were taken into Custody.

The House will observe, that this long and particular Account of *George Kelly* is extracted out of such Papers and Informations, as were in the Hands of the Government, relating to him, supported by such Explications as seem to the Committee naturally to arise from comparing the several Parts of them together; but that he himself upon his Examination refused to make the least Discovery that might give light to any part of this treasonable Correspondence, tho' he plainly intimated he had it in his Power to do it. And if in some Particulars, the Committee should have fallen short of the true and genuine Explanation of the Names, or other Facts, which may easily have happen'd in unfolding such Variety of Matter, so industriously wrapt up in the utmost Obscurity; yet they conceive it will not lessen the Credit of those Facts in general relating to him, which are supported by unquestionable Evidence, notwithstanding his denying of them, and his prevaricating so grossly with the Committee.

Your Committee will now proceed to lay before you such Particulars, as they have collected from the Papers referred to them, relating to *Dennis Kelly* Esq; who appears to them, from several Passages in the intercepted Letters, to have acted in Concert with the other *Kelly*, and behaved himself with the same Obstinacy on his <sup>e</sup> Examination before them.

Your Committee see Reason to believe, that the several fictitious Names of *Kirton*, *Killegrew*, *Sandford*, *St. George*, and *Hubberts*, are made use of in the intercepted Letters to express one and the same Person: And as this Person is frequently spoken of as living at the *Cockpit*, as being himself ill of a Fever and Ague part of last Summer, as having a Daughter who was troubled with Returns of spitting Blood at particular Times there mention'd, and as being to set out with his Family for *France* by *Diepe*, the latter end of *July*; these several Circumstances being confirmed to your Committee by the written <sup>f</sup> Examinations of Mr. *Dennis Kelly's* Servants to have been true of him, and being in the Opinion of the Committee applicable to no one else, they see Reason to conclude, that what is affirmed in the intercepted

<sup>a</sup> E. 75.<sup>b</sup> E. 75.<sup>c</sup> E. 23, 24.<sup>d</sup> E. 17.<sup>e</sup> F. 33.<sup>f</sup> F. 2.—8.

Correspondence, of the Person designed by the Names above-mentioned, is affirmed of him.

Your Committee have likewise been<sup>a</sup> informed, that Enquiry having been made at the *British Coffee-House*, who took up Letters directed thither by the Name of *Sandford*, it was found that one Mr. *Kelly*, who frequented that House, took them up. And a Letter from *France* so directed, having been copied at the Post-Office, and then delivered out, the<sup>b</sup> Original of the said Letter, signed *M. Digby*, was found in *Dennis Kelly's* Pocket, when he was taken up, as appears by the<sup>c</sup> Affidavit of the Messenger who seiz'd him.

In this Letter *Digby* sends his Service to his Cousin *Ireton*, which has been shewn above to be one of the Names belonging to *George Kelly*; and also mentions *Hore*, who has been already explained to be probably Sir *Harry Goring*.

Your Committee observe, that the said Letter was writ in the same Hand with another<sup>d</sup> signed *J. Gerrard*, which was likewise found among *Dennis Kelly's* Papers, and has been observ'd above to be probably the Name made use of by Sir *John D'Obryan*, whom *George Kelly* declared to be Secretary to *Dillon*.

They farther observe, that both these Letters, signed *Gerrard* and *Digby*, were in the same Hand with<sup>e</sup> others found in his Custody relating to *Dillon's* private Affairs; which confirms *Digby* to be *Dillon*, and *Gerrard* to be one whose Hand *Dillon* makes use of for his Dispatches.

Another<sup>f</sup> Fragment of a Letter was found among his Papers, mentioning the Names of *Ireton* and *Hore*; which is in the same Hand with the Letters to *Plunkett*, signed *Dixwell* and *Howell*, and is therefore probably the writing of *Christopher Glascock*, *George Kelly's* Correspondent.

Some other<sup>g</sup> Papers were also found in his Custody, mentioning others of the fictitious Names used in *George Kelly's* Letters, as also a long<sup>h</sup> List of Names, with fictitious Names over-against them, and a<sup>i</sup> Cypher of Figures, which appear to be *George Kelly's* Hand-writing, and are sworn, by the Clerks of the Post-Office, to be the same Hand in which the Letters signed *Johnson*, *Hatfield*, &c. were writ. It has already been observed, that this Cypher of Figures is found to be a Supplement to the Cypher in which the Letters of the late Duke of *Ormond*, and the Bishop of *Rocheſter* were writ; and that the said Cypher last mentioned is made use of in<sup>k</sup> one of the intercepted Letters from *Dillon* to *Dennis Kelly*.

There was also found among his Papers, an exact<sup>l</sup> List of the quartering of his Majesty's Forces a little before the time of the Elections, and a<sup>m</sup> Scheme for erecting By-Boats between *London* and *Boulogne*, which seems referred to in the<sup>n</sup> Letters between *George Kelly* and *Gordon* of *Boulogne*.

There was also taken among his Papers a<sup>o</sup> Fragment of a very treasonable Letter, signed *F. M.* which your Committee conjecture was from one *Francis Macnamarra*, a Person concerned in the former Rebellion, there being<sup>p</sup> another Letter among his Papers, with the Name at length, in the same Hand.

Your Committee have laid together these several Circumstances, that it may appear *Dennis Kelly* was concerned in the treasonable Correspondence,

which is confirmed by<sup>q</sup> Mr. *Crawford's* Letter from *Paris*,  $\frac{1}{2}$  of *May*, in which he says, 'There is one Captain *Kelly*, who frequents the *Cocoa-Tree* and *Will's* Coffee-house, who is much in the confidence of *Dillon* and Lord *Lansdown*, he was here some Months ago, and is at present very active in *England*.'

Your Committee find, that he was abroad for several Months the latter end of the Year 1721, and that some of the Letters sent to him by fictitious Names from *France*, were directed to *Will's* Coffee-house and the *Cocoa-Tree*.

The Matters which they find him principally concerned in by the intercepted Letters, are the<sup>r</sup> Remittance of the Bill of Exchange sent over from the Person called *Repney*, the Receipt of which is acknowledged in several Letters to him, his being present at a<sup>s</sup> Consultation with the Persons called *Rep. Ho.* and *Den.* and his being to carry over to *France* their final Answer, together with a new<sup>t</sup> Cypher, List of Directions, and other verbal Instructions, from *George Kelly*, for *Dillon*, *Glascock* and *Talbot*.

As *George Kelly's* Correspondence was closely connected with that of the Bishop of *Rocheſter*, *Thomas Carte*, and *Dennis Kelly*, and as he appears to have been privy to *Plunkett's*; so your Committee see reason to believe, that he was not a Stranger to that of *Sample*, who appears to be mentioned in a<sup>v</sup> Letter from *Gerrard* to *Kelly*.

Your Committee find, that *John Sample*, being examined before the Secretaries of State, and two of your Committee<sup>w</sup>, owned, that *Francis* Son of the Lord *Sempill*, commonly so called had been in *England* that Summer, and returned to *France* about three Weeks before his Examination, which was taken on the 4th of *August* last.

That during his Stay in *England*, he (*John Sample*) was twice in company with him, and that two Letters found in his Trunk were received by him from the said *Francis Sempill* before his coming to *England*.

In the<sup>x</sup> first of these Letters, dated *June* 27<sup>y</sup> 1722. *Fr. Sempill* tells him, 'That they are daily confirmed Mrs. *Hew's* Distemper is but imaginary or counterfeit.' By Mrs. *Hew's*, he said, was meant the King, and by his *Distemper* the late Disturbances.

*Fr. Sempill* then tells him, 'That this has put a Stop to Mr. *Standwell's* Proceedings (*Standwell* he owned to mean the Pretender) but that this cannot disconcert *Standwell's* Measures, nor even delay any thing above a few Weeks.'

'That perhaps he may soon produce himself, to their Cost, but it is not yet full time to give him (*Sample*) hopes of that kind. He adds, that they have not yet heard from Mr. *Houlder*, whom *Sample* explained to be the late Duke of *Ormond*.'

Your Committee observe, That this agrees with the Accounts given in the former Parts of their Report, of the Attempts that were to have been made in *England* about the beginning of *May*, which were prevented, tho' not entirely discontinued, by the Discoveries made here, and by the Encampment.

*Sample* being shewn the Copies of several Letters, taken at the Post-Office, directed to Mr. *Sempill* at *Paris*, and enclosing others, owned, as appears by his<sup>z</sup> Examination, the writing of

<sup>a</sup> F. 30.    <sup>b</sup> F. 29.    <sup>c</sup> F. 29.    <sup>d</sup> F. 14.    <sup>e</sup> F. 15.    <sup>f</sup> F. 18.    <sup>g</sup> F. 13.    <sup>h</sup> F. 11. a.    <sup>i</sup> F. 19.    <sup>k</sup> F. 9.  
<sup>l</sup> F. 10.    <sup>m</sup> E. 26, 34.    <sup>n</sup> F. 16.    <sup>o</sup> F. 17.    <sup>p</sup> A. 10.    <sup>q</sup> F. 19, 21.    <sup>r</sup> E. 59.    <sup>s</sup> E. 59.    <sup>t</sup> E. 33.  
<sup>v</sup> G. 1.    <sup>w</sup> G. 2. a.    <sup>x</sup> G. 1.

them all, and gave Explications of the Names made use of in them. <sup>a</sup> One of these Letters is to *Standwell*, whom he owned to mean the Pretender, and <sup>b</sup> another is mentioned to be for *Glasgow's* Master which is probably *General Dillon*. He likewise owned his having writ to the late Duke of *Ormond*, and to *Kennedy* his Secretary; and while he was in Custody of the Messenger, he began to put down in writing a Confession of his Crimes, <sup>c</sup> which was found in his Room after his Escape. But tho' some of his Letters appeared dictated by him to other Persons, your Committee do not find he would discover who those Persons were.

Your Committee will next proceed to lay before you the Substance of the several Papers and Examinations refer'd to them, relating to Mrs. *Spelman*, alias *Tallop*; in doing which, they find themselves indispensably obliged to mention a Person of high Rank and Distinction, *Thomas Duke of Norfolk*, among others concern'd in the treasonable Correspondence convey'd thro' the Hands of the said Mrs. *Spelman*.

It appears to your Committee, that Mrs. *Spelman* being examined on the 19th of *October*, concerning several Letters from abroad, directed to her by the Name of Mr. or Mrs. *Burton*, has<sup>d</sup> declared upon Oath, 'That Mr. *George Jernegan*, (who as your Committee are inform'd, is a Roman Catholick, and appears to have been long employ'd by the Pretender) <sup>e</sup> being in *England* about six Months before her Examination, did, upon his going for *France*, leave Orders with the said Mrs. *Spelman* to send to the Duke of *Norfolk* such Letters as she should receive from him, *Jernegan*, directed to Mrs. *Jones*; and to Mr. *Harvey of Combe*, such as she should receive from him, directed to Mrs. *Williams*, in *Newgate-street, Norwich*; and to Mr. *William Moor* (who lives, or did live in *Brownlow-street*) such as she should receive from him, directed to Mr. *Frampton*: and that it was agreed between her and *Jernegan*, that he should direct to her by the Name of *Burton*, when he did not do it by her own Name.

'That she did accordingly send (as had been agreed between them) the Letters that came to her with the Directions abovemention'd, having first enclosed them under new Covers, which she herself directed; that she sent them by common Porters, who always brought her back an Account of their having delivered them, or of the Person's not being at home; that particularly one to the Duke of *Norfolk* was brought back again by the Porter, his Grace not being in Town, which Letter she kept till he came to Town, and then sent it to him. That she once received a Message from the Duke of *Norfolk* by Mr. *Edward Jernegan*, that his Grace could not answer a Letter she had convey'd to him from *George Jernegan*, because he, the Duke of *Norfolk*, had not the Key of the Cypher, it being in his Brother's hands; she likewise own'd her receiving several Cyphers and Keys of Cyphers from *George Jernegan*, which she burnt between the time of her first and second Examination.'

Copies of these Cyphers having been taken at the Post-office, it appears that <sup>f</sup> one of them

was mark'd, *A Key and Cypher, with Mr. Farmer and Jerry*; and <sup>g</sup> another, *D, O, and J*; the first of which is probably a Cypher between the Pretender and *Jernegan*, and the latter between him and the late Duke of *Ormond*.

It farther appears to your Committee, that *Edward Jernegan* being examin'd in relation to the Message from the Duke of *Norfolk* abovemention'd, has <sup>h</sup> depose'd upon Oath, 'That about a Fortnight before the Duke went to the *Bath*, being inform'd that his Grace had enquired for some of their Family, he, *Jernegan*, went to wait on him, and his Grace told him, that he had received a Letter from *George Jernegan*, who was then abroad, but that he could not answer it, Because his Grace's Brother had the Key of the Cypher, in which it was written; and that he, *Jernegan*, delivered this Message to Mrs. *Spelman*.

The first Letter directed to Mrs. *Jones*, (the Duke of *Norfolk*) of which a Copy was taken, is dated, *Cambray*, 12th *July*, 1722. and is partly in Cypher, but has been decypher'd in the manner following:

S I R,

'VARIOUS Considerations, which obliged me to submit, deprived me till now the Honour of Writing to you; therefore I flatter myself, you incline to favour me with opinion, that my Zeal and Attention are above falling into any Negligence, where your Sollicitude or private Satisfaction is concern'd. You have been in some manner a Witness of the late turn in Affairs, and undoubtedly know so much of them, that I fear it will prove superfluous to trouble you with the Particulars which I have: after several Meetings with some of our Friends at *Paris*, . . . . . was of opinion, that the whole should be communicated to the Regent; which being agreed to, that *Lord* was deputed to wait on him: they met, and parted in appearance the best Friends in the World, notwithstanding immediately by the Regent's Orders the Secret was discovered to King *George*. How is it possible to arm one's self with sufficient Prudence against such a Conduct? These being our private Concerns, I leave 'em, to divert you with the publick News: the Overture of the Congress seems now in the way to be deferred to the K. of *Pr.* Majority, who, since his Removal to *Verfailles*, is in a manner solely in the Hands of the Regent. His Coronation remains still fix'd to the 15th of *October*; so, in all appearance, this Year produces no Disturbance to the present Peace of *Europe*. The Emperor grows daily more powerful in *Italy*, by the Pope's falling into that Interest; he has lately seiz'd the Fortrefs of *Massa in Florence*, and promises the Investiture thereof, with that of *Parma*, to the Prince of *Baviere*, upon his Marriage with the Princess *Josephina*. *Spain* will be under great Difficulties to find means to support their claim to these Provinces, especially at a time that *France* seems negligent of every thing that concerns them. There is no Appearance likewise that the Affairs in the North produce any thing material this Season: the pacifick Temper of the K. of *Prussia* secures every thing on that side, and has probably

<sup>a</sup> G 6.

<sup>b</sup> G. 9.

<sup>c</sup> G 3.

<sup>d</sup> H 3. 4.

<sup>e</sup> H 37.

<sup>f</sup> H. 35.

<sup>g</sup> H. 7.

<sup>h</sup> prevented

prevented the Disturbance threaten'd in those Parts. Thus at present are the Affairs of Europe.

I did not fail to repeat my usual Solicitations in favour of your Brother, and to add what in Justice I thought you merited: This I did upon the first Occasion, after my coming over; to which, from the King, I have this Answer:

June the 15th.

No body has a better Opinion than I have of the great Person you mention, nor does his Character more Justice: I shall be always desirous to do what is in my Power to convince him of my Regard for his Brother, who now is in the Country with me; but I fear it will not be time to move in the Particular you mention of some Years yet, which will be the Case of all others who pretend to the same Right as I do.

Thus far was his. There is a Pleasure to see with what generous Virtue he repays all who consider his Misfortunes.

I presume to mention one Thing more, being moved to it out of a pure Consideration to the Credit it will give to your Name. Dr. *Wibam* finds himself under the Necessity of building the old House, being ready to fall; and next Spring they begin, but upon so small a Fund as will never finish the Work, as it ought to be; the Consequence of which must necessarily oblige them to beg the Assistance of their Friends. I should be sorry upon this Occasion, that any other Person should distinguish himself so, by a Donation, as to merit his Arms to be placed in the Front, where I could wish to see your own. I have not spoke one word of this to any Person in the House, thinking it would look more generous in you, if disposed to take the Credit of laying the first Stone, to move and offer it yourself. As to other Matters, if I can be serviceable in these Parts, either in your particular, or to the Interest of the Party, you know me faithfully devoted to both. I have obtain'd leave to return by the end of the Summer, finding it inconvenient to my private Situation to remain longer Abroad: I hope then to present you with fresh Proofs with what Zeal and Respect I've the Honour to be,

Sir, your most Obedient and  
most humble, Servant.

Be pleas'd to address to me,  
à Monsieur *Hooker* under Cover à Monsieur  
*Pigault* Banquier à *Calais*.

Your Committee observe from this Letter, that *Jernegan* supposes the Duke of *Norfolk* already acquainted with a Design, on which Application had been made to the Regent, and with the Causes of its Miscarriage; that however, in order to shew his Zeal and Attention in any Thing, where he thought the Duke's Solicitude concern'd, he sends him an Account of what had happen'd to their common Friends at *Paris*, and of the Secret's being communicated to King *George* by the Regent's Order; and then laments the impossibility of arming themselves with sufficient Prudence against such a Conduct, which, supposing it to have been such as they represent, yet could not possibly have appear'd blameable to any but the Enemies of our present happy Establishment.

He then shews from the Situation of Affairs in Europe, there is but little Prospect of any Rupture; which may be favourable or advantageous to their Designs.

