in the Church-porch to come down, and secure them from escaping.
Mr. Sel. Gen. When was this Time?
Mr. Wiff. I think it was before Mr. Fergysun went for Holland. And, my Lord, there was another thing proposed: I think it was Colonel Runyef did say. He wondered that the Lords and great ones, that were fools and fond of the thing, did not raise a Purfe, and buy somebody an Office, who should rule against the Duke of Monmouth, and the Whigs, and by that means get himself an Opportunity of Access to the King's Perfon. My Lord, after these Discourses, when my Lord Staffiby return'd to Holland, Mr. Fergysun thought fit to do fo too: He was afraid of a Book that he had printed, and away he went, and Captain Walcot with him. In the mean time I met Col. Runyef several times, and several things were offered, but nothing relished upon. A little after Christmas we met at the Saltaison Tavern in Lombard-street, and there it was agreed we should fend for Mr. Fergysun; and there I writ a cating Letter, that he would come over for his Health; for he was the only Man that could manage the Affair. When he came over, there was one Meeting at the Five Bells, but I came just as they were coming away, and cannot say what pass'd there. After that, they came several times to my Chamber; and there Mr. Fergysun, Mr. Goodenough, and Mr. Rumfeld, undertook to provide the Men--

L. C. Jr. The Men, for what?
Mr. Wiff. The Men for the Affiliation: That I was not concerned in, either in Perfon or Purfe, or to procure any body for it. And they did agree to do it in the going to or from Newmarket, and thereupon were several Debates, whether it should be done at their going, or coming back. Against doing it going down, it was objected, that the Guards were left here and there, and they went together; but very often they returned apart, and therefore it was not the safest way going down; and nothing else being prepared, for it to be resolved to be done coming back. Then it was consider'd what Arms should be provided: Mr. Rumfeld was the Man to manage that Matter, and was to procure some Blunderbusses, some Carbines, and some Pistols; but there was nothing to be prepared, as I know of, by other Persons, but every Man was to provide himself. Several Meetings there were, they brought their Notes, and confer'd together about the Men; but I remember no Names, but Keeling, and Burton; and Mr. Goodenough said, he had spoke to one Howe a Joyner, and I, think, he spoke of one Mansfield, and these are all the Names I can remember. After they had confer'd their Notes, I said Mr. Fergysun, what Provisions of Money he had made. Says he, I shall have Money when the Men are provided, but not till then: For, said he, the laft time there was some Money rais'd, and put into a Man's Hand, who never returned it; but since I understand it was paid to Mr. Goodenough. And Mr. Fergysun said, he Goodenough call'd him Foul, for returning some Money he had, and not keeping it for his own Use; and my Lord Staffiby was so much complaí'd of that Injustice done him: The Colonel said, Mr. Charles should pay the Money. There was a further Debate, how these Arms would be got down to Mr. Rumfeld's: It was proposed, to send them down by Smithfield Carts in Cheffas: Others, to send them down by trusty Watermen, who were to cover them with Oysters: Others, that the Men should carry them; but no Resolution taken:

Then it was consider'd, how they should get off. The next thing was, how they should execute this; and it was propos'd, that One Party was to fall upon the Coach-horses, a second upon the Coach, a third upon the Guards: Captain Walcot would not undertake any thing but the Guards.

Capt. Walcot. What do you say, Sir?
Mr. Wiff. Sir, I do say, you were at my Chamber, and did say, you were to command that Party of Horfe that were to attack the Guards. It was to be done at Rumfeld's Houfe; they were to lie there Perdu, till the King just came down upon them.

Mr. Serg. Jefferey. At the Time of the Affiliation?
Mr. Wiff. Yes, Sir.
Mr. Att. Gen. Where were these Arms to be carried?
Mr. Wiff. To Rumfeld's Houfe. I did not see it: But he said he could keep them all private, where nobody could see them till the Time of the Execution; and that there was a Gate they were to pass through, that he could shut upon the Horfe-Guards, that they should not be able to come in for their Relief. Mr. Rumfeld said, he would bring them off; and said, he thought it dangerous for them to go the Road-way; but he would bring them over the Meadows, and come in by Hackney-marl; But the way by which the Prisoner did most approve of, was, That they should retire within his Wall, there keep till Night, being a Place they could defend against any Force for a Day's Time.

Mr. Att. Gen. Where was this Resolution taken?
Mr. Wiff. This Resolution was taken at my Chamber: My Lord, as to the Attempt, when they design'd to make it upon the King's coming from the Play house, one Mr. Ross said, he was to discourse with one Colenso, that was the Duke of Monmouth's Servant, about it, and ask'd him, If any of their Family knew of it; Yes, says he, they all know of it, but they will not be seen in't; and said, that he threwed him the Place. My Lord, in one of the Discourses I had before Mr. Fergysun went for Holland, I had a mind to be rid of the thing, but I did not know how; so I created Difficulties, and said, I suppose the Duke of Monmouth is to get moff by it: What Security will you have, you shall not be hang'd when the thing is done? He is bound, said I, in Honour to hang us all, and make Inquisition for this Blood, otherwise they will pay he is a Party. Says he, What if I get it under his Hand? But, said I, Engage his Servants, and that will ftick upon him. There is one thing I have omitted, which was in the first Discourse with Captain Walcot about the Insurrection of November; he told me, that my Lord Staffiby was preparing a Declaration to be published, in case of an Affiliation or Insurrection; and he said, me, I would undertake to take out one too. For, says he, I would have several People draw it, to pick one good one out of all. And he told me he had made some Collections towards it, and there'd me a Paper, which was a Collection of all the Papers in the Three Kings Reigns, King James, Charles I. and this King's, that he call'd Attempts to in-
introduce arbitrary Government and Popery; and concluded, taxing them with some personal Vices, and that the Government was difficult, if they were free, to tolerate it. Government: Thence, I perceive'd, were the Topicks my Lord Shaftesbury laid Weight upon. I told him, That this did require an exact Knowledge of the History of those Times, and I would not undertake a thing to which I was not competent; and fo he defir'd me to burn the Paper, which I did: But for any other Declaration, my Lord Shaftesbury kept his Paper to himself: and I never did fee it, tho' he desir'd it.

Mr. Serg. Jeffersies. Can you remember in whose Name the Declaration was to run?

Mr. Welf. No, I do not remember that.

Mr. Att. Gen. After the Disappointment, what Meetings had you?

Mr. Welf. Sir, I will tell you: When the News of the Fire came, they adjourned to my Chamber, and there considered what they should do; they were in no Readiness, nor had any Horses; nay, I believe the thing could not have been effect'd, if the Fire had not happened; and I was very glad it could not; for that, I am in the Charity of the Court. They did endeavour to put things in a Posture, to see if it could be done another Day; I think they met on Thursday Night, and Friday Night; but they said, the King would be at home the next Day, and the thing was laid aside. My Lord, a Day, I think, or two after, I went into the City, and went to the Dorset Tavern, where I found with Colonel Rumsey, and this Mr. Kerling came in; he was there talking of Bunkersbesses and Pistols in downright English: I told him, it was a foolish thing to talk of before Drawers, and that was the Occasion of calling them by the Names of Swan-quills, Goose-quills, and Cress-quills. After this thing we met the next Week, not at my Chamber, Colonel Rumsey was mistaken in that, but at the George and Pillar: There was Capt. Waldet, Mr. Good- enough, Mr. Ferguson, one Morton, and one Ashey. They discours'd of the late Disappointment; and that one Reason was, they had not Arms in Readiness. Then they agreed, That Arms should be bought, and the Number was ten Bunkersbesses, that should be twenty or twenty-and-twenty Inches in the Barrel: Thirty Carbones, eighteen Inches: And thirty Cafes of Pistols, to be fourteen Inches. My Lord, it was put upon me to provide them, for this Reason, because I was servicable to them no other way, and could have a Pretence for buying them, because I had a Plantation in America; but Mr. Ferguson was to pay the Money. My Lord, I did bespeak the Arms, and paid for them with my own Money, and was not paid again a great while; Mr. Ferguson disappoincted me; but at last told me, if I would lend to Major Wildman, he would pay me. But he told me before that, one Mr. Charlton, when he came to Town, would pay me, but I had none of him. So I told him, I besought him upon a Pretence I intended to use them, and had spoke to a Sea-Captain to carry them off to a Plantation where I had a Concern myself. After that, Mr. Ferguson sent to me to take my Money: So I came to him; and found with him Mr. Charlton, and another Gentleman, whom I could not distinguish, because it was difficult. Mr. Charlton went down, and then says Mr. Ferguson, I have your Money for you: and he paid me in fourscore and thirteen Guinea, which was more than the Arms cost: and said, He had not the Money above half an Hour in his Hands; by which I did guess, it was Mr. Charlton's Money. Another thing was, at last Meeting with Mr. Ferguson, he did say, There was a Man employ'd to see what Convenience there would be for an Affiliation between Welford and Ham- ton-Court; but that was never reported, and fo laid aside. This is all I can say concerning the Affiliation; but I believe they did intend to carry it on; for Col. Rumsey did tell me, He saw the Hearts of all the great Men were upon it; and it would be convenient to have an Army to back it. But in case this Affiliation had gone on, these things were to be done. It was design'd, the Lord Mayor and the Sheriffs should be kill'd, and as many of the Lieutenant as they could get; and the principal Ministers of State, my Lord Halifax, and my Lord Rochester that now is, and my Lord Keeper; for which they gave this Reson, because he had the Great Seal; and my Lord Rochester, as like to stand by the Duke's Interest; and my Lord Halifax, as being one that had profess'd himself of the Party before, and turn'd from the right Side, and had put the Court upon that which otherwise they never would have set, nor had the Courage to have done. As for my Lord Keeper, They said, they would hang him for the Murder of Col- ledge, and upon the late York College had hang, Sir John Duke, and would be kill'd, and to hang up a Guild-hall, as a betrayer of the Rights and Liberties of the City: And your Lordships to be flay'd, and fluff'd, and hung up in Wapping-hall, and a great many of the Pensional Parlia- ment hang'd up, as Betrayers of the Rights of the People.

L.C.7. How was this to be done? to flay them and fluff them?

Mr. Welf. Yes, I understand it so.

Mr. Att. Gen. At thefe Discourses was this Gentle- man present?

Mr. Welf. He was not at my Chamber so often as the rest; he came not there till towards the latter End; but he was there sometimes when these things were discours'd of.

L.C.7. But you say he did at last undertake to fight the Guards?

Mr. Welf. Yes: Upon the News of the Fire, says he, I believe God shews his Disapprobation of the thing. Says Mr. Ferguson, I believe he re- serves them for worse Punishment. Mr. Waldet said, He defir'd to have his Name conceal'd. Why, says Ferguson, why should you be ashamed? It is a glorious Action, and such an Action as I hope to see publicly gratified by the Parliament; and question not, but you will be fam'd for it, and Statues errected for you, with the Title of Liberator, Patriae.

Mr. Serg. Jeffersies. What is this Ferguson?

Mr. Welf. He is an Independent Parson.

Mr. Serg. Jeffersies. He preached excellent Gospel.

Mr. Welf. Sir, he had some Commerce, I must confess, more they defir'd me to forbear; but, says he, they are fifty People, that do not know how to distinguish between killing a Prince for Difference in Opinion about Religion, and de- stroying a Tyrant, for Prefervation of the Rights and Liberties of the People. He said, it was an Action.
Action that would make all the Princes in the World tremble, and teach them to use their Subjeets kindly. My Lord, they did design, at the same time when the Mayor and the Sheriffs were to be kill'd, that Mr. Papillon, and Mr. Ditko, should be forced to take the Office of Sheriffs upon them; and if they would not take it, they would use them as they did the other: And that Sir Thomas Gold, or Sir John Shorter, or Alderman Cortin, should be set up for Lord Mayor; but rather Alderman Cortin, as the fitter Perfon. I asked them further, What they would do with the King's Natural Sons? Says he, They are good Subjects for your King; and you should provide for them, for Porters and Watermen; and for my Lady Anne, they had as good marry her to some Country Gentleman for a Breed to keep out Foreign Pretences.

Mr. Serg. Jefferies. I perceive they left nothing unconsidered.

Mr. Att. Gen. Mr. Woff, To repeat all their Paf- fages would fill a Volume; but as to the Com- bination of the Rising, and whether it was con- tinued or not.

Mr. Woff. I have a great Many Particulars, but have them not in Method.

Mr. Sol. Gen. Anfwer Questions then.

Mr. Woff. When Mr. Runhald came to Town, he said, he knew the King come by but with six Guards, and believed he could have done it with six Men, if he had been provided with Arms. This is all I can say, except some little Difcours, which I have not time to reduce into Method. About Chriftmas, Colonel Rumey told me, there was a Design carrying on among some People, and great Men, by whom I always understood the Duke of Monmouth, my Lord Ruffil, my Lord Grey, Lord Howard, Colonel Sidney, Major Wildman, Mr. Hanlum, for an Inftitution; and that this was designed to be done about March. Colonel Rumey and I were diffcourfing of it; and Colonel Rumey thought it fit to draw up some things, that we should require of them to do for the People; and a Paper was drawn up, but my Lord Ruffil said, they were rejected, and all things left to the Parliament. And Colonel Rumey said, The Duke was inclin'd to gratify the Parliament; but the Lords about him were for great Places, and they would suffer him to do nothing.

Mr. Serg. Jefferies. Now tell us about Culing. Mr. Woff. I dined at a Tavern with Colonel Rumey, Mr. Woff, Mr. Neillbor, Mr. Goodenough, Capt. Wolfet, and Mr. Norton.

Mr. Serg. Jefferies. What was your Difcourfe there about?

Mr. Woff. There was no Difcourfe that had any particular Point.

Mr. Solicitor. Was there nothing of Division of the City?

Mr. Woff. Sir, Goodenough gave some general Account, but nothing was done upon it. While we were there, in came Mr. Keeling to speak with Mr. Goodenough, and Mr. Neillbor, and in the Gazette that Day was an Account of the Infrarction at Colles and Mr. Neillbor. When he came in, called this Man, Culing. What is that? what do you mean? says he. I was then writing a Letter, and told him, Culing in Dutch was the fame as Keeling in English. Mr. Neillbor took me aside, says he, What will you say, if I, and some Friends of mine, deliver the City, and have the Charter, and nobody shall know of it till it be done? But, says he, shall I not be hang'd for it? I said, Take heed what you do; nobody will be hang'd for any good thing. As to the Delivering of the City, there was a Treaty be- tween the Scotts, and our Persuens of Quality here; and Col. Sidney and Major Wildman had the Management of it, as I understood. At last, they came down to some Terms: They would have had 10,000 l. to buy Arms, and came down at last to 5000 l. and the Earl of Argyle was to lead them: But when Mr. Ferguson paid me for the Arms, he told me, The Scotts Buffle was quit off, and Wildman and Sidney led them with the Scotts; for after they had kept them, and treated with them two or three Months, they broke off, because the Scotts would not declare for a Common-wealth the first Hour, and extirpating of Monarchy, and the Family of the Stuart; and that the Scotts Anfwer was, That would be to de-stroy all their Interest among the Lords, and Prov- ince would order it so, as to bring it to a Common-wealth, but that was a Business of Time. When this broke off, Mr. Ferguson told me, That the Duke of Monmouth was willing to speak with me, and Goodenough, and some others. I told him, I never had, nor was willing to speak with him. Then he said, Sir Thomas Arfon was here. I told him, I was not willing to speak with him. Mr. Goodenough, I believe, did speak with Sir Thomas Arfon. We met at Richard's Coffee-House, and adjourn'd to the Yeung Devil- Tavern; there was Capt. Wolfet, Col. Ramsey, Mr. Woff, Mr. Goodenough, and myself, and one Hol- lond a Merchant at Turf. He did not do it; and propole, since the Scotts Buffle was broke off, that they should try what Forces they could raise here. And Mr. Ferguson did say, if three thou- sand Men could be had, he believed the Duke of Monmouth, and my Lord Ruffil, would appear in the Head of them. They were to divide the City into 20 Parts, each 20 Part into 14ths and 15ths, and to divide it into Streets and Lanes; one principal Man was to have a 20th Part, and to have Men under him; and, that they should not interfere one with another, they bought a Map of the City of London. My Lord, I did not read one Line in it, but Mr. Goodenough, being a Man of publick Acquaintance, by reason of his Office, did undertake it. I think he did propole Mr. Bourse for one, and one Mr. Grains for another, and said he would speak with Mr. Keeling. We had several Meetings after this, and Mr. Good- enough did report, that there were 1500 Men out of two of the Hamlets. My Lord, I stood here a great Part of the Night, but I could not dis- pose he had a little forgot himself; for he told me he had spoken to one Parfon Lobb, and he said to him, he would try what his Congregation could do; that he had two in Neur-prizen, and he would set them out to see what they could do; that they were poor Men, but zealous in their way. I think Mr. Bourse hath forgot him- self; if for did mention, that he had spoken to Parfon Lobb.

Mr. Serg. Jefferies. Then Parfon Lobb was in; there was another Parfon in Mr. Woff. Yes, and he mentioned Lobb's Pound.

Mr. Att. Gen. The Prifoner was at thofe feveral Meetings, was he not?

Mr. Woff.
Mr. Weft. Yes, and did shew himself ready to act his Part. About a Fortnight before the Discovery brake out, Mr. Rambold told me he had a great Jealousy Mr. Keating would discover all the Bunfeuds; that Mr. Keating's Wife and Mother cried mightily, and charged him for neglecting his Bunfeuds, and said they were afraid he would do a great deal of Mischief to honest People; for he had replied to them, he would not want Money, and he would be hang'd for nobody. Upon which Rambold told me, If I were sure of this, says he, I would dispatch him; I would get him into the Country, and kill him, but, says he, I will not kill an innocent Man; if I thought the thing was not so, I would not kill him for all the World. Mr. Keating told him he had an Overture from one Shoot, of fourscore Pounds a Year. 

Mr. Att. Gen. After you had notice of the Discovery, did you meet Mr. Weft? 

Mr. Weft. Every Monday before the Discovery I used to meet Mr. Rambold, and he took Mr. Keating along with him. Says he, We won't discourage him too much; it may be 'tis not so. Mr. Keating told him he never wanted Money so much in his Life. Mr. Rambold, and one Gale, that was to be one of the Affiliates, contrived to help Keating to Money, and lent him 400 l. Upon the Sunday I had notice the Thing was discovered, and that Keating had accused me, and Mr. Goodenough, and Mr. Velthorp. On the Monday Morning early I thought fit to retire; but we did agree to meet at Captain Weft's Lodging. My Lord, I came thither pretty early, and all the People came afterwards, that had agreed to come thither, but they defign'd to go beyond Sea. I had no mind to go. They had hired a Boat, and gave 5 l. in Earnest; but the next Morning it was said the Meffengers were abroad, and that it was believed the River was before, and there was no getting away. I was then in a very great dither for myself, and I shifted by the means of Mr. Bouren, who, I thank him, helped me to a Conveniency for two or three Days. When we were all retired, they got Mr. Keating in the City, and Rambold discommended him in the Presence of several People, where he wished a great many Imprecations upon himself, if he had discovered. I told them I did not understand him; for if he had made a Discovery, it was a fine way to catch People in. Then there was a Discourse of killing him. They proposed to him to go out of Town. He refused them, but said, he would go in a few Days. That Night they followed him, and upon tracing of him they found he had cut out his Brother, and that he and his Brother were one to the Secretary's; and then it was taken for granted, that Discovery was made, and every Man must shift for himself. He not knowing Keating deceived them at that Meeting at the Tavern, by the Proffessions he made, everybody had killed him there. Then Mr. Wade said, If the Duke of Monmouth would go into the Weft, we might try a Puff for it; and the Prisoner at the Bar said, I am satisfied God will deliver the Nation, though he does not approve of the present Infrumments.

L. C. J. Have you done as to this Gentleman at the Bar?

Capt. Weft. When was it that I shoul say these Words? Then I desire your Lordship would ask him, how many Months ago it was he says I gave him the Paper?

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Mr. Woff. I take it to be so, my Lord, to the best of my Remembrance; there was this Passage: Says he, I believe in a Month or three; Weeks you will be better or worse; so that I measure it by that.

Capt. Walton. My Lord, Mr. Woff does tell your Lordship a long Story, and sometimes he names one Gentleman, and sometimes another. I am very fearful the Story will be very apt to apply all to me, who was the Man least concerned; for I had the Gout for several Weeks together, and Mr. Woff came several times to my own Lodging to see me: And for that of affiliating the King, it never entered into my Thoughts more or less; but here are four Gentlemen, who, by their own Confection, are sufficiently culpable; they, to wipe off their own Stains, are resolved to swear me out of Life.

L. C. J. What made you among them?

Mr. Woff. I do take it upon me, he was there three or four times.

Capt. Walton. I did sit for three Weeks or a Month. I came to Town on Ash-Wednesday, and then fell ill of the Gout, and that continued for divers Weeks. For a Month's Time that the King was at Newmarket, I was confined, I was not out of my Chamber, unless I made a Shift to scramble to Stepney, and dipp'd my Foot in every Well of Water I came by.

Mr. Woff. My Lord, I do remember this Passage. That he was afraid he should not be able to draw on his Book, because he had the Gout.

Capt. Walton. I desire to know, my Lord, when is the Time Mr. Woff speaks of, that I gave an Account of killing the King at my Lord Mayor's Feast?

Mr. Woff. I do not charge you positively with it; but I had it from you or Mr. Ferguson, but I must do the Printer Justice, he said, he would be no way concerned in it.

Mr. At. Gen. Pray swear Mr. Blaikvait.

Mr. Blaikvait. Pray tell my Lord, and the Jury, whether Captain Walton owned that to be his Hand.

A Letter being then produced from Capt. Walton to Mr. Secretary Jenkins.

Mr. Blaikvait. My Lord, I remember, when Captain Walton was examined before the King, he did own this to be his Hand.

Mr. Serg. Jeffrey. Give it in.

Cl. of the Cr. Honoured Sir, July 9th. 83.

L. C. J. Who is it directed to?

Cl. of the Cr. There is no Direction.

Mr. Blaikvait. It was directed to Mr. Secretary Jenkins, as I find by the Minutes I then took of it.

L. C. J. Here is the Cover, it seems.

Cl. of Cr. To the Right Honourable Sir John Jenkins, &c.

Honoured Sir,

I BEING in the Country, and to my great Trouble being well in his Majesty's Proclamation, I came last Night to Town, refus'd to lay myself at his Majesty's Feet, let him do with me what he pleases: This is the first Crime I have been guilty of since his Majesty's Reformation, and too soon by much now. If his Majesty thinks my Death will do him more good than my Life, God's Will be done. Until I fast your Honour this Letter, my Life was in my own Power, but now it is in the King's, to whom I do most humbly protest. That, if his Majesty defers it, I will deliver to him all that I know relating to England, Scotland, or Ireland, which I suppose may be something more than the original Discovery was able to acquaint his Majesty with, especially as to Ireland: There is not any thing his Majesty shall think fit to ask me but I will answer him the Truth as pertinently and as fully as I can. My Intimate with a Scotch Mindler, through what hands much of the Beefskin went, I judge occasion'd my knowledge very much. And I do further humbly protest, That if his Majesty should think it advisable, I will follow the Lords and Gentlemen that are fled into Holland, as if I had fled thither, and bad made myEscape o'er, and will acquaint the King, if I can find it out, what Measures they resolve of tak-ing next: I do assure his Majesty, the Beefskin is laid very broad, and I am misinformed. And I am sure as to that Particular, if my being with his Majesty and your Honour be not discovered, I shall be ten times as able to serve him than either Mr. Freeman or Mr. Care, for I am neither of them. There's scarce any thing done at Court, but I immediately talk'd all the Town over: Therefore if his Majesty thinks what I have premised to prove advisable, I do then further humbly protest, That my waiting upon his Majesty may be some time within Night, that your Honour will acquaint me the Time and Place where I may wait upon you, in order to, that is may be within Night o'er, and that nobody may be by, but his Majesty, and your Honour: And if his Majesty pleases to parden my Officers for the Time past, he shall find I will approve my self very loyal for the future; if not, I refer to give his Majesty no further Trouble, but to lay at his Mercy, let him do with me what he pleases, I purport to spend much of the Day in Wethminister-Hall, at least from Two of the Clock to Four. I beg your Pardon I fnd your Honour this way by a Porter: I assure your Honour, it was for no other Reason, but because I could not have a third Person prove it to me, and that I might have the better Opportunity of taking good my Word to his Majesty, and to approve myself.

Your Honour's most humble Servant,

THO. WALCOT.

Mr. At. Gen. Swear Captain Richardson.

Cl. of the Cr. Honoured Sir, On Sunday at Night Mr. Walton desired to speak with me, and he seemed very desirous to wait upon his Majesty, and unbonfbd himself to the King: Mr. Attorney said, I should give him Notice to prepare for his Trial, which I did, and told him, he should want nothing to prepare himself for his Trial. Yesterday Morning his Son came, and I sent my Clerk to stand between them, and he had prepared this little Paper tied close with a Thread, which my Man told me he did intend to give his Son; and he dehred me, since I had discovered it, I would make no Use of it. The Letter was to Capt. Tracy, that was his Landlord, to speak to Col. Rushdy, that he would be tender of himself, and tell him, he had Ground enough to serve the King upon other: en; and also to speak to Mrs. Woff, to define the same thing of her Husband. The last Words in the Note were, If you cannot be private, leave the Issue to God:

L. C. J. Mr. Walton, have you any thing to say for yourself, against this plain Evidence?

Capt.
Capt. Walest. My Lord, They have taken a great deal of Pains, and made long Speeches, tho' very little of them relating to me, tho' too much. Col. Rumphely tells your Lordship of a Defeqn they had to afflict the King, and carry on a War, or something like it, when I was out of the Kingdom: That at Mr. Shepherd's House they drew up a Declaration; and that upon Mr. Trenchard's laying, Things were not ready. This was before I came into England, and he says this was agreed as Mr. Woff's Chamber before I came there: and that Mr. Rumbold undertook it. Then he says, that after I came over, I undertook to charge the Guards while the King was killing. My Lord, that was a very improbable thing; for I look upon it, there is no Difference between killing the King, and securing his Guards. These Gentlemen, by what they have said, do sufficiently convince the Court, and all that hear them, that they are sufficiently dipp'd themselves. Here they combine to take away my Life, to fove their own. Then they tell you, that Mr. Goddenough and Mr. Rumbold brought Notes about Men that were to afflict the King; but they do not tell your Lordship I was privy to any of these Notes, nor that I knew any of them. 'Tis in itself so improbable, they would engage in so derogate an Undertaking with Men I never saw, nor heard of in my Life. Then he tells you, that Mr. Fergusgon had been at a Place where I was, and there inquire what Mr. Goddenough had done; and withal, they told you, they met at my Lodging: Now that their meeting at my Lodging was by Col. Rumphely's Appointment, I knew nothing of it. Most of these Meetings were by Col. Rumphely's Appointment, or Mr. Woff's: I accid-really came amongst them sometimes, but all my Bufines was only to hear News; nothing was agitated concerning killing the King, or levying of War, more or less, as I know of. I must confess, I did hear that there was a Defeqn by a great many Lords and Gentlemen; and others, for afflicting their Liberties and Properties; but I was never in any Conulatatfion with them, or any Message to them, nor I never saw one of these Lords, that I know of, that are fated to be concerned. Therefore, I say, 'tis very improbable I should be so far concerned as they seem to represent it. They met at the Five-Bells: they allow, themselves, I was not at that Meeting. For Mr. Keeling, he does not at all charge me. What I said to Mr. Woff relating to the Bufines he talks of in October last, that, my Lord, is out of Doors in point of Time. I pray God forgive him for what he has said, I can't say more than I have.

L. C. J. Pray where do you live? Where is your Habitation?

Capt. Walest. My Habitation is in Ireland, my Lord.

L. C. J. Pray what do you do here?

Capt. Walest. I was invited by my Lord Stafifbure to go Governor to Carolina.

L. C. J. That Defeqn was a great while ago frufrated.

Capt. Walest. My Lord, it was some while before I came over, and so my Lord gave his Commision to another. But being in England, my Lord Stafifbury invited me to go to Holland with him, which I did, and when he died, I came to London; I had not been here a Fortnight but I fell ill of the Gout, and that continued three Months: Another thing was, my Son was here, and I designd to marry him, and make Provision for my younger Children: My Lord; I have a competent Estate; I hope it is no Great Crime for a Man of an Estate to be here.

L. C. J. You confes, you heard some Diffcure of these things; what made you to frequent their Company, when you heard these things?

Capt. Walest. It was my Folly to do it.

L. C. J. Ay, but you are to understand; that Folly in these Cafes is Treafon. 

Capt. Walest. I conceive, my Lord, 'tis only Miliprition of Treafon. I did hear of a great deal that these Gentlemen have said, and that there would be an Infurcation; but I had no Hand, directly or indirectly, in it; nor did it enter into my Thoughts, either directly or indirectly, the Death of the King. When some Gentlemen have talked to me about it, I abominated it, and told them, it was a souldanous thing, a Reproach to the Protestant Religion: For my Part, I had Children would bear the Reproach of it, and I would have no Hand in it.

