

Mr. *Kin.* What Questions would your Lordship ask me?

L. *Staff.* What you know about *Dugdale's* going from my Lord *Aston*.

L. *H. S.* Mr. *Kimmerley*, we must know your Christian Name.

Mr. *Kin.* *Thomas*.

L. *H. S.* Do you know Mr. *Dugdale*?

Mr. *Kin.* My Lords, I was not acquainted with Mr. *Dugdale*, till Sir *Brian Broughton*, Sir *Walter Bagott*, and I and others gave him the Oaths of Allegiance and Supremacy, the latter End of *November*, or the Beginning of *December*; I did not take Notice exactly of the Time.

L. *H. S.* What Year?

Mr. *Kin.* 78.

L. *H. S.* Well, Sir, go on.

Mr. *Kin.* When he had taken the Oaths of Allegiance and Supremacy, I asked him if he knew any Treason or Conspiracy against the King, telling him it was a seasonable Time to declare it. He told me he knew of none. This is all I know, and all the Discourse that I remember we had with Mr. *Dugdale*.

Mr. *Serj. Mayn.* Pray why did you ask him that Question?

Mr. *Kin.* The Plot was then newly broken out.

Mr. *Serj. Mayn.* Why did you ask him so particularly?

Mr. *Treby.* Why did you think Mr. *Dugdale* concerned in it?

Mr. *Kin.* Because we heard he was a Papist, and my Lord *Aston's* Servant.

L. *Staff.* Then I desire Sir *Thomas Whitgrave* may be examined. (*Who stood up.*)

L. *H. S.* What say you to Sir *Thomas Whitgrave*, my Lord?

L. *Staff.* Will your Lordships please to ask Sir *Tho. Whitgrave*, whether he did not examine *Dugdale* about the Plot, and what he said at that Time.

Sir *Tho. Whitgrave.* My Lords, I came to *Stafford* the latter End of *November*, or the Beginning of *December*, I am not certain which; but I think it was this Time two Years. The Deputy-Lieutenants met about the Militia of the County. They told me that Mr. *Dugdale* was in Town, and was under an Arrest: The Occasion of his coming to Town, was his Refusal of the Oaths of Allegiance and Supremacy, which he hath since taken. I proposed to them the sending for him, for I thought this was a fit Opportunity to get something of him about the Plot. They seemed to approve of what I said; but withal, I told them it was not good to send for him till the Evening late, that the People of the Town might not take Notice of his coming. At Night we did send for him, and the Gentlemen desired that I would examine him at the End of the Table: So I called him up, and told him, I was sorry he was fallen into that Misfortune to be arrested, and that Mr. Mayor had not dealt well with him or us to take that Advantage of him; that now he had taken the Oaths, I looked upon him as one of us, and would do him any Kindness I could. He said, Truly, for his Part, he was born a Protestant, and of Protestant Parents; and it was his Misfortune to fall into the Houses of Papists, but he never liked their Religion. I then told him, Sir, you may do yourself a Kindness, serve God, and oblige your King and Country: I am very confident you know of this horrid Plot; pray do not stifle your Conscience with any Oath

of Secrecy, but let it come out. Many, I told him, strained their Consciences to serve their Interests; but you may clear your Conscience, and at the same Time promote your true Interest. He replied, As he hoped to be saved, he knew nothing of it. And this is as much as I know of the Matter.

L. *H. S.* Do you ask him any Questions, Gentlemen?

Manag. No, my Lord.

L. *Staff.* My Lords, I shall humbly move your Lordships now, that you will please to take Notice, this Fellow, *Dugdale*, hath endeavoured to persuade People to swear against me falsely, and offered them Money for it. In order to the Proof of which, I desire your Lordships would call *John Morra!*, *Samuel Holt*, and *William Robinson*.

(*Then Robinson stood up*)

L. *Staff.* This Man I never saw before in my Life.

L. *H. S.* What is your Name?

Witness. *Robinson*.

L. *H. S.* What is your Christian Name?

Robinson. *William*.

L. *H. S.* Where do you live?

Robins. In *Worcestershire* now.

L. *H. S.* With whom?

Robins. With myself now.

L. *H. S.* Do you know *Dugdale*?

Sir *F. Win.* We desire he may give you an Account what Profession he is of.

Robins. An Upholsterer.

Sir *F. Win.* How long hath he lived in *Worcestershire*, and in what Place there?

Robins. I have lived half a Year in *Worcestershire*, half a Mile beyond *Worcester*.

Sir *F. Win.* And whether he follows that Trade or Profession now, or no?

Robins. No, I do not follow it now.

Sir *F. Win.* What do you live upon, and how?

Robins. I live of myself now.

L. *H. S.* How is that?

Robins. Of my own Money.

Mr. *Hambden.* We desire to know whether this Man was a Servant to my Lady *Gerard*, or no.

Robins. Never.

Mr. *Hambd.* Or to my Lord *Gerard* of *Gerard's Bromley*?

Robins. Never, not a hired Servant, my Lords.

Mr. *Foley.* Were you a Volunter Servant, or what were you?

Mr. *Treby.* Did you work at any Time there for my Lord or Lady *Gerard*?

Robins. No.

L. *H. S.* How came you to live there?

Robins. I went over from a Cocking out of *Cheshire*.

L. *H. S.* How long were you there?

Robins. Three Weeks or a Month.

L. *H. S.* What was your Employment there?

Robins. Nothing at all: I followed no Employment.

Mr. *Treby.* What kind of Servant were you then?

L. *H. S.* Come, do you know *Dugdale*?

Robins. Yes.

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

Robins. I have known him about five Years.

L. *H. S.* What say you to him?

Robins. I say, I met Mr. *Dugdale* about Midsummer was twelve Month, in *London*, about *Cearing-Cross*, and he carried me to the *Harp and Ball*, and gave me Beer and Mum, and such as the House

did afford, and treated me; and asked me what made me so dejected and cast down. I told him I was not well; I was poorer than I used to be. He told me again, I should not want any Money that he had; and if I would please to be ruled by him, and do what he would have me, he would furnish me with Money. And he took his Handkerchief out of his Pocket, and bid me, if I wanted, take Money there. I took none; but told him, I would not meddle nor make with any thing that Night. Then he told me he could furnish me with Money, and put me in a Way to get Money, if I would come in as an Evidence against my Lord *Stafford*.

L. Staff. Be pleas'd to ask him, for I never saw the Man before, nor heard of him till last Week, what he should say against me, and whether he knew me, or not.

L. H. S. Did he tell you what you should say against my Lord *Stafford*?

Robin. Nothing at all, my Lords.

L. Staff. Did he say any thing or nothing? Or, did he ask whether he knew me or not?

L. H. S. Did you tell him you knew my Lord *Stafford*?

Robin. No, if it please you, I told him I did not know him.

L. H. S. And after you said you did not know him, he offered you Money to swear against him, did he?

Robin. Yes, my Lords, he did so, to come in as an Evidence against him.

L. Staff. Will your Lordships please to ask how much Money there was in the Handkerchief?

L. H. S. How much Money was in the Handkerchief?

Robin. I believe there might be eight, or nine, or ten Pounds.

L. H. S. Did he offer you all the Money, or bid you take some?

Robin. He bid me take some.

L. H. S. Did he make any Agreement with you for what you should take?

Robin. No, not at all, my Lords.

Mr. Foley. Did he see *Dugdale* any more, or was there an end of it then?

Robin. No, I saw him no more.

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

Sir W. Jones. We shall have occasion to speak of him (we desire him not to go away) when our time comes.

(Then another Witness stoop up.)

L. H. S. What is your Name?

Witness. *John Morrall.*

L. H. S. What are you?

Morrall. A Barber.

L. H. S. Where do you live?

Morrall. At *Ridgely.*

L. H. S. Where is that?

Morrall. In *Staffordshire*, within six Miles of *Stafford.*

L. H. S. What do you ask him?

L. Staff. Whether *Dugdale* did not persuade him to swear against some of the Lords in the *Tower*?

L. H. S. Do you know *Dugdale*?

Morrall. Yes, my Lords, I have known him twelve or thirteen Years.

L. H. S. What can you say against him?

Mor. My Lords, this *Mr. Dugdale*, the 6th of *August* last was twelvemonth, sent for me to the *White Horse* in *Ridgely*; and there, when I came

to him, he told me I knew as much of the Plot as he. I told him I was innocent of the Thing. He swore God damn him, that I knew as much as he. Then I told him, if he knew no more than I did, he knew no more than my Lord-Mayor's great Horse did. Then he took me aside: Come, says he, you are a poor Man, and live poorly, I can put you in a way whereby you may live gallantly; I will give you 50*l.* in hand, if so be you will do so and so, and 50*l.* more when the thing is done.

L. H. S. What do you mean by so and so?

Mor. To swear against *Mr. Howard*, *Sir James Symons*, and several other Gentlemen of the Country.

L. H. S. Did he offer you any Money to swear against my Lord *Stafford*?

Mor. No, I did not hear him mention any thing of him.

L. H. S. But he offer'd you Money to swear against *Symons* and *Howard*?

Mor. Yes, my Lord; and *Herbert Aston*, my Lord *Aston's* Kinsman.

L. H. S. What were you to swear?

Mor. That they were at such a Meeting at *Mr. Herbert Aston's*, upon the Conspiracy of the Plot.

L. H. S. Will you ask him any thing?

Man. No, let him by.

(Then another Witness stood up.)

L. H. S. What is your Name?

Witness. *Samuel Holt.*

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

L. Staff. Pray, my Lords, ask him whether *Dugdale* would persuade him to swear that which he knew not.

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

Holt. A Protestant of the Church of *England.*

L. H. S. What Trade?

Holt. A Blacksmith.

L. H. S. Where do you live?

Holt. At *Tixall.*

L. H. S. Are you my Lord *Aston's* Servant?

Holt. No, my Lords.

L. H. S. What say you?

Holt. My Lords, He sent a Man and a Horse for me to *Stafford*, to the *Star*——

L. H. S. Who did?

Holt. *Mr. Dugdale* did. And there I waited upon him a good while. At length he came and told me he must speak with me privately; so he told me, if I would swear that *Walter Moor* carried *Evers* away, he would give me 40*l.* And he bid me not be afraid to swear, for fear of my Lord *Aston*; for he would hire me an Horse, and get me to *London*, and place me, that where I got one Shilling I should get five.

L. H. S. Did you know *Evers*?

Holt. Yes, my Lords, I have seen him.

L. H. S. Do you know when he went away from *Tixall*?

Holt. No, my Lords.

L. H. S. What else can you say?

Holt. Nothing else.

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

Man. No.

L. Staff. The next thing I go upon is, that *Stephen Dugdale*, at the Trial of the five Jesuits, swore, That he acquainted *Sambidge* with the Letter about the Death of *Sir Edmundbury Godfrey*, the *Monday* or *Tuesday* after, which *Mr. Sambidge* denies. And in order to that, I call *Mr. Sambidge*; but if your Lordships please, I shall first prove that he

he swore it then. Where is Mr. *Lydcott*? (*Who stood up.*) I desire to ask him whether *Dugdale* did swear at the Trial of the five Jesuits, that he acquainted Mr. *Sambidge* with the Letter about the Death of Sir *Edmundbury Godfrey*.

L. H. S. You, Fellow!

Witness. My Lord.

L. H. S. What is your Name?

Witness. *John Lydcott*.

L. H. S. How do you live?

Lydcott. I am a Fellow of *King's College* in *Cambridge*.

L. H. S. What do you come to say?

Lyd. I don't know, my Lords, what my Lord will ask me.

Sir W. Jones. My Lords, before you enter into the Examination of this Man, we desire to ask him a Question or two.

Mr. Serj. Mayn. Whose Servant are you, or were you lately?

Lyd. I am a Fellow of *King's College*.

Mr. Serj. Mayn. But whom did you serve lately? Were you never Secretary to a Lord?

Lyd. Yes, I was.

Mr. Serj. Mayn. To what Lord?

Lyd. To my Lord *Castlemaine*, Sir.

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

Lyd. Of the Church of *England*, and always was; nay, I can't say always, for I was bred up a Presbyterian; my Father was a Colonel under *Monck*.

L. Staff. Mr. *Lydcott*, I ask whether you did not hear Mr. *Dugdale* swear at the Trial of the five Jesuits.

Mr. Serj. Mayn. I desire one Favour, my Lords; my Lord *Stafford* asks Questions to lead the Witnesses; pray let him ask his Questions more generally.

L. H. S. You say you are a Protestant?

Lyd. Yes, my Lords.

L. H. S. When did you last receive the Sacrament?

Lyd. When I was last at *Cambridge*—No, not so; for it is not above a Year ago that I was there.

L. H. S. When then did you receive the Sacrament?

Lyd. I do not exactly remember, my Lords.

L. H. S. My Lord, I would be glad to know what is the Question your Lordship calls him for, that your Lordship may not ask the Question, but by me.

L. Staff. My Lords, I desire to know (for my part I know not what his Answer will be) whether he did hear, at the Trial of the five Jesuits, *Dugdale* swear he had communicated the News of Sir *Edmundbury Godfrey's* Death, which was on the *Saturday*, and on the *Tuesday* after to any People, and to whom.

L. H. S. Were you at the Trial of the five Jesuits?

Lyd. Yes, I was.

L. H. S. Did you hear *Dugdale* swear there, and give his Testimony?

Lyd. Yes, I did.

L. H. S. Do you remember what *Dugdale* swore then?

Lyd. Very well.

L. H. S. What was it?

Lyd. My Lords, Mr. *Dugdale* spoke of a Letter that came down to my Lord *Aston's* on the *Monday*, and he imparted it on the *Tuesday* after, at an Alehouse, to one Mr. *Sambidge*, and Mr. *Phi-*

lips: This was also at Sir *George Wakeman's* Trial, which I took notice of more particularly, because I had occasion to take some Notes there.

L. H. S. What use do you make of this, my Lord?

L. Staff. If that be allow'd to be so, then I will call no more Witnesses; otherwise I have more.

L. H. S. Call them all.

L. Staff. Then call Mr. *Charles Gifford*.

Mr. Serj. Mayn. Pray, my Lords, give me leave to ask this young Scholar one Question before he goes. By whose Commendation or Means did you come into that College?

Lyd. By Election from *Eaton*.

Mr. Serj. Mayn. Who promoted you?

Lyd. One Mr. *Doyley*, now Senior Fellow of *King's College*; it was his Election.

Sir F. Win. My Lords, I would ask him one Question. He says he went to take Notes; by whose Direction did he go to take Notes at Sir *George Wakeman's* Trial?

Lyd. It was for my own Curiosity.

L. H. S. Friend, 'tis all one as if you were upon your Oath, and as penal to you: By whose Direction did you go?

Lyd. It was partly my own Curiosity, and partly to see what Evidence was against my Lord; for my Lord *Castlemaine* thought himself concerned as well as others, and therefore desired me to go.

Sir F. Win. Now it is out.

Sir W. Jones. It was done like a Secretary.

L. H. S. Had you ever that Curiosity before?

Lyd. Yes, I'll assure your Lordships, I had a great Curiosity to hear it.

L. H. S. Were you at any other Trial?

Lyd. Yes, at the five Jesuits Trial, and *Langborn's*.

(Then another Witness stood up.)

L. H. S. What is your Name?

Witness. *Charles Gifford*.

L. Staff. Ask him whether he did not hear at the Trial of the five Jesuits, or Sir *George Wakeman*, *Dugdale* say, that he did communicate that Letter to some People, I name not who, the *Tuesday* after?

L. H. S. Were you at the Trial of the five Jesuits?

Gifford. Yes, my Lords.

L. H. S. Did you take Notes?

Giff. Yes, my Lords, I was summoned there as an Evidence; I had occasion of being there, both at the five Jesuits Trial, and *Wakeman's*, and *Langborn's*.

L. H. S. You took Notes, you say?

Giff. Yes, I did.

L. H. S. What do you remember that Mr. *Dugdale* did then swear?

Giff. I remember at the five Jesuits Trial, he did swear he received a Letter sent to *Evers*, which he intercepted, and it spoke of the Death of a Justice of Peace; and he returned answer to *Evers* again, he would be hang'd if it did not spoil the Business. And he said farther, he could not hold, but went to an Alehouse, and there he did impart it. But then he did say there was one that could testify and make out what he said: Upon which he call'd Mr. *Chetson*, who depos'd much to the same purpose. And then at Sir *George Wakeman's* Trial he did positively declare, that he spoke of it at an Alehouse to a Minister, Parson *Philips*, and my Lord *Aston's* Kinsman.

L. H. S.

L. H. S. What is his Name?

Gif. Mr. Sambidge.

L. Staff. Well, my Lords, I have no more to say to him: But I conceive by this 'tis plain, that *Dugdale* did then say, he had communicated it to Mr. *Philips* and Mr. *Sambidge*. I shall call Mr. *Sambidge* to give you an Account.

(Mr. Sambidge stood up.)

L. Staff. Be pleased to ask him whether he did hear Mr. *Dugdale* say on the *Tuesday*, that Sir *Edmundbury Godfrey* was murdered the *Saturday* before.

L. H. S. You hear the Question, answer it.

Mr. Samb. Who must I speak to?

L. Staff. He is very deaf, and very old, my Lords.

[Then the Black-Rod was sent to be near him, to put the Question to him.]

Black-Rod. What would you have him asked, my Lord?

L. Staff. Whether Mr. *Dugdale* did tell him on the *Tuesday*, that Sir *Edmundbury Godfrey* was murdered the *Saturday* before?

Black-Rod. Did Mr. *Dugdale* tell you of the *Tuesday*, that Sir *Edmundbury Godfrey* was murdered the *Saturday* before?

Mr. Samb. No, my Lords, he never told me any such Thing, I take it upon my Salvation. I never heard it till *Friday* or *Saturday* he was found at *Bury-Hill*.

L. Staff. Ask him if he were with *Dugdale* at the Alehouse the *Tuesday* before.

Mr. Samb. *Dugdale* never spoke any such Thing to me.

L. H. S. Were not you with him at the Alehouse?

Mr. Samb. No.

L. H. S. Not on *Monday*?

Mr. Samb. No.

L. H. S. Nor on *Tuesday*?

Mr. Samb. No.

