

July; and he further says, that he being a Waterman, he carried this same *Williams* and *March* in his Boat the last Sunday in *April*.

L. C. J. North. Who is your next, Mr. *Langborn*? let him stand up. (*Which he did.*) When did you see Mr. *Oates* at St. Omers?

Sixteenth Witness. In the Month of *April*, 1678.

L. C. J. And in *May* too was he?

Sixteenth Witness. Yes he was.

L. C. J. Was Mr. *Poole* there all that time?

Sixteenth Witness. Yes, he was; and so was Mr. *Nevil* and Mr. *Brett*.

L. C. J. Where is *Nevil* now?

Sixteenth Witness. I believe I left him there.

L. C. J. What are these Persons?

Sixteenth Witness. The one is a Prefect, and I believe he is there still. In the Month of *May* I made Mr. *Killinbeck* a Suit of Clothes, and Mr. *Oates* came into the Shop, and asked me whose Clothes they were? I said Mr. *Killinbeck's*: said he, how can that be? they are black: said I, they must be black, for he is in Mourning.

Langhorn. Here is Mr. *Grove's* Wife and his Maid.

Then Mrs. Grove stood up.

L. C. J. What Question would you ask of her?

Langhorn. Mr. *Oates* hath sworn, and given us several Circumstances of his coming over, and being here at that which he calls the Consult, and that he lay at Mr. *Grove's* three or four Nights; I desire she may be asked that Question, whether he did so or no?

L. C. J. Do you know Mr. *Oates*, Mrs. *Grove*?

Grove. No, I never saw him.

L. C. J. Were there any Lodgers lay at your House in *April* was Twelvemonth.

Grove. Yes, my Lord, there were.

L. C. J. Do you use to have Lodgers that you do not know?

Grove. My House was full of Lodgers at that time. I did not know them till they lay there.

Sir Cr. Levinz. Why then, Mr. *Oates* might be there, and you not know him.

Grove. If he lay there, I must needs know him,

L. C. J. Why might not a Man lie with any of your Lodgers three or four Nights, and you not know him?

Grove. Who should he lie withal, my Lord?

Oates. I had a Bed to my self when I lay there.

L. C. J. Mr. *Oates*, describe the Chamber as well as you can.

Oates. It was a Place taken out of another Room, where two Men were taken out that were committed to Prison.

L. C. J. Were there any Persons taken out of your House, and sent to Prison?

Grove. Yes, my Lord, there were.

L. C. J. In that very Room he lay out of which those Persons were taken.

Grove. He did not.

Oates. Upon my Oath I did lie there three or four Nights, more or less.

Sir Cr. Levinz. You were in a Disguise, Sir, at that time, were you not, and went by another Name, and so the Woman might not know you?

Oates. Yes, I did so.

L. C. J. You cannot make any great matter of this; she had some Lodgers, and she knew them, but he went by a wrong Name, and was in a Disguise.

Langhorn. Mrs. *Grove* says, she knew all the Lodgers that then lay there; pray ask her if she did not?

L. C. J. Do you remember who lodged in your House in *April* was a Twelvemonth.

Grove. Yes, I do.

L. C. J. Name them:

Grove. Why, there was one Pair of Stairs, one Mr. *Strange* by Name, and one Mrs. *Fitzberbert*, and above there lay my Sister.

L. C. J. What, all the Months of *May* and *April*?

Grove. Yes.

L. C. J. And not in *June*?

Grove. I am not demanded of *June*.

L. C. J. She answers exactly to them two Months, what say you to *March*?

Grove. They were there in *March*.

L. C. J. Who lay in the Room from whence the Men were taken that were carried to Prison?

Grove. There was one Master *Crupper*, and another Youngman that lay with him.

L. C. J. Why might not that be Mr. *Oates*?

Grove. He was one that was a Prisoner by Mr. *Oates's* Order. And Mrs. *Fitzberbert* lay there.

L. C. J. What, in that Room whence the Youngmen were taken out in *April* or *May*?

Grove. Yes, my Lord.

L. C. J. Well, what say you to the other Months, *March*, and *June* and *July*?

Grove. I was not to be examined further than the two Months I spoke of before.

L. C. J. Look you, she says, that for *April* and *May* two Gentlemen had the Lodging that Mr. *Oates* says he lay in; but for any other Time she was not to be examined. Well, have you any more Witnesses?

Langhorn. Here is Mrs. *Grove's* Maid. [*Who stood up.*]

L. C. J. Maid, Can you tell who lay in *Grove's* House, in *April* and *May* was Twelvemonth?

Maid. Yes, my Lord, I can.

L. C. J. Who were they?

Maid. There was my Mistress's Brother and Sister lay there.

Mr. Just. Pemberton. Do you know them all? What Men lay there?

Maid. None but Master *Strange*, my Lord.

L. C. J. Mistress *Grove* said, that her House was full.

Maid. Indeed, my Lord, there was her Brother, Mr. *Tork*, and his Wife.

L. C. J. But who is that *Fitzberbert*?

Maid. She is a Gentlewoman.

L. C. J. Who lay there in *March*? and who lay there in *July*?

Maid. Master *Strange* and Mrs. *Fitzberbert*.

L. C. J. How long did they lie there?

Maid. In *April*, *May*, *June*, *July* and *August*.

L. C. J. She says they lay there in *March*, *April*, *May*, *June*, *July* and *August*, and her Mistress said, they were there but a Quarter of a Year, only she said she was to be examined no further.

Langhorn. My Lord, I desire to prove a Copy of the Record in the Lords House.

L. C. J. That is not to be given in Evidence here.

Mr. Recorder. You know how far such a Thing will be Evidence, manage your own Evidence well.

Langborn. It is an Extract out of the Journal of the House of Lords.

L. C. J. What Particular do you pitch upon?

Langborn. About those Persons who, he says, came over with him from *St. Omers*.

L. C. J. North. Do you think it reasonable, that any Man should come to answer now, all that ever he hath sworn in his Life? If you can shew any Record to contradict what he hath sworn here, shew it. Do you think he can come prepared to justify all he hath sworn in any other place?

Langborn. He referred to that himself.

L. C. J. No, he does not.

Langborn. But he hath said over and over, that *Sir John Warner* came over with him, *Sir Thomas Preston*, and *Poole*.

L. C. J. What should you urge that Book for? Can you make any other Proof?

Langborn. I would have the Persons called that took the Narrative of *Ireland's* Trial.

L. C. J. If you have any more Witnesses, call them.

Langborn. Won't your Lordship allow me to prove by Witnesses, what he affirmed, in relation to me, at another Trial?

L. C. J. By no means, you must not meddle with that.

Langborn. Pray, my Lord, why not? I will prove the Words spoken by a Witness.

L. C. J. North. You must not; that is no Evidence against you, nor can it be an Evidence for you.

Langborn. Then you take off the Defence that I have, and make it as if I had never any.

Mr. Just. Atkins. That is not Evidence in a civil Cause, and therefore must not be Evidence here.

Then came in my Lord of Castlemain.

L. C. J. What do you come for, Sir? What is your Name?

E. Castlemain. My Name is *Castlemain*.

L. C. J. Are you my Lord of *Castlemain*?

E. Castlemain. Yes, my Lord, I am.

L. C. J. Does your Lordship come as a Witness for *Mr. Langborn*? *Mr. Langborn*, do you call my Lord of *Castlemain*?

Langborn. My Lord, I don't know what he comes for, whether he comes as a Witness for me, or not; perhaps he may.

E. Castlemain. My Lord, I come to wait upon your Lordship and the Court, to give you an Account, that some of the Witnesses that were summoned here for the Prisoners, are so beaten and abused without, that they dare not come to give their Evidence, for fear of being killed.

L. C. J. That is a Thing that is not to be suffered; let us but see any Person that dares but offer to meddle with them, and I'll assure you we will take care to see them punished, according as they do deserve.

L. C. J. North. 'Tis a very unjustifiable Thing, a Thing that we will very severely punish, if they be hindred of free Ingress and Regress.

Mr. Just. Atkins. Indeed it is a very horrid Thing that they should be so abused; they ought to have their Liberty of coming and giving their Evidence here, without any Molestation.

E. Castlemain. I can assure your Lordship, that one of them was so beaten and bruised, that we can't tell but it may cost him his Life.

L. C. J. Nay, we must look to such a Thing as that; for it is by no means to be allowed of. If your Lordship will but tell us who they are; let us but know them, and we will take care for the Punishment of them; for we will shew our selves just and fair, and give them all the fair Play that can be.

Mr. Just. Pemberton. *Mr. Langborn*, have you any more Witnesses?

Langborn. Call the Woman that kept the *White-Horse* Tavern. [*Who stood up*]

L. C. J. To what Purpose do you call this Woman?

Langborn. I desire, my Lord, to ask one Question of *Mr. Oates*, touching the Consult at the *White-Horse* Tavern in the *Strand*; How many Persons met there?

Oates. Before that Question be asked, I pray your Lordship would ask her, When she came to the *White-Horse* Tavern, to keep it.

Witness. I don't keep it now.

L. C. J. When did you keep it?

Witness. I kept it in *June*, and I left it the beginning of *July*.

Oates. She does not come to the Time.

L. C. J. Did you keep it all the Year before that?

Witness. I kept it Seven Years before, till *July* last.

Langborn. I would know of him, how many might be there at that Time.

L. C. J. What Number of Persons do you say met at that Consult?

Oates. That Question, if it please your Lordship, hath no Reference to this Trial, neither is it at all material; but because I have given the Prisoners so much Freedom, they impose upon me with Questions.

L. C. J. 'Tis a Question they can't expect a precise Answer to from you; but yet I would have you give them as satisfactory an Answer as you can, what Number there might be there at a Time.

Oates. My Lord, I think there might be at the *White-Horse* Tavern, at a Time, about Eighteen or Twenty.

L. C. J. Were they in one Room, or in several Rooms?

Oates. They were in two or three Rooms.

Witness. Is this *Mr. Oates*, my Lord?

L. C. J. Yes, that he is.

Witness. I never saw him in my House in my Life.

L. C. J. Was there no body never in your Tavern, but who you knew? What! can you tell all the People that were ever in your Tavern?

Witness. The most of my Company were People that I knew.

L. C. J. What is your Company?

Witness. Those that frequented my House.

L. C. J. Can you say who was in your House, *April 24, 1678*?

Witness. No, my Lord, I will not undertake that, but I will give you as true an Account as I can.

Langborn. I'll tell you why I ask this Question. *Mr. Oates* did say, in his Depositions before the Lords, there met fifty.

L. C. J. At several Times in the Day.

Langhorn. But this must all be in the Morning.

L. C. J. Why so? suppose there met, of that Company, Twenty, in the Morning, and then some went away, and others came in their room, and so they did for divers Times in the Day, is not this properly said of me, that there might be about Fifty at that Consult?

Langhorn. He saith, in *Coleman's* Trial, there met Fifty, upon the 24th of *April*, and afterwards they adjourned into lesser Colloquies.

Oates. I say, they met there the 24th Day, but the Consult was not dissolved till the 26th Day at Night.

L. C. J. North. You must go only upon what is sworn now. And we ask the Question, upon your Proposal, How many were there at a time? and he says about Eighteen or Twenty at a Time. Now if he proves there were Eighteen at one Time, Twenty at another Time, and Ten at another, that makes about Fifty.

L. C. J. Good Woman, is your House a little House?

Witness. 'Tis a small inconsiderable House, there is not a Room in it that will hold above a dozen, I never remembred so great a Company was in my House at one Time, but once, in all my Seven Years, and that was a Jury of the Parish, and they could not be together, but were divided into three Rooms.

Then there stood up a Stranger; who was sworn.

L. C. J. Well, Sir, do you know the *White-Horse* Tavern in the *Strand*?

First Witness. Yes, my Lord, I do, very well.

L. C. J. Do you know the biggest Room in the House?

First Witness. Yes, I do, my Lord.

L. C. J. How many may Dine there?

First Witness. It may be Twenty People. I have seen a Dozen, or Sixteen there often.

L. C. J. Did you know the Tavern a Year ago?

First Witness. Yes, my Lord, this was a Year ago.

Then a Second Witness stood up in the Court, and said, That Twenty-five, or Thirty might Dine in one Room that was backward, and another that was forward. And a Third attested, That he was at a Wedding, and there did Dine above Twenty, in one Room next the Street.

Mr. Recorder. If she make a Jury to be in three Rooms, that is but four in a Room.

Mr. Just. Pemberton. Those Juries are Sixteen, generally, or more.

Langhorn. My Lord, I don't know this Tavern my self; but I thought it very considerable, if they had not a Room that would hold such a Number as he spoke of, Fifty.

L. C. J. But you see how unfortunately it happens. The matter had not been much, if it had been proved; but it is very unlucky, that these Persons should be here in Court, by whom the other is contradicted. It had been better it were never meddled with. That she should be so peremptory, in what Standers-by know to be false, makes this Contradiction in one Thing to give a Suspicion that all your Witnesses may be false in all the rest.

Sir Cr. Lewins. Here is a Gentleman of good

Quality, that saith, there have been Fifty in a Room.

Langhorn. My Lord, I hope neither the Court nor the Jury will reflect upon me for this.

L. C. J. No, it can't do that; but it reflects upon your Evidence, especially this Woman.

Langhorn. I have been a Prisoner so long, and I know nothing but what Friends and Relations inform me.

L. C. J. The Thing was reasonably offered, but it proves so unfortunate it will not hold. Have you any more Witnesses to call?

Langhorn. Yes, my Lord.

L. C. J. I pray call them.

Langhorn. My Lord, I desire I may examine them after the King's Counsel have done.

Mr. Just. Pemberton. You may say what you will for your Defence, but you must examine no new Witnesses then, *Mr. Langhorn.*

Langhorn. I must ask this Gentleman a Question or two, if the Court think fit.

L. C. J. Propose them to the Court; what is it you would have?

Langhorn. My Lord, it is in relation to a matter that happen'd at *Ireland's* Trial, I know not whether it be proper, but the Question I would ask is, Whether *Ireland* were here in *August*, or no?

L. C. J. He hath given you no Occasion to ask this Question at this Trial: And is there any Reason that we should examine him to such a Thing? Do you think it reasonable, or according to Law, that *Mr. Oates* should be examined, in your Trial, concerning what he then said, or *Ireland's* being here in *August*, or not being here, when 'tis no part of his Accusation that he brings against you? Can he be imagined to be prepared for such a Justification, since he does not at all give any Evidence of it here?

L. C. J. North. Since he gave not any Occasion or Use for such a Proof now at this Time, 'tis not fit he should be examined about it: Indeed Yesterday he gave it in Evidence, because it concerned a Circumstance of Time that related to the Prisoners then to be tried.

L. C. J. 'Tis true, as my Lord says, that it was Yesterday proper, because he gave Evidence that *Fenwick* and *Ireland* were here in *August* together. Now that did some way concern him, but you have no Concern at all in it.

Mr. Just. Pemberton. That brought it in at that Time, but this is a foreign Matter, it cannot be here.

L. C. J. Have you any more Witnesses, *Master Langhorn*?

Langhorn. My Lord, *Mr. Oates* hath affirmed, when I asked him touching his receiving a Reward, he said, he had his Reward, for he had been out of Purse Six or Seven Hundred Pounds; and it is my Desire to examine a couple of Witnesses touching the Probability of that; for he was so very poor, before this happened, that it is impossible, without a Purse being made for him, to lay out Six or Seven Hundred Pounds.

L. C. J. Look you, here is the Thing, he gives you an Answer, to which he was not in the least bound, nor is it to be charged by you; he says he is out Seven Hundred Pounds, but that is not any Evidence, nor is the Jury to take notice of it, nor is it to affect him. And would you have him give us an Account how he came by that Money?

Langhorn.

Langborn. My Lord, I'll tell you how far it concerns me; the proving of his Indigency before this Thing happened, will concern me thus far—

L. C. J. If you should prove this Man in an indigent Condition, what is that to the present Purpose? it goes to no part of the Evidence.

Langborn. My Lord, I ask the Question for this Reason, for certainly if he were so very indigent, it cannot be imagined in probability that any Man would trust him with such a great Sum, unless it were to give this Evidence.

L. C. J. If you have any more Witnessess, call them, and make an end of them; if not, then you may observe what you will to the Court and Jury, after the King's Counsel hath done.

Mr. Just. Pemberton. But all your Witnessess you must call now.

Langborn. Doth your Lordship debar me from using this Copy of the Record of the House of Lords?

L. C. J. To what purpose would you have it read?

Langborn. Because *Bedlow* therein says, that he had no Person more to charge, either in the House or out of the House, than what he then charged.

L. C. J. What then?

Langborn. I was not one of those Persons, then he knew nothing against me.

L. C. J. 'Tis but a Memorial taken by a Clerk, and do you think that his Omission shall be conclusive to us?

Langborn. 'Tis the Journal of the Lords House, my Lord.

L. C. J. North. But can you think that can be used as Evidence here? If you had an Affidavit signed by the Party, and had Witnessess to prove that he did make such an Oath, you say something.

Mr. Just. Pemberton. You can't read that against his Testimony, you understand that, being a Lawyer. If you have any Witnessess, call them, but you pick out collateral Matters, and spend our Time to no purpose.

L. C. J. Really, if it were a Thing conducing to the Point, I would very much stretch; but it being such a kind of thing as this is, he says he had nothing to say against any Body else, and I was not named then: What is this to the Fact you are charged with?

Mr. Just. Pemberton. Why, it may be, he did not remember it then, will you conclude him, that he should never remember it, or speak of it?

L. C. J. You see that now at these Trials, he says sometimes, this is all I can remember at present, but by and by he recollects himself; would you hinder him from saying then what he remembers?

L. C. J. North. Besides, upon an Affidavit, or an Answer in Chancery, we never allow it, unless we have the Party to prove that he took the Oath.

Langborn. I desire to know of Mr. Oates, whether he did distribute any of these Commissions, and to whom? for he hath said I did.

Oates. That which I say, is this, those Commissions that I named, they were distributed, but the Persons I do not know; I know the Commissions were for those five Persons, and in July or August he did say he had distributed them, but he said not to whom, only one, indeed, he sent

by his Son, to the eldest Son of my Lord *Arundel* of *Wardour*, to be Commissary General; and he came back, and said, it was delivered.

Langborn. You do not speak of any other?

Oates. I do not recollect that I know of any other.

Langborn. I ask for this Reason, because, in the Lords House, he hath charged me, that I sent my Lord *Arundel's* Commission, and that I sent it by my Son, and that he saw a Letter in my Chamber, of the receipt of it.

Oates. My Lord, there is some part of the Evidence, that does reflect upon the Lords, which I charge not upon Mr. *Langborn*, because I would not discover my Evidence against the Lords. He goes now to expatiate upon the Informations, but I hope the Court will excuse me, because I reserve it for another Trial.

Langborn. I desire Mr. *Lydcot* may be asked, whether he did not hear Master *Oates*, at a former Trial, say, (for so I find it in the Narrative) (it was at *Coleman's* Trial) that he came to me the next Day after the Consult, and communicated it to me, and that he never saw me afterwards.

L. C. J. Do you know any Testimony, Master *Oates* gave concerning Master *Langborn*?

Langborn. You are not the Person that took the Trial, are you?

Lydcot. I know nothing of the Business, at all. I was at the Trial, but I cannot particularly speak what was said there.

Langborn. The Persons that took the Trial were summoned to be here. Call Mrs. *Sylliard*. (But she appeared not.) Call Mr. *Blayney*.

L. C. J. Here is Mr. *Blayney*, what would you ask him?

Langborn. I would know of him, what Mr. *Oates* hath testified concerning me?

L. C. J. Do you know what Mr. *Oates* said concerning Mr. *Langborn*?

Blayney. When, my Lord?

L. C. J. Nay, I can't tell.

Langborn. At *Coleman's* Trial, Sir.

Blayney. My Lord, I was present at *Coleman's* Trial, and I remember Mr. *Oates* did say something about Mr. *Langborn*, but I have not my Book here, I can't tell what it was.

Langborn. Here is the Book, Sir, here is the Narrative.

Blayney. That was not printed by my Copy, Sir.

Langborn. Who were they that did take it?

Blayney. Of my own Knowledge I don't know whose Copy it was, but by hearsay.

L. C. J. It was taken as well as it could be taken, but you must not urge that which is but an Historical Narrative against him.

Mr. Just. Pemberton. Mr. *Langborn*, do you think to convict a Man by an History? To say a Man is forsworn because he does not swear as that History says he did swear?

L. C. J. We will do you all the Right, and give you all the fair Play we can; but we are of Opinion that it signifies nothing, that you can make no use of it.

Langborn. If I can have no Light, how can I imagine what they will charge me with?

L. C. J. Have you in any other Case observed it? If a Man be indicted of Felony or Treason, any Capital Crime, he is clap'd up, and is not permitted to have a Copy of the Indictment, nor he cannot by Law.

Langborn.

Langhorn. They know something of what they are accused for, they are confronted before a Justice of Peace.

Mr. Just. *Pemberton.* Why, I'll suppose you had been examined, do you think your Examination would have been Evidence for you here?

Then one Elizabeth Sylliard was called, but affirming, That she durst not speak unless the Court would promise her Protection against the Rabble, because some of the Witnesses had been abused; which the Court not being able to do, otherwise than by promising to punish those that offered to meddle with her, if she brought them before them, she was, by Mr. Langhorn's consent, set aside, and not examined.

Langhorn. She comes in relation to a Point that happened at *Reading's* Trial, where Mr. *Bedlow* did depose, That he did not say all he could have said against Mr. *Whitebread* and Mr. *Fenwick*, but that he did know more against them than he gave in Evidence at their first Trial.

Mr. Just. *Pemberton.* What is that to you?

Langhorn. That I take to be a kind of Perjury in him; for they are sworn, *To speak the Truth, the whole Truth, and nothing but the Truth.*

L. C. J. Is this material in your Case what he said about *Whitebread* and *Fenwick*?

Langhorn. It makes it material to make him uncreditable.

L. C. J. Mr. *Whitebread* made that Objection, but he was answered; for he was told, That he could not tell all that he knew at that time, because he was in treaty with Mr. *Reading* about the lessening of his Evidence against them, and the Lords in the *Tower*, and the Lords were to judge what measure they should have from him, by his kindness to *Whitebread* and *Fenwick*. If you have no more, the King's Counsel will go on.

Sir Cr. *Levinz* My Lord and Gentlemen of the Jury, you have heard the Evidence that Mr. *Langhorn* hath given for the making of his Defence, which hath been principally to reflect upon Mr. *Oates*; and he first calls Mr. *Hilsley* to prove, that whereas Mr. *Oates* did swear he came over with him, he affirms he did not; but it falls out, that Mr. *Oates* hath counterproved him by such a Circumstance as does contradict him in what he says; for speaking of the loss of his Money, *Hilsley* said somebody else had told him of it; but producing his Witness for that, he only affirms, that Mr. *Oates*, in his Company was told, that Mr. *Hilsley* had lost his Money, but not how nor where; but Mr. *Oates* gives you a particular Circumstance, that he was cheated by a Person he lent his Money to, and that left him to pay the Reckoning, which Mr. *Hilsley* does confess was true, and which he could not hear from the others, for the others did never know it. Gentlemen, they have brought you a great many other Witnesses to prove, that Mr. *Oates* was not in *England* on the 24th of *April*, the time he says he was, and they all agree as to that time, tho' as to other times they are not so exact; but we shall give you as plain and as full an Evidence that he was here at that time, as that you are there now, and shall very fully satisfy you in it. For that Sir *John Warner*, and Sir *Thomas Preston*, they are Matters that were transacted

beyond Sea, to be sure they did not come over by those Names, no more did Mr. *Oates* himself; therefore it would be hard to find out these Persons, or to give you so particular an account of them that were thus in Disguises, and had changed their Names; but truly if that were a matter done in *England*, it were far more easy for us to confront their Testimony in that; for Matters that are done here lie more ready for our proof, than those that are done beyond Sea; for the last Woman that he called, which was the Woman about the *White-Horse* Tavern, her Evidence would have gone as punctually for truth, if it had been a Matter done in *Flanders*, as any thing could be in the World; but it happening to be near Home, it hath the ill fortune to meet with a very sudden Answer, which is a manifest proof how they stretch to help themselves, and in my Opinion this Contradiction overthrows all their Evidence. Gentlemen, we will call our Witnesses, and prove it as plainly as any thing can be in the World, that Mr. *Oates* was here at that time. First swear *William Walker*.

[Which was done.]

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

Walker. Yes, Sir, I have known him Seven or Eight Years.

L. C. J. When did you see him in *England* last Year?

Walker. I saw him the latter end of *March*, 1678, or towards the middle of *April* following, I saw him then in a Disguise, insomuch as that I knowing what he was, and what he had been, I could not a great while recollect the Face of the Man, and it was a great Trouble to me, that having known him so many Years, I should not then know him. I went home, but could not recollect my self that Night; but before I rose again the next Morning, I did recollect my self that it was *Titus Oates*, and I presently turned my self out of my Bed, and went to a Gentlewoman whose Name I did not then well know, to enquire of her about it. After the Salutation, said I, How does Mr. *Oates*? said she, knocking her Hand upon the Counter, He is an undone Man: Why, what is the Matter, said I? He is turned, said she, to the Church of *Rome*: Do you know where he is, said I? No, said she, but he is lurking up and down the Town, and only dares appear in the Evenings. Well then, said I, I saw him later than you did; for I saw him between *St. Martin's-Lane* and *Leicester-House* Yesterday, but he was in a Disguise: and I told her what Habit he was in.

L. C. J. What time was that?

Walker. It was about Ten of the Clock in the Morning.

L. C. J. But what time of the Year was it?

Walker. It was the latter end of *March*, or the middle of *April*.

Mr. Just. *Pemberton.* It was before the end of *April*?

Walker. Ay, ay, my Lord.

L. C. J. And that contradicts all your Witnesses; for they say, that he was there all *March*, and all *April*, and all *May*, nay from *December* to *June*.

Langhorn. He hath said, the latter end of *March*, or the middle of *April*. I would have him be as certain as he can.

L. C. J. He cannot be certain; for those things in point of time, you know, and all Mankind must

must agree, that a thing done a Year ago that was of no greater importance at that time, cannot so easily be remembered, or that he should take such special notice of the critical Day. What Man in the World does remember or take notice so as to charge himself in what Week or what Month such an accidental thing as this happened? but to satisfy Mr. Langborn I ask you, Can you speak any more particularly than you have done?

Walker. Because I would not be mistaken, or do any one any wrong, I do rather take an uncertain time than a certain, but I do think it was in the Month of *April*, and towards the middle of the Month; that is all I can say.

Langborn. But how is he sure, since he is so uncertain in his Memory, that this was 1678, and not 1677?

Walker. Because, my Lord, it was but a little more than a Year since, and I am able to judge of the Year as well as another.

L. C. J. Do you remember what you went about?

Walker. I was wont, about that time of the Year, to receive Money of my Lord *Thomas Howard*, and upon that Errand I came to Town then.

L. C. J. But are you sure it was Mr. Oates that you saw?

Walker. Yes, my Lord; for according to my apprehension I did know the Face when I first saw it, but I could not recollect who it was till I had refresh'd my Memory, and the next morning I did so, and then concluded it was he.

Mr. Just. Dolben. How came you hither?

Walker. I was brought here for a Witness.

Mr. Just. Dolben. Did you discover this to Mr. Oates, or did Mr. Oates first come to you, to put you in mind of it?

Walker. I had discoursed with some Persons about it a while after the Plot was discovered, and so I suppose it came by accident to him.

Then Mrs. Ives was sworn and stood up.

L. C. J. Well, Mistress, what say you?

Ives. This is the Gentleman that told me this Business.

L. C. J. What did he tell you?

Ives. He asked me when I saw *Titus Oates*? I told him I had not seen him a long time, that he was gone beyond Sea: he asked me, if I never saw nor heard from him since? I told him, No; but of late some of his Friends had told me, that he was about the Town, and that they had seen him, but they did not know the Place where he lodged. Then, said he, I have seen him since you; for I was Yesterday going in *Leicester-Fields*, and going along I saw him, for he was in coloured Clothes, and very much altered from what he had been.

L. C. J. When was this? How long was this ago?

Ives. It was about the middle of *April* was Twelvemonth, and I remember it by a very good Token; for his Father Mr. Oates came then to my House to see me, and that is the first Month that our new thin Cheeses come in, and I did then ask him, if he would not come in and eat some new thin Cheese; and when he was come in and sat down eating of Cheese, and drinking a Draught of Drink, I was a saying to him, Pray, Sir, when did you see your Son? Said he, I have not

seen him of late, I heard from him a little while ago, but I have not seen him: Then said I, I can tell you News of him. Here was such a Gentleman in my Shop that says he met him in *Leicester-Fields*, but in a Disguise, and he told me what Habit he was in.

Sir Cr. Levinz. Set up Butler. [*Who was sworn.*]

L. C. J. How long have you known Mr. Oates?

Butler. I have known him two or three Years before he went to Sea.

L. C. J. When did you see him last Year?

Butler. When he came back, he came to my Master's House the beginning of *May* last was Twelvemonth.

L. C. J. Who is your Master?

Butler. Sir *Richard Barker*, my Lord:

L. C. J. What did he come there for?

Butler. He came to enquire for Doctor *Tongue*.

L. C. J. Did you know him?

Butler. Yes, I did.

L. C. J. Are you sure that's he?

Butler. This is the Gentleman.

L. C. J. And what said he?

Butler. I was in the Gate about my Coach, and he comes in and asked me if Dr. *Tongue* was within. I told him, No; at present I did not know him, because he was in such a disguised Habit; I knew him very well before, because he went in such a Habit as he does now: But this is the Man, and *Titus Oates* is his Name. Said I, Mr. Oates, you are welcome into England again: But he took no notice but went forward into the House, but he made but a little Stay there, and came out again; it seems somebody had affronted him, and laugh'd at him, because he was more like a Shepherd than a Minister: His Hair was cut, and he had a gray Coat on, and plain Shoes, and a flopping Hat; and so he went out of the Gate, and would not take any notice of me, or what I said.

Langborn. How does he know it was in 1678, and not in 1677? He says it was in the Month of *May* was Twelvemonth.

Butler. I know it by this Circumstance: In *February* I went down into *Lincolnshire*, and I came up again the same Month: Sir *Richard Barker* was then sick and in the Country, and there he was a great while; and when he came to Town I did acquaint my Master that Dr. Oates was there to enquire for Dr. *Tongue*, in the strangest Habit that ever I saw Man in my Life.

L. C. J. How long after he had been there was it that you did tell your Master?

Butler. It was as soon as my Master came back, as soon as I saw him, it might be a Week.

L. C. J. Was it about a Week or a Fortnight?

Butler. I do not know exactly.

Mr. Belwood. Then swear *Cicily Mayo*. [*Which was done.*]

L. C. J. Do you know Mr. Oates?

Mayo. I never saw his Face before that time, nor had I taken notice of him then, but that there was a Youngman that lived with Sir *Richard Barker*, who had a great acquaintance with him, and seeing him in that Garb he called me to the Window, and said, Mr. Oates is surely turned Quaker or Jesuit by the Change of his Habit: No, said I, he is no Quaker; for he hath got a Periwig on.

L. C. J. Maid, When was this?

Mayo.

Mayo. This was before *Whitsuntide*.

L. C. J. Which *Whitsuntide*?

Mayo. *Whitsuntide* was Twelvemonth.

L. C. J. How long before that was it?

Mayo. It was a matter of a Fortnight before, as I remember.

L. C. J. Are you sure you know him now?

Mayo. Yes, this is the Man.

L. C. J. North. Did you tell your Master of it?

Mayo. I was not so well acquainted with him as to speak to Sir *Richard Barker* about it, but the other Servants they told him.

Mr. Belwood. Set up *Philip Page*. [*Who was sworn.*] Do you know Mr. *Oates*?

Page. Yes, my Lord, I have known him these five Years.

L. C. J. When did you see him?

Page. About *May* was Twelvemonth.

L. C. J. Where?

Page. In Sir *Richard Barker's* House.

L. C. J. Are you sure this was the Man?

Page. Yes, I am sure it was he.

Langhorn. What time in *May* was it?

Page. About the beginning of *May*.

L. C. J. And you take it upon your Oath that you saw Mr. *Oates* the beginning of *May* was Twelvemonth in Sir *Richard Barker's* House?

Page. Yes, my Lord, I do.

Mr. Just. Atkins. What is become of the Boy that spoke to the Woman about him?

Mayo. He is dead, my Lord.

Sir Cr. Levinz. Then swear Sir *Richard Barker*. [*Which was done.*]

L. C. J. Do you know Dr. *Oates*, Sir?

Sir Richard Barker. I have known him these many Years, I have known him from a Child.

L. C. J. Did you see him about a Year ago?

Sir Rich. Barker. My Lord, I did not see him then; I was out of Town; but as the Servants tell your Lordship, so they told me, when I came Home, that Mr. *Oates* had been there in a strange kind of Habit, that he was either turned Quaker, or Jesuit. I did very much admire at it, for I had seen his Father but a little while before, and he told me nothing of it. I had a mind to have given him a Living while he was in our Church.