He afterwards acquaints the Duke, that he had repeated his Solicitations to the Pretender in favour of his Grace's Brother, and had also added what in Justice he thought His Grace himself merited; to which he received an Answer from the Pretender (whom he styles *the King*) acknowledging his great Opinion of the Duke, and the Justice he does his Character, and his Readiness to convince his Grace of his Regard, by any Kindness he can shew his Brother.

And the Inference, which *Jernegan* makes from the Regard express'd towards the Duke in this Letter of the Pretender's, is, That there is a Pleasure to see with what generous Virtue he (the Pretender) repays all those, who consider his Misfortunes.

He concludes with telling the Duke, that if he can be serviceable in those Parts, either in his Grace's own Particular, or to the Interest of the Party, his Grace knows him faithfully devoted to both.

On the 2<sup>d</sup> of August, *Jernegan* writes a second Letter to the Duke, as follows.

S I R,

THE Vicissitude in our Affairs being a perpetual ebbing and flowing, 'tis extremely difficult to assure any thing with certainty: In my last of the 12th I mention'd how Things had happened; and altho' the Fact was true, yet the Consequence did not answer what we apprehended: It was a politick Necessity, which urged and demanded that Conduct, and it appears now to have succeeded so well, that every Hand is at work, as before, to draw Things to a right Conclusion; brief's, we are flatter'd that the Regent is cordially in our Interest, and disposes every Thing to undertake the Work, which according to some Accounts will be put in execution within two Months, those, who are serious and make due Reflection on these Matters, know how far they may be useful to the Cause, and with timely and prudent Precautions may dispose their Friends to act a lively Part; whilst they themselves keep retired, till the Success one Way or the other determines what is necessary to be done.

I have Opportunity, by being in these Parts, of picking up several good Officers, and with a little Trouble as many as would compleat an entire Regiment, into which any Gentleman might enter himself, and do his Duty with Honour. This is what I thought fit to propose on this Occasion, and should be glad to know, if solely upon your own Bottom this may be thought on. I shall take all necessary Precaution, and shall first know certainly what there is to depend upon. Your Opinion on these Matters, with the Assistance of your Advice, will lay a most sensible Obligation on him, who entirely devotes himself;

Sir, your most Obedient and

most Humble Servant:

Let the Conveyer of these furnish you with my immediate Address.

Your Committee observe, that in this letter, *Jernegan* does, with an Air of great Satisfaction, try to lessen the Apprehensions and Discouragements, which he supposed his former Account of the Regent's having betray'd the Secret might have rais'd in his Grace, and says that every Hand is now *at work as before* to draw Things to a *right Conclusion*, without explaining what that *former Work*, or the *right Conclusion* hoped for is; which Particulars, it appears, he thought so well known to the Duke, as not to need the least Explanation.

Then after telling his Grace, *We* are flatter'd the Regent is cordially in *our* Interest, and is disposing every Thing to undertake *the Work* within two Months Time, he intimates, that from this Hint, one of his Grace's Seriousness and Reflection might be useful to the Cause, by disposing *his Friends* (who may justly be understood to be the Roman Catholics) to *act a lively Part*, while he himself lies retired, waiting till the Event should determine what part it was proper for him to take.

He then makes the Offer to his Grace of raising an entire Regiment of Officers in *Flanders*, into which *any Gentleman* might enter himself, and do his Duty with Honour; and desires to know, whether on his Grace's own Bottom such a Thing might be thought of.

This treasonable Offer, from an humble Servant of his Grace's, shews that *Jernegan* was at least persuaded it would not be ill received; which could only proceed from a thorow Assurance of the Duke's Inclinations to the Pretender's Cause, and of his Intentions to support it with Men and Money, whenever a Probability of Success should make it safe and proper for him to espouse it openly.

Your Committee farther observe, that this letter was writ about the same Time, that *Plunket* was so busy in pressing *Dillon* to solicit the Regent's Assistance; and that the Term for putting the Design in execution, which is mention'd in *Jernegan's* letter to be within two Months from the Beginning of *August*, has an evident relation to the third Period pitch'd upon by the Conspirators, which, as has been observed before, was the breaking up of the Camp. And it appears to your Committee, by several concurrent<sup>a</sup> Advices from *France*, *Spain*, and *Italy*, during the Months of *July* and *August*, that the Design, which had been suspended upon the first Discovery of the Plot, was again resumed, and Preparations made for the Pretender's leaving *Italy* about the Beginning of *September*; for which purpose the Ship *Revolution* (since taken) set sail for *Italy* the latter End of *August*, having on board near two hundred Men and a great Number of Officers.

Mention is made, in *Jernegan's* letters to Mrs. *Spelman*, of a great Number of letters written to and received from Mr. *Harvey* of *Combe*, by the Name of Mrs. *Williams*; and in<sup>b</sup> one of his letters to Mr. *Harvey* he says, 'The Regent plays a Game a-part, and confides in none but *Britain*, and has sacrificed *Us* to make a firm Friend of King *George*. The late Disappointment in *our* Affairs has given a surprizing Power to the Court of *France*: They silence all other Princes in regard to *Us*; none now dare look that way, or undertake the least trifling Service in *our* favour.'

On the 20th of *July*, Mr. *Harvey* sent an Answer to this letter, the Original of which is stopp'd, and is<sup>c</sup> sworn by Mrs. *Spelman* to be his Hand-writing; but it contains such an odd Heap of low and virulent Scandal, that the Committee do not think proper to trouble the House with any Extract of it, but have<sup>d</sup> annexed it entire to their Report.

Your Committee have already taken Notice, that the treasonable Correspondence, above set forth, was not confined to *England* only, but was carried on in *Scotland*, under the same Cant Expressions of *Wine*, *Trade*, *Goods*, &c. And it appears that the Pretender's Agents were equally busy in disposing Matters for an Insurrection in that part of the Kingdom, at the same Periods of Time as were fix'd on in *England*.

They find that the Government has receiv'd<sup>e</sup> Information upon Oath from one *Lodowick Anderson*, 'That on the 28th of *January* 1721, Brigadier *Mackintosh* was seen by him (*Anderson*) at the House of Sir *John Mackenzie* of *Coul*, and told *Anderson* that the Pretender design'd to have on the Crown of *Scotland* before Midsummer, and that he was to be assisted from *France*, *Spain*, and *Muscovy*; that General *Gordon* and Captain *Tulloch* were to land at the *Loach Elch* with Arms for this Purpose.'

That *Mackintosh* was then in *Britain*, agrees with *Pancier's* Deposition.

*Anderson* farther deposed, that on the 15th of *February* he met the Lord *George Murray* at a place not far from the Earl of *Kintore's*, who confirm'd to him what *Mackintosh* had said, with several other Particulars; that two Days after, he met Mr. *James Keith*, Brother to the Earl *Mariball*, who after having told him that there would be a Descent in favour of the Pretender, named to him several Persons (specified in his Deposition) that were come over to get Matters in a readiness.'

This, your Committee observes, answers to the first Period of Time for beginning an Insurrection with the help of foreign Forces during the Time of the Elections.

About the Beginning of *May* a<sup>f</sup> letter was intercepted, directed to Mr. *Peter Smyth* at *Boulogne*, and inclosing<sup>h</sup> another to *De Martin*: Which letters, as your Committee are informed, are in the Hand-writing of Mr. *Cochran*. Who is meant by *De Martin*, does not appear.

In this letter *Cochran* says, 'Our Customers, on this Side the Water, are as fond of taking *our* Goods, as you are of sending them; but I am afraid if they are not sent soon, the Market will be forestall'd, for our Enemies begin to be upon their Guard. He adds, that their Friends in *England* are willing to send Money to pay for them *per* Advance, and that they in *Scotland* are not backward, but hope, in a few Days to remit as much Money as will be sufficient for their Country. He then desires to know how soon they may expect their Wines on this Side the Water, that they may put themselves in a sufficient Posture for receiving them.'

Your Committee likewise find that *Christopher Glascock*, *Dillon's* Agent, carried on<sup>i</sup> Correspondences to the same Effect, with one who went by the Name of *James Johnston* at *Edinburgh*; and

<sup>a</sup> A. 24. 25. 29. 31. 33. 41. 42. 43.  
<sup>i</sup> I. 3. I. 16.

<sup>b</sup> H. 19.

<sup>c</sup> H. 4.

<sup>d</sup> H. 16.

<sup>e</sup> I. 2.

<sup>f</sup> D. 1.

<sup>g</sup> I. 3.

that <sup>a</sup> George Kelly corresponded with the same James Johnston, and owned to the Lords at his <sup>b</sup> Examination, his having sent the said Johnston a Paper from Glascock, which he pretended related only to the Mississippi.

Letters were likewise intercepted going from Edinburgh, directed to Collins at Mr. Waters's, Banker at Paris; which Collins appears, by Kelly's <sup>c</sup> Cypher, to be Colin Campbell of Glenderoule.

In <sup>d</sup> one of these Letters to Collins, mention is made of a Person of great Consequence and Distinction, lately regained to the Pretender's Party, who insisted on a Sight of the Contract of Copartnery, which Collins is desired to send over by the first sure Hand; and Collins, in his <sup>e</sup> Answer, signed R. Broun, promises it shall be sent over.

Your Committee observe, that this Particular agrees with <sup>f</sup> Fairfax's Deposition upon Oath; That L<sup>ay</sup>er told him, The People of England were backward, but that those of Scotland had already entered into an Association.

In the same <sup>g</sup> Letter to Collins it is said, That the Person of Consequence, who had insisted on a Sight of the Contract of Copartnery, desired an Order from Mr. Malcom for raising one or two Battalions, but was told those Orders might come time enough by the hands of those who happened to come first to open the Commerce; which shews of what nature that Commerce was.

In the same Letter Application is made to Mr. Malcom for a Patent for Knight Baronet; both which Circumstances confirm Malcom to be the Pretender.

Your Committee observe, that these Letters, and <sup>h</sup> some others, which appear to have been intercepted about the Month of May, and are annexed to this Report, fall in with the second Period of Time fixed by the Conspirators in England.

And on the 18th of August, O. S. Mr. Stanhope <sup>i</sup> writes word from Madrid, that he had received Intelligence, that the Scotch had engaged to bring 22000 Men into the Field in ten days time, in case the late Duke of Ormond would come over with Arms to head them, and that they daily sent most pressing Messages to Ormond on that Subject; which shews that the Design was reassumed a third time in Scotland, as it was in England.

Your Committee farther observe, that agreeably to what was promised in Mr. Cochran's Letter of the 28th of April, <sup>k</sup> Mr. William Erskine did on the 3d of May, remit Two Thousand Pounds Sterling to Mr. Gerrard, Dillon's Secretary at Paris, and owned his so doing on his <sup>l</sup> Examination before the Lord Justice Clerk, but refused to discover who Gerrard was, or from whom and for whose Use the said Sum was remitted.

When he was taken into Custody, a Letter was seized in his Pocket, which, as your Committee is <sup>m</sup> informed, is all in the late Lord Marr's own Hand-writing, dated Paris, February the 9th, 1722. in the following words.

Paris, February 9. 1722.

I Have, William, yours of the 7th, for which I am obliged to you, and take all you say, as I ought, from the good Heart from whence I know it comes, tho' at the same time you put a greater Value on your Friend than he deserves:

But be that as it will, I am fully persuaded, as you may be, that he will never fail an Occasion for what you mean, nor neglect endeavouring to bring it about, where he sees it can be of Advantage to his Country; and his Friends and Countrymen may depend on it, when they see him engaged again, that the retrieving of it from the low Condition it is now in, and otherways ever like to be, is the chief Motive that induces him, and he hopes in that way he will not be without the Assistance of all who wish the same thing; and the more, that he will take all the care he can not to expose them for serving that of others, if at the same time he be not pretty sure of its doing effectual Service to their own, and putting it on a better foot than it has been these hundred years past. If he looked but to his own private Interest, he could perhaps find a way, which could conduce more to it: but he hopes, by his former Actions, it appears that he never put that in competition, with what he thought was the Interest of his Country, tho' in which he owns he was once mistaken, as many others may have been; but as he never scrupled owning his Fault, since he found it by Experience to be one, so he has ever since endeavoured to make amends, and will as long as he lives.

Things are in such a Situation at present over all Europe, that there appears little if any Opportunity of doing what is to be wish'd upon that Account; but things of this kind are very uncertain, and an Opportunity may come, or be brought about, when least expected; and you may believe it will not be neglected when it does: nor will any Endeavours be wanting to bring it to that pass. Hush! tho' must be the word, and Friends must not take amiss their not being acquainted previously to the Execution, in which it is to be hoped they will not fail.

You see I make no scruple in writing freely to you, but you know the Consequence of this coming into wrong hands, and those it is fit and of use to be told to, you know too: So I leave it to your own Discretion, of which you have given me many Proofs. I have been much out of use of writing to H. S. for some Years past, and I have not yet got a return of one I wrote him last Summer; but I shall write to him of what you mention in yours.

As to M——y, I care not to say more about him, and were it not that I think it for the good of a certain Person and Cause, I should not even wish to have all the truth told of him, since his being abroad. I cannot answer for what handles may be given him for his Justification; but let honest Men, who wish right, tell the Truth, where they know it and that it is necessary, and shame the Devil.

I wish you a good Journey and good Luck with all my heart, and that we may soon have an Opportunity to meet merrily, and be of use to our Country. My Compliments to my Friends, and I hope we shall never have cause to be ashamed of other.

I shall long impatiently to hear from you after your getting to London and Edinburgh; and pray do not fail writing after your coming to both Places, and have seen People.

<sup>a</sup> I. 1.    <sup>b</sup> E. 1.    <sup>c</sup> F. 11. a.    <sup>d</sup> I. 9.    <sup>e</sup> I. 17.    <sup>f</sup> B. 36.    <sup>g</sup> I. 9.    <sup>h</sup> I.    <sup>i</sup> A. 42.

<sup>k</sup> I. 7. 8.

<sup>l</sup> I. 10.

<sup>m</sup> I. 10.

Send me your Address, and you may be sure of hearing from me, when it can be of any use. Pleasure it would be always to me, but that must yield sometimes to Circumstances.

My Family salute you, and wish you all Happiness, as I do, who am sincerely and affectionately yours, &c. *Adieu.*

I wish you may have something agreeable to tell me of your Brother and Uncle, when you have seen them, and remember me kindly to your Father-in-law. Sure we must all wish the same way to our Country.

What is become of our Cousin *Will*, who I hear is still where you have been for some time?

Your Committee likewise find evident Footsteps of this treasonable Correspondence from *Ireland*; but having already shewn sufficiently the Extensiveness of the Conspiracy, they forbear to tire the House with any further Particulars.

Your Committee have now gone thro' the several Matters, that appear'd to them from the Examinations of the Persons or Papers refer'd to them; and they are in hopes, that in reporting every Circumstance, that seem'd material, they have strictly comply'd with the Intentions of the House in appointing them.

If the frequent Repetitions of the same Matter have swell'd the Report into too great a length, they are perswaded the House will excuse it, since it was, in all the Places where they have done it, necessary to explain the Passages related, or else to shew the Connection of the Treasons, as well as the Co-operation of the Conspirators in their wicked Design of dethroning his most sacred Majesty, and overturning our present happy Establishment in Church and State.

ON *March 8.* The House proceeded to take the said Report into consideration. Whereupon the House came to the following Resolutions, *viz.*

That upon Consideration of the Report, and the several Papers and Examinations relating to the Conspiracy, it appears to this House, That a detestable and horrid Conspiracy has been formed and carried on by Persons of Figure and Distinction, and their Agents and Instruments, in conjunction with Traitors abroad, for invading these Kingdoms with foreign Forces, for raising Insurrections and a Rebellion at Home, for seizing the Tower and City of *London*, for laying violent Hands upon the Person of his most sacred Majesty and the Prince of *Wales*, in order to subvert our present happy Establishment in Church and State, by placing a *Popish Pretender* upon the Throne.

That it appears to this House, that *John Plunket* has been a principal Agent and Instrument in the said horrid and detestable Conspiracy, and has carried on several treasonable Correspondences, to procure a foreign Force to invade these Kingdoms, and to raise Insurrections and a Rebellion at Home, and was engaged with others in the villainous and execrable Design of laying violent Hands upon His Majesty's most sacred Person.

That it appears to this House, that *George Kelly*, alias *Johnson*, has been a principal Agent and Instrument in the said horrid and detesta-

ble Conspiracy, and has carried on several Treasonable Correspondences, to raise Insurrections and a Rebellion at Home, and to procure a foreign Force to invade these Kingdoms from Abroad.

That it appears to this House that *Francis Lord Bishop of Rochester* was principally concern'd in forming, directing and carrying on the said wicked and detestable Conspiracy, for invading these Kingdoms with a foreign Force, and for raising Insurrections and a Rebellion at Home in order to subvert our present happy Establishment in Church and State, by placing a *Popish Pretender* upon the Throne.

In Pursuance of these Resolutions, it was order'd by the House, that Bills of Pains and Penalties should be severally brought in against the said *John Plunket*, *George Kelly*, and *Francis Lord Bishop of Rochester*.

*March 14.* The House came to a Resolution to communicate their Report to the Lords at a Conference, and also (*having obtained the King's leave*) the Letters and Papers relating to the Conspiracy.

*March 16.* The House of Lords chose the following Peers to be a Committee to enquire into the said Conspiracy.

His Grace the Duke of *Dorset*.  
His Grace the Duke of *Montrose*.  
The Earl of *Scarborough*.  
The Earl of *Lincoln*.  
The Earl of *Illy*.  
The Lord *Lonsdale*.  
The Lord *Torrington*.  
The Bishop of *Lincoln*.  
The Bishop of *Salisbury*.

This Committee made their Report on *April 23d*, which was as follows.