L. H. S. Nor *Wednesday*?

Mr. Samb. Not as I know of.

Sir W. Jones. We shall prove he was.

L. Staff. Pray ask him what Reputation *Dugdale* hath in the Country.

Mr. Samb. Oh, the wickedest Man that ever lived upon the Face of the Earth! I know great Part of it myself; and a hundred and a hundred of People will say as much.

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

Mr. Samb. I was never a Papist in my Life, nor ever a Fanatick.

L. H. S. What do you know of *Dugdale* in particular, that is ill.

Mr. Samb. Yes, my Lords, I'll tell you; he was a very abusive Man, especially to the Clergy, and most especially to Mr. *Philips*, with whom I boarded. My Lord *Aston*, that is dead, came and told me of it. Said I, You are misinformed, for this *Dugdale* is a Knave and a Rogue, and all the Country rings of him for his Wickedness. Upon which, he cites me into *Lichfield* Court for defaming him; and he entertains all the Proctors, that I could not get one to put in my Answer: But before the Day came, he discharged the Court, and never appeared; for we had that against him that he durst not appear.

L. H. S. What Particulars do you know?

Mr. Samb. He said the Clergy of *England* was a lewd Clergy, and a Pack of Rogues.

L. H. S. Gentlemen of the House of Commons, will you ask him any Questions?

Manag. No.

L. H. S. Hath my Lord no more to say to him?

L. Staff. No, my Lords.

L. H. S. My Lord *Stafford*, go on: Hath your Lordship done with *Dugdale*, or have you any more Witnesses?

L. Staff. No, my Lords; I have a great deal more to say to him.

L. H. S. Go on then.

L. Staff. My Lords, I conceive by this, 'tis proved to your Lordships, that *Dugdale* did at that Trial declare, he had acquainted Mr. *Sambidge* and Mr. *Philips* with the Letter about the Death of Sir *Edmundbury Godfrey*, the *Tuesday* after he was murdered. And I conceive I have proved to your Lordships, by their denying it, that he did not tell them so; and so he is forsworn in that. I should now have humbly desired your Lordships, that you will please to call *William Day*; but upon asking the Question, I find he is not yet come to Town, and so I shall not trouble your Lordships with him: I desire that *Thomas Sawyer* may be called again.

(Who stood up.)

L. Staff. Pray be pleased to ask him, whether he did not hear *Dugdale* wish he might be damned if he knew any Thing of the Plot.

L. H. S. He said that before.

L. Staff. Then I beg your Lordships Pardon, I shall not call him again.

L. H. S. Go on, my Lord.

L. Staff. My Lords, there are a great many other Witnesses which I could call; but it is to no Purpose, and so I shall call no more as to *Dugdale*. I conceive upon the whole Matter, his Reputation and Credit are gone; for he is forsworn before the Justices of Peace, in that he said there was no Plot, and wished he might be damned if he knew of any Plot. I conceive 'tis also proved, that upon the twentieth of *September*, when he says, I did communicate with him about the King's Death, he was only then with me upon his own Desire, and my Servants were by: There was nothing discoursed of but about the Foot-Race. And likewise, as to what he swore in *August*, that I was at such a Meeting at *Tixall*, he is forsworn, for I was not there; and so I hope that Witness is laid aside; no Creature will give any Credit to him, neither your Lordships nor the House of Commons.

L. H. S. Have you done with Mr. *Dugdale*?

L. Staff. Yes, my Lords.

L. H. S. Whom will you proceed against next?

L. Staff. Dr. *Oates*.

L. H. S. Call Dr. *Oates*.

L. Staff. Only give me leave to say one Thing, my Lords, that you were pleased to say, I should have Copies of the two Depositions of the twenty fourth and twenty ninth of *December*: And I had one to enquire, but cannot find that of the twenty ninth. (Then Dr. Oates stood up.)

L. H. S. What say you to Dr. *Oates*, my Lord?

L. Staff. This Dr. *Oates*, if your Lordships please, I desire may be asked, when was the first Time he ever saw me in his Life.

L. H. S. When was the first Time, Dr. *Oates*, you saw my Lord *Stafford*?

Dr. *Oates*. My Lords, the first Time I saw this Gentleman at the Bar, was, as near as I remember, at Mr. *Fenwick's*.

L. H. S. That was in *Drury-Lane*?

Dr. *Oates*. Yes, my Lords.

L. H. S. When was that?

Dr. *Oates*.

Dr. Oates. That was, as near as I remember, in *June*.

L. H. S. Was it that Time the Commission you spoke of was delivered?

Dr. Oates. Yes, my Lords.

L. H. S. Did you see that Commission?

Dr. Oates. Yes, my Lords.

L. H. S. Did you read it?

Dr. Oates. Yes, my Lords.

L. H. S. From whom was it?

Dr. Oates. I cannot be positive as to that; but, as near as I remember, it was signed as the rest was signed.

L. H. S. How was that?

Dr. Oates. *Johannes Paulus Oliva*.

L. H. S. You read it?

Dr. Oates. Yes, I did, my Lords.

L. H. S. It was a Commission to be Paymaster of the Army, was it not?

Dr. Oates. Yes, it was.

L. H. S. And it was delivered to my Lord?

Dr. Oates. Yes, it was.

L. H. S. By the Name of Mr. *Howard of Eshingham*?

Dr. Oates. Yes, my Lords.

L. H. S. What says your Lordship to this?

L. Staff. What is it possible for me to say against this? I declare to your Lordships, in the Presence of God, I never saw the Man in my Life. I never went by any Name, since I had the Honour of being a Peer, but by the Name of *Stafford*. I never heard of Mr. *Fenwick* the Jesuit, nor by the Name *Thompson*, till this Plot was discovered, and he taken. This you may believe, or not, if you please; but this is as true as I am alive. My Lords, I desire I may have out of the Journals the Deposition on which I was committed.

L. H. S. Turn to the Journal.

L. Staff. It was read, as I remember, *Friday 25. Octob. 78.*

Then the Clerk turned to the Journal, and read.

Die Veneris 25 die Octobris 1678.

Clerk. **T**HE Lord Viscount *Stafford* acquainted the House, That he was informed that there was a Warrant issued out from the Lord Chief Justice of *England* to apprehend him, which he thought fit to acquaint their Lordships with, and submitted himself to their Lordships Judgment.

The Lord Chief Justice being present, was commanded to give the House an Account of the Business; who said, That last Night, about nine of the Clock, he received a Letter from the Speaker of the House of Commons, dated from the Speaker's Chair, to come to the House of Commons about Business of great Concernment. Accordingly he attended the House of Commons, where the Speaker told him, That the House of Commons had received Accusations of High-Treason against five Lords, and some Gentlemen, and desired him to issue out his Warrants for their Apprehension. The Persons were, the Earl of *Powis*, Viscount *Stafford*, the Lord *Arundel* of *Wardour*, the Lord *Petres*, and the Lord *Bellasis*. And upon this he issued out his Warrants for their Apprehension, having taken the Examination of *Titus Oates* upon Oath. That the Earl of *Powis* and the Lord *Arundel* were brought to him this Morning in Custody; and he advised them to render themselves to the *Gatehouse*, where now they are.

Upon this the Examination of *Oates* was read, whereby it did appear, that the Lord Viscount *Stafford* was charged to be in a Conspiracy of Treason against the King.

The Lord Viscount *Stafford* denied the Fact, and after this withdrew. And after a while the House was informed that his Lordship would render himself to the Lord Chief Justice.

L. H. S. This is all that is in the Journal.

L. Staff. Then, my Lords, if your Lordships please to remember, all of you that were there, that I was accused by *Dr. Oates*, whose Depositions I desire to see, taken before my Lord Chief Justice, that he had seen Letters of mine written to *Fenwick*, *Harcourt*, and some others, three or four Jesuits, in which I was consenting to the Plot; that I had sent my Son to *Lisbon*, yet I would be as kind to the Jesuits as before, though there was some Difference between us. These Affidavits I desire to see, which, as I take it, were read before your Lordships that Day.

L. H. S. The Affidavit was taken by my Lord Chief Justice in the House of Commons, where he did attend them upon their Summons: I know not if the Original were read in the House of Lords, or the Copy; but it seems it is not entred into the Lords Journal: But your Lordship had an Order to take Copies of all Things you would have demanded; and if you would not, I cannot tell what to say to it.

L. Staff. Truly I could not take a Copy, because I did not know where it was. I desire my Lord Chief Justice may be asked where it is; that is all I desire, and I will then go on.

L. H. S. I think *Dr. Oates* does say at this Time that he had seen Letters of your Lordship's, offering your Correspondence and Assistance.

L. Staff. If *Dr. Oates* will own he said no more than is in that Affidavit, I am content.

L. H. S. Have you any Copy of your own Examination, *Dr. Oates*?

Dr. Oates. Yes, my Lords, I think I have it here.

L. H. S. Marry, that is very well; produce it then. Do you oppose it, Gentlemen?

Manag. No, we agree; we desire the Truth may come out.

Then Dr. Oates looking amongst his Papers, drew out one, and offered it to the Court.

L. H. S. Is that a true Copy of your first Examination?

Dr. Oates. My Lords, I will not swear it, but it was given me for a true Copy.

L. H. S. By whom was it given you?

Dr. Oates. I can't remember now, 'tis two Years ago.

Sir W. Jones. Unless we know whence it comes, or what Authority it hath, we cannot consent it should be read.

L. H. S. Had you it from my Lord Chief Justice, or any Servant of his?

Dr. Oates. I cannot tell whether *Sir Charles Harbord* gave it me, or no.

Sir F. Win. My Lords, *Sir Charles Harbord* might be of the Committee of Examinations; but the Examination for which my Lord asked, was not in the Committee nor before the House: My Lord Chief Justice retired out of the House, & *virtute Officii* took it. Now it was very fair in *Mr. Oates* to produce it; but yet in Point of Evidence, if he will not swear it to be a true Copy, or give an Account

count how he came by it, we cannot allow it to be read.

L. H. S. My Lord *Stafford*, 'tis you that want this Paper, you desire to have the Benefit of the Examination that was taken of Mr. *Oates*, and therefore you must produce a Copy of it.

L. *Staff.* My Lords, I could never get it.

L. H. S. 'Tis not entred in our Journal, nor is it to be trac'd; we know not where it is: You have had Time enough to look after it. You are now offered by *Oates* himself a Copy that was given him for a true Copy, though he can't swear by whom. Are you content that shall be read, if the Gentlemen will admit it?

L. *Staff.* By what I guess of Dr. *Oates*, (I know him not) he would not give in a Copy of an Examination unless it were true; if it be true, I know not what should hinder the reading of it: But as far as concerns me, I desire it may be read.

L. H. S. You do consent, and will you, Gentlemen, permit it?

Mr. Serj. *Mayn.* We do not know whence it comes; we cannot admit it, unless *Oates* says 'tis true.

Sir *Will. Jones.* My Lords, it hath been long in the Doctor's Possession, he hath read it over, he can't say 'tis a true Copy; but I desire to ask him whether all in that Writing be true, and whether he did swear what is in that Writing.

L. H. S. If your Lordships please thus, and you Gentlemen of the House of Commons, the best Way to have an Answer to this Question is, that it may be read *de bene esse*.

Sir *F. Win.* Pray, my Lords, let him read it over to himself privately, and then let us know whether he can swear the same things that are in that Paper. (*Which Dr. Oates began to do.*)

Dr. *Oates.* Your Lordships ask only as to my Lord *Stafford*?

L. H. S. My Lord desires no more; but pray read it over all, and give your Answer to all; for that Question, may be, will be ask'd in other Cases, and 'tis fit you should be provided for it. (*Which he did*)

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

Dr. *Oates.* My Lords, I do verily believe I did swear the Contents of that Paper.

L. *Staff.* My Lords, I do not oppose the reading of that Paper; but I have here a Copy of something in the Journal, and do not stand upon my Memory; but I think upon the viewing of it now, there is something in the Copies of the Journal.

Clerks. We cannot find it.

L. *Staff.* Then read this Paper.

L. H. S. Will you have this Copy of the Examination read, or not?

L. *Staff.* Yes, my Lords.

Clerk. *The Examination of Titus Oates Clerk, taken before us*—

L. H. S. When was that?

Clerk. The 24th of *October*, 1678.

L. H. S. That was read the 25th, the next Day, in the House of Lords.

The Examination of Titus Oates Clerk, taken by us this 24th of October, 1678.

THIS Examinant saith, That in the Month of *May* last, this Examinant saw a Patent under the Seal of the Father-General of the Society of *Jesus* at *Rome*, called *Johannes Paulus Oliva*, at the Chamber of Mr. *Langborn*, wherein it was express'd

That by virtue of a *Breve* from the Pope, he did constitute the Lord *Arundel of Wardour* Lord High Chancellor of *England*, which Patent was sent to the Lord *Arundel of Wardour* by a Messenger, who was the Son of Mr. *Langborn*. And this Examinant saith, That he saw a Letter subscribed by the Lord *Arundel of Wardour*, as he believes, wherein the Lord *Arundel* did acknowledge the Receipt of the said Patent, and accepted of the same, and promised to answer the Expectation of the Society.

This Examinant saith, That in *June* last he saw the like Patent, wherein the Lord *Powis* was constituted Lord Treasurer of *England*, which Patent was carried by one *Parsons*, Secretary to the Lord *Powis*, from one *Sanders's* House in *Weld-street*, to be delivered to the Lord *Powis*. and at the Delivery of the Patent 300 *l.* was paid by *Parsons* to *Fenwick* and *Ireland*, to carry on the Design of the *Jesuits*, which was to raise a Rebellion in the three Kingdoms, and to destroy the King.

In the Month of *July* this Examinant saw a Letter subscrib'd *Powis*, and directed to *Fenwick*; wherein his Lordship did acknowledge the Receipt of the said Patent, and did accept of the same, and said he had three hundred Men and Horse ready for the Design, and that his Lordship would venture his Life and Fortune in the Affair.

In the Month of *August* last this Examinant saw a Letter directed to Mr. *Langborn* by the Outside, but within to the Society of the *Jesuits*, wherein Sir *William Godolphin* acknowledg'd he had receiv'd the like Patent to be Lord Privy-Seal, and had accepted thereof; and in *July* 1677, this Examinant saw the same in the Hands of the Archbishop of *Tuam*, at *Madrid* in *Spain*.

This Examinant saith, That in *July* last Mr. *Coleman* acknowledged and confessed to *Fenwick*, in this Examinant's Presence, that he had receiv'd the like Patent to be Secretary of State, and that it was a good Exchange.

This Examinant saith, That in *May*, *June*, *July*, and *August* last, this Examinant saw several Letters sign'd *Stafford*, whereby it appear'd that the Lord *Stafford* was in this Conspiracy against his Majesty, and that he had returned several Sums of Money to the *Jesuits* to carry on the Design; the Letters were directed to *Fenwick* and *Ireland*; and in *August* last this Examinant saw another Letter, directed to the same Persons, sign'd *Stafford*, wherein my Lord writ, that although he had sent his Son to *Lisbon*, yet he would be never the worse Friend to the *Jesuits*; and this Examinant conceiveth the Reason of that Letter was, because there was then a Difference between the *English* College at *Lisbon* and the *Jesuits*. In *July* last this Examinant saw in the Hands of *Fenwick*, a Commission directed to the Lord *Bellasis*, from the Person aforesaid, to be Lord General of the Army to be raised in *England* against his Majesty; and in *July* this Examinant saw a Letter from my Lord, directed to *Fenwick*, wherein his Lordship acknowledged the Receipt of the Commission, and thanked the Society for the same, and that he accepted the same, and would do what in him lay to answer their Expectations.

In *May* last this Examinant saw a Patent in the Hands of Mr. *Langborn*, to make my Lord *Petres* Lieutenant-General of the Army; and in *June* last this Examinant did hear my Lord *Petres*, in the Presence of Mr. *Longworth* his Confessor, acknowledge the Receipt of the same, and that he accept-

ed thereof, and his Confessor wish'd him much Joy thereof.

L. Staff. My Lords, If this be own'd for Truth that he swore, then I proceed upon the Evidence of that.

L. H. S. Without allowing it to be a true Copy, *Dr. Oates* at the Bar does swear what is said there is true.

L. Staff. Then he says there, he saw Letters sign'd by me to *Fenwick* and others: I do humbly desire to know whether that be Evidence or no, that a Man says he saw Letters, and does not say he knew them to be my Hand, nor what the Letters were in particular; nothing that he did prove of it. I must appeal to your Lordships, to all my Lords, to my Lord High-Steward, and the rest that were of the Council at that Time, Whether *Dr. Oates* did not positively name some, and left me out at the Council-Table? And whether *Dr. Oates* did not say there was no Lord concerned in the Plot, and whether some of my Lords did not say so, and told some other Lords of it, from whom I had it? And in order to this, I desire *Sir Philip Lloyd* may be examin'd; and if he did not know of my being in it, then he hath since forsworn himself.

L. H. S. My Lord, I know not where you are, nor what you are about: Are you objecting against *Oates* upon any Evidence out of the Journal?

L. Staff. My Lords, I go upon this that hath been read.

L. H. S. Pray, my Lord, produce your Witnesses that did hear him say any Thing, and take your Advantage of it.

L. Staff. I call *Sir Philip Lloyd*.

L. H. S. Where is *Sir Philip Lloyd*?

L. Staff. My Lords, I do not know; I think he is here, I hope he will come.

Then he appeared amongst the Members of the House of Commons, and was called to the Bar amongst the other Witnesses, and stood up.

L. H. S. What does your Lordship ask *Sir Philip Lloyd*?

L. Staff. Whether he was not by when *Dr. Oates* was ask'd, if there were any Lords concerned in the Plot, and he said, No; and whether he did not tell me so a Day or two before I was committed, in the Prince's Lodgings?

L. H. S. What say you, *Sir Philip Lloyd*, did you ever hear *Dr. Oates* deny upon his Oath, that ever he heard of any Lords that were concern'd in the Plot?

Sir Phil. Lloyd. My Lords, truly I cannot remember any such thing: If my Lord put me in mind of any particular Circumstance or Time, I may recollect it: I must confess I think I have heard such a thing rumour'd; but I am so unfortunate I cannot remember any thing positively of it.