L. C. J. When did your Servants tell you they saw him?

Sir Rich. Barker. They told me when I came home, which was in the latter end of *Whitsun-Week*, or the beginning, as I remember.

L. C. J. Was it in *Whitsuntide*?

Sir Rich. Barker. It was about that time; they told me the odd kind of Posture he was in, and that young Fellow that they speak of, told me several Passages of Mr. *Oates*. (He is now dead.)

L. C. J. But when did they speak of it to you?

Sir Rich. Barker. My Lord, when I came home, two or three of them told me of it with great Admiration, as they have told your Lordship and the Court; and I said to one of them, *What! did he leave no Message?* They told me he enquired for Dr. *Tongue*, and asked for me, but that was all they told me.

L. C. J. Come, was it in *May*?

Sir Rich. Barker. Yes, my Lord, it was in *May* was Twelvemonth.

L. C. J. How do you know it was *May* was Twelvemonth?

Sir Rich. Barker. It was last Year about the beginning of *May*.

L. J. C. North. Nay, he tells you this, when you asked him the Question, Whether he knew Mr. *Oates*? Yes, said he, I did know him formerly; and when he was of our Church I did intend to have given him a Benefice.

Langhorn. Certainly his Change, that is, his becoming a *Roman* Catholick, could not be a thing so strange that he should intend then to give him a Benefice,

Mr. Just. Atkins. But hark you, Sir, I suppose you remember it by your own Sickness very well?

Sir Rich. Barker. Yes, my Lord, very well; I had a little Distemper upon me, and Dr. *Needham* of the *Charter-House* came to see me; and I lay sick a matter of six or seven Weeks, and the latter end of my Sickness I continued taking of Physick till I came to Town.

L. C. J. But you are sure of the Year by that?

Sir Rich. Barker. Yes, my Lord; and yesterday I should have acquainted your Lordship and the Court, that there are some Persons not unknown to some of the Bench, if not near allied to them, and that is Sir *William Tyrrel's* Family, of *Lincolnshire*, his Grandson, who had been at *Cambridge*, and then came to visit me, though I happened not to be at home (they being my Wife's Relations) and it was before *Whitsuntide*, because he came to take the Advantage of that Season of the Year: and he had conversed with Mr. *Oates*, but he is not in Town at present; and there are two or three of the University that conversed with Mr. *Oates* at that time.

Mr. Just. Pemberton. Are they here?

Sir Rich. Barker. I only tell it you for a Circumstance.

Sir Cr. Levinz. Then set up Mr. *Clay*. [*Who was sworn.*]

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

Clay. Yes, I know him very well.

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

Clay. Since last *April* was a Twelvemonth.

L. C. J. Where did you see him then?

Clay. I saw him at Mr. *Howard's*, my Lord.

L. C. J. What *Howard*? one of my Lord of *Norfolk's* Brothers?

Clay. Yes, my Lord.

L. C. J. What is his Christian Name?

Clay. His Name is Mr. *Charles Howard*, my Lord.

L. C. J. Where was it?

Clay. In his House.

L. C. J. Where was his House?

Clay. It was part of *Arundel-House*, 'tis now made a new Street.

L. C. J. Did you speak with him there?

Clay. Yes, we saluted one another, and he said, *Your Servant, Sir*. I am sure I saw him there.

L. C. J. How often did you see him in that House?

Clay. Twice.

L. C. J. In *April* and *May*?

Clay. Yes, in *April*, and in the beginning of *May*.

Langhorn. I ask you if you do remember any Circumstance of it, to bring this to your Memory?

L. C. J.

L. C. J. By what Token do you remember it, that it was *April* and *May*?

Clay. By this Token, that Mr. *Charles Howard* told me he was one that was come from beyond the Seas, from *St. Omers*; and, said he, he hath some Thoughts of being a Jesuit, but I think I shall divert him from that.

L. C. J. How do you know that it was that Month?

Clay. It was in the latter end of *April*, and the beginning of *May*.

Mr. J. *Dolben*. Are you sure it was last Year?

Clay. Yes, I am, it was in the Year 1678.

Langborn. Was it at Dinner, or no?

Clay. No, no.

Langborn. Did he dine there that Day?

Clay. I did not see him at Dinner, but I saw him there twice.

L. C. J. Are you a *Roman* Catholick?

Clay. Yes, I am of the Church of *Rome*, but not of the Court of *Rome*.

L. C. J. That is no new Distinction.

L. C. J. *North*. No, they have the Court of *Rome* distinct from the Church, and particular Favourites of it, as other Princes have, and there are those that profess themselves of that Religion, that won't acknowledge the exorbitant Power that the Pope claims.

Langborn. Will your Lordship please to ask him, whether he does remember that Mr. *Oates* did at that time play with Mr. *Howard's* Son, and instruct him, and talk to him about his Learning, and put Questions to him?

L. C. J. Did he talk or put any Questions to Mr. *Howard's* Son about learning his Book?

Clay. Not any thing that I heard.

Langborn. Was Mr. *Howard's* Son there?

Clay. No, not in the Room, as I think, I cannot tell certainly, my Memory is frail.

Then Mr. *Smith* was called and sworn.

L. C. J. How long have you known Dr. *Oates*?

Smith. I knew him before the Fire, he was my Scholar at the School where I was Usher.

Mr. J. *Pemberton*. What time did you see him last Year?

Smith. The beginning of *May*.

Mr. J. *Pemberton*. How do you know that?

Smith. He came to see me, and dined with me.

L. C. J. Where?

Smith. At *Islington*, at my House there.

L. C. J. How long was he with you?

Smith. Three or four Hours.

L. C. J. What time was it?

Smith. It was, as I take it, the first *Monday* in *May*, and I gave this Reason for my remembrance why it was in *May*, because we dined by the Fire-side, being a little cold, of which we took particular Notice.

L. C. J. And you wondered that you should dine by the Fire-side in *May*.

Langborn. Was it on a *Monday* in *May*?

Smith. It was on the first *Monday* in *May*, to the best of my Remembrance.

L. C. J. Was there none of the Family there besides?

Smith. Yes, there was my Wife there.

L. C. J. Why did you not bring her to testify the same?

Oates. He cannot find his Wife.

Vol. II.

L. C. J. *North*. How long do you say was he with you?

Oates. Three or four Hours.

L. C. J. What did you talk of?

Smith. We talked about his Travels, about his Journey into *Spain*, and to *Valledolid*, and *Salamanca*.

Mr. J. *Pemberton*. Was he in a Priest's Habit, or in another Habit?

Smith. My Lord, he was in a Cinnamon-coloured Suit, trim'd with green Ribbons.

Sir Cr. *Levinz*. We have done with our Evidence, my Lord.

L. C. J. Now, Mr. *Langborn*, the King's Council have done with their Witnesses.

Langborn. Pray call Mr. *Charles Howard* and his Wife.

L. C. J. I do not think Mr. *Charles Howard* will appear.

L. C. J. *North*. I believe he does not think it safe to come here; we know upon what Account.

But upon calling, after a while, he did appear and stood up.

L. C. J. Well, what have you to say to Mr. *Howard*?

Langborn. The Question that I would ask him is this; it hath been affirmed here by Mr. *Clay*, that old Gentleman, that about the end of *April*, or beginning of *May* last was a Twelvemonth, he did meet Mr. *Oates* at Mr. *Howard's* House; I would know the Truth of it.

L. C. J. Mr. *Howard*, you have heard the Question, do you know Mr. *Oates*?

Howard. Yes, my Lord, very well.

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

Howard. Above two Years.

L. C. J. When was he at your House?

Howard. My Lord, he hath been at *Arundel*-House about two Years ago, and several times since.

L. C. J. Was he there about a Year ago?

Howard. Thereabouts he was.

L. C. J. Do you think he was there about *May* was Twelvemonth?

Howard. My Lord, after *July* I remember he was there.

L. C. J. Was he there in *May*?

Howard. No, my Lord, not to my Remembrance.

Langborn. Pray, Sir, when did your Son die?

Howard. The Fifth of *May* was two Year, 1677.

L. C. J. Why, how does that appear to be any thing in this Case? he did not say that Mr. *Howard's* Son was there.

Langborn. He said he was in the House, but he could not tell whether he was in the Room or no.

L. C. J. You asked him whether he talked any *Latin*, or asked him any Questions; and he says, he cannot tell whether the Son were there in the Room or no.

L. C. J. *North*. He says, About two Year ago I remember he was at my House, and about a Year ago; which contradicts all your Witnesses.

Langborn. No, he says, About two Year ago I remember he was there, and about a Twelvemonth ago, after *July*; but he cannot remember whether he was here in *April* and *May* was a Twelvemonth.

Howard. Mr. Oates was in my Lodging in April 1677, and then my Child was alive, and dined together with him and Mr. Clay.

L. C. J. That is two Years ago?

Howard. Yes, my Lord, two Years ago Mr. Oates was there with Mr. Clay, but not since.

L. C. J. Call Mr. Clay again to confront him in that.

Oates. I did not know Mr. Clay two Years ago.

L. C. J. You are mistaken, I believe, for Mr. Clay does pretend that he did but just begin to know Mr. Oates in April was a Twelvemonth, and so Oates swears too.

Mr. Justice Pemberton. And he says nothing whether you had a Child died or no.

L. C. J. When was the time that you first knew Mr. Oates?

Clay. The latter end of April, last Year.

L. C. J. Did you ever know him before that time?

Clay. I never did.

L. C. J. Do you remember that ever you dined with him?

Clay. I do not remember the Day exactly, and I do not remember that e'er I dined with him.

Mr. Justice Pemberton. But he is positive that he did not know him but a Year ago.

L. C. J. Do you remember whether Mr. Howard's Son was alive?

Clay. He had a Son alive at that time.

Oates. He had one Son indeed that died a Year before Mr. Clay and I met there.

Howard. I speak of my eldest Son, who died two Years ago.

Clay. I never knew him.

L. C. J. Well, 'tis plain there was a Mistake in it, he spoke of a Son that was then, and is now alive, and you speak of your eldest Son that died two Years ago. Have you any more Witnesses, Mr. Langhorn?

Langhorn. No, my Lord, I have no more Witnesses.

L. C. J. Well, would you say any thing? If you would, say what you have a mind to say.

Langhorn. My Lord, I am charged here by two Witnesses, the first is Mr. Oates; if I can prove any one Point (in answer to that which he hath given in Evidence) not to be true, then I conceive, my Lord, he ought to be set aside: And I think it hath been clearly proved, That whereas he said Sir Thomas Preston came over with him in April, it hath been clearly proved he was then at Liege; and whereas he hath affirmed, Sir John Warner, Mr. Poole, and two or three more that were at St. Omers, came over with him, I had proved that not to be true, beyond any Contradiction: Then, as the Witnesses about his own not coming over in April, Mr. Hillsley says he came not over with him in the Pacquet-Boat; and the others say that he was sick in the Infirmary after Mr. Hillsley came away: These Points being thus proved, I think there can be no Credit given to what he says; for I can say, and I know it to be Truth, that from November 1677, to this very Day, I never saw him. I have been a close Prisoner so long, and have had but one Week's Time to provide, and therefore must be fair to take such Information as my Friends and Relations could pick up, to answer what he hath said

in his Narratives, supposing he would have said the same here; therefore I am not able to make any better Defence.

L. C. J. Did you never know Mr. Oates?

Langhorn. I have seen him once or twice.

L. C. J. When was that?

Langhorn. In Michaelmas-Term, 1677.

L. C. J. Upon what Occasion?

Langhorn. He brought me a Letter from one of my Sons, my younger Son in Spain, and then he told me he was going to St. Omers: He said he could not be settled in any of the Colleges in Spain, and therefore he would go to St. Omers: and from that day I never saw him till I saw him in the Court: I hope, truly, I have well proved that he was not here in England when he says he was, but that I must leave to the Jury: But surely these Boys cannot be supposed to have any Design, or to be bribed by any Reward, for I never saw the Face of any of them, till now.

L. C. J. North. They are all Papists, and speak in a general Cause.

Langhorn. If that be an Objection against them, I think it is hard if they are not to be believed because they are Papists and Friends; then the other, on the contrary, are not to be believed because they are Enemies: I think it is clear that he did not lodge at Grove's House; and I think it is clear that he did not come over in the Pacquet-Boat with Mr. Hillsley, and that Sir Thomas Preston did not come over with him, nor Warner, nor Poole; and if any of these Points be clear for me, I think his Testimony ought to be set aside. Now, as to what Bedlow says, in truth it is impossible for me to examine any Witnesses, and that I think will be your Lordship's Opinion; it will not seem probable that one that was in my way of Practice should become a Clerk to register Letters, and to keep Accounts of any particular Religious Order, as he makes me to do; or, if I were, that I should admit Mr. Bedlow to be privy to those Accounts; but that I must leave to the Court; my Lord, 'tis impossible to prove a Negative: Mr. Bedlow is a Person that I have no Acquaintance with; truly I do not know that ever I saw him before this time in all my Life; tho' it is possible I may have seen him, but I do not know that ever I did: Now, that I should admit such a Person to such a Privacy in Accounts of this Nature, (if I were guilty of them) seems very improbable; but yet, as I said, it is impossible to prove a Negative. If I had known what he would have charged upon me before, perhaps I might have made a better Defence; and for those Witnesses that I have had, they were prepared by such Friends as thought they would be useful for me. These Men have had time to get their Witnesses together: I never saw one of mine till they came into the Court. I hope, my Lord, I shall find no Disadvantage in my coming here upon the Account of my Religion, for that would seem as if you condemned me merely for that: I disclaim all Principles of Disloyalty; and I do assure your Lordship, I do believe it is Damnation to any one that shall go about to kill the King, or deprive him of his Government; I shall leave the rest to your Lordship and the Jury.

L. C. J. Look you, Gentlemen, you have had an Account, in the first Part of the Evidence, in general, That there was a general Design of bringing

bringing in *Popery*; and in order to that, as the best and quickest means to accomplish it, to destroy the King. And without doubt they were in the right, for that matter: To destroy the King, was the most effectual Course to introduce *Popery* they could take. Whether they would do it, or no, is not now any Question; but, How much Mr. *Langhorn*, the Prisoner at the Bar, is concerned in it? And that depends upon the Testimony of Witnesses.

The Testimony that Mr. *Oates* gives against him, amounts but to thus much: *I cannot affirm*, says he, *that Mr. Langhorn was at the Consult, on the 24th of April, at the White-Horse Tavern, where they Signed the Agreement to destroy the King: But this I can say, That the next Day, or within a Day or two, I went, by Order from the Fathers, Whitebread and Harcourt, to Langhorn's Chamber, and acquainted him with what they had agreed upon.* And he swears, That Mr. *Langhorn* did lift up his Hands and Eyes, and pray to God to give them good Success. He tells you further, That after some Talk with him, about bringing in of *Popery*, and destroying of the King, he had also Discourse concerning several Commissions; that he saw about seven or eight of them, and that he told him, he had more: One for my Lord *Bellasis*, to be General, and one for himself to be Advocate-General, with others; but those, he says, he saw and perused them: And tho' he does not know of the Delivery of those several Commissions, yet he does know of the Delivery of one to his Son, to be carried to my Lord of *Arundel's* eldest Son: And he does say, That Mr. *Langhorn* did tell him, he had sent it; and swears, that he had some Discourse with him, concerning Killing the King.

Bedlow, he comes, and swears, That he was there twice, and that he saw him Transcribe Letters; and that the Effect of one of them was, That they were prepared with Arms, and all things, but Money. That the *Garrisons* also were ready to be delivered up to them, but they staid only for this, and Six Thousand Pounds would do it, which the *Benedictines* were to raise. If that came, then there was nothing wanting. They had an easy King, whom they could destroy as they pleased; an Army in Readiness, every thing in good Posture, and no Time like this, to bring in *Popery*: Which Discourse, he says, was before Mr. *Coleman*. Here is the Effect then of those Letters which by him were written into a Book, and in which this Plot and this Contrivance was mentioned. These were Transcribed by Mr. *Langhorn*, says he, while Mr. *Coleman* and I walked in his Chamber. I saw him write them. And he swears it.

Now the Matter is this; If these two Witnesses do swear true, then is this Indictment of *Treason* highly proved. For the contriving, *To bring in Popery, To levy War, and, to kill the King*, (which, when he was acquainted withal, he lift up his Hands and Eyes, and begged of God to give it good Success; and which *Bedlow* says, was the Effect of the Letters that he Transcribed into the Book) Mr. *Langhorn* himself will not deny to be High-Treason: And when this is sworn here by two Witnesses, he must either invalidate their Testimony, or acknowledge it just, if you find him guilty of the Indictment

with which he is charged. Now the Question is, What Defence there is against it?

Mr. *Langhorn* says, If I can disprove a Witness in any one material Thing that he says, then will it take off from his Credit in every thing he says. And first as to Mr. *Oates*; Saith he, I did know him, I must confess, but I never saw him since the Year 1677. The thing that Mr. *Oates* charges him with, is in *April* or *May* 1678, or thereabouts. And Mr. *Langhorn* says, he never saw him since 77. Why Mr. *Oates*, saith he, was not here in *England*; and produces a great many Witnesses, that came from beyond Sea, to testify, That Mr. *Oates* was there in *April* and *May*, and longer. And whereas Mr. *Oates* says, That there came over in his Company with him, Sir *John Warner*, Sir *Thomas Preston*, Mr. *Poole*, and others; He proves by some Witnesses, That Mr. *Oates* was there both Months; and by others, That Sir *John Warner* was at *Wotton*, and Sir *Thomas Preston* at *Liege*, and *Poole* at *St. Omers*, at the Time that Mr. *Oates* says they came over with him: And this, says he, I hope will be plain Evidence why you should not believe Mr. *Oates*; and the rather, because these Witnesses are such, says he, as that I do not so much as know their Faces; and you will not presume, that People to whom I am wholly a Stranger, should come hither from *St. Omers*, to testify a Lye for me.

In Answer to this, I say, 'Tis no good Argument for all that; for though I believe they are Strangers to him, they are not Strangers to the Errand they came about. They came to defend all the *Roman* Catholicks, whom we would hang here for a Plot; and they are sent over for that purpose, as far as their Testimony can go. How far that is, though they are not upon their Oaths, (for the Law will not permit it) I must say to you, in Favour of the Prisoner at the Bar, as I did to the Jury yesterday, You must not take it, therefore, as if it were meer Talk, and no more; nor reject them too much because they do not swear: They would swear, 'tis likely, if the Law would allow it. Only one Remark I must observe to you upon their own Evidence: The *St. Omers* Gard'ner (which is one of them) takes upon him to give a very exact Account of Mr. *Oates*, in the Months of *April* and *May*; but when I came to enquire, what he knew of him in the Months of *June* and *July*; he tells you, Those were not the Months in Question.

But on the other Side, did not the Principles of their Religion so teach, and make us to know, that they will not stick at any Wickedness to propagate it: Did not the best and chiefest Doctors of their Church preach and print it: Did not his Holiness, the Pope, allow it; and never condemn any one Book in the World that hath asserted the Lawfulness of DEPOSING and KILLING KINGS, for separating from their Religion? Did not they Teach and Practise all sorts of Equivocations, and that a Lye does God good Service, if it be for the Propagation of the Faith: Were not these young Boys capable of having this Doctrine instilled into them; and, Were not they bred up in Colleges chiefly to serve that End; Then Mr. *Langhorn* had said something. Neither

ther are these Things artificially objected against them, for the Doctrines of their Church are so false and pernicious, so destructive and so bloody; and the Way they take to come off from all Vows, Oaths, and Sacraments, by Dispensations before-hand, or Indulgence and Pardons afterwards, is a thing still so much worse, that they are really unfit for Human Society. They should get their Pope, if they would not have it thrown into their Dish, and have it believed by us; I say, they should get the Pope of *Rome* to decry and anathematize such Doctrines of deposing and killing Kings, and discharging Subjects from their Allegiance: But that will never be; for his Holiness, the Pope, will keep himself where he is, and will part with Nothing that he hath of Advantage over any.

Look you, Gentlemen, thus much I cannot omit, with a good Conscience, to say, The Profession, the Doctrines, and the Discipline of the Church of *Rome* is such, that it does take away a great part of the Faith that should be given to these Witnesses; nevertheless, we must be fair, and should hear them, if we could not answer what they alledge, by Evidence to the contrary. Mr. *Oates*, therefore, to justify himself, hath produced, I think, seven or eight Witnesses, that do prove, that he was here in the latter end of *April*, and beginning of *May*, which does contradict all their Testimony, who do say, he was abroad all along, from *December* to *June*, and that they saw him every other Day.

'Tis true, if we were certain that what these Young Men spake, were indeed so as they say, it is impossible for Mr. *Oates's* Testimony to be believed. If I were satisfied, that really and truly Mr. *Oates* was not here, but was six Months together there, and that he hath invented this Story, and made this himself; I could no longer confide in the Man, nor find Mr. *Langhorn* guilty: Yet is not the Time really the Substance of the Thing, tho' he hath made it so now, because the Consult was the 24th of *April*, at which he was present; and he did go, he says, to Mr. *Langhorn*, within a Day or two after, to acquaint him with the Resolution of it.

To this end hath Mr. *Oates* produced seven or eight Witnesses that saw him, as they swear. He hath produced a Minister, that says he saw him in a Disguise, but having known him before, recollected him to be the Man. He hath produced a Woman that agrees with that Story; for she says, that he came and talk'd with her about it, and told her then, that he had seen Mr. *Oates* the Day before, and gives you a Token why it was about that time of the Year. Now, if this be not a new Matter, and new found out, this Woman (if she swears true) does justify the other in what he did say a Year ago, when they could never imagine that any great Weight and Moment should be laid upon that Accident of his seeing *Oates* in the Street. He hath produced to you the Coachman of Sir *Richard Barker*, that says, he knew him well, when he came to his Master's House. There he called him by his Name, That asking for Dr. *Tongue*, but not finding him within, he went away presently; That he was in Disguise; That they acquainted their Master with it, as soon as he

came home; and their Master says, That so they did. And the Person that then lived in the House, and now is dead, said to the Maid, Yonder is Mr. *Oates*, I think he is either turned Quaker, or Priest; What a kind of Habit he is got into! No, said the Maid, he can't be a Quaker, because he wears a Periwig; but she says, he named him to her, *Oates*, and that this is the Man, she knew him since. 'Tis the same Man that the young Man spoke to her about.

He hath produced farther one of their own Religion, one that is a Papist still, and he says, he saw him twice at Mr. *Charles Howard's* in *Arundel-House*. There was indeed some Perplexity they would have put upon it, by reason of Mr. *Howard's* Son being dead a Year before; but the Witness says he did not know the Son. A Papist he confesses himself expressly to be, if not a Priest; and I would not ask him the Question, because 'tis not fair to make him accuse himself: But he does swear expressly, he saw Mr. *Oates* at Mr. *Charles Howard's*, in *April* or *May*, which contradicts all their Witnesses. He also produces a Schoolmaster, that tells that he dined with him the beginning of *May*: And I remember it, says he, very well, for we dined by the Fire-side, which gave me Occasion to wonder at it, in *May*, and remember it. He says, moreover, that he staid three or four Hours with him, and talk'd of all his Travels in *Spain*. Now must all these People be downright perjured; it can be no mistake, but they are all falsely forsworn, if there be not Truth in it. And when here are seven or eight Witnesses positively swearing against the Affirmation of so many others, we leave the Credit of both Sides to you, who are the Judges of the Fact.

There is indeed, (and I will repeat it for you, for I would not miss any thing, as near as I can, that would make for the Prisoner's Advantage); there is a Proof concerning Sir *John Warner*, and *Preston*, and *Poole*, that they were there at the Time, and there hath been no Answer given to it: But I say still, 'tis the same thing; for if you do not believe those Witnesses to speak true, that affirm that *Oates* was there all the time, but rather believe that he was here, by seven or eight People that testify it: I say, if you cannot believe he was there, you will never change your Mind for one Circumstance, whether he came over with Sir *John Warner* and others, or not; for it is but a Circumstance.

Langhorn. They are not the same Witnesses.

L. C. J. 'Tis true, they are not; you have four or five Witnesses that speak apart, but two of them do say, that they knew *Oates* also was there at the same time that they speak that Sir *John Warner* was at home.

Langhorn. Not those two of *Liege*, my Lord, about Sir *Thomas Preston*.

L. C. J. No, they do not, for I leave it to you of the Jury, upon the whole Matter; there is little more to be said by me. If so be Credit is to be given to these Witnesses of *Oates*, more than to the others, then you must find him Guilty, and the rather, because I do a little suspect, they come over instructed, to say what they do. You find they apply themselves to the Thing they came for; and not only the Gard'ner, but

but another could tell you (which hath a very great Influence upon me, as to their Credit) that the Months of *April* and *May* were the Months in *Question*, and they were not to be examined any farther. So that it looks as if these Young-Men were sent of an Errand, and tho' you do not know them, Mr. *Langborn*, and are innocent as to any tampering with them, yet I am afraid they are come to serve the Catholick Cause, as they call it. For they are very well taught, and they keep to those Months of *April* and *May*, of all the Months in the Year. Then they bring the Woman of the *White-Horse-Tavern*, where the Consult of the 24th of *April* was; and what is the Use they would make of her? why, it is, that Mr. *Oates* should make a Story of Fifty Fathers being in her Tavern at one Time (but he insists now there was a matter of Twenty) when there was not a Room in her House, that would hold Ten: But you hear how she was answered, from Testimony rising up in the Court of themselves, that were acquainted with her House, and know, that Forty People may Dine in two of her Rooms: And the King's Council observed well, how Chance itself hath put to Silence this Evidence. So that when Matters are alledged to be done at *Home*, there is not so great a Difficulty as in proving Things that are done *Abroad*.

I leave it to you, Sirs. Here is a Gentleman that stands at the Bar, upon his Life, on the one Hand; but if Mr. *Oates* says true, all our Lives, and Liberties, our King, and Religion, are at the Stake, on the other Hand. God defend that innocent Blood should be shed, and God defend us also from Popery, and from all Popish Plots, and from all the bloody Principles of Papists, which are very Cruel, as we know by Experience; and you cannot blame us to look to our selves. For I must tell you, the Plot is proved as plain as the Day, and that by *Oates*; and farther, *Oates's* Testimony is confirm'd by that which can never be answered. For when he comes at his first Testimony, and says, that upon the 24th of *April*, such a Consult was Summoned, and Held, it falls out, that five Days after a Letter is found amongst *Harcourt's* Papers, (a principal Person in the Design,) which does order the Meeting upon the 24th of *April*, being the Day after *St. George's* Feast, and gives them a Caution that they should not come too soon to Town; that they should not appear too much in *London*, for fear of discovering the *Design*, and of disclosing *That, the Nature of which requires Secrecy*. Plainer than this is hardly to be writ from a Jesuit, especially in so dangerous a Matter. And what can be answered to this Letter, that is found in a Priest's Hands, four Days after Mr. *Oates* had given in his Information about it?

Put all this together, and if you be satisfy'd herein, you may judge the better, as to the particular Business of Mr. *Langborn*, how far the Testimony of *Oates* and *Bedlow* affect him. You know what you do. And for *Bedlow*, 'tis true, what he says, that there is nothing to be said to his Evidence, because no Man can prove a Negative; and he swears expressly, that he had this Discourse with him, of these Treasonable Matters, killing the King, and altering Religion. If this be so, and you are satisfy'd in that particular, (and that a Man may very well be, as to the

Substance,) I do not see any considerable Answer that is given. I say once more, there is the Life of a Gentleman at Stake, and there are all our Lives at the Stake: Follow you your Consciences; do Wisely, do Honestly, and consider what is to be done.

L. C. J. North. With my Lord's Leave, because there hath been mention made of this Letter, which goes much in Confirmation of Mr. *Oates's* Testimony; it is in Court, but it hath not been produc'd at the Bar, I desire it may, if your Lordship please.

Sir Cr. Levinz. It is here in Court, my Lord, we will give your Lordship an Account how we came by it. Swear Sir *Thomas Doleman*. Which was done.

Sir Cr. Levinz. Sir *Thomas*, did you find the Paper amongst Mr. *Harcourt's* Papers?

Sir Thomas Doleman. I found this Letter among the Papers of Mr. *Harcourt*, that were committed to my Search.

L. C. J. When did you find it, Sir?

Sir Thomas Doleman. It was some five or six Days after Mr. *Oates* had given in his Information to the King and Council.

L. C. J. Do you mark it, Gentlemen? After Mr. *Oates* had told the Council of the Consult in the 24th of *April*, is this Letter found.

L. C. J. North. 'Tis in Confirmation of Mr. *Oates's* Testimony.

Then the Letter was read, being the same with that in Page 847, in the Trial of Whitebread, Harcourt, &c.

L. C. J. This Letter is only as to the Plot in general, and not to be applied to Mr. *Langborn* in particular.

Langborn. Mr. *Oates* might very well be able to speak of this Meeting of this Congregation, as they call it, before this Letter was taken, 'tis easy to believe, because Mr. *Oates* being at *St. Omers*, I suppose the like Letters of Summons might come over to *St. Omers*, to fetch some of them over hither.

L. C. J. You say well, but if you have but the Luck to give me an Answer to a Thing or two, you'll have better Fortune, and more Skill than the *Priests*. 'Tis true, he might, perchance, know of the Consult, if he were at *St. Omers*: But will you tell us what that *Design* was? And what is the meaning of the putting those Words into the Letter, *That they should not come too soon to London, nor appear too much about Town, for fear of discovering that Design*, which they knew required Secrecy in its own Nature?

Langborn. My Lord, I will tell you what I take to be the Meaning of that Letter. The *Design*, was the holding of a Congregation: There were divers of them, and it was like the Meeting of a Dean and Chapter in a College, and he bids them not to come too long before the Time, for they were certainly in very great Danger to be Taken.

L. C. J. What! at that Time? What Danger were they in then?

Langborn. Yes, my Lord, the Parliament was then sitting.

L. C. J. But you know what Indulgence there was to all Papists at that Time, if they would be but quiet. Well, but put it all together, they were

were to come to *London*, not too soon, nor to appear too much, because the Parliament was Sitting, for fear of discovering the Design. What, was that only for Mr. *Whitebread*, and his Fellows, to make an Officer! Can it be answered by that?

Langhorn. Certainly, their holding of a Congregation in *England* does require Secrecy.

L. C. J. Gentlemen, here is the Thing, this is only an Evidence to the Plot in general, that there is a Plot, and you may make what reasonable Use you think fit of it. It is not a particular Evidence against Mr. *Langhorn's* particular Person, only it shews there was a Plot, and you have heard what they say to him in particular about it. And I'll tell you one Thing more, which, if *Oates* swears true, concerns you very much. He saith, they were a talking of the Ten Thousand Pounds that Sir *George Wakeman* was to have for poisoning the King, when their other Attempts had failed, and that he would not take under Fifteen Thousand Pounds: You, Mr. *Langhorn*, was very angry, and said it was a base, covetous Thing in him; and it being such a publick Cause, it would have been no matter if he had done it for nothing. I have repeated as much as I can well remember, without any Prejudice to Mr. *Langhorn's* Testimony. And so I leave it with you.

Then an Officer was sworn to keep the Jury, who withdrew to consider of their Verdict; and the Judges also went off from the Bench. The Lord Chief Justice telling the Auditory, that the Day being so far spent, and the Commission determining that Night, because of the Term, Sir Geo. Wakeman, and the rest, could not be Tried till next Sessions. And after a short space the Jury returned, and answering to their Names, delivered in their Verdict.

Clerk of the Crown. Gentlemen, Are you all agreed of your Verdict?

Omnes. Yes.

Cl. of Cr. Who shall say for you?

Omnes. Foreman.

Cl. of Cr. *Richard Langhorn*, hold up thy Hand. Look upon the Prisoner: You of the Jury, How say you? Is he Guilty of the High-Treason whereof he stands Indicted, or Not Guilty?

Foreman. Guilty.

Cl. of Cr. What Goods or Chattels?

Foreman. None, to our Knowledge.

Cl. of Cr. Hearken to the Verdict, as the Court hath Recorded it: You say that *Richard Langhorn* is Guilty of the High-Treason whereof he stands Indicted: But you say that he had no Goods or Chattels, Lands or Tenements, at the Time of the High-Treason committed, or at any Time since, to your Knowledge. And so you say all?

Omnes. Yes.

Mr. Recorder. It is a Verdict according to the Justice of the Evidence.

Upon which there was a very great Shout.

Then Mr. Recorder sent for the Prisoners Convicted before, to receive their Judgment; and they were brought to the Bar, and the Court proceeded thus:

Cl. of Cr. *Richard Langhorn*, hold up thy Hand:

Thou standest Convicted of High-Treason; What canst thou say for thyself, why the Court should not give Judgment on thee to Die, according to Law?

Langhorn. I have nothing to say.

Cl. of Cr. *Thomas White*, otherwise *Whitebread*, hold up thy Hand: Thou standest Convicted, in *Middlesex*, of High-Treason; What canst thou say for thyself, why the Court should not give Judgment on thee to Die, according to Law?

Whitebread. I can say nothing.