THE Committee to whom the Report and Original Papers relating to the Conspiracy, delivered by the House of Commons at several Conferences, were referred; and who were empowered by your Lordships to examine *Christopher Layer*, and such other Persons as they from time to time should think proper; having carefully compared the said Report with the Original Papers referred to them, and having examined several Persons in relation to the Treasonable Practices and Correspondences therein set forth, are fully satisfied and convinced, That a detestable and wicked Conspiracy has been formed and carried on for soliciting a Foreign Force to invade these Kingdoms, for raising a Rebellion and inciting Insurrections in *London*, and divers other Parts of *Great Britain*, and even for laying violent Hands on the sacred Person of His Majesty, and on His Royal Highness the Prince of *Wales*, in order to destroy our Religion and Constitution by placing a *Popish Pretender* on the Throne.

And the Lords Committees think themselves obliged in Justice to observe, that the extraordinary Vigilance and Application which has been shewn by the House of Commons in detecting this Scene of Iniquity, and laying its most hidden Springs in so full and clear a Light, as it has greatly contributed to the Publick Safety, by opening the Eyes, and awakening the just Re-

ment of an injur'd Nation; so it cannot fail to excite a proportionable Zeal and Emulation in your Lordships, for concurring with that House in the no less necessary Work of bringing the Authors of these wicked Designs to such exemplary Punishment as may be a lasting Admonition to Posterity, that Artifice and Disguise can no more lessen the Danger, than mitigate the Guilt of Treason; and that they act under a fatal Delusion, who hope to abuse the lenity of our Laws to the Ruin of our Constitution.

The Lords Committees think it a strong Confirmation of the Truth and Exactness of the said Report, that several material Observations which are there advanced as grounded on probable Conjectures only, have since been amply verified and supported by fresh Discoveries arising from the Papers lately refer'd to them by your Lordships; which Papers are contain'd in an <sup>a</sup> Appendix annex'd to this Report.

The Intelligence sent by Colonel Stanhope, and Sir Anthony Westcombe, in relation to the Pretender's Ships under *Morgan*, as well as the Explanation given by the Committee of the House of Commons to several of the fictitious Names in the intercepted Correspondence, is very much illustrated and confirmed by papers seized on board the *Revolution*, and by the Examinations of some of the Prisoners belonging to that Ship.

It appears by <sup>b</sup> those papers and Examinations, that *Morgan*, who went by the Name of *Walton*, and *Gallwey* (an *Irish* Roman Catholick) who went by the Name of *Gardiner*, with others acting under their Direction, have for several Years past been employ'd in fitting out Ships under *English* Colours, which were ready on all Occasions to attend the Motions of the Pretender, who in <sup>c</sup> several of the letters is stiled *their King*, and *their Royal Master*. That the Money for these Ships was supply'd <sup>d</sup> partly by Persons in *England*, <sup>e</sup> partly by *Waters* the Banker at *Paris*, and <sup>f</sup> partly the late Duke of *Ormond*. That one of these Ships, in the Year 1719, <sup>g</sup> was sent by *Morgan* to the *Groyne*, with an Express to fetch the late Duke of *Ormond* to *England*; at which time it appears, <sup>h</sup> that *Morgan* and *Gallwey* were promis'd a Supply of fifty thousand pounds from Friends in *England*; that others of these Ships lay hovering about the Coast of *Britanny*, from the Year 1718, to 1721, <sup>i</sup> expecting to be employed either by *Cane* and *Chivers* (General *Dillon*) or <sup>k</sup> by *Hore*, (Sir *Harry Goring*) in what they call their *Home Trade*. That in the Year 1721, despairing of any Employment of this kind, on account, as is express'd in <sup>l</sup> one of their letters, of *Hore* and his Partners being Cowards in *Trade*, they engaged themselves in the Service <sup>m</sup> of the *Swedish* *Madagascar* Company, and in *December* 1721, rendezvouz'd in the Bay of *Cadiz* for this purpose; but this Project likewise failing, on account of some Deficiency on the part of the *Swedes*, *Morgan* waited on the late Duke of *Ormond* at *Madrid*, and was by him supplied with twelve thousand Pieces of Eight, for fitting out the Ships *Lady Mary* and *Revolution* <sup>n</sup> for the Pretender's Service; <sup>o</sup> soon after *Morgan's* Return to *Cadiz*, the Arms and Ammunition which had been prepared for the *Madagascar* Voyage, consisting of two thousand Muskets, two thou-

sand Bayonets, one thousand Carbines, four hundred Barrels of Powder, and a proportionable Quantity of Match, Flints, &c. were consign'd to *Morgan*, and by him put on board the Pretender's Ship called the *Lady Mary*, and *Morgan* having embarked on board the said Ship with several *Irish* Officers, set sail from the Bay of *Cadiz* the latter End of *April* 1722, and went first <sup>p</sup> to *Sancto Antonio*, and then to *Sancto Andero* in the Bay of *Biscay*.

The Committee having sent for Mr. *Gustavus Bábr*, formerly a Captain in the *Swedish* Service, who being at *Cadiz* on account of the *Madagascar* Expedition, had occasion to transact several Affairs with *Morgan*, and the other Officers of the Pretender's Ships, they were informed by him, that the Arms above-mentioned were brought, part of them from *Gottenburg*, and part from *Hamburg*, by one of the Pretender's Ships, named the *Fortune*, commanded by one *Butler*. That two thousand of the said Arms belonged to the *Swedish* *Madagascar* Company, and were delivered by him, *Bábr*, to *Morgan*.

That the Remainder, which belonged to Count *Rbenstierna*, a *Swede*, were also purchased by *Morgan*, but not till some Weeks after the first two thousand. That *Morgan* went to *Madrid*, and returned with twelve thousand Pieces of Eight in Bills and Money, which Sum he, *Bábr*, saw in *Morgan's* Hands. That Baron *Seebach*, and one *Ostboff* (who are frequently mention'd in *Morgan's* letters) as also Count *Rbenstierna's* Agent, who delivered the Arms to *Morgan*, declar'd to him, *Bábr*, since his Return to *Gottenburg*, That *Morgan* was supplied with these twelve thousand Pieces of Eight from the late Duke of *Ormond*, and that the Arms were paid for out of the said Money. And *Morgan's* Son being examined by the Committee, owned that his Father went at that time to *Madrid*, that the late Duke of *Ormond* was then there, and that his Father did there receive Bills for fitting out the Ships, but from whom he cannot tell.

*Bábr* farther declared, That all the *Swedish* Officers at *Cadiz* looked on *Morgan's* Ships as belonging to the Pretender, and spoke of them in all Conversations as such, which was confirmed to him expressly by Baron *Seebach* and *Ostboff*. And one of the Sailors of the said Ships owned to the Committee, That they went from port to port without taking in any Cargo; That they had sometimes but sixty, and sometimes one hundred and thirty Men on board the *Revolution*, and often received Orders for sailing with all possible Expedition, which Orders were afterwards countermanded, without any apparent Reason for one or the other; and that this unaccountable Proceeding satisfied him the said Ships were engaged in some unwarrantable Design. *Bábr* farther declared, That *Ostboff* told him, the Ship *Revolution* was at first purchased in *England*, for transporting the late King of *Sweden* in Person, in his projected Descent on *Scotland*; and that he, *Bábr*, saw the Name *Carolus* still standing in the Cabin of the said Ship, when he was last on board her. And *Morgan's* Son owned, That he had observed the Arms of the Crown of *Sweden* in the said Cabin, which he supposed were placed there as a Token that the said Ship was engaged in the

<sup>a</sup> Number'd from 1 to 48 inclusive.

<sup>f</sup> 17. <sup>g</sup> 36.

<sup>h</sup> 23.

<sup>i</sup> 22, 24, 27, 31, 32, 34.

<sup>k</sup> 27, 31, 32.

<sup>l</sup> 32.

<sup>m</sup> 17.

<sup>n</sup> 47, 48.

<sup>o</sup> 17.

<sup>p</sup> 47, 48.

<sup>b</sup> 17—48.

<sup>c</sup> 19, 20, 21, 25.

<sup>d</sup> 23, 29, 31.

<sup>e</sup> 17, 21, 22.

Service of the *Swedish Madagascar Company*; tho' he owned that the other Ships engaged in the same Service had no such Token.

Some of the Particulars above related, do very much explain and confirm <sup>a</sup> O——'s Letter to L—— of the 27th of *April*, as also <sup>b</sup> those to *Dumville* and *Dodsworth*, in which it is said, That the Hopes of Remittances from Persons in *England* had induced O—— to supply M—— (which appears to be *Morgan*). That O—— could depend on two thousand Arms from M—— (which appear to be the two thousand Arms delivered to *Morgan* by *Bábr* <sup>c</sup> before the Date of O——'s Letter.) That M—— had writ from C—— (which appears to be *Cadiz*) that he could get more Arms if he had more Money; and accordingly the Committee find that a second Supply of Arms was purchased by *Morgan* from Count *Rbenfierna's* Agent. O—— in his <sup>d</sup> Letter to L—— dated the 27th of *April* says, 'I have order'd <sup>e</sup> M——'s Ship to come to A——;' and it <sup>e</sup> appears that *Morgan* did at that very time embark on board the *Lady Mary*, with the Arms above-mentioned, and <sup>f</sup> went first to *Sancto Antonio*, and soon after to *Sancto Andero*.

The Sailors on their Examination having mentioned one *Hilton*, as commanding a Ship under *Morgan*, and the Committee finding a <sup>g</sup> Letter from *Morgan*, directed to *Don Nicholas*, which in a subsequent <sup>h</sup> Letter is mentioned to have been writ to the said *Hilton*, they thought it probable *Hilton* might be a fictitious Name for *Nicholas Wogan*, in the same manner as *Walton* was for *Morgan*, and *Gardiner* for *Gallwey*. Having accordingly examined the Sailors as to this Particular, one of them said, he believed *Hilton* was a fictitious Name; and *Morgan's* Son owned that *Hilton's* true Name was *Nicholas Wogan*, and that he had been confined in *England* on account of the *Protestant* Rebellion, as he was told by *Nicholas Wogan J. n.* who went by the Name of *Paterfon*: and one of the Sailors declared, that the said *Wogan Sen.* obtained the Command of one of the Ships under *Morgan*, after their Arrival in the Bay of *Cadiz*.

These Particulars agree with *Glajcock's* <sup>i</sup> Letter to *George Kelly* of the 24th of *April*, O. S. in which he mentions *Nicholas Wogan* by the Name of *Xoland*, as being to have the Command of a Vessel at *Cadiz*, to cruize against the *Turks*, or for other *Vicars*, on which he will not pretend to decide; and *Kelly's* <sup>k</sup> answering this Letter, wishes *Wogan's* *Chief* may succeed in his Journey. The same Particulars confirm Mr. *Crawford's* <sup>l</sup> Letters of the 18th and 25th of *July*, by which it appears, that the two *Nicholas Wogans* were at that time come to *Morlais*, expecting *Morgan's* Ships to follow them to that Port, in order to their setting sail for *England*; that the eldest of them was to have been Captain, and the other Lieutenant of one of those Ships, and that they owned the Project in *Spain*, by what they had learnt of it, was for the late Duke of *Ormond* to have landed in the *West* with *Irish* Officers and Arms.

On the 8th of *June*, N. S. Colonel *Stanbope* <sup>m</sup> writ Word that the late Duke of *Ormond* was preparing to embark with Arms and Officers for *England*. And your Committee find, that <sup>n</sup> about that time the Ship *Revolution* set sail from

the Bay of *Cadiz*: That the Sailors knowing the *Madagascar* Voyage to be dropped, refused to do their Duty till they were satisfied as to the Place they were designed for. That hereupon *Gallwey* assured them it was to *Gibraltar*, in order to clean the Ship; but having got them under sail, and satisfied them about their Wages, they proceeded to the Bay of *Biscay*: That they put in at *Sancto Antonio* to take *Morgan* on board, and then joined the *Lady Mary* at *Sancto Andero*. That upon their Arrival at this Place, the common Report on Shore was, That the late Duke of *Ormond*, and four Companies of Soldiers, were to be taken on board the *Revolution*: That Corn and Cattle were provided for the said Soldiery; and that the late Duke of *Ormond* was within a short Day's Journey of *Sancto Andero*: That hereupon the first and second Mate of the said Ship, suspecting *Gallwey* to be engaged in some unwarrantable Design, agreed not to serve any longer, unless *Gallwey* would give them a Note under his Hand that they were forced into the Service, and would also declare whither they were bound, and give them Security that they should not be employed in any other Voyage than such as he should declare to them; whereupon one of them was confined, and the other discountenanced by *Gallwey*.

But that *Gallwey's* real Expectations were to have come over with the late Duke of *Ormond*, appears to the Committee most evident from the <sup>o</sup> Copy of a Letter of his, dated the 16th of *June*, the Day before he set sail from *Cadiz*, in which are these Words, 'I hope the —— will <sup>p</sup> set sail to-morrow; your not repeating Orders and Advice concerning the Business in <sup>q</sup> hand, gives me a thousand Apprehensions; <sup>r</sup> God send our Bankers and the rest of our <sup>s</sup> Friends are safe, and stand their Ground. I <sup>t</sup> intend to embark myself on board the —— for <sup>u</sup> fear my dear Aunt should have any Occasion <sup>v</sup> for Assistance, of whom I am so tender that I <sup>w</sup> would not if possible have the Care of her put <sup>x</sup> into any other hands.'

The Committee observe that the same Expression of *My Aunt* is used in the Letter to *Dodsworth*, with such Circumstances as make it highly probable, that in that <sup>y</sup> Letter, as well as this of *Gallwey's*, it denotes the late Duke of *Ormond*. They likewise observe, that the Names of *Mansfield* and *Medley* are used in *Morgan's* and *Gallwey's* Letters, in such a manner as confirms those Names to mean the late Duke of *Ormond*, agreeably to the Explication given them in the Report of the Committee of the House of Commons.

*Gallwey* in his <sup>z</sup> Letter of the 3d of *November* 1722, says, He has a couple of fine Grey-hounds, a Dog and a Bitch, for Mr. *Freeman*; the same Dogs are mentioned in <sup>aa</sup> another Letter, and in the <sup>ab</sup> Depositions of two of the Sailors, to have been a Present from the late Duke of *Ormond*, to the Pretender: which confirms the Explication of the Name of *Freeman*, mentioned in the said Report, to be true.

There was likewise seized on board the *Revolution*, a <sup>ac</sup> Letter to *Gallwey*, signed *John O'Brien*; which appears to be in the same Hand-writing with the <sup>ad</sup> Letters signed *Gerrard* and *M. Digby*, taken among Mr. *Dennis Kelly's* Papers, and confirms *Gerrard* to mean Sir *John O'Brien*, one of *Dil-*

<sup>a</sup> A A. 5.

<sup>b</sup> A A. 4, 6.

<sup>c</sup> 17.

<sup>d</sup> A A.

<sup>e</sup> 17.

<sup>f</sup> 47, 48.

<sup>g</sup> 27.

<sup>h</sup> 28.

<sup>i</sup> E. 31.

<sup>k</sup> E. 35.

<sup>l</sup> A. 30, 31.

<sup>m</sup> A. 15.

<sup>n</sup> 47, 48.

<sup>o</sup> 39.

<sup>p</sup> A A. 6.

<sup>q</sup> 42.

<sup>r</sup> 19.

<sup>s</sup> 47, 48.

<sup>t</sup> 26.

<sup>u</sup> F. 14, 28.

*lon's*

lon's Secretaries, agreeable to the Conjecture in the said Report.

*Gallwey*, in a <sup>a</sup> letter dated from *Alicant Bay*, the 13th of *September* last, expresses his Concern for *Kelly's* Confinement, but hopes that is the worst that can befall him; and a <sup>b</sup> letter in *Kelly's* Hand-writing signed *Ja. Johnson*, directed for *Gardiner*, but enclosing a Note for twenty Guineas payable to *Gallwey*, was found on board the *Revolution*, as also a Direction entered with *Kelly's* own Hand in a <sup>c</sup> Pocket-Book, supposed to belong to *Morgan*. *Kelly* in his letters acknowledges the Receipt of one from *Sir John* (which is probably their common Correspondent, *Sir John Obrien*) and says their Friends in *Spain* are well, as one of the Family writes him word: which shews how extensive *Kelly's* Correspondences were.

*Gallwey* in a <sup>d</sup> letter from *Genoa* of the third of *November*, 1722, (which appears to have been writ to one of the Pretender's Family) says, he has acted for many Months past under the Direction of *Medley (Ormond)* who, he makes no doubt, has mentioned him to *Mr. Freeman* (the Pretender;) yet in his <sup>e</sup> letter to *Lord Carteret*, after his ship was taken, he has the Assurance to affirm, that he never saw the late Duke of *Ormond* since he left *England*, nor ever corresponded directly or indirectly with him or the Pretender, or any of their Adherents at home or abroad, but was always zealously well affected to his present Majesty and our happy Establishment.

*Gustavus Bibr* above-mentioned <sup>f</sup> deposes among other Particulars, that he has been informed the Pretender's Agents had Arms for three thousand Men, lodged at a House belonging to the late Duke of *Ormond*, near *Morlaix* in *Britanny*; which port the committee observe was one of the usual Stations of the Pretender's Ships under *Morgan*. And it appears probable, that these three thousand Arms made part of the ten thousand mentioned in *O——'s* <sup>g</sup> letter to *L——* as provided by *D———*, who is supposed to be *Dillon*.