L. Staff. He did tell me so I am sure.

Sir Philip Lloyd. Truly, my Lords, I would be glad to remember any thing to justify the Truth; but I cannot remember this.

L. Staff. But whether it were so or no, your Lordships that were of the Council can tell.

L. H. S. My Lord, I do not know. Your Lordship cannot be refused, if you press it, to ask any of the Lords of the Council, if they remember any such thing that did pass there; but if I were there or in the Council, I deal plainly with your Lordship, I cannot say that there was any such thing said.

L. Staff. If there be any here that were there besides, I desire they may be ask'd.

L. H. S. If your Lordship will call upon any other of my Lords that were there, they will tell you.

L. Staff. I don't know who were there, I can't call them.

L. H. S. You may ask any of the Lords of the Council, who were there that time *Dr. Oates* was examined.

L. Marq. of Worcester. My Lords, I was not at the Council then; but I heard it, not there indeed, but as a general Report abroad.

L. Staff. I desire my Lord Privy-Seal may tell what he knows of it.

Lord Privy-Seal. What is it your Lordship would know of me?

L. Staff. Whether *Oates* did not say he had no more to accuse?

Lord Privy-Seal. Where, my Lord?

L. Staff. At the Council-Table.

Lord Privy-Seal. 'Tis a very hard thing for me to charge my Memory with all the Questions at an Examination; we use to refer to the Examinations themselves: I have seen some Examinations, I wish all were so, wherein the Questions are put down as well as the Answer; and I cannot charge my Memory that he said he had no more to accuse.

L. Staff. I desire then all the Lords of the Council that are here to say whether or no he was not ask'd this Question particularly by my Lord Chancellor, (and I desire particularly his Lordship would say whether he can't remember it) Whether he had any thing to say against some Lords? And he answer'd, they were to know of it, but God forbid he should accuse them.

L. H. S. When should that be?

L. Staff. My Lords, I can't say the Day, for I was not in Town. But I desire to ask, whether you did not ask him upon the first Discovery of the Plot, whether he had any thing to say against some Lords?

L. H. S. Do you desire to know whether I asked him this Question, If he had any thing to say against some Lords?

L. Staff. I do not say positively your Lordship, but whether that Question was not ask'd him?

L. H. S. Certainly I should never ask any such Question of any Man alive. I might ask in general of any Lord, but not of some.

L. Staff. Some or other Lords it was.

L. H. S. I don't remember it; and 'tis impossible for any Man living to remember what Questions he did ask two or three Years ago upon an Examination.

L. Staff. I desire I may have leave to ask the Earl of *Berkley* a Question.

L. H. S. What is it you would ask him?

L. Staff. My Lords, I humbly ask his Lordship, whether he did not hear *Dr. Oates* say, after he had accused some Persons before the Council, that he had no more to accuse?

Earl of Berkley. My Lords, I had the Honour to be of the Privy-Council about the Time of the Discovery of the Plot; but I do not remember that I heard *Dr. Oates* say any such thing there.

L. Staff. Or in the House of Lords; for I may mistake. And therefore I desire my Lord of *Berkley* would declare what he heard *Dr. Oates* say before the House of Lords.

Earl of Berkley. Yes, my Lords; in the Lords House I will tell your Lordships what I remember. My Lord Chancellor, to the best of my remembrance, did ask *Dr. Oates*, at the Bar of the House,

this

this Question—My Lords desire to know if you can accuse any other Person or Persons, of what Quality soever, and you are encouraged by their Lordships to accuse them: His Answer was—My Lords, I have no more to accuse in relation to *England*, but in relation to *Ireland* I have.

L. H. S. That was after he had accused your Lordship; my Lord *Stafford*.

Sir W. Jones. We pray, my Lords, we may have the Favour to ask that very Honourable Lord, at what Time *Dr. Oates* said this, for the Satisfaction of those that are present.

Earl of Berkeley. My Lords, It was after *Dr. Oates* had accused my Lord *Stafford*, but before he had accused the Queen.

L. Staff. I beseech you my Lords, to mark it, (and I am very glad of it) he said he had no more to accuse in relation to *England*, and yet after that he accused the Queen.

L. H. S. My Lord, Then the best Account of it will be on the Journal; the Question and Answer is entred there.

Die Jovis 31 die Octobr. 1678.

Post Meridiem.

Titus Oates being at the Bar, is directed to proceed in giving an Account of the Commissions given to several Lords, and other Persons for Offices Civil and Military.

Upon which he proceeded in a particular Narrative thereof, with some Circumstances tending to make out the Truth thereof, and then was commanded to withdraw, but stay without.

Then upon Consideration had hereof, the Lord Chancellor, by Directions of the House, caused him to be called in again, and told him, that the Lords expect not his entring into particular Circumstances, but if there be particular Persons concerned, of what Quality soever they be, the House expected he should name them; but he named none but those he had mentioned in his Narrative, nor could name no other Person.

L. Staff. Then, my Lords, he said, he knew no Persons more than he had discovered; and after, did he not accuse the Queen, and several others? If he said true, then he knew no body more; if not, he is forsworn.

Sir W. Jones. Pray prove he did accuse the Queen.

L. Staff. He did so in the Council, and he is clearly perjured in that, and so not to be believed. And I say besides, after that *Dr. Oates* had consulted with himself, and possibly with some others, what his Narrative should be, and what he should accuse Persons of, and did only accuse me of seeing some Letters signed *Stafford*; and now he comes to give Evidence, he knows more of my having a Commission. After this rate, it may be he may know a great deal more to Morrow, when he hath invented it: And 'tis a great Sign he did not know of any more, if he did know of that; for I never had any Correspondence with the Jesuits, nor any Business transacted with them these twenty four or twenty five Years. Indeed at *Ghent* the *English* Jesuits were desired to do a little Thing for me, and they refused it me; it was to send over a Man that was to be a Witness in a Suit I had beyond Sea: And I never writ one Letter to a Jesuit since, nor he to me, that I know of, nor never had to do with them that I know of. I never heard of *Fenwick's*

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Name, nor *Harcourt's*, till I heard of the Plot; nor of *Jabson* nor *Thompson*, Jesuits: And if any can prove it, I will acknowledge myself guilty of all that is said against me. And for that *Dr. Oates* at first said, he only saw Letters of mine, and after comes and accuses me of a Commission, I appeal to your Lordships if there can be any Truth or Belief in him. I cannot say more than what I have said already; and I do challenge *Dr. Oates*, at the Day of Judgment, to say, if ever he saw me in his Life till I was committed; or if I did ever go by any Name, but that of *Stafford*, I will be content to die immediately. If I had gone by the Name of *Howard*, I need not be ashamed of it; for 'tis a Name good enough to be owned. I know there is a worthy Gentleman that bears the Name of *Howard* of *Essex*, but I never did. If your Lordships please to let me ask *Mr. Dugdale* one Question.

L. H. S. Call *Dugdale* again. (*Who appeared.*) What say you to him; my Lord?

L. Staff. I desire to ask *Dugdale*, whether he did not, in his Depositions before *Mr. Lane* and *Mr. Vernon*, swear; that the 20th of *October* I offered him 500 *l.* to kill the King?

Mr. Dugd. No, *September*.

L. Staff. Ay, *September*.

Mr. Dugd. Yes, I think I did make that Deposition before *Captain Lane*. I am certain I did, that my Lord *Stafford* the 20th or 21st of *September* offered me 500 *l.*

L. Staff. Then did he not say presently upon this, he went to *Mr. Evers's* Chamber?

L. H. S. He says so now.

Mr. Dugd. My Lords, I am not certain it was the same Day; it was as soon as I could have Opportunity, it was presently after.

L. Staff. Did he not say he told *Evers* what I said to him, and he did not understand the Meaning of it?

Mr. Dugd. I did say so to *Mr. Evers*: I did ask *Mr. Evers* what my Lord *Stafford's* Meaning was, whether his Intention was true or no, to do as he said, and whether my Lord was in that Condition, as to be able to perform his Promise, for I feared Payment of the Money; and he told me, *Harcourt* and the rest of the Jesuits would furnish it.

L. H. S. So he said Yesterday.

L. Staff. Then ask him if he did not say, the Beginning of *September* I met him at *Tixall*, and I spake to him about such a Business.

Mr. Dugd. My Lords, I did say, to the best of my Remembrance, it was about that Time, the latter End of *August*, or the Beginning of *September*, I would not be positive, nor could not, to five Days.

L. Staff. No, I think not to 5000. Then I asked him this Question, whether he did not presently upon that, when I told him about the Design, go to *Mr. Evers*, and asked what it meant?

L. H. S. He said so but now, he went to *Evers* and asked what you meant.

L. Staff. I beseech you I may be understood, whether he did not say in the Beginning of *September*, which was before the 20th or 21st in the Journal?

L. H. S. Is it in the Journal?

L. Staff. Yes.

L. H. S. Why then, read it.

Die Sabbati 28 Decembris 1678.

The Earl of *Essex* acquainted the House, that he had received an Information out of the Country

of very great Concernment, which was read as followeth.

ployed to put forth Money; which was and is for the Jesuits Use.

Stephen Dugdale.

Staffordsh.

December 24, 1678.

Taken upon Oath the 24th Day of
December 1678. before us,

Tho. Lane,
J. Vernon.

The Information of Stephen Dugdale, Gent. late Servant to the Lord Aston of Tixall, concerning the Plot against our Sovereign Lord the King, as followeth:

1. **T**HIS Informant saith, that presently after one *Howard*, Almoner to the Queen, went beyond the Seas, he was told by *George Hobson*, (Servant to the said Lord *Aston*) that there was a Design then intended for the Reformation of the Government to the *Romish* Religion.
2. He informeth, That in the Beginning of *September*, 1678, he met in *Tixall*, nigh the Lord's Gates, the Lord *Stafford*, who said to this Informant it was sad that they were troubled, for that they could not say their Prayers but in a hid Manner, but suddenly there would be a Reformation to the *Romish* Religion; and if there was but a good Success, they should enjoy their Religion. And upon the 20th Day of *September* last, the said Lord *Stafford* told this Informant that there was a Design in Hand, and if this Informant would undertake the Design, he should have a good Reward, and make himself famous.
3. Upon the aforesaid Day, immediately after, this Informant went into the Chamber of Mr. *Francis Urie*, alias *Evers*, (a Jesuit) in *Tixall-Hall*, and asked him what the Lord *Stafford* meant by those Words; and after he had made him to swear Secrecy upon his Knees, he told him he might be a Person employed in the Work, and have a good Reward that would make him famous: And then he told him he must be instrumental with others in taking away the King's Life; and that it should be done by Shooting or otherwise. And that this Informant need not to fear, for the Pope had excommunicated the King, and that all that were excommunicated by him were Hereticks, and they might kill them, and be canonized for Saints in so doing.
4. The Informant saith, that the said *Evers* and *Hobson* both said, that the Design was as well to kill the Duke of *Montmouth* as the King.
5. That *George North*, (Nephew to *Pickering*, and Servant to the Lord *Aston*) lately told this Informant, that they had taken his Uncle, (meaning *Pickering*) and put him into *Newgate*; and thought the King deserved such an execrable Death as was intended him, because of his Whoring and Debauchery.
6. That Mr. *Evers* said, Mr. *Bennyfield* had a Pacquet of Letters delivered to him from the *Post-house*, which he feared the Lord-Treasurer had Notice of, and therefore he delivered them to the Duke of *York*, and the Duke delivered them to the King, and that the King gave them to the Treasurer, after he had read them; but that the King did not believe them, and therefore it was happy, or else the Plot had been discovered.
7. That he had received many Pacquets of Letters for *Evers*, some of which this Informant broke up, and found them to be and tend to the Establishment of the *Romish* Religion, &c.
8. That he had received several Sums of Money himself, and knew of divers others that were em-

L. Staff. My Lords, I find by this here, that presently after one *Howard*, Almoner to the Queen, went over, *George Hobson*, Servant to my Lord *Aston*, told *Dugdale* there was a Design to reform the Government, &c. I beseech your Lordships I may ask him, how long after he went over, this Discourse was.

Mr. Dugd. I do not say I knew *George Hobson* before he came to be a Servant to my Lord *Aston*, which was in the Year 78, but that this was only a Discourse to me, that the Plot had been so long carrying on.

L. Staff. He says upon his Oath, presently after the Almoner went over, he told him so. Now the Almoner went over three Years before that, when the Proclamation came out to banish the Queen's Servants for being Papists.

Mr. Dugd. I heard it there; I never knew *George Hobson* before he came to be a Servant to my Lord *Aston*, but I did not tell it as a Discourse at that Time, or that it was more than what I had from him, that there was such a Design so long before.

L. Staff. He says, presently after the Almoner went over, in his Oath; which was, I think, in the Year 72 or 73, or rather in the Year 75, about the End of the Year 74, as I remember. And he says presently, three Years after; is that presently? E'en now the End of *August* was the Beginning of *September*, and how long that was we can't tell, and now three Years is presently after.

Sir W. Jones. He is telling of another's Discourse with him.

L. H. S. My Lord, you must observe that *Dugdale* says, that he did hear it from *Hobson* after he came to my Lord *Aston's* Service.

L. Staff. But he says, presently after the Almoner went over; and 'tis impossible; for he did not say it till three Years after, and so there is no Truth in him.

Mr. Dugd. My Lords, it was, that *Hobson* told me, that presently after the Almoner *Howard* went over, there was such a Design carrying on.

L. H. S. You distinguish not, and therefore don't comprehend. 'Tis one Thing if *Dugdale* had said, that presently after there was such a Design, *Hobson* told him so.

L. Staff. I beseech you, it is said, that presently after the Almoner went over, *Hobson* told him so.

L. H. S. But it is not that presently after he heard the Discourse; but *George Hobson* told him, that presently after the Almoner went over, there was such a Design.

L. Staff. 'Tis said he was told presently after.

(Then the Information was read again.)

L. H. S. Do you know when *Howard* the Almoner went over?

Mr. Dugd. No, my Lords; but by Report I heard when he went: But I do not make that Part of my Oath, for I cannot absolutely remember it.

L. H. S. My Lord, You must not make a Sacrament to make a Mistake.

L. Staff. God's Life! is three Years a Strain?

Mr. Dugd. I never did mean so, nor never did intend so, for I never knew him till he came to my Lord *Aston's*; but he told me then this Discourse.

L. H. S. My Lord, this is only a Question of Grammar, how it can be construed.

L. Staff. My Lords, I beg your Pardon; 'tis to my little Reason a Question of Sense, and it is plain to me it can have no other Sense; but I submit it to your Lordships, whether this be not the true Construction.

L. H. S. Go on, my Lord, with your Evidence, Notice will be taken of your Objection; you shall see what they say to it; if they do not give it an Answer, it will have it's Weight.

Sir Will. Jones. We will give that an Answer in due time.

L. Staff. Then next he says, I talk'd with him at my Lord *Aston's* the beginning of *September*, where he met with me at *Tixall* at the Gate, and I said, it was sad we could not say our Prayers, but in private. Truly, my Lords, I cannot say I did not say this to him; but if I did say it, I do not remember it, or that I ever thought so much; for I was so much of a contrary Opinion, that I thought those of that Religion said their Prayers too openly, and have chid them for it. And why should I speak it to him, whom I did not know what Religion or what Profession he might be of? And presently after I spoke of these things, he says, he went to know what the Design was, and then Mr. *Evers* told him of the Plot, and yet yesterday he said he knew it sixteen Years ago. How can all this be true? And besides, it seems I could have no great Power with him to persuade him, for it seems he mistrusted my Ability to pay; and he had reason, for I should hardly have parted with 500 *l.* in the Condition I was then in, to any one; but I have no more to say to him now. There is a third Witness, one *Turberville*, I desire to ask him a Question.

L. H. S. Call *Turberville*. (who stood up.)

L. Staff. I desire to know what time he came to serve my Lady *Molineux* (for it is in the beginning of the Information in the House of Commons, that he came in the Year 73) and how long he staid with her.

L. H. S. My Lord *Stafford*, if your Lordship please, there was an Offer made to you, that those Affidavits should be produced, if you desired to see them.

L. Staff. I think I shall have no occasion as yet; it may be I may by and by: But I desire to ask him this Question first, Whether he did say he came in the Year 73 into my Lady *Mary Molineux's* Service, and staid with her about three Years?

L. H. S. Did he swear in the Year 73 he came?

L. Staff. 'Tis so in his Narrative in Print.

L. H. S. Do you own that Narrative in Print for true?

Mr. Tur. No, my Lords.

L. H. S. How can you challenge him then with a Narrative he does not own?

L. Staff. Then what can a Man do, if he must not go according to what is printed?

Mr. Tur. There is a Mistake in the Printing of it, there is a Mistake of 73 for 72.

L. Staff. I now desire that Affidavit may be produced.

L. H. S. Pray let him have the Benefit that was offer'd him of the Affidavit.

Mr. Tur. Besides, I declared I could not be positive to a Year; I own any thing else in it.

L. Staff. Then, my Lords, if I shall have Fellows that will not swear to Months nor to Years, I beg of your Lordships to know whether these be legal Witnesses.

Manag. The Affidavit is in the Custody of Sir *W. Poulteney*, a Member of our House.

Sir Will. Poulteney. My Lords, I have the Affidavit; if you please I shall give you an Account what I did upon it, and Sir *Thomas Stringer*, another Justice of Peace. My Lords, after that Mr. *Turberville* had given his Evidence to the House of Commons *viva voce*, he tender'd to them this Information that I have in my Hand. The House of Commons, after it had been read, thought it might be convenient to have it sworn to before two Justices of Peace. Whereupon Sir *Thomas Stringer* and my self withdrew into the Speaker's Chamber. Mr. *Turberville* came to us, we read over the Information to him again, and after we had read it over, it was sign'd and he swore it. In this Information, when we then took it, he declared there, That he came to my Lord *Powis* in the Year 1673; and came into *England* 1676. After we had sworn him, we carried this Information into the House again. The next Morning, my Lords, he came to me (I being one of the Justices that had sworn him) and told me, that searching among his Papers the last Night for a Letter, which he said he had received from my Lord *Stafford*, sent to *Diep*, tho' he could not find the Letter he look'd for, yet he found that the precise time that he went to live with my Lord *Powis* was 1672; and the precise time of his coming into *England* was 1675. And he desired me to acquaint the House of Commons with it, that this Circumstance of Time might be alter'd. Whereupon, my Lords, I did acquaint the House of Commons with it, how he was mistaken in that Point of a Circumstance of Time; and that he came of his own accord, and desir'd me to move the House in it. I moved the House, and they did direct we should withdraw again, and take his Information again, and that he should amend it. He amended it, and made the 73, 72; and the 76, 75; and then afterwards we swore him to it again *de novo*: And this is the Matter of Fact concerning the Affidavit.