Cl. of Cr. *John Fenwick*, hold up thy Hand: Thou art in the same Case with him that went last before thee; What canst thou say, &c?

Fenwick. I have nothing more to say.

Cl. of Cr. *William Harcourt*, hold up thy Hand: Thou art in the same Case with the Two that went last before thee; What canst thou say, &c?

Harcourt. I have nothing at all to say.

Cl. of Cr. *John Gavan*, hold up thy Hand: Thou art in the same Case with the Three that went last before thee; What canst thou say, &c?

Gavan. I have nothing more to say, than I did say. God bless the King, and the Kingdom.

Cl. of Cr. *Anthony Turner*, hold up thy Hand: Thou art in the same Case with the Four that went last before thee? What canst thou say, &c?

Turner. I have nothing to say.

Cl. of Cr. Then, Crier, make Proclamation of Silence while Judgment is given, upon pain of Imprisonment. Which was done on both sides of the Court.

* *Mr. Recorder.* You the Prisoners at the Bar: You have been severally Arraigned, and now are severally Convicted of High-Treason: And that attended with all the ill Circumstances, that can be possible to aggravate so high a Crime. You attempted the Life of the best of Kings, who was full of Mercy and Compassion, even to You, under whom you might still have lived peaceably and quietly, had not your own Malice and Mischiefs prevented it. Nor were you satisfied with that alone; for you intended thereby to make way for the Destruction of the greatest part of the Kingdom, by a publick Massacre, by cutting the Throats of all Protestants; for that also appears to be your Design: To effect which, the nearest Way, and the best Means you could think of, was first to kill the King. And this was to be done, for the introducing of another Religion, as you call it; which, as we think, we more properly call Superstition; and so root out the best Religion that is Established among us by Law. And I therefore call it the Best of Religions, even for your sakes; for had it not been for the sake of our Religion, that teaches us not to make such Requitals, as yours seems to teach you, you had not had that fair formal Way of Trial, and of being Heard, as you now have been; but Murder would have been returned to you, for the Murder you intended to commit, both upon the King, and most of his People. What a strange sort of Religion is that, whose Doctrine seems

* *Sir George Jeffries.*

to allow them to be the greatest Saints in another World, that can be the most impudent Sinners in This? Murder, and the Blackest of Crimes here, are the best Means, among you, to get a Man to be Canonized a Saint hereafter. Is it not strange, that Men professed in Religion, that use all Endeavours to gain Profelytes for Heaven, should so pervert the Scripture, (as I perceive some of you have done) and make That justify your impious Designs, of Assassinating Kings, and Murdering their Subjects? What can be said to such a sort of People, the very Foundation of whose Religion is laid in Blood? Nay, lest you should not be able so easily to persuade them so cleverly to imbibe those Bloody Principles, you do Absolve them from all the Obligations that they remain under, of Obedience to their Sovereign; you do therefore from the Pulpits publickly teach, That the Oaths of Allegiance and Supremacy signify nothing. It's a strange Religion, that applies every thing to these wicked and detestable Purposes.

There is one Gentleman that stands at the Bar, whom I am very sorry to see, with all my Heart, in this Condition, because of some Acquaintance I have had with him heretofore: To see a Man who hath Understanding in the Law, and who hath arrived to so great an Eminency in that Profession, as that Gentleman hath done, should not remember, that 'tis not only against the Rules of all Christianity, but even against the Rules of his Profession, to attempt any Injury against the Person of the King. He knows, that it is against all the Rules of Law, to endeavour to introduce any Foreign Power into this Land. So that you sinned both against your Conscience, and your own certain Knowledge. But your several Crimes have been so fully proved against you, that truly, I think no Person that stands by, can be in any Doubt of the Guilt: Nor is there the least room for the most scrupulous Man to doubt of the Credibility of the Witnesses, that have been examined against you: And sure I am, you have been fully Heard, and stand fairly Convicted of those Crimes you have been Indicted for.

I rather mention these things to you, because I know not whether you will think it necessary to have any Assistance, (I mean such Assistance as by the Law of the Land is to be allowed to Persons in your Condition, of any Protestant Divines, or of any other Protestants) to prepare you for another World. And tho' what hath been said proceeds from a Lay-man, to you that are Professed in Religion; yet I hope, it will not be thought amiss, it being intended for your Advantage. Let that vast Eternity, that you are ere long to enter into, you are now on the Brink of it; I say, let that prevail with you to consider, that there is a God in Heaven, who will call you to an Account for every one of those private Consultations, of which we can never come to any certain Knowledge. Tho' you have put all those Obligations of Secrecy upon your Party, which Religion could tie them by; tho' you give them the Sacrament, not only to oblige them to do wicked Acts, but to conceal them when they are done; yet remember there is a God in Heaven, from whom you cannot keep them secret. All your Ties and Obligations, all the Dispensations that you can give to your Infe-

riors, or your Superiors to you, will never dispense with that Account you are to give to the Great God of Heaven.

Gentlemen, with great Charity to your Immortal Souls, I desire you, for the Love of God, and in the Name of his Son Jesus Christ, consider these Things; for it will not be long ere you be summoned before another Tribunal about them: And Great and Dreadful is the Day of Judgment, at which You and all Men must appear.

And I hope all Persons that stand by, will take notice, that it is not the Principles of the Protestant Religion, to Murder any, (let it be upon their own Heads that profess it) for we abhor these Things. And we hope these publick Testimonies of our Religion, and this fair sort of Trial, will not only confirm those that are Protestants now, but will prevail upon those whom they have inveigled into their Persuasion, to desert such a Religion, till such time as they alter their Principles, from the Bloodiness and Inhumanity they are stained with, and which these Men have instilled into all their Profelytes. And this I thought fit to premise to you in great Compassion and Charity. And I pray God it may have that Effect which I designed; that is, that it may put you in mind of that Great Immortality that you are to enter upon ere long. And thus, having given you this Hint, and the Law having had its Course upon you, you have been fairly Tried, fully Heard, and have nothing to say, why that Judgment should not be pronounced, which the Law hath designed against such Offenders: I am, therefore, in the Name of the Court, to do the Duty which the Law requires of the Court; and I do, in the Name of the Court, pronounce this to be your Sentence:

That you be conveyed from hence to the Place from whence you came, and from thence you be drawn to the Place of Execution, upon Hurdles; That you be there severally hang'd by the Neck; That you be cut down Alive; That your Privy Members be cut off; That your Bowels be taken out, and burnt in your View; That your Heads be sever'd from your Bodies; That your Bodies be divided into four Quarters, and your Quarters to be at the King's Dispose. And the God of infinite Mercy be merciful to your Souls.

After which there was a very great Acclamation.

Whitebread. My Lord, since we have not long to live, we desire we may have the Benefit of the Company of our Friends, that they may be permitted to come at us.

Mr. Recorder. Yea, 'tis fit they should have the Comfort of their Friends and Relations; and God forbid, but we should do all we can to make their Passage as comfortable as may be. You must keep that Decorum that becomes such as are in your Condition. You know you are under the publick Notice of the World, therefore you must use the Liberty that is granted to you with that Moderation and Prudence, that 'tis fit to use such a Privilege with; for I shall not deny you any lawful Favour.

Langborn. Sir, there will be more People come to me than ordinary, in Regard of their Business, that I have had in my Hands; I desire

I desire they may have the Liberty to come to me.

Mr. Recorder. I would not deny *Mr. Langhorn* any thing that I could grant him: If it be any Business that any Person would have an Account of, which you have been concern'd in for them, they may be permitted to come to you.

Capt. Richardson. There is no Body to be in private with him, to say any Thing but what I shall hear?

Langhorn. Yes, my Lord, I hope my Wife and Children may.

Mr. Recorder. Yes, God forbid but he should have his Wife and Children with him.

Langhorn. Or any others, that come about Business?

Mr. Recorder. Yes, Captain, with the Caution I have given you.

Then the Court Adjourned for London, to Guild-Hall, the 14th of July, and for London and Middlesex, to the Old-Baily, the 16th of July next. And the Prisoners were carried back to the Goal.

On Friday, June 20, the five Jesuits were drawn upon three Hurdles to the place of Execution.

In the first Hurdle went *Thomas Whitebread* and *William Harcourt*; in the second, *Anthony Turner* and *John Gavan*; and in the third, *John Fenwick*. And being come to the Place of Execution they were all put into one Cart.

Then *Gavan* said, If God give us his Grace it's no Matter where we die, at the Gallows, or elsewhere. The Executioner fastning the Halters, *Gavan* said, I hope you will be civil to dying Men.

Executioner. I will be civil to you.

Gavan. I hope they will give us leave to speak.

The last Speech of THOMAS WHITEBREAD.

I suppose it is expected I should speak something to the Matter I am condemn'd for, and brought hither to suffer; it is no less than the contriving and plotting his Majesty's Death, and the Alteration of the Government of the Church and State. You all either know, or ought to know, I am to make my Appearance before the Face of Almighty God, and with all imaginable Certainty and Evidence to receive a final Judgment for all the Thoughts, Words, and Actions of my whole Life. So that I am not now upon Terms to speak other than the Truth; and therefore, in his most holy Presence, and as I hope for Mercy from his divine Majesty, I do declare to you here present, and to the whole World, that I go out of the World as innocent and as free from any Guilt of these Things, laid to my Charge in this Matter, as I came into the World from my Mother's Womb: And that I do renounce from my Heart, all manner of Pardons, Absolutions, Dispensations for Swearing, as Occasions or Interest may seem to require, which some have been pleas'd to lay to our Charge, as Matter of our Practice and Doctrine; but is a thing so unjustifiable and unlawful, that I believe, and ever did, that no Power on Earth can authorize me, or any Body, so to do. As for those who have most falsely accus'd me (as Time, either in this World

or in the next, will make appear) I do heartily forgive them, and beg of God to grant them his holy Grace, that they may repent their unjust Proceedings against me; otherwise they will, in Conclusion, find they have done themselves more Wrong than I have suffer'd from them, though that has been a great deal. I pray God bless his Majesty both temporally and eternally, which has been my daily Prayer for him, and is all the Harm that I ever intended or imagined against him. And I do, with this my last Breath, in the Sight of God declare, that I never did learn, or teach, nor believe, nor can, as a Catholick, believe, that it is lawful, upon any Occasion or Pretence whatsoever, to design or contrive the Death of his Majesty, or any Hurt to his Person; but on the contrary, all are bound to obey, defend, and preserve his sacred Person, to the utmost of their Power. And I do moreover declare, that this is the true and plain Sense of my Soul, in the sight of him who knows the Secrets of my Heart, and as I hope to see his blessed Face, without any Equivocation, or mental Reservation. This is all I have to say concerning the Matter of my Condemnation; that which remains for me now to do, is to recommend my Soul into the Hands of my blessed Redeemer, by whose only Merits and Passion I hope for Salvation.

The last Speech of WILLIAM HARCOURT.

The Words of dying Persons have been always esteem'd as of greatest Authority; because utter'd then, when shortly after they are to be cited before the high Tribunal of Almighty God. This gives me hopes that mine may be look'd upon as such; therefore I do here declare, in the Presence of Almighty God, the whole Court of Heaven, and this numerous Assembly, that as I ever hope, by the Merits and Passion of my Lord and sweet Saviour Jesus Christ, for eternal Bliss, I am as innocent as the Child unborn of any thing laid to my Charge, and for which I am here to die.

Sheriff How. Or Sir *Edmund-bury Godfrey's* Death?

Harcourt. Or Sir *Edmund-bury Godfrey's* Death.

Sheriff How. Did not you write that Letter concerning the Dispatch of Sir *Edmund-bury Godfrey*?

Harcourt. No, Sir; these are the Words of a dying Man, I would not do it for a thousand Worlds.

Sheriff How. How have you liv'd?

Harcourt. I have liv'd like a Man of Repute all my Life, and never was before the Face of a Judge till my Trial: No Man can accuse me. I have, from my Youth, been bred up in the Education of my Duty towards God and Man.

Harcourt. And I do utterly abhor and detest that abominable false Doctrine laid to our Charge, that we can have Licences to commit Perjury, or any Sin to advantage our Cause, being expressly against the Doctrine of *St. Paul*, saying, *Non sunt facienda mala, ut eveniant bona*; Evil is not to be done that Good may come thereof. And therefore we hold it in all Cases unlawful, to kill or murder any Person whatsoever, much more our lawful King, now reigning, whose personal and temporal Dominions we are ready to defend with

with our Lives and Fortunes, against any Opponent whatsoever, none excepted. I forgive all that have contriv'd my Death, and humbly beg Pardon of Almighty God for them. And I ask Pardon of all the World. I pray God bless his Majesty, and grant him a prosperous Reign. The like I wish to his Royal Consort, the best of Queens. I humbly beg the Prayers of all those who are in the Communion of the *Roman* Church, if any such be present.

The last Speech of ANTHONY TURNER.

Being now, good People, very near my End, and summon'd, by a violent Death, to appear before God's Tribunal, there to render an Account of all my Thoughts, Words, and Actions, before a just Judge, I conceive I am bound in Conscience to do myself that Justice, as to declare upon Oath my Innocence from the horrid Crime of Treason, with which I am falsely accused: And I esteem it a Duty I owe to Christian Charity, to publish to the World before my Death, all that I know in this Point, concerning those Catholics I have conversed with since the first Noise of the Plot, desiring from the Bottom of my Heart that the whole Truth may appear, that Innocence may be clear'd, to the great Glory of God, and the Peace and Welfare of the King and Country. As to myself, I call God to witness, that I was never in my whole Life present at any Consult or Meeting of the Jesuits, where any Oath of Secrecy was taken, or the Sacrament, as a Bond of Secrecy, either by me, or any one of them, to conceal any Plot against his Sacred Majesty; nor was I ever present at any Meeting or Consult of theirs, where any Proposal was made, or Resolve taken or signed, either by me or any of them, for taking away the Life of our dread Sovereign; an Impiety of such a Nature, that had I been present at any such Meeting, I should have been bound by the Laws of God, and by the Principles of my Religion (and by God's Grace would have acted accordingly) to have discovered such a devilish Treason to the Civil Magistrate, to the end they might have been brought to condign Punishment. I was so far, good People, from being in *September* last at a Consult of the Jesuits at *Tixall*, in Mr. *Ewers's* Chamber, that I vow to God, as I hope for Salvation, I never was so much as once that Year at *Tixall*, my Lord *Aston's* House. 'Tis true, I was at the Congregation of the Jesuits, held on the 24th of *April* was twelvemonth; but in that Meeting, as I hope to be sav'd, we meddled not with State-Affairs, but only treated about the Concerns of our Province, which is usually done by us, without Offence to temporal Princes, every third Year, all the World over.

Sheriff How. You do only justify yourselves here. We will not believe a Word that you say. Spend your time in Prayer, and we will not think your time too long.

Turn. I am, good People, as free from the Treason I am accused of, as the Child that is unborn; and being innocent, I never accus'd myself in Confession of any thing that I am charg'd with. Certainly, if I had been conscious to myself of any Guilt in this kind, I should not so frankly and freely, as I did, of my own Accord, have presented myself before the King's most honourable

Privy Council. As for those Catholics which I have conversed with since the Noise of the Plot, I protest before God, in the Words of a dying Man, that I never heard any one of them, either Priest or Lay-man, express to me the least Knowledge of any Plot, that was then on foot amongst the Catholics, against the King's most excellent Majesty, for the advancing the Catholick Religion. I die a *Roman* Catholick, and humbly beg the Prayers of such, for my happy Passage into a better Life. I have been of that Religion above thirty Years, and now give God Almighty infinite Thanks for calling me by his holy Grace to the Knowledge of this Truth, notwithstanding the Prejudice of my former Education. God of his infinite Goodness bless the King, and all the Royal Family, and grant his Majesty a prosperous Reign here, and a Crown of Glory hereafter. God in his Mercy forgive all those which have falsely accused me, and have had any Hand in my Death: I forgive them from the Bottom of my Heart, as I hope myself for Forgivenets at the Hands of God.

The last Speech of JOHN GAVAN.

Dearly beloved Countrymen,

I am come now to the last Scene of Mortality, to the Hour of my Death, an Hour which is the Horizon between Time and Eternity, an Hour which must either make me a Star to shine for ever in the Empire above, or a Firebrand to burn everlastingly amongst the damned Souls in Hell below; an Hour in which, if I deal sincerely, and with a hearty Sorrow acknowledge my Crimes, I may hope for Mercy; but if I falsely deny them, I must expect nothing but eternal Damnation; and therefore, what I shall say in this great Hour, I hope you will believe. And now in this Hour I do solemnly swear, protest and vow, by all that is sacred in Heaven and on Earth, and as I hope to see the Face of God in Glory, that I am as innocent as the Child unborn of those treasonable Crimes, which Mr. *Cates*, and Mr. *Dugdale* have sworn against me in my Trial, and for which Sentence of Death was pronounced against me the Day after my Trial. And that you may be assur'd that what I say is true, I do in the like manner protest, vow, and swear, as I hope to see the Face of God in Glory, that I do not, in what I say unto you, make use of any Equivocation, or mental Reservation, or material Prolocution, or any such like way to palliate Truth. Neither do I make use of any Dispensations from the Pope, or any Body else; or of any Oath of Secrecy, or any Absolution in Confession, or out of Confession, to deny the Truth: but I speak in the plain Sense which the Words bear; and if I do speak in any other Sense, to palliate or hide the Truth, I wish with all my Soul that God may exclude me from his heavenly Glory, and condemn me to the lowest Place of Hell-Fire: And so much to that Point.

And now, dear Country-men, in the second place, I do confess and own to the whole World, that I am a *Roman* Catholick, and a Priest, and one of that sort of Priests called *Jesuits*; and now because they are so justly charged for holding King-killing Doctrine, I think it my Duty to protest to you with my last dying Words, that neither I in particular, nor the *Jesuits* in general, held any such Opinion, but utterly abhor and detest

detest it: And I assure you, that amongst the vast Numbers of Authors, which among the *Jesuits* have printed Philosophy, Divinity, Cases, or Sermon, there is not one, to the best of my Knowledge, that allows of King-killing Doctrine, or holds this Position, That it is lawful for a private Person to kill a King, although an Heretick, although a Pagan, although a Tyrant: There is, I say, not one *Jesuit* that holds this, except *Mariana* the *Spanish* Jesuit, and he defends it not absolutely, but on'y problematically, for which his Book was called in, and that Opinion expunged and censur'd. And is it not a sad thing, that for the Rashness of one single Man, while the rest cry out against him, and hold the contrary, that a whole Religious Order should be sentenc'd? But I have not Time to discuss this Point at large, and therefore I refer you all to a Royal Author, I mean the wise and victorious King *Henry* the Fourth of *France*, the Royal Grandfather of our present gracious King, in a publick Oration which he pronounced, in Defence of the *Jesuits*, amongst other things, declaring, that he was very well satisfied with the *Jesuits* Doctrine concerning Kings, as being conformable to the best Doctors on the Church. But why do I relate the Testimony of one single Prince, when the whole Catholick World is the *Jesuits* Advocate? Therein chiefly *Germany*, *France*, *Italy*, *Spain*, and *Flanders*, trust the Education of their Youth to 'em in a very great measure; they trust their own Souls to be govern'd by 'em, in the Administration of the Sacraments. And can you imagine so many great Kings and Princes, and so many wise States should do, or permit this to be done in their Kingdoms, if the *Jesuits* were Men of such damnable Principles as they are now taken for in *England*?

In the third place, dear Country-men, I do protest, that as I never in my Life did machine, or contrive either the Deposition or Death of the King, so now at my Death, I do heartily desire of God to grant him a quiet and happy Reign upon Earth, and an everlasting Crown in Heaven. For the Judges, also, and the Jury, and all those that were any ways concern'd either in my Trial, Accusation, or Condemnation, I do humbly ask Pardon of God, to grant them both temporal and eternal Happiness. And as for Mr. *Oates* and Mr. *Dugdale*, I call God to witness, they by false Oaths have brought me to this untimely End. I heartily forgive them, because God commands me so to do; and I beg of God for his infinite Mercy to grant them true Sorrow and Repentance in this World, that they may be capable of eternal Happiness in the next. And having discharged my Duty towards my self, and my own Innocence towards my Order, and its Doctrine to my Neighbour, and the World, I have nothing else to do now, my Great God, but to cast my self into the Arms of your Mercy. I believe you are One divine Essence and Three divine Persons; I believe the Second Person of the Trinity became Man to redeem me: and I believe you are an eternal Rewarder of the Good, and an eternal Chastiser of the Bad. In fine, I believe all you have reveal'd for your own infinite Veracity; I hope in you above all things for your infinite Fidelity; and I love you above all things for your infinite Beauty and Goodness; and I am heartily sorry that ever I offended so

great a God, with my whole Heart: I am contented to undergo an ignominious Death for the Love of you, my dear Jesu, seeing you have been pleased to undergo an ignominious Death for the Love of me.

The last Speech of JOHN FENWICK.

Good People, I suppose you expect I should say something as to the Crime I am condemn'd for, and either acknowledge my Guilt, or assert my Innocency. I do therefore declare before God and the whole World, and call God to witness, that what I say is true, that I am innocent of what is laid to my Charge of Plotting the King's Death, and endeavouring to subvert the Government, and bring in a Foreign Power, as the Child unborn; and that I know nothing of it, but what I have learnt from Mr. *Oates* and his Companions, and what comes originally from them.

Sheriff How. If you can make a good Conclusion to your own Life, it will do well; consider if your Letters did not agree with the Evidence, that's another matter.

Fenwick. I assure you, I do renounce all Treason from my very Heart. I have always, and ever shall disown the Opinion of such devilish Practices as these are of King-killing. If I speak not the whole Frame of my Heart, I wish God may exclude me from his Glory.

Sher. How. Those that murdered Sir *Edmund-bury Godfrey* said as you do.

Fenwick. As for Sir *Edmund-bury Godfrey*, I protest before God, I know nothing of it: I never saw the Man in my Life.

Sher. How. For my part, I am of Opinion you had a Hand in it.

Fenwick. Now that I am a dying Man, do you think I would go and damn my Soul?

Sher. How. I wish you all the Good I can, but I'll assure you, I believe never a Word you say.

Fenwick. I pray for his Majesty every Day, and wish him all Happiness with all my Heart. Also I do with all my Soul pardon all my Accusers. If the Judge or Jury did any thing amiss, I pardon them with all my Soul, and all Persons directly or indirectly. I am very willing and ready to suffer this Death. I pray God pardon me my Sins, and save my Soul.

And as to what is said, and commonly believ'd, of *Roman Catholicks*, that they are not to be believ'd or trusted, because they can have Dispensations for Lying, Perjury, killing Kings, and other the most enormous Crimes; I do utterly renounce all such Pardons and Dispensations, and withal declare, That it is a most wicked and malicious Calumny cast upon Catholicks, who do All, with all their Hearts and Souls, hate and detest all such wicked and damnable Practices; and in the Words of a dying Man, and as I hope for Mercy at the Hands of God, before whom I must shortly appear and give an Account of all my Actions, I do again declare, That what I have said is true; and I hope Christian Charity will not let you think, that by the last Act of my Life, I would cast away my Soul, by sealing up my last Breath with a damnable Lye.

Then they were at their private Devotions for about an Hour.

And Mr. *Sheriff How* spake to them; Pray aloud Gentlemen, that we may join with you;

we shall do you no hurt, if we do you no good. Are you ashamed of your Prayers? Then he spake to Mr. Gavan, and said, It is reported you did preach at the Quakers Meeting.

Gavan. To which he made answer, No, Sir, I never preach'd there in my Life.

After they had ended their Devotions, the Executioner pulled their Caps over their Faces, and went down and drew away the Cart, and they were all hanged together 'till they were dead, and then cut down and quarter'd, and their Bodies disposed of according to his Majesty's Command.

July 14, was appointed for the Execution of Richard Langborn.

When he came down from his Chamber to be put in the Sledge, he had a written Speech with him, but the Sheriff (telling him that he must use no Papers at the Gallows) took it away, so that he repeated there only so much of it as he could remember.

When the Hangman was putting the Rope about his Neck he took it and kissed it; afterwards he said, I do not know, whether you will allow me liberty of Speech or no; besides the Noise of the People is so great, that I believe it is impossible to be heard.

I would gladly speak to Mr. Sheriff *Horo*, [*who coming to him, he spake to him thus,*] Mr. Sheriff, I having some doubt whether I should be suffer'd to speak in relation to my Innocence and Royalty, I did for that Reason prepare what I had to say in writing and it is deliver'd into your Hands, and therefore for the particular and precise Words and Expressions I do refer my self to that, and hope you will be so just to my Memory that you will permit it to be seen.

I shall therefore make only a short Preface, and I do declare in the presence of the Eternal God, and as I hope to be sav'd by the Merits and Death of my dear Jesus, that I am not Guilty directly nor indirectly of any Crime that was sworn against me: I do not speak this to arraign the Court of Justice, either Judges or Jury, but those Men, who did swear it; and the Jury were at liberty to believe or not believe, as they pleased; and I do likewise say with the same averment, that I did never in my Life see any Commission, or Patent, or any Writing, or any other thing under the hand of *Johannes Paulus de Oliva*.

Sheriff. Nor under no other Hand?

Langborn. No, nor under any other Hand, of any Commission or Patent for the raising of an Army, or any thing else against the King.

Sheriff. What was the Patent for? nothing?

Langborn. I never saw any, nor do I believe there was any: And whereas I have read in a Narrative that I sent a Commission by my Son, to the Lord *Arundel of Warder*, and that I deliver'd another to the Lord *Petre* (or *Peters*) with my own hands, I take God to witness, that I never saw him in my Life, or ever to my knowledge saw the Face of that Lord; nor did I send or know of any thing, that was sent to my Lord *Arundel of Warder* of that nature.

Sheriff. Shorten your Business Mr. Langborn, you and your Party have so many ways to equivocate, and after Absolution you may say any thing.

Langborn. I refer my self to that Paper I gave you, Mr. Sheriff.

Sheriff. I think it is not fit to be Printed, but I will do you no wrong.

Langborn. I do not think you will.

Sheriff. You have already printed a Paper, or some Body for you.

Langborn. Sir, I did not Print it, it was done without any Direction or Permission of mine.

Then he spake so much of the Speech as he could remember; the whole was as follows.

IN regard I could not foresee whether I should be permitted to speak at my Death, so as to make a publick Declaration of my Innocency and Loyalty, as a Christian ought to do; considering likewise, that if it should be permitted unto me, it would be more advisable for me rather to prepare beforehand, and set down in Writing the very Words in which I should make my Declaration, than to trust my Memory with them; to the end that the same may be well consider'd of, and digested by me, and that all Mistakes might be prevented, as far as may be: I say, in regard of this, I have in the present Paper reduced what I have to declare, as to my Innocence and Loyalty. And 'tis in these following Words:

I do solemnly and sincerely, in the Presence of Almighty God, profess, testify, and declare, as followeth; that is to say,

1. That I do, with my Heart and Soul, believe and own my most gracious Sovereign Lord, the King's Majesty, King *Charles* the Second, to be my true and lawful Sovereign, Prince, and King, in the same Sense and Latitude, to all Intents and Purposes, as in the Oath commonly called *The Oath of Allegiance*, His said Majesty is expressed to be King of this Realm of *England*.

2. That I do in my Soul believe, that neither the Pope, nor any Prince, Potentate, or Foreign Authority, nor the People of *England*, nor any Authority out of this Kingdom, or within the same, hath or have any Right to dispossess his said Majesty of the Crown or Government of *England*, or to depose him therefrom, for any Cause or pretended Cause whatsoever, or to give Licence to me, or to any other of his said Majesty's Subjects whatsoever, to bear Arms against his said Majesty, or to take away his Life, or to do him any bodily Harm, or to disturb the Government of this Kingdom, as the same is now established by Law, or to alter, or go about to alter the said Government, or the Religion now established in *England*, by any way of Force.

3. That I neither am, nor ever was at any time or times, Guilty, so much as in my most secret Thoughts, of any Treason, or Misprision of Treason whatsoever.

4. That I did not in the Month of *November*, or at any other time or times whatsoever, say unto Mr. *Oates*, or unto any other Person or Persons whatsoever, in relation to my Sons in *Spain*, or either of them, or in relation to any other Person or Persons whatsoever, that if they did continue in the World, (as Secular Priests, or otherwise) they should suddenly have great Promotions in *England*, for that things would not last long in the Posture wherein they then were;

nor did I ever say any Words to that or the like effect to any Person or Persons whatsoever.

5. That I did never in all my Life-time write any Letter, or other thing whatsoever, unto; or receive any Letter or other thing, from Father *Le Chaise*, or any French Jesuit whatsoever; or from Father *Auderton*, or Cardinal *Barbarino*, or any other Cardinal; nor did I ever see any Letter; or the Copy of any Letter or other Paper; or other thing, written or purporting to be written unto the said *Le Chaise*, or unto the said Father *Auderton*; or to the said Cardinal *Barbarino*, by any Person or Persons whatsoever, other than the printed Letters printed in the Narrative of the Trial of Mr. *Edward Coleman*, lately Executed; which I never saw otherwise than in the said printed Narrative; nor did I ever hear any mention made by any Person whatsoever of the Name of *Le Chaise*, or Father *Le Chaise*; before I read the said printed Narrative.

6. That I did never in all my Life-time make any Entry or Entries; into any Book or Books; or take; or make, or write, or cause to be written into any Book or Books, or otherwise, any Letter or Letters, or any Copy or Copies of any Letter or Letters, written by the said *Edward Coleman*, to any Person or Persons whatsoever.

7. That I did never in all my Life-time enter or register into any Book or Books, Paper or Papers whatsoever, or take, or make, or write, or cause to be written any Copy or Copies of any Act or Acts, Consult or Consults, Determination or Determinations, Order or Orders, Resolve or Resolves, or other Matter or Thing, at any time made, determined, resolved, passed, decreed or agitated; at any Congregation or Congregations, Consult or Consults, Chapter or Chapters, Assembly or Assemblies, of the Society or Order of the *Jesuits*, or of any other religious Order whatsoever; nor did I ever see, read, or heard read, nor did any Person or Persons at any time whatsoever, ever communicate unto me any such Act, Consult, Determination, Order, Resolve, Matter or Thing whatsoever.

8. That I did never in all my Life-time, to my Knowledge, Belief, or Remembrance, see or speak with Mr. *Bedlow*, who gave Evidence against me at my Trial, until I saw him in that Court wherein he gave Evidence against me.

9. That after the Month of *November*, which was in the Year of our Lord 1677, I did never see or speak with Mr. *Titus Oates* before-named, until I saw him in the same Court where he gave Evidence against me at my Trial.

10. That I did never see, in all my Life-time, to my Knowledge, Belief, or Remembrance, any Commission or Commissions, Patent or Patents, Grant or Grants, Order or Orders, Instrument or Instruments, Writing or Writings, or other Matter or Thing whatsoever, under, or pretended to be under the Hand and Seal, or the Hand or the Seal of *Johannes Paulus de Oliva*, or any other General of the *Jesuits* whatsoever, other than the Paper or Instrument produced and shewed unto me in the said Court at my Trial, which whether it was sign'd or seal'd by the said *de Oliva*, I do not know.

11. That I did never in all my Life-time write, or cause or procure to be written, any Treasonable Letter or Letters whatsoever, or any thing which was or is Treason or treasonable, in any

Letter or Letters; Book or Books; Paper or Papers; or otherwise howsoever.

12. That I believe, that if I did know, or should know of any Treason or treasonable Design, that was or is intended, or should be intended against his said Majesty, or the Government of this his Majesty's Kingdom, or for the Alteration by Force, Advice, or otherwise, of the said Government, or of the Religion now established in this Kingdom, and should conceal and not discover the same unto his said Majesty, or his said Majesty's Council or Ministers, or some of them; that such Concealment would be in me a Sin unto Death, and eternal Damnation.

13. That I do believe, that it is no ways lawful for me to lye, or speak any thing which I know to be untrue; or to commit any Sin, or do any Evil, that Good may come of it. And that it is not the Power of any Priest, or of the Pope, or of God himself, to give me a Licence to lye, or to speak any thing which I know to be untrue; because every such Lye would be a Sin against Truth: And Almighty God, who is perfect Truth, cannot give me a Licence to commit a Sin against his own Essence.

And I do solemnly, in the Presence of God, profess, testify, and declare, That as I hope for Salvation, and expect any Benefit by the Blood and Passion of my dearest Saviour Jesus Christ, I do make this Declaration and Protestation, and every part thereof, in the plain and ordinary Sense of the Words, wherein the same stands written, as they are commonly understood by *English* Protestants, and the Courts of Justice of *England*, without any Evasion or Equivocation, or Delusion, or mental Reteryation whatsoever: And without any Dispensation, or Pardon, or Absolution already granted to me, for this or any other Purpose, by the Pope, or any other Power, Authority, or Person whatsoever; or, without any Hope, Expectation or Desire of any such Dispensation; and without thinking or believing that I am or can be acquitted before God or Man, or absolved of this Declaration, or any part thereof, although the Pope, or any other Person or Persons, or Power or Authority whatsoever should dispense with, or take upon him or them to dispense with, or annul the same, or declare that it was, or is, or ought to be null or void in part, or in the whole, from the Beginning, or otherwise howsoever.