L. C. J. Look you, Captain Walest, that you did dare to do the Facts, to afflict the King, that is very true; they say so, that you did alwaays deny it; for you stood upon this Point of Gallantry, a naked Man you would not affilliate. And then you talk of Miliprition of Treafon: For a Man to hear of Treafon accidentally, or occasionally, and conceal it, is but Miliprition; but if a Man will be at a Conulf where Treafon is hatched, and will then conceal it, he is guilty of Treafon therein; therefore do not misilute your Cafe; So that your Point of Law fails you, and every thing fails you in this Cafe. It appears plainly by them, that you were not only privy to the Conulf as an Auditor, but as an Actor; you chose your Poil, and upon this Point of Gal- lantry you would venture yours, nor upon a naked Man, but upon Perfon that would oppole you.

Capt. Walest. Certainly no Man that knows me, would take me for a very Fool, that I would kill the King's Guards; as if I were not fentible, that was equal Treafon with the other.

Mr. Att. Gen. Ill Men are always Fools.

Capt. Walest. 'Tis clear they have laid their Heads together, they have contrived to take away my Life, to fave their own; 'tis plain enough.

L. C. J. There is nothing more reasonable, nothing more just in the World, that to make use of some Traitors to discover and convict the others, elle would Treafon be hatched securely. There's nobody capable [where Treafon does not take Effect] of making an Evidence in such a Cafe, but some of you that are Conspirators. You do not publish it at the Market-Croft. And if you could gain but this Point, that none that are concerned with you in the Conspiry should be Wimfites, it would be the securest thing in the World to hatch Treafon. For you would be upon this Point; either it shall take Effect, and then 'tis too late; or if it do not, and the Conspirators are not to be believed, then I am fentible, nobody in the World can con- vict me.

Purier. We defire he may be asked what he says to the Letter.
The Trial of Capt. Thomas Walscot 35 Car. II.

L. C. J. Well, what say you to it? You have made Proposals you will discover others, and you will give Intimation to the King of the Measures the rest of the Companions were taking in Ireland, and other Places; upon what Design did you write that? And what induced you to it?

Capt. Walscot. My Lord, I have told your Lordship, that I have heard a great many Discourses relating to that thing, and heard it most by Mr. Ferguson, with whom I had a great Intimacy, and I did according to my Promise give that Account of it; but if his Majesty would not believe me, I can't help it; but the Design was not pleased with me, because I could not descend to Particulars; and I could not, because I never had been in their Company, nor knew nothing but what I had once by a private Hand. I dealt ingenuously and truly with the King, and told him what I knew.

L. C. J. Pray obverse the Contents of your Letter. You made this Proposal, That you being in the Proclamation, you were one of the fittest Men to underland and smite out the Measures of the other Perons. By this it is plain, you took yourself to have an Intimacy, and familiar Converte with the other Perons that you thought were impeached: Your Letter does import, that you had such an Intereat with those Perons, that they would have communicated their Counsels to you.

Capt. Walscot. My Lord, I never spoke but with Mr. Ferguson, who was a Man they did much confide in; and I knew very well, that by my Interest in Mr. Ferguson, I should have an Interet in the Relt. But truly, whether the Duke of Monmouth be there, or not, I know not. I do not know him, if I meet him. I was never at any Contests, never at any of these Debates.

L. C. J. What did you mean by this, that this was your first Crime? You knew what you was charged with; it was for High Treason.

Capt. Walscot. My Lord, 'tis my first Crime. My Lord, I have heard there was an Insurrection intended, I have heard of the Perons that were to carry it on; I did look upon this as a Mitiparion of Treason; but that I ever acted in it, or conceived it, I utterly deny.

L. C. J. The last Question is, Whether you have any Witness?

Capt. Walscot. I have only a young Man or two, if he be here, to prove the Time that I was ill of the Gout, and therefore 'tis improbable I should be so far concerned.

L. C. J. I must tell you before-hand, that an Argument from the Topic of Probability, will do you but little Service, when there is positive Evidence against you. This it will import you to make a little Anwer to, if you can, what you meant by your Application to Colonel Ranfoy, defining Captain Tracy to speak to him and Mr. Wifo; what do you mean by that?

Capt. Walscot. My Lord, would not any Man in my Circumstances defray a Man to deal tenderly with him?

L. C. J. Well, is this young Man come in? Come, Sir, what have you to say on the Behalf of the Prisoner at Bar? Or will you ask him any Questions?
and therefore he was sent for over to manage it, as being the only Man in whom all Persons had Confidence. When he comes over, he brings Captain Walex along with him. Mr. Fergen meets at Mr. Woff’s Chamber; this Mr. Woff and Col. Runnifey give an Account of, they both swear it. Several Meetings there were in which Capt. Walex was not, and poitifi at those times he might be sick of the Small Pox, and that might occasion his not being there. But afterwards both tell you, that Capt. Walex did meet at Mr. Woff’s Chamber, and there was debated particularly the Affiliation of the King; and it was agreed to be at Rumbold’s House called the Rye, looking upon it as a very convenient Place, as those that know it say; there being a narrow Passage that it was easy to affairs, and hard for Persons to escape; and with 40 or 50 Men, thereabouts, it was a Defign very likely to have succeeded. Capt. Walex’s Share in this was not directly the Affiliation of the King, that he would not be concerned in, being a Soldier, it was beneath him to do that; but his Part was to fight the Guards, he looked upon that as the more honourable Employment; Men that were armed to engage them. This is proved both by Mr. Woff and Col. Runnifey.

In the next Place, Gentlemen, when this did not succeed, but was prevented by the great Providence of God Almighty, as you have heard, they carry on the Defiga Bill, and take it into their Councils, and resolved to carry it on, either at Windsor, or in his Passage from Windsor to Hampton Court; but no Place was certainly fixed upon; and I think the latter Resolution was, that it should be done at the Bull-Past, an Entertainment that was designed here in the Fields. Now, Gentlemen, while this was carrying on, it was necessit to carry on the other Part too, that is, the Inurrection; and that Capt. Walex is all along concerned in. He is present at the Meetings in the Taverns, where they differ about the Affiliation and secure the King. This is Mr. Bow’s Evidence, That at the Dragon-Tavern on Swan-bill, there they met to consult to secure the King and the Duke. That he was present at the Meeting in London, this is sworn by all, by Col. Runnifey, Mr. Woff and Mr. Benar, where Goosenden was to give an Account what Success he had in the Lift made of dividing the City in several Parts, and raising Men out of every Division, and Capt. Walex met for to know what Progrees they had made in it. Gentlemen, every one of these are overt Acts, to declare his Intention to kill the King, and are all High Treason.

The Gentleman at the Bar cannot attempt to misrepresent his Offence, by saying he would not directly affiliate the King, but would be the Man to afflit in raising Arms; this makes him equally guilty. To confine to raise Arms against the King, certainly that is as great a Declaration of his Imagination of his Heart to kill the King, as any thing in the World: And this being proved upon him, there is no room for any Objections for him to make; some he hath made, not worth the Mention; but because they are thro’ he thinks to put his Life upon, I will take notice of them to you.

He says, the Witneys are not to be credited, because they have been concerned in the same Conspiracy, Gentlemen, because they have been concerned, therefore they are to be believed; for who should know this but those that were so concerned? I think, Gentlemen, there is no good Man, no honest Man, would define a better Evidence; for better Evidence could not have been had, unless the thing had taken Success; and I am sure that is far from the Heart of any Man, that has the Heart of a Christian, to wish. Does he pretend to intertreat these Witneys in any Contradictions? Does he pretend to say thyse Witneys have confuted together to make up this Story to allure him for his Life? There is nothing pretended of it, but on the contrary he owns he is next to these Men; but the End of his going there was only to hear News. I thought that had not been the proper Place to hear News in; certainly no Man that comes there would have been admitted merely for Curiosity; certainly he must bring a Mind to accompany them in all their Villainy; but his own Confession you have for that. I think he hath hardly Confidence to deny, but he was at several Conflits for raising Arms at Mr. Woff’s Chamber. You were, when Goosenden gave an Account, at the Green-Dragon Tavern. You were where Diffoures were of raising Arms to secure the King; and nothing he has said, Gentlemen, to clear him.

Gentlemen, here is that above all Evidence; here is almost the Confession of the Prisoner, the Letter of his own Hand. That Letter (when he fees his Name in the Proclamation) acknowledges it is his first Crime, he says: What was that Crime? He was proclaimed as a Traitor. He says in his Letter, that his Life was at the King’s Mercy; that if his Death would do the King more Service than his Life, God’s Will be done; that if his Majesty would admit him to come in, and the Mercy, he would tell all he knew concerning England, Scotland and Ireland, which he thought would be more material than any thing that another Discoverer could tell. He trusted he had been a proper Hand than many of these Men that have given this Evidence. You see they accuse themselves; they confess this, and ’tis a great Mercy they have to do; for all your Lives and Liberties in the Perfom of the King are preferred; and God be thanked, that you are here this Day to sit in Judgment upon him that would have deprived you of them.

L. C. J. Look you, Gentlemen of the Jury, here is the Prisoner at the Bar indicted of High Treason, and ’tis for conspiring the Death of the King, and for endeavouring to raise Arms within his Kingdom against him. You hear he denies himself to be guilty; you have heard the Evidence, and this does plainly appear upon what you have heard, that there was a dangerous and desperate Plot upon the King, to have destroyed him, that is most certainly plain, the Prisoner himself confessed it; that there were several Conflits and Meetings concerning it; and that this had a great Progrefs from time to time, for near half a Year, is very plain; that he was at many Conflits, is very certain; that there was a Defign to raise an Inurrection and War within this Nation, is as plain by them all; it was design’d the last Winter to have done it. The Witneys (who are certainly the Persons most capable of giving Evidence) tell you there were several times appointed, and full they were by one Pro-
The Trial of William Hone

William Hone being brought to the Bar, and having held up his Hand, the Indictment was read, as follows:

London. The Juries for our Sovereign Lord the King, upon their Oaths, present, That William Hone, late of London, Labourer, with other false Traitors, as a false Traitor against the most Illustrious and Excellent Prince, our Sovereign Lord Charles II. by the Grace of God, of England, Scotland, France and Ireland King, his natural Lord, not having the Fear of God in his Heart, nor weighing the Duty of his Obedience, but being moved and seduced by the Inflation of the Devil's; and the true Duty, and natural Obedience, which true and faithful Subjects of our Sovereign Lord the King, towards him our said Lord the King, do bear, and of Right ought to bear, nobly withstanding, and with
his whole Strength intending the Peace and common Tranquility of this Kingdom of England to disturb, and War and Rebellion against our said Lord the King to move and stir up, and the Government of our said Lord the King within this Kingdom of England to confederate, and our said Lord the King from his Title, Honour and Kingly Name of the Imperial Crown of this his Kingdom of England to put down and deprive, and our said Lord the King to Death and final Destruction to bring and put, the second Day of March, in the Year of the Reign of our Sovereign Lord Charles II. King of England, &c., the Fifth and thirty-fifth, and divers other Days and Times, as well before as after, at the Parish of St. Michael Baffinow, in the Ward of Baffinow, London, aforesaid, maliciously and traiterously, with divers other Traitors, to the Jurers aforesaid unknown, he did confederate, compasse, imagine and intend our said Lord the King, his Supreme Lord, not only of his Kingly State, Title, Power and Government of this his Kingdom of England to deprive and throw down, but also our said Lord the King to kill, and to Death to bring and put, and the ancient Government of this his Kingdom of England to change alter and subversibly to subvert, and a miserable Slaughter amongst the Subjects of our said Lord the King through the whole Kingdom of England to cause and procure, and Insurrection and Rebellion against our said Lord the King to move, and stir up, within this Kingdom of England, and to lust and perfect the said most horrid Treason, and traiterous Confederation, Imaginations and Purposes aforesaid, be the said William Hone, and many other Traitors, as a false Traitor, then and there, and divers other Days and Times, as well before as after, maliciously, traiterously, and adversly, he did assemble, meet together, and confed with divers other evil-disposed and discontented Subjects of our said Lord the King, to the Jurers as yet unknown, and bad done, and did treat, of and for the executing and fulfilling their Treason, and traiterous Confederation, Imaginations and Purposes aforesaid; and that the said William Hone, together with many other False Traitors, maliciously, traiterously, and adversly, then and there, and divers other Days and Times, as well before as after, did take upon himself, and promise to be aiding and assisting in the executing of the Treason, and traiterous Confederation, Imaginations and Purposes aforesaid, and in provoking of Arms, and Men armed, to further and perfect the said Treason, traiterous Confederation, Imaginations and Purposes aforesaid. And to further, and bring to pass, the said most horrid Treason, and traiterous Confederation, Imaginations and Purposes aforesaid, be the said William Hone (and many other false Traitors) as a false Traitor, maliciously, traiterously and adversly, then and there, did procure and prepare Arms, to use, Blunderbusses, Carabines, and Pistols, against the Duty of his Allegiance, against the Peace of our Sovereign Lord the King, &c. and against the Forms of the Statutes, &c.

Cl. of the Cr. How yeafet thou, William Hone? Art thou guilty of this High Treacon, whereof thou finctly indicted, or Not guilty?

Home. In some measure I am guilty.

Ccap. Richardson. You must say, Guilty, or Not guilty.

L. C. J. You must plead to this; and the Way is, to confe, or deny all.

Home. I know nothing of the Arms.

L. C. J. Are you guilty of the Treacon, in conspiring the Death of the King, and providing Arms for that Purpofe?

Home. I never provided Arms; I am guilty of the Confe.

L. C. J. We can take notice of none of the odd kind of Words you talk of, but either plainly Guilty, or Not guilty.

Home. My Lord, I can truly say, I am Not guilty, for I know nothing of it.

L. C. J. If you say so, you say as much as is required of you at present.

Home. In that understanding of it, I am Not guilty.

L. C. J. Well, he says he is Not guilty.

Cl. of Cr. Chriftiani. How wilhe thou be tried?

Home. By God and my Country.

Cl. of Cr. God fend thee a good Deliverance.

Friday, July the 13th in the Morning, the Court being fit, and Proclamation made.

Mr. Att. Gen. Set William Hone to the Bar.

Cl. of Cr. You the Prisoner at the Bar, hold up your Hand.

Home. I defire I may retract my Plea: I would plead Guilty.

L. C. J. Do you confess the Indictment?

Home. Yes, my Lord.

L. C. J. That is, that you did confpire the Death of the King, and in order to that, that you did provide yourself with Arms to do this wicked Act.

Home. I never did that, my Lord, I never provided any Arms.

L. C. J. What were you to have done?

Home. That Depofition I gave before Sir William Turver is true.

L. C. J. Tell us what you were to have done in this bloody Matter.

Home. I was asked by one Mr. Richard Goodenough to go along with him, and I asked him whither, and he would not tell me; but I understood it was to kill the King and Duke of York, but he did not tell me the Place.

Mr. Serjeant. He does not confe the full; we defire to try him.

L. C. J. Look you, you have pleaded Not guilty to this Indictment: The King is willing, that if you be Not guilty, you shall not be condemned; and therefore he does defire and command the Evidence against you should be publifh'd, which will be not without Crime brought to Trial. Therefore hear the Jury.

The Prisoner challenged none; but the Jury that were sworn were:

Nicolas Charlton, Christopher Pitt, Robert Beddingfield, John Pelling, William Windisbury, Thomas Statham.

Then Proclamation for Information, and for those that were bound by Recognizance to appear, was made.

Cl. of Cr. William Hone, hold up thy Hand. (Which he did.) You Gentlemen of the Jury that
that are sworn, look upon the Prisoner, and hearken to his Cauter; he stands indicted by the Name of William Home, &c., post ante, in the Indictment, mutatis mutandis; upon this Indictment he hath been arraigned, and hath thereupon pleaded Not guilty; and for his Trial, &c.

Mr. Jones. May it please your Lordship, and you, Gentlemen of the Jury, the Prisoner stands indicted for the most horrid Tresfon that ever was endeavoured to be committed in this Kingdom, for treasonably conspiring to kill the King, and consulting how and in what Manner it should be done, and for preparing Arms for the doing of it. We shall prove this to you, and then I hope you will find him Guilty.

Mr. Att. Gen. May it please your Lordship, and you, Gentlemen of the Jury, the Part the Prisoner at the Bar was to act in this Tresfon, was the killing of the King; he was one of the Persons that were to be affilling in afflicting the King's Person. We will not trouble you with the large Evidence of the Riffing, as we did Yesterday; but we will prove those things upon him, that he undertook to do it, that he was concerned with the rest of the Confederates: We shall show you this is not a new Thing, but he hath been an old Rebel; for this hath not been a new Project, but hath been acting Several Years. Five Years ago, when the King attended my Lord Mayor's Show, he undertook to kill him off of Bow Church. We shall call our Witnesses, and prove it fully upon him. Mr. Keeling, and Mr. Wifb.

Mr. Josias Keeling sworn.

Mr. Att. Gen. Do you tell my Lord and the Jury, what you know of this Prisoner at the Bar.

Mr. Keeling. The first Time I saw him was at the Dolphin Tavern, when the Arms were agreed upon, he was there then.

Mr. Att. Gen. \( \text{\textit{\&c.}} \) was there then?

Mr. Keeling. Mr. Wifb, Mr. Goodenough, and him I remember particularly, and some others, whom I do not at present remember, and since he hath taken Place of me.

Mr. Att. Gen. Was Mr. Roughbold there at that time?

Mr. Keeling. Yes.

Mr. Att. Gen. Pray at that Meeting tell the Jury what Discourse you had; for many of these Gentlemen are not the same that were on the Jury Yesterdays.

Mr. Keeling. It was discorced then of the King's coming home from New-market the Saturday after the Fire. Mr. Wifb told Mr. Roughbold, he heard the King would come home that Day; but, says he, I don't believe it. Says Roughbold, I hear he will come home on Monday, says Mr. Wifb. I hear so too. They said, they hoped they would not come home on Monday. Says Mr. Wifb to Mr. Roughbold then, how many Swan-guills, Goose-guills, and Crow-guills, and how much Sand and Ink, must we have? I think the Prisoner at the Bar must needs remember it as well as I. It was agreed by Mr. Roughbold. I think I am exact in the Number, and he was by and heard all the Discourse.

Mr. Att. Gen. What did they mean by this?

Mr. Keeling. By Swan-guills, they mean Blunderbusses; by Goose-guills, Musquets; and by Crow-guills, Pistols; and by Sand and Ink, Powder and Baller. He took Acquaintance with me after that Meeting, (for I never saw him, as I know of, before) and after some time he told me, he was one of them that was to go down to the Yare to affilliate the King. And since that, at a Coffee-house in St. Alban's Alley, he told me, it would never be well till the Blackbird and the Goldfinch were knocked on the Head. They being Terms I did not understand, I asked what he meant; he said, The King and Duke of York.

Mr. Serg. Jeffries. You are sure that is the Man?

Mr. Keeling. I am sure that is the Man, William Home.

Mr. Serg. Jeffries. What, is that the Man that talked of the Blackbird and Goldfinch?

Mr. Keeling. I am sure that is the Man.

Mr. Att. Gen. Now swear Mr. Wifb, Mr. Serg. Jeffries. If Mr. Home has a mind to ask him any Questions, he may.

Home. My Lord, this I deny: As to the Blackbird, I own it; as to the Goldfinch, I never heard a Word of it till this time.

Mr. Serg. Jeffries. You had only a Deign upon the Blackbird then.

Mr. Wifb sworn.

Mr. Att. Gen. Tell the Court what you know of the Meeting at the Dolphin Tavern.

Mr. Wifb. I was there, and Mr. Keeling came in. There were several things said of Swan-guills, Goose-guills and Crow-guills, but this Man did not come in till this Discourse was over, and I am sure I did not speak of any thing of this Nature, before this Man in my Life. But Mr. Goodenough did undertake to provide the Men, and Mr. Goodenough said, he would try him, if he would make an Attempt upon the Duke without the King. And I asked him, whether he had seen Mr. Goodenough. He told me he had. Says he, he spoke to me about a little Jobbe for the Duke. Mr. Goodenough said, he had spoke to him fully about the thing. And I saw him often in the Company of Maimms, that was design'd to be another of the Affiliates. He was at my Chamber once; says he, Maister, shall we do nothing? I think he used these Words, That if the Duke of Monmouth would be true, and appear, he could bring fifty or sixty honest Men of both Sides the Water, to do the Business. I asked him, What Business? Says he, Either a brisk Pull (that I took for an Inquisition) for the two Brothers: Says I, what Brothers do you mean? Says he, the Captain and Lieutenant; those were the two Terms they used since the Fan-leer was printed. I think he was a pretty honest Fellow before this Time; he was deluded by Goodenough, I think, in the thing.

L. C. F. (to Mr. Wifb.) Do you come to justify these things?

Mr. Wifb. My Lord, he hath been deluded safely, and I am sorry for the poor Fellow.

L. C. F. It is a very unusual thing, for one in your Condition to use such Expressions in such a Cafe.

Mr. Serg. Jeffries. Mr. Wifb, You have been deluded.

Mr. Att. Gen. Captain Richardson and Sir Ni
tolaus Butler.
Sir Nicolas Butler. My Lord, I know the Prince at the Bar very well. I have known him many years: I have always known him guilty of Plottings and Contriving, and ready upon all Occasions to embrace any thing for these Purposes laid to his Charge: particularly, when Sir Francis Chartplain was Lord Mayor, his Majesty and the Duke stood at Mr. Walde's House, by reason of the Angel House being flaisken. And he came to my House, and told me, he would diccourage me upon some private Matter; I called him into a Closer, and he told me, they had a fair Opportunity to take off the King and the Duke at once: I told him, that would do very well, but how will you do it? Says he, We will do it with Crofs-bows; we are to half a Dozen, and we will go into the Steeple, where there is a Window just opposite to the balcony: And a great deal of Dilicence we had for this Purpofe. My Intent was to divert them from this Dicfign, and told him how impossible it was they should flape the Foot Guards and Horfe Guards, and Multitude of People: And if he did not do the Butufens effectually, he would be undone, and all the Party. I reflected satisfid he would have defteft on this. But I knew the Principles of thefe Fifth-Monarchy-men, and their Affociates, and thought it not safe to truft to his bare Say-fa, that he would defte; but I went to the King and the Duke of York, into my Lord Chamberlain's Chamber, where they came to me, and I gave them this Account, and defired them to come fome to watch the Place, and to fearch if any were got into the Steeple before they came; and there was one Horfelf ap- pointed, that did accordingly watch them, but none came: Upon which fome Good-willers to it have reported, that it was a Sham-butufen; but I think that was not well done. But the thing was real, and when he was examined before the King in the Secretary's Office, he did confefs all these things that I charged him with.

Mr. Att. Gen. Sir Nicolas Butler, Had you any 1234 of killing the King at this time? Sir Nicolas Butler. No: At latt they did under- f tand I kept a Correspondence at Court, and then they would tell me no more.

Mr. Att. Gen. Since he was taken, what did he say about this Matter? Sir Nicolas Butler. About this Matter he did acquaintance divers; he was one that was to kill the King and the Duke.

Captain Richardson. Sir Nicolas Butler asked him in my Prefence (I went along with Sir Nicolas when he examined him) as to this thing, how he was concerned? He said, Mr. Goodenough came to him, and told him he wanted Labourers; he asked him, for what? At latt he did confefs, that Mr. Goodenough did tell him, it was to kill the King, and the Duke of York; he did confefs, that he did agree to it, and that he would be one of them. He did likewife fay, that after, at another Meeting, he was for killing the King and saving the Duke; but Goodenough was for both.

Sir Nicolas Butler. He faid he was to have 20 l. Capt. Richardson. He faid, he did not defire to fhir, and Goodenough told him he should have 20 l. to buy him Horfe and Armour: And told us the Butufens of the Rye, the Place he did not know, but faid, it was the Place where the King was to be murdered. This is the Subftance of the Examination taken.

Mr. Serg. Jefferies. Tho' the Prifoner at the Bar did partly make a Confeffion; yet for the Satisfaftion of the World, my Lord gave us leave to call our Witnesses.

Captain Richardson. That which Sir Nicolas fays about the Crofs-bows he did own; but

L. C. J. What fay you to this treafonable Dicfign of yours, in undertaking to kill the King, in hiring yourself out to be one of the Perfons that should have executed this traiterous Dicfign, this horrid Murder, to have killed the King at the Rye?

Hone. I fay, I did not know the Place where, nor when, at the time it was propofed about the Rye.

L. C. J. But what do you fay as to the undertaking to kill the King? The other is but a Circum- fance, this is the material Point.

Hone. My Lord, I was drawn into it by Mr. Richard Goodenough.

L. C. J. You hear what Sir Nicolas Butler fays of the Crofs-bows you defigned to kill the King with, what fay you to that?

Hone. I fay, there was a Perfon told me of fuch a thing; and I told Sir Nicolas immediately of it. The Perfon that told me was a Shop-keeper, and I don't know him.

Sir Nicolas Butler. You named three Perfons to the King that were Confederates with you, but you came to me of yourself.

L. C. J. Look you, yourfelf was one of the wicked Undertakers in that traiterous Dicfign.

Hone. No, I did never defign it, but I was told it.

L. C. J. Ay, that yourfelf and some other good Fellows were engaged in the Dicfign.

Hone. I was not engaged, only as I was told by a Fellow, that there was a Shop-keeper lived hard by that would do fuch a thing; and I immediately told Sir Nicolas Butler.

L. C. J. Come, 'tis in vain for you to mince the Matter, for here is a full Evidence against you: The belt you can do for your Advantage now, is to confer well with yourfelf, and repenf of this wicked Dicfign. What Religion do you profefs?

Hone. Religion, my Lord?

L. C. J. Ay, any or none?

Hone. My Lord, I hear feveral fort of Men, fomertimes Baptist, fomertimes Independents, and fomertimes the Presbyterian.

L. C. J. But regard none. Look you, Gentle- men of the Jury, you hear a plain Cale of a barbarous Murder defigned upon the King, one of
The Trial of Lord William Russell.* at the Old Bailey, for High Treason, July 13, 1683. 35 Car. II.

Cl. of Cr. How sayest thou? Art thou Guilty, or Not guilty? [.

Lord Russell. My Lord, I may not have a Copy of the Matter of Fact laid against me, that I may know what to answer to it.

L. C. J. My Lord, we can grant you nothing till you have pleaded.

Therefore that which is put to you now is, Whether you say you are Guilty, or Not guilty?

L. Russell. My Lord, I am Not guilty.

L. C. J. Of Cl. of Cr. Copy, how wilt thou be tried?


L. C. J. Of Cl. of Cr. God find thee a good Deliverance.

L. Russell. My Lord, I thought a Prisoner had never been arraigned and tried at the same time. I have been a close Prisoner.

L. C. J. For Crimes of this Nature, my Lord, we do it continually.

L. Russell. It is hard, my Lord.

Mr. At. Gen. My Lord hath no Serjeant.

Reardon to complain for want of Notice, for since Monday seven-night he had Notice of his Trial and the Matters alleged against him he had Notice of; for Questions were put to him about this Matter: He hath been very fairly dealt with, he hath had the Liberty of Counsel to advise him; there hath been no force of Liberty denied him, which becomes any Subject to have in this Condition.

L. C. J. My Lord, I do not know whether you hear Mr. Attorney: He says, your Lordship hath had a great deal of Favour shown you already, in that you have been acquainted with the Crimes for which you are now indicted, that you have had a great deal of Warning given you, that you have had the Liberty of Counsel, which hath not been known granted to any under your Lordship's Circumstances. He says, he doth not but your Lordship is prepared for your Defence,
because you have had so much Knowledge, and Warning of the Time and Matter for which you were to be called in Question.

L. Ruffell. My Lord, I am much to seek; I only heard some general Questions, and I have Winnefies that I believe are not yet in Town, nor will be, I believe, till Night. I think it very hard I can have one Day more.

Mr. Att. Gen. Monday sevennight your Lordship had Notice.

L. Ruffell. I did not know the Matter I was charged with.

Mr. Att. Gen. Yes, certainly; for I was with you myself, My Lord; and tho' Questions you were examined upon, were a Favour to you, that you might know what the Matter was you were accused of.

L. C. J. My Lord, without the King's Consent, we can't put off the Trial: If the King's Counsell think not fit to put it off, we can't grant your Lordship's Request in this Case.

L. Ruffell. I would de fired a Copy of the Panel of the Jury, that I might consider of it; for how else can I make any just Challenge? I thought the Law had been very favourable to Men upon their Lives; and therefore it had allowed People to have some little Notice.

L. C. J. Hath not your Lordship had a Copy of the Panel? I think your Lordship was allowed: one. We gave Order your Lordship should have a Copy of the Panel.

Mr. Att. Gen. We did indulge him so far, that he might have a Copy of all the Men returned.

L. Ruffell. I never had a Copy of the Panel.

L. C. J. It was the Fault of your Lordship's Servants then; for I gave Order for it myself. *Tis such a Favour, that in regard a Man's Life lies at Stake, we never did deny it, to my Knowledge. And therefore in this Case I gave Order to the Second to deliver a Copy. I know the King did not design to be hard upon my Lord in his Trial, but that he should have as fair a Trial as ever any noble Perfon had.

L. Ruffell. I pray I may have a Copy then.

Mr. Serg. Jefferies. If my Lord had sent his Agents, and it had been refused, there had been something in it.