L. H. S. Sir *William Poulteney*; did Mr. *Turberville* correct the Mistake himself first, or was it found alter'd by others?

Sir Will. Poulteney. My Lords, he came to me, for I did not know any thing of it, that he was mistaken; but he came to me the next Morning as soon as ever I came to the House, before indeed I enter'd into the House, and told me of the Mistake; and told me the Reasons how he came to recollect himself, and find out the Mistake.

L. H. S. Mr. *Turberville*, I would ask you the Question, how came you to be inform'd that you had mistaken yourself?

Mr. Tur. My Lords, I'll tell you: I was searching for a Letter, I receiv'd from my Lord *Stafford*, and missing that, I found my Discharge I had from the *French Army*, wherein I saw a Mistake as to the Time, and that I have to produce.

L. H. S. I ask you again by the Oath you have taken, did you correct it of your self, or by Information from any other?

Mr. Tur. By the Oath I have taken I did correct it of my self, and no body mov'd it to me.

Mr. Serj. May. It was but a Circumstance of Time.

Sir F. Win.

Sir *F. Win.* And corrected by himself the very next Morning, my Lords.

L. Staff. He does acknowledge he did forswear himself once, and did make himself an honest Man the next Day, when he was a perjur'd Villain the Day before. And now he tells your Lordships that he was searching for a Letter that I sent to him, but he cannot find it.

Mr. Tur. No, my Lords, I thought I had it, but I cannot find it.

L. Staff. No, I'll swear thou canst not. But then he does say that he had a Discharge from the *French Army*.

Mr. Tur. Yes, 'tis here, my Lord.

L. H. S. Is that the Paper of your Discharge?

Mr. Tur. Yes, it is. 'Tis worn out a little, and torn, but the Seal is preserv'd: I did not know that ever I should have occasion to make use of it; but my Lord challenging me for a Coward, and a Deserter of my Colours—

L. Staff. I believe so still, for I have heard so.

L. H. S. Your Honour is not in question, *Mr. Turberville*.

Mr. Tur. The Title is a little torn; and if your Lordships please, I will read it: (which he did, being in *French*, and is render'd in *English* in these Words.)

THis certifieth all to whom it shall appertain, that I have given an absolute Discharge to the *Sieur Turberville*, a Cavalier of my Company, after having serv'd the Space of six Months with all Honour and Fidelity. Therefore I desire those that are to be desired, to treat him civilly, and let him pass and repass, and without doing him any Injury, or giving him any Hindrance; but on the contrary, to afford him all Aid and Assistance where it shall be necessary, promising the like upon all Occasions that shall require it. In Confirmation of which, I have for him sign'd this present Discharge, and thereto put the Seal of my Arms, to serve him in case he shall need it. Made at the Camp before *Aire* this 4th of *August*, 1676.

Sheldon.

L. H. S. What is the Date of that Discharge, *Turberville*?

Mr. Tur. 'Tis in *August* 76.

L. Staff. May I see it, my Lords?

L. H. S. Yes. Deliver it to my Lord. (*Which was done, and he look'd upon it*)

L. Staff. The thing looks like Truth, but there is no Proof of it.

Mr. Tur. The Seal is a little broke, but the Name remains perfect.

L. Staff. He says there is a Dismission from the Army in 76; how will that rectify his Mistake about 73? I understand not that.

Then the Court called for the Paper; and it was looked upon by the Duke of Monmouth, and some other Lords.

L. H. S. My Lord, this Paper hath been look'd upon; the Hand is well known by those that should know it.

L. Staff. I do not say the contrary.

L. H. S. Whereabouts are you now, my Lord, then?

L. Staff. I am extremely faint and weary, that I am sure of. This Gentleman told you yesterday that he spoke with me several times in *France*, and that he was conversant with me for a Fort-night together; that he visited me, and I propos'd

the killing of the King to him; and that he refus'd to give me an Answer then, but told me he would give it me at *Diep*: This he said yesterday, as I remember. And afterwards, when he was gone down, he came up again, and desired to put your Lordships in mind of a particular Circumstance which he said he did remember, That when he came to me, I had the Gout, and was in a lower Room of the House, in such a Street, which fac'd *Luxemburgh House*, all which I stand not upon; and that the Prince of *Conde* lived in the same Street, on the Left-hand he said first, and after on the Right-hand, and after he knew not where, and that I did lodge in the same Street.

Mr. Tur. I did say I believ'd the Prince of *Conde* lived there, but I was not positive.

L. Staff. No; but first he swears a Thing, and then only believes it. Be pleased to call my Servants, to know if ever I had my Foot ill of the Gout in my Life.

Mr. Tur. Your Lordship told me it was the Gout.

L. Staff. If ever I put my Foot on a Stool, or was lame there, I will own all that he says. But when a Man swears his Evidence, and goes down from the Place, and then invents, and comes up again to tell new Stories, who shall believe such a Man?

Mr. Tur. I never went from the Bar.

L. Staff. I do say, you went down, and had given all your Evidence, and came up again, and told this Circumstance. I have not been lame, not one Moment, these forty Years; and yet this Fellow, this impudent Fellow, to say, that I was lame, and put my Foot upon a Stool. He does not, my Lords, swear positively in any thing but this, and this I can easily disprove him in.

L. H. S. What say you to this Particular, *Turberville*? Had my Lord *Stafford* never the Gout while he was in *France*?

Mr. Tur. He told me it was the Gout, my Lords: He had a great Lameness, he could not go from one Place to another. Here are several People to give Testimony that my Lord was lame within less Time than he says.

Mr. Foley. Hold, hold, *Turberville*, you must not give that Evidence now.

L. Staff. Call *Nicholas Furnese* again.

L. H. S. What do you call him for?

L. Staff. Ask whether ever he saw *Mr. Turberville* with me in *France*.

L. H. S. Were you with my Lord *Stafford* all the while he was in *France*?

Furnese. Yes, my Lords.

L. H. S. Did you never see *Turberville* there?

Furn. No.

L. H. S. Pray did you never see Father *Anthony Turberville* there?

Furn. No, my Lords, I never heard of his Name.

L. Staff. Was I ever one moment lame while I was in *France*?

Furn. Not that I remember.

L. H. S. How long was my Lord there?

Furn. About three Months.

L. H. S. What time of the Year?

Furn. At *Paris* in *October* and *November*, in *December* at *Roban*, in *January* we came over into *England*.

L. Staff. Ask him if ever I put my Foot upon a Cushion or upon a Stool for Lameness.

L. H. S. *Mr. Turberville*, did you ever see *Furnese* when you were in *France*?

Mr. Tur-

Mr. Tur. This Man, my Lords?

L. H. S. Yes.

Mr. Tur. No, not that I remember.

L. H. S. In what Quality did you serve my Lord in France, Furnese?

Tur. My Lords, I waited on him in his Chamber.

L. H. S. Do you remember any other Servant of my Lord's, that you did see there?

Mr. Tur. Truly, my Lords, I don't remember, I might forget him.

L. Staff. So I believe thou dost me too.

Mr. Tur. Your Lordship, that could call me Coward, may say any Thing.

L. Staff. You shall be as valiant as Hector if you will. Pray call my other Boy.

(Who stood up)

L. H. S. You little Boy, Were you all the while with my Lord, that he was in France?

Leigh. Yes, my Lords.

L. H. S. Did you ever see Turberville there?

Leigh. No my Lords, not that I know of.

L. H. S. Had my Lord the Gout in France?

Leigh. No; nor never had since I have been with him.

L. H. S. That is six Years.

Leigh. Seven Years almost, my Lords.

L. H. S. Are you sure of that?

Leigh. I am sure of it.

L. Staff. Now, my Lords, Mr. Turberville says, I writ him a Letter to Diep, which Letter he can't find, I beseech you, what were the Contents of the Letter?

L. H. S. What were the Contents of the Letter my Lord sent you?

Mr. Tur. The Contents of the Letter were, That I should not stay at Diep in Expectation of him, for he had appointed a Yacht to come to Calais; but I should make what haste I could to London, and there I should meet with him.

L. Staff. I desire to ask whether I sent him Word that Count Gramont came over with me.

Mr. Tur. Yes, my Lords, to the best of my Remembrance.

L. Staff. I shall now bring Witnesses that I did not come by Calais, but by Diep, and Count Gramont came not with me.

L. H. S. Mr. Turberville, which Way came you, from Diep, or from Calais?

Mr. Tur. From Diep, my Lords.

L. Staff. And I came from Diep too.

L. H. S. My Lord came that Way too, he says.

Mr. Tur. I know not of that, he sent me Word otherwise.

L. Staff. I shall now prove what I say. Pray call Mr. Wyborne.

(Who stood up.)

L. H. S. What do you ask him, my Lord?

L. Staff. Whether he did not see me at Diep, and embark from thence for England?

Mr. Wyborne. My Lords, I will give you an Account as well as I can. In the Year 75, in December, I had Occasion to go over into France upon my own Concerns; and enquiring where there was a Conveniency to go over, I heard that a Yacht was sending to Diep for my Lord Stafford, and Mr. Henry Sidney, his Majesty's Envoy Extraordinary now in Holland: I took that Occasion, and we weighed Anchor on Friday the 24th of December; and it being foul Weather, and we being tossed long upon the Sea, we did not come to an Anchor before Diep till the Sunday was Se'nnight at

two o'Clock in the Afternoon, which was January the 2d. Then I came with the Captain immediately on Shore, to enquire for my Lord and Mr. Sidney; I enquired for my Lord, and they told me he was at Roban, expecting to hear of the Arrival of the Yacht: Upon which the Captain desired me to write a Letter to my Lord, and I did so; upon Sight of which Letter, he came to Diep on Tuesday in the Afternoon, which was, as I take it, the 4th of January, and we were at the Bastile there then together when he came that Evening. And the next Day I went on my own Occasions to Paris, and my Lord and Mr. Sidney did come over together in the Yacht.

L. Staff. If you please I will call my two Servants again to this Matter.

L. H. S. Call them, my Lord.

(Then Furnese and Leigh stood up.)

L. H. S. Which Way came my Lord Stafford out of France into England, by Diep or Calais?

Furn. By Diep.

L. H. S. What say you, Boy? Which Way came my Lord?

Leigh. By Diep, my Lords.

L. H. S. You came with him?

Leigh. Yes, We did.

L. H. S. My Lord, the Question is not whether you came by Calais or no, but whether you writ a Letter to him to Diep, that you would go by Calais.

L. Staff. He swore Yesterday that I did come by Calais.

L. H. S. Do you say my Lord came by Calais?

Mr. Tur. My Lords, I had a Letter from his Lordship, which he wrote to me, that he would come by Calais.

L. Staff. He did not name the Letter Yesterday, nor is it in the Information.

L. H. S. Read the Affidavit.

The Information of Edward Turberville, of Skerr, in the County of Glamorgan, Gent.

WHO saith, That being a younger Brother, about the Year 1672, he became Gentleman-Usher to the Lady Mary Mollineux, Daughter to the Earl of Powis, and by that Means lived in the House of the said Earl above three Years; and by serving and assisting at Mass there, grew intimate with William Morgan, Confessor to the said Earl and his Family, who was a Jesuit, and Rector over all the Jesuits in North Wales, Shropshire, and Staffordshire. And he during the three Years Time often heard the said Morgan tell the said Earl and his Lady, That the Kingdom was in a high Fever, and that nothing but Blood-letting could restore it to Health, and then the Catholick Religion would flourish. Whereunto the said Earl many Times replied, It was not yet Time, but he doubted not but such Means should be used in due Time; or Words to that Effect. And he heard the Lady Powis tell the said Morgan, and others, publicly and privately, That when Religion should be restored in England, which she doubted not but would be in a very short Time, she would persuade her Husband to give 300*l.* per Annum, for a Foundation to maintain a Nunnery. And this Informant was persuaded by the Lady Powis, and the said Morgan, to become a Friar; the said Lady encouraging this Informant thereunto, by saying, That if he would follow his Studies, and make himself capable, she questioned not but he might shortly be made a Bishop by her Interest in

in *England*; because upon Restoration of the Catholick Religion, there would want People fit to make Bishops, and to do the Business of the Church. And thereupon she gave this Informant ten Pounds to carry him to *Doway*, where this Informant entred the Monastery, and continued about three Weeks; and with much Difficulty made his Escape thence, and returned for *England*, for which the said Earl and his Lady, and all the rest that encouraged him to go to the Monastery, became his utter Enemies, threatening to take away his Life, and to get his Brother to disinherit him: Which last is compassed against him. And Father *Cudworth*, who was then Guardian of the Friars at *Doway*, some Days before his Escape thence, told this Informant, That if he should not persevere with them, he should lose his Life and Friends: And further added, That this King should not last long, and that his Successor should be wholly for their Purpose. And Father *Cross*, Provincial of the Friars, told this Informant, That had he been at *Doway*, when this Informant made his Escape thence, he should never have come to *England*. And this Informant finding himself friendless, and in Danger in *England*, went to *Paris*, where one of his Brothers is a Benedictine Monk, who persuaded this Informant to return for *England*; and in order thereunto, about the latter End of *November* 1675, he was introduced into the Acquaintance of the Lord *Stafford*, that he might go for *England* with his Lordship, and three Weeks he attended his Lordship, and had great Access and Freedom with his Lordship, who gave him great Assurances of his Favour and Interest to restore him to his Relations Esteem again: And said, That he had a Piece of Service to propose to this Informant, that would not only retrieve his Reputation with his own Relations, but also oblige both them and their Party to make him happy as long as he lived. And this Informant being desirous to embrace so happy an Opportunity, was very inquisitive after the Means; but the said Lord *Stafford* being somewhat difficult to repose so great a Trust as he was to communicate to him, exacted all the Obligations and Promises of Secrecy, which this Informant gave his Lordship in the most solemn Manner he could invent. Then his Lordship laboured to make this Informant sensible of all the Advantages that should accrue to this Informant, and the Catholick Cause; and then told this Informant in direct Terms, That he might make himself and the Nation happy, by taking away the Life of the King of *England*, who was an Heretic, and consequently a Rebel against God Almighty. Of which this Informant desired his Lordship to give him Time to consider, and told his Lordship that he would give him his Answer at *Diep*, where his Lordship intended to ship for *England*, and to take this Informant with him; but this Informant going before to *Diep*, the Lord *Stafford* went with Count *Gramont* by *Calais*, and sent this Informant Orders to go for *England*, and to attend his Lordship at *London*: But this Informant did not attend his Lordship at *London*, but went into the *French* Service, and so avoided the Lord *Stafford's* further Importunities in that Affair. And this Informant further saith, That one *Remige*, a *Frenchwoman*, and vehement Papist, who married this Informant's Brother, lived with the Lady *Powis* all the Time this Informant resided there and some Years since, and was the great Confident of the said Lady; and the said *Remige* was for the most Part taken with her Ladyship into *Morgan's* Cham-

ber, when the Consults were held there, where he hath often seen Father *Gavan*, Father *Towers*, Father *Evans*, Father *Sylliard*, *Roberts*, *White*, *Owens*, *Barry*; and the Earl of *Castlemaine*, and other Priests and Jesuits, meet and shut themselves up in the said *Morgan's* Chamber, sometimes for an Hour, sometimes for two Hours, more or less; and at the breaking up of the said Consults, have broke out into an Extasy of Joy, saying, They hoped e'er long the Catholick Religion would be established in *England*, and that they did not doubt to bring about their Design, notwithstanding they had met with one great Disappointment, which was the Peace struck up with *Holland*; saying, That if the Army at *Black-Heath* had been sent into *Holland* to assist the *French* King, when he was with his Army near *Amsterdam*, *Holland* had certainly been conquered, and then the *French* King would have been able to assist us with an Army to establish Religion in *England*. Which Expressions, with many others, importing their Confidence to set up the *Romish* Religion, they frequently communicated to this Informant. And the said *Morgan* went several Times into *Ireland*, to *London*, and several other Parts of *England*, as this Informant hath just Cause to believe, to give and take Measures for carrying on the Design: And the said *Remige* and her Husband having first clandestinely sold their Estate, and fled into *France* about *May* or *June* last, for fear of Discovery; this Informant by many Circumstances being assured that the said Mrs. *Remige* was privy to all or most of the Transactions of the Plot. And he saith, That about *May* last was two Years, he was present at *Mars* with the Lord *Powis* in *Vere-street*, when the Earl of *Castlemaine* did say *Mars* in his Priestly Habit, after the Rites and Ceremonies of the Church of *Rome*.

Edward Turberville.

Sworn the 9th Day of November, 1680, before

Thomas Stringer,
William Poultney.
Edmund Warcupp.

L. H. S. My Lord, This Affidavit is to the Purpose to which you call for it; this does say that your Lordship did go by the Way of *Calais*, it does absolutely so.

L. Staff. Now whether he be forsworn or no, your Lordships may judge by these three Witnesses.

Mr. Tur. My Lords, That which I grounded my Belief of his going to *Calais* upon, and so consequently that Affidavit, was the Letter which I received from my Lord; which I have looked for, but cannot find.

L. H. S. This Affidavit does not say you went from *Calais* to *England*, but you went with Count *Gramont* to *Calais*.

L. Staff. I conceive, my Lords, this Affidavit and his Narrative are Word for Word the same, only that Amendment of 72 for 73, upon which I observed before he was forsworn once. I cannot tell what to say if this Man can be believed. And Count *Gramont* came by *Diep* too. But besides, my Lords, in this Affidavit he does not say he believed so by the Letter, though now he speaks of one.

L. H. S. My Lord *Stafford*, Was Count *Gramont* in your Lordship's Company when you came to *Diep*?

L. Staff.

L. Staff. No, my Lords, he was in *England* before me a Month; but, my Lords, I cannot deny but I had one recommended to come over with me, that pretended himself to be a *French Count*, but the Man was as arrant a Rascal as this that swears against me; and that was one that called himself *Count de Brienne*, whom all the World knows to be a Cheat.