Having made this Declaration and Protestation in the most plain Terms that I can possibly imagine, to express my sincere Loyalty and Innocency, and the clear Intention of my Soul, I leave it to the Judgments of all good and charitable Persons whether they will believe what is here in this manner affirm'd and sworn by me in my present Circumstances, or what is sworn by my Accusers.

I do now farther declare, That I die a Member (tho' an unworthy one) of that holy Catholick and Apostolick Church of Christ, mention'd in the Three holy and publick Creeds, of which Church our Lord Jesus Christ is the invisible Head of Influence, to illuminate, guide, protect, and govern it by his holy Spirit and Grace; and of which Church the Bishop of *Rome*, as the Successor of St. *Peter*, the Prince of the Apostles, is the visible Head of Government and Unity.

I take it to be clear, that my Religion is the sole Cause which moved my Accusers to charge me with the Crime, for which, upon their Evidence, I am adjudged to die; and that my being of that Religion, which I here profess, was the only Ground which could give them any Hope to be believed, or which could move my Jury to believe the Evidence of such Men.

I have had not only a Pardon, but also great Advantages, as to Preferments, and Estates, offer'd unto me, since this Judgment was against me, in case I would have forsaken my Religion, and own'd myself Guilty of the Crime charged against me, and charged the same Crimes upon others: But blessed be my God, who by his Grace hath preserv'd me from yielding to those Temptations, and strengthen'd me rather to choose this Death, than to stain my Soul with Sin, and to charge others, against Truth, with Crimes, of which I do not know that any Person is Guilty.

Having said what concerns me to say as to my self, I now humbly beseech God to bless the King's Majesty with all temporal and eternal Blessings, and to preserve him and his Government from all Treasons and Traitors whatsoever; and that his Majesty may never fall into such Hands as his Royal Father, of glorious Memory, fell into.

I also humbly beseech thee (O God) to give true Repentance and Pardon to all my Enemies, and most particularly to the said Mr. Oates and Mr. Bedlow, and to all who have been any ways accessory to the taking away of my Life, and the

shedding of my innocent Blood, or to the preventing the King's Mercy from being extended unto me; and likewise to all those who rejoiced at the Judgment given against me, or at the Execution of the said Judgment; and to all those who are or shall be so unchristianly uncharitable, as to disbelieve, and to refuse to give credit unto my now Protestations.

And I beseech thee (O my God) to bless this whole Nation, and not to lay the Guilt of my Blood unto the Charge of this Nation, or of any other particular Person or Persons of this Nation. Unite all (O my God) unto thee and thy Church, by true Faith, Hope, and Charity, for thy Mercy's sake.

And for all those who have shew'd Charity to me, I humbly beg (O my Jesus) that thou wilt reward them with all Blessings, both temporal and eternal.

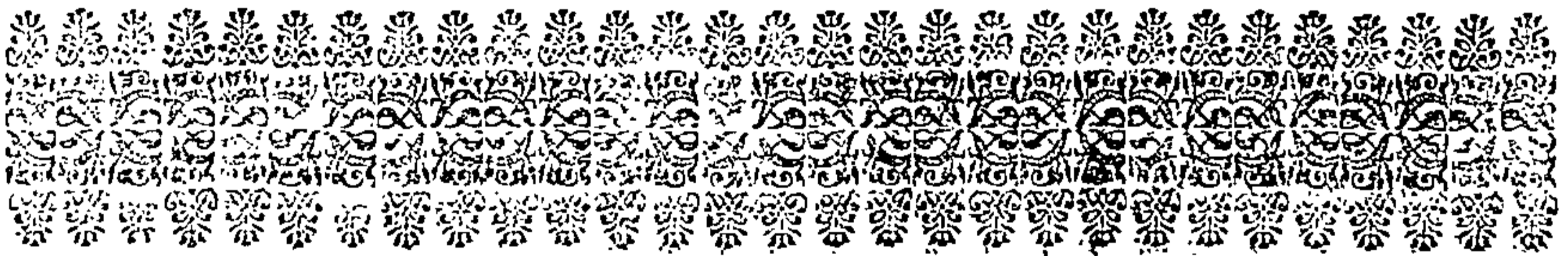
13 July,
1679.

R. LANGHORN.

After which he asked the Executioner, *whether the Rope was right or no*: He said, *yes*: Then the Executioner asked him *whether he did forgive him*: To which Langhorn said, *I freely do. I shall now recommend my self to God in private.*

Sheriff. You may have liberty.

Then he Cross'd himself, and pray'd again, *Blessed Jesus, into thy Hands I recommend my Soul and Spirit, now at this Instant take me into Paradise: I am desirous to be with Jesus. I am ready, you need stay no longer for me.* Upon which he was turn'd off.



LXXXV. *The Trial of Sir GEORGE WAKEMAN * Bart. WILLIAM MARSHAL, WILLIAM RUMLEY, and JAMES CORKER, Benedictine Monks, at the Old-Baily, for High-Treason, July 18, 1679. 31 Car. II.*

UPON Friday the 18th of July, 1679, at the Sessions-House in the Old-Baily, London, the Court being met, and Proclamation made for Attendance, the Trials proceeded thus:

Clerk of the Crown. Set Sir George Wakeman, William Marshal and William Rumley to the Bar.

Sir George Wakeman, hold up thy Hand. Which he did. And so of the other Two.

You stand Indicted, by the Names of Sir George Wakeman, late of the Parish of St. Giles in the Fields, in the County of Middlesex, Bart. William Marshal, of the same Parish and County, Gentleman, and William Rumley, of the same Parish and County, Gentleman.

For that you as false Traitors against the most Illustrious, Serene, and most Excellent Prince, Charles the Second, by the Grace of God, of Eng-

land, Scotland, France, and Ireland, King, Defender of the Faith, &c. your Supreme and Natural Lord; the Fear of God in your Hearts not having, nor weighing the Duty of your Allegiance, but being moved and seduced, by the Instigation of the Devil; and the cordial Love, true, due, and natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King do, and of Right ought to bear towards Him, our said Sovereign Lord the King, utterly withdrawing, and endeavouring and intending, with all your Strength, the Peace and common Tranquillity of this Kingdom of England to disturb, and the true Worship of God within this Kingdom of England used, and by the Laws of the same Established, to overthrow, and the Government of this Realm to subvert, and Sedition and Rebellion, within this Kingdom of England, to move, stir up, and procure, and the cordial Love, true, due, and natural Obedience, which true and faithful

* Burn. Hist. Own Times, Vol. I. p. 467.

faithful Subjects of our said Sovereign Lord the King, ought, and of Right are bound, to bear towards Him, our said Sovereign Lord the King, wholly to Withdraw, Put out, and Extinguish, and Him, our said Sovereign Lord the King, to Death and Final Destruction to Bring and Put, You, the said Sir George Wakeman, William Marshal, and William Rumley, the 30th Day of August, in the Thirtieth Year of the Reign of our said Sovereign Lord King Charles the Second, at the Parish of St. Giles in the Fields, aforesaid, in the County aforesaid, falsely, maliciously, subtilly, advisedly, and traitterously did purpose, compass, imagine and intend, Sedition and Rebellion, within this Kingdom of England, to move, stir up, and procure, and miserable Slaughter among the Subjects of our said Sovereign Lord the King to cause and procure, and our said Sovereign Lord the King, from his Royal State, Title, Power and Government of his said Kingdom of England, wholly to deprive, depose, cast down, and disinherit, and Him, our said Sovereign Lord the King, to Death, and final Destruction to bring and put, and the Government of this Kingdom of England, and the sincere Religion of God, within the same rightly and by the Laws of the same established, at your Will and Pleasure to change and alter; and the State of this whole Kingdom of England, through all its Parts well instituted and ordained, wholly to subvert and destroy; and War against our said Sovereign Lord the King, within this Kingdom of England, to levy; and to accomplish and fulfil those your most wicked Treasons, and traitterous Imaginations and Purposes, You, the said Sir George Wakeman, William Marshal, and William Rumley, and other false Traitors unknown, the aforesaid 30th Day of August, with Force and Arms at the Parish aforesaid, in the County aforesaid, maliciously, subtilly, advisedly, and traitterously did assemble, unite, and gather your selves together; and then and there, falsely, maliciously, subtilly, advisedly, devilishly and traitterously did consult, consent and agree, our said Sovereign Lord the King, to Death and final Destruction to bring and put; and the Religion within this Kingdom of England rightly, and by the Laws of the same established, to change and alter to the Superstition of the Church of Rome; and to move, procure, and persuade them, the said William Marshal, William Rumley, and other false Traitors unknown, the Agreement aforesaid to fulfil and accomplish, You, the said Sir George Wakeman, after, to wit, the said 30th Day of August, in the Parish aforesaid, in the County aforesaid, to them the said William Marshal, William Rumley, and other false Traitors unknown, did traitterously promise to give your Assistance, the Government of this Kingdom to subvert, and the true Worship of God, in this Realm rightly and by the Laws thereof established and used, to the Superstition of the Church of Rome to alter: And that You, the said Sir George Wakeman, then and there, falsely, maliciously, subtilly, advisedly, devilishly and traitterously, did undertake to kill and murder our said Sovereign Lord the King: And in further Prosecution of the Treasons, traitterous Conspiracies, Intentions and Agreements aforesaid, You, the said Sir George Wakeman, the said 30th Day of August, at the Parish aforesaid, in the County aforesaid, falsely, traitterously, and against the Duty of your Allegiance, did receive and had (from a certain Person unknown, pretending to be Provincial of the Jesuits in England, and claiming Authority for the Granting Commissions in that Part from the See

of Rome,) one Commission to institute and authorize you the said Sir George Wakeman to be Physician-General of the Army, to be raised for the waging War against our said Sovereign Lord the King within this Kingdom of England, and the same Commission then and there, falsely, advisedly, maliciously and traitterously did inspect and read over, and traitterously did keep in your Possession, and to the same falsely, knowingly, advisedly and traitterously did consent and agree, with that Intention, that you the said Sir George Wakeman should have, receive and exercise the Place and Office of Physician-General of the Army aforesaid, when you the said Sir George Wakeman, William Marshal, William Rumley, and the said other false Traitors unknown, should have performed and accomplished your Treasons, Compassings, Imaginations, Purposes, and traitterous Agreements aforesaid. And that you the said William Marshal and William Rumley, in further prosecution of your Treasons, traitterous Conspiracies, Intentions and Agreements aforesaid, the said 30th Day of August, in the Parish aforesaid, in the County aforesaid, did falsely, subtilly and traitterously consult, conclude, consent and agree, that you the said William Marshal, William Rumley, and other false Traitors unknown, should pay the Sum of 6000l. towards furthering, and consummating the traitterous Agreements aforesaid, amongst the said false Traitors had, our said Sovereign Lord the King to kill and murder, the true Worship of God within this Realm rightly and by the Laws of the same established, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, against the Duty of your Allegiance, against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in this Case made and provided.

Cl. of Cr. How say'st thou, Sir George Wakeman, art thou Guilty of this High-Treason whereof thou standest Indicted, or Not Guilty?

Sir George Wakeman. Not Guilty.

Cl. of Cr. Culprit, How wilt thou be Tried?

Sir George Wakeman. By God and my Country.

Cl. of Cr. God send thee a good Deliverance. [And so the other two.]

Cl. of Cr. Set James Corker to the Bar, (who was Arraigned, and Pleaded the last Sessions.) James Corker, hold up thy Hand. You the Prisoners at the Bar, Sir George Wakeman, William Rumley, William Marshal, and James Corker, Those Men that you shall hear called and personally appear, are to pass between our Sovereign Lord the King and you, upon Trial of your several Lives and Deaths; If therefore you or any of you will challenge them, or any of them, your Time is to speak unto them as they come to the Book to be sworn, and before they be sworn. Call Ralph Hawtrey, Esq; who appeared, and there being no Challenges the Twelve that were Sworn are as follows.

J U R Y.

Ralph Hawtrey of Risipp, Esquire.
Henry Hawley of New-Brentford, Esq;
Henry Hodges of Hancwell, Esq;
Richard Downton of Isleworth, Esq;
John Batherst of Edmonton, Esq;
Robert Hampton of Greenford, Esq;

William Heydon of Greenford, Esq;
 John Baldwyn of Hillingdon, Esq;
 Richard Dobbins of Harvile, Esq;
 William Avery of Enfield, Esq;
 William Wayte of St. Clement Danes, Gent.
 Richard White of Cripplegate, Gent.

Cl. of Cr. Crier, Count these. *Ralph Haw-*
tre.

Crier, One, &c.

Cl. of Cr. *Richard White.*

Crier. Twelve good Men and True, stand together and hear your Evidence.

Then the usual Proclamation for Information was made, and the Prisoners being bid to hold up their Hands, the Clerk of the Crown charged the Jury with them thus.

Cl. of Cr. You of the Jury, look upon the Prisoners, and hearken to their Cause. They stand Indicted by the Names of (*prout in the Indictment mutatis mutandis*) and against the Form of the Statute in that Case made and provided: And he the said *James Corker*, stands Indicted by the Name of *James Corker* of the Parish of *St. Giles in the Fields*, in the County of *Middlesex*, Clerk;

For that he with *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, as a false Traitor against the most Illustrious, most Serene, and most Excellent Prince, *Charles the Second*, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, &c. his Supreme and Natural Lord, not having the Fear of God in his Heart, nor weighing the Duty of his Allegiance, but being moved and seduced by the Instigation of the Devil, the cordial Love, true, due, and natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him should, and of right ought to bear, wholly withdrawing; and advising, and with all his Strength, intending the Peace and common Tranquillity of this Realm to disturb, and the true Worship of God within this Kingdom of *England* used, and by the Law Established, to overthrow, and the Government of this Realm to Subvert, and Sedition and Rebellion within this Kingdom of *England* to move, stir up and procure, and the cordial Love, and true and due Obedience which true and faithful Subjects of our said Sovereign Lord the King, towards him should, and of right ought to bear, utterly to withdraw, put out, and extinguish, and our said Sovereign Lord the King to Death and final Destruction to bring, and put, on the Four and Twentieth Day of *April*, in the Thirtieth Year of the Reign of our said Sovereign Lord, King *Charles the Second*, at the Parish of *St. Giles in the Fields*, in the County of *Middlesex* aforesaid; He the said *James Corker*, together with the said *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, with diverse other false Traitors, Subjects of our said Sovereign Lord the King, to the Jurors unknown, falsely, subtilly, advisedly, maliciously, and traiterously, did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure, and a miserable Slaughter among the Subjects of our said Sovereign Lord the King to procure and cause, and our said Sovereign Lord the King, of his Kingly State, Title, Power, and Government of his Kingdom of *England*, utterly to deprive, depose, cast

down, and disinberit, and him our said Sovereign Lord the King to Death and final Destruction to bring and put, and the Government of this Kingdom of *England*, and the sincere Religion of God within the same, rightly, and by the Laws of the same established, at his Will and Pleasure, to change and alter, and the State of this whole Kingdom of *England*, thro' all its Parts well instituted and ordained, wholly to subvert and destroy; and War, within this Kingdom of *England*, against our said Sovereign Lord the King, to levy: And to accomplish and fulfil their said most wicked Treasons, and traiterous Imaginations and Purposes, He the said *James Corker*, together with the said *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, and other false Traitors against our said Sovereign Lord the King, to the Jurors unknown, the said Four and Twentieth Day of *April*, with Force and Arms, &c. in the Parish aforesaid, and County aforesaid, falsely, maliciously, subtilly, advisedly, devilishly, and traiterously did assemble, unite and gather together, and then and there, falsely, maliciously, subtilly, advisedly, devilishly, and traiterously did consult, consent, and agree, our said Sovereign Lord the King to Death and final Destruction to bring and put, and the Religion of this Kingdom of *England*, rightly, and by the Laws of the same established, to the Superstition of the Romish Church to change and alter, and the Government of this Kingdom of *England* to subvert; and that one *Thomas Pickering*, and one *John Grove*, should Kill and Murder our said Sovereign Lord the King; and that he the said *James Corker*, together with the said *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, and other False Traitors, against our said Sovereign Lord the King, to the Jurors unknown, should therefore say, celebrate, and perform, a certain Number of Masses, then and there amongst themselves agreed on, for the Soul of the said *Thomas Pickering*, and for that Cause should pay to the said *John Grove* a certain Sum of Money, then and there amongst themselves agreed on; and that he the said *James Corker*, together with the said *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, and other False Traitors to the Jurors unknown, in further prosecution of the Treasons and traiterous Consultations and Agreements aforesaid, afterwards, the said Four and Twentieth Day of *April*, at the Parish aforesaid, in the County aforesaid, falsely, subtilly, advisedly, maliciously, devilishly, and traiterously, did severally each to the other engage themselves, and upon the Sacrament traiterously did swear and promise, to conceal, and not to divulge the said most wicked Treasons, and traiterous Compassings, Consultations, and Purposes aforesaid amongst themselves had, traiterously to kill and murder our said Sovereign Lord the King, and to introduce the Romish Religion within this Kingdom of *England*, and the true reformed Religion within this Realm, rightly, and by the Laws of the same established, to alter and change. And that he the said *James Corker*, together with the said *Thomas White*, *John Fenwick*, *William Harcourt*, *John Gavan*, and *Anthony Turner*, and other false Traitors to the Jurors unknown, in further prosecution of their said Treasons and traiterous Intentions and Agreements aforesaid, afterwards, the said Four and Twentieth Day of *April*, at the Parish aforesaid, in the County aforesaid, falsely, subtilly, advisedly, maliciously, devilishly, and traiterously, did prepare, persuade, excite, abet, comfort and counsel

four other Persons to the Jurors unknown, Subjects of our said Sovereign Lord the King, traiterously our said Sovereign Lord the King to kill and murder, against the Duty of his Allegiance, against the Peace of our Sovereign the King, his Crown and Dignity, and against the Form of the Statute in that Case made and provided.

Upon these several Indictments they have been Arraigned, and thereunto have severally pleaded Not Guilty, and to their Trial put themselves on God and their Country, which Country you are. Your Charge is to enquire, whether they be Guilty of the High-Treason whereof they stand Indicted, in Manner and Form as they stand Indicted, or Not Guilty, &c.

M^r. Edward Ward, May it please your Lordship, and you Gentlemen of the Jury; Sir George Wakeman, Bar. William Marshal, and William Rumley, the Prisoners at the Bar, stand Indicted; for that they as false Traitors against our Sovereign Lord King Charles the Second, their Supreme and Natural Lord, not having the Fear of God before their Eyes, did traiterously endeavour and intend, with all their Strength, the Peace and Tranquillity of this Kingdom of England to disturb, and the Worship of God in the same rightly, and by the Laws of the same established, and the Government of the Kingdom in all its Parts well instituted and ordered, to subvert and overthrow, and Sedition and Rebellion within the same to move and procure, and to bring and put the King to Death and final Destruction; and to that Purpose the 30th of August, in the 30th Year of the King that now is, they did seditiously, maliciously, seditiously, advisedly, and traiterously compass, imagine, intend, and devise, those things that I have enumerated to you; that is, Sedition and Rebellion in the Kingdom to move the Peace and Tranquillity of the same to disturb, the Worship of God to overthrow, and the King from his Royal State, Title, Power and Government wholly to depose, and to put the King to Death and final Destruction, and the Religion at their Wills and Pleasures to alter, and to introduce the *Romish* Superstition, and War within the Kingdom to Levy against our Sovereign Lord the King. And to accomplish these Treasons and Purposes, they the Prisoners at the Bar, with other false Traitors unknown, the Day and Year beforementioned, did assemble and meet together, and did then and there consent and agree to put the King to Death and final Destruction. And to persuade *Marshal* and *Rumley* to these Treasons, the said Sir George Wakeman promised his Assistance; first, to subvert the Government, and then to alter the Religion to the *Romish* Superstition, and traiterously undertook to kill the King: And he did receive for that Purpose, from the pretended Provincial of the Jesuits in England, (who claimed an Authority from the See of Rome, of granting out Commissions) a Commission which constituted him Physician-General of the Army; which Army was to be raised for the levying of War against the King, and the Subversion of the Government and Religion: That he read this Commission, that he kept it in his Possession, that he consented to it, accepted it, and intended to execute the Employment, when their Designs were accomplished. The Indictment further sets forth, that *Marshal* and *Rumley*, and other false Trai-

tors, agreed to pay the Sum of 6000*l.* for the carrying on and effecting of this Treason; and this is laid, to be against the Duty of their Allegiance, against the King's Peace, Crown and Dignity, and against the Form of the Statute. To this Indictment they have pleaded Not Guilty; if we make out these Crimes against them, or any of them, you are to find them Guilty.

There is also another indicted, that is *James Corker*; For that he is a false Traitor against the King, and withdrawing his Allegiance, and due and natural Obedience, which he owed to him, as his Sovereign, together with other Persons there mention'd, *White, Fenwick, Harcourt, Gavan, and Turner*, did intend to overthrow the Religion, to subvert the Government, and to do all those Treasons that I have here enumerated, and that they did the 24th of April, in the 30th Year of this King, at the Parish of *St. Giles in the Fields*, in your County, compass and imagine the King's Death, levying of War, and those other Things; and in order thereunto, they did contrive that *Pickering* and *Grove* should kill the King, and that *Corker* and the others should say Masses for the Soul of *Pickering*, and should pay *Grove* a Sum of Money. That to this they plighted their Faith, and received the Sacrament upon it: And that *Corker* and the others, the Day and Year aforesaid, traiterously persuaded, excited and abetted four other Persons to murder the King. To this he hath pleaded Not Guilty; if we prove him Guilty of any of these things, we hope you will find it so.

Sir Robert Sayer. My Lord, and you Gentlemen of the Jury, The Prisoners at the Bar with whom you are charged, stand Indicted as principal Actors and Instruments of that late most Catholick and Bloody Plot some time since discovered; and I hope, by the Blessing of Almighty God, in a great measure prevented. The Design, Gentlemen, was against the King and the Church; both Church and State were too little a Sacrifice to be offered up to the universal Supremacy of *Rome*. They well knew, Gentlemen, that so long as God should preserve the Life of our Prince, and as long as those Legal Pales, where-with the Church of England is encompassed, did but continue firm, neither the Gates of Hell nor *Rome* could prevail against it. And I with that all Protestants were of the same Mind.

I shall not enter now into any large Discourse of it, no trace the several Steps of this Plot, which is so well known to all Men of this Nation at this Day, but only touch upon those Parts of it that do concern the Prisoners now at the Bar, unless they shall give me occasion to recur to any former Passages. Gentlemen, we shall make Proof to you, that the 24th of April, 1678, there was a very great Consult of a numerous Company of Jesuits here in London; and there was the Foundation laid, or at least the Execution was then determined of bringing this Plot to its Accomplishment. To this Consult we shall make it appear, that the Gentlemen at the Bar were privy and consenting to it. The King must die, that is resolved on, and you have heard formerly of the several Ways that it was to be acted; some Persons were designed to shoot him, these have received their Trial and condign Punishment; then there was another Set, and they were to stab him, and some of these have been brought to

to Justice too; but then there was a third Sort, (for they did invent all the imaginable Ways of Death) and that was Poisoning; and that will come principally before you at this Time. And they had chosen out a very proper Instrument for it, a Gentleman whose Experience rendred him able, and whose near Relation to and Dependance upon the Royal Family, gave him a great Opportunity to commit that horrid Crime. But, Gentlemen, tho' his Persuasion might go a great way, yet he would not do it *Gratis*, and thereupon he must be hired for a great Sum of Money, not under 15000*l.* and then he undertook that great Employment.

We shall prove to you, that this was his Bargain, that part of his Wages he had received, for he would be sure of something in Hand before the Work were done. We shall make it appear, Gentlemen, that he was privy also to the Consult (for I apply my self at present peculiarly to him) and approved of it. And as a further Reward, besides that of Money, he was to be preferred to be Physician-General of the Army that was then to be raised, that Employment was designed for him; nay, he accepted of the Commission, as we shall endeavour to prove to you.

We shall also prove, that the other Gentlemen at the Bar, the other Malefactors that stand there, were privy to the great Consult of the Death of the King. That there was 6000*l.* which was to be furnished by the *Benedictine* Monks; for tho' the Jesuits were the great Engineers, yet all the other Orders were to contribute, and 6000*l.* was to be furnished by them. And in the course of our Evidence we shall give you several Instances which will concern all these particular Prisoners now at the Bar; and one truly that there was such a Design of Poisoning, which is very remarkable, and that was from a very great Engineer that hath suffered already, and that was *Mr. Ireland*; and wherein I must desire that you would observe another thing that falls out very materially, that tho' *Mr. Ireland*, at the time of his Death, and all along, disowned that he was here in *London* in *August*, and with great Asseverations did affirm it, it will appear by the course of our Evidence that he was here in *London* then, and had frequently Discourses that it was an easy Matter to take off the King by Poison: And for that purpose do I mention it to you as an Instance that Poison was one of the great Ways that they intended to murder the King by. And, Gentlemen, you will collect from that Evidence, what Credit is fit to be given to the Words of such dying Men, and whether living Witnesses that are upon their Oaths, are not rather to be believed, than those whose concern it is for more Reasons than one to persuade the People that they are innocent. And you will likewise collect that those who have lived in the Sin of committing such horrid Crimes as these are, will not stick to protect that same Church (which they would propagate by those Crimes) by denying the plainest Truth.

We will not trouble you any further with the Opening of the Evidence, because the Witnesses are many, and their Testimony various; but we shall call our Witnesses, and let them tell it you themselves.

Mr. Ward. Call *Dr. Oates*, *Mr. Bedlow*, *Mr.*

Dugdale, *Mr. Jennison*, and *Mr. Praunce*, (who were all sworn, and *Mr. Dugdale* set up)

Sir Robert Sawyer. Gentlemen, we call first *Mr. Dugdale* to give you a general Account of the Plot, not so much for the Proof of the things here charged particularly on the Prisoners, as the general Design.

Mr. Ward. Pray, Sir, speak your Knowledge of what you know concerning the Plot in general.

Dugdale. I have for this seven Years known something of it, but nothing particularly till within these two Years. About two Years since it was communicated to me by *Mr. Ewers*, *Mr. Gavan*, *Mr. Peters*, *Mr. Lewson*, and some other Priests, which I cannot now remember their Names, and they did persuade me to be of the Management of the Business, for the carrying on of the Design, for the introducing their Religion, and for the killing of the King and the Duke of *Monmouth*; both those two things were communicated to me, upon my Oath, by *Mr. Gavan*, *Mr. Ewers*, *Mr. Peters*, *Mr. Lewson*, and my Lord *Stafford*.

Mr. Justice Atkins. What, *Mr. Gavan* that was executed, do you mean?

Dugdale. Yes, he was the Man: I have had several Pacquets of Letters which concerned the Plot: All the Letters that came from *Mr. Harcourt*, or from any others concerning the Plot, were directed to me: I have had sometimes eight, sometimes nine, sometimes more Letters at a time, but I never saw any, almost, but they all tended to the carrying on of this Design.

Lord Chief Justice.* Did they shew you these Letters, or did you open them?

Dugdale. I did open several of them, a great many, and some of them that I could not handsomely seal up again, I kept.

L. C. J. They did not know you opened them?

Dugdale. No, they did not all the time.

L. C. J. To what purpose did they write?

Dugdale. My Lord, they were to give Instructions to *Mr. Ewers* how he should manage the Affairs for carrying on the Design, how he must go about for the raising of Money, and for the engaging the Gentlemen in the Country, as particularly *Mr. Gerard* of *Hilderston*, and *Mr. Howard* of *Horecross*, and *Sir James Simons*, and one Gentleman that is dead, one Captain *Atherley*, and several other Gentlemen were engaged in it, to be Officers when they had accomplished their Business of Killing the King.

Sir Robert Sawyer. You say they were to be Officers; what, were they to be Military Officers, or what?

Dugdale. Yes, they were to be Military Officers.

Sir Robert Sawyer. Was there an Army to be raised?

Dugdale. Yes, there was an Army spoken of to be raised.

Sir Robert Sawyer. By whom?

Dugdale. There was Money ready in *July* last, for I saw Acquittances that came from *St. Omers* that the Money was paid. But then there was Caution given to be sure not to make any Rumour of Arms or any thing, till the King was dispatched.

* *Sir William Scroggs.*

L. C. J. Did they write that in a Letter?

Dugdale. They writ that in a Letter directed to me?

L. C. J. To you?

Dugdale. Yes, to me.

L. C. J. Who writ that Letter?

Dugdale. My Lord, truly I cannot be certain at present who it was; but upon recollection I can, may be, remember who it was: but it contained that there should be Caution given to all, to be sure that none should mention Arms, or any thing, till the King was dispatched.

Sir Robert Sawyer. From whence did that Letter come, Mr. *Dugdale*?

Dugdale. It came from Mr. *Harcourt*, I am certain, and in Mr. *Grove's* Pacquet; but I am not certain of the Person that writ the Letter, but I can recollect hereafter, perhaps, who it was.

L. C. J. Did it come from beyond Sea, or London?

Dugdale. It came from London, but I suppose it came thither from beyond Sea.

L. C. J. The Letter came to you, you say; was it dated from any Place, and what?

Dugdale. I am not certain whether it was dated from any Place; there were several Letters that came from all Parts, some from *St. Omers*, some from *Paris*, some from *Rome*.

Sir Robert Sawyer. Pray what do you know of any Correspondence that was between your principal Agents in *Staffordshire*, and those Conspirators here at London?

Dugdale. Yes, there was a Correspondence between them?

L. C. J. Between whom? Name them.

Dugdale. Betwixt Mr. *Ewers*, Mr. *Gavan*, and Mr. *Vavasor*, these were in *Staffordshire*; and betwixt Mr. *Ireland*, Mr. *Harcourt*, Mr. *Fenwick* and Mr. *Grove*, these I know.

L. C. J. Where were these last?

Dugdale. In London these Persons were, they did write constantly three times a Week Letters into *Staffordshire* about this Business.

L. C. J. But pray was there any thing mentioned in any of these Letters concerning Killing the King?

Dugdale. Yes there was.

L. C. J. Was there any thing plain of that in those Letters?

Dugdale. There was in one from Mr. *Whitebread*.

L. C. J. What did that Letter say?

Dugdale. There was one from him that did give a Caution to Mr. *Ewers*, that he should be sure to choose no Persons but such as were stout and hardy, or to that Effect.

L. C. J. To do what?

Dugdale. To kill the King.

L. C. J. Was that expressed in the Letter?

Dugdale. Yes, my Lord, it was.

L. C. J. And did they write that they should choose hardy Persons to kill the King? Was that the Subject of it?

Dugdale. Yes, my Lord, it was.

L. C. J. Did it come by the common Post?

Dugdale. Yes, my Lord, it did; but they had devised it so, that there was care taken they should not be discovered, they would set but two Letters of their Names to them, and they were directed all to me, so that I was to bear all the Danger.

Sir Rob. Sawyer. How was the Direction? Was it directed plainly to you on the out-side?

Dugdale. Yes, it was; and if it were discovered, I was sworn by Mr. *Ewers* to deny it, and then they could not be discovered.

Mr. Just. Atkins. Did they give you any Oath to that Purpose?

Dugdale. Yes, I was sworn Ten times at least to Secrecy, and promised it on the Sacrament.

Sir Robert Sawyer. Besides what came in those Letters, had you any Discourse with any touching Killing the King?

Dugdale. Yes.

Sir Rob. Sawyer. With whom?

Dugdale. With Mr. *Gavan*, Mr. *Ewers*, Mr. *Lewson*; and my Lord *Stafford*.

L. C. J. And would they have persuaded you to have done it?

Dugdale. Yes, I was to have been employed as an Actor in it, either to have taken his Life away, by Shooting, or by Stabbing, or some Way.

L. C. J. Did they propose it to you, and how, in what manner would they have you do it?

Dugdale. No, my Lord, I was not told absolutely in what manner; but I was directed to come to London, and I should have Instructions about it there.

L. C. J. Tell us again who they were that did solicit you?

Dugdale. Mr. *Ewers*, Mr. *Gavan*, Mr. *Peters*, Mr. *Lewson*, and my Lord *Stafford*.

Mr. Just. Atkins. My Lord *Stafford* you say?

Dugdale. Yes, I said so before, my Lord.

L. C. J. They engaged you in the Business in general, you say, and you were to have Directions about it at London, that is that you say?

Dugdale. Yes, my Lord, Mr. *Ireland* was to take care of me there.

Sir Rob. Sawyer. Pray, Sir, had you Discourse of the several Ways, what Ways were to be taken?

Dugdale. I had no particular Way mentioned, but I was told that it was easy to be done by Shooting or Stabbing.

L. C. J. Did you ever come to London upon that Errand?

Dugdale. No, never.

L. C. J. When they had engaged you to do the Thing, why did not they send you about it?

Dugdale. I was not to come till October.

L. C. J. When was it that you were engaged first?

Dugdale. I had particular Intimation of the Matter of the Plot about two Years before, but I was not to come up till October.

L. C. J. Which October?

Dugdale. Last October.