*Robert Franklyn*, second Mate of the Ship *Revolution*, <sup>h</sup> deposes, that letters directed to *John* or *James Jacobs* at *Genoa*, were taken up at the Post-house by *Gallwey*. The Committee observe, that *Jones* in his <sup>i</sup> letter to *Chivers*, mentions his having communicated the Copies of *Mausfield's* and *Jacobs's* letters; and *Glascock* in his <sup>k</sup> letter to *George Kelly* of the first of *May*, says, 'He hopes Money is sent to pay for the *Barrels* which *Jacobs* has at his Disposal.' In both which places it is probable, that *Jacobs* means *Gallwey*; and that *Barrels* mean Stands of Arms, is confirmed by a <sup>l</sup> letter of *Morgan's*, in which speaking of that very Ship that brought the Arms above-mention'd from *Gottenburg* and *Hamburg* to *Cadiz*, he says, 'She had received Orders for taking in nineteen *Barrels*, with every thing necessary to make use of them:' Which last Words seem to refer to the Bayonets, Flints, and powder. <sup>m</sup> The Intelligence sent by *Mr. Crawford*, on the 27th of *May*, That *Gordon* of *Boulogne* was to have a Ship ready to transport some of the Chiefs of the Conspiracy to *England*; is confirmed by the Deposition of *Roger Garth* (already published) who declares, 'That the said *Gordon* (whom he had good Reason to believe to be an Agent of the Pretender's) did some time last

' Summer endeavour to engage him to ply off of that Station with his Sloop, in order to carry over such Persons as he, the said *Gordon*, should recommend to him, promising him that he should have Employment enough.'

The Lords Committees conceive, that the several particulars above related, will appear to the House very much to corroborate the Accounts received from abroad, of Ships provided for transporting the late Duke of *Ormond* to *England*, with Arms and Officers, the beginning of last Summer; and that they also confirm the Decyphering of the letters, and Explication of the Names, contained in the Report of the Committee of the House of Commons.

The Lords Committees observing that some paragraphs of the letters refer'd to them were writ originally in Cypher, thought it proper to call the Decyphers before them, in order to their being satisfied of the Truth of the Decyphering. The Account they received from those persons, was, that they have long been versed in this Science, and are ready to produce Witnesses of undoubted Reputation, who have framed letters in Cypher, on purpose to put them to a Trial, and have constantly found their decyphering to agree with the Original Keys which had been concealed from them. It was likewise confirmed to the Committee, that letters decyphered by one or other of them in *England*, had exactly agreed with the decyphering of the same letters performed by persons in foreign parts, with whom they could have no Communication; and that in some Instances after they had decyphered letters for the Government, the Keys of those Cyphers had been seized, and upon comparing them, had agreed exactly with their decyphering.

With respect to the intercepted letters in question, they alledged that in the Cypher used by *George Kelly*, they find the Words ranged in an alphabetical Order, answering the progressive Order of the Figures by which they are expressed, so that the farther the initial letter of any Word is removed from the letter A, the higher the Number is, by which such Word is denoted: that the same Word will be found to be constantly denoted by one and the same Figure, except in the Case of Particles or Words of very frequent Use, which have two or three Figures assigned to them, but those always following one the other in a progressive Order. They likewise set forth, that in the Cypher above-mentioned, a certain Order is constantly observed as to the placing of the Words made use of, that under each letter of the Alphabet the first Cyphers are allotted to the proper Names of places, the next to the proper Names or Titles of Persons, the next to whole Words in common Use, and the last to denote single letters.

As to the Truth of the Decyphering, they alledged that several letters written in this Cypher had been decyphered by them separately, one being many Miles distant in the Country, and the other in Town, and yet their Decyphering agreed; that Facts unknown to them and the Government at the time of their Decyphering had been verified in every Circumstance by subsequent Discoveries, as particularly that of *H——'s* Ship coming in Ballast to fetch *O——* to *England*, which had been so decypher'd

<sup>a</sup> 40.  
; D. 10.

<sup>b</sup> 46.  
; E. 37.

<sup>c</sup> 45.  
; 27.

<sup>d</sup> 42.  
; A. 9.

<sup>e</sup> A. 45.

<sup>f</sup> 17.

<sup>g</sup> A. A. 5.

<sup>h</sup> 43.

by them two Months before the Government had the least notice of *Halstead's* having left *England*: That a Supplement to this Cypher having been found among *Dennis Kelly's* papers the latter end of *July*, agreed with the Key they had formed of that Cypher the *April* before: That the decyphering of the letters signed *Jones, Illington,* and 1378, being afterwards applied by them to others written in the same Cypher, did immediately make pertinent Sense, and such as had an evident Connexion and Coherence with the parts of those letters that were out of Cypher, tho' the Words in Cypher were repeated in different Paragraphs and differently combined. And they insist that these several Particulars duly weighed, amount to a Demonstration of the Truth of their decyphering.

As to the other Cyphers made use of by *Jernegan, Stanley,* and *Walter Grabame,* they consist only of twenty four Figures, for the twenty four letters of the Alphabet, and some other Figures for proper Names or whole Words, in the placing of which Names a certain Order is also observed.

These several Particulars they declared themselves ready to attest upon Oath, and to produce sufficient Witnesses to their Character and Integrity as well as their Skill.

The Committee being empowered by your Lordships to examine *Christopher Laver,* did accordingly spend some time in the said Examination, which produced a tedious Repetition of the particulars contained in his Examination before the Committee of the House of Commons, and some few Circumstances which they found he had recollected by reading the printed Report and Appendix.

All that he confessed to them which is new, was, that he did before his setting out for *Rome* acquaint *Plunket* with his Intentions of carrying over a Note of the Names of the Tory Gentlemen of *Norfolk,* if *Plunket* thought it would be acceptable; that during his stay at *Rome,* *Sir William Ellis* told him, that he had formerly corresponded with *Plunket* at the Request of the Lady *Middleton,* but that he had not, for some time past, corresponded with *Plunket,* or any one else, in relation to the Pretender's Affairs: for that from the time of the Action at *Dumblain* so many *Scottish* Noblemen and Gentlemen had come over to the Pretender, that he and all the rest of the old Servants had been forbid all Correspondence in *England,* or elsewhere. Upon *Laver's* desiring leave to correspond with him if it were practicable, he told *Laver,* that on Condition he would promise to write nothing but what might be shewn to the Pretender himself, he would settle a Correspondence with him; for that tho' he had followed the Fortunes of the late King *James* and his Family, ever since the Revolution; and had always been faithful to the Pretender, and for many Years his Cashier, yet if any of the *Scottish* Gentlemen that were about the Pretender, should know he received a letter without communicating it to him, it would cost him his place, and he should be in utter Disgrace: That *Laver* promising to write nothing but what might be shewn, *Ellis* gave him a Cypher of his own Hand-writing, as also another Cypher of cut paper for carrying on the correspondence; that he, *Laver,* likewise set-

tled a Cypher of fictitious Names with *Mrs. Hughes,* Nurse to the Pretender's Child, and received a letter from her in relation to the Christening of his Daughter. He would not own that he knew of any other Cypher, and persisted that *Mrs. Kinder* meant the said *Mrs. Hughes,* tho' in *Ellis's* Cypher it stands for *Mrs. Fox.* He said that the paper which he desired a Copy of from *Sir William Ellis,* and which is referred to in *Ellis's* letter of the 30th of *January,* was a short Scheme relating to the *Preston* Affair, shewn him by *Ellis* while he was at *Rome,* of which he remembers no other particulars, but that Insurrections were to be begun in several Counties in a dark Night. That when he made Application to *Plunket* for the fictitious Names of *Burford, Steele,* &c. he was forced to acquaint *Plunket* with his having settled a Correspondence with *Ellis,* which *Plunket* resented, and said he thought *Ellis* had been forbid all Correspondence with Persons here. That the Reason of his asking *Plunket* for a fictitious Name for Lord *Orrery,* was, that he had occasion to mention to *Ellis* a Club which *Plunket* had often told him of; that *Plunket* once shewed him a List of this Club, of his own Hand-writing, which he read over two or three times, but that *Plunket* talked so inconsistently of them, that he, *Laver,* verily believes it was a mere Fiction of his own, and that there never was any such Club. That he, *Laver,* thinks Lord *Orrery* mentioned to him Lord *Strafford,* as one of those, who, with Lord *North,* *Sir Harry Goring,* and others, were (as Lord *Orrery* was informed) going to do a rash thing in favour of the Pretender: but that he cannot be positive as to Lord *Strafford.* That he, *Laver,* wrote himself to the Pretender, concerning the Difference of Opinion which he observed in Lord *North* and Lord *Orrery* about the Means of restoring him, and the Necessity there was that the Regent should permit General *Dillon* to come over here with some foreign Forces. That he also drew up a Scheme of a Lottery to have been opened here in favour of the Pretender, and enclosed the said Scheme in a parcel with some silk Stockings, which he sent as a present to the Pretender and his Spouse by *Andrew Hays,* who travelled to *Italy* with Alderman *Barber.* That he delivered this parcel to *Hays* with his own Hands, who promised to convey it to *Ellis,* and said he could do it with Safety. That *Hays,* as he believes, understood the Stockings to be for the Pretender and his Spouse: That he likewise had some Discourse with *Hays* about getting Copper-plates engraved at *Rome* in *English* and *Italian* for the Tickets of the said Lottery, and desired him to receive *Sir William Ellis's* Directions about it, which *Hays* promised to do. That while he, *Laver,* was at *Rome,* *Hays* asked him whether he would not see the King, meaning the Pretender; and that the said *Hays* went frequently to the Pretender's Family in the way of his Business, and was, as he believes, present while the Pretender's and his Spouse's Pictures were drawn.

*Hays* being examined by the Committee, owned the Receipt of the Stockings, but denied their being delivered to him by *Laver,* or that he knew who they were for. He likewise owned the carrying a Packet to *Belloni,* the Banker at *Rome,* which was brought to him by a Porter from *Laver,* as he supposed.

*Layer* owns, that *Haye* told him *Belloni* was the Pretender's Banker, but denies his sending any such Packet by *Haye*: And in several other Particulars of their Examinations they contradicted each other.

<sup>a</sup> A Scheme of the Lottery above-mentioned (for raising 225,000 Pounds Sterling) having been found among the Papers of *Walter Jefferey's*, now in Custody, the Lords Committees thought proper to examine him how he came by it. He owned his being acquainted with *Layer* and *Plunket*, that he saw *Layer* about the Time of his going abroad, and helped him to a Bill on a Banker at *Antwerp*: But he denied his knowing from whom he received the said Scheme, or his having had any Conversation with any one about it; and said it might be put into his Hands by *Plunket*, for ought he knew, but that he was not sure he had ever read it; and if he had known such a paper had been in his Custody, he should have destroyed it.

The Lords Committees being informed that *Layer*, between the Time of his delivering the larger and lesser Bundle of Papers to Mrs. *Mason*, had deliver'd to her a large Parcel covered with blue paper and sealed in several Places, and that he did within a few Days after take it back again, telling her he wanted to carry it to Lord *North and Grey's*: They examined *Layer* particularly on this head, but he denied that he ever delivered her any such Bundle.

The Lords Committees next proceeded to the Examination of *John Plunket*, who began with large Protestations of his Innocence, and offered of himself to account for three Facts charged upon him in the Report, and to shew they were great Mistakes. The first was, his receiving a letter from *George Kelly*; the second, his receiving the letter at *Antwerp*, signed *Dixwell*; and the third, his receiving the letter from the Pretender, taken at Mrs. *Creagh's*. And as in his Examination before the Committee of the House of Commons he had fallen on the Expedient of substituting *Hugh Thomas* to personate *Rogers*, so now they found he had furnished himself with three different Persons, at different Places, all of the Name of *Plunket*, to whom he would have it believed these letters were written; without offering any the least Proof or Circumstance of Probability to shew that such Persons were at all concerned in those letters, or that there ever were any such Persons in being.

The letter from *George Kelly*, he said was not writ to him, but to one *Harry Plunket*, who delivered it to him at *Will's Coffee-House, Covent-Garden*, and that it related to some Money that was to be raised on a Security of Mrs. *Barnes's*.

As to the Letter signed *Dixwell*, he said, there were two Clergymen of the Church of *Rome*, one or both of which travelled with him and *Layer* from *Dover* to *Antwerp*; that one of them went by the Name of *Lloyd*, but his real Name was *Plunket*. That this Man dropped the letter signed *Dixwell* at a Coffee-House; and he, *John Plunket*, taking it up with a Design of restoring it to him in *Lorrain*, (to which place sometimes one, and sometimes both of these Clergymen were gone) shewed it to *Layer*, who took it into his Head that this letter had been writ to him, *John Plunket*.

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The letter from the Pretender, he said, fell into his Hands much in the same manner: That there is one Father *Plunket* at *Rome* to whom the Pretender always writes when any Body is to be introduced to him. Being asked whether Father *Plunket* travelled with *Layer* to *Rome*, (because mention is made in the Pretender's letter of a Companion of *Plunket's*) he said the Pretender always called the person that was to be introduced by Father *Plunket*, his Companion. That this Father *Plunket* happening to shew him this letter, and commending the Hand, he, *John Plunket*, said he had a Friend at *Rome*, that would be glad to see the Pretender's Hand-writing. And Father *Plunket* having accordingly left the letter with him, he shewed it to *Layer*, and forgot to return it to Father *Plunket*, who never called for it, having fifty more letters of the same kind by him.

Upon the Lords Committees asking him whether he went by the Name of *Rogers*, he said he went by several Names in his Travels, that he, might not be imposed upon in his Reckonings as the *English* generally are. Being asked whether he took the Name of *Rogers* to prevent his being thought an *Englishman*, he said that in *Italy* he was called *Rogieri*.

They farther asked him, whether he had dictated any fictitious Names to *Layer*, or had mentioned any Thing to him of a Club? To which he answered, That he had given *Layer* the fictitious Name of *Bedford*, or *Burford*, for Lord *Orrery*, which Name he had from *Neynoe*. That one Night being in company with *Layer*, and some Clergymen whose Names he has forgot, the Discourse turning on the Protests of the Lords, and the Names that were subscribed to them, one of the Company said, These are a Loyal Club; another said, They are Jacobites; and that he, *Plunket*, said, There was a Loyal Club of eighty or ninety Lords who would stand in Defence of their Country.

He farther observed to the Committee, that in the Bill now depending before your Lordships, he is not mentioned by the Name by which he was baptized and confirmed: He said, his Surname was *Plucknet*, but his Christian Name he declined telling; and seemed to place some Hopes and Confidence in this Subterfuge.

The Committee finding him trifle with them in this egregious manner, asked him in general, whether he had ever been in Conference with the Pretender, or had corresponded with him, or any of his Agents: To which he answered in the Negative.

The Committee next sent for *George Kelly*, who told them that the Affair being soon to be brought before your Lordships, he desired to be excused from answering any Questions; so that they had no Opportunity of examining him as to the new Matters alledged against him in the Depositions of Mr. *Philip Caryll* and others.

However they thought it proper to send for the said Mr. *Caryll*, and to ask him whether he had any thing to add to or retract from his former Accounts. His Depositions being read over to him, he expressed himself very angry and uneasy at their being made Publick; and told the Committee he was not disposed to answer any farther Questions, being sorry for what he had said already:

ready; he likewise insinuated, that what he had said had not been taken down exactly as he dictated it, and seemed apprehensive that he was called upon to accuse himself of Matters that might be prejudicial to him. But upon the Committee's telling him that the most effectual Way he could take to do himself Service, was to make a candid and ingenuous Discovery of the whole Truth, he said he had already given a candid Account, and hoped he should not have been a Sufferer for his Candour. Being asked whether his Depositions had not been read over to him before he signed them, he said they were; but that he was in a great Confusion at the Time they were taken. Being then required by the Committee to read them over himself, and to shew in what Particulars they vary from his Sense and Meaning, he grew more composed; and having read over the first, dated the 27th of *March*, said, he believed it was right enough. In reading over the second (dated the 29th of *March*) he said it was not strictly true that Sir *Harry Goring* had told him what is there related, concerning an Invasion, Commission, &c. but that it was true, he had heard Sir *Harry Goring* say so; that as to Lord *Lansdown's* being to land in the *West*, he could not be positive, but he thinks Sir *Harry Goring* said so. He said, it was but a Supposition of his own, that the Discourse which occasioned the Bishop of *Rocheſter's* taking Sir *Harry Goring* by the Collar, related to the Pretender's Affairs: But that he remembers very well, Sir *Harry Goring* did affirm, that on his saying the Words there recited, (*this is Rocking the Cradle indeed*) the Bishop did take him by the Collar, and that he, *Caryll*, did apprehend the said Discourse to have Relation to the Pretender's Affairs. He said it was about two Years ago that being at Sir *Harry Goring's* he saw a letter lie on his Scrutore, directed to Mr. *Hore*, and upon his asking Sir *Harry* who the said letter was for, Sir *Harry* told him it was writ to himself. He said that the Words in his Deposition which import, that he, *Caryll*, had Reason to believe *Kelly* and Sir *Harry Goring* were settling together a Key at his House at *North*, by which they might correspond, are too strong; for that he, *Caryll*, did not see any such Key, only it was his Suspicion and Thought at that Time that they were framing such a Key.

He likewise said, that what relates to *Boyce* in the said Deposition is rather stronger than he meant it; for that *Boyce* only told him he was afraid the Servant, he, *Caryll*, had sent to him to help off, was *Sample*; alledging this Reason, that he had observed he was disguised, and that he was afraid he was somewhat like the Description given of *Sample* in the Proclamation. All the other Particulars of his Depositions he averred to be true, but said, he had nothing farther to add, and that he would rather a thousand Times die in *Newgate* than be an Evidence.