Mr. Att. Gen. Secondary Normanfel was with me, and I gave him my Allowance, tho' it was not his Right.

L. C. J. That my Lord may not be surpris'd, what think you of giving my Lord Time till the Afternoon, and try some of the rest in the mean time?

Mr. Att. Gen. Truly, my Lord, if I could imagine it was possible for my Lord to have any Winefies, I should not be against it.

L. Ruffell. *Tis very hard.

Mr. Att. Gen. Do not say so; the King does not deal hardly with you; but I am afraid it will appear you would have dealt more hardly with the King: You would not have given the King an Hour's Notice for saving his Life.

Secondary Treasur. I gave my Brother Nor- manfel a Copy of the Panel on my Side, and hear that my Brother Normanfel hath said that he delivered a Copy.

Then Secondary Normanfel was sent for, and the Court paid for him some time.

Mr. Atwood. My Lord, a Gentleman told me; he did not know whether it was fit, till he had confuted the Attorney General; afterwards I had a Copy as it stood then; not as it is now.

Mr. Att. Gen. I desire my Lord may be asked, who he sent for it?

L. Ruffell. I did not send for it; I inquired, and they said it would be refused.

Mr. Atwood. No, the Gentleman had it with the fair Perwig.

L. C. J. It was delivered to your Servant or Agent. What did you do with it?


Mr. Serg. Jefferies. What did you do with them?

L. Ruffell's Gent. I writ them down; they were not perfect; I did not know what they were.

L. C. J. Sir, you were to blame, not to deliver it to my Lord.

L. Ruffell's Gent. I was not bound to deliver an imperfect thing to my Lord.

L. C. J. Sir, you should have confuted your Lord's Advantage, so as to have delivered any thing for his Good.

L. Ruffell's Gent. My Lord was in the Tower; I was not admitted to my Lord.

Mr. Att. Gen. Did you give it to my Lady?

L. Ruffell's Gent. Yes, those Names I had, my Lady had.

Mr. Serg. Jefferies. How long ago was it?

Mr. Atwood. Thursday or Wednesday last.

L. C. J. (to Lord Ruffell's Servant.) Look you, Sir, when had you this?

L. Ruffell. I had no Panel, I will assure you, delivered me; I had some Names of People that they said were unjustly on Juries.

L. C. J. They were the Names of the Jury.

L. Ruffell. They were only the Names of them that were like to be of the Jury; no other Panel came to me.

L. C. J. My Lord, there can be no other Copy given, but the fame that was delivered; for your Lordship does know in this Cafe, any Perfon accused, as your Lordship is, may challenge Thirty-five; and therefore there is a Return general of the 36th of April, and these are returned in cafe of your Lordship's Challenge. When you have challenged so many as you please, then the twelve Men that stand after your Challenge are to be of the Jury. And therefore this is not like a Panel made up by the Sheriff, in ordinary Causes, between Man and Man; there they make a formal Panel, from which they cannot depart, when that is once returned; but here in criminal Causes, because of the Challenge, they return either Sixty or Eighty: And I presume your Lordship was attended with the Names delivered.

Mr. Serg. Jefferies. How many Names were delivered?

Mr. Atwood. Above a Hundred.

L. Ruffell. I had nothing of a Panel delivered to me, but some Names.

L. C. J. There was never any formal Panel delivered to any Perfon accused: The Copy of it is in Paper always.

L. Ruffell. How can I know who to challenge?

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* But it had been deny'd in Colledge's Cafe; and was afterwards deny'd to Mr. Greville, till the Time of his Trial, when it could be of no Service to him.
L. C. J. My Lord, the Copy of it is in your Hands; your Lordship hath been deceived in this, by not understanding the true Nature of these Things. If we were to give you a new one, we should give you but such an one.

L. Raffel. I had no Paper from the true Officer.

L. C. J. No, but from your Servant.

Mr. Att. Gen. My Lord, you will have Cause to complain, if they are not the fame Men we now shall call.

L. C. J. My Lord, that Paper will guide your Lordship in your Challenges.

L. Raffel. My Lord, I did not mind it: I put it away. My Lord, with your Favour, I must needs insist upon having a Panel, and that you will put it off till the Afternoon; I have a Witnesse that is not in Town. My Counsel told me it was never done, or very feldom, arraigning and trying at the same Time, except in case of common Malefactors.

L. C. J. Mr. Attorney, Why may not this Trial be ressift till the Afternoon?

Mr. Att. Gen. Pray call the Jury.

L. C. J. My Lord, the King's Counsel think it not reasonable to put off the Trial longer, and we can't put it off without their Consent in this Case.

L. Raffel. My Lord, 'tis hard: I thought the Law had allowed a pretty deal of Favour to a Man when he came upon his Life. How can I know to except against Men that I never heard or saw one of them?

Cl. of Cr. You the Prisoner at the Bar, Those good Men that have been now called, and here appear, are to pass between you and our Sovereign Lord the King, upon your Life or Death; if you challenge any of them, you must speak as they come to the Book to be sworn, before they are sworn.

L. Raffel. My Lord, May I not have the Use of Pen, Ink and Paper?

Court. Yes, my Lord.

L. Raffel. My Lord, may I not make use of any Papers I have?

L. C. J. Yes, by all means.

L. Raffel. May I have somebody write to help my Memory?

Mr. Att. Gen. Yes, a Servant.

L. C. J. Any of your Servants shall affist you in writing any thing you please for you.

L. Raffel. My Wife is here, my Lord, to do it.

L. C. J. If my Lady pleases to give herself the Trouble.

Mr. Att. Gen. My Lord, you may have two Perfons to write for you, if you please.

L. Raffel. My Lord, here hath been a Name read, that I never saw in the List of the Jury I had: I heard Sir Andrew Parker called.

L. C. J. He is not called to be of the Jury.

Cl. of Cr. Call John Martin. [He appears.]

L. Raffel. Are you a Freeholder of 40 s. a Year?

I hope none are allowed in the Panel, but those that have Freeholds.

L. C. J. There is no Panel made in London by Freeholders; we have very few Freeholders capable of being impannel'd, because the Estates of the City belong much to the Nobility and Gentlemen that live abroad, and to Corporations: Therefore in the City of London * the Challenge of Freeholders is excepted.

L. Raffel. My Lord, I thought it had been al ways so, and the Law had been clear in that Case throughout England, that no Man ought to be tried for his Life, but by those that have Freeholds. My Lord, I remember I read a Statute of 3 H. 5. where 'tis positive, that no Perfons shall be judged in case of Life and Death, but by those that have 40s. a Year.

L. C. J. My Lord, that Statute extends not to this Case. Read the Statute.

Cl. of Cr. Whereas Perjury is sanit usf in the City of London, upon Perjury, &c.

L. C. J. Is this the Statute your Lordship has read?

L. Raffel. This is not in the Case of Life and Death.

L. C. J. It is not, my Lord.

L. Raffel. That that I read is positive. And if your Lordship will not allow of it, I define my Counsel may come and argue it; for 'tis a Matter of Law, and I can't argue it, Whether the Jury are not to be Freeholders?

Mr. Sergt. Jeffries. There is nothing mentioned in that Statute with relation to the City of London indeed; but the Necessity of the Thing requires it.

Mr. Att. Gen. It will not be material, 'tis a collateral Point; for most of the Jury have Freeholds.

L. C. J. Do you allow the Exception?

Mr. Att. Gen. No, my Lord.

L. C. J. Therefore we must, if my Lord stand upon it, hear his Counsel. My Lord, we will hear your Counsel: What Counsel do you define, my Lord?

L. Raffel. The Counsel that were allotted me.

L. C. J. No, you must have Counsel assigned by us. The Counsel that was assigned elsewhere signifies nothing.

L. Raffel. Mr. Pelletson, Mr. Hele, and Mr. Ward.

Court. The said Perfons were called, and came into Court.

L. C. J. (To the Concl.) Gentlemen, my Lord here defines Counsel; you are here allotted as Counsel for my Lord Raffel that is at the Bar, 'tis concerning a thing wherein he doubles the Law; he would except to the Jury upon this account, to the Poll, because they have not Freehold within in the City of London; and he defines you may be assigned his Counsel to make it out, that this is a Case of Challenge.

Mr. Att. Gen. 'Tis a Case of Treason, Mr. Pelletson, Mr. Ward. We take it so, Mr. Pelletson. My Lord, perhaps if we had more Consideration of it, we should speak more; but if your Lordship pleases to hear us what we can say: First, we take it, with Submission, at Common Law, a Freehold was necessary to make a Man a Jury-man. But that which falls out in this Case, is the Statute of 2 H. 5. c. 29, which Statute I suppose, is here in Court. That Statute says this, (if you please, I will quote the Subsistence of it) That none shall be admitted to pass upon any Inquest upon the Trial of the Death of a Man, except he have Lands and Tenements of the yearly Value of 40 s. Now we are here, I think, within the Words of the Statute, and I take it to be no Que-
dition at all, were we not in a City and County. I think this would be no Qualification upon any Trial in any County at large. The Statute does not make any Exception or Distinguishment between Cities and Counties at large; but the Words are general, as I have opened them. My Lord, the Statute does also provide in Cafes of Freehold or Forty Marks. Now, my Lord, to prove this Statute extends to London, tho' a City and County, there are other Statutes that have been made subsequent, make it plain that it does so extend. But before I speak to them, there is 1 Sess. Fo. 157, that takes Notice of this Statute, and speaks generally, that the Freehold ought to be in the same County, nor do I remember to have seen any Book that distinguishes between Counties at large, and Cities and Counties. But Statutes that have been made concerning Cities and Counties are a plain Declaration, that this is meant of Juries both in Cities and Counties. I will mention the Statute 7 H. 7. c. 5. The Substance of the Statute is this: It takes Notice, that there were Challenges in London, for that they had not 40s. per Annum, and that this Challenge was to be made in the Wards, which are the same with Hundreds in the Counties; so this Statute is made to take away the Challenge of 40s. Freehold. This Statute of 7 H. 7. that takes away the Challenge in London, for not having 40s. is, with Subsection, a strong Evidence and Authority, that it was before that Time a good Challenge; for otherwise to what End should they make a Statute to take away the Challenge, unless it were before a good Cause of Challenge? In the next place, 4 H. 8. c. 5. that extends to Civil Causes in London, and also the 22 H. 8. (or 23) that provides only for London in Civil Causes) be admitted in Civil Causes, that have Goods to the Value of 100 Marks. My Lord, if that first Statute, or the Common Law, had not extended to require Freeholds in London, then there would have been no need of this Statute that was made to enable Men to be Jurors that had Goods to the Value of 100 Marks. So that we take it to be good Authority, that by the Common Law Freehold was required in all Civil Causes. Then there is another Statute 25 H. 8. c. 13. and that will be a strong Evidence to shew what the Law is: For the Statute says, in Cities and Boroughs, in Trials of Murder and Felony, if a Freeman of the City of London is to be tried, the Freeman shall be upon the Jury, though they have not Freehold; and then there is a Provost, that for Knights and Efquries that are out of the Borough, tho' they are arraigned in the Borough, extends not to them, tho' in Cafes of Murder and Felony. As for this Statute, we take this Sense of it, first, That it does not extend to Treason, for when it only names Murder and Felonies, that makes no Alteration as to Treason, therefore that stands as before: But if there be any Alteration, that extends only to Freeman and Burgess that are to be tried, but not to Knights and Efquries, so that if we were in a Cafe of Felony and Murder, though we would not be concerned in this Statute; for we are no Freeman nor Burgess, but we are an Efqury, and therefore ought to be tried by Freeholders: So that for the Law we rely upon these Statutes, that we have looked upon as strong Evidence, that there ought to be in the Trial of the Life of a Man, especially for Treason, Freeholders. First, If it were in Civil Causes, if this Qualification be not in Jury-men, then an Attain would lie. The Penalty in an Attain is, that their Houses should be pulled down, &c. This is provided by the Law, to the Intent the Jury may be careful to go according to their Evidence. As it is true, no Attain does lie in Criminal Causes; but if so be in Civil Causes there be required Freeholders, and an Attain lies, if there be not, 'tis not reasonable to think but there should be as great Regard to the Life of a Man as to his Eftate. Next, my Lord, I do not know any Law that sets any kind of Qualification but this of Freehold; so that be the Persons of what Condition or Nature ever so, (supposing they be not outlawed) yet these Persons, if this Law be not in Eftats, may then serve and be put upon the Life of a Man. These are the Reasons, my Lord, for which we apprehend they ought to be Freeholders.

Mr. Hol. My Lord, I would define one Word of the fame Side: We inflit this Cafe upon thefe two Things: First, we conceive by the Common Law, every Jury-man ought to have a Freehold; we have good Authority for it, Coke's Fift Inflinutes; but if that were not so, I think the Statute Mr. Pellefon hath first mentioned, 31. H. 5. c. 3. to be expressly in this Point. My Lord, the Statute in the Preamble does recite all the Mischief; it says, great Mischief enufed by Juries that were made up of Persons that had not Eftates sufficient. In what? As well in the Cafe of the Death of a Man, as in the Cafe of Freehold between Party and Party: The Statute reciting this Mischief does in express Words provide two Remedies for the fame in thefe Cafes: First, on the Life and Death of a Man, the Party that has Goods shall have 40s. per Ann. and fo between Party and Party 40 Marks; so that this being the Trial of the Death of a Man, it is interpreted by Stanfard, 162 a. that is, in all Cafes where a Man is arraigned for his Life, that is within the express Words of the Statute. Besides this Explication that hath been put upon the Statute, my Lord, it doth seem, that the Judgment of several Parliaments hath been accordingly in several Times and Ages. My Lord, to influence in one Statute that hath not been mentioned, and that is the 33 of H. 8. c. 23. that does give the King Power to award Commisfions of Oyer and Terminer, for Trials in any County of England: And that (says the Statute) in such Cafes no Challenge to the Shire or Hundred shall be allowed; that is, you shall not challenge the Jury in such a Cafe, because they have not Freehold, are not of the County where the Treason was committed; but that, upon the Trial, Challenge, for lack of Freehold of 40s. a Year, shall be allowed, though it alters the manner of trying Treason by the Common Law: So that, my Lord, here is the Opinion of very Parliament, that though it took away the usual Method of Trials, yet it saves the Prisoner's Challenge for want of Freehold. Now, indeed, that Statute is repeated; but I mention it to the Provost, that it shews the Judgment of that Parliament for that Time. My Lord, those Statutes that have been made to regulate Cities and Towns Corporate, why were they made? 33 H. 8. That no Freehold should be allowed, that shews that 2 H. 5. did extend to these Cafes. But, my Lord, these Statutes that shew the Judgment of the Parliament sufficient for our Purpofe, do not extend to this
this Cafe; the Statute goes only to Murders and Felonies, but not to Tresfons: And we are in the Cafe of a Penal Statute, and concerning the Life and Death of a Man, which ought to be taken strictly, it ouls the Prifoner of a Benefic; and by Parity of Reason, if Tresfon be not mentioned, your Lordship can't be Expected to extend it to, when it only mentions inferior Offences, and takes away the Benefit in lower Cafes: Like the Cafe of the Bishop of Winchester, where the Statute set down Dean and Chapters, and other Ecclesiastical Persons, it shall not extend to Bishops, because it begins with Persons of an inferior Nature: No more shall Murder and Felony extend to Tresfon. But further, the Statute only concerns Freemen; for there is an express Provolo in the Cafe: For in Cafe any Knight or Esquire come to be tried in the Place, he has his Benef- fit as before. My Lord, we are in this Cafe, as in the Cafe not mentioned in the Statute, we are not a Freeman of London. My Lord, there is another thing, 7 H. 7, c. 5, why there was not only requisite at the Common Law, that the Jurors had sufficient Freehold, but it was required it should be in the Hundred; and Freehold in the Wards in the City is the same with Freehold in the Hundreds in the Country: So that the Want of Freehold in the Hundred was a good Cause of Challenge. So that I think it will hardly be denied, but that a Jury that passes upon the Life of a Man ought, by the Laws, by the Statute, and by the Judgement of the Parliament, to have Freehold. Where is there then any Statute whatsoever that makes a Difference in this Cafe, between London and other Counties? We are in the Cafe of Tresfon, we have taken our Exceptions, and on Behalf of the Prifon- er at the Bar we pray the Challenge may be allowed.

Mr. Ward. My Lord, I shall be short, because Mr. Pelissier has delivered these things so parti- cularly already. I observe the Statute of H. 5, is a general Statute, and extends throughout the Realm: Now when the thing is thus general, there is no room to except Particulars. And in this Cafe 'tis within the very Words of the Law, if the Words be so generally penned in the Negative, then we conceive there is no Con- struction to be made upon them, unless some subsequent Parliament alter it. Coke's Institutes, 1577, where 'tis said in Tresfon as well as any thing else, upon H. 5, there shall be Freeholds; if the Jurors proving to be Freemen and other Criminal Cafes, it was strange that this should be Cajas omnium; but there is no Construction against a Negative Law: For the Parliament taking care of the City of London, (as the subsequent Statutes say,) that he that hath a hundred Marks shall pay in Civil Cafes, and then it says in Murders and Felonies, and that only confined to the Freemen of the Place, does sufficiently explain the Law, where 'tis not altered by any subsequent Act; therefore I define the Challenge may be admitted.

Mr. Ward. Most of the Gentlemen's Foundation is not good, for they prove it not by any Books, that at Common Law it was re- quire for a Jury-man to have Freehold. My Lord, I deny their Foundation; there is no such Law; and at this Day, in all Criminal Cafes, where the Statute does not direct it, as for Riots and other Informations for Middleneighbour, there is no Law restrain them, and they may be tried by any Man they have no Exception against. Then 2 H. 5, says, None shall be admitted to pass upon the Death of a Man, (I take it to extend to all Capital Matters, tho' it is pretty oddly ex- pressed,) for when a Man is accuss'd of other Felonies and High Tresfons, 'tis of the Death of a Man unless he have Law Tenements of the yearly Value of 40 l. But I will take it as these Gentlemen do at this Time, it not be- ing fo at Common Law, nor in other Criminal Cafes, but what are provided for by the Statute: As to other Matters of Felony and Murder, no doubt there these Challenges are to be taken upon the Statute, but not for Tresfon, because the Statute of Queen Mary does expressly repeal that Statute; and no Statute since takes away the Force of that of Queen Mary; that all Trials for Tresfon shall be as at the Common Law; and according to this the common Practice in all Cities (not only London) where Persons have been indict'd for High Tresfon, hath been. There was never any such thing pretended: Most of these Gentlemen have Freeholds, but we would not have this Point lost to the City of London; so that the Statute they speak of, and the Inter- pretations of the several other Statutes too, are to no Purpo; for we say by Common Law, all Cafes might be tried by any Person, against whom there is not sufficient Cause of Challenge; and the Common Law is by that Statute refor'd in this Point.

Mr. Sud. Gen. My Lord, I have little to say; Mr. Attorney hath gi- ven a true Answer to it; the Founda- tion does fail them. It was not necessary at Common Law for a Juryman to have Freehold: But then they must now you, my Lord, it is altered and made necessary. The Statute of H. 5, does not seem to extend to Tresfon; but if it did, 'tis now out of Doors, by that of Queen Mary, whereby all Trials of Tresfons are re- duced to the Common Law. This is that answer, they fail in their Foundation, they do not make it out, that it was necessary for a Jury- man at Common Law to have Freehold.

Mr. Serg. Jefteris. My Lord, I confess they have cited several Acts of Parliament, and upon them lay their Foundation, and draw Inferences from them: But they will find, that in several Acts of Parliament, which they have quoted, there is a particular regard had for the Preference of the confent Usages and Customs for Trials within the City of London. This with the standing several Acts of Parliament have in other Places ascertained the Value of Jurors; yet they had full an Eye, that the City of London should continue in its Usages. I think it will be neces- sary to put you in mind of the Cafe of the City of Winchester. It would be very hard, say they, because an Attaint does not lie in Criminal Mat- ters; if you intend by that to have People of Ability, 'tis well known, that the able People in the City of London have scarce any Freehold in it, and every quarter of the City of London remain in the Nobility and in Corporations. Now, in the Cafe of my Lord Ruffel, he hath a peremptory Challenge to 35 l. and I think I may adventure to say, there can scarce be 35 more that can call themselves Freeholders in London: Consider the Consequence then; Tresfon should be committed in the City of London, and there would not be snow in the City.
City of London to try it. In the Cafe of the Sqa Warratoe brought against the City of Wor-
cester, to know by what Warrant several took upon
them the Offices of Aldermen, the Gentle-
men at the Bar objected, that it was reasonable,
that no Freehold should be determined but by
Freeholders. But the Judges of the King's Bench
(the Court being full) for the Necessity of the
things, let it might not be sufficient for Freehold-
ers in the City, having sent one of the Judges of
that Court to your Lordships of the Common
Pleas, for that Rason did agree the Challenge
was not good. I know these gentlemen will please
to remember the Cafe; so that I say, as in
one Cafe we ought to be tender of the Life of
the Prisoner, so we ought fiercely to be tender
of the Life of the King; otherwise it may so hap-
pen, that the King's Life may be encompassed,
and Treason committed in the City, and there
would be no way in the World to try it: There-
fore we pray for the King the Challenge may be
over-ruled.
Mr. North. My Lord, It is the Practice to
make the Pensives jactatis, without mentioning
Freehold; for it does not command, that they return
to many Men that have Freehold, but profes &
legales bonis de viciniis; therefore at the Com-
mon Law, those were good Inquests to try any
Man, that were not excommunicated, nor under
any Out-law. 'Tis true, there are Statutes that
say, all Jurymen shall have Freehold; but we
say, these Statutes do not extend to the City of
London, but that it is governed by its own Cu-
sions; and we say it is the Custom, that Citizens
of Ability have been returned that have no Free-
hold. But granting they be not by way of Sup-
position, my Lord, it does not extend to this
Cafe, because Trials are to be according to the
Use at Common Law, by the Statute of Queen
Mary, which does set them at large again; and
that is the Reason the Prisoner, in this Cafe, hath
his Challenge for 35, and is in other Cases re-
strained to 20; so that we say, these Men of
Ability are good, and there is no Statute affects
them.
L. C. J. Mr. Pollessey, Do you find any Judg-
ment that in Cafes of Treason, by Common Law,
you might except for want of Freehold? Have you
your Revolution Cafe?
Mr. Pollessey. I think there are Books that
say, at Common Law there must be Freehold.
L. C. J. What, in Treason?
Mr. Pollessey. No, my Lord.
L. C. J. Unless you speak of Treason, you do
not speak ad idem: For I do take it, that in
Cafes of Treason, or in Cafes of Felony, at the
Common Law, they had no Liberty to except
to Jurors, that they had not any Freehold, but
that at the Common Law any good and law-
ful Men might pass. Then take as Introduc-
tive of a new Law the Statute of H. 5. I am of the
mind, that this Statute of H. 5, peradventure may
extend to Treson and Felonies; but when the
Statute of Queen Mary comes and says, all Trials
shall be by such Evidence, and in such Manner,
as by Common Law they ought to have been,
I do not feele how it is possible to make an Ob-
jection afterwards of this Nature. For, admit-
ting this Act of Parliament of H. 5. had altered
the Common Law, and given a Challenge, why
then when the Statute of Queen Mary comes and
lets all Trials at large in the Cafe of Trea-
sions, then certainly the Challenge is gone again;
and I doubt you will not find one Exception in
this Cafe, ever since that Statute concerning the
Jury's Freehold in Cafes of Treason, but it hath
generally paffed otherwise, and there hath not
been any ever excepted. I doubt it will be a very
Hard thing to maintaine such a Challenge now.
Here are our Lords and Brothers will be pleased
to deliver their Opinions. It is a Business of great
Consequence, not only for this noble Peron at the
Bar, but for all other Perons.
L. C. Bar. I agree with your Lord-
ship perfectly; but if the Counsel say, this
had laid a right Foundation, that it
had been so at Common Law, there had been mitc
fald; but I take it is at Common Law there was no
Challenge for want of Freehold, and I am induced
to think so; for otherwise what needed the Statute
of H. 5. been made? But whether it extend to
Treason or no, I am not so clear. And if it did,
it's wiped off again by that of Queen Mary, which
reduces all to the Common Law Trial.
Mr. J. Windham. I am of the same Opinion:
I consider the Statute of Common Law, and no Good
Freehold no good Caufe of Challenge. 'Tis true, that
Challenge is given in some Cafes by Act of
Parliament, yet I doubt whether it extend to a
thing of so high a Nature as Treason; for other
Statutes have not mentioned any thing of Trea-
son. But suppose a H. 5. did extend to it, yet
it is very plain, the Statute of 2 and 2 Queen
Mary hath set all at large again; they are to be
good and lawful Men; and I do not find that any
thing of the Lawfulness must be the Freehold.
And therefore I conceive this is no just Excep-
tion in this Cafe.
Mr. J. Wilks. My Lord, I am of the same
Opinion. I am of Opinion, that the Common Law
did not require Freehold to be a good Cause
of Challenge, in the Cafe of Treason, and that
rater, because at the Common Law, a Man
that was indicted of High Treason had Liberty
to challenge, peremptorily, to the Number of
35 Perons. My Lord, if the Common Law be
altered by the Statute of H. 5. yet I take it, that
the Statute of 2 and 2 Ph. and M. does reforre
the Common Law in this particular Point. For
wheres there was a Statute H. 8. to refraine
the Prisoner to the Number of 20 for his Challenge,
now the Statute referring it to Common Law, the
Prisoner hath his Challenge to 35 as he had be-
fore that Statute of H. 8. So I take it, the King
shall have his Privilege also to try a Prisoner for
Treason, by Perons that have not Freehold.
Mr. J. Charlton. I am of the same Opinion:
And truly the rather, because no Precedent hath
been offered of any such Challenge before, and
many Men have suffered, and fared, if it could
have been, many would have made use of it.
Mr. J. Lewin. I am of Opinion, 'tis not to be
allowed. I do not think myself driven to the
Necessity to determine now, whether Freehold
was a good Challenge at Common Law in point
of Treson. I think the Statute of Ph. and M.
hath restored the Trials to the Common Law.
What was the Common Law? The Common
Law is the Custum of England, which is other
in Cities than in Countys, and the Custum of
London is Part of that Common Law. So, tho' it
be a Caufe of Challenge in a County at large,
yet it is not a Caufe of Challenge in Cities,
where Freeholders are not to be found. Now
that
Then was made Proclamation for Information.

Cl. of Cr. William Ruffell, Esq. hold up thy Hand. (Whipp he did). You of the Jury, look upon the Prisoner, and hearken to his Caufe: He stands indicted by the Name of ————-in the Indictment. Upon this Indictment he hath been arraigned, and thereunto pleaded Not guilty, and for his Trial hath put himself upon his Country, which Country you are: Your Charge is to inquire whether he be Guilty of this High Treason whereof he stands indicted, or Not guilty: If you find him Guilty, you shall inquire, &c.

Mr. North. May it please your Lordship, and you that are sworn, The Prisoner at the Bar stands charged in this Indictment with no less than the conspiring the Death of the King's Majesty; and that, in order to the same, he did, with other Treasons named in the Indictment, and others not known, November 2. in the 34th Year of this King, in the Parish of Battersea, within the City of London, meet and conspire together to bring our Sovereign Lord the King to Death, to raise War and Rebellion against him, and to misallace his Subjects: And in order to compass their wicked Designs, there being assembled, did conclude to seize the King's Guards, and his Majesty's Perfon. This is the Charge: The Defendant says he is not Guilty: if we prove it upon him, it will be your Duty to find it.

Mr. att. Gen. My Lord, and you, Gentlemen of the Jury, most of our Evidence against this Honourable Person at the Bar is to this Purpofe: This Perfon, the Duke of Almamouth, my Lord Grey, Sir Thomas Armynvng, and Sir Fergison, they were the Council of State, as I may call them, to give forth Directions for the general Rising that hath appeared was to have been within this Kingdom. The Rising was of great Concern and Expence, and must be managed by Persons of Intered, Prudence, and great Secrecy. These Gentlemen had frequent Meetings in Oliver and November last, (for then, you may retirf upon the Evidence of this gentle} (wrest the Rising, they confpired how to seize the King's Guards: and this Noble Perfon being mixed with these others, especially with Fergion, who with others of an inferior Rank was also engaged in a Cabal for managing warer Things, (to this is bad enough) at several Meetings they receive Messages from my Lord Shifburly touching the Rising. They being looked upon as the Persons that were to conclude and settle the Time, and all Gentlemen that were there.

We shall make it appear to you in the Course of our Evidence, that these Undertakings (for this was the great Conspic, and moved all the other Wheels) who managed the Affifation, did take Notice, that these Lords and Gentlemen of Quality were to manage and clear the whole Business of the Rising. It seems these Gentlemen could not give the Earl of Shifburly Satisfaction to his Mind; for he preferred them to keep their Day, which was the 17th of November last; but the Honourable Perfon at the Bar, and the rest, made this Answer, That if it be Shifburly's fault, who did promis for his part, 1000 Foot, and 2 or 300 Horse, at four Hours Warning; but now it was come to pass, he could not perform it; that some Persons in the Wefh would
would not join with them, and therefore at this Time they could not proceed; and therefore they must defer the Day. And at a Council, they sent my Lord Shaftesbury Word, he must be contented, they had otherwise resolved, and therefore my Lord Shaftesbury went away, and Mr. Ferguson with him.