L. C. J. Why, you were engaged a great while before, how chanced you were not to come up till October?

Dugdale. I was engaged a Year and a half before, but it was not positively then said to me, that I was to be instrumental in Killing the King, till that time, which was about July, when my Lord *Stafford* came down, and I was to come up in October.

L. C. J. I thought you had said that you were engaged in it a Year and half before.

Dugdale. That was only in the Plot in general.

L. C. J.

L. C. J. Was there no Time appointed for the killing the King then? When was it that you were first engaged to be an Instrument to take away the King's Life?

Dugdale. Two Years ago I was spoke to about the Plot, but I was not particularly assigned till the last Summer, and then I was appointed to come to London in October.

L. C. J. What said they then to you?

Dugdale. My Lord *Stafford* did offer me 500 *l.* he told me I should have that for a Reward at present, and if Things did go on, I should have a better Reward when the Thing was accomplished, but this was for my present Encouragement.

L. C. J. When were you to have the Money?

Dugdale. When I came to London.

L. C. J. And why did not you come to London then?

Dugdale. I was to come to London, and the Plot was broke out and discovered first.

Mr. Ward. Pray, do you know of any Letters about the Death of Sir *Edmundbury Godfrey*?

Dugdale. Yes, there was a Letter came down to my Lord *Aston's*, it was directed to Mr. *Ewers*, and it contained in it, *This very Night Sir Edmundbury Godfrey is dispatched*: those were the Words of the Letter.

L. C. J. What Night was that?

Dugdale. I have well remembred it since, and it was Saturday Night, which was about the twelfth of October, or thereabouts, as I remember: it had those Words, *This very Night Sir Edmundbury Godfrey is dispatched*; and it went on with more things relating to the Plot, which I cannot particularly now remember; and I caught Mr. *Ewers* at the reading of it, and said I to him, *Do you think this is the way to have the Design succeed? if this do not overthrow the Plot, I will be hang'd. Not so,* said he, *be patient, and do not mistrust it, he was a Man that was used to punish debauch'd Persons, and it will rather reflect upon them than us.*

L. C. J. Did that Letter come to your Hands?

Dugdale. Yes, it did, but it was writ to Mr. *Ewers*.

Mr. Just. Atkins. What Day did it come to you?

Dugdale. Upon Monday Morning.

Mr. Just. Atkins. When was it writ?

Dugdale. It was writ the Saturday Night before.

L. C. J. Did Mr. *Ewers* shew it you? or did you break open the Letter?

Dugdale. Mr. *Ewers* shewed it me for an Encouragement, that one of our Enemies was taken out of the way.

Mr. Just. Wyndham. Did you report it to any Body?

Dugdale. Yes, to the Parson of the Town, and a Relation of my Lord *Aston's*.

L. C. J. What was his Name?

Dugdale. One Mr. *Sandwich* and Mr. *Philips*; said I, *Do you not hear of a Knight, a Justice of Westminster, that is killed? No,* said they, *we hear nothing of it*: but it seems Mr. *Sandwich* went to Dinner to ———— and there he did report it.

L. C. J. Why did they look upon Sir *Edmundbury Godfrey* as such an Enemy to them?

Dugdale. They had intrusted him before, but he began to be strict with Dr. *Oates*, searching and prying into all the whole Concern, as Mr. *Ewers* told me (for I knew no more than he informed me of) so they thought good to take him off.

Sir Rob. Sawyer. Gentlemen, will you ask him any Questions?

Corker. I would have been glad to have heard what he said, but I could not hear the tenth Part.

Sir Rob. Sawyer. Gentlemen, there is nothing that does particularly reflect upon you at the Bar, but is only to prove the general Design of the Plot.

Sir George Wakeman. 'Tis the worst made out that ever I think was Trial.

Dugdale. If there be any more Questions, that your Lordship or the Court will be pleased to ask me, I will be sure to answer them.

L. C. J. I will tell you the Effect of what he says, and that is this; he speaks in general, that there was a Plot to bring in Popery, and in order to that, the best way was to kill the King; and to that purpose, there were several Letters sent Weekly into *Staffordshire*, and very often directed by the Cover to him, wherein were seven or eight several Letters, as from *Ireland*, and *Harcourt*, and *Grove*, to People that were in *Staffordshire*; that is, to *Ewers*, and *Lewson*, and *Vavasor*; and many times they did write concerning the going on with this Plot of Killing the King, that they must use great Secrecy in it, and makes mention what Officers they should have for an Army to support that Matter, when they had done; they engaged him particularly first, about two Years ago, to be one in it, but more precisely in *June* or *July* last was Twelvemonth, and he should have gone, he says, in *October* after, up to *London*, in order to it; and there he should have Directions from *Ireland*, how he should manage himself. And he gives you an Account, that my Lord *Stafford* promised him he should have 500 *l.* as part of his Reward, and when the Work was done, he should be better gratified; and he says, he did intend to have gone up in *October* to this Purpose, but the Plot broke out, and he was prevented.

Sir Rob. Sawyer. Pray, Mr. *Dugdale*, you have been formerly Examined, did you hear any thing of a Massacre? or of any particular Persons to be murdered, besides the King and Duke of *Monmouth*?

Dugdale. I do not remember any in particular, but they two; but in general, all Protestants they intended to cut off.

Mr. Ward. All Protestants?

Dugdale. Yes.

Mr. Just. Atkins. Pray, Sir, what did induce them to have so much Confidence in you? Had you any such Zeal for their Religion?

Dugdale. Yes, infomuch that they thought I was a Priest in the Country.

Mr. Just. Atkins. Had you been free of your Purse? did you give them any Money?

Dugdale. Yes, I gave them for this, and for the Praying for my Soul, the Sum of 400 *l.* which was leured upon a Deed of Land; and I promised them another 100 *l.* when they made moan for the Want of Money; and when Mr. *Peters* said if they did not make more Haste with

their Contributions, they should be at a great Loss: And Mr. *Gavan* promised me, I should be Canonized for a Saint.

L. C. J. When had you given the 400*l.*?

Dugdale. I had given it them in Money, it was upon a Deed of Land, which was conveyed to Mr. *Gerrard*, and was to be sold for the raising of that Money.

Corker. Mr. *Dugdale*, you make mention of a certain Letter sent from *London* here, from Mr. *Harcourt*; but not Mr. *Harcourt's* Letter, in which Letter you say it was mentioned that the King should be killed, and that an Army should be raised, and some such Matters of grand Design. Sir, don't you know from whom that Letter came, I ask you?

Dugdale. I cannot directly at present call to mind the Person's Name, I may by and by, perhaps.

Corker. Then, my Lord, I appeal to the Court, and beg the Judgment of the Court, whether a Letter of that vast Concernment, about killing the King, the Destruction of the Nation, and the raising of an Army, should be sent from a Man that he himself does not, nor can tell his Name, nor the Place this Letter came from. That a Man should be so mad to send by the common Post a Letter of such vast Concern, and yet neither the Party to whom, nor the Party from whom it came, be remembered.

Dugdale. I can give you Satisfaction, as to some Letters I have received, and I can tell you in particular from whence they came. One came from *Paris* to *St. Omers*, and so from *St. Omers* to *London*, and from thence by a special Messenger to *Tixall* in *Staffordshire*; and my Lord *Aston* and Mr. *Ewers* read it one Night, in my sight, in the Parlour.

Corker. Just now he said it was by a special Messenger; before he said, the Letters came by a common Post.

Dugdale. I speak of another Letter now, than those I spake of before.

L. C. J. He did, indeed, say before, that there was a Letter as you repeat it, that had the Importance of killing the King, but he could not particularly charge himself with the Person that writ it, but, saith he, I can now remember another Letter, that was sent by a special Messenger, and he will tell you who that Letter was writ by, and who it came from. From whom came it?

Corker. That was only to correct a former Lye.

Dugdale. There was *J. W.* writ to it, and I suppose it was from Sir *John Warner*.

L. C. J. Where was it dated? Whence did it come?

Dugdale. There was one from *Paris*, it was first begun at *Paris*, where Advice was first to be had, and Assistance was promised, how it should be carried on, and they thought it was the best Way, after they had killed the King, for the Papists to give the first Alarm, that it was those still King-killing Presbyterians that had done that Act, and that then the Church of *England* Men would be willing to join with the Papists to cut them off.

L. C. J. This was the Substance of the Letter?

Dugdale. Yes, this was the Substance of the Letter. And the Letters from *London* said, they

thought it good Advice, and there were several Lords in *England* set their Hands to it, acknowledging it as good Advice: And in that very Letter there was an Army mentioned, that there should be an Army ready to cut off those that should escape having their Throats cut.

L. C. J. Who brought that Letter?

Dugdale. I do not know who brought it from *London* to *Boscobel*, but there was a special Messenger brought it thence to *Tixall*, and his Name was ——— *Carrington*.

L. C. J. You say there were several Lords set their Hands to it; what Lords were they?

Dugdale. I have formerly mentioned them, there was my Lord *Stafford*, my Lord *Bellasis*, and my Lord *Arundel*.

L. C. J. To what Purpose did they set their Hands to it?

Dugdale. That they approved it as good Advice.

L. C. J. Then, Gentlemen, this is that he says, Here is a Letter that was brought by one ——— *Carrington*, to my Lord *Aston's*, and the Substance of the Letter was to justify the Killing of the King, by the raising of an Army, and that this Letter came from *St. Omers*, and that it had the Letters *J. W.* Subscribed to it, which was supposed to be Sir *John Warner*, and that this Letter was looked upon by some at *London*, and that they, as approving of it, set their Hands to it as good Advice, and then sent it down into the Country.

Corker. Was the Letter dated from *St. Omers*? Was *St. Omers* writ in the Inside, what say you? Speak.

Dugdale. There were three Letters, I say, that came in that Pacquet from *St. Omers*; one came from *Paris*, another from *St. Omers*, and another from *London*.

L. C. J. And all these in one Cover?

Dugdale. Yes.

Sir *George Wakeman*. How could the same Cover cover all those Letters?

Dugdale. All the Letters were cover'd in *Grove's* Pacquet.

L. C. J. Here is the Matter; he supposes there was a Letter writ, first at *Paris*, and that is then sent to *St. Omers*; and then there was a Letter writ there, by Sir *John Warner*, or some of them, and sent to *London*, and perused in *England*, by the Lords, and all sent in one Cover into *Staffordshire*.

Corker. Your Lordship makes Sense of it, but he made none but Contradictions, and said he did not know whence it came, nor who writ it. You say, Sir, you were one of those to kill the King; pray when were you to kill the King?

Dugdale. In *October*, I was to have done it, when I came up.

Corker. My Lord, here is a Plot and a Design driven on several Ways, to murder the King. Dr. *Oates* in his Narrative, as I perceive, gives us a Description of several Contrivances that were made use of to commit this Murder. He, in all his Descriptions, tells us only, as I take it, of three Ways of killing the King, the one by *Grove* and *Pickering*, another by the Ruffians, I know not whom, a third was by Poison; now Dr. *Oates*, in all his Relations, makes not any mention of a fourth Design to kill the King, or of any other Plot or Design at *London* to kill the King; but he says, if *Grove* and *Pickering* miscarried,

carried, it was to be done by the four Ruffians, and they miscarrying, it was to be done by Poison, now comes he with a Thing that never was thought of before, that *Oates* never gives any Relation of.

L. C. J. What then?

Corker. He, my Lord, tells us, that this was to be done in *October*, when all the other Things that were to be done were past; and what, should they design to kill the King in *October*, when it was to be done before in *July* or *August*?

L. C. J. Look you, the first part of your Objection, wherein you say he names but three Ways of killing the King, what do you infer from that? that because this Gentleman says there was a fourth, there was not. *Dr. Oates* told you as much as he knew of the matter, but he does not undertake to give you an account of all the Plot or Plotters in this Affair. If you make any reasonable Objection against *Mr. Dugdale's* Testimony, I will allow it, but these Inferences I must not. That this is a strange Story of *Mr. Dugdale's*, because 'tis not part of *Oates's* Discovery, is that a reasonable Objection? But then for the latter Part, that *Dr. Oates* says the King was to have been killed in *July* or *August*, therefore what should they think of killing him in *October*, he tells you, that in *June* and *July* they did engage him in the general Plot, and first then to be instrumental in killing the King, but he was not to be gone till *October* to *London* to do it.

Corker. When the Thing was done.

Mr. Just. Wyndham. No, no, because the Thing was not done, or because it might miscarry by others, therefore he was to come then.

L. C. J. They could not tell when it would be done, or by what Hand it would be done; therefore they were engaging as many as they could, provided the Thing were not done.

Marshal. Amongst other Things that seem to render his Testimony suspected, there is one which is taken from the common Practice of all Men, in Cases of like Nature, for where there is Danger in Matters of Concernment, Men use to be very circumspect who they choose, and make choice of as few as possible; but now here is Person after Person, Conspiring without End, and Letters to this Person, and to that Person, and nothing is proved to be done upon it, so that here is the greatest Confusion imaginable, an Hundred of Men, nay, almost a whole Nation are acquainted with it, when a few might serve the Turn.

Sir Rob. Sawyer. Why do you say 'twas known to the whole Nation, when it was so close a Conspiracy?

L. C. J. North. You that are at the Bar; We do not object to what you say, as to the Way of it, but as to the Time that you deliver it in; it is the Course, that you deliver your Objections when the King's Evidence is done; indeed when the King's Counsel have done what Questions they have to ask of the Witnesses, then you may ask them what Questions you will, but for the Observations that you would make by way of Objection to the Evidence, and as to their Credit, you should reserve that to the last, when the King's Evidence is done.

Prisoners. My Lord, we desire we may be allowed Pen, Ink and Paper.

* *Mr. Recorder.* Let them have it.

* *Sir George Jefferies.*

L. C. J. Indeed there is one Thing very considerable on your side, and 'tis fit there should be an Account given of it. 'Tis very strange, that a Thing of that Nature should be writ so plain, I mean the killing of the King, in a Letter that should be sent by the Common Post; what say you to that?

Dugdale. *Mr. Ewers* did it for no other End in the World, but that they intended, if it should be discovered, all should be flung upon me, and I was sworn to deny it, and they were to go free.

L. C. J. What were the Words of the Letter?

Dugdale. In that of *Mr. Whitebread's*, it was contained downright plainly, *he should choose such as were hardy, for the killing of the King.*

L. C. J. And how did that Letter come?

Dugdale. By the common Post.

Sir George Wakeman. No Man living can believe it.

Mr. Just. Pemberton. There was no mention of *Ewers*, on the Out-side, nor no Name to it, was there?

Dugdale. No, none at all, my Lord.

Mr. Just. Pemberton. No Name to the Letters?

Dugdale. Only the two first Letters of their Names.

Marshal. Would they, in such Case, can any Man think, be so mad as to venture their Lives, and all, for they knew not what? Would the Lords, whose Names, he says, were subscribed to one of the Letters, engage their Lives and Fortunes in the Signing of a Letter, wherein both were so much endangered, and commit it to such an Hazard?

Rumley. Would they set their Hands to such a Letter, as they could not be certain into whose Hand it might come? and he says, he does not know who it came from.

Mr. Just. Pemberton. *Mr. Dugdale*, was that Letter by a common Post, that the Lords set their Hands to?

Dugdale. No, it was by a special Messenger.

L. C. J. Look you, Gentlemen, the Answer that he gives to your Objection is this; You say it is strange, and indeed it is so, that such a Design should be writ so plain in *English*, in a Letter; but he says there was no Body in Danger by it, but himself, for there was no Body could tell from whence it came, because only two Letters of the Name were subscribed; and, says he, it was directed to me only, and so I might have suffered, but *Ewers's* Name was not mentioned, to whom it was intended to go.

Rumley. Yet he says he does not certainly know who it came from.

Mr. Recorder. Gentlemen, you have your proper Time for that, if you will make any Remarks.

Mr. Just. Pemberton. Will you ask him any more Questions? As for your Arguments, you must not use them now.

L. C. J. North. But they have desired Pen, Ink, and Paper; is it given to them?

Mr. Recorder. You must allow the Prisoners Pen, Ink, and Paper, if they desire it.

L. C. J. Ay, all of them, if they would have it. [*Which was done.*]

L. C. J.

L. C. J. Mr. *Dugdale*, this Letter that came from *Whitebread*, it came with others, did it not?

Dugdale. Yes, my Lord, it did.

L. C. J. The Cover was directed to you, was it not?

Dugdale. Yes, my Lord, it was.

L. C. J. Had the other Letters particular Directions to particular Persons?

Dugdale. Every Letter was directed to me.

L. C. J. What, besides the Cover?

Dugdale. Yes, besides the Cover.

L. C. J. Who were you to communicate them to?

Dugdale. They had a particular Mark that they were known by, there was always a black Cross upon them. I was to give them to Mr. *Ewers*, and he was to communicate them to others concerned.

L. C. J. What was upon the other Letters?

Dugdale. I had no Letters but what I delivered to *Ewers*.

L. C. J. Was he the only Man that they were delivered to?

Dugdale. Yes, my Lord.

L. C. J. And he distributed them as he pleased, did he?

Dugdale. Yes.

L. C. J. Had you more Marks than one?

Dugdale. No, my Lord, no more Marks than one.

L. C. J. So you were only Agent between Mr. *Ewers* and them, and none else?

Mr. Just. *Wyndham*. They were all directed to you, how did he know who they were to go to?

Dugdale. I was to deliver them to him, and he dispersed them to the several Persons, and he rid constantly abroad about it.

L. C. J. Were there several Marks to know who they were to?

Dugdale. My Lord, he knew, by conversing with them, their several Hands, and so could tell, by what was written, what was intended, and what the Business was, and for whom.

Corker. There must have been several Transactions, and a Man must have received several Letters, before he knows another's Hand.

Mr. Just. *Pemberton*. Will you ask him any Questions? you must not argue upon it yet.

Rumley. How many Letters came to you, pray, from beyond Sea?

Dugdale. An hundred, I believe, in two Years Time.

Rumley. From how many several Persons? Methinks you should produce some of those Letters.

Dugdale. There were Letters from Sir *John Warner* very often. I cannot remember all.

Rumley. Methinks you might be more ready in your Evidence, than upon every Turn to say, You can't remember. Have you none of those Letters?

Dugdale. I burnt those Letters which I kept, before I intended to discover the Plot; but in a multitude of Letters, 'tis hard to tell Particulars, I tell you what I remember of them.

Corker. You make mention of killing the King, and raising an Army, and these were specified in two Letters. In those Matters which concerned the raising of an Army, were there only

Letters, no Commissions sent, for the raising of Forces? Did you never see any of the Officers? Did you never communicate with any of them?

L. C. J. Did you see any Commissions first?

Dugdale. No, I never did see any of them.

L. C. J. Did you ever talk with any that were intended to be Officers?

Dugdale. Yes, I have.

L. C. J. Name them.

Dugdale. There was Sir *James Symons*, and Mr. *Howard*, I have talked with them.

L. C. J. With them two?

Dugdale. And with one Captain *Adderley*, that is dead.

Corker. Why, there are three Officers towards the raising of several Thousands of Men.

Mr. Just. *Pemberton*. Look you, Mr. *Corker*, you must direct your self to the Court, and propose your Questions here.

Corker. Mr. *Dugdale* tells us, that for the promoting of this Design, that he gave 400 *l.* and with the same Breath says, he was to receive 500 *l.* Methinks this is to do and undo.

Mr. Just. *Dolben*. Pray keep this arguing of yours till the last.

L. C. J. North. The Court hath told you already, this is not proper for you. 'Tis true, you must have Liberty to ask Questions, because there are some Questions that else may be forgotten, and the Opportunity will be lost: But when you have asked those Questions, make your own Observations upon them in private to yourselves, and afterwards it will be time for you to argue upon it to the Jury, when the King's Counsel shall have done their Evidence: But now to make these Inferences will do you little Service, and can't be permitted.

Dugdale. My Lord, I desire to answer it now. It was my Lord *Stafford* that promised me the Money, and I went presently to know of Mr. *Ewers* what it meant, because I had given my Money before, and my Lord *Stafford* did not, I suppose, know any thing of it.

L. C. J. How long was it before that you gave the Money?

Dugdale. It was two or three Years before; at the Beginning, when the Plot was first discovered to me, for the introducing of their Religion.

Mr. Just. *Atkins*. He was a great Zealot, but my Lord *Stafford* did suppose the Money might quicken him.

Dugdale. It was for my Encouragement, and I should have a greater Reward after.

Corker. He received the Money, I suppose, when he was in Prison for Debt, rather than for any thing else.

L. C. J. North. You may observe that by and by.

L. C. J. Look you, this is what he hath said, it is all but in general, and he does not name any of you Four: But here was a general Contrivance, he says, to bring in Popery; I am afraid that is too true; and as the best way to effect that, they resolved to kill the King; and I am afraid that is too true too, for it was indeed the likeliest way.

Then stood up Mr. Praunce.

Mr. *Ward*. Mr. *Praunce*, pray will you give the Court an Account, only in general, of what you

you know of any Design that was at this time?

Praunce. It was a Fortnight or Three Weeks before *Michaelmas*, I went to one Mr. *Ireland's* Chamber, in *Ruffel-Street*, where was Mr. *Fenwick* and Mr. *Grove*, and there they were discoursing of 50000 Men that were to be raised, for the settling of the *Roman* Catholick Religion; and I asked Mr. *Fenwick*, how that could be done? And he said, Very easily, in a short time. Then I asked him, What poor Tradesmen should do? And he said, I need not fear, for I should have Church-Work enough, to make Crucifixes, Basons and Candlesticks.

Mr. *Just. Atkins.* You are a Working-Goldsmith?

Praunce. Yes. Then I asked, who should govern them? And he said, my Lord *Powis*, my Lord *Stafford*, my Lord *Arundel*, my Lord *Bellasis*, and my Lord *Petre*. Two or three Days after that, *Grove* came to my Shop to buy some Spoons for a Christning; and then I did ask him, what Office he was to have? He said, he did not know, but he said, that my Lord *Bellasis*, my Lord *Powis*, and my Lord *Petre*, had Commissions to govern the Army. And after that, there was one Mr. *Paston* in *Duke-Street*, I went to him, to know how I could direct a Letter; and after a little Time, we fell into Discourse concerning the Affairs of the Times. He told me, The Lords had given out Commissions, one was to Sir *Henry Bennyfield* in *Norfolk*, another was to Mr. *Stoner* in *Oxfordshire*, and another was to Mr. *Talbot* of *Longford*. He said that they had given Commissions for to raise an Army.

Mr. *Ward.* What was that Army to do?

Praunce. It was to settle the Catholick Religion.

Mr. *Ward.* Did you hear any thing mentioned of killing the King?

Praunce. Yes, I did.

L. C. J. Who told you this that you speak of about the Commissions?

Praunce. Mr. *Paston*, my Lord, in *Duke-Street*.

L. C. J. Was he a Priest?

Praunce. No, but he kept some in his House, and they said Mass every Morning.

L. C. J. Is he of any Profession?

Praunce. He was a Counsellor, but doth not practise now, he hath an Estate of 5 or 600 a Year.

L. C. J. Now go on, and say what he told you.

Praunce. He said, there were Commissions given out to Sir *Henry Bennyfield*, and one *Talbot* of *Longford*.

L. C. J. When was it he told you this?

Praunce. It was in *August* last.

L. C. J. And did he say they had Commissions sent to them?

Praunce. Yes, they had them in the Country, where they were to raise their Troops: I heard of more, but I only remembered those Three.

Mr. *Ward.* Do you know one *Messenger*?

Praunce. Yes.

Mr. *Ward.* What Discourse had you with him?

Praunce. My Lord's Butler told me ———

L. C. J. Who told you?

Praunce. My Lord's Butler.

L. C. J. What Lord?

Praunce. My Lord *Arundel*. He waited then

on one *Sheldon*, that was Almoner to the Dutchess of *York*. He told me, That Mr. *Messenger* was to kill the King, and he was to have a good Reward for the same. Soon after, I was going over *Lincoln's-Inn-Fields*, and met with Mr. *Messenger*, and asked him, Why he would kill the King? He seemed to be surprized, and starting back said, Who told you that? Said I, Your Butler told me. Oh, said he, we are quite off of that now: But then I was going away, and he called me back, and asked me, if I would go and drink with him? No, said I, I cannot stay at this Time. However, pray, said he, keep Counsel, for we are off that now.

Mr. *Ward.* Will you ask the Witnesses any Questions?

Corker. Yes, my Lord. Those Commissions you speak of, when were they sent? in *August*?

Praunce. No, I do not say so; but that Mr. *Paston* told me of them in *August*. I cannot tell the Day.

Sir *Rob. Sawyer.* If you observe it, Gentlemen, he only tells you what some of the Priests and Persons of your Religion acquainted him with; not any thing particularly against you.

Mr. *Ward.* Then next we call Mr. *Jennison*. Who stood up.

Sir *Rob. Sawyer.* Mr. *Jennison*, pray give the Court an Account of what you know of any Design in Hand, or what Discourse you had with any Person about such a Thing.

Jennison. Sir, in the Month of *June* 1678, I was at Mr. *Ireland's* Chamber.

Sir *Rob. Sawyer.* Where, Sir?

Jennison. In *Ruffel-Street*, next the *White-Hart*. And there arose a Discourse about Religion, and some hopes there were, he said, that the *Romish* Religion should be publicly owned again in *England*; and when I came in, I remember Mr. *Ireland* did say, There was only One in the Way, that stop'd the Gap, and hinder'd the Catholick Religion from flourishing in *England* again; and said, it was an easy matter to poison the King.

L. C. J. Who was by pray when he said so?

Jennison. His Sister was by.

L. C. J. Name her, Sir.

Jennison. Mrs. *Anne Ireland*.

L. C. J. Who else?

Jennison. None else.

L. C. J. Then there was only you, and *Ireland*, and his Sister. And you say, That there were discoursing concerning their Hopes of bringing in Religion, and *Ireland* said, there was but One in the Way, and that it was not an hard matter to poison the King.

Jennison. Yes, my Lord; and so I not knowing any thing at all of the Plot, or imagining the Design, did answer, Perhaps it may be done, but it would be a very horrid thing if it should. Then Mrs. *Ireland* did rebuke her Brother, and asked him, Why he talk'd so? And then he answered with some *Salvo* or other, That he did not think it ought to be done. Then I pursued the Discourse about Religion, and told him, I thought it would never come in by Violence, and that it was a great scandal to Religion for the Professors of it to propagate and promote it by any such Ways: And then I put him in mind of the Gunpowder-Treason, of the Ill Success it had, and the great Injury it did to the Cause.

He

He answered, That was only a State Trick, and an Invention of my Lord *Cecil's*.

L. C. J. Ay, they do say so, I know; were you a Papist then?

Jennison. Yes, my Lord, I was.

L. C. J. Are you one still?

Jennison. No, my Lord.

Ward. Mr. *Jennison*, were you with him again at any time? And what time was it that you met him, as you remember?

Jennison. The 19th of *August*, after I came from *Windsor*.

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

Jennison. At his own Chamber in *Russel-Street*.

L. C. J. How do you so precisely remember the Day, that it was the 19th of *August*?

Jennison. I remember it by this; the beginning of *August* I went to *Tunbridge* with Mr. *Tonstall* and another Gentleman, and there I staid till the 14th, when I came to Town, and staid two or three Days, and on *Saturday* in the Afternoon I went to *Windsor* to take my leave of Mr. *Bowes*, being to go down into the *North*; and there I staid all *Sunday*, and came back again on *Monday* Morning, and came to Town about Twelve o'clock the 19th Day, as I have considered it since it was, and a *Monday*.

L. C. J. And then you went to *Ireland's* Chamber, did you?

Jennison. Yes, then I went to Mr. *Ireland's* Chamber.

L. C. J. By the Oath you have taken, because it is very material, not to your Cause, but it shews how fit it is that the World should know with what Truth or Falshood these Men dare die, and this Man did in particular. It was affirmed by him to the very last of his Breath, that he was never here in *London* after the third of *August*, till some time in *September*, but was all the while in *Staffordshire*; and they did at the last Trial produce Sir *John Southcot*, and his Coachman, and his Lady, and I know not how many other Witnesses, to give an Account where he was from the third of *August*, all along till the middle of *September*; and they testified that they kept Sixteen Days together in his Company; and then they produced People in *Cheshire* to say, that they saw him there. Therefore I do now ask you upon your Oath, Are you sure that you saw *Ireland* here the 19th of *August*?

Jennison. Yes, my Lord.

L. C. J. Do you swear that positively?

Jennison. Yes, my Lord, I do.

Sir Rob. Sawyer. He will tell you the Discourse he had with him then.

Jennison. After that I came to Mr. *Ireland's* Chamber, I understood he was newly come out of *Staffordshire*. And he pull'd off his Boots while I was there upon the Frame of a Table, or else upon a Jack, I cannot positively tell which, but I believe it was on a Frame of a Table. I asked him, how all our Friends did in *Staffordshire*? He told me, very well, and that they would be glad to see me there. Then he asked me, whence I came, and where I had been? I told him, I had been at *Windsor*. He asked me, what News? How the Court diverted themselves? I told him, I understood his Majesty took great Delight in Hawking, and Fishing, and chiefly in Fishing, and used to go out very early in the Morning, accompanied only with three or four Persons of Quality.

L. C. J. Did he ask you what Company he had? Or did you tell him of your own accord?

Jennison. No, I think I told him of my own accord, that the King went out very early, and had but little Company with him. Lord, said he, I wonder the King should go so thinly Guarded, he were easily taken off, I wonder he should go so open. Said I, God forbid, sure nobody would be so wicked; and then he qualified it by some Expression; so that at that time I made no ill Reflection upon it, till after the Plot broke out, and then discoursing of it to my Father and my Sisters, I said, I wish it be not true, pray God there be nothing in this Plot, because of the Discourse that happened between Mr. *Ireland* and me. 'Tis very suspicious, said I.

Sir Rob. Sawyer. At that time had you any Discourse whence he came, and about his weariness?

Jennison. He said he came out of *Staffordshire*, and came Post. I understood he came very early that Morning. I told him that Scholars, such as he, would rather choose to come upon an Ambling Horse, and that I was weary myself.

Sir Rob. Sawyer. Were you very well acquainted with Mr. *Ireland* that suffered?

Jennison. Yes, very well.

Sir Rob. Sawyer. Are you sure he was in *London* the Nineteenth of *August*?

Jennison. Yes, and I talked with him then.

L. C. J. How long had you known him before?

Jennison. A Year and a half.

Sir Rob. Sawyer. Pray when did you go out of *London* to the *North*? What time did you go away?

Jennison. I went the fourth of *September*, as the Coach-Book will make it appear.

L. C. J. The Evidence they gave was, that he did not come to Town till the 13th of *September*, but he was gone the 4th it seems to the *North*, and that is before that time. Well, will you ask him any Questions?

Corker. Mr. *Ireland* had been in *Staffordshire*? Had not he? for the 19th you say he came to Town, I do not well remember, but the Design of the Ruffians of killing the King, about which *Gates* speaks, was before the 19th, at the Consult of which *Ireland* was so grand an Instrument.

L. C. J. That was in *May*, was it not?

Corker. No, that of the Ruffians was in *August*, as he says.

Sir Rob. Sawyer. Will you ask him any Questions? Look upon him; you see how creditable a Witness he is.

Corker. Did you, pray Sir, leave your Religion, and make this Discovery before the pretended Plot came out? When did you leave your Religion?

Jennison. About three Months ago.

L. C. J. He told you that as soon as the Plot broke out, said he, I told my Sisters and my Father of it, and said, I pray God this Plot have not more in it than we are aware of, for I had some Discourse with Mr. *Ireland*, which I took no notice of then, because he qualified it at that time, and said it was not lawful, and did make nothing of it then, but now it runs much in my Mind.

Corker.

Corker. This, he says, but this Man did not leave his Religion, nor make this Discovery till it appeared advantageous to him so to do.

Mr. Recorder. It is an Observation you make, but it had been well if you, and all of that Persuasion, would have left it when you saw what it led to.

L. C. J. I know not what Advantage you mean, nor do I see any colour you have to say so, for they say this Gentleman's Father is one of 1000 a Year, and he is his eldest Son.

Corker. Are you your Father's Eldest Son.

Mr. Recorder. There is an Elder Brother, my Lord, but he is a Priest.

L. C. J. Is your Elder Brother a Priest?

Jennison. My Lord, I do not know that, he is in *Newgate* about it.

L. C. J. It is reported that he is so?

Jennison. My Lord, I don't know it of my own knowledge.

Corker. He does not know it, and therefore he is not the Heir, and therefore the Advantage of his Estate is not such, but that he might lay hold of this Discovery.

Sir Robert Sawyer. I hope by and by, Gentlemen, you will make a better Defence than this.

Mr. Just. Pemberton. What you say should be by Way of Question proposed to the Court.

Mr. Recorder. But you take it upon your Oath that you saw *Ireland* the 19th of *August*? Was that after you met with *Mr. Bowes*?

Jennison. I did not meet with *Mr. Bowes*.

Mr. Recorder. How long after you had left him was it?

Jennison. I did not see him there, I went to see him, but he was not there.