*Boyce*, being examined by the Committee, owned that Sir *Harry Goring* went to *France* in his Yacht, and that a Servant went over with him in a Black Wig, whom he had never seen with Sir *Harry Goring* before; but he utterly denied his having conveyed over any Person sent to him by Mr. *Caryll*, or his having had any Discourse with *Caryll* about any Person's answering the Description of *Sample*.

The Committee having summoned before them

*William Beasing*, of *Horn Dean*, and having read to him his former Depositions, find that he retracts what he had there deposed on Oath, of *Caryll* and Sir *Harry Goring's* being in Company at his House with the Person who had but one Hand: he says, such a Person was at his House with two other Gentlemen, but that he now recollects *Caryll* and Sir *Harry Goring* were not there at that Time. Being asked whether he had received any Letter or Message, since his being in Custody, which had helped to set him right in this Particular, he answered in the Negative.

The Committee observe from the Parts of Mr. *Caryll's* Depositions which he affirmed, that the Explication given to the Name of *Hore*, in the Report of the Committee of the House of Commons, as also the Decyphering of that part of *Kelly's* <sup>a</sup> letter which mentions *Hore's* Commission, and the Conjecture of *Goring's* having carried over a new Cypher from *Kelly* to *France*, are very much confirmed. They likewise observe that what is said in *Glascock's* <sup>b</sup> letter to *Kelly* of the <sup>c</sup> 2<sup>d</sup> of *October*, concerning the Arrival of the little *French* Merchant, mentioned by *Kelly*, and the Precaution they intend to use in relation to him till some other appears with whom they may talk of Business more to the Purpose, has probably relation to *Sample's* being got safe to *France*. And the letters signed *Fra. Phillips*, which *Caryll* owns he received from *Kelly*, not only confirms *Kelly's* writing by fictitious Names, but is a strong Argument of his being the Person that writ the <sup>e</sup> letter to *Bonnarville* of the 27th of *September*, and consequently the other letters charged upon him in the Report. For as in his letter to *Caryll*, he says: 'I have never heard a Syllable from your other Lawyer, (Sir *Harry Goring*) since you and I were with him, which you'll say is pretty surprising, and am afraid very detrimental.' — so in that to *Bonnarville* (writ within five Days of the other) he says, 'I have not heard a Syllable from <sup>d</sup> D. Gainer, or G. Roberts, since Mr. G. Sampson went, which has been a great Surprise, and I may say no small Detriment, to some of their <sup>e</sup> Friends.'

This Identity of Expression, in two letters writ so near the same Time, appears to be a farther Confirmation that the same Person writ them both, and confirms *G. Sampson* to be the same with the other Lawyer, which *Caryll* has explained to mean Sir *Harry Goring*.

The Lords Committees also find in the Papers referred to them new Evidence of *Kelly's* visiting, writing to, and receiving letters from the Bishop of *Rocheſter*, as appears by <sup>a</sup> Affidavits from the Persons who carry'd *Kelly* to the Bishop's House, and who also delivered letters from him to the Bishop, and brought back the Bishop's Answers; and Mrs. *Levett* <sup>e</sup> deposes on Oath, that Mrs. *Barnes* has told her, *Kelly* received in one Day as many letters from abroad as came to fourteen or fifteen Shillings, the Directions of which she, *Barnes*, saw, but they were in such odd fictitious Names, as no one could find out but *Kelly*, who had the Key; that among these letters there was one for the Bishop of *Rocheſter*, (as *Kelly* told her) which he was at that Time gone to deliver to the Bishop. And *John Malone* <sup>f</sup> deposes, that among the letters which he carried from *Kelly* to the Post, there were some directed to *Waters* the

<sup>a</sup> E. 35.<sup>b</sup> E. 79.<sup>c</sup> E. 75.<sup>d</sup> 13. 14.<sup>e</sup> 11.<sup>f</sup> 12.

Banker at *Paris*, under whose cover it appears that most of the Treasonable letters were sent; and the original <sup>a</sup> letter in *Kelly's* own Hand stopt at the Post-Office was enclosed in a cover so directed. Mrs. *Levett* farther <sup>b</sup> deposes that Mrs. *Barnes* told her, under Secrecy, that the Dog sent from *France* was a Present from the late Lord *Marr*, to the Bishop of *Rochester's* Lady; which is in some measure confirmed by the Draught of the Affidavit prepared for *Birmingham* at *Paris*, in which he is desired to swear that Lord *Marr* knew nothing of any such Dog. And tho' this Affidavit does not appear to have been sent over by *Kelly* directly, yet express mention is made in the letter to *Gordon*, that the said Affidavit is the Copy of a Note from the Person concerned with the Substance of what *he* thinks requisite. This Circumstance of the Dog's having been sent by the late Lord *Marr*, which is not expressly alledged in any part of the Report of the Committee of the House of Commons, is a new Confirmation that the <sup>c</sup> letter sign'd 918, which mentions the sending the Dog, is from *Marr*; and that *Musgrave*, to whom the Receipt of the Dog is acknowledged in <sup>d</sup> two several Letters, is likewise a Name denoting *Marr*, agreeably to what is asserted in the said Report.

The Committee find by <sup>e</sup> two Affidavits referred to them, that *George Kelly*, the last time he was taken into Custody, offered the Woman of the House a Gold Watch, forty Guineas in Money, and a Note for forty Pounds more, to let him escape.

The Committee have laid the Substance of these several Examinations together, as having some Reference to *George Kelly*.

They likewise examined Mr. *Dennis Kelly*, who utterly denied his being advised with, or knowing any thing relating to any Conspiracy. Several Papers found in his Custody being shewn to him, he denied his having ever seen them before, except when some of them were shewn to him, at former Examinations.

They next sent for Captain *Pancier*, and having ordered his <sup>f</sup> former Depositions to be read to him, ask'd him whether he had any thing to add or retract; he affirmed every part thereof to be true, and said he had only this farther Particular to add, That having lately seen *George Kelly*, as he was brought down to the House of Commons; he recollects that he has often seen him at the Gaming-Tables with *Skeene*, and that *Skeene* and the said *Kelly* were intimately acquainted, as he is able to prove by several Witnesses of Credit. *Skeene* being call'd in, and having heard *Pancier's* Depositions read over to him, own'd that he was acquainted with *Pancier*, and had been in Company with him at several of the Times and Places mention'd in the said Depositions; That he was taken Prisoner in the *Preston* Rebellion, but is not related to *Marr*, nor has ever seen *Mackintosh* since he parted from him at *High-gate*. He own'd he had had general Discourse with *Pancier* relating to a Plot, and that *Pancier* had ask'd him several Questions about it, to some of which he (*Skeene*) assented and to others not; but he denied his having told *Pancier* any farther Particulars than were in the News-Papers, or in the current Report of the Town. As for Instance, when *Pancier* asked him where the late Duke of *Ormond* was, he told him the

News-Papers said he was at *Corunna*; but he *positively* denied his having ever mentioned to *Pancier* any Particular Persons as concerned in the Conspiracy, or any of the Particular Facts specified in his Depositions.

He farther said, he had reason to believe that *Pancier* had sent to him since his being in Custody, to advise him to make his Escape; for that one *Gerard Fitzgerald* having been walking with *Pancier* in the *Park*, came directly from thence to him, *Skeene*, at the Messenger's House, and advised him to make his Escape; tho' he own'd that *Fitzgerald* made no mention of *Pancier's* having sent him any such Advice.

*Fitzgerald* being sent for by the Committee, own'd he had been to see *Skeene*, and finding no body at that time in the House but a Woman, told *Skeene*, it would be an easy Matter for him to escape; but he cleared *Pancier* from having sent any such Intimation or Advice. He farther said, that *Skeene* told him he did not know but he might have talk'd foolishly to *Pancier*, but that if he had, *Pancier* was but a single Evidence, or to that effect.

The Committee find, among the Papers referred to them, a <sup>g</sup> Copy of the Orders which *Arnold* received from the Owners of the Ship *Phineas*, requiring him to follow the Directions of *Roger Nowell* (*Halfstead*) during the Voyage; as also an <sup>h</sup> Affidavit, by which it appears, that the said *Halfstead* was to visit the Bishop of *Rochester* and staid an Hour at his House, a few Days before his setting out for *Bilboa*.

They also find a very remarkable <sup>i</sup> letter sent to one of the Secretaries of State, by an unknown Hand, dated the 12th of *February*, 1721-22, and inclosed in <sup>k</sup> one, dated the 31st of *March*; which first appears to be the Letter referred to in <sup>l</sup> one of *Neynoe's* Examinations, as drawn up by *Kelly* and himself, and brought back to him corrected, as he believ'd, by the Bishop of *Rochester*.

They likewise find a <sup>m</sup> Paper taken in Lord *North and Grey's* Study at *Catlige*, which contains several very extraordinary Reasonings on the Nature of Oaths; tending to prove, That the Oaths to the present Government are not Obligatory; and that tho' the taking such Oaths is in itself unlawful, and a grievous Sin, as being inconsistent with prior Oaths, or Obligations, yet neither the taking nor breaking them can in strictness fall under the Denomination of Perjury.

This is the Substance of what the Committee have been able to collect from a careful Perusal of the Papers referred to them, and a long Examination of several of the Persons concerned; in some of whose Power they have Reason to believe it was to have made ample Discoveries, if they had been disposed to speak the Truth.

And tho' the Lords Committees cannot reflect, without Pity and Compassion, on the misguided Zeal, and wretched Infatuation of those Men, who rather chuse to expose themselves to the greatest Dangers, than to discover the Authors or Accomplices of their Treasons; thereby declaring to the World, that the Leagues and Confederacies of private Villany are dearer and more sacred to them than the strongest Tyes and Obligations of Society; yet the Committee make no doubt but the Matters contained in the Report referred to them, and corroborated by the Result of

<sup>a</sup> E. 21.    <sup>b</sup> 11.    <sup>c</sup> E 32.    <sup>d</sup> E. 35, 42.

<sup>k</sup> 5.    <sup>l</sup> E. 9.    <sup>m</sup> 2.

<sup>e</sup> 15 16.    <sup>f</sup> D. 1, 2.    <sup>g</sup> 7.    <sup>h</sup> S.    <sup>i</sup> 6.

their present Enquiry, will appear to your Lordships so clearly made out, that the Conspirators, sooner or later, will have leisure to repent of the rash and impious Choice they have made, of being rather true to one another, than to God, their Consciences, and their Country,

ON *April 24* the House (according to Order) took into Consideration the Report from the Lords Committees, to whom the Report and Original Papers delivered by the House of Commons at several Conferences, were referred; and who were empowered by this House to examine *Christopher Layer* and such other Persons as they from time to time should think proper: And the said Report being read, It is resolved by the Lords Spiritual and Temporal in Parliament Assembled, That this House is fully satisfied and convinced, That a detestable and wicked Conspiracy has been formed and carried on, for soliciting a foreign Force to invade these Kingdoms, for raising a Rebellion, and inciting Insurrections in *London*, and divers other Parts of *Great Britain*, and even for laying violent Hands on the sacred Person of His Majesty, and on His Royal Highness the Prince of *Wales*, in Order to destroy our Religion and happy Constitution, by placing a Popish Pretender on the Throne.

*Ordered*, By the Lords Spiritual and Temporal in Parliament Assembled, That the Thanks of this House be given, by the Lord Chancellor, to the said Lords Committees, for their having discharged the Trust in them reposed, with great Exactness, Care, Fidelity, and Candour. Thereupon,

The Lord Chancellor addressing himself to the Lords of the said Committee, (*viz.* Duke of *Montrose*, Duke of *Dorset*, Earl of *Scarborough*, Earl of *Islay*, Lord Viscount *Lonsdale*, Lord Viscount *Terrington*, Lord Bishop of *Sarum*, Lord Bishop of *Lincoln*) gave them the Thanks of the House in the following Words:

*My Lords who were of the Committee,*

I Am commanded by the House to give your Lordships the Thanks of this House, for your having discharged the Trust reposed in you, with great Exactness, Care, Fidelity and Candour.

*My Lords,*

The Trust was as great as ever was reposed by this House in any of its Members. The Subject Matter of your Enquiry, a Conspiracy the most dangerous as well as detestable, big with Mischiefs of all kinds, and destructive of every thing that is valuable amongst us; carried on and managed in a new devised Method with the utmost Cunning as well as Wickedness, and covered with all the Disguises the most artful Dexterity could contrive: and which therefore required the greatest Penetration and Skill to lay open. And the Papers, some of them of such a Nature, that it was thought fit to refer them to your Lordships, lock'd up as they were, without reading them in the House.

*My Lords,*

Your Lordships have fully answer'd the Expectations the House entertained, when they pitched upon you for this Trust.

Your Application in going thro' so many Papers of affected and studied Obscurity, your Candour and Exactness in Examining the Persons concern'd, or any way capable of giving any Satisfaction, and

in representing what they said, the Accuracy and Judgment of your Remarks; the Light you have so happily given to several Passages in the Report of the Committee of the Commons, which, tho' in themselves just, were yet liable to Cavils, by such as were loth to have the Truth found out, give, I dare say, a sensible Pleasure to every Lord here, that has heard your Report read, and finds himself thereby enabled to form a Judgment with so entire Satisfaction to himself, concerning this abominable Work of Darkeness, which the Actors have endeavoured to surround with impenetrable Obscurity.

This noble Pleasure of seeing the Truth, notwithstanding so many Contrivances to hide it, and of being thereby enabled to come to right Resolutions in a Matter of such Importance, has very naturally and agreeably broke out into so unanimous a Resolution of returning the Thanks of this House to your Lordships, to whom they so much owe it. And in Obedience to their Commands, I do, with particular Pleasure, give your Lordships the Thanks of this House, for your having discharged the Trust in your Lordships reposed, with great Exactness, Care, Fidelity, and Candour.

*March 19.* The Bill to inflict Pains and Penalties on *John Plunket* was brought into the House of Commons, to which *Plunket* making no Defence, it pass'd that House on *April 5.* and was sent up to the Lords, who after hearing Counsel for the Bill, and *Plunket* himself against it, pass'd the Bill; which afterwards obtained the Royal Assent, and was as follows.

*An Act to inflict Pains and Penalties on John Plunket.*

WHEREAS in the Years One thousand seven hundred and twenty one, and One thousand seven hundred and twenty two, a detestable and horrid Conspiracy was formed and carried on by divers Traitors for invading your Majesty's Kingdoms with foreign Forces, for raising an Insurrection and Rebellion against your Majesty, for seizing the Tower and City of *London*, and for laying violent Hands upon your Majesty's most sacred Person, and upon his Royal Highness the Prince of *Wales*, in order to subvert our present happy Establishment in Church and State, and to place a Popish Pretender on your Throne: And whereas for the better concealing and effecting the said Conspiracy, divers treasonable Correspondences were, within the time aforesaid, carried on by Letters written in Cyphers, cant Words and fictitious Names; which Conspiracy, had not Almighty God in his great Mercy disappointed the same, would have deprived your Majesty's Kingdoms of the Enjoyment of their Religion, Laws and Liberties, involved them in Blood and Ruin, and subjected your People to the Bondage and Oppression of *Romish* Superstition and Arbitrary Power: for which execrable Treason *Christopher Layer* hath been indited, tried, convicted and attainted. And whereas *John Plunket* hath been a principal Actor in the said horrid and detestable Conspiracy, by traitorously consulting and corresponding with divers Persons, to raise an Insurrection and Rebellion against your Majesty within this Kingdom, and

to procure a foreign Force to invade the same, with a Design to depose your Majesty, and to place the Pretender on your Throne, by traitorously corresponding with the said Pretender, and by engaging in a most execrable and villainous Design of laying violent Hands upon the Sacred Person of your Majesty (whom God long preserve.) Therefore to manifest our just Abhorrence of so wicked a Conspiracy, and our Zeal and tender Regard for the Preservation of your Majesty's Person and Government, and for the Protestant Succession in your Majesty's Royal Family, the solid Foundation of our present Happiness and future Hopes; and to the End that no Conspirator may, by any Contrivance or Practice whatsoever, escape Punishment, and that all Persons may be by the Justice of Parliament for ever hereafter deterred from engaging in any traitorous Conspiracys or Attempts, We your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same, That the said *John Plunket* shall be detained and kept in close and safe Custody, without Bail or Mainprize, during the Pleasure of his Majesty, his Heirs and Successors, in any Goal or Prison within the Kingdom of *Great Britain*, to the Custody of the Goaler or Keeper whereof the said *John Plunket* shall from time to time be committed, in pursuance of this Act, by Warrant under the Hand and Seal of any Secretary of State of his Majesty, his Heirs or Successors: Which Warrant or Warrants any Secretary of State for the Time being is hereby authorized and empowered to make; and that the said *John Plunket* shall forfeit to his Majesty all his Lands, Tenements, Hereditaments, Goods and Chattles whatsoever.

And for more sure detaining the said *John Plunket* in safe Custody, be it further enacted by the Authority aforesaid, That if the said *John Plunket* shall break such Goal or Prison to which he shall be so committed, or shall escape out of the Custody of the Person in whose Custody he shall be, by virtue of such Commitment, That then the said *John Plunket*, and all and every Person and Persons whatsoever, who shall be aiding or assisting the said *John Plunket* in breaking such Goal or Prison, or in making such Escape, as aforesaid, or who shall by Force take or rescue the said *John Plunket* out of such Custody, Goal, or Prison, during the Continuance of his Imprisonment by virtue of this Act, being thereof lawfully convicted, shall be adjudged Guilty of Felony, and shall suffer Death as in Case of Felony, without Benefit of Clergy.

In pursuance of this Act, *John Plunket* was continued Prisoner in the *Tower of London*.

The same Day the Bill to inflict pains and penalties on *George Kelly* alias *Johnson* was brought into the House of Commons, who after hearing Counsel for the Bill, and *Kelly* and his Counsel against it, pass'd it on *April 6.* and sent it up to

the Lords, who heard Counsel for and against the Bill; when *Kelly* made the following Speech.