L. H. S. Call your other Witness, my Lord.

L. Staff. Where is *John Minhead*?

(*Who stood up.*)

L. H. S. Who do you belong to?

Minhead. My Lord *Powis*.

L. Staff. My Lords, Mr. *Turberville* he says by the persuasion of my Lady *Powis* went to *Doway*, and he staid in the Monastery three Weeks, and not liking that Life, he came away, (this may be true, I say nothing to it;) but that which I take exception at, is this; He says, for this the Earl of *Powis* and his Lady, when he came back from *Doway*, were very angry with him, and so were all his Relations, and he stood in fear of his Life from them. Surely when Mr. *Turberville* knew he was in such danger, he would not have come near them, Pray ask this Gentleman whether he was at my Lord *Powis's*, and how he was entertained.

L. H. S. Do you know *Turberville*?

Minb. Yes, my Lords.

L. H. S. Have you seen him at my Lord *Powis's*?

Minb. Yes, my Lords.

L. H. S. How was he received there?

Minb. Very well, my Lords.

L. H. S. When was that?

Minb. In the Year 75.

L. H. S. Was that before or after he came back to *England*?

Minb. It was after he came from *Doway*.

L. H. S. What Countryman are you?

Minb. A *Frenchman*.

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

Minb. A Roman Catholick.

L. Staff. Pray ask him whether he lay in my Lord's House?

Minb. Yes, my Lords, he lay with me in my Lodgings.

L. Staff. And yet he says he was afraid of his Life.

L. H. S. Did my Lord know he lay there?

Minb. Yes, he must needs, because he came thro' the Room to go to bed.

L. Staff. May it please your Lordships, he says he was threatned that he should have his Brother disinherited him, and which afterwards was compassed. Now I shall shew that this is impossible, for he had no Inheritance to lose, nor was to have none; for his Brother, who is elder than he, (this Man being by a second Venter) hath Children, as I shall make appear by another of his Brothers, who is here. And this not being settled upon him who was by the second Venter, could not come to him; but, for want of Issue of that Brother, must go to the Uncle. So he swears he was disinherited of an Estate, when he was to have no Estate, nor could have. Call Mr. *John Turberville*: (*Who appeared.*) My Lords, I desire you to ask him whether he knew that upon his coming back to *England* he was ill used?

Mr. J. Tur. I never knew any Unkindness from my elder Brother to him.

L. H. S. Are you his Brother?

Mr. J. Tur. Yes, my Lords, by the Father, not by the Mother.

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L. H. S. Well, what can you say?

Mr. J. Tur. I never heard any thing when he returned from *Doway*, that he was ill received by my Lord *Powis*; but in a few Days after my Brother and Sister came to Town, we went to *Bloomsbury*, and there we met together: and my Brother complaining that he was unfortunate in that he had undertaken what he could not perform in going beyond Sea, and now wanted a Livelihood; my eldest Brother told him he had done as far as his Ability, he could do no more, it was his own Choice, and he had no more to say.

L. Staff. Had he any Money from his Relations?

Mr. J. Tur. He made Intercession by Friends to my Sister, and she told me that she gave him 7 *l.* to bear his Charges to *Paris*, with that Proviso, that he would never trouble them more.

L. H. S. But were they not angry with him?

Mr. J. Tur. Here he is, he cannot say they ever gave him an angry Word in their days; I'm sure I never did.

L. H. S. Did you forbid him the House?

Mr. J. Tur. No.

Mr. Ed. Tur. These are People that take not the Oaths of Allegiance and Supremacy, and therefore are not fit to be Witnesses.

L. Staff. Now your Lordships see what a Villain he is.

Mr. Serj. Mayn. You must give good Words; my Lord, for none but good words are given you.

L. Staff. I must call them Villains, or my self Traitor.

L. H. S. You say they gave him 7 *l.* upon condition they should never see him more.

Mr. J. Tur. I did not say, my Sister said upon condition she would give him 7 *l.* he would never trouble us more: it was his Declaration.

L. Staff. One thing I would ask Mr. *Turberville* more, and that is about this Man's being disinherited: Whether he could, or whether he was Heir to an Estate or not?

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

Mr. J. Tur. By all the Information of our Relations, the Estate was made by my Grandfather to my Father for Life, and after my Father's Life to my Mother; and after my Mother's Life to my eldest Brother, and the Heirs Male of his Body; and for want of such, afterwards to me, and the Heirs Male of my Body; and in Case I had none, then to my Father's Brother, and his Heirs Male; and if he had no Heirs Male, then after that to the right Heirs of the Grandfather. This was before my time.

L. H. S. Well then, that Remainder to the right Heirs might come to him; and so there was some Estate for him to lose, and that Remainder might be dock'd by the Tenant in tail. I would ask, Was there any Recovery suffered to bar that Entail?

Mr. J. Tur. Yes, I think there was one upon my Brother's Marriage.

L. H. S. Mr. *Turberville*, were you told you should be disinherited?

Mr. E. Tur. Yes, my Lords.

L. H. S. Who told you so?

Mr. E. Tur. My eldest Brother.

L. H. S. What did he tell you?

Mr. E. Tur. He told me it should not come to me.

L. H. S. How should it come to you?

Mr. E. Tur. I am not so good a Lawyer as to tell that, whether it could or no; but I thought, by Succession.

Y

L. Staff.

L. Staff. Then he says he came to serve my Lady *Mollineux* in 72; it may be it is so as he says, I don't know it of my own Knowledge: but I pray he may answer, whether it was in 71, or 72.

Mr. E. Tur. In *January* or *February*, 71.

Mr. Treby. That is the beginning of the Year 72, according to the Almanack.

L. Staff. My Lords, for the present I do not remember any thing more—Oh, yes, my Lords, he says he was at such a time at my Lord *Powis's*, when my Lord *Castlemain* was at *Powis-Castle*, which must be either in the Year 72, 73, or 74. Now I desire you would ask *Mr. Lydcot* whether my Lord *Castlemain* was there, or could be there in any of those Years.

(*Then Lydcot stood up.*)

L. H. S. What do you ask him, my Lord?

L. Staff. I desire to ask him, whether in the Year 72, 73, or 74, which are the Years *Turberville* says he was at my Lord *Powis's* at *Powis-Castle*, whether my Lord *Castlemain* was at *Powis-Castle*, or could be there at that time.

L. H. S. Was my Lord *Castlemain* there in any of those Years?

Lydcot. My Lords, I can prove he was not, as much as I am capable of proving a Negative. I was with him in the Years 72, 73, and 74.

L. H. S. Where?

Lydcot. He was in *England* in 73; I was with him all the while, and I am sure since I knew him he was never in *Wales*, and I was never absent from him since I knew him (which is Nine Years) not four Months in all: I have travelled with him, and been abroad with him.

L. H. S. *Turberville*, when do you say my Lord *Castlemain* was at *Powis-Castle*?

Mr. Tur. I think it was in the Year 73.

L. H. S. By what Token do you remember him there?

Mr. Tur. He was arguing with my Lord *Powis* about Religion, and several Times he did so: I believe it was in the Year 73.

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

Lyd. I can assure your Lordships he was not there then; I was always with him that Year: he had many times a Design to go there, but he could not but put it off; and the last time he was there, I can prove it was fifteen Years ago.

L. H. S. I desire to know of you this, Friend; Can you take it upon you to affirm upon the Faith of a Christian, that you were never from my Lord *Castlemain* all the Year 73?

Lyd. I can give an Account to half a Week where he was; and when I was absent from him, it was beyond Sea, and all that while I kept Correspondence with him every Post, and receiv'd Letters from him constantly once a Week, dated from *Liege*; This was in the time of my Absence.

L. H. S. Were you at *Liege* when my Lord was in *England*, or were you with him all the time he was in *England*?

Lyd. My Lords, I was with him all the time he was in *England*, and was never absent from him all that Compass of time, but when he sent me into *England* from *Liege*.

L. H. S. Then he was at *Liege* himself?

Lyd. Yes, my Lords.

L. H. S. Was that in the Year 73?

Lyd. Yes, my Lords, I was then in *England*. But, my Lords, I can give you a whole Account, for my Lord and I never made any Journies, but I put them down.

L. H. S. You say you can give a particular Account of the whole Year 73, even to the Compass of four Days in that Year at most.

Lyd. No, my Lords I do not say so; but I say I can give an Account of the whole time I have been with him within four Months.

L. H. S. Were any of those four Months within the Year 73?

Lyd. No: I was with him all the Year 73.

L. H. S. Will you take it upon you to say, That every Day in 73 you were with my Lord?

Lyd. Every Day, my Lords

L. H. S. Every Week?

Lyd. Yes, I do not think but that I was. My Lord did me the honour to make me as it were his Companion.

Mr. Serj. Mayn. No, you do yourself the honour to make your self his Companion; he made you his Servant.

L. H. S. Come, where are your Notes you pretend to speak by? your Diary, or your Journal? Let us hear a whole Account of the Year 73, for you come to testify as if you could give an Account of every Day.

Lyd. I did not think any Question of this nature would come on the Stage? there is my Lord's Steward can give a very good Account of this by his Account-Books, which are all ready to be produced: he can tell where my Lord was, by laying out such and such Moneys. And 'tis an hard thing to give a Testimony after so many Years, of a thing that we thought not would ever be a Question.

L. H. S. Let us see your Notes.

Lyd. My Lords, I will read it to your Lordships.

L. H. S. When was this written?

Lyd. I took this out of another Book.

L. H. S. When?

Lyd. Lately, since *Mr. Turberville's* Narrative came out.

Sir Will. Jones. Oh, I desire that may be observed.

L. Staff. If your Lordships please, I desire that he may bring his Books. *Ob, Ob!* will not condemn me, but Law and Justice: I am not to be run down with *Ob, Ob!* or what such impudent Villains as these say.

L. H. S. Read what you have there.

Lyd. From *Liege* we set forth to *Paris*, *January* 1. 72. where we staid three Weeks, and arrived thence at *London*, *January* 24; there we staid till *May* 73, and from thence we went to *Liege* again in *June*, and from *Liege* we set forth to *London* in *August*, and returned *October* the 3d, 73.

L. H. S. Were you all the while between *August* and *October* in *London*?

Lyd. I am morally certain, that I did not go from my Lord all that time.

L. H. S. Where were you after *October*?

Lyd. Which *October*, if your Lordship please?

L. H. S. *October*, 73.

Lyd. At *Liege*; for we returned to *Liege* at *October* the 3d, and then after this my Lord sent me into *England*. I left him at *Liege*, and from thence I set out for *England*; and in *January* I returned to *Liege*, which was the greatest part of time that I was ever absent from him.

L. H. S. And was he at *Liege*, are you sure, all that time from *October* to *January*?

Lyd. Yes, except he flew: For I sent Letters by the foreign Post, and received Letters by the foreign Post every Week. And his Account-Books will speak it.

Sir W. Jones.

Sir *W. Jones*. My Lords, we desire to ask him one Question, (since he can give so exact an Account) Whether my Lord *Castlemain* was in *England*, 72; and how much of that Year?

Lyd. Yes.

Sir *Will. Jones*. How many Months of the Year 72 was he in *England*?

Lyd. I read it before. We arrived from *Liege* to *London*, *January* the 24th, 72, and staid at *London* till *May*, 73.

L. H. S. But where was my Lord all the Year 72?

Lyd. Pray, my Lords, do you mean *New-Style* or *Old-Style*?

L. H. S. When I speak of his being at *London*, I mean the *Style* of the Country.

Sir *W. Jones*. Then, under favour, he speaks of the latter Part of the Year: I desire to know, whether my Lord for all the former Part of the Year was in *England*?

L. H. S. Where was my Lord in *December*, 72, and in *November* before that, and in all the Year up backwards?

Lyd. My Lords, I have told you the whole Year.

L. H. S. But where was my Lord from *January*, 71, to *January*, 72?

Lyd. In 71, *June* the 19th, *New-Style*, we came to *London*, and returned in *September* to *Liege*; from *Liege* we set forth to *Paris*, *January* 1, 72; and arrived at *London*, *January* 24.

L. H. S. He runs past the Time.

Sir *W. Jones*. My Lords, we ask him a plain Question, but he does not answer it; he slips over the Time that we desire your Lordships to ask him about.

L. Staff. I beseech your Lordships that it may be made plain, that there may nothing be said afterwards that it was not plain.

Lyd. Sir, do you propose any thing to me, and I will answer it.

Sir *W. Jones*. Answer not us, answer my Lords.

Lyd. I desire any body may peruse my Notes, if they please.

L. H. S. Pray, Sir, answer the Question, which in very short Terms is this, Where my Lord *Castlemain* was all the whole Year 72?

Lyd. Well, my Lords, I will; I can but read it over again. From *Liege* we set forth to *Paris*, *January* 1, 72.

L. H. S. Are not you a rare Fellow now!

Lyd. My Lords, I understand it according to the *Style* of that Country when I am there, and of this Place when I am here.

L. H. S. Answer me according to our *Style*.

Lyd. This that I have written here, in the Book out of which I took it, hath been written ever since that time; and I did not think I should e'er be called to account about it.

L. H. S. Begin *January* the 1st, 71.

Lyd. We went from *Liege* to *Paris*, where we staid about a Week, or such a time, and we arrived at *London*, *January* the 24th, that is the *Old-Style*, and staid at *London* till *May* the 8th, 73.

L. H. S. That is impossible, for you 'scape a Year and an half together.

Lyd. My Lord was here in *England* in *January*.

L. H. S. You begin very gravely with *January*, *Stilo veteri*, that you came from *Liege*; and so *January* the 24th, *Stilo veteri*, you came to *London*.

Lyd. When I speak of any *Style*, I understand it according to the *Style* of the Country.

L. H. S. But in your Account, what is become of all the time from *January*, 71, to *January*, 72; say and swear, if you can, where my Lord was all that time.

Lyd. He must be in *London*.

L. H. S. Can you take it upon your Oath, that my Lord was in *London* from *January* 71, *Stilo veteri*, to *May* 73, *Stilo veteri*?

Lyd. I cannot know how to count better than I have done.

L. Staff. Mr. *Turberville* says, my Lord *Castlemain* was in 73 at *Powis-Castle*; I beseech your Lordships this Man may be asked, and that without any Interruption, where my Lord was that Year.

Sir *Will. Jones*. With your Lordships Favour I must desire your Lordships to ask Mr. *Turberville* whether he did say positively the Year 73; for if my Ears and my Notes do not fail me, he said, as he remembred; and that is the Reason why we ask about the Year 72.

Mr. *Tur.* My Lords, I do not say positively nor cannot, which Year it was.

Lyd. My Lords, I do stand upon it, that he was in *London* *January*, 72, and went away *May*, 73.

L. H. S. What becomes of the mean time, between *January*, 71, and *May*, 73?

Lyd. My Lords, I explain my self as well as I can.

L. H. S. My Lord *Stafford*, will you call any more Witnesses?

L. Staff. Yes, my Lord.

L. H. S. Call them then.

Earl of *Shaftesbury*. My Lord High Steward, I desire my Lord *Stafford* may be asked how many Witnesses my Lord hath more, for it now grows late.

L. H. S. My Lord, I desire to know how many Witnesses you have more?

L. Staff. Three or four; I can't tell well how many.

Lords. Adjourn, adjourn.

L. H. S. Is it your Lordships Pleasure that we do adjourn?

Lords. Ay, ay.

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

Then the Lords returned in their former Order to their House, and the Commons went back to their House.

Mr. Speaker resumed the Chair, and a Message from the Lords was sent by Sir *Timothy Baldwin* and Sir *Samuel Clarke*.

Mr. Speaker.

The Lords have sent us to acquaint this House, that they have ordered the Prisoner, *William Viscount Stafford*, to be brought again to his Trial at the Bar in *Westminster-Hall*, to-morrow morning at Ten of the Clock.

THE FOURTH DAY.

Friday, December 3, 1680.

ABOUT the Hour of Ten in the Morning the Lords adjourned into *Westminster-Hall*, and returned in their former Order into the Court there erected; and Mr. Speaker having left the Chair, the Commons were seated as before mentioned.

The Court being sat, Proclamation for Silence was made, and the Lieutenant of the Tower commanded to bring his Prisoner to the Bar; which being done, the Lord-High-Steward spake to the Prisoner as followeth:

L. H. S. My Lord *Stafford*, your Lordship's Defence took up Yesterday. All the Day was employ'd in hearing your Lordship's Witnessses to impeach the Credit of the Testimony that hath been given against you. Your Lordship hath excepted against *Dugdale*, because you were not at *Tixall*, as he says you were, neither the latter end of *August*, nor the beginning of *September*, till the Twelfth; and when you were there, you never sent for him to your Chamber, but your Man, upon his own desire, brought him: And when he came there, the Business was, to desire you to get leave that he might go to the Race; and there was no opportunity of private Discourse, because your Men were in the Room all the while: That *Dugdale* hath often said he knew nothing of the Plot; that he swore falsely, when he said he told of the Letter about the Death of Sir *Edmundbury Godfrey* before it was known he was killed, and when he said, that *Hobson* told him presently after the Almoner went over, which was three Years before *Hobson* came to my Lord *Aston's* Service. Your Lordship hath likewise objected, that he hath corrupted Persons to swear falsely against you and others, as *Robinson* the Upholsterer against your Lordship, *Morrall* the Barber against Sir *James Symons*, and *Holt* the Blacksmith to swear that one *Moor* carried away *Evers*. Your Lordship hath endeavoured to discredit *Oates*, by his saying he knew nothing of any other Persons that were concerned in the Plot, and after accusing the Queen. Your Lordship hath impeach'd the Credit of *Turberville*, by proving that you came home by *Diep*, and not by *Calais*, as he says you did; that you had never the Gout while you were in *France*, nor, as your Page says, for these seven Years; that my Lord *Castlemain* was not at my Lord *Powis's* in the Year 73. and there you left off. This I take is the Sum of what your Lordship says; if I do you any wrong, your Lordship will put me in mind of it.