L. C. J. But he says precisely that the 19th of *August* he went to *Mr. Ireland's* Chamber, where he saw him pluck off his Boots, and talking, as if he had come out of *Staffordshire*, Post, so that indeed he was in *Staffordshire*, but not all that time he said he was.

Mr. Ward. Then pray call *Mr. Bowes*. *Who was sworn.*

Sir Rob. Sawyer. Pray, Sir, will you give the Court an Account, when you saw this Gentleman, and about what time he went out of Town.

Bowes. My Lord, I saw him in *August*, the beginning, or about the middle of *August*, in *Tunbridge*, before my coming to Town.

Sir Rob. Sawyer. Pray when did he leave this Town? when did he go out of Town?

Bowes. I cannot point blank tell the time, but I could recollect my self, I believe, in a little time.

Sir Rob. Sawyer. Do you know of his going to *Windsor*?

Bowes. I did not see him there, but he writ a Letter to me that he went thither to meet me there, but I saw him not till he came to Town again.

L. C. J. Who is't you speak of?

Bowes. *Mr. Jennison.*

Sir Rob. Sawyer. What did he write you in that Letter?

Bowes. Sir, the Letter is here in Court, I don't remember the particulars.

Sir Rob. Sawyer. Is it here in Court?

Bowes. Yes, it is, I think.

Mr. Recorder. Shew it him, for it may refresh his Memory about the time. *[Which was done.]*

VOL. II.

L. C. J. Is that the Letter?

Bowes. This is the Letter.

Sir Rob. Sawyer. Pray, when did you receive it?

Bowes. It was in *December* before *Christmas*, here is a Gentleman that then saw it.

Sir Rob. Sawyer. Pray, Sir, will you please to look upon it, and then acquaint the Court with some of the Contents.

L. C. J. North. You are sure, *Mr. Bowes*, that *Mr. Jennison* was in Town in *August*?

Bowes. He came then from *Tunbridge*.

L. C. J. That is all, we can make no more of it: Did he meet you at *Windsor*?

Bowes. No, my Lord, I was gone to *Windsor* before, and when he came I was gone out of the Town.

L. C. J. What time went you to *Windsor*?

Bowes. The twelfth or thirteenth of *August*; it was on a *Monday* or a *Tuesday* after I came from *Tunbridge*.

Sir Rob. Sawyer. Then we shall call one Witness more, and we shall prove by him (that is one *Mr. Burnet*) that the seventeenth of *August* he did meet *Mr. Jennison* going to *Windsor*. Pray call *Mr. Burnet*. *[Who was sworn.]*

L. C. J. Pray, Sir, do you know *Mr. Jennison*?

Burnet. I met him as I was coming from *Windsor* that Day *Datchet's* Horse-Race was.

L. C. J. What Day was that?

Burnet. I cannot exactly remember the Day.

L. C. J. What Month was it?

Burnet. In *August*.

L. C. J. Was it the middle of *August*, or the latter end?

Burnet. It was about the middle of *August*.

L. C. J. This does not so much relate to you, but it is to give satisfaction to all the World, that what was asserted by *Mr. Ireland* all along, and at his Death, and seems to be justified by so many Witnesses as were produced on that account, to prove that he was not here in *August*, is utterly untrue; for this Gentleman, *Mr. Jennison*, swears he saw him here in Town the 19th of *August*; and to prove that *Mr. Jennison* was here, here is *Mr. Bowes* and this other Gentleman that come to fortify his Testimony, who swears precisely, that the 19th of *August* he was at *Mr. Ireland's* Chamber, where he saw him pluck off his Boots, and talk'd as if he came Post then from *Staffordshire*.

Corker. I suppose it will not be permitted us to make any Argument upon this neither as yet.

L. C. J. No, no.

Sir Rob. Sawyer. But, now, Gentlemen, it will behove you to take Notes, for we shall come home to you, and we begin with *Dr. Oates*. *[Who stood up.]*

Mr. Ward. Pray, Sir, will you tell your whole knowledge of this matter, and apply your self as near as you can to every one of the Prisoners at the Bar.

Oates. My Lord, in the Month of *July* *Mr. Ashby* came to Town sick, and being sick, and one of the Society, the Prisoner at the Bar, *Sir George Wakeman*, was his Physician, and being his Physician he did write him some Instructions how he should order himself before he

went, and at the *Bath*; That he should, in the first place, take a Pint of Milk in the Morning, and a Pint of Milk at Night, and should drink no Morning's Draughts but Milk, and that he should have one hundred Strokes at the *Bath*, at the Pump; I do not so well understand what that means, but I suppose the Court doth; but these were the words of the Instructions: In this Letter Sir *George Wakeman* did write, that the Queen would assist him to poison the King, and this Letter was brought by a Messenger to Mr. *Ashby*. Within a Day or two after I saw Mr. *Ashby* and Sir *George Wakeman*, the Prisoner at the Bar (he was so called, but I had no acquaintance with him, but just the sight of him) I saw him sit in a writing Posture, I saw him lay by his Pen, rise up and go away, and the same Hand that he left behind him in a Paper where the Ink was not dry, was the same Hand that writ the Letter to Mr. *Ashby*. And, my Lord, in that time of converse, while he was writing this, Mr. *Ashby* did give him some Instructions concerning the Commission he had received of being Physician to the Army. Now, my Lord, in some few Days after there came a Gentleman for some of the Fathers from *Wild-House*, that had the Title either of Sir *Richard* or Sir *Robert*, but he was a middle-statured Man, and a brisk Man, about the Age of four or five and forty, and he came with Commands from the Queen for the Fathers to wait upon her at *Somerset-House*, and I did wait upon these Fathers, there was Father *Harcourt*, Father *Kaines*, Father *Langworth*, and Father *Fenwick*, and another Father, I cannot remember his Name. And, may it please your Lordship, we did attend at *Somerset-House*, and the Fathers went in to the Queen, into a Chamber where she was, and I waited in an Anti-Chamber, and I did hear a Woman's Voice which did say, that she would assist them in the propagation of the Catholick Religion with her Estate, and that she would not endure these Violations of her Bed any longer, and that she would assist Sir *Geo. Wakeman* in the poisoning of the King. Now, my Lord, when they came out I desired that I might see the Queen, and so when I came in I had, as I believe, from her a gracious Smile. Now, if it please your Lordship, while that I was within I heard the same Voice speak thus to Father *Harcourt*, and asked him, whether he had received the last 1000 *l.* and it was the same Tongue, as I can possibly guess, the same Voice which I heard when I was without; and I saw no other Woman there but the Queen, and there were these Fathers. My Lord, in that very Month of *July* Sir *George Wakeman* was proposed 10000 *l.* in the presence of Father *Harcourt*, and Father *Fenwick*, I think was there, and Father *Ireland*.

L. C. J. Were you there?

Oates. I was there.

L. C. J. Was this Proposal made to Sir *George Wakeman* after this Discourse you heard at *Somerset-House*?

Oates. My Lord, I will not be positive whether it was before or after, but it was near that time, this 10000 *l.* he did refuse.

L. C. J. But you say you heard the 10000 *l.* was proffer'd him; pray, who did propose it to him?

Oates. *Ashby* was to do it.

L. C. J. But who did it?

Oates. It was *Ashby* in the name of the Provincial, from whom he had received Instructions so to do.

L. C. J. But you say, in your hearing 10000 *l.* was offered him by *Ashby*.

Oates. Yes, my Lord.

L. C. J. What said he?

Oates. He refused it.

L. C. J. What words did he use?

Oates. He said it was too little.

L. C. J. What was the 10000 *l.* to be given for?

Oates. To poison the King.

L. C. J. Were those the words?

Oates. Yes, they were.

L. C. J. How did the Discourse begin?

Oates. I will tell your Lordship how: There was a Meeting of the Fathers for this very Purpose to treat with Sir *George Wakeman* before *Ashby* went to the *Bath*, and there being a Meeting they did break this business to him; but what preamble they made to it I cannot remember. My Lord, as for the other Prisoners at the Bar, Mr. *Corker*—

L. C. J. But before you go from this Matter, you say you know not how they brought it in, but they brought it in some Way, he was to meet them to that Purpose, and there *Ashby* did tell him he should have 10000 *l.* What Answer made he to it?

Oates. He said it was too little for so great a Work.

L. C. J. Is that all?

Oates. That is all that I remember.

L. C. J. Did he say what he would have?

Oates. I can't remember that, but he said that was too little.

L. C. J. Did he say he would have five more, or any other Sum?

Oates. No, that was not then mentioned; but there were Letters presently dispatched to *Whitebread* to tell him, that Sir *Geo. Wakeman* had refused 10000 *l.* and then this same *Whitebread* did order the Fathers in *London* to propose five more, which proposal was made to Sir *Geo. Wakeman*. This I speak but by hear-say, and it was accepted, and 5000 *l.* of it received in Part, and Sir *George Wakeman*'s Name was subscribed to the Entry-Book.

L. C. J. Did you see his Name subscribed?

Oates. Yes, my Lord, I did.

L. C. J. Where?

Oates. To the Entry-Book.

L. C. J. Where was that Book kept?

Oates. It was the Book that the Jesuits kept: it was then in our Custody.

L. C. J. Whose Custody?

Oates. The Fathers Custody.

L. C. J. Whose particularly? And at whose Chamber was it kept?

Oates. At *Wild-House*.

Sir *Rob. Sawyer*. Do you know who was the Keeper of it?

Oates. I cannot positively say that, I suppose the Secretary and the Fathers.

Sir *Rob. Sawyer*. And what did you see writ in that Book?

Oates. That such a Day (which Day I cannot remember) but such a Day in *August* so much was proposed to Sir *Geo. Wakeman* and he accepted it, and received it: those were the Words, or to that Purpose.

L. C. J.

L. C. J. Were those the Words writ in the Book?

Oates. Yes, or to that Purpose.

L. C. J. Do you know whose Hand writ that?

Oates. Yes, my Lord, I can tell whose Hand, it was Father *Harcourt* writ those Words.

L. C. J. Sir *Geo. Wakeman's* Hand was not to it, was it?

Oates. Yes, it was just underneath: Received so much Money of Father *Harcourt* by the Order of *Edward Coleman*: now there was the Goldsmith's Name to it, I cannot undertake to say who it was, but in my Conscience I think it was *Staley*.

L. C. J. How much was the Money?

Oates. Five Thousand Pounds.

L. C. J. Was Sir *Geo. Wakeman's* Hand subscribed to that Receipt?

Oates. Yes, it was.

L. C. J. Once more, what were the Words in the Book?

Oates. Memorandum. Such a Day 15000 l. was proposed to Sir *Geo. Wakeman* which he accepted. I tell you the Purport, and the Words as near as I can.

L. C. J. Was it said for what the Money was proposed?

Oates. I will not be positive in that, I suppose it was.

L. C. J. But you say it was written such a Day 15000 l. was proposed to Sir *George Wakeman*, and by him accepted?

Oates. Yes, my Lord, and then underneath it the Receipt was written, and this Receipt was written thus, *Received in Part of this 15000 l. 5000 l. of Father Harcourt by Order of Edward Coleman.* *Geo. Wakeman.*

L. C. J. Was the Receipt, which is said such a Day, the same Day with the other?

Oates. There was no other Date to it.

L. C. J. Had the first a Date to it?

Oates. Yes, my Lord, it had.

L. C. J. What Day was it?

Oates. It was in *August*.

Corker. What Day in *August*?

Oates. I cannot tell.

Corker. About what time in *August*?

Oates. It might be betwixt the beginning and the middle.

L. C. J. But we will suppose for the present Question a Day: Suppose it was written the 10th of *August*, *There was proposed 15000 l. to Sir G. W. and by him accepted*; and then comes afterwards this Note, *Received then 5000 l. in Part of this 15000 l. with his Name to it.* Was there any other Date to that?

Oates. No, that was set down as the same Day, *Received 5000 l. in Part by the Order of Edward Coleman.*

L. C. J. And then Sir *Geo. Wakeman's* Name was set to it at length, was it?

Oates. Yes, it was.

Sir *Geo. Wakeman.* Where was that Received? In whose Chamber?

Oates. I cannot say that.

L. C. J. Was there any Place mentioned in the Note where it should be Received?

Oates. No, my Lord. I was then sick of the Stone, and was not at the Payment of the Money.

L. C. J. But did the Note mention any Name? Received of any Body?

VOL. II.

Oates. It was by Order of Mr. *Edward Coleman* 5000 l. in part of this 15000 l.

Sir *Geo. Wakeman.* Does he say this was in the Entry-Book?

Oates. Yes, it was.

Sir *Geo. Wakeman.* Where was that kept?

Oates. Sometimes at *Wild-House*, sometimes Mr. *Langhorn* had the Custody of it.

Sir *Geo. Wakeman.* I humbly beg of the Court that Mr. *Staley* may be sent for.

L. C. J. He only says he believes Mr. *Staley* paid it.

Sir *Geo. Wakeman.* Does he mention no Place where it was Received?

L. C. J. No.

Sir *Geo. Wakeman.* Nor no Person it was paid to?

L. C. J. No, he says, All I saw is this, that in the Entry-Book sometimes kept at *Wild-House*, sometimes by Mr. *Langhorn*, there was written, *This Day (which was some Day in August) was proposed to Sir G. W. 15000 l. and by him accepted*, and under that a Line or two more, which contained, *Then Received 5000 l. by Order of Edward Coleman, being Part of this 15000 l.* *Geo. Wakeman.*

Sir *Geo. Wakeman.* Will your Lordship please to give me leave to speak something now, I may forget it hereafter?

Mr. *Ward.* We have not done yet.

Mr. *Just. Pemberton.* Sir *George*, they have not yet done with this Witness for the King.

L. C. J. *North.* Take a Memorandum of it in your Paper.

Sir *Robert Sawyer.* Pray, what do you know more of the Prisoner at the Bar, Sir *George Wakeman*?

Oates. This is all I can recollect at present.

Sir *Robert Sawyer.* Do you know any thing of any Commission that he had?

Oates. I did urge that he received a Commission to be Physican-General of the Army.

L. C. J. Did you see that Commission?

Oates. Yes, I saw it in Sir *George Wakeman's* Hands.

L. C. J. Had you seen it before?

Oates. Yes, I had.

L. C. J. Where did you see it in his Hand?

Oates. When he was writing at Mr. *Asbby's*.

L. C. J. What Note was that he left behind him there?

Oates. It was an Apothecary's Bill, as I suppose.

L. C. J. What Month was it that you saw the Commission?

Oates. It was in *July*.

Mr. *Ward.* What do you know of his being privy to the Consult in *April*?

Oates. I cannot speak any thing to that.

L. C. J. Did he write his Name to that Bill?

Oates. I cannot say that, my Lord, it was finished, but I cannot be positive about the Name.

L. C. J. But you say, that you believe that the Name of *George Wakeman* was the same Hand with that you saw when he writ the Apothecary's Bill?

Oates. It was, as near as I can guess, the same with that Letter that was writ to *Asbby*, wherein he does direct him to take a Pint of Milk in the Morning, and a Pint of Milk in the Evening, and that he should have an hundred Strokes

at the *Bath*: And this Hand was the same with that of the Apothecary's Bill.

L. C. J. You never saw Sir *George Wakeman* write in your Life, did you?

Oates. I saw him in a writing Posture, and I saw him lay by the Pen.

L. C. J. But you did not see him write?

Oates. No, my Lord; but the Gentleman that sat by him was lame of both his Hands and could not write: And I saw him lay by the Pen, and when he was gone away the Ink was not dry.

L. C. J. You speak of that only to shew the Likeness of the Hand.

Sir Geo. Wakeman. Have you not said that you do not know my Hand?

Oates. I have told the Court before how far I have known your Hand. I saw a Letter, that I say was signed and subscribed *George Wakeman*, and that was the same Hand that was to the Receipt, and to the Apothecary's Bill.

Sir Geo. Wakeman. Have you not said positively that you do not know it, and is not that Matter on Record?

Oates. I did see a Letter subscribed *George Wakeman*, 'tis a fine genteel Hand, and after I saw him in a writing Posture, I saw him lay by the Pen, the Ink and Paper was wet; I did not indeed see him write, but there was no body in the Room that could write, or in a writing Posture but he, for the other Gentleman was lame of both Hands.

Sir Geo. Wakeman. But I pray give a positive Answer to what I ask you; have you not said you do not know my Hand?

Oates. I do not remember I have said so.

Mr. Just. Pemberton. But he says now he believes that Hand that writ the Letter to *Ashby*, and the Bill that he saw green, when no Body was by that could write but you, were the same.

Sir George Wakeman. Have not you said, before the King and Council, that you never saw me in all your Life, and that you did not know me?

Oates. My Lord, you may be pleased to know, when I saw Sir *George Wakeman* at the Council I had been up two Nights together, and the King was willing once to excuse me from staying any further Examination, and being so ill and indisposed for want of Rest, in respect both of my Intellectuals, and every thing else, I might not charge him so home; but now I have a proper Light whereby I may see a Man's Face, I can say more to him.

Sir Geo. Wakeman. This is just *Coleman's* Case, the Light was in your Eyes.

Oates. This is the same Gentleman: I desire he may propose his Questions to the Court.

L. C. J. This is his Question, whether you did say before the King and Council, you did not know Sir *George Wakeman*?

Oates. I do not remember whether I did or did not. I saw one called Sir *George Wakeman*, and this is that Man; but I will not say, this was the Man that was before the Council when I was there.

Mr. Just. Pemberton. Did you see the Commission in this Man's Hand?

Oates. Yes, I did.

L. C. J. Did you know this Gentleman before he was at the Council?

Oates. I saw this Gentleman with Mr. *Ashby*, and he can't deny it.

Sir Geo. Wakeman. Can't deny it! Yes. I hope you will be able to prove it. You said you never saw me in your Life, before you saw me at the Council.

L. C. J. Did you ever see him more than once?

Oates. Yes, twice in Mr. *Ashby's* Chamber.

L. C. J. What, two several Days?

Oates. Yes, two several Days.

Mr. Just. Pemberton. Where was it that you saw him when the Writing you say was given that he left behind him?

Oates. It was at Mr. *Ashby's* Chamber.

L. C. J. You never saw him before that, did you?

Oates. No.

L. C. J. How often after?

Oates. But once after that.

L. C. J. Was that at the Council?

Oates. No.

L. C. J. Look you what he says, he never saw you but twice before he saw you at the Council.

Oates. I saw you when the 10000 *l.* was proposed to you.

Sir Geo. Wakeman. Where was that?

Oates. At *Wild-House*.

Sir Geo. Wakeman. Did Mr. *Ashby* lie there?

Oates. He did lie there, because the Provincial was beyond Sea, and he came up to *London* in order to go to the *Bath*.

Sir Geo. Wakeman. What Day was that Proposal made to me?

Oates. It was before Mr. *Ashby* went to the *Bath*.

Sir Geo. Wakeman. In what Month?

Oates. In the Month of *July*.

Sir Geo. Wakeman. By whom? By Mr. *Ashby*?

Oates. Yes.

Sir Geo. Wakeman. In the Presence of whom?

Oates. Father *Harcourt*, Father *Ireland*, and Father *Ferwick*.

Sir Geo. Wakeman. You will be sure to name those that can be neither Witnesses for me nor against me.

L. C. J. Who can help that?

Oates. I reckon up such as you did keep Company with.

L. C. J. Do you know when Mr. *Ashby* went to the *Bath*?

Oates. The latter end of *July*, or the beginning of *August*, as I remember. And this was before he went: he stayed but fourteen or sixteen Days, as I remember, in *Town*.

L. C. J. He says he saw you but twice, once when you writ that Note, and the second time when the Proposal was made to you.

Sir Geo. Wakeman. And you knew all these Things, at that Time when I was examined before the King and Council? Turn this way and answer me.

Oates. I am not bound to answer that Question.

L. C. J. But you must answer his Questions, if they be lawful.

Sir Geo. Wakeman. I say, I ask him, Whether he knew all these Things before that Time I was examined before the King and Council?

L. C. J. That must needs be, for all these Things were done before.

Sir Geo. Wakeman. Then I ask him this Question, Why did you say before the King and Council, that you knew nothing of me, but concerning one Letter that was writ from Mr. Ashby to Mr. Fenwick? I shall prove this upon you; but, my Lord, let me observe this, Can any one believe, that if such Evidence had been given in to the King and Council, against me, as he now speaks of, that I should not have been immediately taken into Custody, but that I should have my Liberty so long as I had?

L. C. J. I will tell you, Sir George, you will do very well and properly to call up your Witnesses by and by, when you come to make your Defence, and to prove what he said at the Council-Table. Pray, Dr. Oates, what was the Reason you did not give the same Evidence then you do now?

Oates. I can, by and by, give an Answer to it, when it is proved by him what I did say. As to Mr. Corker, I say this, He had a Patent from the See of Rome, to be Bishop of London, and Mr. Corker was privy and consented to a Proposal that was made by Langborn to the Benedictine Monks, whereof he is one. And these Benedictine Monks did contribute 6000*l.* to the Society of the Jesuits, in order to the carrying on of this Design. And Mr. Corker, tho' he did deny before some Justices of the Peace, that he did go out of the Kingdom, yet he did go over to Lampspring in Germany, and staid there some short Time, and he did write a Letter, but whether it was dated from Lampspring in Germany, or no, I cannot tell, because there was only the Date of the Month, but not of the Place from whence it came, but the latter end of August, it was, and therein he wrote, that he did consent to the Proposal, for the raising of the said 6000*l.* for he is President of the Benedictine Monks, and therefore it was necessary that he should give the Suffrage, and he had been with Father Le Chaise and the English Monks in Paris, and had given an Account what Prospect of Affairs he had in England, and how the Design went on.

L. C. J. Was this in a Letter?

Oates. Yes, it was.

L. C. J. To whom was that Letter directed?

Oates. It was directed either to Father Hitchcot, or to Father Howard, then in London.

L. C. J. You saw the Letter?

Oates. Yes, I saw the Letter.

L. C. J. Were you acquainted with his Handwriting?

Oates. I will shew you how far I might be acquainted with his Hand. My Lord, this Gentleman, as I think, went away in July, as near as I can remember, I won't be positive in the Time he went over; but in the Month of June I saw this Gentleman with Mr. Fenwick, and he had given him an Account either of some Friend or Kinsman of his, at St. Omers, that had not had his Pension paid, and Mr. Corker did give a Note under his Hand, to Mr. Fenwick, where to take up so much Money, and the Money was to be received of Mr. Langborn.

L. C. J. How much was that Money?

Oates. It was about 20 or 25*l.* and he subscribed his Name to it, James Corker; for that is his Name, tho' he is Indicted, I know not how, by

the Name of Anthony: And I have a Summons to give Evidence against Anthony Corker.

L. C. J. He is Indicted by the Name of James.

Oates. And then I saw his Name to an Examination that was taken by Sir Charles Harbord, and some other Justices that were of the House of Commons that took the Examination of this Corker, and it was the very same Hand he usually writ, only it was not so fair, nor so well, in his Examination. This is that I say against Mr. Corker.

Sir Rob. Sawyer. Shew him that Hand there: Pray, Sir, look upon it.

[Then a Paper was shewn to him.]

Oates. This is the same Hand.

Corker. Is that a Copy of my Examination before the Justices?

L. C. J. It is the Original.

Corker. I am glad it is there.

L. C. J. Shew it the Prisoner.

Oates. Mr. Corker did use to bestow the Queen's Charity——

L. C. J. Is that your Hand?

Corker. Yes, my Lord.

L. C. J. Shew him the other.

Corker. These are both my Hand, as far as I can see.

Oates. That Note he gave to Fenwick, for the receiving this Money, was the same Hand with this, and so was the Letter that came, as we suppose, from Lampspring in Germany; but I cannot say it did so, wherein he did give Consent to the raising and giving this 6000*l.* for the carrying on of the Design.

Sir Rob. Sawyer. What was that you had more recollected?

Oates. He did dispose of the Queen's Charity (as it was so called) but Mr. Corker did say, it was to carry on the Design; and this he did say in the Month of June, when he was with Mr. Fenwick. Now, what he meant by that Design, I leave to the Jury to judge, only some Parcels he had distributed, Two or Three Shillings to some, and Forty Shillings to another, to some more, to others less: But a great Part of it he did use for the carrying on of this Design, and he said the Queen had given him Orders so to do.

Sir Rob. Sawyer. What do you know of his being privy to the Consult of the 24th of April?

Oates. He did know of it, and I will tell your Lordship how I know he knew of it. He did except against Pickering being chosen.

L. C. J. To do what?

Oates. To do that wicked Thing to kill the King, for said he, Pickering is commonly attendant upon the Altar, and he thought it not so convenient, that he should be employed about that Business because he might miss an Opportunity, by being at High Mass, whereas another, a Lay-man, might do it.

Sir Rob. Sawyer. Were you present when the Exception was made?

Oates. Yes, it was when the Order was given about the Money, to Fenwick.

L. C. J. At whose House was it?

Oates. At the Benedictine Convent in the Savoy.

Sir Rob. Sawyer. Was it expressed at that Time what *Pickering* was to do?

Oates. His being privy to the Consult in *April*, I had it only from his own Mouth, for he wondered that the Jesuits should employ *Pickering* in that Business, when they might have a Lay-man, who was more fit; he being a Religious-man, and attending upon the Altar, it was not so convenient.

L. C. J. Where was that 6000*l.* to be raised?

Oates. Out of the *Benedictines* Estates.

L. C. J. Was he their President?

Oates. Yes, he was.

Mr. Just. Ellys. Dr. *Oates*, was he against the Thing, the doing of it at all, or against *Pickering's* doing of it only?

Oates. He was only against *Pickering's* doing of it. He would have had a Lay-man employed in it.

Mr. Just. Pemberton. That is plain, for he did give Consent that the 6000*l.* should be raised for the carrying on the whole Design.

Sir Rob. Sawyer. Do you know any thing besides that Letter you have mentioned, which he writ to give his Consent?

Oates. Nothing, but that because he had given his Consent, the Money was paid.

L. C. J. Do you know it was afterwards paid?

Oates. I believe that the Money was paid, for our Fathers said that they had received it.

Mr. Recorder. What say you to the rest of the Prisoners?

Oates. Mr. *Marshal* I do charge with the same, that is, that he was actually present at the *Benedictine* Convent, when the 6000*l.* was agreed to be contributed, but it was not to be paid till they had an Answer from Mr. *Corker*.

Sir Rob. Sawyer. That Letter you speak of, was an Answer to it, I suppose?

Oates. Yes, my Lord, it was so.

Sir Rob. Sawyer. What do you know of the Consult, was he privy to that?

Oates. I will not be positive as to Mr. *Marshal's* being privy to the Consult, I know that he was privy to *Pickering's* undertaking to kill the King.

Sir Rob Sawyer. How do you know that?

Oates. Because he was of *Corker's* Opinion, that they had better take a Layman.

Mr. Recorder. What say you to *Rumley*?

Oates. He is a *Benedictine* Monk, or at leastwise a Lay-Brother. And he was privy to this Consult, in which the 6000*l.* was agreed to be paid and given, and I do judge he did consent to it, for he did pray God that it might have good Success and that the Catholick Cause might once again flourish in *England*.

L. C. J. North. He was there then, was he not?

Oates. Yes, he was there, but only as a Servant, a Lay-Brother of that Order.

L. C. J. North. Why, is he professed?

Oates. Yes, I think he is.

L. C. J. North. What Time was this, Mr. *Oates*?

Oates. In *August*.

L. C. J. North. Was it the former part of *August*?

Oates. I cannot be positive, but I think it was.

Sir Rob. Sawyer. Can you say any thing more against the rest of the Prisoners?

Oates. I do not recollect any thing more, at present.

Mr. Ward. Now, Gentlemen, if you please to ask him any Questions, you may.

Rumley. Were you there present?

Oates. Yes, I was.

Rumley. Was it in the Month of *August*?

Oates. Yes, it was.

Sir Rob. Sawyer. Will any of you ask him any more Questions?

Corker. He says I went in *June* to *Lampspring*, now I would ask Mr. *Oates* where *Lampspring* is?

Oates. We suppose it to be in *Germany*.

Corker. 'Tis almost at the furthest end of *Westphalia*, and he says, that being there, I had Discourse with *le Chaise*, and the *English* Monks at *Paris*, about this Design, I would fain make Sense of this, if I could.

Oates. To satisfy Mr. *Corker*, I cannot say that he went to *Lampspring*, but only as he said himself; and they used to say they go to one Place, when they go to another: As *Ireland* said he went to *St. Omers*, when he went into *Staffordshire*.

Corker. Where, and when, did I give my Consent to the Design about murdering of the King, for you named the 24th of *April*?

Oates. This is that I say to the Court, that the Privy that Mr. *Corker* had of the Consult of the 24th of *April*, was that I had out of his own Mouth, in which he did declare, that he did think the Jesuits had not done well to make Choice of one of their Order to do that Business, since he was to attend upon the Altar, but it would have been well if they had made Choice of some other Lay-man to match *Grove*.

Corker. You tell me, I had a Patent to be Bishop of *London*.

Oates. I saw it in your own Hand.

Corker. Who gave me that Patent.

Oates. I did not enquire into that.

Corker. Did you hear me say, I accepted of it, and should be Bishop of *London*?

Oates. I heard you say this, you hoped it would not be long ere you should exercise your Episcopal Function.

[At which the People laughed.]

Oates. I now recollect something more. I remember Mr. *Marshal* was present when Father *Hitchcot* and Father *Howard*, and *Conyers* the *Benedictine* Monk, were there present, about the laying of a Wager, whether, or no, the King should eat any more *Christmas-Pies*, and this *Benedictine* Monk, *Conyers*, did lay he should not, and another Gentleman lay'd that he would, and this Gentleman, *Marshal*, did go halves with *Conyers*, that he would not.

Marshal. I desire you would tell my Lords the Judges how long you have known me, and where you have seen me.

Oates. I have seen this Gentleman several times, but had never any Familiarity with him, but I have seen him officiate at the Altar.

Marshal. How long have you known me?

Oates. First and last, two Years; but the first time that I knew you, to hear you speak, was when Father *Hitchcot* and the rest were there.

Marshal. He says he hath known me these two Years, and yet never spake to me.

Oates. I knew him by sight.

Marshal. He looked upon me as a Priest, it seems, he knew me to be engaged in this Business,

ness, as he says, I wonder he should never converse with me.

Oates. There are a great many that I know by sight, whom I never did converse with.

L. C. J. What do you infer from that? It may be, you know some of the Bench by sight, that you never spake to before, nor they to you.

Marshal. What Day of the Month was this Consult?

Oates. It was in August.

Marshal. But what Day of August?

Oates. 'Tis a great Privilege that I tell you the Month. It was between the first and the middle of August.

L. C. J. He tells you it was the former part, but it lies in his Breast, whether he will or no, to tell you the exact Day.

Marshal. My Lord, 'tis impossible to make a Defence, if Circumstances of Time and Place be not mentioned.

L. C. J. 'Tis fit he should answer, if he can tell the Time, but if he cannot, we can't help it.

Marshal. But if he does not name the very Day he may name the Place.

L. C. J. He does name the Place, it was at the *Benedictine Convent*.

Marshal. Why can't he as well remember the Day?

Oates. If they will tell me when the Feast of the Assumption is, which is a Feast of their making, then I will give them a pretty near Account when it was.

Marshal. The Feast of the Assumption is the 15th of August.

Oates. My Lord, it was either the Day before, or the Day after.

Marshal. Now he hath avouched this positively.

Oates. Nay, I will not be positive.

Marshal. But you were so, that it was the Day before, or the Day after.

Oates. I appeal to the Judges of the Court.

L. C. J. If he will say it, let him, but People are not to be snap'd up thus. Mr. Oates, you are upon your Oath, and pray answer the Question that is asked by the Prisoner as positively as you can. If you can, say so, if you cannot, say so.

Oates. My Lord, I do believe verily it was either the Day before, or the Day after.

L. C. J. Are you sure it was?

Oates. My Lord, I do verily believe it.

Marshal. But what Accusation is it of a Thief or a Murderer upon the High-way, unless you tell the Time exactly?

L. C. J. You see he will not answer positively.

Marshal. Mr. Oates, was I at any other Consult besides this one?

Oates. Yes, you were, upon the 21st day of August, if it fell upon a *Wednesday*.

Marshal. What matter is it what Day it fell on?

Oates. If it were a *Wednesday*, then the 21st of August you were at a Consult, when we had Letters from Archbishop *Talbot*, wherein we had an Account of the State of *Ireland*, how the *Irish* Affairs did stand, but it did not pay an *Irish* Letter's Price, and therefore I suppose it came from this side of the Water, tho' it was directed as if it came from *Dublin*. And this was read there, and there was in it a Prayer, that a Commission

might be sent down, and there were some Jesuits and some *Benedictines*, amongst whom *Marshal* was one, and he did give his Consent that the Commission should be sent down.

L. C. J. What Commissions were they?

Oates. For Officers in the Army that was to be raised there.

Marshal. Where was that Letter read?

Oates. At the *Benedictine Convent*.

Marshal. And this, you say, was the 21st of August?

L. C. J. And that was on a *Wednesday*, as the Almanack says.

Oates. There he agreed to send the Commissions into *Ireland* for the appointing of Officers, and did consent to the poisoning of the Duke of *Ormond*.