To carry on this Practice, they took others into their Council, Sir Thomas Armstrong was left out; and there failing that scandalous Report upon my Lord Grey, he was to be left out, and then there was to be a new Council of Six, whereas the inferior Council to manage the Affair was Seven. At this Council there was this Honourable Perfon at the Bar, the Duke of Monmouth, my Lord Howard, and another Honourable Person, who I am sorry to name upon this Account, who hath, this Morning, prevented the Hand of Justice upon himself, my Lord of Effex, and Colonel Sidney, and Mr. Hambleton. These fix had their frequent Confuits at this Honourable Perfon's Houfe; for they had excluded Sir Thomas Armstrong, and my Lord Grey for these Gentlemen would have the Face of Religion; and my Lord Grey was in their Efteeem so scandalous, that they thought that would not prevail with the People, if he was of the Council. There they debated how they should make this Rifing; after several Confutations they came to this Resolution: That before they did fall upon this Rifing, they should have an exact Account both of the Time and Method of the Scotch Rifing, and thereupon a Uffenger was sent on purpofe by Colonel Sidney, viz. Aaron Smith, to invade Scotch Commissaries to treat with these Noble Lords. Pursuant to this, just before the Plot brake out, several from Scotland came to treat with them how to manage the Work; 30,000 l. was demanded by the Scots, in order that they should be ready in Scotland; then they fell to 10,000, and at last (for the Scots love Money) they fell to 5000, which they would take and run all Hazards; but they not coming to these Terms, that broke off that Week the Plot was discovered.

Gentlemen, if we prove all these Iniances, besides, we shall call time to show you, that all the inferior Party still looked upon thee to be the Heads; and tho' they kept it secret, God hath suffered it to come to Light, with as plain an Evidence as ever was heard.

Mr. Serg Jefteries. I will not take up any of your Lordship's time; we will call on Winsted to prove the Fact Mr. Attorney hath opened. Swear Col. Rumpsey. o' (Colonel Rumpsey) Col. Colonel Rumpsey, will you give my Lord and the Jury an Account, from the Beginning to the End, of the several Meetings that were, and what were the Debates of those Meetings?

Col. Rumpsey. My Lord, I was at my Lord Shaftesbury's Lodging, where he lay, down by Wapping, the latter End of October, or the Beginning of November; and he told me, there was met at one Mr. Sheppard's Houfe, the Duke of Monmouth, my Lord Kelf, my Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson; and he defined me to speak to them, to know what Resolution they were come to about the Rifting of Tavot. I did go there accordingly, and call for Mr. Sheppard, and he carried me up where they were, and the Anwer that was there made me was, that Mr. Trechard had failed them, and there

would no more be done in the Matter at that Time.

Mr. Att. Gen. Tell the whole Passige.

Col. Rumpsey. I did say my Lord Shaftesbury had lent me to know what Resolution they had taken about the Rifting of Tavot. They made me this Anwer, That Mr. Trechard had failed them, that he had promised 10,000 Foot and 300 Horses; but when he came to perform it, he could not. He thought the People would not meddle, unless they had some Time to make Provision for their Families.

L. C. J. Who had you this Message from?

Col. Rumpsey. Mr. Ferguson did speak of it.

L. C. J. Who sent this Message back?

Col. Rumpsey. Mr. Ferguson made the Anwer, my Lord Kelf, and the Duke of Monmouth were present, and I think my Lord Grey did say something to the same Purpose.

Mr. Att. Gen. Pray, how often were you with them at that Houfe?

Col. Rumpsey. I do not know: I was there more than once, I was there either another Time, or else I heard Mr. Ferguson make a Report of another Meeting to my Lord Shaftesbury.

Mr. Serg Jefteries. Was my Lord Kelf in the Room when this Debate was?

Col. Rumpsey. Yes, my Lord.

Mr. Att. Gen. What did they say further?

Col. Rumpsey. That was all at that Time, that I remember.

L. C. J. Was there nothing of my Lord Shaftesbury to be contented?

Col. Rumpsey. Yes, that my Lord Shaftesbury must be contented; and upon that he took his Resolution to be gone.

L. C. J. Did you hear any such Resolution from him?

Col. Rumpsey. Yes, my Lord.

Mr. Att. Gen. Did you know of their meeting there, or was it by my Lord Shaftesbury's Direction?

Col. Rumpsey. No, but my Lord told me, I should find such Perions, and accordingly I found them; and this Anwer was given.

Mr. Att. Gen. What Time did you say?

Col. Rumpsey. I think I was not there above a Quarter of an Hour.

Mr. Att. Gen. Was there any Discourse happened while you were there about a Declaration?

Col. Rumpsey. I am not certain whether I did hear something about a Declaration there, or that Mr. Ferguson did report it to my Lord Shaftesbury, that they had debated it.

Mr. Serg Jefteries. To what Purpose was the Declaration?

L. C. J. We must do the Prisoner that Right; he says he can't tell whether he had it from him or Mr. Ferguson.

Mr. Att. Gen. Did you hear no Discourse to what it tended?

Col. Rumpsey. My Lord, there was some Discourse about seeing what Power the Guards were in.

One of the Jury. By whom, Sir?

Col. Rumpsey. By all the Company that was there.

L. C. J. What was that Discourse?

Col. Rumpsey. To see what Power they were in, that they might know how to surprife them.

L. C. J. The Guards?
Col. Ramsey. Yes, that were at the Savoy and the Meux.

L.C.J. Whole were the Words? Tell the Words as near as you can.

Col. Ramsey. My Lord, the Discourse was, that some should -

L.C.J. Who made that Discourse?

Col. Ramsey. My Lord, I think Sir Thomas Arnauld began it, and Mr. Ferguson.

Mr. Att. Gen. Was it discoursed among all the Company?

Col. Ramsey. All the Company did debate it. Afterwards they thought it necessary to fee with what Care and Vigilance they did guard themselves at the Savoy and Meux, whether they might be surprized or no.

Mr. Att. Gen. Were there any undertook to go and see there?

Col. Ramsey. There were some Personls. Mr. Serg. Jefferies. Name them.


Mr. Serg. Jefferies. Was my Lord Ruffel, the Prisoner, there, when they undertook to take the View?

Col. Ramsey. Yes, Sir.

Mr. Att. Gen. To what Purpoze was the View?

Col. Ramsey. To surprize them, if the Rifting had gone on.

Mr. Serg. Jefferies. Did you observe by the Debates that happened, that they did take Notice there was a Rifting intended?

Col. Ramsey. Yes.

Mr. Serg. Jefferies. And that Direction was given to take a View of the Guards, if the Rifting had gone on?

Col. Ramsey. Yes.

L.C.J. Pray, Sir, declare juftly the Discourse.

Col. Ramsey. I went to them from my Lord Shaftsbury: And I did tell them, that my Lord did pray they would come to some Resolution; and they told me, Mr. Trenchard they depended upon, for Tanntun had failed them, who when he came up to Town first at the Term, had assured them, that in three or four Hours Time he could have One thousand Foot, and Three hundred Horse: But now it came to be tried, he answered it was not possible for him to undersake it; for People would not rush into it of a sudden, but have some Time to prepare for their Families.

Mr. Att. Gen. Was it pretended there should be a Rifting at that Time?

Col. Ramsey. Yes, the 19th of November was appointed for the Rifting.

L.C.J. Was it before that Time you went to press them from my Lord Shaftsbury?

Col. Ramsey. Yes, I think it was a matter of a Fornight before, or something more. For I think it was concluded Saturday Fornight after my Lord Grey must -

Mr. Att. Gen. But you say, besides what you heard there, you understood there was to be a Rifting at that Time: Was you to be engaged in this?

Col. Ramsey. Yes, I was.

L.C.J. You must speak so, that what you deliver may be feasible: for if you speak, I apprehend so and so, that will be dubitable.

Col. Ramsey. No, my Lord, the Rifting was determined, and I was to have gone to Bridgit.

Mr. Att. Gen. In what Capacity, as Colonel or Captain?

Col. Ramsey. There was no Determination of that, no Quality.

L.C.J. By whose Appointment was that?

Col. Ramsey. My Lord Shaftsbury spake that to me.

Mr. Serg. Jefferies. But, pray, Col. Ramsey, this you are very able to know, what the Debates were, and need not be pumped with so many Questions: Pray, was there any Debate when you came with the Message from my Lord Shaftsbury, was there a Debate about the Rifting?

Col. Ramsey. There was no Debate of it, because they made Answer, Mr. Trenchard had fail-

ed them.

Mr. Serg. Jefferies. But did not they take Notice of the Rifting? Give an Account of it.

Col. Ramsey. I have done it twice.

Jury. We desire to know the Message from the Lord Shaftsbury.

L.C.J. Direct yourself to the Court: Some of the Gentlemen have not heard it, they desire you would, with a little more loud Voice, repeat the Message you were fit of from my Lord Shaftsbury.

Col. Ramsey. I was sent by my Lord, to know the Resolution of the Rifting in Tanntun; they answered, Mr. Trenchard, whom they depended upon for the Men, had failed them, and that it must fall at that time, and my Lord must be contented.

Mr. Att. Gen. Was the Prisoner at the Bar present at that Debate?

Col. Ramsey. Yes.

Mr. Serg. Jefferies. Did you find him averse to it, or agreeing to it?

Col. Ramsey. Agreeing to it.

Baron Street. What said my Lord Shaftsbury?

Col. Ramsey. Upon my Return he said, he would be gone, and accordingly did go.

Mr. Serg. Jefferies. If my Lord Ruffel pleases to ask him any Questions, he may.

L. Ruffel. Must I ask him now?

L.C.J. Yes, my Lord, propose your Questions to me.

L. Ruffel. I have very few Questions to ask him, for I know little of the Matter, for it was the greatest Accident in the World I was there, and when I saw that Company was there, I would have been gone again. I came there accidently to speak with Mr. Sheppard; I was just come to Town, but there was no Discourse of surprizing the Guards, nor so undertakeing of raising an Army.

L.C.J. We will hear you to any thing by-and-by, but that which we now desire of your Lordship is, as the Winesells come, to know if you would have any particular Quelions afield of them.

L. Ruffel. I desire to know, if I gave any Answer to any Message out of the Rifting; I was up and down, I do not know what they might say when I was in the Room; I was taffing of Wine.

L.C.J. Did you observe, that my Lord Ruffel said any thing there, and what?

Col. Ramsey. Yes, my Lord Ruffel did speak.

L.C.J. About what?

Col. Ramsey. About the Rising of Tanntun.

L. Ruffel. It was Sir Tho. Arnauld that converted with Mr. Trenchard.
C. 7. What did you observe my Lord Ruffel to say? 
Col. Ramsey, My Lord Ruffel did discourse of the Riffing.
L. Ruffel, How should I discourse of the Riffing at Tantam, that knew not the Place, nor had Knowledge of Trenchard? 
Mr. Att. Gen. Now, my Lord, we will give you an Account, that my Lord Ruffel appointed this Place, and came in the dark without his Coach. 
L. Ruffel, My Lord, I think the Witnels was asked, if I gave my Consent.
L. C. 7. What say you, did my Lord give any Consent to the Riffing? 
Col. Ramsey, Yes, my Lord, he did.
Mr. Att. Gen. Pray, I swear Mr. Sheppard. 
[Which was done. 
Pray, will you speak aloud, and give an Account to my Lord and the Jury, of the Meetings at your House, and what was done? 
Mr. Sheppard. In the Month of October last, as I remember, Mr. Ferguson came to me in the Duke of Monmouth’s Name, and defined the Convenience of my House, for him and some other Persons of Quality to meet there. And as soon as I had granted it, in the Evening the Duke of Monmouth, my Lord Grey, my Lord Ruffel, Sir Thomas Armstrong, Col. Ramsey, and Mr. Ferguson came. Sir Thomas Armstrong defined me, that none of my Servants might come up, but they might be private; so what they wanted went down for, a Bottle of Wine or so. The Sub stance of their Discourse was, how to surpise the King’s Guards: And in order to that, the Duke of Monmouth, my Lord Grey, and Sir Thomas Armstrong, as I remember, went one Night to the Meet, or thereabout, to see the King’s Guards: And the next time they came to my House, I heard Sir Thomas Armstrong say, The Guards were very reviled in their Places, and not like Soldiers, and the thing was feasible, if they had Strength to do it.
Mr. Att. Gen. How many Meetings had you there then? 
Mr. Sheppard. I remember but twice, Sir. 
Mr. Att. Gen. Did they meet by Chance, or had you Notice they would be there at Night? 
Mr. Sheppard. Yes, I did hear it before.
Mr. Sel. Gen. Who had you Notice there would be there? 
Mr. Sheppard. The Duke of Monmouth, my Lord Grey, my Lord Ruffel, Sir Thos. Armstrong, Col. Ramsey, and Mr. Ferguson.
Mr. Att. Gen. Did they come with their Coaches, or a foot, in the Night-time, and in the dark? 
Mr. Sheppard. I cannot tell; it was in the Evening, I did not let them in.
Mr. Att. Gen. Were there any Coaches at the Door? 
Mr. Sheppard. None that I heard, or saw, they came not all together, but immediately one after another.
Mr. Serg. Jefferies. Had they any Debate before they went into the Room? 
Mr. Sheppard. No, they went readily into the Room.
Mr. Serg. Jefferies. Was my Lord Ruffel both times there? 
Mr. Sheppard. Yes, Sir, as I remember.
Mr. Serg. Jefferies. Had you any particular Business with my Lord Ruffel, or he with you? 
Mr. Sheppard. No, not at that time, but since I have had, about the Affairs of my Lord Shoffbury.
Mr. Serg. Jefferies. Do you remember, Col. Ramsey, at the first time, had any Discourse about any private Business relating to my Lord Ruffel? 
Mr. Sheppard. No, I do not remember it.
Mr. Att. Gen. Besides the feizing of the Guards, did they discourse about Riffing? 
Mr. Sheppard. I do not remember any further Discourse, for I went several times down to fetch Wine, and Sugar, and Nutmeg, and I do not know what was said in my Absence.
Mr. Serg. Jefferies. Do you remember any Writings or Papers read at that time? 
Mr. Sheppard. None that I saw, Mr. Serg. Jefferies. Or that you heard of? 
Mr. Sheppard. Yes, now I recollect myself, I do remember one Paper was read.
Mr. Serg. Jefferies. To what Purport was it? 
Mr. Sheppard. It was somewhat in the nature of a Declaration; it was read by Mr. Ferguson; who was present at the Reading, I cannot say, whether there were all present or not. The Purport of it was setting forth the Grievances of the Nation, but truly what Particulars I can’t tell: It was a pretty large Paper.
Mr. Att. Gen. But can you tell the Effect of it, when that was to be set out? 
Mr. Sheppard. It was not discourse, it was thrown only, I suppose, for Approbation.
Mr. Att. Gen. Who was it they to? 
Mr. Sheppard. Sir Thos. Armstrong, Mr. Serg. Jefferies, Who else? 
Mr. Sheppard. As I remember, the Duke was present, and I think Col. Ramsey.
Col. Ramsey. No, I was not; it was done before I came.
Mr. Serg. Jefferies. What was the Design of that Paper? Recollect yourself, what was the Design? 
Mr. Sheppard. The Design of that Paper was in the Nature of a Declaration, setting forth the Grievances of the Nation, in order to a Riffing. I suppose by the Purport of the Paper; but cannot remember the particular Words of it.
Foreman of the Jury, Can you say my Lord Ruffel was there, when that Declaration was read, as you call it? 
Mr. Sheppard. I can’t say that. 
Mr. Att. Gen. But he was there, when he talked of feizing the Guards? 
Mr. Sheppard. Yes, my Lord was there then, L. Ruffel Pray, Mr. Sheppard, do you remember the Time when these Meetings were? 
Mr. Sheppard. I can’t be positive as to the Time. I remember it was at the Time my Lord Shoffbury was absent from his own House, and he abdicated himself from his own House about Michaelmas-day; but I cannot be positive as to the Time. 
L. Ruffel. I never was but once at your House, and there was so such Design as I heard of. I do not think he Sheppard may recollect himself. 
Mr. Sheppard. Indeed, my Lord, I can’t be positive in the Times. My Lord, I am sure, was at one Meeting. 
L. C. F. But was he at both? 
Mr. Sheppard. I think so; but it was eight or nine Months ago, and I can’t be positive. 
L. Ruffel. I can prove I was then in the Country. Col. Ramsey said there was but one Meeting.
Col. Rumerly. I do not remember I was at two; if I was not, I heard Mr. Ferguson relate the Debates of the other Meeting to my Lord Shaftesbury.

L. Raffel. Is it usual for the Winesmeeke to hear one another?

L. C. J. I think your Lordship need not concern yourself about that; for I see the Winesmeeke are brought in one after another.

L. Raffel. There was no Defign.

Mr. Ser. Jeffries. He hath sworn it.

Mr. Att. Gen. Swear my Lord Howard.

[Which was done.]

Pray, will your Lordship give an Account to the Court, what you know of a Rifting designed before my Lord Shaftesbury went away, and afterwards how it was continued on?

L. Howard. My Lord, in a Letter with some Confusion, Let no Man wonder, that it is troublesome to me. My Lord, as to the Question Mr. Attorney puts to me, this is the Account I have to give: 'Tis very well known to every one, how great a Ferment was made in the City, upon occasion of the long Dispute about the Election of Sheriffs: And this soon produced a greater Freeedom and Liberty of Speech one with another, than perhaps had been used formerly, though not without some previous Preparations and Difpositions made to the same thing. Upon this Occasion, among others, I was acquainted with Capitan Pelcro, a Person that had been Some Months in England, being returned out of Ireland, and who indeed I had not seen for Eleven Years before. But he came to me as soon as he came out of Ireland, and when these unhappy Divisions came, he made very frequent Applications to me; and tho' he was unknown himself, yet being brought by me, he soon gained a Confidence with my Lord Shaftesbury, and from him derived it to others. When this unhappy Rent and Division of Mind was, he having before got himself acquainted with many Persons of the City, had entered into such Councils with them, as afterwards had the Effect, which in the ensuing Narrative I shall relate to your Lordship. He came to me and told me, that they were now sensible all they had was going, that this Force put upon them—

L. C. J. Pray, my Lord, raise your Voice, elle your Evidence will pass for nothing.

One of the Jury. We cannot hear, my Lord.

L. Howard. There is an unhappy Accident hap-pened—that hath hung my Voice: I was but just now acquainted with the Fate of my Lord of Effes—My Lord, I say, he came to me, and did acquaint me, that the People were now so sensible, that all their Interest was going, by that Vio-lence offer'd to the City in their Elections, that they were resolved to take some Course to put a Stop to it, if it were possible: He told me there were several Conflits and Meetings of Persons about it, and several Persons had begun to put themselves into a Difposition and Preparation to take it: that some had furnished themselves with very good Horses, and kept them in the most secret and blind Stables, they could not, divers had intended to get away that Way, but he was re- solved to imbark himself in it. And having an Effeate in Ireland, he thought to dispatch his Son thither (for he had a good real Effeate, and a great Stock, how he disposed of his real Effeate I know not); but he ordered his Son to turn his Stock into Money to furnish him for the Occa-sion: This I take to be about August. His Son was sent away. Soon after this, the Son not being yet returned, and having several Accounts from him, wherein I found the Fermentation grew higher and higher; and every Day a nearer approach to Action, I had a Necessity to go into Effe to attend the Concerns of my own Effeate; but told him, how he might by another Name convey Letters to me, and gave him a little Can, by which he might blind and dis- guise the Matter he wrote about, when I was in the Country. I received two or three Letters from him, that gave me an Account in that dis-guided Style, but such as I understood, that the Negotiation which had with my Correspondents was going on, and in good Condition; and it was cunningly devised I would come to Town; this was the Middle of September. I, notwithstanding, was willing to see the Result of that great Affair, upon which all Men Eyes were fixed, which was the Determination of the Shringle about that time. So I ordered it to fall into Town, and went to my own House on Saturday Night, which was Michaelmas-day. On Sunday he came to me, and dined with me, and told me, after a general Account given me of the Affairs of the Times that my Lord Shaftesbury was secreted and withdrawn from his own House in Aldergate Street; and that though he had a Family settled, and had abounded himself from his own House into the Retirement: That now he had ripen'd Affairs to that Head, and had Things in that Preparation, that he did not doubt but he should be able, by thofe Men that would be in Readiness in London, to turn the Tide, and put a Stop to the Torrent that was ready to overflow. But he did complain to me, that his Defign, and the Defign of the Publick, was very much obstructed by the unhandsome Department of the Duke of Monmouth, and my Lord Raffel, who had withdrawn them-selves not only from his Assistance, but from their own Engagements and Appointments: For when he had got such a formed Force as he had in London, and expected to have it answered by them in the Country, they did recede from it, and told him they were not in a Condition or Preparation, in the Country, to be concurrent with him at that Time. This he looked upon but as an artificial Exceع, and as an Infallace of their Intention, wholly to defeat him; but notwithstanding there was such Preparation made in London, if they were willing to lose the Honour of being concerned, with him to let him do it himself, and did intend speedily to put it into Execution. I asked him, What Forces he had? He said he had enough. Says I, What are you affurred of? Says he, There is above Ten thousand brisk Boys are ready to follow me, whenever I hold up my Finger. Says I, How have you methoded
methoded this, that they should not be crufted? for there will be a great Force to oppose you. Yes, he answered, but they would poffefs them- selves of the Gates, and their Ten thousand Men, in twenty-four Hours; and, what is more, he would divide them into five times the Number, and be able to make a Sally out, and poffefs themselves of Windsor, by beating the Guards. I told him, this was a fair Story, and I had Reafon to think, a Man of his Figure would not undertake a thing that might prove ftill fatal, unless it were laid on a Foundation that might give a prudent Man Ground to hope it would be ftuccelful. He faid he was certain of it, but confefled it was a great Disappointment, that their Lords had fail- ed him. I told him, I was not provided with an Answer at that time; that he well knew me, and knew the general Frame and Bent of my Spirit. But I told him, I looked upon it as dangerous, and ought to be laid deep, and to be very well weighed and confider'd of; and did not think it a thing fit to be enter'd upon, without the Con- currence of thefe Lords: And therefore defired, before I discover'd my own Inclination, to dif- courfe with thofe Lords. He did conftent, with much ado; but, fays he, you will find they will waive it, and give doubtful and deferring An- swers, but you will find this a Truth. I went to Moor-Park the next Day, where the Duke of Monmouth was, and told him the great Complaint my Lord Shaftesbury had made, that he failed him. Says he, I think he is mad: I was fo far from giving him any Encouragement, that I did tell him from the Beginning, and fo did my Lord RaJJil, that there was nothing to be done by us in the Coun- try at that Time. I did not then own I had seen my Lord, but fpeak as if this were brought me by a third Perfon, because he had not given me Liberty to tell them where his Lodging was. Says I, My Lord, I fhall be able to give a better Account of this in a Day or two: I fhall convey it to my Lord, that you are willing to give a Meeting? Yes, fays he, with all my Heart. This was the second, third or fourth of October. I came to Town on Saturday, and was carried to him on Monday; and I fuppofe this was Tuesday the second of October: On Wednesday, I think, I went to him again, (but 'tis not very material) and told him I had been with the Duke of Monmouth, and given him a punctual Account of what I had from him; and the Duke did absolutely difown any fuch thing; and told me, he never did give him any Encouragement to proceed that way, be- cause the Countries were not in a Dittribution for Action, nor could be put in Readines at that Time. Says my Lord Shaftesbury, 'Tis fadly; they are afraid to own it. And, fays he, I have Rea- fon to believe, there is fome artificial Bargain between his Father and him, to fave one another: For when I have brought him to Action, I could never get him to put on, and therefore I fuppos'd him; and, fays he, feveral honest Men in the Country thought, in all our Hours or blacked the Duke of Monmouth lived: Says he, They puzzled me, and I could not anfwer the Quetfion; for I know he muft have his Living from the King; and, fays he, we have different Prospects: We are for a Commonwealth, and he hath no other Design but his own personal Interfet, and that will not go down with my People now, (fo he called them) they are all for a Commonwealth: And then, fays he, 'Tis to no purpofe for me to fee him; it will but widen the Breach, and I dare not truft him to comb- at other. Says I, My Lord, that's a good one indeed! Dare not you truft him, and yet do you fent me to him on this Errand? Nay, fays he, I am not my Lord, I am only his father's Charlet, and I expect no more from him of any thing, than what he will give me. Well, I fays, it is a mortal Night, fays he, but I fuppofe we fhall not have a fuc- cess of it; but I believe he is true enough to the Interfet. Says I, 'Tis a great Unhappiness to take this Time to fall out; and I think it is fo great a Design, that it ought to be underftood with the greatest Strength and Coalition in the Kingdom: Says he, My Friends are now gone fo far, that they can't pull their Foot back again without going further; for, fays he, he hath been communi- cated to fo many, that 'tis impossible to keep it from taking-Air, and it must go on. Says he, We are not fo unprovided as you think for: there are fo many Men, that you will find as brisk Men as any in England, &c. besides, we are to have 1,000 or 1,000 Horfe, that are to be drawn by infenfible Parties into Town, that when the Infcription is, fhall be able to ferce the Streets, and hinder them from forming their Forces againft us. My Lord, after great Inlarge- ment upon this Head, and Friends of the like Na- ture, I told him I would not leave him alone, and that nothing should satisfy me, but an Inter- view between him and the Lords. No, I could not obtain it: But if I would go and tell them what a Forwardness he was in, and that, if they would do themselves Right, by putting themselves upon correpofion Action in their respective Places, and where their Interfet lay, well; other- wise he would go away without them. So I went again to the Duke of Monmouth, I fpeak to him only (I never fpeak to my Lord RaJJil the Day ly we were together, but I had never come to any clofe Conjufion of Counfels in my Life with him at that time). Says I to the Duke, This Man is mad, and his Madnes will prove fatal to us all; he hath been in a Fright by being in the Tower, and carries thofe Fears about him, that cloud his Underftanding: I think his Judgment hath deferted him, when he goes about with this whole Business, that I cannot fee what fhou'd support him in the Ground of them. Therefore, fays I, Pray will you give him a Meeting. God-fo, says the Duke, with all my Heart, and I defire nothing more. Now, I told him, I had been with my Lord Shaftesbury, with other Inlargefents that I need not trouble your Lordship with: Well, fays he, Pray go to him, and try if it be poifible to get a Meeting: So I went to him, and told him. Says I, This is a great Un- happiness, and it forms to be a great Ablufion, that you are fo forward to act alone in fo much a thing as this. Pray, fays I, without any more to do; since you have this Confidence to fend for me, let me prevail with you to meet them, and give them an Interview, or else you and I muft break. I will no longer hold any Correfpondence, unlefs it be fo. Says he, I tell you they will betray me. In short, he did with much Importunity yield, and I went out the next Night to the Country, with the Duke. By this time it was Satturdav, I take it to be the fifh of October: an Almanack will tell you that: So the next Night being Sunday, and the Shops shut, he would come out in a Conceal- ment, he was carried in a Coach, and brought to his own Houfe, which he thought then was fafe. I came and gave the Duke of Monmouth an Account of it; he the Duke, I fuppofe, conveyed the fame Underftanding to my Lord RaJJil; and, I fup-
Mr. At. Gen. If you please, my Lord, go on in the Method of Time. This is nothing against you, but it's coming to you, if your Lordship will have Patience, I allure you.

L. Howard. This is just in the Order it was done. When this was put off, then they were in a great Hurry; and Captain Walsot had been several times with me, and discoursed of it. But upon this Disappointment they said, it should be the Honour of the Lords, that they were backward to perform their Parts; but still they were resolved to go on. And this had carried it to the latter end of October. About the 17th or 18th, Captain Walsot came to me, and told me, now they were resolved positively to ride, and did believe, that a smart Party might perhaps meet with some great Men. Thereupon I told the Duke of it; I met him in the Street, and went out of my own Coach into his, and told him. That there was some dark Intimation, as there might be some Attempt upon the King's Person with that he struck his Breast with a great Emotion of Spirit, and said, God-fod, kill the King! I will never suffer that. Then he went to the Playhouse to find Sir Tho. Armstrong, and fend him up and down the City to put it off as they did formerly; and it was done with that Success, that we were all quiet in our Mansions, at that time nothing would be done.