L. Staff. I thank your Lordship, you have done it with great Equity and Truth.

L. H. S. Then go on.

L. Staff. The next Witness that I call is one *John Porter*. (*Who stood up.*)

L. H. S. What is your Name?

Witness. *John Porter*.

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

Porter. A Butler.

L. H. S. To whom?

Porter. To my Lord *Powis*.

L. Staff. My Lords, I desire your Lordships would ask him what Mr. *Turberville* said about the Plot.

L. H. S. I will ask him all the Questions your Lordship desires I should ask him.

Mr. Foley. We desire to know what Religion he is of.

L. Staff. I desire your Lordship would ask him that Question, and not the Managers.

L. H. S. They will tell me their Questions, my Lord, and I will ask them.

L. Staff. They ask him, my Lords, and not you.

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

Porter. A Church-of-England Man, my Lords.

Mr. Serj. Mayn. The Popish Church of *England*, I believe.

L. Staff. Pray, my Lords, let not this be; when my Witness says he is of the Church of *England*, they cry he is of the Popish Church of *England*.

Mr. Serj. Mayn. Pray, good my Lord, we are silent when you ask him proper Questions, and make no Remarks; we do not speak it to the Court; we may say what we will among ourselves, I hope.

L. Staff. I may ask impertinent Questions, because I do not understand so well as these Gentlemen. But I pray they may not deal thus with me.

L. H. S. My Lord, you shall ask what Questions you please.

L. Staff. Pray ask him what Mr. *Turberville* said to him about the Knowledge of the Plot.

L. H. S. What did *Turberville* say to you about his knowing of the Plot?

Porter. About a Year since, when I serv'd my Lord *Powis* as Butler there, he was us'd to come and see me; it was not at my Lord's House, but he sent for me to a Victualling House ———

L. H. S. That was last Year?

Porter. Yes.

L. H. S. What time of the Year?

Porter. It was about twelve Months ago, I cannot say positively the time.

L. H. S. Was it Winter or Summer?

Porter. He hath been both, I can't be positive which; I believe he hath been there forty times.

L. H. S. In the Year 80, or 79?

Porter. In the Year 79.

L. H. S. What did he say?

Porter. He came there, and asked me how my Lord *Powis* did; and said, he was extremely troubled that he was in that Affliction, for he did verily believe, that neither he nor the rest of the Lords were in the Plot; and the Witnessses that swore against him, he believed were perjurd, and could not believe any thing of it.

L. H. S. Have you any more to say?

Porter. Yes, my Lords: I told him, If there were such a thing as a Plot, he having been beyond Sea, must certainly know of it. He told me, As he hop'd for Salvation, he knew nothing of it, neither directly, nor indirectly, against the King's Sacred Person, nor the Subversion of the Government. And he further said, Altho' I am a little low at present, and my Friends will not look upon me, yet I hope God Almighty will never leave me so much, as to let me swear against innocent Persons, and forswear and damn myself.

L. H. S. Where was this said to you?

Porter. At the *Ship Alehouse* in *Lincoln-Inn-Fields* one time, another time at the *King's-Head Tavern* in the *Strand*, and another time at the *Golden-Ball* in the *Strand*.

L. H. S. Was any body by, besides yourself?

Porter. Not at that time; but there is a Gentleman in Court, that can testify that he said such things at other times.

L. H. S. What say you to this, *Turberville*?

Mr. Tur. I say 'tis all false: But if your Lordships please, I'll tell you what I said once, I did conceive my Lord *Powis* was the least concerned of any, I thought; and I hop'd it would prove so: I can take all the Oaths in the World, I said no more.

L. H. S. What else do you know?

Porter. Only such things as these he hath often said.

Earl of *Shaftesbury*. Pray, my Lords, ask him how came *Turberville* to talk of Witnesses about the Plot?

L. H. S. Upon what occasion came *Turberville* to talk of these Matters?

Porter. It was only voluntary of himself; it was speaking of my Lord *Powis*, and the rest of the Lords in the *Tower*.

Earl of *Shaftesb.* My Lords, I mean of his own being a Witness.

L. H. S. How came *Turberville* to say, he hop'd God Almighty would never forsake him so far, as to let him swear against innocent Persons? he was never call'd to be a Witness.

Porter. But, my Lords, some of his Friends did say they were fearful of him, in regard he was reduc'd to Poverty; his Friends were fearful.

L. H. S. Who were fearful?

Porter. His Brother and Sister, Mr. *Turberville* and his Wife.

L. H. S. Did he take notice to you that they were afraid he would come in?

Porter. Yes, Mr. *Turberville* did tell me himself, that they heard he would come in.

L. H. S. Have you said all that you have to say?

Porter. My Lords, that is all I have to say.

L. H. S. Then call another, my Lord.

L. Staff. Where is Mr. *Yalden*?

(*Who stood up.*)

L. H. S. What is your Name?

Witness. *Yalden*.

L. H. S. Your Christian Name?

Yalden. *John*.

L. H. S. What is your Profession?

Yalden. A Barrister at Law.

L. H. S. How long have you been called to the Bar?

Yalden. I was called to the Bar last *Trinity-Term* was twelve Months.

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

Yalden. *Grays-Inn*.

L. H. S. Are you a Practiser?

Yalden. Yes, my Lords.

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

Yalden. Of the Church of *England*.

L. H. S. Well, what can you say?

Yalden. I am summon'd to appear by Order of this House; and I desire to know of my Lord what he is pleas'd to examine me about.

L. Staff. What Mr. *Turberville* hath said in his hearing about the Plot?

L. H. S. What Discourse hath pass'd between you and *Turberville* about the Plot?

Yalden. My Lords, in *February* or *March* last I was walking in *Grays-Inn* Walks with Mr. *Turberville*, and Mr. *Powell* and he din'd with me a Day or two after; and there Mr. *Turberville* and I were talking of the Distractions of the Times, how Trade was ruined, how the whole Kingdom was out of order; and he a little touch'd at some things, cry'd out, *God damn me, now there is no Trade good, but that of a Discoverer; but the Devil take the Duke of York, Monmouth, Plot, and all, for I know nothing of it.*

L. H. S. That is odd, that he should say it was a good Trade to be a Discoverer, and at the same time say, he knew nothing of the Plot.

Yalden. This I understood to be his Meaning; he curs'd himself and them, because he knew nothing of the Plot to discover; for he would have got Money by it, (as I understood) as well as others.

Mr. *Tur.* My Lords, Mr. *Yalden* did declare Yesterday, he was summon'd in by my Lord *Stafford* the last Night, and that he had nothing to say but what was by Hear-say.

Yalden. My Lord, I do declare here what I say is true. And Yesterday Mr. *Powell* gave me a Caution to take heed what I did, and swore by God, it would else be the worse for me.

L. H. S. Who did?

Yalden. Mr. *Powell*.

L. H. S. Who is that?

Yalden. Mr. *Turberville's* Friend. And I said, I do not appear here as a voluntary Evidence, but by an Order of the House of Lords. I do not know what weight my Evidence may have; for I can say nothing but what I heard him say, and so perhaps it will be taken but for an Hear-say.

Mr. *Tur.* You said you knew nothing but by Hear-say.

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

Manag. No, my Lords.

L. Staff. My Lords, I shall not trouble your Lordships with any more Witnesses as to these Points; I have here a Copy of the Warrant for the Yacht to go to *Diep*: And if there be any Question whether I did come over from *Diep* at *Christmas* 75, if you please the Book may be searched.

L. H. S. My Lord, it is all lost, for I hear not one Word.

L. Staff. I say, my Lords, If it be fit to trouble your Lordships with it, I can prove that I did come over in the Yacht from *Diep* at *Christmas* 75; here is the Copy of the Warrant for it to go for me. And whether you will have it proved that I did come over thence, I submit to you.

L. H. S. I suppose that is fully proved, that you did come by *Diep*.

Manag. We do not deny it.

L. H. S. You do not stand upon it, Gentlemen, do you?

Manag. No, no, my Lords.

L. H. S. 'Tis admitted to you, my Lord.

L. Staff. My Lords, when I went from your Lordships Bar last Night, I had no thoughts of examining any Witnesses, but what I had already done: But, my Lords, since I was here, there hath something happened, about which I desire Dr. *Oates* may be called again (I shall give you my reason why I move it afterward) upon something I heard Yesternight.

L. H. S. Call Dr. *Oates* again. (*Who appeared and stood up.*)

L. H. S. My Lord, What does your Lordship call him for?

L. Staff. He did say, that he, being a Minister of the Church of *England*, did seemingly go over to the Church of *Rome*, or some such Words; I desire he may answer that first.

L. H. S. What say you?

Dr. *Oates.* Yes, I did say I did but seemingly go over.

L. Staff. I desire to know, whether he was really a Papist, or did but pretend.

Dr. *Oates.* I did only pretend; I was not really one, I declare it.

L. H. S. What do you make of that?

L. Staff. I desire to know how long Dr. *Oates* was in *Spain*.

Dr. *Oates.* My Lords, I came into *Spain* in *May*, and I came home again in *November*.

L. H. S.

L. H. S. That is six Months.

L. Staff. He is called Dr. Oates : I beseech your Lordships to ask him, whether he were a Doctor, made at the Universities here or abroad.

Dr. Oates. My Lords, if your Lordships please, any Matter that is before your Lordships, I will answer to it ; but I hope your Lordships will not call me to account for all the Actions of my Life ; whatever Evidence is before your Lordships I will justify.

L. H. S. The Doctor hath never taken it upon his Oath, that he was a Doctor, and why do you ask it ?

L. Staff. He is call'd a Doctor, and I would know whether he did never declare upon his Oath, that he took the Degree at *Salamanca* ?

Dr. Oates. My Lords, I am not ashamed of any thing I have said or done ; I own what is enter'd as my Oath before your Lordships, and am ready to answer it ; but I am not bound to say what does not at all concern this Business.

L. Staff. I say, my Lords, 'tis entred upon your Lordships Books, that he did swear at the Council, he was at *Madrid* with Don *John* of *Austria* ; I would know of him whether he did so.

Dr. Oates. My Lords, I would have my Lord to propose the Question to the Court of Peers.

L. H. S. Have you sworn any thing of Don *John* of *Austria* ?

Dr. Oates. My Lords, I refer my self to the Council-Book.

L. Staff. I beseech your Lordships, I may have that Book.

L. H. S. I believe it is in the Narrative ; turn to the Journal, you have that mention'd there.

[To which the Clerk turned, but it could not be found.]

L. H. S. If you will not acknowledge it, we must stay till the Book be brought.

Dr. Oates. My Lords, if your Lordships please, I will repeat, as well as I can, what was said at the Council Table ; but I had rather the Council-Book were fetch'd, because I am upon my Oath : But, my Lords, I always thought the Council Book is no Record upon any Man.

L. Staff. I desire it may be produc'd, or he own that he said so.

L. H. S. What you said at the Council-Table, you said upon your Oath, and 'tis lawful to lay it before you.

Dr. Oates. But if your Lordships please, as to what was said at the Council-Table, if my Lord will bring any one *viva voce*, to swear what was said by me there, that will make something.

L. H. S. That may be material, as he says, that your Lordship should bring somebody to swear he said so, for the Clerks may mistake him.

L. Staff. If your Lordship please that the Book may be sent for, I will make it out.

Sir *Will. Jones*. It could not be read if it were here.

L. H. S. If the Clerks will swear what is in the Books, it may.

Sir *W. Jones*. But whether the Clerks will take that upon them or no, may be a Question.

L. H. S. Go on in the mean time.

L. Staff. I cannot conclude with him without it.

L. H. S. Where is the Council-Book ? For the Clerks inform me 'tis not in their Custody ; but the Gentlemen of the House of Commons have been attended with the Book, and other Papers relating to it.

L. Staff. In the mean time, give me leave to say something, tho' perhaps it may be nothing to the purpose: Mr. *Yalden* was just now going down, and *Turberville* threatned to lay him by the Heels.

L. H. S. If he did so 'tis a Misdemeanor, and he must be punish'd for it. Call *Yalden* and *Turberville*.

L. H. S. Mr. *Turberville*, have you dar'd or threatned *Yalden* the Witness, to lay him by the Heels ?

Mr. *Tur*. I did not speak any such Words to him ; Mr. *Dugdale* was just by me all the while.

L. Staff. I tell you but what he said, and what I can prove by Witness ; pray Call *Yalden*.

Mr. *Tur*. This Gentleman, Captain *Scudamore*, stood by me too.

L. H. S. But I ask you upon this Misdemeanor, whether you threatned *Yalden* to lay him by the Heels ?

Mr. *Tur*. My Lords, I stood by Mr. *Dugdale* till he was gone down.

L. H. S. How could he lay him by the Heels ? By what Authority could he do it ?

Mr. *Tur*. I did not speak such a Word, upon my Oath.

L. Staff. Ask *Yalden* ; I am told he did.

L. H. S. I am afraid you are misinform'd, my Lord ; for he could not do it, 'tis not in his Power.

L. Staff. He threatned he would goal him ; but if you won't examine it, I submit to you.

Dr. Oates. My Lords, *Yalden*, it seems, calls us a Pack of Rogues, that give Evidence for the King ; and here are Witnesses of it.

(*Yalden stood up.*)

L. H. S. *Yalden*, were you threatned by *Turberville* ?

Yalden. Yes, I will tell you how I was threatned, my Lords: Mr. *Turberville* pulls me by the Arm, when I had given my Evidence, and asked me if I knew him, and bid me take care.

L. H. S. Do you call that Threatning ?

Yalden. My Lords, I did not make this Complaint, nor did I desire it should be made ; but speaking this in the Room, somebody carried it to my Lord.

Mr. *Tur*. My Lords, now he hath done, let me speak, I pray: Mr. *Yalden* did say in the hearing of Captain *Scudamore*, who is here, he had got a great many Clients here ; but you, says he, have got nothing but a Pack of Rogues.

Yalden. That is a Mistake.

L. H. S. This is fine Work. But, Gentlemen, will you call Captain *Scudamore* now, or will you stay till afterwards ?

Sir *F. Win*. My Lords, Mr. *Turberville* desires it may be now, and we do also desire it upon this Occasion ; Captain *Scudamore* is a Man of Quality, and will give you a true Account. We did not think to have interpos'd in my Lord *Stafford's* Evidence ; but he having impeach'd our Witnesses of a Misdemeanor, we conceive it fittest to clear it at this time.

(*Then Captain Scudamore was sworn.*)

L. H. S. Mr. *Scudamore*, what are you call'd for ? Can you say any thing that happen'd between *Turberville* and *Yalden* ?

Capt. *Scudamore*. The Gentleman that is here, that said he was one of *Gray's-Imm*, I don't know his Name——

L. H. S. 'Tis *Yalden*.

Captain *Scudamore*. I heard a Gentleman ask him if he came there to get Clients, and he said, I know nothing among you but Roguery.

L. *Staff*. Whereabouts did this Gentleman stand?

Capt. *Scudamore*. In the Passage.

Mr. *Tur*. Here are five or six more that heard him say so.

Yalden. That which I said, was this, That I might come hither for Practice, but I did not come hither for Roguery.

L. H. S. My Lord *Stafford*, until such time as the Council-Book comes, which may be sent for, will your Lordship proceed to something else?

L. *Wharton*. My Lord Steward, I humbly conceive, that it was resolved in the Lords House, the Day before yesterday, that no Book should be sent for out of the Court; and it was done upon the Judgment of all the Judges of *England*.

Yalden. My Lords, they will not permit me to go down.

L. H. S. There is a strange Quarrel between your Witnesses, and an Affectation of complaining one of another: Let Mr. *Yalden* go down.

Sir *Will. Jones*. My Lords, I would only acquaint your Lordships, that the Council-Book, that my Lord does make mention of, was in the hands of our Clerk, we did not know of it when it was first discoursed of; but now understanding that here it is, we desire it may be delivered in to any body that hath occasion for it.

L. H. S. Hand it in. (*Which was done.*)

L. H. S. What Day does your Lordship speak of?

L. *Staff*. The 28th, 29th, or 30th of *September*.

Clerk. Then this is not the Book, for this is for *January*.

L. *Staff*. My Lords, Is it your Lordships pleasure I may have Pen, Ink, and Paper allowed me?

L. H. S. Yes, yes; give my Lord Pen, Ink, and Paper. (*Which they did.*)

[*Then the Lord High Steward looked upon the Council-Book.*]

L. H. S. My Lord *Stafford*, in this Council-Book, as far as we can inform our selves by the Table of it, there is nothing at all of it; it must be the Council-Book in *September*.

Sir *W. Jones*. We have no other Book but that.

L. H. S. Why did not your Lordship send all this while to the Council-Table for any thing that was material, but give the Court the Trouble to be interrupted upon your Enquiries?

L. *Staff*. My Lords, you may do what you please, I did not know any such thing would have needed to be urged, I have Proof enough without the Book: The use I should have made of it, is this, I do appeal to some of your Lordships (you that were of the Council) I do appeal to which of you that were by, whether Dr. *Oates* did not say at the Council-Table, he had been at *Madrid*, he went from *Valladolid* to *Madrid*, and there did preach something at the Jesuits College at *Madrid* (what it was I cannot tell) when Don *John of Austria* was by.

L. H. S. If any of my Lords of the Council do remember it, they may testify.

L. *Privy-Seal*. My Lords, I shall tell your Lordships as much as I remember of it: Dr. *Oates* was examined about his Journey into *Spain*, and (amongst the rest) some Question happened to be asked, whether he had seen Don *John of Austria*; he said he had seen one that was called so; that

he knew him not, but he was pointed to one that they said was Don *John of Austria*: that I heard.

L. *Staff*. My Lord, I thank you.

L. H. S. You hear what is said, Dr. *Oates*.

Dr. *Oates*. My Lords, suppose I did say so, I think there is no Crime in it.

L. H. S. 'Tis not objected against you as a Crime, but as a Mistake in your Oath, there was no such Man there.

L. *Privy-Seal*. My Lords, I would not be misunderstood in the Evidence I give; I did not say that *Oates* said he knew him, but that he knew him not, and only was told such a Man was he.

Dr. *Oates*. It was made apparent that I did not know him, because I mistook his Person.

L. *Staff*. I do stand upon it, That upon his Oath (and I have reason to believe he did so, because I am so informed) he said it was Don *John of Austria*.