Rumley. When was *Pickering* taken?

Oates. He was taken the Night before, or *Michaelmas-day* in the Morning?

Rumley. Were not you there, Mr. Oates?

Oates. Yes, I was.

L. C. J. Were you at all the Consults?

Oates. No, I was sick, when Sir *George Wakeman* was offered the 15000*l.* and received the Five.

L. C. J. What Consults were you at?

Oates. I will answer to these Consults that these Persons are affected in; there was one Consult about the beginning or middle of August, there was another the 21st of August, and then there was another Consult wherein the 5000*l.* was paid, or ordered to be paid, to *Wakeman*, and I was not there.

Rumley. Who was the Messenger that took *Pickering*?

Oates. I do not know him.

L. C. J. Was the Consult of Sir *George Wakeman* after the 21st of August?

Oates. No, my Lord.

Mr. Ward. Will you ask him any more Questions?

Oates. My Lord, I desire I may have leave to retire, because I am not well.

L. C. J. You must stay, Dr. Oates, till after their Defence be over.

Mr. Recorder. If you desire to have any Refreshment, you shall have it got for you.

Sir Rob Sawyer. Then we call Mr. *Bedlow* next. (*Who stood up.*) Pray, Sir, speak your Knowledge concerning the Prisoners at the Bar.

Bedlow. My Lord, before I speak any thing to the Prisoners, I desire there may be a Difference between the Clerks of the Counsel and me decided, they have mistaken a Word in my Evidence, and put in *New-Market*, for *Windsor*.

L. C. J. What does that signify to the present Business?

Bedlow. I desire it may not be brought against me in my Evidence.

L. C. J. Then 'tis only for a Caution beforehand.

Bedlow. The latter part of the last Summer, it was, I think, about the beginning of August, Sir *George Wakeman* was at *Harcourt's Chamber*, I myself was there first, and when he came in, he fetch'd a Turn or two about the Room, seeming angry and discontented, and asked *Harcourt* if he had any thing for him? Then *Harcourt* asked him, How he did proceed? Said he, I don't know whether I shall or no; for what Reason am I drill'd on, in such a Concern as this?

Says

Says Mr. *Harcourt*, Stay, Sir *George*, you need not be so hasty as to blame us, for we are better provided for you than you think for. With that *Harcourt* went to his Cabinet, and took out five or six Papers, and brought a small Bill, and asked Sir *George Wakeman*; said he, Sir *George*, how are you provided? Said Sir *George*, I have been ready long since, but you have not been so punctual with me: But what have you there? Said *Harcourt*, I have a Bill of 2000 *l.* From whom? said Sir *George Wakeman*. Then he named a Gentleman, but I don't know him, nor can't remember him. And said he, I came now from *Whitehall*, and receiv'd it from such an one, which he said was by the Queen's Order, and that he had it from her. This Bill is charged upon such a Goldsmith, and named him, he dwelt some where about St. *Dunstan's Church*, but I can't remember his Name, I'll tell you by and by why I think he dwelt there. As soon as Sir *George* had read it, 'tis well, said he, if it be accepted, I find more Encouragement from my good Lady and Mistress, than from any of you all. They had some little more Discourse, and Sir *George* asked of *Harcourt*, who I was? Said he, 'tis a Friend that hath been long engaged in our Business, and is to do the next great Work to yours. Well, said Sir *George*, I will go and see if the Bill be accepted, and you shall hear of me to-night; and accordingly he did go. I did not stay but a very little time after him, and therefore I collect he could not go far to get the Bill accepted; for I did cross *Lincolns-Inn-fields*, and came down a Lane by *Temple-Bar*, and between the *Queen's-Head* and *Chancery-Lane* end I met with Sir *George Wakeman*: Said I, Have you been with your Bill already, and is it accepted? Yes, said he, 'tis accepted. And when is it to be paid? I am to go, said he, in the Afternoon, to receive it.

L. C. J. Who said so?

Bedlow. Sir *George Wakeman*.

L. C. J. To whom?

Bedlow. To me. And seeing of him return from the City-ward again, I concluded it was not far off, and spoke to him as I tell you. Sir *George* and I were not very well acquainted, but I had known him five Years, and upon that Character Mr. *Harcourt* had given of me, I thought I might make bold with him, and when I asked him and accosted him with that short Question, Is your Bill accepted? he made me Answer it was, and he was to receive it in the Afternoon, and thought it not fit to dispute any thing with me.

L. C. J. You don't know what Goldsmith it was upon?

Bedlow. It must be one that lives about St. *Dunstan's Church*, or *Fleet-Street*, for he could not go far in that time.

L. C. J. Where was *Harcourt's* Chamber?

Bedlow. In *Duke-street*, next the Arch. Now I asked *Harcourt* afterwards, whether this was part of the 15000 *l.*? Said he, We have not adjusted that Matter yet, but he receiv'd this only as a present Supply. And he did in a short time after receive as much as made it up 5000 *l.* But I asked, whether it were for the old Business? Yes, said he, 'tis for the same Design, if we should fail of it by other Means. (And so was the Discourse to Sir *George Wakeman*) if we should fail of it at *Windfor*, then this Way is to

be taken; and if this fail too, we will make sure of it at *New-market*.

L. C. J. What do you know of the other Prisoners?

Bedlow. Mr. *Corker* I have seen with *Kaines* and *Le Fevre*, but never in their Company but once, where being in the great Court at *Somerset-House*, we walked out of the Court into the Piazza, and there we were speaking of our Business. *Kaines* was saying to me, You brought such a Letter, such a Time, for me, and I have lost it: I do not know what to do for it. Said I, Do you remember the Contents of it? Yes, said he, I do. Said I, You should take such Letters in such a Character as none could read but your self, and then burn the Letters themselves. Said he, I hope it will not come to Light, for none will meddle with my Papers, that can do me any Hurt. I heard nothing from Mr. *Corker*, that did relate positively to the Murder of the King, but *Corker* and *Le Fevre* were speaking in general about the Business, what Letters they had received from beyond Sea how to manage their Affairs.

L. C. J. About what Matter?

Bedlow. About the Plot, what Letters they had received from beyond Sea, and how forward they were in their Proceedings here.

Corker. What did we talk about?

L. C. J. What was it about still?

Bedlow. It was about raising the Army, and what Interest he had with the People. It was in general, I come not to Particulars.

Corker. Did *Kaines*, or I, or any of us, name any such thing as Plot, Design, or the like?

Bedlow. We were discoursing of the Business in general, I don't take upon me to speak to Particulars.

L. C. J. What was it about, say you?

Bedlow. About raising an Army, what Interest he had in the People, who had been sent into the Country, what they had done, and the like.

Corker. Did you hear any Word of Killing, Army, or Design?

Bedlow. Yes, every one of those words were used. I don't take upon me to tell how the words were placed.

Mr. Ward. What say you to the rest?

L. C. J. When was this Discourse?

Bedlow. July was Twelvemonth.

Mr. Ward. What say you to Mr. *Marshal*?

Bedlow. Mr. *Marshal* hath reason to know me, and I suppose will not pretend to the contrary, for he cannot but remember that I knew him when I went to the *Gatehouse*. He hath carried several Letters that have been brought from beyond Sea, and others that have been writ in *England*, into the Country, and I have been with him in *Latham's Chamber* in the *Savoy*, and *Somerset-house*, so long since as *Latham* was one of the Queen's Monks. He hath carried the same Letters that I have brought from beyond the Sea, three or four, or more at a time, to communicate to the Country Gentlemen of the Catholick Party, that were Assistants to us, particularly to Sir *Francis Ratcliffe* and others, I am sure he hath carried, and he knew what was the Effect of those Letters, and what were the Answers to them; he read them as well as any of them, for I think he is of the same Order, to the best of my knowledge, tho' I never saw him in his Habit.

L. C. J.

L. C. J. What was the Import of the Letters?

Bedlow. I never brought any one Letter to the Religious Fathers (and I have brought a great many) but what did import what I have now given in Evidence, and did relate to the full substance of what I say now.

Sir Rob. Sawyer. Can you mention the Particulars of any one Letter that he knew the Contents of?

Bedlow. I do mention one which I very well remember, and that was to Sir Francis Radcliff, and I remember it tho' it be long since, because I was well acquainted with Sir Francis Radcliff's Son, and I brought Commendations from his Son to England.

Sir Rob. Sawyer. Well, Sir, What was the Contents of that Letter?

Bedlow. It was a Copy of the Letter from *Le Chaise* in Paris to the Monks and Jesuit in England, in Answer to the first Letters that I brought over to them relating to the management of the Design.

L. C. J. Was it mentioned in that Letter what the Design was?

Bedlow. In that which I carried over to *Le Chaise*, it was, that all things were in readiness and the time now drawing near, for they did hope in a Year or two, or in a little time they should be in a Capacity to put this in practice, and they did not question but to subvert the Oppression and Tyranny the Catholicks were under in England.

Sir Rob. Sawyer. Was Mr. *Marshall* acquainted with the Contents?

Bedlow. He was one of them that used to examine the Answers. It was written to him partly, for if he were not a Member of their Order, as I think he is, he was one of the Club and Consult that saw the Contents of all Letters. I have not seen him so often as I have done the others, but I believe he hath been there as often, but he hath received to my remembrance twice Letters to communicate into the Country concerning the Subversion of the Government, and the Introducing of Popery.

Mr. Ward. What say you to Mr. Rumley?

Bedlow. I cannot be positive as to my own knowledge, but what Mr. *Harcourt* has said.

L. C. J. Do you know any thing of your own knowledge by him?

Bedlow. I have been told he hath communicated Letters of this business into the Country. And that he was one employed when any Secret Letters were sent.

L. C. J. So you cannot declare upon your Oath, that you know that Mr. Rumley knew the Contents of any Letters relating to the Plot?

Bedlow. No, my Lord, I do not. I have a good remembrance of Faces, but I do not remember his.

Sir Geo. Wakeman. What Day was it that I had the Discourse with *Harcourt*, and received the Bill from him as you say?

Bedlow. You ask me a Question as if I were in the state I was formerly in, when I might have an Indulgence for telling a Lye. No, I have no Delight to Damn my Soul, to make you a Martyr; but to satisfy you as well as I can, I say, it was the beginning of August, or part of the beginning. I do not speak to a Day.

Sir Geo. Wakeman. How do you know it was a Bill of Exchange for this Money?

Bedlow. You did read it aloud.

Sir Geo. Wakeman. Had I any Acquaintance with you?

Bedlow. No, but Mr. *Harcourt* told you who I was.

Sir Geo. Wakeman. And would I upon the first sight of a Man discover to him what would endanger my Life?

Bedlow. Ay, and a hundred times more, if Mr. *Harcourt* did but tell you I was his Confident.

L. C. J. What were the Contents of that Note?

Bedlow. It was directed to a Goldsmith, whose Name I tell you I cannot remember.

Sir George Wakeman. You are good at remembering some Sir-Names, why can't you remember this Name as well?

Bedlow. I can remember Names that do relate to any business, but only hearing this Name by the by, I cannot remember it, for I did not then think it of such Consequence.

Sir Geo. Wakeman. You do not know me?

Bedlow. Yes, I do.

Sir Geo. Wakeman. I call God to Witness I never saw you before in my Life, that I know of. You have a very remarkable Face, and if a Man had once seen you he must know you again.

L. C. J. Who subscribed that Note?

Bedlow. I don't know, it was one of the Queen's Gentlemen that *Harcourt* had it from. And whereas Sir George Wakeman says he does not know me, I did take Phynck of him at the Bath.

Sir Geo. Wakeman. When was I at the Bath?

Bedlow. It was some Years since.

Sir Geo. Wakeman. I never was there but once, and that was a Year and a half ago.

Bedlow. No, Sir, it is more than that, for you were there when the Queen was there.

L. C. J. How long is it ago that you were there, Sir George?

Sir Geo. Wakeman. It was about two Years ago.

Bedlow. It is three Years this Summer.

L. C. J. Then that is well enough; for that is some Years since.

Bedlow. I had acquaintance enough with him while he was there.

Sir Geo. Wakeman. I say this, my Lord, if I had been acquainted with Mr. Bedlow, I should have known him to be a great Rogue, which is but what he hath said of himself; and then I should not have thought it fit to have trusted such an one with such a great Secret as this.

L. C. J. It may be he calls himself great Rogue for that which you would have applauded him for, and canoniz'd him too. It may be he thinks he was a Rogue for going so far as he did; but perhaps you are of another Opinion.

Bedlow. My Lord, I could not count myself an Honest Man, that had consented to the Death of the King and Sir *Edmundbury Godfrey*.

Sir Geo. Wakeman. But tho' he gives you an Account of such a Bill delivered to me, yet neither he tells you the Time, nor mentions the Man upon whom it was drawn: Here are all the Marks of Falshood that can possibly be.

L. C. J. No, he does not mention the Man upon whom it was drawn, nor from whom; nor can he say that ever you received it; but you were to receive it.

Sir Geo. Wakeman. How came he to omit that? but because I should have no Plea for my self when I came to be accused of it.

Bedlow. Pray, *Sir George*, don't press me to say more than I know. I do tell you all that I can say of myself.

Mr. Recorder. Have you any more Questions to ask him?

Marshal. I ask you this Question; First, Why will you Damn your Soul to send me to Heaven? Lay your Hand upon your Heart, and in the Presence of God declare whether ever you saw me in your Life, before you came to the *Gatehouse*? Whether ever you saw me in any Part of the World whatsoever? And whereas you say now that I owned that I knew you there; it was so far from it, that all the Company that were there, will say that you did not know me, and declared yourself a Stranger to me.

Bedlow. No, Sir, pardon me; you did not deny but that you had seen my Face.

Marshal. No, all the Company that were there will say that you owned yourself a Stranger to me; you told me, *Mr. Marshal*, *be not afraid; I will do you no hurt.* But *Mr. Bedlow*, Where have you seen me?

Bedlow. At the *Benedictine* Convent in the *Savoy*. And, my Lord, the first Word that I said, when I saw him, was, that this Man's Name is *Marshal*, and he carried such and such Letters into the Country, and *Sir William Waller* can testify the same. [*Who standing upon the Bench, was sworn*]

Mr. Recorder. *Mr. Marshal*, you had best to hearken to what *Sir William Waller* says.

Sir William Waller. My Lord, I went to the Prison to see *Mr. Marshal*, and *Mr. Bedlow* was there with me, *Mr. Bedlow* asked him if he did not know him, and called him by his Name; he declared he had seen him before, but said he did not know him.

L. C. J. Did he call him by his Name as if he knew him?

Sir William Waller. Yes, my Lord, he did.

L. C. J. Look you, *Mr. Marshal*, he says that you yourself owned that you had seen him before, tho' you were not of his Acquaintance.

Marshal. What *Sir William Waller* says I must oppose, tho' I am extremely sorry so to do. *Sir William*, you may please to remember that you came to me after *Mr. Bedlow* was gone.

Sir William Waller. No, I was there with you before he came in.

Marshal. I believe those of the *Gatehouse* do remember that I spoke with *Mr. Bedlow* in private in an interior Room; what you spoke was in the open Hall there. You asked me whether *Mr. Bedlow* had not been there? I told you, Yes; that was in the publick place; whereas *Mr. Bedlow* talked with me only in a private Room.

Sir William Waller. My Lord, what I have said is upon my Oath, and 'tis nothing but the Truth.

Marshal. And I am upon my Life, therefore I am very sorry I must for the Truth sake, and Defence of my Life, contradict what you say. What your Worship and I spoke was in the publick Room; but what Discourse *Mr. Bedlow* and I had, was in another private Room.

L. C. J. Look you, *Sir William Waller*, was you there when *Mr. Bedlow* was with him?

Sir William Waller. I was, my Lord.

L. C. J. Where?

Sir William Waller. In the common Room.

L. C. J. What did he say concerning *Mr. Bedlow* in the common Room?

Sir William Waller. *Mr. Bedlow* called him by his Name, and asked if he knew him? He said he had seen his Face, but did not know him.

L. C. J. Do you hear that, *Mr. Marshal*?

Marshal. Truly, my Lord, it goes against my Heart to speak any thing in opposition to what *Sir William Waller* says, for I would not for all the World reflect or say any thing that should glance upon *Sir William Waller*, as if he had taken a false Oath; but all in the *Gatehouse*, nay *Mr. Bedlow* himself knows, that he had discourse with me in a private Room before *Sir William Waller* came.

L. C. J. *Mr. Bedlow*, speak yourself; was *Sir William Waller* there when you came to the *Gatehouse*?

Bedlow. My Lord, I had an Order from the Council-Board to go and see the Prisoner, there was no Body that told me his Name, nor that I knew, knew it; but I would not do it, I was so cautious, but in the hearing and company of a Justice of the Peace, and therefore I went away before they had called him down, and I went to see if the House of Commons were sitting; and when I came back, *Sir William Waller* was just coming thither, and so I went in with him, for I met him at the bottom of the Stairs. We came into the common Room, and there was *Mr. Marshal* with the Keeper, and I was in no other Room, but the common Room. And *Sir William Waller* withdrew to the end of the Room while I asked him some Questions; and pray will you please to ask *Sir William Waller* whether I did not call him by his Name as soon as I saw him?

Sir William Waller. Yes, my Lord, he did: He asked him if his Name was not *Marshal*: And whether he did not know him: And he said he had seen his Face, but had no Acquaintance with him.

Marshal. Were not you with me first in that Room which turns in on the right-hand from the common Room?

Bedlow. I do not know any such Room in the *Gatehouse*.

Marshal. There were your Guards, *Mr. Bedlow*, and there were several others in the *Gatehouse*; they cannot but remember what Room I was brought into: They cannot possibly but remember, that when *Sir William Waller* came to me, he asked me whether *Mr. Bedlow* had been with me.

L. C. J. Look you, Gentlemen, they have done, call what Witnesses you will, and make your Defence as well as you can.

Marshal. My Lord, I did not think or imagine any such thing would be spoke of; or that there would need any Attestation for it.

L. C. J. Look you, they have done; we will hear what your Witnesses will say as long as you will.

Marshal. My Lord, *Mr. Bedlow* seem'd a perfect Stranger to me when he came to the *Gatehouse*; and to encourage me, told me, *Mr. Marshal* (says he) *do not fear, I will do you no hurt at all: Did not you send* (said he) *to such an one, to have*

have Mr. Bedlow questioned about such and such things? Which I denied, and he did not seem by any word that he spoke, to have seen me before in his life.

L. C. J. He told Sir William Waller your Name was *Marshal*, tho' you went by a wrong Name, the Name of *Marsh*.

Marshal. He might easily know my Name, by those that took me.

L. C. J. But I tell you, you went by a wrong Name then, *Marsh*.

Marshal. My Lord, I am called promiscuously *Marsh* and *Marshal*. But *Marshal* is the Name I own.

L. C. J. And that is the Name he knew you by.

Marshal. I did not call myself *Marsh* when I was taken, but told my true Name.

Bedlow. My Lord, I did not hear of any Name at all, but I said, 'This is *Marshal*, one of the *Benedictine* Monks, as soon as I came in.

Marshal. Mr. *Bedlow* seem'd to encourage me to hope, and bid me not fear; said he, You will have an honourable Bench, and a good Jury. And this, they that were there can testify.

L. C. J. Call them: Call your Witnesses.

Marshal. But my Lord, I did not know any thing of this. And Sir William Waller's Question that he asked me was, if Mr. *Bedlow* was with me?

L. C. J. You hear what he says.

Marshal. I am infinitely loth to say it, because he swears it; and you well know, Mr. *Bedlow*, you talked with your Guards a while, and then turned at last to me.

Bedlow. Yes, I did talk with my Guards, but Sir William Waller was in the Room as well as I.

L. C. J. By what Name were you committed?

Marshal. I had Letters about me, writ to me by that Name; and I thought it my Duty to answer to that Name that the Letters did call me by.

L. C. J. Well, have you any Witnesses?

Marshal. This is a Surprize, I did not know of any such thing.

L. C. J. Have you any Witnesses, Sir George Wakeman?

Sir George Wakeman. Yes, my Lord, I have several.

Marshal. But, Mr. *Bedlow*, can you say you have seen me any where before you saw me at the Gatehouse?

Bedlow. Yes.

Marshal. Where?

Bedlow. At the *Savoy*.

Marshal. And any where else?

Bedlow. Yes, and at other Places.

Marshal. Name one other Place in the whole World, and I will be contented to die.

Bedlow. I will tell you why I cannot name any other Place positively. I did carry the Letters thither, there were the Consults about them, and there I used to converse with you most.

Marshal. Can you prove that ever you were in the *Savoy* in your Life? And I will be hang'd without any more to do. If you can prove it either by Man, Woman, or Child, I will go to the Gallows, and will not say one Word more.

Bedlow. My Lord, I have other Witnesses, but at present I cannot produce them: There are

some in *Kent*, they are some of them in one Country, and some in another, I reserve them for another time, but there is Oath made of it before the secret Committees of the Lords and Commons.

L. C. J. How can he imagine that this should be put upon him? Therefore you may well believe that he hath never a Witness present. It may be he hath none can prove he ever was at *Westminster-Hall* in his Life, for who could imagine such a Question should be put to him?

Marshal. Having been there several times, I suppose he did not use to go alone; 'tis impossible, but if they had been with him often there, he might prove it; if he say true, sure some should attest it.

L. C. J. 'Tis likely it should be so, but he hath them not here.

Mr. Just. *Pemberton*. Why, do you think he can bring Witnesses for every Act that he did in his Life?

Marshal. If he have them not here, let him have time to produce them.

L. C. J. He hath a Witness in *Kent*, would you have us keep up the Jury 'till he sends for his Witness out of *Kent*.

Bedlow. There is my Landlord, at whose House I lay so long, can testify it.

Marshal. Who is that?

Bedlow. Mr. *Cott* a Belt-maker in the *New Exchange*. He hath gone often with me when I have gone into the Convent, and he hath gone round about, and his Maid that used to carry the Portmantle, wherein I brought over the Letters from beyond Sea.

L. C. J. Can you name any one body that ever saw you in the *Savoy*?

Bedlow. I do name one; and besides, my Lord, I lay in the *Savoy* half a Year at one *Woodroff's*.

Marshal. Was that the Place you saw me in?

Bedlow. No, no body came there but Monks and Messengers.

Marshal. Was you there at the time when the *Savoy* was searched?

Bedlow. No, but I gave Sir William Waller directions to search in the most material Places of it.

Mr. *Recorder*. He says a material thing, if he be in the right, that he did give Directions to Sir William Waller to search in the most material Places of the *Savoy*. We will ask that Question of Sir William whether he did or no.

Sir William Waller. Both Mr. *Oates* and Mr. *Bedlow* did give me Directions to search in the *Savoy*; they told me of such a particular Room where *Pickering* lay, and where such a Closet was, and many other things; and it was by their Directions that I made the Search.

L. C. J. Look you what Sir William Waller says; he says that both Mr. *Oates* and Mr. *Bedlow* did describe several Rooms to him in the *Savoy*, which it was impossible for them to make such a Description, if they had not been there before.

Marshal. I desire to know when that Description was given?

Sir William Waller. Two or three Days before I took Mr. *Marshal*.

Marshal. Mr. *Oates* made Searches there before.

L. C. J. But we speak of *Bedlow* now.

Marshal. But Mr. *Bedlow* might have knowledge from him and others that were there.

L. C. J. Do you think he must needs go officiously to inform *Bedlow* of what he found, upon an imagination that such a Question should fall out hereon? And if he receiv'd no Information, how then could he describe the Rooms without he knew them?

Marshal. May there not be several Houses that I may give a description of, upon the hearfay of others, tho' I were never in them myself?

L. C. J. No, I know not very well how; and there is no reason you should imagine he receiv'd information from *Oates*.

Marshal. My Lord, there is reason enough, because both do combine in the same Accusation.

Bedlow. My Lord, I gave Sir *William Walter* Directions to search in such a Place, under such a Bench in *Pickering's* Apartment, where he found the Gun that was to kill the King.

L. C. J. Well, call your Witnesfes, Sir *George*.

Sir George Wakeman. Call Mr. *Chapman*.

L. C. J. But before they begin, Sir *Robert Sawyer*, we must do all the Right to every one we can. I do not find, by the strictest Observation that I have made, that Mr. *Bedlow*, who is the second Witness, does say any great thing, any material thing against any one of them; but as for *Rumley* he says nothing at all. He says, in effect, against Sir *George Wakeman*, no more than this, That he saw *Harcourt* give him a Note for 2000*l.* which he said was from the Queen; upon which Sir *George* said he was more beholden to his good Lady and Mistress, than to any of them all. The Note he does not know who drew it, nor upon whom it was drawn; nor does he say what it was for, more than what *Harcourt* told him, which was in doubtful Words, That it was about the old business; but *Harcourt* did not tell him this in the presence of Sir *George Wakeman*, but he spoke to *Harcourt* about it. It is no more, than Sir *George Wakeman* receiv'd from *Harcourt* the Bill of Exchange, he does not know upon whom, nor for what.

Sir Robert Sawyer. My Lord, he says more, with Submission; for he says this further, That there was a discourse about the business; and he did tell you, That Sir *George Wakeman* should complain, that they had not done well with him, and asked why he was drill'd on; but when the Note was produc'd, he said, My Matters are already prepared, but you are not so ready to perform your Promises. Then said *Harcourt*, If you are ready for us, we are ready for you: And told him, If he did not do it, they would do it at New-Market.

L. C. J. What is all this? Pray Mr. *Bedlow* stand up again: We are now in the Case of Mens Lives, and pray have a care that you say no more than what is true upon any Man whatever. I would be loth to keep out *Popery* by that way they would bring it in, that is by Blood or Violence: I would have all things go very fair; Pray what, upon your Oath, was the first part of Sir *George Wakeman's* Discourse with *Harcourt* when they met?

L. C. J. North. Relate again your whole knowledge concerning Sir *George Wakeman*, and the Bill of Exchange, and the Discourse after it, because we are now upon the consideration of it, what effect it will have upon him.

Bedlow. My Lord, I was with *Harcourt* in the Chamber, and Sir *George Wakeman* came in, and walked a turn or two about the Room, and seem'd to be discontented. How do you, Sir *George*? Said *Harcourt*. Says Sir *George*, For what am I drill'd on thus in a Concern of this Importance? What is the matter with you, Sir *George*? said *Harcourt*. Why, is this a business to be slighted, said Sir *George*, as I am? For I have no performance of your Promises. Why, said *Harcourt*, what would you have? we are ready for you. Then, said he, I am ready for you. And then *Harcourt* spoke merrily to him, Why are you so angry, Sir *George*? And upon that he goes to his Cabinet, and searching among his Bags he found a little Note among them, and gave it to Sir *George*; saith he, There is a Bill for you: I have been to-day at Whitehall, and receiv'd it by the Queen's Order, from such a Gentleman: [whose Name I cannot now remember]; and 'tis upon such a Man for 2000*l.* [but I cannot remember the Goldsmith's Name neither.] Well, said Sir *George*, 'tis well somebody gives me Encouragement; I have more Encouragement from my good Lady and Mistress, than from any of you. Nay, said *Harcourt*, for Encouragement, that you shall not want; for the rest shall be paid in due time.

Sir George Wakeman. If the Queen had given me 2000*l.* for the service I had done her, was that any harm? I have deserved it, I am sure, for nine Years Service.

Sir Robert Sawyer. What other Discourse had they then?

Bedlow. Said *Harcourt*, But Sir *George*, this must be well followed, and closely observed, because so much depends upon it; for if we should miss to kill him at Windsor, or you miss in your way, we will do it at New-Market.

L. C. J. Who said so?

Bedlow. *Harcourt*.

L. C. J. Did *Harcourt* say, before Sir *George's* Face, If we miss killing him at Windsor, and you miss your way, we will do it at New-Market?

Bedlow. Yes, he did say, If we miss killing him at Windsor, and you miss in your way (which we hope you will not) we will do it at New-Market.

L. C. J. He says now quite another thing than he said before.

L. C. J. North.

Mr. Recorder.

Sir Rob. Sawyer.

L. C. J. What Answer made Sir *George Wakeman*?

Bedlow. Sir *George Wakeman* said, If I find you ready, I will be ready in all things.

L. C. J. Was the Word spoke of Poisoning?

Bedlow. I have spoken that already. If we miss at Windsor, and you miss in your Way; I do not remember whether the Word *Poison* was used; but I knew by what Mr. *Harcourt* and others had told me that *Poison* was meant by it.

L. C. J. Was all this one intire Discourse?

Bedlow. Yes, my Lord.

Then Sir *George* said privately to his Fellow-Prisoners,

There is my business done.

Sir Rob. Sawyer. Here is a positive Proof of the Receipt of Money which coupled with what *Oates* says, and the Discourse that Mr. *Bedlow* tells you of, makes it out what it was for. This was paid in Part, was it not, Sir?

Bedlow.

Bedlow. The Answer that Mr. *Harcourt* gave to Sir *George*, was, That he should have the rest in due time.

L. C. J. But what say you to *Marshal*, but that he carried Letters?

Sir Geo. Wakeman. Was there no body present but you?

Bedlow. There was only *Harcourt*, You, and I.

L. C. J. But what say you to *Corker*?

Bedlow. *Corker* hath been in the Company with *Le Faire*, talking of News, what Encouragement they had by Letters from beyond Sea, as those they had from *France*; such and such Letters speak that they are in readiness of Money, Men and Arms; and if we are ready here, they are ready for us. This was usually the Discourse, and all upon the same Design. Now when we talked of this business, we did not say the Word *Plot*, but we all know what was intended by it, that is the Plot.

L. C. J. And what said *Corker*?

Bedlow. He said it was well. He did know what readiness such and such Persons were in, when the Design was likely to take Effect. I know not their Names; we were talking of several Persons several Times, some in *England*, and some *beyond Sea*.

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

Bedlow. I do say, that he hath been to consult of the return of Letters which were the Answers to those I brought from beyond Sea.

L. C. J. Did he know the Contents of those Letters?

Bedlow. Yes, my Lord, he hath been in Consultation what Answer to make again.

L. C. J. And was all this about the Plot?

Bedlow. Yes, for the subverting the Protestant Religion, and bringing in Popery, and raising of an Army.

Marshal. Can you prove I knew any of those Gentlemen the Letters were carried to?

Bedlow. I name one, that was to Sir *Francis Radcliff*.

Marshal. How does he know that I know Sir *Francis Radcliff*?

L. C. J. Well, Sir *George*, will you call your Witnesses?

Sir Geo. Wakeman. Call Mr. *Chapman*. [*Which was done.*] My Lord, there was a Letter or Note of Directions from me to Mr. *Asbby*, and 'tis affirmed by Mr. *Oates*, that in that Letter I should let Mr. *Asbby* know I did approve well of the Proposals that were made to me to poison the King, and that the Queen would assist me in it; and that in the same Letter there were directions given what he should take, and how many Strokes of the Pump he should make use of, and several other things fit for a Physician to direct his Patient in. Now, my Lord, I will prove by this Gentleman Mr. *Chapman*, who is Mayor of *Bath*, that he received this very Note from Mr. *Asbby*, that he read it from the beginning to the end of it; that there was no Word in it, or mention of the King or Queen in the whole Letter, unless it be of the King or Queen's *Bath*. And, my Lord, I think he hath a piece of this Letter still, that Part that was the Physical Part he tore off, and kept himself. Now 'tis none of my Hand, I never writ a Letter to *Asbby* upon any occasion whatsoever; and I will tell your Lordship how it came to pass I did not write that Letter, I hope by a Providence,

for I never but used to write my Physical Directions with my own Hand. It happened that I came home late, and I was very ill; *Asbby* sent to me for his Note, because he was to go out of Town the next Morning; being weary and indisposed, I laid me down on the Couch, and sent for my Man, who is an Apothecary now, and is better able to write such a Letter; I dictated the Letter to him, all my Family, and all that were by, can testify the same; he knows very well my Hand, and hath Part of it to produce; for when the Queen was there, I made use of him for my Apothecary, and those Physical Directions I sent down for the *Bath*, I sent always to him. He is a very good Witness as to my Hand.

L. C. J. But you may speak of one Letter, and Mr. *Oates* of another.

Sir Geo. Wakeman. Why, did I write two Letters of Directions? what need that? He says he saw a Letter with my Name subscribed to it.

L. C. J. Yes, it was so, and that you should be assisted by the Queen to poison the King; and being asked how he did know that was your Hand? he said, I did not see him write, but I saw him in the Posture of writing; and when he went away, there was left on the Table, and the Ink was not dry, a Physical Bill, which was the same Hand with that the Letter was.

Sir Geo. Wakeman. Ay, my Lord, but he does not call that a Letter, but it was a Physical Bill, and not a Letter; so that there was but one Letter.

L. C. J. But there was a Note of Physical directions in the Letter.

Oates. That Letter was at least half a Sheet of a side, close written, wherein were those passages that I mentioned; but I cannot give an account of all contained in it; but this, my Lord, I remember, that he should take a Pint of Milk in the Morning, and a Pint of Milk in the Evening, and should have so many Strokes at the *Bath*; but this was several Days before *Asbby* went to the *Bath*, I believe at least ten. Presently after he came to Town. And I say, that this Letter that the Court asks me how I prove it to be his Hand, I prove it thus: I saw him write a Bill to an Apothecary for Mr. *Asbby* to take something when he was in Town.