But upon the Day the King came from Newcastle, we dined together; the Duke of Monmouth was there, and we had a Notion conveyed among us, that some bold Action should be done that Day; which comparing it with the King's coming, we concluded it was design'd upon the King. And I remember my Lord Grey, says he, By God, if they do attempt any such thing, it can't fail. We were in great Anxieties of Mind, till we heard the King's Coach was come in, and Sir Thomas Armstrong not being there we apprehended, that he was to be one of the Parties, or the other was not there. This failing, it was then next determined (which was after the Alarm and News I had of it) to be done upon the 17th of November, the Anniversary of Queen Elizabeth; and I remember it by this Remark I made myself, that I fear'd it had been discovered, because I saw a Proclamation a little before, forbidding publick Bonfires without leave of my Lord Mayor. It made some Impressions upon me, that I thought they had got an Intimation of our Intention, and had therefore forbidden that Meeting. This therefore of the 17th of November being also disappointed, and my Lord Shafsbury, being told things were not ripe in the Country, took Shipping and got away; and from that time I heard no more of him till I heard he was dead. Now, Sir, after this we all began to lie under the fame Sence and Apprehensions that my Lord Shafsbury did, that we had gone so far, and communicated it to so many, that it was unsafe to make a Retreat; and this being considered, it was also considered, that to give any farther Information of such an Affair as that was, to be of little Particulars, to be managed with so much Fineness, and to have so many Parts, it would be necessary, that there should be some General Council, that should take upon them the Care of the Whole. Upon these Thoughts we resolved to erect a little Cabal among ourselves, which did consist of six Persons; and the Persons were, The Duke of Monmouth, my Lord of Eves, my Lord...
Lord Ruffell, Mr. Hamden, Jun. Afternoon Sidney, and myself.

Mr. Att. Gen. About what time was this, when you testified this Council?

L. Howard. It would have been proper for me in the next Place to tell you that, and I was coming to it. This was about the Middle of Jan. last (as near as I can remember) for about that time we did meet at Mr. Hamden's House.

Mr. Att. Gen. Name those that met.

L. Howard. All the Perons I named before; that was the Duke of Monmouth, my Lord Effer, my Lord Ruffell, Col. Sidney, Mr. Hamden jun. and myself. When we met there, it was presently agreed what their proper Province was, which was to have a care of the whole; and therefore it was necessary some general Thing should fall under our Care and Conducht, which could not possibly be conducted by individual Persons. The Things that did principally challenge this Care, we thought were these; whether the Invasion was most proper to be begun in London, or in the Country, or both at one Instant. This stood upon several different Reasons: It was said in the Country; and I remember the Duke of Monmouth infected it upon, that it was impossible to oppose a formed, well-method'd, and govern'd Force, and a Bubble habbit to gather; and therefore whatever Numbers could be gathered in the City, would be suppressing quickly, before they could form themselves; Therefore it would be better to begin it at such a Distance from the Town, where they might have an Opportunity of forming themselves; and would not be subject to the Steve panic Fear, as in the Town, where an Hour would convey the News to thence Forces, that in another hour would be ready to suppress them.

Mr. Att. Gen. Was this determined among you all?

L. Howard. In this Manner that I tell you, why it was necessary to be done at some reasonable Distance from the Town. And from thence it was likewise considered, that the being so remote from the Town, it would put the King upon this Dilemma, that either the King would fend his Forces to subdue them, or not; if he did, he must leave the City naked, who being Presently Difficult to Action, it would give them Occasion to rife, and come upon the Back of the King's Forces; if he did not, it would give them Time to form their Number, and be better ordered.

Mr. Att. Gen. My Lord, we do not deifie all your Discourse and Debates: What was your other general Thing?

L. Howard. The other was, What Countries and Towns were the fittest and most disposed to Action: And the Lord, what Arms were necessary to be got, and how to be disposed: And a Fourth (which should have been indeed first in Consideration) propagated by the Duke of Monmouth. That it would be absolutely necessary to have some common Bank of 25 or 30,000, to answer the Occasions of such an Undertaking. Nothing was done, but these Things were offered then to our Consideration, and we were to bring in our united Advice concerning them. But the last and greatest was, how we might so order it, as to draw Scotland into a Consent with us, for we thought it necessary that all the Division should be given. This was the last.

Mr. Att. Gen. Had you any other Meetings?

L. Howard. We had, about ten Days after this, at my Lord Ruffell's.

Mr. Att. Gen. The same Perons?

L. Howard. Every one of the same Perons then mentioned.

Mr. Att. Gen. What Debate had you there?

L. Howard. Then it was so far, as we came to a Resolution, That some Perons should be sent to my Lord Argyle, to settle an Understanding with him; and that some Meffengers should be dispatched into Scotland, that should devise some Perons bither, that were judged most able to understand the Elate of Scotland, and to give an Account of it. The Perons agreed on were, Sir John Coke, my Lord Methale, and another; and the whole Name I have since been told upon my Description, Sir ——— Candel. For this Purpos we did order a Peron should be thought on that was fitt———

Mr. Att. Gen. Do you know who was fett, and what was done upon this Resolution?

L. Howard. I have heard, (I never saw him in six Months before) that Aaron Smith was fett.

Mr. Att. Gen. Who was intluited to take care of that Business?

L. Howard. Colonel Sidney, We in Discourse did agree to refer it to Colonel Sidney to have the care of sending a Peron.

Mr. Att. Gen. Who acquainted you Aaron Smith was fett?

L. Howard. Colonel Sidney told me he had sent him, and given him fifty Guineas for his Journey.

Mr. Att. Gen. What more Meetings had you?

L. Howard. We did then consider, that those Meetings might have occasioned some Observation upon us, and agreed not to meet again till the Return of that Meffenger. He was gone, I believe, near a Month before we heard anything of him, which we wonder'd at, and feared some Miscarriage; but if his Letter had miscarried, it could have done no great Hurt, for it carried only a kind of Cant in it; it was under the Diffidence of a Plantation in Carolina.

Mr. Att. Gen. You are sure my Lord Ruffell was there?

L. Howard. Yes, Sir: I wish I could say he was not.

Mr. Att. Gen. Did he sit there as a Cypfer? What did my Lord say?

L. Howard. Every one knows my Lord Ruffell is a Peron of great Judgment, and not very lavish in Discourse.

Mr. Serje. Jeffers. But he did confess?

L. Howard. We did not put it to the Vote, but it went without Contrafliction, and I took it that all there gave their Consent.

Mr. Sol. Gen. The raising of Money you speak of, was that put into any way?

L. Howard. No, but every Man was to put himself upon thinking of such a way, that Money might be collected without administering Jealousy.

Mr. Att. Gen. Were there no Perons to undertake for a Fund?

L. Howard. No, I think not. However, it was but Opinion, the thing that was said, was jocose, rather than any thing else, that my Lord of Effer had dealing in Money, and therefore he was thought the most proper Peron to take
take the care of those things; but this was said rather by way of Mirth, than otherwise.

Mr. Att. Gen. What do you know else, my Lord?

L. Howard. I was going to tell you, I am now at a full Stop: For it was six Weeks or more, before Smith's Return, and then I drew on the Time, that it was necessary for me to go into Essex, where I had a small Concern; and there I stayed about three Weeks; when I came back, I was informed that he was returned, and Sir John Con- 

Mr. Att. Gen. Did you meet after this?

L. Howard. No, my Lord, I tell you, that I was forced to go three Weeks upon the Account of my Estate, and afterwards I was necessitated to go to the Bath, where I spent five Weeks; and the time of coming from the Bath, to this time, is five Weeks more; so that all this time hath been a perfect Parenthesis to me, and more than this, I know not.

L. C. J. My Lord Ruffel, Now, if your Lord- 

Mr. Atterbury. But I will tell you what it is he tefts, 

Mr. Atterbury. Did you know of the Account, that these Perions, that were to 

Mr. Att. Gen. That which I call you to, is to know whether or no, in your Managery of this Plot, you understood any of the Lords were con- 

Mr. Wepf. My Lord, as to my Lord Ruffel, I never had any Conversation with him at all, but that I have heard this, That in the Infurrection in November, Mr. Ferguson, and Colonel Richmond, told me, that my Lord Ruffel intended to go down and take his Post in the Wepf, when Mr. Trochead had failed them.

L. C. J. What is this?

Mr. Att. Gen. We have proved my Lord privy to the Conspirals; now go we about to prove the Under-actor did know it.

Mr. Wepf. They always said, my Lord Ruffel was the Man they most depended upon, because he was a Person looked upon as of great So- 

L. Ruffel. Can I hinder People from making use of my Name? To have this brought to in- 

L. C. J. As to this, the giving Evidence by 

Mr.
Mr. Att. Gen. 'Tis not Evidence to convict a Man, if there were not plain Evidence before; but this plainly confirms what the other swears: But I think we shall find it.

Mr. Serjeant Jeffries. We have Evidence without it, and will not use any thing of Garniture; we will leave it as 'tis, we won't trouble your Lordship any further. I think, Mr. Attorney, we have done with our Evidence.

L. C. J. My Lord Ruffel, the King's Council did think to rest upon this Evidence that they have given against your Lordship. I would put your Lordship in mind of those things that are material in this Case, and proved against your Lordship. Here is Colonel Rankeilour does prove against your Lordship this. That he was sent upon your Lordship's behalf, that it was treason, it was a treasonable Errand sent from my Lord Shaftesbury by him to that Meeting. He does swear your Lordship was at that Meeting; and he delivered his Errand to them, which was to know, what Account could be given concerning the Design of the Insurrection at Taunton; and he says, your Lordship being there, this Return was made. That Mr. Trewhedle had failed them in his Undertaking in the Bishops, and therefore my Lord Shaftesbury must be contented, and fit down satisfied as to that time. Mr. Sheppard does likewise speak of the same Time, that your Lordship was there with the rest of the Persons, the Duke and others; that there was a Difficultie concerning an Insurrection to have been made (tho' he is not so particular, as to the very Notice of it, as Colonel Rankeilour is); as to the Time they do agree.

L. Ruffel. Col. Rankeilour is not positive, that I said or heard any thing.

L. C. J. 'My Lord, if you will have a little Patience to hear me, I will tell you what it is profits you; there is this which I have mention'd; and Mr. Sheppard does say, there was a Paper purporting a Declaration then read among the Company there, which was to be printed upon the King, setting forth the Oppressions and Grievances of the Time; and then my Lord Howard (after a great Difficultie came being the many Designs of my Lord Shaftesbury) comes particularly to your Lordship, and says, that Six of you, as a chosen Council among yourselves, (not that you were actually chosen, but as a chosen Council among yourselves) did undertake to manage the great Matter of the Insurrection, and raising of Men, in order to surprize the King's Guards, and for to rile (which is a Rebellion in the Nation). He says, that you had several Councils concerning it. I told you the several Particulars of those Councils he mention'd: Now it is fit for your Lordship, and 'tis your Time, to give some Answer to these things.

L. Ruffel. My Lord, I cannot but think myself mighty unfortunate, to stand here charged with so high and heinous a Crime, and that instigated and intermixed with the Treasons and horrid Practices and Speeches of other People, the King's Council taking all Advantages, and improving and heightening things against me. I am no Lawyer, a very unready Speaker, and altogether a Stranger to things of this Nature, and alone, and without Council. Truly, my Lord, I am very sensible, I am not so provided to make my just Defence, as otherwise I should do. But, my Lord, you are equal, and the Gentlemen of the Jury, I think, are Men of Consciences; they are Strangers to me, and I hope they value innocent Blood, and will consider the Witnesees that swear against me, swear to have saved their own Lives; for if ever legal Witnesees they may be accounted, they can't be credible. And for Col. Rankeilour, who 's notoriously known, hath been so highly obliged by the King, and the Duke, for him to be capable of such a Design of murdering the King, I think nobody will wonder, if to save his own Life, he will endeavour to take away mine; neither does he swear enough to do it; and then if he did, the Time, by the 13th of this King, is elapsed, it must be, as I understand by the Law, professed within six Months; and by the 25 E. 3, a Design of levying War is no Treason, unless by some overt Act it appear. And, my Lord, I desire to know, what Statute I am to be tried upon; for Generals, I think, are not to be gone upon in these Cases.

L. C. J. (To the Attorney General.) 'Mr. Attorney, you hear what it is my Lord objects to this Evidence; he says, that as to those Witnesees that testify any thing concerning him, above six Months before he was prosecuted, he conceives the Act of Parliament, upon which he takes himself to be indicted, does not extend to it; for that says, that within six Months there ought to have been a Prosecution; and my Lord tells you, that he is advised, that a Design of levying War, without actual levying of War, was not Treason before that Statute.

Mr. Att. Gen. To satisfy my Lord, he is not indicted upon that Statute, but upon the 25 E. 3. But then for the next Objection, fully my Lord is informed wrong. To raise a Rebellion, or a Conspiracy, within the Kingdom, is not that which is called levying of War in that Statute, but to raise a Number of Men, to break Prisons, &c. which is not so directly tending against the Life of the King. To prepare Forces to fight against the King, that is a Design, within that Statute, to kill the King; and to design to depose the King, to impose the King, to raise the Subjects against the King, these have been settled by several Resolutions to be within that Statute, and Evidence of a Design of killing the King.

L. Ruffel. My Lord, this is a Matter of Law, neither was there but one Meeting at Mr. Sheppard's Houfe.

Mr. Att. Gen. My Lord, if you admit the Fact, and will rest upon the Point of Law, I am ready to argue it with any of your Counsel. I will acquaint your Lordship how the Evidence stands. There is one Evidence since Christmas last.

L. Ruffel. That's not to the Buiñes of Sheppard's House. My Lord, one Witnese will not convict a Man of Treason.

Mr. Att. Gen. If this be one Witnese of one Act of Treason, and another of a second, another of a third, that manifest the same Treason to depose or destroy the King, that will be sufficient.

L. C. J. My Lord, that has been resolved: The two Witnesees the Statute requires are not to the same individual Acts, but to the same Treason; if they be several Acts declaring the same Treason, and one Witnese to each of them, they have been reckoned two Witnesees within the Statue of Edw. 3.
Mr. Serg. Jeffersi. If my Lord will call his Witness—

L. Raffel. This is tacking of two Treasons together; here is one in November by one Witness, and then you bring on another with a Discourse of my Lord Howard, and he says the Discourse passed for Pleasure.

L. C. J. If your Lordship do doubt whether the Fact proved against your Lordship be Treason or not within the Statute of 8. 3, and you are contented that the Fact be taken as proved against your Lordship, and so desire Counsel barely upon that, that is Matter of Law, you shall have it granted.

L. Raffel. I am not knowing in the Law. I think 'tis not proved; and if it was, I think 'tis not punishable by that Act. I desire Counsel may be admitted upon so fine a Point. My Life lies at Stake; here's but one Witness that speaks of a Meffage.

Mr. Serg. Jeffersi. The Fact must be left to the Jury; therefore if my Lord Raffel hath any Witnesses to call in Opposition to these Matters, let him.

L. C. J. My Lord, there can be no Matter of Law, but upon a Fact admitted and stated.

L. Raffel. My Lord, I do not think it proved; I hope you will be of Counsel for me; it's very hard for me, that my Counsel may not speak for me in a Point of Law.

L. C. J. My Lord, to hear your Counsel concerning this Fact, that we cannot do, it was never done, nor will be done. If your Lordship doubts whether this Fact be Treason or not, and desires your Counsel may be heard to that, I will do it.

L. Raffel. I doubt in Law, and do not see the Fact is proved upon me.

Mr. Sol. Gen. Will your Lordship please to call any Witnesses to the Matter of Fact?

L. Raffel. 'Tis very hard a Man must lose his Life upon Hear-say. Colonel Ramsef says he brought a Meffage, which I swear I never heard nor knew of. He does not say he spake to me, or I gave him any Answer. Mr. Sheppard remembers no such thing: He was gone to and again. Here is but one Witness, and seven Months ago.

Mr. Att. Gen. My Lord, if there be any thing that is Law, you shall have it.

L. Raffel. My Lord, Colonel Ramsef, the other Day before the King, could not say, that I heard it, it was in the Room, but I came in late, they had all been there a good while; I did not stay above a Quarter of an Hour talking with him and Mr. Sheppard.

L. C. J. Read the Statute of 22 E. 3. c. 2. My Brothers desire to have it read.

Cl. of Cr. Whereas divers Opinions have been before this Time, in what Case Treason shall be tried, and in what not: The King, at the Request of the Lords, and of the Commons, hath made a Declaration in the manner as hereafter followeth:

That is to say, When a Man hath bespoke to imagine the Death of any one of the King's Societie, or of any of their eldest Son and Heire; or of a Man before the King's Compaignion, or the King's eldest Daughter unmarrid, or the Wife of the King's eldest Son and Heire; or of a Man to lay War against our Lord the King, in his Realm, or be adherent to the King's Enemies in his Realm, giving them Aid and Comfort in the Realm, or elsewhere, and thereafter be prov'd attain'd of open Deed by People of their Condition: And if a Man purchase him, to lay open himself to the King's Great or Privy Seal, or his Money: And if a Man bring false Mony into this Realm, to counterfeit to the Mony of England, as the same call'd Leibour, or other like to the false Mony of England, knowing the Mony to be false, to Merchandize, or make Payment in respect of one laid God the King, and of his People: And if a Man steat the Chancellory, Treasurer, or the King's Justices of the one Bench or the other, Justices in Exche, or Justices of Assize, and all other Justices designed to hear and determin, being in their Places during their Offices. And it is to be understood, that in the Cales above rehearsed, that ought to be judged Treason, which extends to one Lord the King, and his Royal Service.

L. C. J. My Lord, that which is urged against you by the King's Counsel, is this, You are accused by the Indictment of complying and descending the King's Death, and of endeavouring to raise an Insurrection in order to it; that, that they do say, is, that these Counsels that your Lordship hath taken, are Evidences of your complying the King's Death, and are Overt-acts declaring the same; and upon that it is they insist your Lordship to be guilty within that Statute.

L. Raffel. It is in a Point of Law, and I desire Counsel.

Mr. Att. Gen. Admit your Con考ultations, and we will hear them.

L. C. J. I would set your Lordship right, for probably you may not apprehend the Law in this Case; if your Counsel be heard, they must be heard to this, That taking it, that my Lord Raffel has confuted in this Manner, for the raising of Forces within this Kingdom, and making an Insurrection within this Kingdom, as Colonel Ramsef and my Lord Howard have proposed, whether then this be Treason, we can hear your Counsel to go no farther.

L. Raffel. I do not know how to answer to it. The Point methinks must be quite otherwise, that there should be two Witnesses to one Thing at the same Time.

Mr. Att. Gen. Your Lordship remembers, in my Lord Stafford's Cafe, there was but one Witness to one Act in England, and another to another in France.

L. Raffel. It was to the same Point.

Mr. Att. Gen. To the general Point, the looking Point.

Mr. Serg. Jeffersi. There was not so much Evidence against him, as there is against your Lordship.

L. C. J. My Lord, if your Lordship will lay any thing, or call any Witnesses to disprove what either of these Gentlemen have said, we will hear your Lordship what they say: But if you can't contradict them by Testimony, it will be taken to be a Proof. And the Way you have to disprove them, to call Witnesses, or by asking Questions, whereby it may appear to be untrue.

Mr. Sol. Gen. If you have any Witnesses, call them, my Lord.

L. Raffel.
L. Ruffell. I do not think they have proved it. But then it appears by the Statute, that levying War without the consent of Parliament, but a Conspicacy to levy War is no Treason; if nothing be done, 'tis not levying War within the Statute. There must be manifest Proof of the Matter of Fact, nor by Inference.

Mr. Att. Gen. I see that is taken out of my Lord Coke. Levying War is a distinct Branch of the Statute; and my Lord Coke explains himself afterwards, and says, 'tis an Alluming of Royal Power, to Raise for particular Purposes.

Jng. Whittem. Unless Matter of Fact be agreed, we can never come to argue the Law.

L. Ruffell. I came in late.

Mr. Sol. Gen. Pray, my Lord, has your Lordship any Witnesses to call, as to this Matter of Fact?

L. Ruffell. I can prove I was out of Town when one of the Meetings was; but Mr. Shepherd can't recollect the Day, for I was out of Town all that Time. I never was but once at Mr. Shepheard's, and there was nothing undertaken of viewing the Guards while I was there. Colonel Ruffell, can you swear positively, that I heard the Message, and gave any Answer to it?

L. C. J. To Colonel Ruffell, Sir, did my Lord Ruffell hear you when you delivered the Message to the Company? Were they at the Table, or where were they?

Col. Ruffell. When I came in they were standing at the Fire-side; but they all came from the Fire-side to hear what I said.

L. Ruffell. Colonel Ruffell was there when I came in.

Col. Ruffell. No, my Lord. The Duke of Monmouth, and my Lord Ruffell, went away together; and my Lord Grey, and Sir Thomas Avnampurp.

L. Ruffell. The Duke of Monmouth and I came together, and you were standing at the Chimney when I came in; you were there before me. My Lord Howard hath made a long Narrative here of what he knew. I do not know when he made it, or when he did recollect any thing; 'tis but very lately, that he did declare and protest to several People, that he knew nothing against me, nor of any Plot I could in the least be questioned for.

L. C. J. If you will have any Witnesses called to that, you shall, my Lord.

L. Ruffell. My Lord Anglesey, and Mr. Edward Howard.

My Lord Anglesey stood up.

L. C. J. My Lord Ruffell, What do you ask my Lord Anglesey?

L. Ruffell. To declare what my Lord Howard told him about me, since I was confined.

L. Anglesey. My Lord, I chanced to be in Town the last Week; and hearing my Lord of Bedford was in some Distresses and Trouble concerning the Affliction of his Son, I went to give him a Visit, being my old Acquaintance, of some 53 Years standing, I believe; for my Lord and I were bred together at Maidstone-College in Oxon; I had not been there but a very little while, and was ready to go away again, after I had done the good Office I came about; but my Lord Howard came in; I don't know whether he be here.

L. Howard. Yes, here I am to serve your Lordship.

L. Anglesey. And sit down on the other Side of my Lord of Bedford, and he began to comfort my Lord; and the Arguments he used for his Comfort, were, My Lord, you are happy in having a wise Son, and a worthy Person, one that can never fare be in such a Plot as this, or suspected for it, and that may give your Lordship Reason to expect a very good Light concerning him. I know nothing against him, or any body else, of such a barbarous Design, and therefore your Lordship may be comforted in it. I did not hear this only from my Lord Howard's Mouth, but at my own Home upon the Monday after, for I use to go to Totherville for fresh Air; I went down on Saturday, this happen'd to be on Friday (my Lord being here, I am glad, for he can't forget this Evidence); and when I came to Town on Monday, I understood that my Lord Howard upon that very Sunday had been at Church with my Lady Chaworth. My Lady has a Chaplain, it seems, that preaches there, and does the Offices of the Church; but my Lady came to me in the Evening. This I have from my Lady.

L. C. J. My Lord, what have you from my Lady is no kind of Evidence at all.

L. Anglesey. I don't know what my Lord is, I am acquainted with none of the Evidence, nor what hath been done: But my Lady Chaworth came to me, and acquainted me, there was some Suspicion.

Mr. Serg. Teffler. I don't think it fit for me to interrupt a Person of your Honour, my Lord, but your Lordship knows in what Place we stand here: What you can say of anything you heard of my Lord Howard we are willing to hear, but the other is not Evidence. As the Court will not let us offer Hearsay, so neither must we that are for the King permit it.

L. Anglesey. I have told you what happened in my Hearing.

Then Mr. Howard stood up.

L. C. J. Come, Mr. Howard, what do you know?

Mr. Howard. I must desire to say something of myself and my Family first: My Lord and I have been very intimate, not only as Relations, but as dear Friends. My Lord, I have been of a Family known to have great Respect and Duty for the King; and I think there is no Family in the Nation so numerous, that hath expressed greater Loyalty; upon which Account I improved my Interest in my Lord Howard, I endeavoured, upon the great Misfortunes of the Nation, (if he be here, he knows it) to persuade him to apply himself to the King, to serve him in that great Difficulty of State, which is known to all the World. I sometimes found my Lord very forward, and sometimes I pressed him; upon which Parly, and upon his Permission, and more upon my own Inclination of Duty, I made several Applications to Ministers of State, (and I can name them) that my Lord Howard had a great Desire of serving the King in the best way of Satisfaction, and parti-
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Mr. Sergt. Jeffries. No, no, my Lord, we don't call you.

L. C. J. Will you please to have any other Witnessed called?

L. Russell. There are some Persons of Quality, that I have been very well acquainted and conversed with, I desire to know of them, if there was any thing in my former Carriage, to make them think me like to be guilty of this? My Lord Cowdredly.

Dr. Tilletson. I had the Honour to be acquainted with my Lord Russell a long Time. I always thought him a Man of great Honour, and too prudent and wary a Man to be concerned in so vile and deperate a Design as this, and from which he would receive so little Advantage: I can say nothing more, but that two or three Days since the Discovery of this Plot, upon Discourse about Colonel Rumpsey, my Lord Russell did express something, as if he had a very ill Opinion of the Man, and therefore it is not likely he would entrust him with such a Secret.

L. Russell, Dr. Tilletson. [He appears.] L. C. J. What Questions would you ask him, my Lord?

L. Russell. He and I happened to be very conversant. To know whether he did ever find any thing tending to this in my Discourse.

L. C. J. My Lord calls you as to his Life, and Conversation, and Reputation.

Dr. Tilletson. My Lord, I have been many Years past acquainted with my Lord Russell, I always judged him a Person of great Virtue and Integrity, and by all the Conversation and Discourse I ever had with him, I always took him to be a Person very far from any Such wicked Delight he stands charged with.

L. Russell, Dr. Burnet. If you please to give some Account of my Conversation.

Dr. Burnet. My Lord, I have had the Honour to be known to my Lord Russell several Years, and I always declared myself with much Confidence to me, and he always upon all Occasions expressed himself against all Ringleys; and when he spoke of some People that would provoke to it, he expressed himself so determined against that Matter, I think no Man could do more.

L. C. J. Will your Lordship call any other Witnesses?

L. Russell, Dr. Cox.

Dr. Thomas Cox stood up.

Dr. Cox. My Lord, I did not expect to have been spoken to upon this Account. Having been very much with my Lord of late, that is, for a Month or six Weeks before this Plot came out, I have had Occasion to speak with my Lord in private, about these publick Matters: But I have always found that my Lord was against all kind of Ringleys, and thought it the greatest folly and Madness, till things should come in a parliamentary Way. I have had Occasion often to speak with my Lord Russell in private, and having myself been against all kind of Ringleys, or any thing that tended to the Disorder of the Publick, I have heard him profess so solemnly, he thought it would ruin the best cause in the World to take any of the irregular ways for the preferring of it; and particularly my Lord hath expressed himself occasion ally of these two Persons, my Lord Howard and Colonel Rumpsey: One of them, Colonel Rumpsey, I saw once at my Lord's House, and
and he offered to speak a little privately. But my Lord told me he knew him but a little: I told him he was a valiant Man, and acted his Part valiantly in Portugal. He said he knew him little, and that he had nothing to do with him, but in my Lord Shaffyburys Business: He said, for my Lord Howard, he was a Man of excellent Parts, of luxurious Parts, but he had the Luck not to be much trusted by any Party. And I never heard him say one Word of Indecency or Immodesty towards the King.

L. Ruffel. I would pray the Duke of Somerset to speak what he knows of me.

D. of Sun. I have known my Lord Ruffel for about two Years, and his Lordship had much Conversation with him, and been often in his Company, and never heard any thing from him, but what was very honourable, loyal, and just.

L. C. J. My Lord does say, that he has known my Lord Ruffel for about two Years, and hath had much Conversation with him, and been much in his Company, and never heard any thing from him, but what was honourable, loyal, and just, in his Life.

D. of Sun. Pertinacity of the Jury. The Gentlemen of the Jury desire to ask my Lord Howard something upon the Point my Lord Anglesey testified, and to know what Answer he makes to my Lord Anglesey.

L. C. J. My Lord, what say you to it, that you told his Father he was a disreputable Man, and he needed not to fear his Engagement in any such thing?

L. Howard. My Lord, if I took it right, my Lord Anglesey's Testimony did branch itself into two Points. One of his Lordship's Knowledge, and the other by Herself; as to what he said of his own Knowledge, when I waited upon my Lord Bedford, and endeavoured to comfort him, concerning his Son, I believe I said the Words my Lord Anglesey has given an Account of, as near as I can remember, that I looked upon his Lordship, as a Man of that Honour, that I hoped he might be secure, that he had not entangled himself in any thing of that Nature. My Lord, I can hardly believe he had anything to make my own Defence, left this noble Lord shoul suffer, so willingly I am to serve my Lord, who knows I can't want Affection for him. My Lord, I do confess I did say it; for your Lordship well knows under what Circumstances we were: I was at that Time to outface the thing, both for myself and my Party, and I did not intend to come into this Place, and act this Part. God knows how it is brought upon me, and with what Unwillingness I do fulfill it; but my Duty to God, to the King, and my Country, requires it; but I must confess, I am very sorry to carry it on thus far. My Lord, I do confess I did say so; and if I had been to visit my Lord Pemberton, I should have said so. There is none of those that know my Lord Ruffel, but would speak of my Lord Ruffel, from those Topicks of Honour, Modesty, and Integrity, his whole Life defers it. And I must confess, I did frequently say, there was nothing of Truth in this, and I wish this may be for my Lord's Advantage. My Lord, will you spare me one thing more, because that leaves him again on my Reputation? and if the Jury believe that I ought not to be believed, for I do think the Religion of an Oath is not tied to a Place, but receives its Obligation from the Appeal we there-
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L. Russell. No, my Lord, I will be very short. I shall declare to your Lordship, that I am one that have always had a Heart sincerely loyal and affectionate to the King, and the Government, the belt Government in the World. I pray as sincerely for the King's happy and long Life as any Man alive; and for me to go about to raise a Rebellion, which I looked upon as to wicked and unpracticable, is unlikely. Besides, if I had been inclined to it, by all the Observation I made in the Country, there was no Tendency to it. What some hot-headed People have done there, is another thing. A Rebellion can't be made now as it has been in former Times; we have few great Men. I was always for the Government, I never defied any thing to be redressed, but in a parliamentary and legal Way. I have been always against Innovations, and all Irregularities whatsoever; and shall be as long as I live, whether it be sooner or later. Gentlemen, I am now in your Hands eternally, my Honour, my Life, and all; and I hope the Heats and Animosities that are amongst you will not so bias you, as to make you in the least inclined to find an innocent Man guilty. I call to witnesses Heaven and Earth, I never had a Design against the King's Life in my Life, nor never shall have. I think there is nothing proved against me at all. I am in your Hands. God direct you.