L. *Privy-Seal*. No, my Lord, Dr. *Oates* said, he was a tall lean Man, and it seems he was a little fat Man.

L. *Staff*. If any Man would shew him a Man to counterfeit Don *John of Austria*, he would not shew him a lean Man for a fat.

L. H. S. Go on, my Lord.

L. *Staff*. I shall now put your Lordships in mind that he swore, but my Memory is bad, and my Eyes much worse, that he saw me receive a Commission, and it seems he saw what it was too: Now it is strange, that amongst so many Commissions that were given, none should be extant; I desire him to shew the Commission he saw me receive.

L. H. S. Would your Lordship have him shew the Commission which he saw you receive?

L. *Staff*. I do not believe he can shew my Commission; for I am sure there was none: I desire him to shew any one of my Letters he talks of. He says, he came over, feigning to be a Papist, when he was not, and that they shewed him presently all my Letters; and now he is come to discover the Plot, I ask him, did he keep any one of my Letters?

L. H. S. Have you any of my Lord's Letters by you?

Dr. *Oates*. My Lords, I could not keep any Letters sent to the Fathers; I had a Sight of them, but none of them to my particular use.

L. *Staff*. Does he know my Hand? Did he ever see it in his Life?

Dr. *Oates*. Yes, I do know his Hand, I believe I have a Letter of my Lord's by me, but not about me, 'tis of no Concern: I am sure I have one of my Lord *Arundel's*.

L. *Staff*. But he says he hath a Letter of mine; let him shew one of my Letters.

Dr. *Oates*. He writes a mix'd Hand, I think 'tis but an indifferent one.

L. *Staff*. So many Commissions, and so many Letters as are spoken of, and not one to be found or produced!

L. H. S. Can you send for the Letter?

Dr. *Oates*. My Lords, I am not certain of that.

L. H. S. Where did you see my Lord write?

Dr. *Oates*. At *Fenwick's*, my Lords, when I carry'd the Letter to the Post.

L. *Staff*. How often hath he seen me at *Fenwick's*?

Dr. *Oates*. My Lords, not above twice, if twice.

L. *Staff*.

L. *Staff.* My Lords, I cannot say I did not see him there; but I can say I don't know the Place, nor that ever I was there.

Dr. *Oates.* My Lords, will his Lordship say I never saw him at Dr. *Perrot's*?

L. *Staff.* Who?

Dr. *Oates.* My Lord *Stafford.*

L. *Staff.* Where did he live?

Dr. *Oates.* In *Duke-street*, going into *Lincoln's-Imm-Fields*: He is the Arch-Priest of the Seculars, that is, the Principal of the Secular Clergy; and he hath the Care of the *English* College for the sending of Scholars to the College. Mr. *Fisher*, my Lord *Stafford*, and Dr. *Perrot* were discoursing together about sending his Son thither, and Mr. *Fisher* would have one sent with him, that was Dr. *Perrot's* Man.

L. *Staff.* I do profess before God, I was never at Dr. *Perrot's* in my whole Life?

L. *H. S.* Did not you send your Son abroad?

L. *Staff.* No, my Lords, not I.

L. *H. S.* Had he a Servant at Dr. *Perrot's* to attend him.

Dr. *Oates.* No, my Lords, not that I know of, I cannot say he had not.

L. *Staff.* I tell you positively, as I am a Christian, my Lords, I did not send my Son to *Lisbon*, he went against my Will. I told him I had an Aversion to it, but said I will not lay my Commands on you not to go; but he would go, I could not help it: I told him, do you mean to go into the College? he would not tell me.

L. *H. S.* Pray, my Lord, does not your Lordship know Dr. *Perrot*?

L. *Staff.* Yes, my Lords, I do.

L. *H. S.* Were you never with him at his House in *Duke-street*?

L. *Staff.* No, my Lords, never in my Life; nor saw that *Fisher* he speaks of, ever in my Life.

Dr. *Oates.* My Lord, 'tis against the Rules of that House, that any be admitted of that House (if their Parents be Catholics) without Consent of their Parents.

L. *Staff.* If he be admitted there, I know it not.

Dr. *Oates.* He lives there.

L. *Staff.* But I protest before God, my Lords, I asked him that Question, Will you go to the College? No, says he, I will go to lie at the Bishop's House: But as for Dr. *Perrot*, I never was at his Lodgings in my Life, and I never knew where he lay; he hath been with me sometimes, but I knew not that he was a Doctor. But, my Lords, I desire I may not be run down by these Fellows, who do not speak a Word true, not one tittle. My Lords, I have Witnesses in whose House *Fenwick* lay. Call them, and ask them if ever they knew me there in their Lives.

L. *H. S.* What kind of Man was he?

Dr. *Oates.* My Lords he is an ancient Man, he wears his own Hair.

L. *H. S.* Is he a tall Man or a low Man?

Dr. *Oates.* A lusty Man.

L. *Staff.* Truly, my Lords, I never was at his House since I was born.

Dr. *Oates.* My Lords, I'll tell your Lordships a Circumstance; That Summer Don *Francisco de Melos*, the Ambassador here, was sick, and I think he died of the Sicknes, Dr. *Perrot* was his Father Confessor; I was waiting for Dr. *Perrot* some time, for he promised to meet me at his Lodgings, and this Gentleman, the Prisoner at the Bar, did come in there.

L. *Staff.* Where?

Dr. *Oates.* Into Dr. *Perrot's* Lodging. Dr. *Perrot* had a Kinsman there that waited on him; and when my Lord came in, he was in haste to speak with Dr. *Perrot*, and he offered me Half a Crown to fetch Dr. *Perrot* to him, and I made him this Reply, I was no Porter.

L. *Staff.* If ever I saw this Man in my Life since I was born, or heard of his Name till the Plot, then I will confess my self guilty of all. Indeed, when first I heard of the Plot (they said) there was one Mr. *Oates* discovered it, but I did not know any such Man.

Dr. *Oates.* I went by another Name, and went in another Habit; and my Lord *Stafford*, tho' his Memory be bad, yet it can't be so bad, but that he must remember something of me.

L. *Staff.* I don't remember you, I never saw your Face in my Life.

L. *H. S.* You would have given him half a Crown to have fetch'd Dr. *Perrot*.

L. *Staff.* It seems then at that time, I took him for a poor Fellow, that I should offer him a Shilling or two.

Dr. *Oates.* It is like I was, but I refused your half Crown, and told you I was no Porter.

L. *Staff.* My Lords, I shall give you Evidence that he was a poor Fellow, since he gives me occasion to prove it; nay, that he was so poor, that he was brought down to accept of 6d. I will prove it by the Party that gave it, now he puts me upon it. But, my Lords, this Dr. *Oates* says he saw some of my Letters, I desire to know what was in them; did he take any Notes? What was in them?

L. *H. S.* Did you, when you had a sight of these Letters at St. *Omers*, take any Notes out of them?

Dr. *Oates.* What Notes I did take, if I did take any, I have not now in being; but I do not remember that I did take any. Besides, my Lords, we could keep no Papers by us, but what we communicated to our Superiors, and therefore it was still their Care to look after their Papers themselves; and in that Circumstance of Time, if they had known I had taken Notes out of their Papers, it would have been prejudicial to me, and endanger'd my Life.

L. *Staff.* My Lords, I do infer this one thing further, upon what this Dr. *Oates* tells you; He did seemingly profess himself of the Catholick Religion, and I do stand upon it, that hereupon he is no competent Witness in that which he offers against me: For he being of the Church of *England*, (for I think he professes himself so, and wears that Habit) I say, any Man, let him be who he will in the World, Church of *England* Man or other, that shall pretend himself to be a Papist, for what end soever it be that he so pretends, and dissembles with God Almighty, which he must do to a great Height in receiving the Sacrament, which is by your Lordships and the House of Commons declared to be gross Idolatry, is not easily to be esteemed a Witness. I appeal to your Lordships, to the House of Commons, and every body, whether such a Fellow, that will abhor his Religion, let him do it for any ends in the World, be a Man to be credited; and especially engaging in such a way, to such an Height, in that which his Conscience tells him is idolatrous, is not a perjured Fellow, and no competent Witness? No Christian, but a Devil, and a Witness for the Devil. And I appeal to the whole Christian World, if a Protestant of the Church of *England* should come to be a Servant

vant to a Catholick, and pretend himself a Papist, and were not so, whether he were fit to be countenanced: As it did once happen to me at *Brussels*, before the King came in, one that was a Protestant came to be my Footman, and he professed himself afterwards to be a Catholick; and when I found he was not so, I told him what a Villain he was, and he ought to be punished severely. I detest such dissembling with God; and I think by the Laws of God and Man, and the Holy Scriptures, such a perjured Man is no Witness. I am sorry I have troubled your Lordships so long; but now if you please to give me leave, my Lords, I will give you my Reasons why I called him now: When I did remember how he had dissembled with God Almighty, as I said before, I did consider with myself, sure this *Dr. Oates* must have been, ever since he hath returned, of a very severe, strict, and sober Life; for a Man that hath so dissembled with God, ought to shew himself of an exemplary, peaceful, pious, civil Life, to testify the Truth and Reality of his Repentance. But last Night when I came Home, and was sitting by the Fireside, extremely weary, my Daughter here comes in, and asks me if I had heard what had passed between *Dr. Oates* and the Lieutenant; how he called the Lieutenant Rascal and Goaler: Sure then, said I to myself, this is not the quiet, civil, sober Man, that such a one that hath lived as he hath done, ought to be. And this is the Reason I speak of it, that he should call him vile Names, Goaler and Rascal; it did not become a Man of his Coat to do it: Whether it was so or no, I do not know; but Mr. Lieutenant, I suppose, will satisfy your Lordship.

L. H. S. What did *Oates* say to you, Mr. Lieutenant?

Mr. Lieut. My Lords, I was desiring Mr. *Oates* that he would keep the People down, because there was a great Crowd; and seeing a great many People come in, he told me they were Witnesses that were to come in: Said I, I believe half of these are not Witnesses; and the Door opening so often, I could keep this Place in no order, so I desired they would stand away that were not Witnesses: Why, says he, you are but a Goaler. Then I told him, if it were not for his Coat, and I were out of this Place, I would break his Head. Then he called me Rascal.

L. Staff. My Lord Steward, I desire to know whether this be a Witness fit to be believed against any Man.

L. H. S. Mr. *Oates*, this does not become you; 'tis very ill Manners in you.

Dr. Oates. My Lords, the Lieutenant of the *Tower* hath the Law; and I refer myself to the Law, if I have done him any Wrong.

Mr. Serj. Mayn. It did not become Mr. Lieutenant of the *Tower* to tell him he would break his Head.

Mr. Lieut. Why? If any Man out of the Court, or in any other Habit, should tell me I was a Goaler, I think I should not deserve to be the King's Lieutenant, if I did not break his Head.

Mr. Serj. Mayn. Pray tell the Court so. But yet, under Favour, you ought not to threaten him for a Word to break his Head.

L. Staff. My Lords, I do say this to your Lordships, a Man that hath dissembled with God Almighty in so high a Nature, as he acknowledges himself to have done, ought to be a Man of a very severe Life afterwards, and not so passionate and cholerick, as it seems this Fellow is.

L. H. S. Will your Lordship proceed?

L. Staff. For this Man truly I shall say no more; I think I have said enough to make him appear a Person not fit to be believed. I would only ask *Stephen Dugdale* a Question, if you please; 'tis but a little, I won't hold you long. I only ask, and if he deny it I'll prove it, whether he was not a Prisoner at *Stafford* for Debt, when he made the first Affidavit?

L. H. S. Were you a Prisoner for Debt at *Stafford*, when you made your first Affidavit?

Mr. Dugd. In the Serjeant's Hands I was, my Lords.

L. Staff. For a very great Debt, my Lords, some hundreds of Pounds, and he was a Fellow not worth a Groat. And, my Lords, *Dr. Oates* says I offered him half a Crown, and he refused it: I call *Ellen Rigby* to prove he was so poor he begg'd for Six-pence.

Dr. Oates. I will save my Lord the Trouble of proving any such Thing. My Lord *Stafford* says I was a poor Man, and had not Six-pence in my Pocket: I can make it appear to the House of Lords, that some Time since I came in upon this Discovery, I have not had Two-pence in my Pocket, and sometimes I have not had Six-pence; but a Man's Poverty is no Objection against his Honesty.

L. Staff. Where is *Ellen Rigby*, to prove whether she did not give him Six-pence? But then, my Lords, pray ask him whether he did not swear at a former Trial, he had spent six or seven hundred Pounds more than he got?

L. H. S. Did you say at a former Trial, you were five or six hundred Pound out of Purse?

Dr. Oates. My Lords, I will satisfy this House what I said: What Folks write after me, I am not to justify. But, my Lords, I had a Friend of mine presented me with 100 *l.* I name not his Name, but if that be questioned, he is a Peer of this House, and will justify it: I had 100 *l.* for my Narrative; I had 100 *l.* for taking some Jesuits; which is 300 *l.* I had for some other Copies that I printed, a Matter of 50 or 60 *l.* And now I can make it appear, that as to those Sums which I received in gross, I have spent them all, and more, in this Service: for I have none of the Money now by me.

L. Staff. He makes out but 350 *l.* and he swore he was out 700 *l.* but he does not swear one true Tittle, nor is any whit to be believed.

Dr. Oates. If you expect I should prove it, I can prove it now.

Managers. Be quiet, *Dr. Oates*, we will do you Right anon.

L. Staff. My Lords, I do not know for the present that I have any Thing else to trouble your Lordships with. I remember these Gentlemen, when I asked them if they had any more Evidence to give in, said, No, unless I should give them some Occasion: And now I desire your Lordships, if they bring any new Evidence, that I may have Time to answer to it.

L. H. S. God forbid but you should have Liberty to answer any Objection.

Sir Will. Jones. My Lords, before we go about to sum up our Evidence, we shall have Occasion to call some Witnesses, and that will be to fortify what our Witnesses have said, to discover what kind of Witnesses have been made Use of against them, and to falsify what my Lord's Witnesses have said in some Particulars. These will be the three Heads for which we desire to call Witnesses.

And because, my Lords, we will not trouble you with making one entire Narration of what they can say, or to what Purpose we call them before they come, desire the Favour that we may acquaint your Lordships with it, still as we call them; for that we think will be the Way more clearly to be understood. My Lords, we shall begin to make good by other Witnesses, some Things said by Mr. *Dugdale* (for he was our first Witness, and therefore in order of Time we will begin with him.) My Lords, the Prisoner at the Bar was pleased to object—

L. Staff. My Lords, I would not interrupt him; but I would ask whether there are more than two Heads that he proceeds upon to fortify their own Evidence, and to falsify mine.

Sir Will. Jones. My Lords, I think we may comprehend all under those two Heads. But, my Lords, you observe, one great Matter my Lord did insist upon Yesterday, was this, That he, it is true, hath seen Mr. *Dugdale* at my Lord *Aston's*; (though by the Way I must say this, my Lord at the first did not seem to know him)—

L. Staff. I did not know him in his Perriwig.

L. H. S. Do not interrupt them, my Lord, for they must have the same Liberty that you had, to go on without Interruption.

Sir Will. Jones. We must have the same Freedom my Lord had. I will do his Lordship that Right, he did afterwards recollect himself and say, his Perriwig had made that Alteration in him, that he did not know him. But my Lord was also pleased to say Yesterday, That though he did not know him, yet he looked upon him as so mean and inconsiderable a Fellow, that he did purposely avoid all Discourse with him; and that sometimes when he was a-dry at my Lord *Aston's*, he would not speak to him to help him, nor to call one to help him to Drink. My Lord was pleased Yesterday also to deny that ever he had any Converse with him, but only that one Time, when indeed Mr. *Dugdale* did desire to make Use of my Lord, that by his Interposition he might have leave to go to the Foot-Race. My Lords, your Lordships very well perceive we are now going about to prove a Matter mostly arising within my Lord *Aston's* Family; and what Witnesses we shall have from thence, your Lordships may easily imagine will not be very favourable to us: And if we have not many to this Point, your Lordships will take into Consideration, that those who can give the fullest Proof here, must be those of the Family, and the Religion of the Family. But, my Lords, we will call one or two that I believe will give you Satisfaction that my Lord the Prisoner was no such Stranger to Mr. *Dugdale*; that they have been seen together, and alone together: And that is the first Thing we desire to call Witnesses to. Call Mr. *Ansell* and *William Hanson*.

Mr. Hanson was sworn.

L. H. S. Where do you live? Whose Servant are you?

Mr. Hanson. At *Wihal* in *Staffordshire*.

L. H. S. What do you ask him?

Sir Will. Jones. I desire, if you be satisfied where he lives, that he will tell you whether he hath been at my Lord *Aston's*, and seen my Lord *Stafford* there.

L. H. S. Have you seen my Lord *Stafford* at my Lord *Aston's*?

Mr. Hansf. Yes, my Lords.

L. H. S. When?

Mr. Hansf. A little above two Years ago.

L. Staff. Be pleased he may name the Time positively.

Sir Will. Jones. My Lord *Stafford* is not so well versed in Prosecutions of this Nature, as to know that he is not to interrupt us while we are examining our Witnesses.

L. H. S. My Lord, your Lordship received no Interruption, nor must give none.

Sir Will. Jones. My Lords, we desire this Witness may be asked, whether or no he hath seen Mr. *Dugdale* and my Lord *Stafford* at any Time together.

L. H. S. What say you?

Mr. Hansf. Yes, my Lords.

L. H. S. When, and where?

Mr. Hansf. I cannot justly tell the Time.

L. H. S. Can you tell the Place?

Mr. Hansf. Yes, at my Lord *Aston's*.

L. H. S. Whereabouts?

Mr. Hansf. In my Lord *Aston's* Parlour.

L. H. S. And were they alone?

Mr. Hansf. Mr. *Dugdale* fetched me to my Lord *Stafford*.

L. H. S. And was no body in the Parlour when *Dugdale* fetched you to my Lord?

Mr. Hansf. No, my Lords, I think there was not.

L. Staff. He thinks there was not.

Mr. Hansf. There was not, to my best Remembrance.

Sir Will. Jones. My Lords, will you be pleased to ask him the Occasion why *Dugdale* fetched him to him?