L. C. J. But was that business of being assisted to kill the King in the same Letter that the Physical Directions were in?

Oates. Yes, my Lord.

Sir Geo. Wakeman. Then 'tis the same Letter.

L. C. J. How does that follow? might there not be two?

Sir George Wakeman. There is only that part of it which is the Physical Prescriptions, he hath torn off the other part.

Then Mr. Chapman was Examined.

Chapman. My Lord, the 17th of July last Mr. *Thimbleby* came to the *Bath*.

L. C. J. Who?

Chapman. Mr. *Thimbleby*; a Man of about Fourscore Years of Age, a very feeble and infirm Man. As soon as he came to me, he told me that Sir *George Wakeman* recommended me to him, and desired me that I would provide a Lodging for him as near the King and Queen's Bath as I could: I did so; and then he shewed me a Letter from Sir *George*, whercof this was the lower part

part of Half a Sheet of Paper; there was full Directions how to take the Physick, and after the taking the *Bolus*, to drink the Waters so many Days, and then to use the Bath, and after that the Pump, and after that he was to take a Dose of Pills after his Bathing. I took off this *Latin* Bill that concerns me, my Lord, and gave him the *English* Part.

L. C. J. Did you read the *English* part?

Chapman. My Lord, my Son read it, as well as I, who should have come up, and testified the same, but that it is impossible for both my Son and me to leave the Shop and come together, because of my Employment.

L. C. J. But in that Letter there was nothing mentioned of killing the King, was there? nor of the Queen?

Chapman. No, my Lord, not upon the Word of a Christian, except it were the King and Queen's Bath.

Then the Paper was shewn him.

L. C. J. Whose Hand is that? do you believe it is Sir George's Hand?

Chapman. No, my Lord: I have brought some of Sir George *Wakeman's* Bills here.

L. C. J. Do you know whose Hand it is?

Chapman. No, my Lord.

Mr. Just. Atkins. What Name was subscribed to that Letter?

Chapman. There is none subscribed to this Paper.

L. C. J. Was there no Name to it?

Chapman. I did not take notice of that.

L. C. J. But look you, this cannot be that Letter, because that Letter Mr. *Oates* speaks of was of Sir George's own Hand, as he thinks by Comparison, and his Name subscribed to it.

Sir Geo. Wakeman. I never writ any other Letter, but what was dictated to my Man, and sent by *Ashby* to the Bath. My Lord, he hath owned it himself before the House of Lords, that I writ but one Letter, and I had my Liberty before. Now it was told him there, that if he had mentioned that Letter when I was examined before the Council, I had been certainly taken into Custody then, and should never have had my Liberty so long. I had my Liberty from the last of *September*, and could have gone to *Constantinople* in the Time I had my Liberty; and certainly I should have provided for my self, if I had known my self guilty, seeing so many cast into Prison upon that Account.

Mr. Recorder. 'Tis not probable that Mr. *Ashby* would communicate such a Letter to this Gentleman, that had such a Design in it.

Sir Geo. Wakeman. But if any one can, let him prove that I had any other Business with him, than merely the Business of a Physician with his Patient. My Lord, I have a Physician in Town, that will testify, that I was to meet him in Consultations about *Ashby*.

L. C. J. The Answer is no more than this, That you did write a Letter, or there was a Letter writ by your Directions, to *Ashby*, which hath not any such Matter in it as *Oates* speaks of; but this answers not Mr. *Oates's* Testimony; 'tis true, the Question will be upon Mr. *Oates's* Credit, how far the Jury will believe him: If Mr. *Oates* swear true, then you did write another Letter, and this is not the Letter, and there is no Contradiction in your Answer, to what he says, but Mr. *Oates*

stands with the Jury how far they will believe him.

Sir Geo. Wakeman. Gentlemen of the Jury, take notice, I never writ any Letter but that.

L. C. J. How does that appear? if Mr. *Oates* swears true, you did write another Letter.

Mr. Just. Atkins. Mr. *Chapman*, was there any mention of Milk in that Letter?

Chapman. No, my Lord. It is ridiculous to drink Milk with the Waters, it will make it curdle.

Oates. That is not the Hand the Letter I saw was in.

L. C. J. He says 'tis not the same Hand.

Oates. It was another, a genteel Hand.

Mr. Just. Pemberton. And there was no mention made of Milk in it, the Contents are not the same.

Sir Geo. Wakeman. The Contents were the same: But as for the Milk, it is so ridiculous a thing, that never a Physician in *England*, but will say 'tis perfect Poison. I appeal to Mr. *Chapman*, who hath so long known the Way there used, if any one prescribed Milk to any one that took the Waters.

L. C. J. Mr. *Oates*, was there, in the Letter you saw, where mention is made of the Strokes that were to be received from the Pump, any mention of the Milk to be taken?

Oates. The Direction of the Milk was for the Time he staid in Town.

Mr. Just. Atkins. The Milk was to be used while he staid here, was it?

Oates. Yes, my Lord.

L. C. J. Look you, there were two Things that he should do, the one of them was to be done while he was here, that was the Milk; the other was to be done when at the Bath, and that was the Strokes.

Sir Geo. Wakeman. No, 'tis no such Thing; for he went away two Days after that Letter was written.

Mr. Just. Pemberton. Mr. *Chapman*, is this part of the Body of the Letter?

Chapman. Yes, my Lord, upon the Word of a Christian; I tore it off my self.

Mr. Just. Ellys. If Dr. *Oates* swears true, it cannot be the same Letter.

L. C. J. Your Answer to it, which should make it probable, is, That it is ridiculous to prescribe Milk. Now he says those were Directions what he was to do before he went to the Bath.

Sir Geo. Wakeman. Why should I repeat the Number of the Strokes twice, and write two Letters about one Thing?

Mr. Just. Pemberton. Is there any Date upon that Letter?

Chapman. No?

Mr. Just. Pemberton. Off of what part of the Letter did you tear it?

Chapman. Off the bottom of it.

L. C. J. North. What, it was writ cross, was it?

Chapman. Yes, I believe so.

Mr. Just. Atkins. The Truth of it is, This is no Evidence, and ought not to be offered as such, for 'tis but a Part of a Thing, which we do not know what it was in the Whole.

Chapman. I can give it upon my Oath that there was nothing in it of the King or Queen, except the King or Queen's Bath.

L. C. J. Mr. Oates, if I remember right, you say the Directions that you saw were at the beginning of the Letter.

Oates. He was very weak when he came to Town, and his Directions to him then were, That he should take a Pint of Milk in the Morning, and that when he went to the Bath he should have a hundred Strokes, or thereabouts.

L. C. J. Was this in the beginning of the Letter?

Oates. It was after a Line or two that was Compliments.

L. C. J. Was there any Receipt for Physick, in Latin, in it?

Oates. No, my Lord, there was not: No, my Lord, it was half a Sheet of Paper; it was full of it self to the bottom; this is not the Letter, my Lord.

Mr. Just. Pemberton. He says, this is neither the Hand, nor the Name subscribed, nor the Contents of the Letter; all these differ.

Sir Geo. Wakeman. I'll tell you the Reason why my Name was not subscribed, I was sick, my Man is here to witness, that he carried it himself, and delivered it to *Asbby*.

Mr. Just. Pemberton. But, Sir George, you do not observe, that to the Letter which he saw, your Name was subscribed.

Sir Geo. Wakeman. This then is that I desire may be taken notice of; 'tis not probable that I should write two Letters for the same Thing, and I never writ any other Letter in my Life.

L. C. J. This is that you say, and let it be taken notice of, That it is not probable that you should write two Letters for the same Directions how he might use the Bath.

Mr. Just. Pemberton. This might be writ to serve a Turn very well.

Sir Geo. Wakeman. Then I'll tell you the Reason why my Name is not to it, and so I satisfy you about it as much as I can; I was very ill after I had dictated that Letter to him, and went immediately to Bed. It was not writ very fair, or something was left out, which he interlined, and so he transcribed it again in his own Chamber, and I was then asleep, and so did not put my Name to it, and he went away two Hours in the Morning before I awoke.

Mr. Just. Atkins. Who wrote the Letter? Was the Letter you tore off in the Man's Name, or in Sir George's Name?

Chapman. I know not who wrote it.

Mr. Just. Atkins. Was it said to be, By my Master's Directions? What were the Contents of the Letter?

Chapman. It was only thus, *As soon as you come to the Bath, after resting a Day, in the first place take your Bolus, and after drink the Waters.* Which he did, for six Days together.

Oates. My Lord, I would answer to this: This was not the Letter, for therein he only told him what he should do before he went to the Bath, and how many Strokes he should receive: Besides, my Lord, there was not one Syllable of the *Bolus* in the Letter, or what Bath he was to go into; but when he came there, he was to receive so many Strokes of the Pump.

Sir Geo. Wakeman. Nor one Syllable of the Milk in it neither?

Oates. Yes, there was; he did take Milk, Night and Morning, for I attended upon him.

Sir Geo. Wakeman. My Lord, you see this Witness is a Protestant.

Mr. Just. Pemberton. Mr. Oates, you say that the Letter that you saw was written ten Days before he went to the Bath?

Oates. Yes, if not more.

Sir Geo. Wakeman. Why should I tell him of an hundred Strokes so long before he went to the Bath?

L. C. J. You might mention it to give him Satisfaction. Well, have you any more?

Sir Geo. Wakeman. Yes, my Lord. Call *Hunt*. [Who stood up.]

L. C. J. What do you call him to, Sir George?

Sir Geo. Wakeman. This is my Man. What do you know concerning a Letter of Directions, that was sent to Mr. *Asbby*? Give an Account of it.

Hunt. If it please your Honour, my Master was out late, and coming home, I told him, Mr. *Asbby* had sent for some Directions for the Bath; and being weary and indisposed, (for it was late, and he was not well) said he, *I cannot write my self, do you take my Pen and Ink, and write.* I did take the Pen and Ink, and write; and when I had written, something was false in it; Pray, said he, *correct that:* I did so, and interlined it, and when my Master was in Bed I writ it over again, and the next Morning, before he was awake, I carried it to Mr. *Asbby* my self, and there were only Directions in it what to do at the Bath.

L. C. J. When was Mr. *Asbby* to go to the Bath? How soon after?

Hunt. He was to go the next Morning.

L. C. J. If what Mr. Oates swears, be true, this Letter that he saw was ten Days before, so what he speaks is quite another Thing.

Sir Geo. Wakeman. I never writ any such Letter in my Life, and I hope the Jury will take notice of it.

Mr. Just. Atkins. Do you know any thing of Mr. *Asbby's* drinking Milk while he was here?

Hunt. No, but he was saying he was advised by a Friend of his to drink Milk.

L. C. J. When, at the Bath?

Hunt. No, when he was in Town.

L. C. J. When he was in Town? that is consistent with Mr. Oates's Testimony.

Sir Geo. Wakeman. My Lord, there is a Physician that was in Consultation with me about Mr. *Asbby*, I think it of great Consequence to shew that I came to him about no Treasonable Affair, I vow to Almighty God I did not.

L. C. J. If you have any more Witnesses, call them.

Sir Geo. Wakeman. Call *Elizabeth Henningham*. [Who stood up.]

L. C. J. Sir George, What do you ask her?

Henningham. I was present, my Lord, at the writing of the Letter. His Servant writ, and he dictated to him, every Word of the Letter I saw, but there was no such thing in it.

L. C. J. I am very confident that this is true that you say, but it is not to the thing that Mr. Oates speaks of, and charges you withal: that you did write such a Letter as these People mention, and there was nothing in it, but like a Physician's Directions to his Patient, I do believe, and this was just when he was going to the Bath? but Mr. Oates tells you (if he says true) that this Letter he speaks of, to which Sir George Wake-

man was subscribed, was ten Days before he went to the *Bath*; and that there was no mention of any *Bolus* in that, but the Direction was in the first Part how he was to use himself, while he staid in Town to drink Milk, and when he came to the *Bath*, to use to Pump; so that this your Witnesses say, and you urge, is true, but not pertinent.

Sir Geo. Wakeman. I say, my Lord, it is not probable that I should write Directions so long before he went.

Henningham. My Lord, he said himself he wanted Directions to go to the *Bath*, in my own Hearing.

Mr. Just. Pemberton. Yes, he might, and indeed he did so, for the first contained none, but how he should behave himself while he was here.

L. C. J. Have you any more Witnesses? Pray call them.

Sir Geo. Wakeman. My Lord, I have this to say, as I told you before, that I had my Liberty for twenty-four Days after my Examination before the Council. *Mr. Oates* call'd at the Bar of the House of Commons, and there gave an Account of this very Letter that he mentions now, I say it was at the Bar of the House of Commons. And thereupon the Commons sent an Address to the House of Lords, with Astonishment that I was not under Confinement; and thereupon *Mr. Oates* was called to the Bar of the House of Lords, and was commanded to give an Account what it was he knew concerning me, that should create such an Astonishment in the House of Commons: He told them of this Letter, and my Lord Chancellor said to him, *Do you know it was Sir George Wakeman's Hand?* *No*, said he: *How do you know it was his Letter then?* *I know it only by this*, said he, *it was subscribed, George Wakeman.* If he had such Proof as he says he hath now, if he had seen me writing, and came into the Room where the Paper I writ was yet wet, whether he would not have mentioned it there when he was examined about the Knowledge of my Hand.

L. C. J. Call your Witnesses: But what say you, *Mr. Oates*, your self to it?

Oates. My Lord, *Sir George Wakeman* had his Liberty because I was so weak, by reason of being up two Nights together, one whereof was so very wet, and being hot, wet, and cold, all in a few Hours time, so that I thought it would have cost me my Life; not being used to such hard Services, I did not charge *Sir George* so fully: Tho' it may be objected to this Court, that I was bound to speak the whole Truth; and so I did, as Opportunity and Health would give me leave. And as to the Letter, and what I said about it in the Lords House, *Sir George* is mistaken. He says here that I said I knew his Hand no otherwise, but by seeing *Sir George Wakeman* subscribed to it.

Sir Geo. Wakeman. I will prove it by the Record.

Oates. Now, my Lord, I humbly desire that he may propose his Questions to the Court: And I desire to know, whether I did say, I did not know it any other ways but by its being signed *George Wakeman*.

Sir Geo. Wakeman. Pray, my Lord, be pleased to give me leave—

L. C. J. *Mr. Oates*, did you mention in the

House of Lords, whether you knew his Hand or no?

Oates. My Lord, I cannot call to mind what I then said, I did say, I saw such a Letter, signed *George Wakeman*; but if he will bring the Record, and one that shall swear those were the Words, I will leave it to the Jury. But this my Lord, I would add, if you will give me leave; the Words I did say, as near as I can remember, were these, when they asked me, how I knew *Sir Geo. Wakeman's* Hand? I said, I saw such a Letter signed *George Wakeman*. Now, my Lord, upon this Information, they did think fit to take *Sir George Wakeman* up and secure him; and now I come Face to Face, and am not only to satisfy Judges, but a Jury, I shew you what Reasons I have to believe it, and what they may have, that it was his Hand: For I say, I saw him in a writing Posture, I saw him lay by the Pen, I saw him withdraw from the Paper, I saw none but another Gentleman there, that was lame of both his Hands, and the Ink was not dry, and it was the same Hand with the Letter.

Sir Geo. Wakeman. Was my Name to that Note?

Oates. No, I will not swear that; but the Character of the Hand was the same, if I may judge of Writing.

L. C. J. North. Look you, *Sir George*, you spoke of Witnesses you would call to prove what he swore in the House of Lords; if you can call any Witnesses for that, do.

Sir Geo. Wakeman. Call *Sir Philip Lloyd*: I hope your Lordship will please to allow me, at least, this Advantage (I know not whether it be an Advantage) that the Record of the House of Lords may be made use of as a Record here. If I prove it by the Record, it will be a good Evidence.

L. C. J. Have you that Record here?

Sir Geo. Wakeman. I have a Copy of that Record, and a Witness that will swear it.

Then Sir Philip Lloyd appeared, and stood up.

L. C. J. What do you ask *Sir Philip Lloyd*?

Sir George Wakeman. I desire to know of *Sir Philip Lloyd*, what *Mr. Oates* said of me before his Majesty and the Council, the last Day of *September*; *Sir*, you were there present, and sent by the King to me, and commanded to bring me in to the Council.

Sir Philip Lloyd. I will, my Lord, as well as I can, recollect and tell you, as near as I can, what *Mr. Oates* did then accuse him of. It was upon the One and Thirtieth Day of *September*, *Mr. Oates* did then say he had seen a Letter, to the best of his Remembrance, from *Mr. White* to *Mr. Fenwick* at *St. Omers*, in which Letter he writ word, that *Sir George Wakeman* had undertaken the Poisoning of the King, and was to have 15000*l.* for it; of which, 5000*l.* had been paid him by the Hands of *Coleman*. *Sir George Wakeman*, upon this, was called in, and told of this Accusation; he utterly denied all, and did indeed carry himself as if he were not concerned at the Accusation, but did tell the King and Council, he hoped he should have Reparation and Satisfaction, for the Injury done to his Honour. His Carriage was not well liked of by the King and Council, and being a Matter of such

such Consequence as this was, they were willing to know further of it; and because they thought this Evidence was not Proof enough to give them occasion to commit him, being only out of the Letter of a third Person, thereupon they called in Mr. Oates again, and my Lord Chancellor desired Mr. Oates to tell him, if he knew nothing personally of Sir George Wakeman, because they were in a Matter of Moment, and desired sufficient Proof, whereupon to ground a Commitment; Mr. Oates, when he did come in again, and was asked the Question, did lift up his Hands (for I must tell the Truth, let it be what it will) and said, No, God forbid that I should say any thing against Sir George Wakeman, for I know nothing more against him. And I refer my self to the whole Council, whether it was not so.

Oates. I remember not one Word of all this.

Sir Geo. Wakeman. My Lord, this is a Protestant Witness too.

Oates. My Lord, give me leave to make an Answer: When I did report this Letter, the Council did ask me whether or no Sir George was any ways concerned in this Letter? I replied, I had it by Report, that Sir George had received 5000*l.* of this Money. My Lord, the Council did not press me, to my Knowledge; I will not be positive; but if the Council did press me, and I did make that Answer, I do appeal to the whole Board, whether or no I was in a Condition to make any Answer at all, when, by reason of my being hurried up and down, and sitting up, I was scarce *Compos mentis*.

L. C. J. What, must we be amused with I know not what, for being up but two Nights? You were not able to give an Answer; that when they call and send for Mr. Oates again to give a positive Charge, and then you tell us a Story so remote: What, was Mr. Oates just so spent, that he could not say, *I have seen a Letter under Sir George Wakeman's own Hand*.

Oates. My Lord, I did, to the best of my Remembrance, make mention of that Letter, that Sir George Wakeman writ, before the Board. I say, to the best of my Skill and Knowledge; but I will not be positive in it.

L. C. J. You have heard what Sir Philip Lloyd says.

Mr. Just. Dolben. What say you, did Mr. Oates make any mention of this Letter?

Sir Philip Lloyd. Truly, my Lord, I can't remember that there was any such Letter mentioned. I tell you what I do remember; and afterwards because he came and gave this Deposition before the Lords and Commons, that he found such a Letter upon the Table from Sir George to *Ashby*, indeed I did very much wonder at it, and it made me reflect upon that other Passage at the Council, of his denying to accuse Sir George further, and it hath been in my Mind ever since.

L. C. J. And you do declare, that when the Lords of the Council asked him, whether he knew any thing more particularly against Sir George Wakeman, he did lift up his Hands and said, *No, God forbid I should charge him any further, I know no more against him*.

Sir Philip Lloyd. Yes, my Lord, so it was.

Oates. My Lord, I believe Sir Philip Lloyd is mistaken; but however I was so weak, and the

King and Council were so sensible of it, that the King himself had like to have sent me away once or twice before, because he found I was so weak.

L. C. J. It did not require such a deal of Strength to say, *I saw a Letter under Sir George's own Hand*.

L. C. J. North. Well, it must be left to the Jury: If you have any more Witnesses call them.

L. C. J. Mr. Oates, Sir George Wakeman urged it right, that he should not have been permitted to have his Liberty so long, if you had charged him home then.

Sir George Wakeman. Call Mr. Lydcot.

Oates. To speak the Truth, they were such a Council as would commit no Body.

Mr. Recorder. That was not well said.

Sir George Wakeman. He reflects on the King, and all the Council.

L. C. J. You have taken a great Confidence, I know not by what Authority, to say any thing of any Body. But this is naturally true, That when the Council were offended at the Carriage of Sir George Wakeman at the Board, and therefore sent for Mr. Oates again, doubting in themselves, whether what they had would be sufficient to commit him; for indeed it was only a wild thing, of what was mentioned in a Letter of a third Person's, that Sir George had accepted of Fifteen thousand Pounds, and received the Five; therefore, said they, we will know of Mr. Oates some more Particulars, and sent for him in again, and asked him, *Do you know any thing of your own Knowledge?* If he had come in then and said, *Yes, I have seen a Letter subscribed under Sir George Wakeman's Hand*, would not they have committed him? surely they would. And now the Council's not committing him, is an Argument that they had not sufficient Evidence, and Oates did omit at that time to charge him with this Letter.

Then Mr. Lydcot stood up.

Sir Geo. Wakeman. Mr. Lydcot, have you a Copy of the Lords Records?

Lydcot. Yes, it is.

Sir Geo. Wakeman. Pray, what did Mr. Oates say to my Lord Chancellor in the House of Lords?

L. C. J. You must have that which is proper Evidence: You shall have all the fair Dealing that can be, and all that can be admitted for your Defence shall be.

Sir Geo. Wakeman. My Lord, I humbly thank you, I find it.

L. C. J. Ay, but this is now what the Clerk writes down as Minutes. 'Tis an hard Construction to make this Evidence. Were you present when Mr. Oates was there and said this?

Lydcot. No, my Lord, All I say, is this, This is a Copy of the Record in the Lords House.

L. C. J. Did Mr. Oates set his Hand to that Record?

Lydcot. Yes, in some Places. 'Tis *Titus Oates* set in diverse Places as his Hand to Examinations.

L. C. J. But is Mr. Oates's own Hand set to the Record?

Lydcot. I know nothing of that.

L. C. J. This is the Objection. It will be hard, that

that if a Clerk takes the Depositions of *Oates* or any one else, and takes them as near as he can, but he never subscribes it, and you prove only 'tis a Copy of what the Clerk wrote, That cannot be allowed as Evidence.

Lydcot. 'Tis a Copy in most Places of what is under *Mr. Relf's* own Hand.

L. C. J. But you can't Swear the Clerk writ true?

Lydcot. No, that I can't.

L. C. J. It may be an Entry of what the House of Lords did upon the Examination; That is not Evidence here.

Mr. Just. Pemberton. If you can produce any one that heard *Mr. Oates* give in his Information, you say well.

Sir Geo. Wakeman. I believe there is a Difference between the Entry-Book, and the Book of Records, and I hope you will look upon the Book of the House of Lords as the highest Evidence, beyond any Verbal Averment. My Life is in your Hands, I ask you whether it be not so, or no?

L. C. J. North. If there be a Record in any Court of Record, that such a Man appear'd in Court, 'tis an Evidence that he was in Court, and a Record for it; but when there is an Examination in a Court of Record, these not passing the Examination of that Court, but being taken by the Clerks, we always in Evidence expect there should be some body to prove, that such an Examination was sworn, and subscribed to.

L. C. J. Have you any Witnesses here, that were by, and heard what *Mr. Oates* did then depose, and can testify what *Mr. Oates* said when he was called in, and particularly what Answer he made to that single Question of my Lord Chancellor's, how he came to know it was your Hand?

Sir Geo. Wakeman. I can bring none but these Records, or the Lords themselves, and I can't expect it from them. And that which they call a Record, I am not able to judge whether it be a Record or no.

L. C. J. Were there not others called with him into the Lords House?

Sir Geo. Wakeman. No, there were none but the Lords themselves.

L. C. J. You should have had the Clerks here that made the Entry, or saw him set his Hand to the Examination.

L. C. J. North. This is nothing, but, as he says, a Transcript out of the Journal.

Lydcot. I believe it is written most under *Mr. Relf's* own Hand. There is a great deal of it that contains the whole Narrative that *Oates* gave in.

L. C. J. North. You desire to give in Evidence what *Mr. Oates* said at the Bar of the House of Lords to what my Lord Chancellor asked him; if you have any Witnesses that can prove it, they shall be heard.

Sir Geo. Wakeman. My Lord, I have no Witnesses, only the Record.

L. C. J. This is only a Copy of a Narrative.

Sir Geo. Wakeman. If you will not allow it to be a Record, I can't help it.

Mr. Recorder. This is no Part of the Record of the House of Lords, it can't be allow'd.

L. C. J. Well, have you any other Witnesses to any thing else?

Sir Geo. Wakeman. I desire you would examine *Sir Philip Lloyd* once more. [*Who was called, but answered not.*]

Mr. Recorder. He is gone out of the Court.

L. C. J. Well, what say the rest? *Mr. Corker,* have you any Witnesses in the first Place?

Corker. No, my Lord.

L. C. J. Mr. Marshal, have you any Witnesses, Answer that first, before you enter upon your Defence; you shall be heard afterwards.

Then Sir Philip Lloyd came into Court again.

Mr. Recorder. *Sir George,* here is *Sir Philip Lloyd* here now, what would you ask him?

Sir Geo. Wakeman. *Sir Philip Lloyd,* I desire to know concerning the last Examination of *Mr. Oates* and *Mr. Bealove,* before the Council; (you were there present, as I am informed) pray will you tell what you know.

Sir Philip Lloyd. To what Point, Sir?

Sir Geo. Wakeman. To their whole Evidence.

Sir Philip Lloyd. I suppose what they have given in lately, they have acquainted the Bench with already. It was some Day this very Month, but I would know what it is *Sir George* would have me speak to?

L. C. J. What was there relating to *Sir George Wakeman*?

L. C. J. North. But pray consider, whether it be a Question fit to be asked of the Clerk of the Council, what was done in Council without leave of the Board. I don't think he is bound to Answer the Question.

Mr. Just. Pemberton. *Sir George,* if you would ask him to any one particular Question, it were something.

Sir Geo. Wakeman. I have done with him; I hope he will excuse me, I have put him to this Trouble.

L. C. J. Then *Mr. Marshal,* have you any Witnesses?

Marshal. I cannot say I have any direct positive Witnesses.

L. C. J. Think not that you shall be concluded, we are not in haste, you shall have time to say what you will; but if you would use any Witnesses, call them.

Marshal. For the present I shall have no use of any.

L. C. J. Well, *Mr. Rumley,* have you any Witnesses?

Rumley. I think I have.

L. C. J. I can't tell of any need you have of any, for there is but one Witness against you.

Corker. But he desires that his Witnesses may be heard, 'tis but short.

Sir Rob. Sawyer. There is no need of it, *Mr. Rumley,* we can't insist on it against you, you must be acquitted.

Mr. Recorder. Will he have his Witnesses called? If he will, he shall, tho' there is no need of it.

Rumley. No, my Lord.

L. C. J. Then, *Sir Robert Sawyer,* would you say any thing more for the King, before the Prisoners make their Defence?

Sir Rob. Sawyer. My Lord, there is one thing which I would have answered, that is, the variance between what *Mr. Oates* said before the Council, and what he says now, upon the Testimony

mony of Sir *Philip Lloyd*, who says, that he gave no Testimony of this Letter, under Sir *George Wakeman's* Hand; but being asked, whether he knew any thing of his own Knowledge, he said, he had only met with a Letter from *White to Fenwick*, wherein it was said, So much was proposed to, and accepted by Sir *George Wakeman*: And that he should then declare that he could say no more; and lifting up his Hands, affirm with a Protestation he knew no more. Gentlemen, We hope to give you Satisfaction in this Matter, for it was after a long and tedious Examination; and we shall prove to you that he was in great Confusion, being almost tired out with Examination, which is not impossible to happen to any Man, tho' of the strongest Constitution and Memory, after two Nights waking, and continual hurrying up and down. We shall call Sir *Thomas Doleman* to prove, that he was under great Confusion, and that the King and Council were so sensible of it, that some of them would have had him gone away a great while before he did go away. Swear Sir *Thomas Doleman*. [*Which was done.*]

Sir Robert Sawyer. You hear what hath been objected and said by Sir *Philip Lloyd*, will you tell your Knowledge of this Matter?

Sir Tho. Doleman. My Lord, *Mr. Oates* did appear before the King and Council, I think on the *Saturday*, before which was *Michaelmas Eve*. The Council sat long that Morning, the Council sat again in the Afternoon, and *Mr. Oates* was employed that Night, I think, to search after some Jesuits, who were then taken, and that was the Work of that Night. The Council, I think, sat again *Sunday* in the Afternoon, *Mr. Oates* was then examined, the Council sat long, and at Night he was sent abroad again to search the Lodgings of several Priests, and to find out their Papers, which he did seize upon, and one of the Nights in that Season was a very wet Night; he went either with a Messenger, or with a Guard upon him. On *Monday* Morning the Council sat again, and he was further examined, and went abroad; and *Monday* Night *Mr. Oates* was in as feeble and weak a Condition as ever I saw Man in my Life; and was very willing to have been dismissed for that time; for he seem'd to be in very great Weakness and Disorder, so that I believe he was scarce able to give a good Answer.

Sir Rob. Sawyer. Was that the time Sir *Philip Lloyd* speaks of?

Sir Tho. Doleman. I think he was call'd in on *Monday* Night.

Sir Geo. Wakeman. I receiv'd the Summons on *Saturday*, by a Letter from Sir *Rob. Southwell*.

Sir Tho. Doleman. You were call'd in on *Monday* Night, the Night before the King went to *New-Market*.

Sir Geo. Wakeman. I appeared upon *Sunday*, and was dismissed by Sir *Philip Lloyd*, who came out and let me know that the King said, he would have the Hearing of it himself, the next Day.

Sir Tho. Doleman. Then, Sir, you were call'd in, and you gave your Answer; and the whole Council was amazed at the Manner of it: For you did not, in my Opinion, or in the Opinion of several others, deny it so positively as one that was Innocent could, but used many great Expressions of your own great Fidelity and Loyalty to

the King, and of your Family, and the Services they had paid the Crown, and did require Satisfaction and Reparation for the Injury done to your Honour.

Sir Geo. Wakeman. My Lord, I will give you a brief Account of it; I leave it to you, whether I behaved my self ill or no; I confess, I think I might have behaved my self more submissively; there was nothing of Duty wanting in my Mind, but I will give you an Account of what I said, *verbatim*. My Lord Chancellor told me, that I was accused of the blackest of Crimes; that I had undertaken to poison the King. I asked him who was my Accuser, he pointed to *Mr. Oates*, and told me *Mr. Oates* was my Accuser. Says I, *Mr. Oates*, do you know me? Did you ever see me before? *Mr. Oates* said, No. Why then, said I, how come you to be my Accuser? Said he, I will tell you: I was at *St. Omers*, where there was a Consult of the Jesuits, at which *Mr. Ashby* the Rector of the College at *St. Omers* did preside; and in that Consult it was debated who was the fittest Person for that horrid Undertaking of Poisoning the King, and unanimously it was agreed upon at that Consult, that you were, Sir *George Wakeman* by Name: And now he says it was debated here in *England*. Then, my Lord, (said I to my Lord Chancellor) Here is no Proof, therefore I hope there is no need of any Defence. Said he, There is no Smoke, but there is some Fire. My Lord, said I, if you understand by that, there can be no Accusation without some Guilt, I should be sorry I should not understand both Sacred and Prophane History better than to think so. Then he pressed me to know what I could say for my self. Said I, my Lord, I come of a Loyal Family, my Father had suffer'd very much, to the Value of eighteen Thousand Pounds and more for the Royal Family. My Brother raised a Troop of Horse for the King, and served him from the beginning of the War to the end. He was Major to the Marquis of *Worcester*, at *Worcester* Fight, and lost his Life by the Wounds he received in the King's Service. As for my own Part, said I, I travelled very young, and came over when *Ireton* was Lord Mayor, and both by my Religion and my Name, was suspected to be a Favourer of the Royal Party, and therefore was imprison'd, and did not come out till I had given great Security: and the second time I was committed, was, when I entered into a Plot, the only Plot I was guilty of, I conspired with Captain *Lucy*, and several others to attempt something for his Majesty's Restoration, when few durst appear for him. I was seized on in my Bed; there were several Arms found in my Apothecary's Cellar, and we were both committed to Prison; and we should both have suffered Death certainly, if his Majesty's happy Restoration had not prevented it. When my Lord prest me still to say what I could say for my self, as to what was charged on me; I told him, my Lord, I am under the most foul and false Accusation that ever innocent Gentleman was, and I expect Reparation; and upon that they were offended, and I was bid to withdraw. And I added this beside, my Lord, that there was not a Family in *England* that was so much instrumental in his Majesty's Restoration as that Family was; that Colonel *Charles Gifford* was my near Kinsman, so was Colonel *Carlos*; and