My LORDS,

SINCE my Counsel have so fully answered every Article alledged against me, it may seem unnecessary to take up your Lordships Time, by saying any thing for myself. And, indeed, it would be so, if my Charge were Ordinary or Particular. But, my Lords, I have been represented as a Person doubly guilty: First, In transacting Treason for myself: And, Secondly, In doing it for other People. These are Crimes, of the most heinous Nature; and if they were as clearly proved, as they have been strongly asserted, I should justly merit your Lordships highest Displeasure, and all the Pains and Penalties you could possibly inflict upon me.

And since my Charge is so very extraordinary; since these Proceedings seem to be without any Precedent; and, that the Innocence of other Persons calls upon me for publick Justice; I believe your Lordships will easily allow, That to be silent in such a Case would be truly criminal, and too justly censured.

To enter into all the Particulars of my Accusation, would take up more Time than is reasonable for me to ask, or for your Lordships to allow: And tho' the many Inconsistencies, Contradictions, and false Conclusions which appear in almost every Page of the printed Reports, plainly shew the Weakness, Absurdity and Sophistry of them; however, I shall only beg Leave to touch upon those material Parts which relate to myself, and my Defence to them.

The first Article which I find myself charged with, is, The employing of one *Neynoe* to draw up three Memorials to the Regent of *France*, to solicit Foreign Forces to invade this Kingdom. And for Proof of this, the Examinations of the same Person, which are neither upon Oath, nor so much as signed by him, (and whom the Committee of the Honourable House of Commons have represented as a very infamous Fellow) are the only Evidence assigned against me.

This, my Lords, is the Crime! and This the Proof!

And tho' the bare mentioning of it might be sufficient to convince your Lordships of its Weakness, however, since so great a Weight has been laid upon this Kind of Evidence in another Place, it will be necessary to be a little more particular about it.

The two first of these Memorials (*viz.* those before and after the *South-Sea Scheme*) are but slightly mentioned: But the One pretended to be drawn up in *December 1721*, (and containing a Demand of 5000 Men) and a letter said to be written the *March* after (to amuse the Government into a false Security) are the chief Things upon which any Strefs is laid. And how false both these Allegations are, has evidently appeared to your Lordships. For, had my Accuser been really employed to draw up any such Memorials, it is reasonable to believe, that he would have Copies of some, and especially of the last of them; since a Person who turned Informer so suddenly after, may very well be presumed to have had Thoughts of it

‘ for some Time before; and such papers would,  
 ‘ no doubt, give great Weight to his Information.  
 ‘ But the Ministry have produced no such Copies;  
 ‘ neither do they pretend to have them: Which  
 ‘ is a very great Indication, that there never were  
 ‘ any such Memorials at all.

‘ Besides, There are no two of his Examina-  
 ‘ tions of a piece. Nay! he contradicts himself in  
 ‘ almost every one of them. For in his second  
 ‘ Examination he says, That these Memorials  
 ‘ were all drawn up by the Order of one *Henry*  
 ‘ *Watson* (whom he really did not know, but took  
 ‘ to be the late Earl *Mariball*) without making  
 ‘ the least mention of me. In his third Exami-  
 ‘ nation he says, They were delivered to me and  
 ‘ *Watson*; and in his fourth he says again,  
 ‘ They were all drawn up by the Order of *Henry*  
 ‘ *Watson* only. And in a few Lines after contra-  
 ‘ dicts himself, and says, that the Heads of them  
 ‘ were given to him by *me* and *Watson*: Which  
 ‘ are such Inconsistencies, as (your Lordships will  
 ‘ easily grant) are not to be reconciled: And if  
 ‘ his Memorials were no better drawn than his  
 ‘ Examinations, I believe they were not likely  
 ‘ to meet with any great Success.

‘ As to the Earl *Mariball*, how reasonable it is  
 ‘ to believe, that a person in his Circumstances  
 ‘ should venture to come into *England*, and live  
 ‘ so openly here, as to intrust himself, and a Se-  
 ‘ cret of this Nature, to a Fellow, who (by his  
 ‘ own Confession) did not know him, is humbly  
 ‘ submitted to your Lordships. And as for my  
 ‘ part, it is very plain that I could have no Hand  
 ‘ in them, since the *Minutes* in my Pocket-book  
 ‘ (in which I could have used no Disguise) agree-  
 ‘ ing with the concurrent Testimony of *several*  
 ‘ *Witnesses*, plainly shew, That I was not in the  
 ‘ Kingdom at the Times in which my Accuser  
 ‘ pretends to have been so employed. For, by  
 ‘ those *Minutes*, and *their* Testimony, it appears,  
 ‘ That I went to *France* the 23d of *November*  
 ‘ 1721, and did not return till the latter End of  
 ‘ the next Month: And my Accuser himself  
 ‘ owns in his first Examination, That he did not  
 ‘ see me after my Return, till the *January* follow-  
 ‘ ing; which makes it impossible that he could  
 ‘ have been so employed by me in *December*, since  
 ‘ I was most part of that Month out of the King-  
 ‘ dom; and the few Days of it that I was here,  
 ‘ he owns he did not see me.

‘ Nor has the other part of his Information, re-  
 ‘ lating to the letter (which he pretends to have  
 ‘ drawn up in *March*) better Grounds — For,  
 ‘ by the same *Minutes*, and by the same Evi-  
 ‘ dence, it likewise appears, That I went to  
 ‘ *France* the 22d of *February* after, and did not  
 ‘ return till the middle of *April*; which makes it  
 ‘ as impossible that he could have been employed  
 ‘ by me in *March*, since I was then likewise out  
 ‘ of the Kingdom. Had this Examination been  
 ‘ at any Distance of Time, it is possible he might  
 ‘ be mistaken in it: But his first Information must  
 ‘ have been about the middle of *April*, soon after  
 ‘ my Return from *France*; for he confessed to the  
 ‘ person taken up with him at *Deal*, That he was  
 ‘ the first who set the Ministry upon intercepting  
 ‘ letters. And the first letters so intercepted  
 ‘ are owned, in the 42d page of the Report  
 ‘ made to the Lower house, to have been the  
 ‘ 22d of *April*, 1722.—And, surely, he can-  
 ‘ not be supposed to have forgot so soon what  
 ‘ happened the very Month before; especially

‘ since he has been so particular, as to name the  
 ‘ very Day (*Saturday*) upon which he says this  
 ‘ letter was so drawn up. By all which it plain-  
 ‘ ly appears, That this Article is not only  
 ‘ groundless, but evidently false; and likewise,  
 ‘ that he had no such Intimacy with me (as the  
 ‘ Report pretends) since he has declared, That I  
 ‘ never spoke to him of the Conspiracy; and  
 ‘ that I could be a Month *at one Time*, and Two  
 ‘ Months at another, out of the Town, without  
 ‘ his knowing any Thing of it. As to what is said  
 ‘ of his coming sometimes to my Lodgings, I  
 ‘ believe it may be true; but it has been fully  
 ‘ proved, That his Visits were never to me, but  
 ‘ always to another Person who lodged in the  
 ‘ same House. And I do solemnly affirm to  
 ‘ your Lordships, that I never was acquainted  
 ‘ with the late Earl *Mariball*, or with any such  
 ‘ Person who went by the Name of *Watson*:  
 ‘ That I knew very little of my Accuser; so lit-  
 ‘ tle, that I am confident, I never spoke to him  
 ‘ Ten times in my Life; nor ever employed him  
 ‘ in this or any other Affair whatsoever.

‘ *The second Article charged upon me, is, the car-  
 ‘ rying on a Treasonable Correspondence for the Bishop  
 ‘ of Rochester.* And for Proof of this, the Exa-  
 ‘ mination of the same Person is the only Evi-  
 ‘ dence produced against me, wherein he says,  
 ‘ That I frequently told him, the Bishop was con-  
 ‘ cerned in such a Correspondence; and that I  
 ‘ managed it for him; with other Particulars not  
 ‘ worth mentioning. How reasonable it is, that  
 ‘ I should tell such a strange Untruth to a Person  
 ‘ that I knew so very little of, and what Credit  
 ‘ ought to be given to his bare Assertion, who  
 ‘ has affirmed such gross and notorious False-  
 ‘ hoods in the former Article, must be submitted  
 ‘ to your Lordships. And, in my present unhap-  
 ‘ py Situation, I cannot but think it a very great  
 ‘ and singular Happiness, to have so publick and  
 ‘ honourable an Occasion of purging myself from  
 ‘ so vile a Calumny, and of doing Justice to that  
 ‘ most worthy and learned Prelate.

‘ And I do solemnly declare to your Lordships  
 ‘ upon the Faith of a Christian, That I never  
 ‘ wrote or received a letter of any Kind for the  
 ‘ Bishop of *Rochester*, or was privy to any Corre-  
 ‘ spondence of his at Home or Abroad: That I  
 ‘ never shewed him any letter that ever I wrote  
 ‘ to *France*, or ever sent one there by his Privy  
 ‘ or Direction: That I am very little known to  
 ‘ his Lordship, went very rarely to wait upon  
 ‘ him; so rarely, that I am confident few of his  
 ‘ Servants know either my Name or Face; and  
 ‘ I have not seen him above three or four Times  
 ‘ these two Years past, and not above eight or  
 ‘ ten Times in my whole Life.

‘ I do farther declare, That my Visits to his  
 ‘ Lordship were always publick; that I never  
 ‘ went privately in a Chair to his House; always  
 ‘ found other Company with him, who were ge-  
 ‘ nerally Strangers to me; and never once menti-  
 ‘ oned his Name, upon this or any other Account,  
 ‘ to the Person who thus accused me. Which,  
 ‘ with the Evidence that has been produced of his  
 ‘ own Confessions to that Purpose, is, I hope,  
 ‘ sufficient to convince your Lordships of the  
 ‘ Truth of it.

‘ And as for the Dog, which has been brought  
 ‘ as a Circumstance to prove this Matter, I do  
 ‘ in the same solemn Manner declare, That he  
 ‘ was given to me by a Surgeon at *Paris*, (*whose*  
 ‘ *Affidavit*

‘ *Affidavit has been offered to be produced*) and who, at that Time, I do verily believe, never heard of his Lordship’s Name; and that he never was design’d for any body but the Person I gave him to. And I appeal to the very Ministers themselves, if the *British Resident at Paris* (who is constantly attended by that very Surgeon, and examined him about it) has not confirmed the Truth of this Account to them. I do farther affirm, That the Bishop of *Rocheſter* never ſaw him; never received any letter or Meſſage by me, nor (do I believe) by any other Perſon, about him: Neither did I ever know or hear, That his Lordſhip had any Intercourſe or Correſpondence with the late Earl of *Marr*, or any other diſaffected Perſon abroad.

‘ *My LORDS,*

‘ It cannot be imagined, that I have any particular Intereſt or Concern in this Matter; for I never received any Favours from his Lordſhip; neither do I owe him any Obligations, but thoſe of common Juſtice: And thoſe I ſhould perform, where I have ſo much Truth of my Side, to the greateſt Enemy I have upon Earth. As for the other Circumſtances, which are brought to ſtrengthen my Accuſer’s Examinations, and are ſet forth in one *Pancier’s* Depoſition, They will appear, I don’t doubt, as groundleſs and inconſiſtent as the Examinations themſelves. For this Perſon ſwears, That another told him of this Conſpiracy; that ſix or eight Battalions of *Iriſh* Forces were to come from *Spain* to aſſiſt the Conſpirators; that 20000*l.* were raiſed, and 800 Men regularly ſuſſiſted for this Purpoſe in *London*. Theſe, My Lords, are called, in the 38th Page of the Report of the Lower Houſe, *The concurrent and Corroborating Proofs* of my Accuſer’s Examinations: And I humbly appeal to your Lordſhips, if any one of them carries the leaſt Colour of Reaſon or Probability with it. For can it be imagined, That ſuch a Force ſhould come from *Spain*, when there appears to be ſo ſtrict a Friendſhip between the two Kingdoms? Or that 200000*l.* could poſſibly be raiſed among all the diſaffected in *England*, in caſe there was a Licence for it? Or 800 Men regularly ſuſſiſted in this City, without a Diſcovery? Theſe are ſuch idle inconſiſtent Tales, as (I am perſuaded) can never have any Weight with your Lordſhips. Beſides, my Lords, this is only bare Hear-ſay; and if the Hear-ſay of ſuch infamous Perſons (or, indeed, of any Perſons) be look’d upon as ſufficient Evidence, I believe no Man in *England* can be ſure of his Life or Liberty an Hour, ſince any two People may talk him into High-Treaſon whenever they pleaſe; and the greater the Perſon is, the greater his Danger always will be.

‘ The *Third Crime* which I ſtand charged with, is, the Writing of three treaſonable Letters for the Biſhop of *Rocheſter*, ſuppoſed to be to the Pretender, the late Earl of *Marr*, and General *Dillon*, which Letters are ſaid to have been ſent by me to Mr. *Gordon* at *Boulogne*, with Directions to be delivered to one Mr. *Talbot*: And for Proof of this, the Clerks of the Poſt-Office are produced, who ſwear, That thoſe Letters were (to the beſt of their Knowledge) written in the ſame Hand with an Original which was ſtopt as a Specimen of it: Which Original has been ſworn by two Perſons to be

‘ my Writing, and conſequently thoſe letters muſt be ſo too.

‘ *My LORDS,*

‘ Theſe letters are dated the 20th of *April*, and the Specimen ſo ſtopt the 20th of *Auguſt*; juſt four Months after. And how it is poſſible for People (who receive ſuch a Number of letters) to ſwear to a Likeneſs of Hands, at ſuch a Diſtance of Time; and what Weight ought to be laid upon this kind of Evidence; or upon that modern and myſterious one given by the Decypherers, in which they don’t pretend to a Certainty themſelves, muſt be ſubmitted to your Lordſhips. And as to the Perſons who have ſworn to my Hand, I hope it will be conſidered, That one of them is a Meſſenger, who never ſaw any of my Writing, but the Superſcriptions of a few letters, which (your Lordſhips may eaſily ſee) do not bear the leaſt Likeneſs with what he has ſworn to. Beſides, this very Perſon was turn’d out of his Employment upon my Account; and a few Days after he gave this Evidence in the Houſe of Commons, I ſaw a Paragraph in the News-Papers that he was reſtored to it again. And as to the other, it is to be hoped, That it will be likewise conſidered, that he is a Servant who attended me only about three Weeks, and was turned off for an infamous Action, which he has acknowledged himſelf to have been guilty of: Beſides he has confeſſed, That he never ſaw me write, but as he went backwards and forwards in the Room; and at ſuch a Diſtance as not to be able to diſtinguiſh one Character from another: And it has been proved by two Witneſſes, (one of which was a particular Friend of his own) That he declared he never knew any thing of my Hand; but was threatned by the Secretary, into the Affidavit which has been printed in the *Appendix*. And if that Paper had been my Writing, it is impoſſible they could be reduced to a Neceſſity of making uſe of ſuch improper Evidence, ſince no Pains have been ſpared to procure better; ſince Numbers of People have been taken up, confined and examined to this very Point; and *Newgate* ſent to, more than once, for Witneſſes to it. And tho’ it might be proved by the very Report of the Lower Houſe, that thoſe letters could not have come from the Biſhop of *Rocheſter*; however, my Buſineſs is only to convince your Lordſhips, That I was not the Writer of them, and of this, I believe it is impoſſible to give clearer Proofs than I have done: For if thoſe letters had been dictated to me the twentieth of *April* (as the Report pretends) it muſt have been at his Lordſhip’s Houſe in the Country; ſince it appears by the Depoſition of his Coachman, that he went there the 12th of that Month, and did not leave it till the 5th of *May*.

‘ But it has been proved, that I was in *London* all that time; and if it had been permitted, there is not a Perſon in the Biſhop’s Family but would teſtify, That I was not then at his Houſe in the Country; and conſequently could not have written any ſuch Letters for him. Beſides, I have brought ſeveral Perſons of Credit and undoubted Characters, who have all teſtified, that the Hand in which thoſe letters are ſaid to be written, is not mine, nor any thing like it.

‘ An Affidavit has been produced from Mr. Gordon, That he never received any such Letters from me, nor ever had any Correspondence, or even an Acquaintance with me.

‘ And it has been likewise proved, That Mr. Talbot, to whom those Letters are said to be delivered by Mr. Gordon, was in this Town the very Day upon which they are said to have been delivered to him at *Boulogne*: And if I had any such letters to transmit, can it be imagined that I would trust them to the common Post, when I had so good an Opportunity to send them by, or direct them to *Boulogne*, when the same Post might as well have carried them to *Paris*? These are such full, such evident Proofs, as, I hope, cannot fail of giving your Lordships the utmost Conviction in this Matter; and, consequently, that this Article is, like the rest, both groundless and manifestly false.

‘ But if any Credit is to be given to the Confessions which my Accuser made to the Person taken up with him, it is very plain that those letters must have come from another Quarter; and, to say no worse, were at least calculated to carry on his own base and villanous Designs.

‘ For it has been proved to your Lordships, that he confessed to have been employed by one of the Ministers; received 300 *l.* from him, and was to have 2000 *l.* more. That this Minister declared a personal Prejudice, upon some private Account, to the Bishop of Rochester; was resolved to pull down the Pride of that Haughty Prelate, and to squeeze me (as I think the Expressions were) to that Purpose.