Mr. S. Gen. My Lord, and you Gentlemen of the Jury, the Prisoner at the Bar blinks industriously for High Treason, in conspiring the Death of the King. The Overt-act that is laid to prove that Conspiration and Imagination by, is the assemblage in Council to raise Arms against the King, and raise a Rebellion here. We have proved that to you by three Witenesse. I shall endeavour, as clearly as I can, to state the Substante of the Evidence to you, of every one of them, as they have delivered it.

The first, Colonel Runsey, comes, and he tells you of a Message he was sent of to Mr. Sheppard's House to my Lord Russell, with several other Persons who he was told would be there, assembled together; and the Message was to know what Readiness they were in, what Resolutions they were come to concerning the Rising at Watton. By this you do perceive, that this Conspiration had made some Progress, and was ripe to be put in Action. My Lord Shabtibury, that had been a great Contriver in it, he had purloined it so far, as to be ready to rise. This Message the Message from my Lord Shabtibury to my Lord Russell, and those noble Persons that were met at Mr. Sheppard's House, to know what the Resolution was concerning the Befrienders of Watton, which you have heard explained by an Undertaking of Mr. Tenchard's: That the Answer was, they were disappointed there, and they could not then be ready, and that my Lord Shabtibury must be content. This Message was delivered in Presence of my Lord Russell; the Messenger had notice my Lord Russell was there; the Answer was given as from them all. That at present they could not be ready, because of that Disappointment. Colonel Runsey went farther, and he swears there was a Dis- course concerning the surprising of the Guards; and the Duke of Monmouth, my Lord Grey, and Sir Thomas Armstrong, went to see what Potture they were in, whether it was feasible to fur-
for High Treason.

Lord Ruffell; for upon this Disappointment, you find, my Lord St. John's thought fit to be gone. But after that, the Dechane was not laid aside; for you hear, they only told him all along, they could not be ready at that Time, but the Dechane went on till the time they thought for; and they took upon themselves to confute the Methods of it; and for the carrying it on with the greater Secrecy, they chose a select Council of Six, which were the Duke of Monmouth, my Lord of Evesham, my Lord Howard, my Lord Ruffell, Mr. Hamond, and Colonel Sidney. That accordingly they met at Mr. Hamond's, (there was their first Meeting) and their Confutation there was, how the Infrusion should be made, whether first in London, or whether first in the Country, or whether both in London and in the Country at once. They had some Debates among themselves, that it was fittest first to be in the Country; for if the King should send his Guards down to suppress them, then the City, that was then as well disposed to rile, would be without a Guard, and easily effect their Dehanss there.

Their next Meeting was at my Lord Ruffell's own House, and there their Debates were still about the same Matter, how to get in Scotland to afford them an Audience; and in order to that, they did intrust Col. Sidney, one of their Council, to send a Messenger into Scotland for some Persons to come hither, my Lord Melville, Sir Hugh Cumbell, and Sir John Coke. Accordingly Col. Sidney sends Aaron Smith (but this is only what Col. Sidney told my Lord afterwards, that he had done it;) but you see the Fruit of it. Accordingly they are come to Town, and Sir Hugh Cumbell is taken by a Messenger, before his Arrival; and he had been but four Days in Town, and he had changed his Lodging three times.

Now, Gentlemen, this is the Substance of the Evidence that hath been produced against my Lord Ruffell. My Lord Ruffell hath made several Objections, that he was accidentally at this Meeting at Mr. Shippeard's House, and came about other Business; but I must obverse to you, that my Lord Ruffell owned, that he came along with the Duke of Monmouth, and I think, he said, it was to acquaint him of this Meeting; and my Lord Ruffell's Objection was: Mr. Ferguson came to tell him the Duke of Monmouth would come; and accordingly the Duke of Monmouth did come, and brought his Companion along with him, which was my Lord Ruffell; and certainly they that met upon so secret an Affair, would never have brought one that had not been concerned. Gentlemen, there are other Objections my Lord hath made, and those are in Point of Law; but before I come to them, I would desire, as he says to the former Meeting, My Lord does not deny, but that he did meet both at Mr. Hamond's House, and my Lord's own: I think my Lord said they did meet only to discourse of News; and my Lord Howard being a Man of excellent Discourse, they met for his Conversation. Gentlemen, you can't believe that this deigned Meeting was for nothing; it was a cloister secret Meeting, that they had no Convivium among them. You have heard the Witnesses, he favours you very well, and when the Conversation was, and you see the Fruit of it, Sir Hugh Cumbell's coming to Town, and abdosing when it is discovered. Now my Lord Ruffell inflicts upon it, that admitting these Facts be proved upon him, they amount to no more than to a Conspiracy to levy War, and that that is not Treason within the Statute of 25 E. 3. and if it be only within the Statute of the 13. of this King, then 'tis out of Time, that directs the Prosecution to be within six Months, and the Law is plainly otherwise. The Statute of the 13th of this King I will not now insist upon, though I believe it that was strictly looked into, the Clause that says the Prosecution shall be within six Months, does not refer to Treason, but only to the other Offences that are highly punishable by that Statute. For the Proviso runs thus:

13 Car. 2. Provided always, that no Person be prosecuted for any of the Offences in this Act mentioned, other than first as are made and declared to be High Treason, unless it be by Order of the King's Privy Seal, his Heirs or Successors, under his or her seal Manual, or by Order of the Council Table of his Privy Seal, his Heirs or Successors, directed unto the Attorney General for the Time being, or some other Council learned in his Privy Seal, his Heirs or Successors, for the Time being: And shall appear in the Offences, by virtue of this present Act, incur the Penalties hereby mentioned, unless he or they be proceeded within six Months next after the Offence committed, and indicted thereupon within three Southwinter after the Prosecution, anything herein contained to the contrary notwithstanding.

This Word (Nor) is a Continuation of the former Sentence, and the Exception of High Treason will go through all, 'tis only that out of the temporary Limitation of Treason: But this is High Treason within 25 E. 3. To confine to levy War, is an Overt-act to infelic the Dechane of the Death of the King. And the Error of my Lord Coke hath possibly led my Lord into this Mistake. But this, Gentlemen, hath been determined; it was resolved by all the Judges in the Cave of my Lord Cobham, s a R. A Conspiracy to levy War against the King's Person, (as this was a Conspiracy to seize the Guards and make his Person, to the End to seize the King? And that always hath been taken to be High Treason. But there are some things called luring of War in Law, that are not so directly against the King, as if a Number of Men go about to levy Men to overthrow all Incluances, this by the generality of the Intent, and because of the Consequences, is accounted luring War against the King. A Conspiracy therefore to levy such a War, which by Concription only is against the King, perhaps that may not be such an Overt-act, as Eclusy the Imagination of the Death of the King; but other Conspiracies to raise War against the King have always so been taken. 'Tis the Resolution of all the Judges in my Lord Dyer's Reports, the Cave of Dr. Story: A Conspiracy to invite a Foreign Prince to make an Invasion, though no Invasion follow, is an Overt-act to prove the conspiring the Death of the King; and as it has been so taken, so it hath been practised but of late Days. When the Bench I take it the Indictment against Pakenhat that was hanged, he was indicted for conspiring against the Life of the King, and his Charge went no farther than for railing of Arms, and inviting the French King.
King in, and he suffered. This is acknowledged by my Lord Cole; for he himself said in the Par- 
"racy before that out of which this Advice to 
my Lord Ruffel is extrahed, that a Conspiracy 
to invite a foreign Prince to invade the King- 
dom, is a Conspiracy against the Life of the King. 
And in the next Paragraph, he says an Overt Ac- 
T of one Treason cannot be an Overt Ac- 
other Treason. But constant Practice is against 
him in that: For what is more common than to 
indict a Man for imagining the Death of the 
King, and to affign the Overt Ac in a Con-
rariety, that he might be executed. And some-
times they go on and say, Did levy War against 
the King. Now by my Lord Cole's Rule, levy-
ing War, unlefs the Indictment be particular for 
that, is not an Overt Ac for the compassing 
the Death of the King: but the contrary hath been 
resolved by all the Judges, in the Case of Sir 
Henry Vane, and it is the constant Practice to lay 
it fo in Indictments. It would be a strange Con- 
futation, if this should not be High Treason. 
'Tis agreed by every body, to take the King 
Paradox, because he is the pillar of the 
Defence of the Death of the King; and to fit in Coun-
cil to confire to effect that, that is an Overt 
Ac of the Imagination of the Death of the King: 
Now no Man can distinguish this Cafe from that: 
And this Confutation amounted to all this, for 
plainly thether it tended. The Conflagration was 
to feize upon the King's Guards; that could have 
no other Stop but to feize upon the King's Person, 
and bring him into their Power. As to the kil-
ling of the King, I am apt to think that was 
below the Honour of the Prisoner at the Bar; 
but this is equal Treason: If they designed only 
to bring the King into their Power, till he 
had confin'd to such things as should be moved 
in Parliament, 'tis equally Treason as if they 
had agreed directly to affinate him. There-
fore I think there is nothing for you to consider, 
but to see that the Fact be fully proved; and I 
see nothing that hath been laid by my Lord Ruf-

cel, that does involve our Evidence. What he 
has produced none of these, that is, Gentlemen; my 
Lord Anglesey he tells you of a Discourse my 
Lord Howard had with my Lord of Borsdon: 
that he told my Lord of Borsdon that he needed 
not to fear, for he had a wife and understanding 
Son, and could not think he should be 
guilty of any such thing as was laid to his Charge. 
This is brought to invalidate my Lord Howard's 
Testimony. Gentlemen, do but observe, my 
Lord Howard was as deep in as any of them, 
and was not then discovered: Is it likely, that my 
Lord Howard, that had discourse to 
my Lord of Borsdon, that there was a Conspiracy 
to raise Arms, and that he was in it? This 
would have been an Aiposition upon my Lord 
of Borsdon, that any such thing should have been 
said.

Mr. Edward Howard is the next, and he 
proves, That my Lord Howard used solemn Pro-

testations, that he knew nothing of this Con-
spiracy. I did follow the King, what is Gentlemen 
in the Beginning of his Discourse (for it was 
pretty long) said first, that he had been several 
times tempting my Lord Howard to come over 
and be serviceable to the King: and if he knew 
any thing, that he would come and confess it. 
Why, Gentlemen, Mr. Howard, that had come 
to him upon these Errands formerly, and had 
thought he had gained him, I conceive you do 
not wonder if my Lord Howard did not reveal 
himself to him, who presently would have dis-
covered it, for, for that Errand he came. But 
if my Lord had had a Design to have come 
in and saved his Life, he would have made his Sub-
mission voluntarily, and made his Discovery: 
But my Lord tells nothing till he is pinched in 
his Confidence, and confounded with the Guill, 
(being then in Cuffody) and then he tells the whole 
Truth, that which you have heard this Day he 
think this hath been all that hath been objected 
against the Witterells, except what is 
said by Dr. Burton; and, he says, that my Lord 
Howard declared to him, that he believed there 
was no Plot, and laughed at it. Why, Gentle-
men, the Dr. would take it ill to be thought a 
Perfon fit to be intruded with the Discovery of 
this; therefore what he said to him signifies no-
thing, for 'tis no more than this, that he did not 
discover it to the Dr.

But the last Objection (which I see there has 
been many, and many Persons of Honour and re-
lity called to), is, that 'tis not likely my Lord 
Ruffel should be guilty of any thing of this kind, 
being a Man of that Honour, Virtue, and so 
little blameable in his whole Conversation. I do 
confess, Gentlemen, this is a thing that hath 
weight in it. But consider, on the other hand, 
my Lord Ruffel is but a Man, and hath his hu-
man Frailties about him. Men fall by several 
Temperatures, some out of Revenge, some by 
Malice, fall into such Passions as these are: My 
Mr. Ruffel is not of that Temper, and therefore 
may be these are not the Ingredients here. But, 
Gentlemen, there is another great and dangerous 
Temperance that attends People in his Circum-
stances, whether it be Pride or Ambition, or 
the cruel Snare of Popularity, being cried up 
as a Patron of Liberty. This hath been a dan-
gerous Temptation to many, and many Persons 
of Virtue have fallen into it, and 'tis the only 
way to tempt Persons of Virtue, and the Devil 
knows it: For he that tempts the Patron of 
Virtue, shewed him all the Kingdoms of the World, 
and said, All these will I give thee, if thou wilt fall 
down, and worship me. Tho' he be a Person of 
Virtue, yet it does not follow, but his Virtue 
may have some weak Part in him; and I am 
afraid, these Temptations have prevailed upon 
my Lord: For I cannot give myself any Colour of 
Objection, to disbelieve all these Witterells who 
give in their Testimony. I see no Contra-
cEUtions, no Corropondence, no Contrivance at 
all between them. You have given Oaths before 
you, and I hope you will consider the Weight of 
them, and the great Consequence that did 
attend this Cafe, the Overthrow of the Belt 
Government in the World, and the belt and most 
unspotted Religion, which much needs have 
suffered; the greatest Liberty, and the greatest Se-
curity for Property, that ever was in any Na-
tion, bounded every way by the Rules of Law, 
and those kept facred. I hope you will consider 
the Weight of this Evidence, and consider of 
Consequences such a Conspiracy, if it had taken 
Effect, might have had. And so I leave it to 
your Consideration upon the Evidence you have 
heard.

Mr. Sejg. Jefferies. My Lord, and you Gentle-
men of the Jury. This Case hath detained your 
Lordship a long time, by reason of so many Wit- 
nesses
The face of such an inquisitor, without respect to
that infinite Being, to whom they appeal for con-
firmation of the truth of their testimony: And
if they shew the Faith of Men or Christians, they
must necessarily conclude, that if they did swear
to take away a man’s life that was innocent,
God would think them down presently into hell.

Gentlemen, in the next place, I must acquiesce
you, that the first Witnese, Colonel Rumsey, it
is apparent, that he was taken Notice of by the
Prisoner as a man fit to be trusted: he was en-
gaged by my Lord Shaftesbury: But, says he,
would any man believe, that that Man, that had
received so many Marks of the King’s favour,
both in Advantage to his Estate, his Honour,
and Person, could be ever conceiving such an
hellish Design as this? Gentlemen, if you will
argue from such uncertain Conjectures, then all
Criminals will come off. Who should think,
that my Lord of Ely, who had been advanced so
much in his Estate and Honour, should be guilty
of such desperate Things! which had he not
been conscious of, he would earnestly have brought
himself to that unmitigated End, to avoid the Methods
of publick Justice. Colonel Rumsey tells you,
my Lord Shaftesbury was concerned in this Con-
spiracy. I am sorry to find, that there have
been so many revelations of the Nobility of this
Land, that have lived up to this day under the benign Influence
of a gracious Prince, should make so ill Returns.
Gentlemen, I must appeal to you, Whether in
your Observation you found Colonel Rumsey
to be over-hasty, and an over-zealous Witnese? He
did not come as if he came in Spike to the Pris-
oner at the Bar; you found how we were forced
to pump out every thing; but after he had been
prelud over and over again, then he came to it:
so that I observe to you, that he was an unwill-
ing Witnese.

Gentlemen, give me Leave to offer to you,
the Prisoner at the Bar, before such time as Mr.
Sheppard came up and gave Evidence against
him, says he, I came only by Accident, only
to taste a Parcel of Wine. Mr. Sheppard, when he
comes up, he tells you, there was no such De-
sign. Forgery, that was the Perfon he kept
Company with; the Reverend Dean, and the rest
of the Clergy of the Church of England, they
were not fit to be trusted with it; but this in-
dependent Perfon, Forgery, he gives Notice of
the Coming of these Perfons; and in pursuance of
this Notice, they all come, they come late in the
Evening, not in the Paffure and Quality they use
to go; for you find they had not so much as a
Coach. Is it probable they came to taste Wine?
Wherefore did they go up into a Room? Where-
fore did they order Mr. Sheppard, that none of
the Boys should come up, but that the Maffet
must fetch the Sugar and Wire himself? Where-
fore you may perceive the Affidation they were upon;
there were only to be such Persons as had an
Affidation for such a Case. You find, pursuant
to what Colonel Rumsey says, that there was a
Direction to take a View of the Guards, that
Sir Thomas Armbrong comes back, and makes this
Report: Says he, I have taken Notice, they are
in such an idle careless Paffure, that it is not im-
possible to surprize them. This Mr. Sheppard
does not come, nor does he appear to you to
come here out of any vindictive Honour, to do
the Prisoner at the Bar any Hurt.
In the next place, we have my Lord Howard; he comes, and positively tells you, after he had given an Account, for you observe there were two Parts to be acted in this horrid Tragedy; there was first the fouland Sort of People to be concerned to take away the Life of the King and the Duke, the great Perous were to head the Party in the Rilling they put themselves in proper Portures, each of them confenting to something of the Surprise, inasmuch as you observe, that Sir Thomas Smytham, and another, there's might not be truffled. They come and revolve themselves out of a general Council, and they meet in a particular Council of six, looking upon themselves as the Heads of the Party: And I must tell you, many of them, (we live not in an Age of such Obscurity, but we know them) how fond have they been of the Applause of the People! As that Perous encouraged himself Yester day, they were Liberators Patriae, that could murder the King and the Duke.

My Lord, I must take Notice, that this noble Lord is known to have an Intimacy with him; you observe with how much Tenderness he is pleased to deliver himself, how carefully he reports the Debates of the particular Confils of the Perous to be intruded in the Management; he tells you, that noble Lord, the Prisoner at the Bar, was picked upon, and Algerian Sydney, a Man famous about the Town; for what? To call in Parties from some of his Majesty's other Dominions, Perous we know ripe enough for Rebellion, to affiend. Pursuant to this, you find Perous lent a Hand of Force for some to come over, what the old saying is hold: So that for all dark and obscure fort of Matters, nothing can be brought better to Light, than this, of taking all Matters together, with the concurring Circumstances of Time and Place.

Gentlemen, I must confess this noble Lord hath given an Account by several honourable Perous of his Conversation, which is a very easy Matter. Do you think, if any Man had a Design to raise a Rebellion against the Crown, that he would talk of it to the Reverend Divines, and the noble Lords, that are known to be of Inegrity to the Crown? Do you think the Gentleman at the Bar would have his little Concern for his own Life, to make this Discourse his ordinary Conversation? No, it must be a particular Confils of six, that must be entwined with this. I tell you, 'tis not the Divines of the Church of England, but an Independent Divine, that is to be concerned in this; they must be Perous of their own Complexion and Honour: For Men will apply themselves to proper Infrumments.

Gentlemen, I would not labour in this Cafe; for far be it from any Man to endeavour to take away the Life of the Innocent! And whereas that noble Lord says, he hath a virtuous good Lady, he hath many Children, he hath Virtue and Honour he puts into the Scale; Gentlemen, I must tell you on the other Side, you have Consequences, Religion; you have a Prince, and a merciful one too; consider the Life of your Prince, the Life of his Polity, the Consequences that would have attended, if this Villainy had taken Effect. What would have become of your Lives and Religion? What would have become of that Religion we have been so fond of preferring? Gentlemen, I must put those things home upon your Consciences. I know you will remember the horrid Murder of the most pious Prince the Martyr, King Charles the First. How far the Practices of those Perous have influenced the several Punishments since, is too great a Secret for me to examine. But now I say, you have the Life of a merciful King, you have a Religion, that every honest Man ought to stand by, and I am sure every loyal Man will venture his Life and Fortune for. You have your Wives and Children: Perous not the Greatness of any Man corrupt you; but discharge your Consciences both to God and the King, and to your Polity.

L.C.J. Gentlemen of the Jury, the Prisoner at the Bar stands indited before you of High Treason, in compassing and designing the Death of the King, and in declaring of it by Overt-acts, endeavouring to raise Insurrections, and popular Compositions, in the Kingdom here. To the, he hath pleaded, Not guilty. 'You have heard the Evidence, that hath been against him; it hath been at large. Perous by the King's Council, which will take off a great deal of Trouble in repeating it to you again. I know you cannot but take Notice of it, and remember it, it having been stated twice by two of the King's Council to you; 'tis long, and you see what the Parties here have proved. There is first of all Colonel Kenney, he does attest a Meeting at Mr. Sheppard's House, and you hear to what Purpoe he says it was; the Meffect that he brought, and the Return he had; it was to inquire concerning a Rilling at Totton; and that he had in Reason to the King's Council, that Mr. Trenchard had failed them, and my Lord must be contented; for it could not be that time. You hear, that he does say, that they did delign a Rilling; he faith there was a Rilling designd in November, I think he faith the seventeenth, upon the Day of Queen Elizabeth's Birth. You hear he does say, there was at that Meeting some Discourse concerning inspecting the King's Guards, and seeing how they kept themselves, and whether they might be surprised; and this, he says, was all in order to a Rilling. He says, that in his Day, my Lord Raifeld was present. Mr. Sheppard does say, that my Lord Raifeld was present, that he came into this Meeting with the Duke of Monmouth, and he do go away with the Duke of Monmouth, as he believes. He says, there was some Discourse of a Rilling or Insurrection, that was to be procured within the Kingdom; but he does not tell you the Particulars of any thing, he himself does not. My Lord Howard afterwards does come and tells you of a great Discourse he had with my Lord Stafordsby, in order to a Rilling in the City of London; and my Lord Stafordsby did value himself mightily upon 10000 Men he hoped to raise; and a great deal of Discourse he had with my Lord Stafordsby. This he does, by way of Indecision, to what he says concerning my Lord Raifeld. The Evidence against him is some Confils, that there were by fix of them, who took upon them, as he says, to be a Council for the Management of the Insurrection, that was to be procured in this Kingdom. He infances in two, that were for this Purpoe, the one of them at Mr. Hamden's House, the other at my Lord Raifeld's House. And he tells you at these Meetings, there was some Discourse of providing Treasure.
Treasure, and of providing Arms; but they came to no Relief in these Things. He tells you, that there was a Design to send for some of the Kingdom of Scotland, that might join with them in this thing. And this is, upon the Matter, the Substance of the Evidence, that hath been at large declared to you by the King's Council, and what you have heard. Now, Gentlemen, I must tell you, some things it lies upon us to direct you in.

My Lord excepts to these Witnesses, because they are concerned, by their own showing, in this Design: If there were any, I did direct some (of you might hear me) Yestreday, that that was no sufficient Exception against a Man's being an Evidence in the Case of Treason, that he himself was concerned in it; they are the most proper Persons to be Evidence, none being able to detect such Counsels but them. You have heard my Lord Ruffell's Witnesses, that he hath brought concerning them, and concerning his own Integrity and Course of Life, how it has been sober and civil, with a great Respect to Religion, as these Gentlemen do all testify. Now the Question before you will be, Whether upon this whole Matter you do believe my Lord Ruffell had any Design upon the King's Life, to destroy the King, for the sake of his Life; for that is the material Part here. 'Tis used and given you (by the King's Council) as an Evidence of this, that he did conjure to raise an Insurrection, and to cause a Rising of the People, to make as it were a Rebellion within the Nation, and to surprize the King's Guards, which, say they, can have no other End, but to seize and destroy the King; and 'tis a great Evidence (if my Lord Ruffell did design to seize the King's Guards, and make an Insurrection in the Kingdom) of a Design to surprize the King's Perfon. It must be left to you upon the whole Matter: You have not Evidence in this Case as there was in the other Matter, that was tried in the Morning, or Yesterday, against the Conspirators to kill the King at the Yew. There was a direct Evidence of a Conduit to kill the King, that is not given you in this Case: This is an Act of contriving Rebellion, and an Insurrection within the Kingdom, and to seize his Guards, which is urged an Evidence, and surely is in itself an Evidence, to seize and destroy the King.

Upon this whole Matter, this is left to you. If you believe the Prisoner at the Bar to have conspired the Death of the King, and in order to that, to have had these Counsels, that these Witnesses speak of, then you must find him Guilty of this Treason, that is laid to his Charge.

Then the Court adjourned till Four o'Clock in the afternoon, when the Jury brought the said Lord Ruffell in Guilty of the said High Treason.
viedly, they did assemble, meet together, and con- jure between themselves, and with the said other Traitors, to the Jures aforesaid, unknown, and with them did treat of the taking and seizing the Tower of Lon- don, and of unlawful executing and profiting their Treason, and traitorous Complotings, Imagination and Purposes aforesaid: And that they the said John Route, and William Blague, as false Traitors, ma- liciously, traitorously and advisedly, then and there, and divers other Days and Times, as well before as after, they and either of them did undertake, and to the said other Traitors did promise for themselves to be aiding and afflicting in the Execution of the Treat- ies and traitorous Complotings, Imagination and Purposes aforesaid, and in providing Arms and arm- ed Men to fulfil and perfect the said Treason, and traitorous Complotings, Imagination and Purposes aforesaid. And the said John Route and William Blague, as false Traitors, maliciously, traitorously and advisedly, then and there, did procure and prepare Arms, to wit, Brandwheels, Carabines and Pistols, against the Duty of their Allegiance, against the Peace of our Sover- eign Lord the King, his Crown and Dignity, and against the Form of the Statutes in that Case made and provided, &c.

Cl. of Cr. What layeth thou, John Route? Art thou guilty of this High Treason, whereof thou laidest indicted, or Not guilty?

Route. Not guilty.
Cl. of Cr. Calpren. How wilt thou be tried?

Route. By God and my Country.
Cl. of Cr. God fend thee a good Deliverance.

What layeth thou, William Blague? Art thou guilty of this High Treason, whereof thou laidest indicted, or Not guilty?

Cl. of Cr. Calpren. How wilt thou be tried?

Cl. of Cr. God fend thee a good Deliverance.

Friday, July 13. in the Afternoon, the Court being met, and Pretension made,

Cl. of Cr. Set John Route, and William Blague, to the Bar. You the Prisoners at the Bar, these good Men, that you heard called, are to pass between our Sovereign Lord the King upon Trial of your several Lives and Deaths; if you will challenge them, or any of them, your Time is, as they come to the Book to be sworn, before they are sworn.

Nicholas Calderon.
Capt. Blague. I hope I shall only speak for myself.

L.C.J. Yes, you shall be heard.

Route. My Lord, I have had no Liberty so much as lending for my Wife. Monday Morning they gave me Notice of Trial; but I have had no Advantage of that Notice: I presumed it is meant we should have the Liberty of Subjects: But though Notice was then given, yet I had not the Liberty of lending for any body till Wednesday; it was eight or nine of the Clock on Wednesday Night, that one came and told me, I should have no Liberty of Council, unless I had it from the Court; and Yesterfay Morning I found, that Captain Blague and I were joined in one Indictment, which alters the Case, with Submission to the Court. What Time I have had for Trial has been so short, I have not been able to get my Witnesses ready. I desire nothing but an Englishman.

L.C.J. As an Englishman? You can demand no Time to prepare for Trial; for those that will commit Crimes, they must be ready to answer for them, and defend themselves. 'Tis Matter of Fact you are charged with; you knew long ago what you were to be tried for; for you were taken up, and charged with High Treason. You might then reasonably consider what kind of Evidence would be against you: If you be an innocent Per- son, you may defend yourself without Question; But if you have done an ill Thing, the Law does not design to give you Time to shelter your- self under any Subterfuge, or make any Excuse, or to prepare any Witnesses to tellify an untrue thing for you.

Roye. My Lord, I only beg a little Time, I don't design to make any Excuse. That I am innocent, I thank God I am.

L.C.J. We can't give you any farther Time, unless the King pleases; we are bound to try thole he brings before us.

Mr. Serg. Jeffereis. Because Captain Blague does not desire to be joined to the other; we that are for the King are contented, that Roye be tried first.

Then Captain Blague was taken away, and after several Perjuries charged by Roye: i.e. Jury that were sworn, were

Richard Laven,
John Pelling,
William Windhury,
Theophilus Man,
John Short, senior,
Thomas Nicholas,
Edward Radesby,
Edward Kenge.

Cl. of Cr. John Route, Hold up thy Hand. You of the Jury, look upon the Prisoner, and hearken to his Case; he stands indicted. Prost scito to his Indictment Mutatis mutandis; upon this Indict- ment, he hath been arraigned, and thereunto pleased Not guilty; and for his Trial, put himself upon his Country, which Country you are; your Charge is to inquire, &c.

Mr. Jones. May it please your Lordship, and you Gentlemen of the Jury, the Prisoner at the Bar stands indicted for High Treason, in conspiring the Death of the King; and in order there- unto, consulting how to seize the Tower; and in providing of Arms, in order to destroy the King, and subvert the Government: If we prove it up- on him, you are to find him guilty.

Mr. Serg. Jeffereis. The Prisoner at the Bar was (as you have been acquainted) in that horrid Conspiracy, whereof several of the Conspirators have been brought to Trial, and received a Verdi- cte fully according to Evidence. The Pri- soner at the Bar did bear a Proportion among the rest. It does occur to your Memories, there were several Undertakers, that undertook several Stations, some whereof were to undertake the blackest Part of this horrid Villainy, by the take- ing off the King and his Royal Highness his Brother; others (in order to the Same Defign) were to seize upon the King's Guards, and so to deprive him of all manner of Defence what- ever; and to prevent all Persons to make any Defence against them, as you heard, there was another Part to be acted; therefore the Town
was to be divided into several Divisions; I think there were twenty; but the most numerous and beneficial Parts were thought to be about Wagging. A particular Part of the Evidence was, that the Tower was to be seized, and the King's Arms there; I know you obsered, that they took Notice of a particular Place of the Tower, that was most capable of Access. This was a Gentlemen very well known, 'tis not the first time he had been at this Bar: He was here at a time, when the common Justice of the Nation could not be obtained in this Place, insomuch that the Judges who came to execute Justice, had more Reason to fear being executed upon the Bench, than the Prisoner at the Bar. It may easily appear how far Mr. Renæ was concerned, (I don't love to aggravate Matters, he has Crimes enough;) he was reckoned Pay-master to this Rabble, he was to take care to manage those Perons, that were to be seize upon the Tower. He is a Man of great Skill in that Subject, a Doctrine wherein he was well stored under a Lord you heard mentioned this Morning; but he is in his Grave, and so I shall say no more of him. We shall give you an Account of a Defen in he had how to compass this Bufenif. Black-head was looked upon as a very convenient Place, where there was to be a Golden Ball; for which the Seamen were to be in great Numbers, and he that won the Prize was to have the Golden-Ball; but his Eye was upon the Tower all this while. He thought to allure those idle Seamen by the Advantage of the honourable winning of this Ball; and when they were freighted with the Success of this Meeting, then it was proper to attack the Tower. We shall prove the other Prisoner, that was at the Bar, engaged with this Prisoner at the Bar. We shall not only prove this, but that Mr. Renæ had been always of an Inclination against the Government. We shall call you Witnelfs, that he hath undertaken to difpute by what Authority the King comes to go- vern in England; that he hath said, he had putted his Government; that he told an ordinary Mil- itiaman, one of his Letters to the Lord, that he was as much Right to be heard, as his Lord; and if my Lord, if we prove this Matter to your Lordship, and the Gentlemen of the Jury, it will be high Time for us to endeavour to preserve the Crown upon that Royal Head, upon which all loyal Men defire it should flourish as long as the Sun and Moon endure.

Mr. Burton, Call Thomas Leigh. [Who was sworn.]

Mr. James. Pray give us an Account what you know concerning Mr. Renæ.

Mr. North. Of any Defen against the King, and profest Mr. Renæ. If you please, my Lord, one Word before he speaks: I have an Exception against him. I wonder with what Confidence you can look in my Face at this time?

King's Counsel. Nay, nay, speak to the Court.

Mr. Renæ. My Lord, I am a Perfon, that before he was taken up, was swore by two Perfons to have a Hand in the Plot; one was Mr. Kedging, the other the Mr. How of Oldstreet; and then being taken up, and confessions to himself, that he was guilty of those plots, and knowing I was pretty well acquainted with him, he was deadly afraid I should come and swear again him, and thereupon he took the Boldness to swear against me first.

Mr. North. My Lord, he hath offered nothing of Objection.

Mr. Renæ. I fuppose, with Submission to the Court, without he have his Pardon, he is no Evidence in this Case.

Mr. Serg. Jefferys. Come tell us all you know.

Mr. Legh. If it please you, my Lord, I have been concerned in this Conspiracy, I know something of it; but I believe Mr. Renæ knows a great deal more. Mr. Renæ takes me to the King's-head Tavern in South's Alley, where after some time, Mr. Goodenough came, where there was a Club of Men, that were in the Conspiracy. I had seen Mr. Goodenough before; he acquainted me, that there was an Appræciation our Rights and Privileges were invaded; and it was time to look to ourselves; for Popery was defigned, and Arbitrary Power; and therefore he defered to know, Whether I would engage in that Affair to prevent it? And withal he told me, the City of London and Middlesex was divided in twenty Parts, and they were to meet to engage in one Part. I told him, my Acquaintance was, he knew: I shall not say he lived; but I would get a Part where my Acquaintance was. I acquainted Mr. Renæ and Mr. Goodenough what Men I had spoke to. Mr. Goodenough told me, the Defen was to set up the Duke of Monmouth, and kill the King and the Duke of York; but that all Parties must not know of it: But that we must tell some People, here was like to be a foreign Invasion, and ask them, What Readines they were in? And if we found they were like to be complaisant in that, then we might discourse with them about the other Matter. I discoursed with several Men about this Affair: And he told me, the Lord Mayor and Aldermen were to be killed immedi- ately, (especially the present Lord Mayor, Sir John More) and their Houses plundered, and there would be Riches enough, and that would help to maintain the Army; and we went on further in this Discourse. Then I acquainted Mr. Renæ with this Bufeni; but he knew of it before; and he did tell me, he could provide Arms for an hundred Men, and said, Nothing was wanting unless the King was seized; saying, We remember since FAN DUCHE THE King went and set up his Standard; therefore (says he) we will seize them, that they shall not set up their Standard. But (says he) I am for seizing them, but not for shedding their Blood. Mr. Renæ went off with that Discourse; says he, I must speak with Mr. Goodenough, and some of those that are principally concerned. Mr. Renæ ac- quainted me, that it was a very convenient thing to have a Ball played upon Black-head, and to that End we must speak to the Sea Captain; (says he) I will engage Ten, and they shall manage that Affair, and he that wins the Ball take it. But when they have done, every Captain shall take his Party, and tell them, they have other Work; and then go with Long-boats and Arms, and seize the Tower. I acquainted Mr. Goodenough with this, and Mr. Goodenough asked me the Charge of the Golden Ball. Mr. Renæ told me, it would be Ten or a Dozen Pounds: Mr. Goodenough said, If it were Forty Pounds, he would be at the Charge of it all. Seve- ral such Discourses Mr. Renæ had in my Hear- ing, spoke to several Men at the King's-head Ta- vern. Understood I was sworn against; I heard of it at the King's-head Tavern, in his Company and
and Mr. Godenough's. Mr. Roue directed me to go to the Sun Tavern near Margate, and he would come to me; and there Mr. Roue and Mr. Godenough came to me; and Mr. Roue told me, I should lie at his House. Mr. Roue cut off my Hair, and went to Mr. Bateman's and fetched me a Perriwig; Mr. Roue and I went several times to view the Tower, and took Mate Lee along with us. So Mate Lee directed us to Traitors Bridge; and he said, that was an easy Place, and he would undertake to do it with an hundred Men, so they had but Hand-granadoes. We had some time before that, appointed to meet at Wapping, for the work with the Sea Captains. Mr. Roue met the first Day in order to this Bifunes at the Amsterdam Coffee-house, and there Mr. Roue met with two Sea Captains (as he told me) that were to officiate in this Bifunes, and the two Captains he took to the Angel and Crown in Threadneedle-street. A small time after, about an Hour and a Half, or thereabouts, Mr. Roue came, (I am not positive whether Mr. Godenough was there or no) and told me, he had spoke to both the Sea Captains, and they were willing; but one was going to Sea this very Day, and therefore the Work must be done before he went, or he could not assist. Another time he appointed Mate Lee to meet at the Anchor in Wapping. I did speak to Mr. Godenough, but he did not meet us, so that we could not go down that Day; but Mr. Roue always understand that Bifunes to get ten S.A. Captains, and get Arms for an hundred Men. After I was sworn again, and went to Mr. Roue's House, the next Day Mr. Nelthorp and Mr. Godenough came to me to Mr. Roue's; says Mr. Roue, Bennet, you shall let the Bifunes go on. I was directed by Mr. Nelthorp and Mr. Godenough, whenever I was taken into Custody, I should deny all, and it could not touch my Life. I thank him for his Kindness: I lay well, and eat well, at his House, my Lord; but however I will tell the Truth. We met afterwards several times, and went to Captain Blagie's, and the rest of the Company, but at different Places. We had an Account, that Mr. Godenough was in the North raffling Men, and that the Duke of Monmouth was thereabouts, and that a Deliverance should be wrought for all this.

L. C. 7. About what time was this?

Mr. Leibg. In last June. The Defign was so laid, that I was told it was to be done in a Fortnight. They never agreed on a Way or Method of killing the King; but they told me, they had a thousand Horfe ready in the Country, and that there was five hundred Horfe, or thereabouts, ready in the Town; and that the King should be killed coming from Windsor. Now Mr. Roue were considering how to lend Arms, that they might not be suspected, to some private Place; they were to be lent in Trunks to some private House, and there they were to arm themselves in the Night; and some Brickmen were to go to Windsor to know when the King came, and give Information; and so they were to set upon him in some convenient Place, and both were to be taken off together, the King and the Duke; and Mr. Roue said, Take them off, and then no Man can have Communion to fight for them.

Mr. Serg. Jefferson. He is a Politician every Inch of him.

Mr. Jones. What did he employ you to do?

Mr. Leibg. I was employ'd by Mr. Godenough to make all the Friends I could in this Engagement. I went into Spital-field and engaged some Weavers and other People. They promised me a Gratitude, but I never had any thing.

Mr. Serg. Jefferson. If Mr. Roue has a mind to ask him any Questions?

Roue. I will, my Lord.

L. C. 7. Propose your Questions to the Court.

Roue. I ask him, by the Oath he has taken, whether ever I spoke with him of any Defign against the King and Government? I ask you, whether he did not begin with me?

L. C. 7. You have heard his Question; answer it.

Mr. Leibg. For that I answer, That Mr. Roue was the first Man, that ever I heard propose, that the King and the Duke should be secured; and there is another thing come into my Mind; Mr. Roue hath been a Traveller, he did preface to fry, and has said to me, and in Company, that the King was foresworn in France and Spain to bring in Paper and Arbitrary Power in for many Years, and therefore it was no Sin to take him off; and he told me, he had it under his own Hand. Roue. It was impolitic, my Lord.

Mr. Serg. Jefferson. I do believe it. I do not believe he thought thee fit to be a Secretary.

L. C. 7. Look you, if you would have any thing asked him, propose it to me.

Roue. What Place was it I began to speak of any thing of this Defign?

Mr. Leibg. The King's head.

Roue. Who was with us?

Mr. Leibg. Mr. Godenough and several others.

Roue. Was it discerned of before them?

Mr. Leibg. No, You never discerned of it before them.

Roue. You discerned of going an Hay-making in the Country; says you, I will trifle them one alone; but, says you, I am under an Oath of Secrecy, not to communicate it but to one at a time, but I make bold to acquaint you with it: I give you an Account what I heard from his own Mouth.

L. C. 7. Look you, what you heard from him will signify nothing, unless you are able to make Proof by other Witnesses; If you will ask him any Questions, you shall. We will hear what you can say for yourself at last: But you must not evade the King's Evidence with any Discourse at random.

Roue. Did I ever put you upon any thing of this Nature? Did you not tell me there was a Defign to overturn the Government; but you would not then Blood?

Mr. Leibg. I will answer: I can't be positive, whether I came to Mr. Roue, or he to me. I had been in his Company several times before, and whether he discerned it first to me, or to him, I cannot tell; but when that Point was discerned, he was very zealous to get ten Captains, and that the Ball might be playd, and the Tower taken.

Roue. Did ever Mr. Godenough, and you and I, meet upon such an Account?

Mr. Leibg. Yes, at the King's-head Tavern.

Roue. I can take my Oath, I never saw Mr. Godenough but twice in your Company, and I never knew you till May last.

Mr. Serg. Jefferson. You came to a very strict Alliance by that time it came to June.
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for High Treason.

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Mote Lee sworn.

Mr. Serg. Jeffries. Tell my Lord and the Jury what you know, the whole Truth, and nothing but the Truth.

Lee. The whole Truth I will tell. About a Week before Midsummer, or thereabouts, I met Mr. Royle, I think it was in Pope's-head Alley, going to look after Captain Bingley: Says Mr. Royle, I have something to say to you, but he did forbear speaking it then; so I went to the King's-head Exchange by the Exchange; we went into a little Room. Says he, There is something I would have you do. What's that? says I. Says he, Can't you get some Seamen fitting to make Commanders of Ships? I did not understand Mr. Royle's Meaning in it; but I thought Mr. Royle, being in Employment, might put me in, being deficient of Employment, as well as other Men. So after we did appoint to meet at Wapping, at the Sign of the Blue Anchor in Wapping Dock. Says Mr. Royle, If I come not at Ten of the Clock, do not look for me. Says he, Can you get no Men, that are fit to make Commanders of Ship? Says I, I have no Acquaintance with any; I do not know but two or three: But, says I, I will see what I can do. I waited for Mr. Royle and Mr. Legb next Day (both were to come). The next Day I asked him, What he intended by the Commanders of the Ships? Where would he have those Ships? He answered, Some of the King's Men of War, that lay at Deptford and Woolwich to make Guard-ships. Says I, What will you do, if you have no Powder and Shot? If you could take the Tower, then you might provide them with every thing fitting. Says Mr. Royle, We must secure the Tower and Whitehall both, or we can do nothing. Says I, Mr. Royle, where is your Oath of Allegiance then, that is to the King? Says he, We will secure the King, that he shall come to no Damage, and he shall remain King still. If Mr. Royle hath any thing to object against what I say, I desire to hear it: I speak nothing but the Truth.

Mr. Serg. Jeffries. Did you meet with him at any other time?

Lee. This was the first time he put out any such thing to me, concerning any such Conspiracies.

Mr. Serg. Jeffries. Did you meet with him afterwards?

Lee. Yes, we had some Discourse, he was to the same Effect; but it signifies nothing; and my Memory being shallow, I do not exactly remember it. I know I must give an Account of this, before a greater Court than this.

Mr. Bristow, Mr. Corbin.

Mr. Serg. Jeffries. Did I did acquaint you, my Lord, that there was Occasion to make use of Evidence against the Prisoner at the Bar; I gave you an Account how that Evidence was not received. Now I desire to give you Proof, that the continual Inclination of this Man's Heart was the Killing of the King, and Defraadion of the Government.

Mr. Thomas Corbin sworn.

Mr. Serg. Jeffries. Pray, Sir, tell my Lord, and the Gentlemen of the Jury, what Meetings you had heretofore with the Prisoner about the Year Eighty-one or thereabouts. See whether you know him.

Mr. Corbin. What I have to say against Mr. Royle, is only what I gave in Evidence to the Court before.

Royle. When was that?

Mr. Corbin. In Eighty-one.

L.C.J. Pray, what do you know of him? Don't tell us what you gave in Evidence; but you are on your Oath to Speak Truth, not what you said then.

Mr. Corbin, My Lord, some few Days before the Members for the City of London went for Oxford, I happened to appoint a Gentleman (one Mr. Wyatt) to meet me at Mr. Lovb's in Cornhill. Mr. Royle came by, I knew him very well; he was concerned in the Commission for disbanding the Army as well as I. He came in, and saluted not only me, but the Master of the Shop, with, How do you do? He enter'd into Discourse, and said, he intended to go for Oxford, and that he had agreed with the Coffee-men about Town, to furnish them with News: Says he, There are several Gentlemen retiring to your Shop; it would do well, if you had it. Says Mr. Lovb, What shall I give you? Says he, If you will go to the Tavern, we will agree it over a Glass of Wine. But Mr. Royle told me, he had a Kindness to beg of me; and (says he) I would have you engage some of your Friends to deliver them speedily to such a Person I shall appoint, de die in diem; for, says he, if they be delivered by the ordinary Letter-carrier, they won't turn to Account, nor give Satisfaction. By-and-by Mr. Wyatt came in, (that I was to meet at the Stationers) Mr. Wyatt asked me, What I thought of the Schemes? Mr. Royle made Answer, he did foretell it would be a very short Schemes. Says he, Those frequent Prorogations and Diffusions of the Parliament won't avail him; for whenever the King has, the Parliament gave him, and they may take it away when they please. One bid him have a care what he said; and he reply'd, The King had forfeited his Crown, and had no more Right to it than he bad.

L.C.J. Mr. Royle, if you would ask him any Questions, pray direct yourself to us, and we will ask them.

Royle. I desire he may be asked, What was said before and after?

L.C.J. Can you tell him? Do you know there was any previous or subseque Discourse to this, that might any way alter it?

Royle. It was the same Question propounded in Eighty-one.

Mr. Jux. Within. Pray, did he say the King had forfeited his Crown?

Mr. Corbin. Yes, and when he was rebuked for it, he reiterated it.

Mr. Serg. Jeffries. We will trouble your Lordship with but one Piece of Evidence more; only to give you an Account Mr. Royle is a Man very well known in the City of London; yet when there were Officers came to seize him, he had forgot his Name of Royle, and did not remember it. Swear William Richardson (so was done). Pray, tell my Lord and the Jury, Whether you were at the taking of this Mr. Royle, and what Name he went by?
Mr. Richardson. I was upon the Fourth of July, Infatiant, to search for one Armiger, and coming to Widow Hay's Coffee-house, (I think they call it) the Widow told me, there was no Man in the House: I went down the Street, and came back again in less than five minutes. I went into the Garden: Says he, Do you stay here, and I will go and see: He saw this Gentleman: Says he, What is your Name? He said, Jobnouf: I asked him, and he said, Jobnouf. I told him, We must have an Account of him. Some said, they did not know him. We went to the Half-Adam Tavern in Aldergate-street; he fent for other Men; they said, they did know him; but they could say nothing in his Behalf.

Mr. Sturge Jeffries. Is that the Man, Jobnouf? Mr. Richardson. That is the Man, that said his Name was Jobnouf.

L. C. J. Look you now, Mr. Rouje, this is your Time to speak for yourself: What have you to say to this, that is charged upon you? You hear the first Witnes does say, That you would have engaged him in a Defin of raising of Men; and you told him, you defiled to for- prise the Tower; and so that Purpose he survey'd it with you; and you told him what your Defin was you. Mr. Gooletown about it was to raise Men. Gooletown was for killing the King; you, it seems, at first, was for confining the King, and making him do what you pleased; but afterwards, it was come to a higher Matter; and then you had found out a way to engage some Captains to infize the Tower, and others to be feize Pitchet; both were to be done at once. What say you to this, (here are three Witnees, that testify very strongly against you) and the De- vice you had to get Men to Blackbeet to secure the Tower?

Rouje. My Lord, I stand here for my Life; it never enter'd into my Heart, nor came out of my Mouth; but he came to me several times about it, and I oppossed it. At last he dagg'd me so osten, that he gave me Occasion to ask him the Meaning of it. The first Place I saw him in, was the King's-Head (as he faith truly) in Southwark-Alley. There were several Persons, (as they met there every Day) and Mr. Dingwall being there, he ask'd me that was true. Heass'd me a strange Question, (that was the first Time that I heard of it) Whether I was willing to oppose a foreign Invasion, that was like to be made speedily? And, Whether I would engage in the Defence of it? And this he did two or three times afterwards. To which I replied, Sir, I and every honest Man are bound (as we are Subjects, and have taken the Oaths of Obedience and Allegiance) to engage in such a Thing you put me upon, and to engage against a foreign Invasion. The next time, he ask'd me, How far you would affix, if such a thing should fall out as a foreign Invasion. I wonder'd to hear it so often repeated; I answer'd, I never had but one Sword for several Years, tho' I have had Occasion for many in other Countries; but I make no Question but by the Affiance of my Friends, to raise an hundred Arms, that was my very Expresion; But wish'd I demand'd, What he meant by Invasion? And that I inquired upon several times; For, says I, I know of none, and I hope, there is none like to be. I took an Ac- count of this in Characters, and have acquainted his Majesty and the Council with it. He replied to me: Says he, I wonder you are a Stranger to such a Thing. 'Tis true, says he, that is the Word goes up and down: But, says he, there is another Kind of Invasion meant by some Men. I asked him, What other Invasion do you mean? He answer'd prefently, Don't you know? Are you not a Man in England? Is it not a Fact, that there is an Invasion upon our Rights and Liber- ties, and all we have: Whereupon I was a little startled. This was at the King's-Head Tavern. Another time I defied him to explain his Meaning, being a Stranger to it, when I express'd my Readiness to serve the King upon such an Occasion in those Words. They that know me, know that I am not in the Capacity of raising an hundred Arms; but I intended it, as God guides, to give the Strenth to the Nation; But, I thank God, I took Characters Day by Day, and with a Resolution Day by Day to discover it: But he has got the Sist of me, for fear I should swear against him. He inquired still upon it, That our Rights and Liberties were invaded; and that was the Invasion all along intended; and that was the way to hook in Persons, only upon that Pretence of a foreign Invasion. I asked him, In what Manner he meant Invasion. He said, he meant Invasion; and with their Do- ctrines on one hand, and Oppression on the other, they lie so heavy, that we can't bear it no longer. Says I, What do you mean by this? What Course do you think of? What can you propound to yourself to extirpate yourself out of these Troubles you so much complains of? To which he answer'd, You are a Stranger to what is a-foot, and hath been a-foot a great while. Do you not know the Persons that are engaged in the Defin? I was a little in- quir'd, to know what was meant by the Invasion? No, (says I) positively, I know not what you mean; I am a perfect Stranger to these Persons, and this Defin; and I wished him, and all others, (as they were Men and Christians) that they would take care of opposing the Government they feared under, that was my very Words. Says he, that we have confedered very well, and how to secure the Two Things; and, says he, you shall see we will do it dexterously. Tho' Bedding a Dutch Blood: Nay, says he, not the Blood of the Dutch of York, though he be the versified Dog in England. I defied him to explain himself. He answer'd, The Milchfief of it is, we can't agree among our- selves; for it was Us and We at every Word; so I concluded he was of the Cabal and Club, that met together on this Defin (that hath come before your Lordship); and I am pretty confident there was such a hellish Defin, though, I thank God, I had no Hand in it. Said I, Who are the Persons mentioned in this Second; and he say'd you come to me about, one Day after another. With much ado, he told me, Mr. Gooletown was one. After this Discourse, I never saw Mr. Gooletown but twice; once was at the King's-Head Tavern, where I believe was twenty the second time, was a Day or two after I saw the Proclamation, and his Name in it. So much I speak of Mr. Gooletown. I asked him the Names of the other Persons, that were engaged in this Defin; and says he, I must conceal them, for I am under an Obligation: But the first time I saw the Proclamation against Colonel Rouje and the others, says he, I was deadly afraid I was in the Proclamation; but (says he) all these Persons are concerned, and several others. Thereupon he told
told me, that when they met they came to this Resolution of feising the Texier, the Al-dermen, and taking of London. Says I, Pray, what Money have you to carry on this? Money! Oh, says he, we don’t want Money; says he, Mr. Goodnow hath affurided me there is 40,000 l.

L. C. J. Look you, you invent all his Discourse. He hath sworn it against you. Have you any Evidence in the World? You are not in a Capacity to swear against him.

Rouf. My Lord, he hath turned it upon me, he spake to me always in private.

L. C. J. Look you, you have fixed but upon one Perscon, here was Mate Lewis, that gives a very shread Evidence against you; Did he come and teach you? Did he use these Words?

Rouf. My Lord, I have nothing to say against Mate Lewis, I hope he is an honest Man. But I having a Defign to discover this whole Thing, and having so much out of Lebb the Dyer——

L. C. J. What did you use these Words to him for then?

Rouf. To satisfy the Gentlemen that put me upon it, that I might come to the Bottom of the Design.

Mr. Yufl. With. You say you know a great deal more: How came it to pass you never told the King one Word of this till after you was taken?

Rouf. I have told it since I was taken.

Mr. Sol. Gen. Pray, when you had got——

Mr. Verch. to the Bottom of all this (as you call it) why did you deny your Name?

Rouf. I did not deny my Name.

Mr. Serg. Jefferies. He hath as many Names as he has Defigns, and they are abundance.

Rouf. I did not know they were Officers. I did not think there was any Obligation upon me to tell every Man my Name.

L. C. J. You hear what Evidence is given against you concerning your Discourse in Eighty One, which tho’ it be not the Thing for which you are directly called in Quellion, yet if you could clear yourself of it, it would import you much, for that does flow your Spirit, and that you have had a long while a Defign against the King’s Life, if that be true; therefore it would be very fitting that you purged yourself of it, and that you could some way or other give an Answier to what you said, That the King had forfeited his Crown, and had no more Right to it, than one of those farr Perjur you spoke to; And to say the Parliament might take away the King’s Authority, There are strange Treasonable Expressions.

Rouf. My Lord, tho’ this Thing be revived, which was out of Doors two Years since, and I suppose it is well known to your Lordship, who was then upon the Bench. As I was told, there was a Word in the Indictment called Theologian: He was asked what Discourses passed before: But if Mr. Cavlin would remember himself, I do confess I did fay these Words; but the Words that followed before.

Mr. Yufl. With. What do you mean, the Cart before the Hore? Rouf. Mr. Fitz was urging of several Discourses, the Popilant Grandeur in deposing Kings; and I gave this Answier, in these Words: Sir, (says I,) if it were in the Power of any Pope to depose the King, then he might as well take away the Crown off the King’s Head, but he hath no such

Powers if he bad that Power, says I, then the Crown of England is yours as much as his.

Mr. Sol. Gen. What was the Colloquium, when you said the Parliament might take it away?

Rouf. I never said that.

L. C. J. I have heard a great deal of your Discourse: If you think you can make any of it good by Witnessess to your Advantage, call them.

Rouf. My Lord, I have not had Time to collect my Witnessess. How can it be forpebad I should call Witnessess? I don’t know whether they are here. Here are Witnessess called to prove a Matter, whereof upon a Trial two Years past I was acquainted.

Mr. Yufl. With. Pray do not go away with that, here are two Witnessess since.

L. C. J. You were told, that was not the Thing laid to your Charge now, that does only flew the Tempe of your Spirit, and how your Inclinations have been all along. Look you, this you are now charged with, is a Defign to Seize and Kill the King, and to that Purpoe to have enter’d in a Conspiracy with Goodnow and others, for the raising of Men, and the making of a Rebellion and Informent here in the Kings- dom; whereby you might have feizd not only the King, but his Fort here, the Texier, and made yourselves Masters of his Ships, and so enter’d into a perfect War with him in his own Kingdom, to the Deftitution of himself and the Government. You hear what the Witnessess say against you?

Rouf. I do declare, in the Presence of God Almighty, before whom I must stand, it never entered into my Heart.

Mr. Jenes. If that would do, we should have none hanged.

Rouf. I appeal to your Lordship, and this Honourable Court, whether ‘tis likely for me, who am such a fally Percon, to engage in such a devilish Design, especially being concerned with no Percon in the World about it; for I declare, if I was upon ten thousand Oaths, I never had any Discourse with any Percon in the World about it. In the next Place, I never was in any Meeting, though I have heard of several darkly that they were signs of several Clubs, but I could never find out the Places. I desire to ask him, whether he knows with whom I did concern myself.

L. C. J. Look you, did you never meet him with any Company concerning any of these Treasonable Defigns that you have spoken of?

Mr. Leigh. I will give your Lordship and the Jury an Account. Mr. Rouf acquainted me he could make ten Sea-Captains; I acquainted Mr. Godnowen with it. He told me he would have a Golden Ball, and told me the Charge. We went to the Angel and Crown Tavern, from thence he came to meet Mr. Godnowen, to tell him what he had said to these Captains. The next Day he met Mr. Godnowen; and Mr. Godnowen, Mr. Rouf, Mr. Paton, and I, went from Toile’s Coffee-house in Exchange-Alley, and he discoursed about getting of these Captains.

Rouf. Who was present?

Mr. Leigh. We never discoursed the Matter jointly, but singly with one Man. Mr. Rouf and Mr. Godnowen went into a Room apart above Stairs, and discoursed this Matter (as I believe) half an Hour.

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Rouf.
The Trial of John Rous 35 Car. II.

Rous. How do you know what Discourse I had with Mr. Goodenough when you were not precent? Mr. Leigh. Mr. Goodenough thanked me for bringing him acquainted with you.

L. C. J. How do you know what Discourse they had?

Mr. Leigh. I know only what Mr. Rous told me. Mr. Rous told me, that he would engage ten Sea-Captains, that a Ball should be play'd, and every Man take his Dividend.

L. C. J. Did he tell you he had discours'd this with Mr. Goodenough?

Rous. Did I tell you so?

Mr. Leigh. Yes, Sir.

L. C. J. You speak of several in Company, one Patchin and others.

Mr. Leigh. We went from the King's-bend Tavern, for there was Company we did not like, tho' we discours'd there but of Hay-making, and getting Men to help the Country People.

L. C. J. What did you mean by that?

Mr. Leigh. That was to get Men for this Business.

L. C. J. What did he say the Intention was of raising these Men?

Mr. Leigh. Mr. Rous hath frequented, and often acquainted me, that the King had taken an Oath in France and Spain to bring in Popery and Arbitrary Power in so many Years, and that he had not done it, made the Papists Parry angry, but that he would do it.