‘ My LORDS,

‘ I say, if any Credit is to be given to this Confession, there can be no great Difficulty in tracing out the Source of this Part of the Conspiracy; and I am heartily sorry to say, That there are some Circumstances which seem to give but too great a Countenance to the Truth of it. For, my Lords, He made this Confession at a Juncture, when he may very well be supposed to have spoken in the Sincerity of his Heart; when he saw his Villany detected; believed himself to be in the greatest Danger, and depended upon the Person’s Assistance (to whom he made it) to help him out of his Misfortunes. — And how particular this Prosecution is, and how sufficiently I have been squeezed, are Things but too visible, and too well known to the World.

‘ Besides, the very Cypher by which those letters were written, (and which he owned to have received from that Minister) was actually caught upon the Person to whom he gave it; and he confessed, That he put a Paper of Directions into one of my Drawers, by which (the Report says) most of the treasonable letters were addressed. And it has been proved to your Lordships, that those Drawers were constantly open, and that he made some Pretext for being alone in my Lodgings, the very Night before I was first taken up. And since he was the first that set the Ministry upon intercepting letters, which he said were mine; it is very extraordinary, that such a material Part of his Evidence should be omitted in his Examination; or that the very first letters so intercepted, should be those alledged against the Bishop of Rochester: And if

‘ the Originals of those Three Letters were stop’t, I don’t at all doubt, but they might be proved to be my Accuser’s own Hand writing. And how strong a Sense he had of his Guilt, by attempting an Escape which proved fatal to him; and how visibly the Hand of God has interposed in that eminent Prelate’s Favour, by taking one of the Persons (designed for his Destruction) out of the World, and giving the other Grace and Virtue enough to withstand all Temptations to his Prejudice, are Things highly worthy of your Lordships just and most serious Consideration, and no small Indication of his Innocence. And as to the Money which my Accuser owned to have received, That there was a very sudden and extraordinary Change in his Condition; that from the lowest State of Poverty and Want, he soon arrived to that of a vicious and most profligate Affluence, is a Truth sufficiently known to all those who were acquainted with him. But from whence this Change proceeded, or what real Grounds he had for aspersing that Honourable Person, I will not pretend to say: But if those Aspersions be false (as I wish they may) it may be justly inferred, That a Fellow who was capable of vilifying one Person, may very well be judged as capable of doing so to another: And if his Veracity is not to hold good in one Case, there can be no Reason for allowing it in the other.

‘ The fourth Crime alledged against me, is, a Number of intercepted letters, supposed to be written to, and received from the late Earl of Marr, General Dillon, and other disaffected Persons abroad. And for Proof of this a Frenchman has been produced, who swears, That he once saw me take up a letter at *Burton’s* Coffee-house, by the Name of Baker, which Name (it is said) some of the treasonable letters were addressed by; and was, in a Paper of Directions, found in my Lodgings. — How that Paper came there, has been already proved; and as to the Person who has sworn to this Particular, I must observe, that when he gave this Evidence to the House of Commons, he did not know me, tho’ he spoke to me, and look’d several times earnestly at me: and for the Truth of this, I can appeal to most of the Members of that honourable House, who were Witnesses of it: And he would still have probably continued in his Ignorance, if some private Hints (as I have been told) were not given him, or the same Method taken which has been done with a Number of other strange Fellows, who were frequently sent to the Tower, and had no other Business but to take a View of me. Besides the People of the Coffee-house have testified the contrary, and that no such letter ever came to their House. And tho’ it be set down in my Examination before the Council, That I confessed to have taken up such a letter, I humbly appeal to my Lord Chancellor (if it can be worth his Lordship’s while to recollect it) if he did not ask me that very Question two or three times? and if I did not as often deny it? Neither is this the only Particular that is falsely set down in that Examination. And I do solemnly affirm to your Lordships, That I never did receive any such letter, nor ever saw that Paper of Directions, till it was printed in the Report. And there is one Circumstance

‘ cumstance pretty remarkable in this Correspondence, That as it began with my Accuser’s Information, so it ended with his being taken up. For immediately, after a new Correspondence is pretended to be discovered; and to fix this likewise upon me, it has been suggested, that I sent Cyphers by Sir *Harry Goring* to *France*, and had letters directed by them to *Sturges’s* and *Slaughter’s* Coffee-house.

‘ But, my Lords, no such Cyphers were found in my Custody, nor any Papers relating to such a Correspondence: and the People of those Coffee houses have all sworn, That I never ordered any letters of *that kind* to be taken in, or received one, either by my own or any other Name from them. Nay! one of them has sworn, That no such letters ever came to his House at all; and the other says, That a Messenger from the Secretary’s Office, was the only Person that ever called at his House for those directed to it.

‘ As to the printed Examination of one Mr. *Carryl* to this purpose, it were to be wished, That this Gentleman’s Reasons had been published, as well as his Accusation. For I am confident, he will not pretend to say, that ever he saw me write a line in his life, or give a piece of paper of any kind to Sir *Harry Goring*; and what Reason he could have for believing that we settled a Key for such a Correspondence, is very extraordinary: Nor have the other particulars which he has affirmed, the least Foundation of Truth; for I do solemnly aver, That I never saw *Sample* in my life, or gave Captain *Bonin* any such letter of Recommendation; neither had I ever the Honour of speaking to my Lord *North and Grey*, or of being any ways known to his Lordship: And that I should mention him so familiarly by the fictitious Name of *Johnson*, (and which, of all Names, I should never make use of in that manner) will, I hope, appear very incredible to your Lordships; especially since Mr. *Carryl* himself has furnished so good a Reason for the Disbelief of it.

‘ For he has likewise affirmed, That my Examination before the Council was read at Doctor *Yalden’s* House: The Doctor has, indeed, already done me Justice in that Point; and Mr. *Tucker* (who was all the while in company) will, I am very sure, do the same. And since Mr. *Carryl* appears to be so plainly mistaken in this particular, surely he may very well be supposed to be so in all the rest; especially since he has not assigned the least Reason for any of them.

‘ As to the rest of the intercepted letters, the people of the several Coffee-houses have likewise cleared me from them; and all testify, That they never delivered me any such letters, or received any Directions from me about them; which I hope will be sufficient to convince your Lordships, that I was not concerned in any such Correspondence; especially since no letters of this kind were found in my possession, nor any other papers relating to the Conspiracy.

‘ There are two other Crimes, in which I most humbly crave your Lordships patience to be heard, because they are the blackest that can be imagined, and seem to be personal. The First is a letter directed to Mr. *Gordon* at *Boulogne*, with two Affidavits, which have been printed, and are suggested to be sent by my Directions,

‘ in order to have him and one *Birmingham* perjure themselves upon my Account:—For in this letter it is said, *That the Inclosed is a Copy of a Note from the person concerned, with what he thinks requisite.*

‘ My LORDS,

‘ This letter is dated the 20th of *March*, at which Time, and for five Months before, I never was allowed the Use of Pen, Ink, or Paper, or the liberty of seeing any person that could possibly have conveyed such a Note for me; for I have been guarded in a different manner from other people in the *Tower*: My Warders were put into the very Room with me, and ordered never to stir a Moment, Night or Day, out of it; which Orders they punctually obeyed, and were constant Witnesses to all my Actions.

‘ And those Warders will depose, that they believe it was impossible for me to have written or sent out any such Directions; the Officers, I don’t doubt, will do me the same Justice. And when my Solicitor was admitted, finding that Mr. *Gordon’s* Affidavit might be of use, if allowed as Evidence, a person was immediately dispatched, and who brought it in a different Form from those which have been printed. And my Solicitor can testify, That no Draughts were sent by him; which, with the gross Management of the persons concerned in this Affair, is, I hope, sufficient to give your Lordships the clearest Conviction of my Innocence in it. And I do solemnly affirm, That I never knew any thing of them; never heard of the Name of *Aikenhead* before; nor can I find out any person (besides the Master of that Vessel) that ever did.

‘ The other Crime is set forth in one *Levell’s* Deposition, in the Report made to this most Honourable House: wherein (among a great many other most notorious Falshoods) she swears That one Mrs. *Barnes* told her, that I was instrumental in, or privy to, the shutting up of a person in a Dungeon, for fear of his turning Informer; and not only of him, but of 200 more upon the same Account. Which, I believe, is the most surprizing Crime that ever yet was alledged against any Christian. Mrs. *Barnes* denies every Syllable of this Conversation; and if the person that swears this against her had been produced, she would be proved to your Lordships to have been a vile infamous Creature all her life. And if she is to be believed, or that your Lordships can think it possible there can be the least Truth in her Deposition, it will be a Sin to let me live, and impossible to find out a punishment too cruel for me.

‘ These, my Lords, are the chief Crimes which I am charged with; and very great ones they are, had they been in any degree made out against me. I am a Stranger to the Methods of legal proof, but have been told by Counsel, That the greater a person’s Crime is, the clearer the Evidence ought to be against him; and how weak and insufficient the proofs produced for this purpose are, and how clear and convincing those which have been offered in my Justification, has, I hope, evidently appeared to your Lordships, and given you entire Conviction of my Innocence; and that all the Crimes alledged against me, are without the least Colour or Foundation of Truth. But how much

‘ I have suffered for these supposed Crimes; and  
 ‘ what extraordinary Means have been made use  
 ‘ of against me, are things much worthier of your  
 ‘ Lordships judicial Consideration. To be taken  
 ‘ up, and held to exorbitant Bail, without ever  
 ‘ assigning any particular Crime against me; to  
 ‘ suffer a long and close Confinement, where the  
 ‘ Expence bears no proportion to my Circum-  
 ‘ stances: To have Numbers of people, and  
 ‘ some of them Creatures of the meanest Rank  
 ‘ and Condition, taken up, examined, and tam-  
 ‘ pered with, upon my Account; and *Newgate*  
 ‘ sent to for Witnesses: To have a Servant (who  
 ‘ was turned off for his ill Behaviour) brought as  
 ‘ an Evidence, and my most intimate Friends im-  
 ‘ prisoned for not swearing against me; are  
 ‘ Hardships and Proceedings, I believe, hitherto  
 ‘ unheard of in *England*; and such as, I hope,  
 ‘ your Lordships will, in your great Wisdom  
 ‘ and Justice, think fit to redress. All which is  
 ‘ of a piece with an infamous offer made to my-  
 ‘ self by one of the Under-Secretaries of State,  
 ‘ who, the Morning after I was first examined,  
 ‘ came to me with a Message (as he said) from  
 ‘ one of his Superiors, to let me know, *That I*  
 ‘ *had now a very good Opportunity of serving myself;*  
 ‘ *and that he was sent to offer me my own Conditions.*  
 ‘ And when I declared myself an entire Stranger  
 ‘ to the Conspiracy, and was sorry to find that  
 ‘ Noble Lord have so base an Opinion of me, he  
 ‘ seemed to wonder that I would neglect so  
 ‘ good an Occasion of serving myself, *especially*  
 ‘ *when I might have any thing I pleased to ask for.*  
 ‘ What Authority that person had for this Mes-  
 ‘ sage, or the rest of his After-proceedings, I  
 ‘ will not pretend to say: But as I have been  
 ‘ ruined and utterly undone by them, I hope  
 ‘ your Lordships will take my Sufferings, as well  
 ‘ as Circumstances, into your Consideration;  
 ‘ and, instead of inflicting any farther Pains  
 ‘ and penalties, look upon me (as I really am) a  
 ‘ person highly injured, and not a Criminal con-  
 ‘ cerned in any Transactions against the Govern-  
 ‘ ment.

‘ As for my Circumstances, they are but too  
 ‘ well known in the World.

‘ And here I cannot omit my Gratitude to the  
 ‘ late, and present Constables of the *Tower*: for  
 ‘ the late Constable (tho’ I never had the Ho-  
 ‘ nour to see his Lordship) was, upon a Repre-  
 ‘ sentation of my Circumstances, so very good,  
 ‘ as to procure me the promise of an Allowance  
 ‘ from the Government: And his Lordship, the  
 ‘ present, has been so kind as to get it paid.  
 ‘ But the Officers of the place can testify, That  
 ‘ this Allowance has not been converted to any  
 ‘ private Use of mine, but constantly given to  
 ‘ the persons appointed to attend me. And I  
 ‘ must take leave to assure your Lordships, That  
 ‘ it has cost me more since I was sent there, than  
 ‘ the Government has now left me really worth  
 ‘ in the World; and I must suddenly become a  
 ‘ Sacrifice to my Necessities, if not set at Li-  
 ‘ berty by your Lordships great Clemency and  
 ‘ Compassion.

‘ If I have dropped any Expression which may  
 ‘ not be so agreeable to some particular persons  
 ‘ in power, I could wish that my Defence had not  
 ‘ hid me under that Necessity: And I do so-  
 ‘ lemnly protest, that they have not proceeded  
 ‘ from any Resentment for my Sufferings; but  
 ‘ from a sincere Endeavour to give your Lord-

‘ ships the clearest Conviction of my Innocence.  
 ‘ And since I could not merit their Favour, I  
 ‘ shall always endeavour to preserve their good  
 ‘ Opinion.

‘ As to the Legality of *these* proceedings, and  
 ‘ the Danger of making precedents of this Kind,  
 ‘ those are things which have been already fully  
 ‘ set forth by my Counsel, and must be submit-  
 ‘ ted to the great Wisdom and Jurisdiction of this  
 ‘ most illustrious Assembly: An Assembly! which  
 ‘ is not only the Highest and most Honourable,  
 ‘ but the Uprightest and most Impartial, I be-  
 ‘ lieve, upon Earth; and whose Justice has ever  
 ‘ appeared as extensive as their power. The  
 ‘ great, and the *only* Argument, which I have  
 ‘ heard offered for the passing of this Bill, is  
 ‘ That the Occasion is extraordinary; that your  
 ‘ Lordships are in your legislative Capacity;  
 ‘ and tho’ the proofs may not be so legal, how-  
 ‘ ever in *Terrorem*, it is necessary to pass it. But  
 ‘ I humbly beseech your Lordships to consider  
 ‘ where the Extraordinariness of this Occasion  
 ‘ lies:—Has there been the least Commotion in  
 ‘ any part of the Three Kingdoms? Or any  
 ‘ person injured in his Liberty or Fortune, be-  
 ‘ sides those who have been so unhappy as to fall  
 ‘ under this Suspicion? Or, is this Occasion  
 ‘ more extraordinary than when there was a  
 ‘ publick Insurrection in the Kingdom? And  
 ‘ when the persons concerned in it, were tried  
 ‘ by the common and ordinary Courts of Jus-  
 ‘ tice? And because your Lordships are vested  
 ‘ with a Supreme Authority, and not tied up  
 ‘ to the common Forms of law, can that be a  
 ‘ Reason for your acting directly contrary to it?  
 ‘ And to suppose your Lordships capable of do-  
 ‘ ing so, was not, I must say, so becoming an  
 ‘ Argument to have been offered upon this Oc-  
 ‘ casion. And to have a Session, which opened  
 ‘ with so mild, so gracious a Speech from the  
 ‘ Throne, end in such an extraordinary Manner,  
 ‘ must surely be very contrary to the Design and  
 ‘ Intention of the Throne at that time; and is, I  
 ‘ hope, so still; especially since no intervening  
 ‘ Accidents have happened to ruffle the Quiet and  
 ‘ Tranquillity of the Kingdom.

‘ *My LORDS,*

‘ The first extraordinary Bill, that, I believe  
 ‘ ever passed in *England*, was that of the Earl of  
 ‘ *Strafford*; and how much personal prejudice  
 ‘ was in his prosecution, and how fatal that  
 ‘ Bill proved in its Consequences, I need not  
 ‘ mention, since the Royal Martyr himself has,  
 ‘ in his dying Words, called it, An unjust Sen-  
 ‘ tence, and imputed all his Misfortunes to it.  
 ‘ And pray, my Lords, why was that Sentence  
 ‘ unjust, but because it was not supported by  
 ‘ law?—And, to the eternal Honour of  
 ‘ this House be it said, That when the proofs  
 ‘ upon his Trial were not found legal, they  
 ‘ refused to find him Guilty. But when this ex-  
 ‘ traordinary Method was taken, and the Tor-  
 ‘ rent of the Times bore down their usual Justice,  
 ‘ then the Flood-gates of all those Miseries were  
 ‘ opened, which overwhelmed and sunk the Con-  
 ‘ stitution: And of which, some of your Noble  
 ‘ Predecessors had so strong and lively a Sense, as  
 ‘ to declare in this very House, That they  
 ‘ would be sooner torn in pieces, than come into  
 ‘ such illegal proceedings; and so fell a Sacrifice  
 ‘ to the love and laws of their Country.

‘ To which I shall only beg leave to add  
 ‘ one Observation, that, I am sure, is but too  
 ‘ well known to that Right Reverend Bench:  
 ‘ ——— That of all the Prelates who advised his  
 ‘ Majesty to the Passing of that Fatal Bill, not one  
 ‘ of them escaped the Violence of those very Persons  
 ‘ whom they endeavour’d to oblige by that Advice.  
 ‘ These, my Lords, were the unhappy Effects  
 ‘ and fatal Consequences of one extraordinary  
 ‘ Bill: And what those of another may prove,  
 ‘ the great Director of all Things only can fore-  
 ‘ see!

‘ Many are the Arguments wick might be  
 ‘ brought to shew the great Injustice, as well  
 ‘ as Inconveniencies, of these Laws in particu-  
 ‘ lar: But as *my Liberty* can be of no great  
 ‘ Moment to the World, I shall only beseech  
 ‘ your Lordships, not thro’ me to give a Wound  
 ‘ to the Constitution, which, perhaps, may not  
 ‘ so easily be cured. The great Characteristick  
 ‘ which distinguishes *England* from the rest of  
 ‘ the neighbouring Nations, is, the Excellency  
 ‘ of our Laws, of which your Lordships are the  
 ‘ great Guardians: And if you suffer those  
 ‘ Laws to be broke in upon, and render *Life* or  
 ‘ *Liberty* so precarious, as to be affected or taken  
 ‘ away, by every idle Hearsay, *that Excellency*  
 ‘ must soon disappear, and the best form of Go-  
 ‘ vernment now upon Earth, consequently sink  
 ‘ into Anarchy and Confusion.