L. C. J. Well, what Design was there in raising of Men, and seizing the Tower?

Mr. Leigh. He told me all things must be done together. Then for the Duke must be seiz'd, for that was the principal Work.

Rous. It never enter'd into my Heart. Be pleased to ask him if he was not arrested by one Kelling, and what was the Account of it.

Mr. Leigh. No.

Rous. I mean sworn against.

Mr. Leigh. I will give you my Lordship an Account of it. Mr. Goodenough, Mr. Rous, Mr. Patchin, and I, had been at the King's-bend Tavern; a Man came and told me, a Man had been at my House, and that one swore against me, and it would be dangerous to go home. A while after comes one Armiger, and he told me, Mr. huston was gone one Way, and he another, to seek for me, and debar me to have a Care of myself. With that Mr. Rous, Mr. Goodenough, and Mr. Patchin, came out to me. Mr. Rous directed me to go to the Sun Tavern at Moorgate, and I went; Mr. Rous, Mr. Goodenough, and Mr. Patchin came to me. I told them I would meet my Wife, but they would not let me go on by any means, but sent one Mr. Thomas, a Coffee-man, for my Wife. She came and told me, Mr. Goodenough had sworn against several People, or he was sworn against. I went to Mr. Rous's House, where Mr. Goodenough came to me. Mr. Rous would have had Mr. Goodenough stand there all Night. Mr. Goodenough sent for his Wife, to know if his Brother had sworn; she acquainted him, he had not sworn: Mr. Rous invited him to lie with me. He shewed me, behind the Bed, a Window to go into another Man's Room, to make my Ectapes, if any Man should come to search the House. I lay there on Saturday. Mr. Goodenough and Mr. Nelthorpe came to me; Mr. Goodenough told me, he had lain at Mr. Nelthorpe's all Night, but he had feen his Brother, and he had not sworn against me: I heard that Mr. Kelling had sworn against me, and did say, in Discourse, if I did light of Kelling, I would kill him.

Rous. I desire to ask him another Question: When he was told he was sworn against, what did he say to you?

L. C. J. He tells you before-hand, that he said he would kill Kelling, if he could meet him.

Rous. He says Mr. Goodenough and Nelthorpe came to my House; ask him if he was in the House, or saw Mr. Goodenough?

Mr. Let. I am not positive whether he saw them together, but that he saw Mr. Goodenough there the Friday Night, for he invited him to lie with me.

L. C. J. Pray, what was your Reason in putting Mate Lee upon the inquiring out Men to make Makers of Ships?

Rous. To satisfy the Gentleman, because he told me, there was such a Defin in hand, to get to the Bottom of that Defin, that he might come to no Damage. Pray, my Lord, How could I acquaint the King, or any Justice of Peace, what he meant by it, unless I understood it?

L. C. J. Have you any thing more to ask? Or would you have any Witenesse called?

Rous. My Lord, 'tis my Unhappiness, I have no Witenesse.

Mr. Sрг. Jeffries. He hath confessed the treason enough.

L. C. J. Look you, Gentlemen of the Jury. You hear that this Perfon at the Bar is indicted for High Treason, in conspiring the King's Death, and declaring this by Over-calls, that is, endeavouring to raise Men here for to feize the Tower, and to make an Insurrection here, and a Rebellion within the Kingdom: You hear two positive Witenesses of what they have heard from him: He did endeavour, says Lee, to bring him into it, and he told him the whole Defin, he did declare to him the Manner how they intended to feize the King, and the Duke of York: Mr. Goodenough was one of the Perfons that confederated with him, one of them, but several others they had, they had covert Terms to diggivse this, by getting the Courceries People in their Harbours. He told them of a Defin he had to get the Seamen, a Thousand of them together, to feize the Tower and Whitehall, both at a Time. And you hear that Mate Lee had the fame Discourse in Substance with him, of endeavouring to feize the Tower, and get Arms, for to feize the King's Ships, to raise a thousand Perfons for the effecting of this. All these Things you have heard proved against him; he gives no Answer to any of them, but only tells you, that in Truth he did not say these Things to them; but they, that is the first, Lee, said these Things to him. He hath no Evidences of it. You hear likewise (which does agree well with this Cafe) the Testimony by the other Perfon concerning his Discourse in Eighty-one: How he said, The King had forfeited his Crown, and had no Right to it; but the Parliament gave him his Authority, and might take it away. All these Discourses they favour of a wicked Spirit as can be in the whole World. I must leave it to you, whether you believe him guilty.

The Jury presently gave their Verdict that he was guilty. CXXI. The
CXXI. The Trial of William Blague, at the Old Bailey, for High Treason, July 13. 1683. 35 Car. II.

William Blague having been arraigned on Thursday July 13, pleaded Not guilty, and put himself upon his Country, was brought to the Bar again Friday July 13. He made no Challenges, and the former Jury was sworn.

Robert Beddingfield, John Pelling, William Windberry, Theophilus Man, John Storer, etc. Thomas Nichols, 


Clerk. Gentlemen of the Jury, look upon the Prisoner, and hearken to his Charge. He stands indignant by the Name of William Blague, late of London, Gent. that he, together with John Rous, etc.

Mr. North. Gentlemen, you that are sworn; the Prisoner at the Bar is charged with conspiring the Death of the King, and conspiring to raise War and Rebellion, to destroy the Government, and take Possession of it; that he did conspire with one Rous, and several others not yet known, to bring these Things to pass, and, being join'd together, to seize the Tower, and to provide several Arms: To this he hath pleaded Not guilty, etc.

Mr. Serg. Jefferies. My Lord, and you Gentlemen of the Jury, we shall not need to trouble you much with the Prisoner at the Bar, for this Prisoner, with him that went before, were to undertake that Part of this horrid Conspiracy relating to the Seizing the Tower, because the fame Writs that were against the former, are against the Prisoner at the Bar. We shall not need to trouble you with the History, we will cause our Writs to prove it. Do you hear, Leigh? you must tell my Lord and the Jury what the Prisoner at the Bar was concerned in.

L. C. J. What do you know of any treasonable Practices of his?

Mr. Leigh. I will acquaint your Lordship, and the Gentlemen of the Jury, that Capt. Blague and Mr. Rous were frequently at the Tavern. I presume many times they came in about Hunterfield, and sometimes there were Discourses to carry on this Conspiracy. Mr. Rous told me, he had acquainted Capt. Blague with it, about getting ten Sea Captains; Capt. Blague told him, they had better engage one or two Ships to shoot Mortar-pieces in the Tower, which would presently destroy it; and discoursing with Capt. Blague about the Affair, he told me he would be ready in a Fortnight or three Weeks.

Capt. Blague. My Lord, Will you please to ask what Time that was?

L. C. J. You shall have any Question asked by-and-by.

Vol. III.
Mr. Serjeant Jeffries. We will call Mate Lee. This Mate Lee was the Man that might not be trusted. — Mate Lee, Tell my Lord, and the Gentlemen of the Jury, what Difcorfee you have had with the Plonfer at the Bar, Captain Blaue, about feizing the Tower.
Mate Lee. I shall, Sir. The first Difcorfee that ever I understood, was one Time he and I was riding in a Coach, says Capt. Blaue. One of the Days we shall have a Ball to tos. I did not know the Meaning of the Ball, till afterwards Mr. Roufe and Mr. Lee and I came together, and he told me of toffing a Ball upon Black-beads, then I began to understand it. And after this, I can't tell whether it was before that, Captain Blaue and I walking before the Tower, and dis- courfing of this, my Way was to scale the Tower, and take it that way; says Captain Blaue, the best Way is to feize Mortar-pieces on Southwark Side; this was all the Difcorfee.
Mr. Serjeant Jeffries. Can you fay any thing about the Ship?
Mate Lee. Nothing about the Ship, but about Mortar-pieces on Southwark Side.
Mr. Serjeant Jeffries. What Time was that?
Mate Lee. I cannot be positive, about six Weeks ago, or les.
Mr. Serjeant Jeffries. The first Time was in the Coach.
Mate Lee. That was about the Ball, I did not understand it, only tolling up a Ball, I did not understand the Meaning of it, till afterwards Mr. Roufe and Mr. Leigh and I came together.
L. C. F. How came you to difcorfee with him concerning the best Way of taking the Tower?
Mate Lee. Mr. Roufe and Mr. Leigh and I, and Captain Blaue had been together. We difcorfcd about taking the Tower. And we had this Difcorf about ourselves, which was the best Way to take the Tower: my Approbation was Scalling-ladders, and Hand-granadoes, that was the best Way; Captain Blaue's Way was with Mortar-pieces on Southwark Side.
L. C. F. To what Intent was this Difcorf about, had you any former Difcorf about any Persons?
Mate Lee. Not at all, if it please your Lordship. The first Difcorf I had was with Mr. Roufe and Mr. Lee.
L. C. F. And was that about taking the Tower?
Mate Lee. To surprife the Tower, and Mr. Lee and Mr. Roufe and I went down to view the Tower.
L. C. F. Then afterwards Captain Blaue came in about the Way to take it?
Mate Lee. This Difcorf with Captain Blaue, about the Tower, was between him and I. I don't remember it in any other Company.
L. C. F. What was your Bufinefs with Captain Blaue?
Mate Lee. My Bufinefs was, with Capt. Blaue, to be his Mate, and I was converfant with him at the Exchanges, the Coffee-houfe, and the King's-head Tavern. And we had Difcorf about these Things.
L. C. F. Come Captain Blaue, would you have him asked any Quaffion?
Capt. Blaue. My Lord, otherwife I had gone to Sea foon after I came home, but fo it was, that I had an Occafion for Pennsylvania, and New York, and coming one Day to the Exchange, I met Mr. Roufe, whom I had not feen in feven or fourteen Years before, for Mr. Roufe made a Voy- age to Virginia with me about twenty Years ago.
Now, my Lord, meeting with Mr. Roufe, I had an Occafion then to take up two or three hundred Pounds, and knowing Mr. Roufe was a Broker, I did employ him to procure it me, but he did not; however, daily I came to him to difpatch that Affair, and Mr. Roufe being a Man for a Tavern, I went to the King's-head Tavern, and the Sun Tavern, if he was not at one Place I found him at another, in order to perfuade this Buffinef. So, my Lord, when I came into his Company, several People used to be with him that I never new in my Life, and Mr. Roufe would fay, Sit down a little, and I will go with you prettily; fo I would fit down, and drink a Glas of Wine, and go to the Places where the Affair was to be managed; af- ter I had done thus several Days, and to no Pur- pufe, I did it myself. Now, my Lord, Mr. Roufe in that Time brought me acquainted with Goodenough, who was Gentleman in his Company, and Mr. Leigh, not that I knew Goodenough in my Life before, and not as Mr. Lee fays, that I ever was with him at the Dragon.
Mr. Leigh. The King's-head Tavern in Cheapside Lane.
Capt. Blaue. I was just coming home when Mr. Leigh was going to meet with Mr. Goodenough, and I went in there, and took a Glas of Wine, and bid him farewel, and fo went home. When I was with Mr. Roufe, I was afking, what People they were that were in his Company, he faid, very honest Men, drank a Glas of Wine and went away, and still I found them together, I was faying to this Mr. Leigh here, if you will go along with me, you shall give me as much for your Paf- fage as any of the reft of the Paffengers do. Now, at this Time, my Ship was not in my Poffeffion; this very Day three Weeks I had it in my Pof- feffion, and now at this very Day he is in the Carpenter's Hands, who is here now, I fuppofe.
L. C. F. Well, go on.
Capt. Blaue. Now, Sir, whereas Mr. Leigh re- ports, that I difcorfcd with Mr. Goodenough concerning any publick Affairs, or any thing tending to the Difurbance of the Peace, then am I not a Chriftian. Besides, Sir, I did not speak twenty Words, or ten Words at the Time, but Your Servant, Sir, or Here's to you, in a Glas of Wine; and this I do fpeak in the Prefence of God Almighty. And when I came into a Room, I never flaid longer than Mr. Roufe, for my Bufi- nefs was with him, and fo went about my own Affairs. As for Mr. Goodenough, I believe, I was three times in his Company before I could re- member his Name; I would fay Roufe feveral Times, what do you fay that at one Place? But in con- ference to the Tower, that Mr. Leigh speaks of, that must be touched at; I do remember very well, I fhall by no means paliate it, if I were pre- fently to die; coming up from the Ship, we were coming by Water, indeed I fhould have had Pof- feflion of the Ship a Fornight before, if they had done me Justice; I had two or three hundred Pounds for them before; but coming from the Ship, we were coming up by Water by the Tower, I don't know how it was, I fpake it to the Wa- terman, This Place is not well fortified, and if you have any Occafion that should happen, this Place lies in more Peril and Jeopardy than any Place of the Tower, and fo it does. It is an eafy Matter for any
any to give their Sentiments, whether they be accepted of or no. This is the very Thing I said, and then they were talking of a French War, and the like. Then I said, you silly Fools, if they should take it, it is but going over a t'other Side, and throwing half a dozen Bomboes to them, and set them out again. But, however, Mate Lee, if he remember, I told him the same Thing at that same Time; and I told Mr. Leigh, it was a Pity, a thousand times, that Place was not better fortified. But as to what Mr. Leigh says, to have two hundred Men in a poor Pink, I have refuted several in that very Ship, because I could not flow an hundred Men, Women and Children, and that I should pres two hundred Men in that Ship, that will not hold. And besides, it is a Pink, let any one look upon her, and fee whether that Ship be fit or no to take in two hundred Men. But whereas they say I had Arms, and such Things, I bought the Ship and Arms together, I had four Blunderbusses, two Javelins, and Half-pikes, that is all.

L. C. J. You forget to anwer several things; you had Discourse about a Bank of Money.

Capt. Blegge. A Bank of Money, my Lord, I never disconse'd of. And as to the Ball that the Man speaks of, my Lord, I know no more what it means to this very Day, than one that never saw a Ball.

L. C. J. Look you, Sir, you were with Mr. Leigh, this Mr. Leigh has twen twen, he says, you told him, that you would undertake to get two hundred Men, and you had bought fourteen Pieces of Ordinance already, and that you would within a Fortnight's Time, do you remember, bring your Ship to Southampton, and be ready to beat down that Part of the Tower.

Capt. Blegge. My Lord, I have told you already, the Ship was not mine to bring till this Day three Weeks.

L. C. J. That was within Compaits, for they tell you this Discourse was about a Month ago.

Capt. Blegge. It was in May, my Lord, they talk of.

L. C. J. No, they speak of about a Month ago, you were to have them in a Fortnight's Time. What says the first Leigh, what Time does he speak of?

Mr. Leigh. If it please your Lordship, he said, his Ship would be ready in a Fortnight's Time, or therewithous.

L. C. J. How long was that ago?

Mr. Leigh. About a Month or five Weeks.

L. C. J. To what Purpose did you meet Mr. Goodenough to oftens, to discourse about this Matter of the Tower?

Capt. Blegge. My Lord, I never met with him at all, but when I came to Mr. Raue about this Buesnes of the two hundred Pounds.

L. C. J. Mr. Leigh. What say you concerning his Inquiry for Money?

Mr. Leigh. If it please your Lordship, Mr. Goodenough and the Captain met at the King's-head Tavern, they met several times apart, out of Company, and discours'd of the Buesnes apart. Mr. Goodenough asked me for the Captain many times; I told him what the Captain said to me. Mr. Goodenough took the Captain out, and discours'd with him about this Affair. Mr. Goodenough hath told me several times, the Captain would be very serviceable. The Captain asked, what Money there was; I told him about 40,000l. and he said, that would be quickely gone. I inquired of Mr. Goodenough again, and Mr. Goodenough told me, there was more Money in Holland.

L. C. J. What Money was he to have?

Mr. Leigh. Two hundred Men — The Captain says, I named him before the King and Council to be at a Meeting at the Green-Dragon Tavern. It is true, I did acquaint the King and Council, that Mr. Raue had Buesnes at the Green-Dragon Tavern. But this was at the Time of my abfending, I could not tell where to meet him again.

L. C. J. What Guns did he say he had provided?

Mr. Leigh. If it please your Lordship, he said, he had fourteen Guns in the Ship, and would make them up twenty-four; He would undertake in twenty Shot, to dismout them Guns.

L. C. J. Where was this Discourse you had with him about this two hundred Pound?

Mr. Leigh. If it please your Lordship, it was at several times, one was with Mr. Goodenough at the King's-head at the Corner of Conventry Lane.

L. C. J. Look you, Sir, by the Oath you have taken, did he undertake to give us Men, and to affit with his Ship in taking the Tower?

Mr. Leigh. If it please your Lordship, he told me, he would do so. He told me, he would have forty-two Guns.

Jury. Did the Captian tell you so?

Mr. Leigh. Captain Blegge that is here.

Capt. Blegge. My Lord, in reference to the two hundred Men, this is the Thing that I would anwer, I could not flow one hundred Men, Women and Children.

L. C. J. Two hundred Men, he says, for this Service.

Capt. Blegge. Yes, my Lord, I mean fo. Who can you have to fay fo befides yourself?

Mr. Leigh. If it please your Lordship, this Discourse was only with Mr. Raue, Mr. Goodenough, Capt. Blegge and I.

Capt. Blegge. My Lord, Mr. Leigh said before the King and Council, that he was never along with me but once, and of what I said then, he could only tell he was there when I went to look Mr. Raue. How can there two Expreffions go together.

Mr. Leigh. My Lord, as to that before the King and Council, I did fay, I was not apar with Captain Blegge and Mr. Goodenough, at the King's-head Tavern, but Captain Blegge and Mr. Goodenough were there severall times, and they were apart by themselves; and that I had Discourse with Captain Blegge and Mr. Goodenough, and came with them once to the King's-head Tavern.

L. C. J. What did Captain Blegge tell you of what Discourse he had with Mr. Goodenough?

Mr. Leigh. Captain Blegge did tell me, that we must have a great Care, or else we should be all ruined, and that his Ship should be ready, and always encouaged me. And, says he, when I have done the Buesnes, I have been a Captain afohere in another Country; I have been in Commination in another Country afohere, and can tell how to manage Men afohere as well as oor.

Another Thing was, after all this, some time, when I understood I was fwarn against, I was in deed, the Captain fays right, to have gone with him a Puffenger, and was with him severall times, I gave
I gave him a Report how the Tower might be taken by Ladders and Granadoes, and he told me, that Nethrop's Brother came to see him, and did inform me, that neither Mr. Guadenough nor his Brother was taken, and that the Duke of Monmouth was in the Country, and quickly would come.

**L.C.J.** Who told you this?
Mr. Leigh, Captain Blague.
Mr. Serg. Jefferies. This is a pretty Matter to
smirk at, Captain.
Capt. Blague. I will assure you, Sir, there is no Truth in it.
Mr. Serg. Jefferies. Would you smile the Wit-
nefies out of their Oaths?
**L.C.J.** Look you, Mr. Lee, What say you to
this? In your Judgment and your Thoughts, was the Discourse concerning taking the Tower in a jellying way?
**M. Lee.** No, an't shall please your Lordship, I was in earnest in discoursing of it; my Way was, as I told your Lordship before, Scaling-ladders and Hand-granadoes.
**L.C.J.** Had you any Talk before of surprizing the Tower?
**M. Lee.** No, my Lord, by nobody but Mr. Rowe and Leigh.

**L.C.J.** What had they spoken to you concerning surprizing the Tower?
**M. Lee.** Mr. Rowe spoke to me of getting some Seamen, that might be fit to make Ma-
flers of Ships; and I asked him, what he would do with those Seamen to make Commanders of Ships? He said, to put them aboard the King's Men of War, and make Guard-ships of them: I said, what can you do with them to make Guard-
ships, when there is neither Powder, Shot, nor Ammunition? But, said I, if you can take the Tower, you may do well enough: So that our Discourse was about taking the Tower.

**L.C.J.** Was Captain Blague with you then?
**M. Lee.** What Discourse we had about take-
ing the Tower was, between ourselves.

**L.C.J.** How came you to discourse concerning this?
**M. Lee.** This was our common Discourse. I suppos'd the Inflagration might be by Mr. Rowe; I was acquainted with Mr. Rowe, by going with Captain Blague; this was my first Discourse with Mr. Rowe and Mr. Lee together.

**L.C.J.** Who was with you when you discours'd it at first?
**M. Lee.** There was only Mr. Rowe and Mr. Leigh; I can be positive that Captain Blague was not: But this Captain Blague did say, when I gave my Way of taking the Tower by Scaling-ladders, and Hand-granadoes, No, says Captain Blague, it is a better Way to have Mortar-pieces over the Water, and shoot into the Tower.

Mr. Serg. Jefferies. Hark you, Friend, did Leigh or Rowe tell you, that Blague was made privy to it?
**M. Lee.** I underLOOD nothing of it, but what we discours'd together; for I was acquainted with none of the Cabal, but Mr. Rowe and Mr. Leigh.

**L.C.J.** What did you discourse about?
**M. Lee.** About taking the Tower. I won't mince it, I am upon my Oath.

**L.C.J.** Therefore we would have the Truth out of you.
**M. Lee.** I did gather from Mr. Rowe and Mr. Leigh, that the Intention was to take the Tower.

**L.C.J.** Give some Account how you and
Blague came to discours of such a thing as this is,
and in order to what Design.

**M. Lee.** The Design was to take the Tower.

**L.C.J.** Did Blague and you discourse it to this
Purpose?

**M. Lee.** Captain Blague and I did discourse it to that Purpose of taking the Tower.

Mr. Sel. Gen. Did you discourse of it as a thing that might be done, or that was intended to be done?

**M. Lee.** We did discourse of it as a thing that might be done, or was intended to be done.

**L.C.J.** Now, Captain Blague, if you have any thing to ask him, you may.

Capt. Blague. Ask him, whether there were any Projections or Provisions made for the taking it; and whether or no there was any Resolution taken, that the Tower should be taken.

**M. Lee.** An't shall please your Lordship, the King's Majesty asked me, when I said what Captain Blague said, about taking the Tower with Mortar-pieces; If it please your Majesty, said I, I don't know whether there was any such thing discours'd, that I did not hear.

**L.C.J.** Well, was there any thing provided or designed in order to it?

**M. Lee.** An't please your Lordship, there was nothing of Men or Guns provided, that I did know or hear of.

Mr. Serg. Jefferies. How many times did you talk with Captain Blague about this?

**M. Lee.** Several times.

**L.C.J.** Had you any Order from any other Perfon for to discourse Captain Blague in order to this?

**M. Lee.** No, an't shall please your Lordship, to the best of my Knowledge I had no Order; for they were commonly together, Captain Blague, Mr. Rowe, and Mr. Leigh, and I came to them when I had Business with Captain Blague.

**L.C.J.** Did you ever discourse this thing with Captain Blague before them?

**M. Lee.** I cannot be positive in that.

Mr. Sel. Gen. Did those other Persons, that you said you discours'd with, engage you?

**M. Lee.** Mr. Rowe, and Mr. Leigh, and I went out to view the Tower, how it might be taken.

Mr. Sel. Gen. Did they engage you?

**M. Lee.** Yes, they did engage me.

Jury. My Lord, we desire to have the Wit-
nesses asked, Whether the Captain knew he went to view the Tower.

**L.C.J.** Had he any Intimation you went to view the Tower?

**M. Lee.** My Lord, I cannot be positive in that: Some time after we met the Captain, and did tell the Captain, we had view'd the Tower; but I don't remember what Observations we made.

Mr. Serg. Jefferies. Nor what he said to you?
**M. Lee.** No, nor what he said to me upon it.

**L.C.J.** Look you, Mr. Lee, M. Lee, the Captain told you of the Ball that was to be thrown upon Blackheath: How long ago was it?

**M. Lee.** An't please your Lordship, I cannot be positive, it was five or fix Weeks ago, I think it was the last time I rid along with him to the King's-head Tavern. I went to Chomney-Lane, and you gave me Coach-hire for nothing, and then you spoke of tossing up the Ball.

**L.C.J.** What was it he said?

M. Lee.
Mate Lee. This was all, I did not know his Meaning, neither did he express his Meaning. He was laying, to the belf of my Remembrance, We shall see a Ball to-day up. I don't remember he said upon Blackbeard: the Confirmation of it was by Mr. Ronfe and Mr. Leigh; then I came to understand what the Ball did mean.

Sir James Butler. With his Lordship's Leave, Did you speak first to the Captain about the Tower, or did he speak to you? Was it your Motion to him, or his to you?

Mate Lee. I don't know but it might be my Motion to him.

Sir James Butler. Then, my Lord, give me Leave to ask another. How were these Mortar-pieces to be brought up, to be planted on Southern Side, to play upon the Wall of the Tower?

Mr. Serg. Jeffries. That was 't other Man, Sir James.

L. C. J. Is there any thing more that you would have asked of any of these Winesses? or have you any Winesses of your own?

Capt. Blaige. My Lord, the Winesses that I have, in reference to the Number of Men, are here. I desire, my Lord, you will be pleased to order them in to come, to know upon what Account I shifted them.

L. C. J. My Lord, pray us ask t'other Leigh one Quilion.

L. C. J. The first Leigh. 'Jury. We desire to know, whether he heard any thing of the Ball, or toasting it?

L. C. J. He hath told you a long Story of it.

Mr. Leigh. The Story of Blackbeard I acquainted you with it, about Mr. Ronfe. There was a golden Ball to be play'd upon Blackbeard, a thousand Sea-men to be at the playing of this Ball, ten Sea Captains to manage these thousand Sea-men, and after the Play was over, every Captain to take his Division apart, and treat them with Punch, and after that was done, to tell them they had other Work to do, and to have Long-boats and Arms ready, to go and seize the Tower.

'Jury. Did Captain Blaige acquaint you with this?

Mr. Leigh. Mr. Ronfe told me, Captain Blaige was acquainted with it: I never discoursed with Captain Blaige about it. Captain Blaige told me, the best way was to let a Ship on 't other Side, and shoot Mortar-pieces into the Tower.

L. C. J. What would you have Mr. Wright asked?

Capt. Blaige. My Lord, please to ask him upon what Account he was shifted.

L. C. J. Was you shifted upon the Captain's Ship, and upon what Account?

Mr. Wright. At's half pleased your Honour, I was shifted upon him almost four Months and three Weeks ago.

L. C. J. Upon what Account?

Mr. Wright. I was shifted upon him upon the Account of New York, England and Holland.

L. C. J. Well, what Ule do you make of this Evidence?

Capt. Blaige. Only, my Lord, if you please to ask the rest, whether I have shifted any more Men, or spoke with any more than these are.

Mr. Wright. As like your Honour, I have waited upon the Captain ever since. I have been shifted: I have waited upon him in London, at the Coffee-house, about Bifnife: Since I have belonged to him, I was in Pay, altho' we had not a Ship in Possession: Sometimes at the Mayor's Court Office, Mr. Briggs, sometimes with Mr. Ronfe, who had something to do for Captain Blaige. I keep at the Coffee-house commonly every Day from eight or nine a Clock in the Morning, Suffi- cient Persons know me in London. I have kept at the Coffee-house from nine or ten a Clock in the Morning till four or five in the Afternoon, and so I have satisfied him about what People have inquired after him.

Capt. Blaige. Call Robert Chappel.

L. C. J. Captain Blaige, What would you have him asked?

Capt. Blaige. Carpenter, declare to my Lord how long you have been with me, and upon what Account I shifted you?

Chappel. Four Months and an half.

L. C. J. What besides?

Chappel. We were to go to New York. I have been shifted four Months and an half to go to New York. We came to the Coffee-house in Birchin-Lane.

L. C. J. Well.

Chappel. We have had the Ship a Month in our Hands next Monday.

L. C. J. Is the fitted?

Chappel. No, she is not fitted.

L. C. J. Was she in a Condition to have done any Service upon the Water?

Capt. Blaige. Carpenter, do you hear what my Lord says?

Chappel. The Ship is a small Vesel, about an hundred and fifty Tuns, between that and an hundred.

Capt. Blaige. My Lord asks you, if the be in a Condition to do Service.

L. C. J. Was she capable to do any Service upon the Water?

Chappel. No Service at all upon the Water she could do three Weeks ago.

Mr. Serg. Jeffries. A Ship of one hundred and fifty or two hundred Tuns, would hold a great many People; she was to lie still, that was the Mitchell.

Chappel. We haled her down to the Carpen- ter's Yard; she is now in a Condition to work.

L. C. J. Have you any more Men?

Capt. Blaige. Doctor, upon what Account were you shifted?

Bellinger. For New York, England and Holland.

Capt. Blaige. When were you shifted?

Bellinger. Seven Weeks ago.

L. C. J. When were you to begin your Voyage?

Bellinger. I belonged to the Captain before he had a Ship.

L. C. J. But when did you reckon to begin your Voyage?

Bellinger. That I cannot tell.

Capt. Blaige. My Bill upon the Exchanger doth specify it, Sir.

'Jury. Pray, my Lord, will you ask if he have any Guns aboard, and how many?

L. C. J. What say you? What Guns are there about the Ship?

Bellinger. Fourteen, Sir, and four wooden ones.

L. C. J. What are they?

Bellinger. Six above Deck, four in the Hold.

'Jury. They are Saker Guns.

L. C. J. Saker?

Capt. Blaige. Yes, Sir ——— Richard Clarke, What Voyage had we?

Clarke.