‘ *My L O R D S,*

‘ The Words of my Bill are very severe, and  
 ‘ do not bear the least Proportion to the Proofs  
 ‘ which have been produced against me: And  
 ‘ I humbly hope, That my past Sufferings will be  
 ‘ looked upon as a sufficient Punishment; espe-  
 ‘ cially since it is not pretended, that I have trans-  
 ‘ gressed any Law yet in being. I propose no  
 ‘ great Happiness in this Life, and would wil-  
 ‘ lingly avoid as much Misery as I could: And  
 ‘ must therefore humbly beseech your Lordships,  
 ‘ to look upon me as a Stranger in your King-  
 ‘ dom, and a Person (as I really am) inconsider-  
 ‘ able in myself; and, consequently, incapable  
 ‘ of doing the least Prejudice to any Govern-  
 ‘ ment. For my Behaviour, I am willing to  
 ‘ give the best Sureties that I am able: But if  
 ‘ that be not approved of, I hope your Lord-  
 ‘ ships will give me leave to retire to some other  
 ‘ Part of the World, where I may enjoy my  
 ‘ Poverty with Freedom. But, let my Fate be  
 ‘ what it will, I shall ever pray for your Lord-  
 ‘ ships particular Welfare, as well as the general  
 ‘ Prosperity of the Kingdom.

‘ And so resign myself, with the utmost Hu-  
 ‘ mility, to your Lordships great Clemency,  
 ‘ Justice, and Compassion.’

After which the House pass’d the Bill, which  
 obtain’d the Royal Assent, and was as follows:

An Act to inflict Pains and Penalties on  
*George Kelly alias Johnson.*

‘ **W**Hereas in the Years One thousand seven  
 ‘ hundred and twenty one, and One thou-  
 ‘ sand seven hundred and twenty two, a detestable  
 ‘ and horrid Conspiracy was formed and carried  
 ‘ on by divers Traitors for invading your Ma-  
 ‘ jesty’s Kingdoms with foreign Forces, for raising  
 ‘ an Insurrection and Rebellion against your Ma-

‘ jesty, for seizing the *Tower* and City of *Lon-*  
 ‘ *don*, and for laying violent Hands upon your  
 ‘ Majesty’s most sacred Person, and upon his  
 ‘ Royal Highness the Prince of *Wales*, in order  
 ‘ to subvert our present happy Establishment in  
 ‘ Church and State, and to place a Popish Pre-  
 ‘ tender on your Throne: And whereas for the  
 ‘ better concealing and effecting the said Con-  
 ‘ spiracy, divers treasonable Correspondences  
 ‘ were, within the time aforesaid, carried on by  
 ‘ Letters written in Cyphers, cant Words, and  
 ‘ fictitious Names; which Conspiracy, had not  
 ‘ Almighty God in his great Mercy disappointed  
 ‘ the same, would have deprived your Majesty’s  
 ‘ Kingdoms of the Enjoyment of their Religion,  
 ‘ Laws and Liberties, involved them in Blood  
 ‘ and Ruin, and subjected your people to the  
 ‘ Bondage and Oppression of *Romish* Superstition  
 ‘ and Arbitrary Power: For which execrable  
 ‘ Treason *Christopher Layer* hath been indicted,  
 ‘ tried, convicted, and attainted. And whereas  
 ‘ *George Kelly* alias *Johnson* hath been a principal  
 ‘ Actor in the said horrid and detestable Conspi-  
 ‘ racy, by traitorously consulting and correspond-  
 ‘ ing with divers Persons to procure a foreign  
 ‘ Force to invade this Kingdom, and to raise an  
 ‘ Insurrection and Rebellion against your Majesty  
 ‘ within the same, with design to depose your  
 ‘ Majesty, and place the Pretender on your  
 ‘ Throne; for treasonable Practices in which  
 ‘ Conspiracy the said *George Kelly* alias *Johnson*  
 ‘ being arrested, and divers papers then found  
 ‘ about him seized, in pursuance of a Warrant  
 ‘ under the Hand and Seal of one of your Ma-  
 ‘ jesty’s principal Secretaries of State, for seizing  
 ‘ and apprehending him the said *George Kelly* alias  
 ‘ *Johnson*, together with his papers, and the  
 ‘ said *George Kelly* alias *Johnson* being in Cus-  
 ‘ tody of a Messenger by virtue of the said  
 ‘ Warrant, did, by Force and Violence, with  
 ‘ a drawn Sword, make an Assault upon, and re-  
 ‘ sist the said Messenger, with intent to destroy  
 ‘ the said papers, and did burn the same: There-  
 ‘ fore to manifest our just Abhorrence of so wick-  
 ‘ ed and abominable Conspiracy, and our Zeal  
 ‘ and tender Regard for the preservation of your  
 ‘ Majesty’s person and Government, and of the  
 ‘ protestant Succession in your Majesty’s Royal  
 ‘ Family, the solid Foundation of our present  
 ‘ Happiness and future Hopes; and to the end  
 ‘ that no Conspirator may, by any Contrivance  
 ‘ or practice whatsoever, escape punishment, and  
 ‘ that all persons may by the Justice of Parlia-  
 ‘ ment be for ever hereafter deterred from en-  
 ‘ gaging in any traitorous Conspiracies or At-  
 ‘ tempts, We your Majesty’s most dutiful and  
 ‘ loyal Subjects, the Lords Spiritual and Tem-  
 ‘ poral, and Commons in Parliament assembled,  
 ‘ do humbly beseech your Majesty, that it may  
 ‘ be enacted; and be it enacted by the King’s  
 ‘ most excellent Majesty, by and with the Ad-  
 ‘ vice and Consent of the Lords Spiritual and  
 ‘ Temporal, and Commons in Parliament assem-  
 ‘ bled, and by the Authority of the same, That  
 ‘ the said *George Kelly* alias *Johnson* shall be de-  
 ‘ tained and kept in close and safe Custody, with-  
 ‘ out Bail or Mainprize, during the Pleasure of  
 ‘ his Majesty, his Heirs and Successors, in any  
 ‘ Goal or Prison within the Kingdom of *Great*  
 ‘ *Britain*; to the Custody of the Goaler or  
 ‘ Keeper whereof the said *George Kelly* alias  
 ‘ *Johnson*

‘ *Johnson* shall from time to time be committed, in pursuance of this Act, by Warrant under the Hand and Seal of any Secretary of State of his Majesty, his Heirs or Successors: Which Warrant or Warrants any Secretary of State for the time being, is hereby authorized and empowered to make; and that the said *George Kelly* alias *Johnson* shall forfeit to his Majesty, all his Lands, Tenements, Hereditaments, Goods and Chattels whatsoever.

‘ And for the more sure detaining the said *George Kelly* alias *Johnson* in safe Custody, be it further enacted by the Authority aforesaid, That if the said *George Kelly* alias *Johnson* shall break the Goal or Prison to which he shall be so committed, or shall escape out of the Custody of the Person in whose Custody he shall be by virtue of such Commitment, that then the said *George Kelly* alias *Johnson*, and all and every person and persons whatsoever, who shall be aiding or assisting the said *George Kelly* alias *Johnson* in breaking such Goal, or Prison, or in making such Escape, as aforesaid, or who shall by Force take or rescue the said *George Kelly* alias *Johnson* out of such Custody, Goal, or Prison, during the Continuance of his Imprisonment by virtue of this Act, being thereof lawfully convicted, shall be judged guilty of Felony, and shall suffer Death as in Case of Felony, without Benefit of Clergy.’

In pursuance of this Act, *George Kelly* was continued prisoner in the *Tower of London*.

*Mgrch* 22. The Bill to inflict Pains and Penalties on *Francis* Lord Bishop of *Rochester* was brought into the House of Commons, to which the Bishop making no Defence, it pass’d that House *April* the 9th, and was sent up to the Lords, where the Bishop made his Defence by Counsel, who were *Sir Constantine Phipps*, and *Mr. Wynne*. *Sir Constantine Phipps* spake as follows:

*My Lords,*

**B**Y the Appointment of this Honourable House I have the Honour to attend your Lordships, as Counsel for the Reverend Prelate, the unfortunate Prisoner at the Bar: And persuade myself it will not be difficult to defend his Lordship from the heavy *Pains* and *Penalties* of this Bill; since the Counsel for it confess that it is supported *only* by *circumstantial* Evidence.

Bills passing into Laws for taking away Mens Liberties and Estates by *Circumstances* only, are new. Convictions by Circumstances were never heard of in Ages past; and I hope will never be known in this, or any which is to come: And tho’ one of the Gentlemen said, that Circumstantial Evidence is sufficient at *This Time of Day*, I hope, the Law is the same at *This Time of Day*, as ever; and that the Lives and Fortunes of *English* Subjects will be as well protected and defended by *your Lordships*, as they were by *your Predecessors*.

The Securities which the Laws have provided for our Liberties and Estates, and the Happiness that we cannot be depriv’d of them but by full and legal Proof, are Advantages which were obtain’d at great Expence of Blood and Treasure, by your Lordships Noble Ancestors: And we doubt not but You will transmit them to Posterity, as

entire as they have been continued down to your Lordships.

The Law is the Rule of Mens Actions; and Persons accused as Criminals for Facts committed by them, ought to be tried by the laws that were in Force *at the Time* of the Facts committed, *secundum Allegata & Probata*. But laws made *ex post Facto*, to punish Men for Facts which were not Offences when they were committed, render all things that are dear to *Englishmen* precarious; and for that Reason have been as often *condemn’d*, as they have been *made*.

The Charge against the Bishop and *Mr. Kelly* are so interwoven, that I beg you will excuse me, if, in my Vindication of him, I urge any thing, which I offer’d in behalf of *Mr. Kelly*, when I had the Honour to attend your Lordships as his Counsel: But I shall take care to repeat no more than is necessary.

*My Lords,*

I am very far from denying, or contesting, the Power of Parliaments as to Bills of *Attainder*; but I hope I may have leave to observe, that such a Power hath been very *rarely exerted*, unless upon *extraordinary* Occasions, and in Cases of *Necessity*. I hope too I may be permitted to shew, that the Case of my Lord Bishop is not within either of those Reasons.

He never withdrew himself out of the Kingdom; never fled from Justice, but was always amenable and forth-coming, ready to be try’d according to the usual and ordinary Methods of Justice. And the *Attainders* of *Mortimer*, and the Earl of *Arundel*, in *Edward III*’s Time, of *Sir Thomas Haxey* in *Richard II*’s Time, and others afterwards, were revers’d, because the Persons accused were forth-coming, and might have been brought to a Trial according to the usual Course of Justice. Wherefore I hope the same Reasons which prevail’d with those Parliaments to reverse those *Attainders*, will have Weight enough with your Lordships to prevent this Bill’s passing into a Law.

The Parliament, at the Restoration, did not think fit to interpose their legislative Authority even in the Case of the *Regicides*; but left such of them, as were alive, and forth coming, to the ordinary Methods of Justice, and gave them a *fair Trial* for their Lives and Estates. The only remarkable Bill of *Attainder*, which hath been in some Ages (except of such as were in *actual* Rebellion, or fled from Justice) was that of *Sir John Fenwick*. I own, I mention’d this Case on behalf of *Mr. Kelly*; and it being a Case so material for my Lord Bishop’s Defence, I cannot in Justice to his Lordship omit making some Observations upon it: From which it will appear, that the *Reasons* given for *passing* that Bill are the strongest Arguments in the World *against* this.

The Preamble of *Sir John Fenwick*’s *Attainder* shew’d the Necessity of it: For the Preamble sets forth,—That *Sir John Fenwick* was, upon the Oaths of *George Porter*, and *Cardel Goodman*, indicted of High-Treason: That he obtain’d his Majesty’s Favour to have his Trial delay’d from time to time, upon his repeated promises of making an ingenuous and full Confession: That several times were appointed for his Trial; at one of which he had been actually try’d, had it

not been for the Expectation of the Discoveries so often promised: That since the times appointed for his Trial, *Cardel Goodman*, one of the Witnesses, was withdrawn, so that he could not be had to give Evidence. And it appeared upon the Trial, that *Porter* had been tampered with, and had 300 *l.* paid him, and 200 *l.* more promised him, to go beyond Sea. This made the presumption very strong, that *Goodman* was sent away by some of *Sir John's* Friends. So that there was an *Indictment* against him; two Witnesses were sworn upon it, and proved the Treason; and he promised from time to time to make Discoveries.

Hath my Lord Bishop been indicted? Hath there been any Oath made against him? Did he ever impose upon his Majesty or the Ministry, by promising to make any Discovery? Hath he sent away any one that was Witness against him? Since these Circumstances were thought necessary by the parliament at that Time to induce them to pass that Act; and the present Case is not attended with any one of these Circumstances; this, we humbly conceive, is a Reason, why your Lordships should not pass this Bill.

The greater the Offence is of which any person is accused, the plainer and clearer the Proof ought to be: And my Lord *Coke* in his 4th Institute, page 37. (which I mentioned the other Day) speaking of the Attainder of *Cromwell* Earl of *Essex* by Parliament, says; 'The more high and absolute the Jurisdiction of the Court is, the more just and honourable it ought to be in its proceedings, to give Example of Justice to inferior Courts.'

The Offence charg'd on my Lord Bishop is of the highest Nature; and this Jurisdiction the most high and absolute: Therefore the proceedings, without doubt, ought to be the most just and Honourable.

The Punishment inflicted by this Bill, is the greatest that can be, next to Death itself: For what can be worse, than for a Reverend Prelate of such advanced Years, and of so infirm a Body, to be banished into another Country, and be forced to seek his Bread in desolate Places?

The punishment is still much severer to his Lordship, who hath saved nothing to support himself: For his eminent Hospitality, and his extensive Charity, tho' they have fitted and prepared him to live in another World, yet have disabled him from subsisting in another Country: There he will himself want that Charity, which he so liberally bestowed upon others; and must beg upon his Crutches, or starve.

As to the Evidence offered against his Lordship, I humbly apprehend the Proof would not be sufficient at Law to support an Indictment for the lowest Misdemeanor. And will your Lordships, in your great Wisdom and Justice, convict a Lord of Parliament, a Member of your own Body, and subject him to such severe Punishment, upon Evidence that at law would not be sufficient to convict the meanest Subject of the most minute Trespass?

This, I humbly apprehend, will appear to be the Case, when the Charge against my Lord Bishop, and the Evidence to support it, have been considered.

The Bill recites, 'That there was a detestable and horrid Conspiracy for invading his Majesty's Kingdoms with foreign Forces; for raising a Rebellion; for seizing the Tower and City of

*London*: and for laying violent Hands upon his Majesty's most sacred Person, and upon his Royal Highness.'

As to the seizing the Tower, and the City, and laying violent Hands on the King and Prince; neither of these Crimes is charged upon my Lord Bishop. But the Charge against his Lordship is, that he hath been deeply concerned in forming, directing, and carrying on, the wicked and detestable Conspiracy, by traitorously consulting and corresponding with divers Persons to raise an Insurrection within this Realm, and to procure foreign Forces to invade this Kingdom; and intending to raise a Rebellion, at the time of the Elections; and when the King went to Hanover; and at the breaking up of the Camp.

As to the first, viz. The sending for foreign Forces; the Bishop is not charged with being privy to any one of the three Memorials: For *Neynoe* says, he wrote them, and they were dictated to him by *Kelly* and *Watson*, whom he supposed to be the Earl *Mariball*.

As to the Charge of raising a Rebellion at the time of the Elections, 'tis founded on a letter, signed 1378, and directed to Mr. *Jackson*; which, the Report says, the Committee have good Reason to believe was from the Bishop of *Rockester* to the Pretender.

The letter says, 'Notwithstanding this Opportunity is elapsed, I agree with you, another may offer before the end of the Year.' And the Observation made upon it is, that it was wrote the 20th of April, when most of the Elections were over: So consequently the Opportunity was elapsed.

The letter of the 20th of April is supposed to be wrote to the Pretender at Rome. It supposeth a letter to the Pretender had been wrote, taking notice that an Opportunity was elapsed at the Elections; and that an Answer had been made to that letter by the Pretender, that another may offer before the end of the Year: which must be at least two Months before the Date of the letter; and that was before the Elections were begun.

As for raising a Rebellion, when the King went to Hanover; it is infer'd from dark Passages in letters of the 20th of May 1722, N. S. 9th of May O. S. and 10th of May O. S. which are said to have passed between *Dillon*, or his Secretary, and *Kelly*. And by comparing those Passages, you will observe what Foundation there is for such a Charge.

In the letter of the 9th of May O. S. 20th N. S. *Quitwell*, supposed to be *Dillon's* Secretary writes to *Baker*, supposed to be *Kelly*, 'That if this Post hath not brought an Addition of Three to the Six, formerly come from *Repney*, it is easy for Mrs. *Jones* to see, what is still wanting for the purchase she intends to make.'

In the letter of the 10th of May O. S. *Hatfield*, who is supposed to be *Kelly*, writes to *Howell*, who is supposed to be *Dillon's* Secretary, 'That the King intends to set out early next Month; if they could then compass Barrels enough, the sooner the Wine comes, the better; *Jones* promises to be a good Customer.'

From hence, and from what *Pancier* said *Skeen* told him, 'twas insinuated, that great foreign Forces were to be brought in for the Pretender; that great Sums of Money were contributed for that purpose; and that those Sums were under the Management of the Bishop of *Rockester*; and all