Mr. Hansf. My Lord had a Mind to have a Boy.

L. H. S. What was the Occasion that *Dugdale* did come to fetch you to my Lord *Stafford* in the Parlour?

Mr. Hansf. To bring the Boy, my Lords, Young *Hawkins*. Mr. *Dugdale* fetched me and the Boy to him; it was a Boy that my Lord would have to live with him.

Sir Will. Jones. Can you tell what Time of the Year it was? Whether Winter or Summer, as near as you can?

L. H. S. Ay, what Time of the Year was it?

Mr. Hansf. Indeed, my Lords, I cannot tell.

Sir Will. Jones. I desire to ask him, whether when he went away he left them together?

L. H. S. Did you leave them together?

Mr. Hansf. To my best Remembrance, my Lords, I did. The Boy and I went away together, and we left them at my Lord *Aston's* Parlour Door.

Sir Will. Jones. Call *James Ansell*.

L. H. S. Nay, if you have done with him, my Lord *Stafford* may ask him any Questions.

L. Staff. My Lords, I shall tell you how this Thing is: There was a Report that this *Hawkins* was a very good Running Footboy; and this was spoken of at my Lord *Aston's* at Dinner or Supper, I don't know which, nay several Times about that Time: It was when my Lord of *Danby* was Treasurer, and his Son, my Lord *Dunblain*, was much for Foot-Matches, and I had a Mind to have a Footboy to make a Match with him; and I believe *Dugdale* at Dinner or Supper did say that he was a good running Lad, and I might desire to see him, and *Dugdale* did bring him to me I believe into my Lord *Aston's* Parlour; but there was at least six or seven in the Room besides.

L. H. S. My Lord *Stafford*, was this at that Time when your Lordship was at *Tixall* the 12th of *September*?

L. Staff.

L. Staff. Pray, my Lords, I desire to ask him that Question; I would know what Year it was.

L. H. S. He says it was above two Years ago.

L. Staff. I profess I believe it was one or two Years before I was taxed with this Plot. I did never think I should be questioned about this, or I could easily have brought Witnesses, that were by at that time. It is true, he did come to me; but pray what time of Day was it?

Mr. Hansf. In the Morning, I think it was.

L. Staff. I profess to God, it was after Supper; as I hope to be saved, it was as we were going to Bed, to the best of my Remembrance.

Sir Will. Jones. Did you come into the Parlour after Supper?

Mr. Hansf. I am not sure what time it was.

Sir W. Jones. If his Lordship please to ask him any more Questions; if not, we will call another.

James Ansell (Who was sworn.)

L. H. S. What is your Name?

Witness. James Ansell.

L. H. S. Where do you live?

Mr. Ansell. At Heywood in Staffordshire.

L. H. S. Did you live with my Lord Aston?

Mr. Ansell. I have been at my Lord's House at Tixall.

L. H. S. But you are not of the Family?

Mr. Ansell. No.

L. H. S. How far is Heywood from Tixall?

Mr. Ansell. A Mile.

L. H. S. Have you seen my Lord Stafford at Tixall?

Mr. Ansell. I have seen a Man they called my Lord Stafford. I did not know him, but as they told me.

L. H. S. Did you ever see Dugdale in the Company of a Man they called my Lord Stafford?

Mr. Ansell. Two Years ago I was at Tixall, and there I saw one, that they said was my Lord Stafford, walking with Mr. Dugdale, whom I did know.

L. H. S. Where was it?

Mr. Ansell. In the Court at Tixall, walking together.

L. H. S. Were they alone? Was there no body else in Company?

Mr. Ansell. None that I saw; there might be more Company, but I saw no more.

Sir Will. Jones. Pray, my Lords, ask how long ago this was.

Mr. Ansell. About a Summer was two Years.

Sir Will. Jones. If his Lordship will ask him any Questions now we have done, he may; otherwise we will call another.

L. Staff. My Lords, I have recollected myself as well as I can in so short a Time, and all I can say, is, Some of my Servants were by, I suppose; and I do assure your Lordships, the other Business was above three Years ago: So the Fellow does not know what he does say.

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

L. Staff. Pray ask him how long he saw me in the Court with Dugdale.

L. H. S. How long was it?

Mr. Ansell. I cannot tell: I did but walk through the Court. I came to speak with Mr. Dugdale, and he was with my Lord.

L. Staff. Did he hear us discourse, any Word we said?

Mr. Ansell. No, I did not.

Sir W. Jones. My Lords, if you please, before Ansell go away, we would ask him a Question

to another Point; and that is, For what Reason Dugdale was secured, whether he went away for Debt or no?

L. H. S. Do you know wherefore Dugdale was secured, or why he went from my Lord Aston's?

Mr. Ansell. I can't tell why he went away; whether for fear of the Plot, or no, I can't tell.

Sir Will. Jones. What Discourse was between you and Dugdale about it?

Mr. Ansell. Where? There was a Discourse at Stafford, when he was there.

Sir Will. Jones. But before he went away?

Mr. Ansell. I came to my Lord Aston's one Day, and told Mr. Dugdale I heard say he was concerned in the Plot; for I told him I was amongst some People, and they say you are concerned in the Plot. And this was about a Fortnight after the News was hot in our Country.

L. H. S. What said he?

Mr. Ansell. He laugh'd at it, and said, God blast him if he knew any thing of it.

L. Staff. So he denied it then.

Sir Will. Jones. Pray, Sir, at that time did he say he knew any thing about my Lord Aston, and why my Lord Aston did use him ill?

[Then my Lord Stafford objected Mr. Dugdale was too near the Witness, and desired he might go down; and it was ordered accordingly.]

Sir Fran. Win. My Lords, we would ask this Man what he does know of Dugdale's concealing himself after he had heard of the Discourse about the Plot.

Mr. Ansell. I know not that, my Lords; he was fearful of coming in Company; what his Discourse was, I do not know.

Sir W. Jones. My Lords, now, if it please your Lordships, we will go to another Particular. Your Lordships will please to remember, that yesterday there were two Witnesses called by my Lord Stafford, that is Sambidge and Philips. Sambidge was the old Gentleman that was deaf, and a little passionate too, because he was once summoned to Lichfield Court: Mr. Philips was the Minister of Tixall: And both these did testify, That whereas Mr. Dugdale had sworn at a former Trial, that he did give notice before them of the Death of Sir Edmundbury Godfrey upon Monday, which (as I take it) was the 14th of October, there was no such notice given in their Presence. Mr. Dugdale did affirm they were by, and that he gave notice before them and others. This was made use of by my Lord to invalidate the Testimony of Mr. Dugdale, that he should go and affirm at a former Trial, that he did give notice of the Death of Sir Edmundbury Godfrey within two Days after he was killed, before any one knew of it; and Dugdale must needs know it from the Jesuits; and both of these Gentlemen being now in Court, do deny that they heard of it at that time. My Lords, we shall prove to you here, that he did give notice of it at that time, and that they were both present: For Mr. Sambidge, it is not so strange he should not observe it; he was very deaf, and he could hardly hear yesterday; and as he was deaf, so he was very passionate. As for Mr. Philips, I cannot say that as to him, but perhaps he cannot at that Distance of Time remember; but we will prove by undeniable Witnesses, the notice was given that Monday, and that these Persons were by when it was given.

Sir Fran. Win. This Witness we use to another Purpose besides this; but we will ask him only to this now.

L. Staff. I desire the Witnesses may stand by themselves.

L. H. S. Let them take care that there be but one Witness at a time, and that no body approach them while they are giving their Testimony.

Sir W. Jones. We did not make the like Desire as to my Lord's Witnesses.

L. Staff. In troth, you might with all my Heart, if you would.

Sir W. Jones. It may be so; but we did not fear them so much. Swear *William Goldsmith.*
(*Which was done.*)

Sir Will. Jones. I would begin with *James Ansell.*

(*Who appear'd, and stood up again.*)

Sir F. Win. If your Lordships please, we would ask him what he knows of a Discourse about the Justice of Peace's Death; to tell the Time, and what it was that was said. We only ask general Questions.

L. H. S. What Discourse did you hear of the Murder of a Justice of Peace, and when?

Mr. Anf. My Lords, I heard it at *Tixall.*

L. H. S. When did you hear it first?

Mr. Anf. The 14th of *October.*

L. H. S. Who did you hear it from?

Mr. Anf. From *Mr. Dugdale.*

L. H. S. The Letter was dated the 12th. Where did you hear of it?

Mr. Anf. It was at one *Eli's* House, an Alehouse in *Tixall.*

L. H. S. Where?

Mr. Anf. At an Alehouse hard by my Lord's.

L. H. S. Who was by?

Mr. Anf. When that was spoken, there was I, and *William Hanson*, and *Mr. Sambidge*, and *Mr. Philips.*

L. H. S. Did *Dugdale* speak with them at that time?

Mr. Anf. Yes, he was with them at that time, but he spoke with me at the Parlour; for he sent for me into the Parlour.

L. H. S. Then at the same time he spake it to you, and they were in the House.

Mr. Anf. Yes, he came from them to me into the Parlour, and went to them again.

Sir Will. Jones. My Lords, I hear him speak to the Day of the Month; if you please to ask him if he can tell what Day of the Week it was?

Mr. Anf. It was on a *Monday.*

L. H. S. That is right, the Letter was dated on *Saturday* the 12th of *October.*

Sir F. Win. I would ask him, whether afterwards he came into the Room where *Mr. Philips* the Parson was?

Mr. Anf. Yes.

Sir F. Win. Was there any Discourse after you came in, about the Death of a Justice of Peace?

Mr. Anf. I cannot tell that.

L. H. S. Will you please to ask him any thing, my Lord?

L. Staff. Indeed, my Lords, he says nothing concerning me; therefore I say only this, I desire to know, if he can tell, what time of Day it was?

Mr. Anf. It was the Forenoon.

Sir W. Jones. Then call *William Hanson* again.
(*Who appear'd.*)

Sir F. Win. We call him to the same Question. Do you declare to my Lords what you know of *Mr. Dugdale's* acquainting you with the Death of a Justice of Peace, and when it was.

Mr. Hansf. I heard *Mr. Dugdale* say at old *Eli's* House at *Tixall*, There was a Justice of Peace murder'd that lived at *Westminster.*

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

Mr. Hansf. The Day that I went to run the Race, the 14th of *October.*

Sir Fr. Win. Can you remember what Day of the Week it was?

Mr. Hansf. It was on *Monday.*

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

Mr. Hansf. The Forenoon.

L. H. S. What Company was in the House when he told you of it?

Mr. Hansf. Old *Mr. Sambidge*, and *Mr. Philips* the Parson of *Tixall.*

L. H. S. Were they in the House at that time?

Mr. Hansf. Yes.

L. H. S. Were they by when the Discourse was?

Mr. Hansf. *Mr. Sambidge* was going to drink a Bottle of Ale, as he said, at my Lord's Bowling-Green; and for a while he sits down, and presently *Mr. Philips* comes in and sits down, and *Mr. Dugdale* came out of the Parlour into the Room where we were come: Said I, What News? said he, They say there is a Justice of Peace murder'd at *Westminster.*

Sir F. Win. Was *Philips* in the Room?

Mr. Hansf. Yes, he hath forgot it, but he was there.

L. H. S. Did *Philips* hear it?

Mr. Hansf. He might have heard it if he would.

L. H. S. Had you any Discourse with *Philips* about this since?

Mr. Hansf. No, my Lords.

Sir F. Win. He is positive both as to the Day of the Month, and as to the Week, and that both of them were present.

Sir Will. Jones. My Lords, we shall prove to you now, that the Post which comes out of *London* on *Saturday*, comes to this Place on *Monday* Morning; and those which come out of *Tuesday*, come there on *Thursday* Morning; and the Post which goes out of *London* on *Thursday*, comes to this Place on *Saturday* Morning.

L. Staff. He says the Post comes such and such Days, I own it, and in the Morning too.

Sir Will. Jones. Then I go on, my Lords, to another Point, which will be a farther Confirmation of the Matter. For, my Lords, we will prove to you, and that by Men of Quality, that the Noise of the Murder was in that Country, the *Wednesday* and *Thursday* following the Murder. Your Lordships please to observe, *Sir Edmundbury Godfrey* was killed the twelfth of *October*; he was found the *Thursday* following, which was (as I take it) the 16th or 17th of *October.* We will prove now, that the Noise and Knowledge of the Murder was in the Country about *Tixall*, before he was found here near *London.* Now we only bring this as a Confirmation of this Matter, that it was revealed at the Alehouse, and so it went about the Country. And for this we call *Edward Birch*, Esq; and *John Turton*, Esq;

Sir Fr. Win. Before we examine them, I would state the Time. *Sir Edmundbury Godfrey* was missing on *Saturday*, which was the 12th of *October*; his Murder was not discover'd till *Thursday.* We call these Persons to a double Purpose; the one to fortify what our Witnesses have said, and the other to shew, that this Man was dispatched by these Mens Confederates, because they knew it so soon;

soon; which could not have been, but that they were in the Conspiracy themselves.

L. Staff. I desire only that he may say whether he means me among the rest.

Sir F. Win. My Lord, I will do you no wrong, I speak of those at *Tixall*.

(Then Mr. Birch was sworn.)

L. H. S. When did you hear of the Death of Sir *Edmundbury Godfrey*, Mr. *Birch*?

Mr. *Birch*. My Lords, I did not hear any Thing of the Death of Sir *Edmundbury Godfrey*, till the *Saturday* Post; but, I presume, that which these Gentlemen call me for, is this: I did hear before *Thursday*, I think *Tuesday* was the first Day, that there was a Justice of Peace of *Middlesex* killed, and it was thought the Papists murdered him; and this on *Tuesday* and *Wednesday* was all over the Country, that is, *Tuesday* after his Death. For I'll tell your Lordships how I came to take Notice of it; for hearing such a Report in the Country, I did not so much as take Notice of it; but being at the *King's-Bench* Bar, at the Trial of *Green*, *Berry*, and *Hill*, for the Murder of Sir *Edmundbury Godfrey*, I found upon the Evidence that the Body was not found till the *Thursday* after he was killed; that made me recollect myself as to what I had heard in the Country: And as I stood at the Bar, I told several Gentlemen that I did perfectly remember, before *Thursday* it was discoursed of in the Country by several Gentlemen where I lived.

Sir Will. Jones. Call *John Turton*, Esq;

Sir F. Win. Some of my Lords here, I perceive, desire he should be asked a more particular Question.

L. H. S. I desire to ask him this: You heard of it, you say, on *Tuesday*, that a Justice of Peace of *Middlesex* was killed; I desire to know who you heard it from?

Mr. *Birch*. Truly, my Lords, I can't tell: For I'll tell your Lordships, I have some certain Days that I constantly appoint to be at Home in, when People come about Business to me. Among these People, several came that asked me what News I had from *London*. I told them, I had received a Letter or two by the Post, and I shewed them those Letters, there was little or nothing in them. Thereupon they asked me if I did not hear of a Justice of *Middlesex* that was killed. No, said I: How come you to hear it? Says one, I come through *Cank*, (which is within half a Mile of mine own House) and as I came through, there came a Person from *Heywood*, that said 'tis all the News about *Tixall* and *Heywood*, and that Part of the Country. And this was said to me in my own House.

Sir F. Win. How far is *Heywood* from *Tixall*?

Mr. *Birch*. About a Mile.

Sir F. Win. Now, my Lords, I would ask Mr. *Turton* to the same Business.

(Mr. Turton was sworn.)

L. H. S. Mr. *Turton*, pray hear: When did you first hear in *Staffordshire* of the Death of a Justice of Peace of *Middlesex*?

Mr. *Turton*. My Lords, There are two Races in that Country, at a Place near *Lichfield*, and they are about the Middle of *October*; the one that Year was the 15th, the other the 18th. The one the *Tuesday*, and the other the *Friday*. I was at both of them: And one of the Days, which I cannot be positive in, there was one Mr. *Whiteball*, a Justice of Peace in *Staffordshire*, called me from the Company, and desired to speak with me by myself.

Said he, Do you hear any News? No, said I. Do you hear nothing, said he, of a Justice of Peace that is murdered? (I then had not heard of Sir *Edmundbury Godfrey's* being missing) No. Says he, Don't you hear he is murdered? Do you know him? Yes, said I: How do you hear it? Says he, 'tis a Report about us. But I did not then believe it: But the next Post-day, which was *Monday*, I did hear it. It was either *Tuesday* or *Friday*, one of those Days.

Sir W. Jones. If it were either one or t'other, 'tis as strange, and the Evidence as strong; for his Body was not found till *Thursday*.

Sir F. Win. And will your Lordships please to observe, that by that Time the Report had got the Name of *Godfrey* too, when at the same Time we in *London* did not know what was become of him.

Mr. *Turton*. He asked me if I knew Sir *Edmundbury Godfrey*: Said he, I hear he was an active Justice of the Peace against the Papists; and he made this Inference, We had need have a Care what we do, for we shall be all sacrificed.

Sir W. Jones. My Lords, Will your Lordships be pleased to observe, that Yesterday there were some Witnesses called to disparage Mr. *Dugdale*; and the first Man, as I can remember, was a very substantial Gentleman, called Mr. *Robinson*: I think he was not able to give an Account of his Employment, but he was a Gentleman that lived upon his Money; I remember those were his Words. My Lords, we shall call (without telling you what they will say) some Witnesses to prove the Condition of this Gentleman, what Reputation he is of, and what is his Conversation. And we first call my Lady *Gerard*.

L. Staff. My Lords, pray give me leave to say one Word——But 'tis no great Matter, 'tis not worth the speaking.

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

L. Staff. It was only a Thought of my own, not worth troubling your Lordships with.

(Then the Lady Gerard appeared, and was sworn.)

L. H. S. Does your Ladyship know one *William Robinson*?

Lady *Gerard*. No, my Lords.

Sir Will. Jones. He hath several Names, we desire he may be called.

L. H. S. Call *Robinson* the Upholsterer.

(He was called, but appeared not.)

Sir Will. Jones. I perceive we mistake one Lady for another. We desire Mr. *Booth*, a Member of the House of Commons, may be sworn.

(Which was done in his Place.)

L. H. S. My Lord *Stafford*, send for *Robinson* your Witness.

L. Staff. I believe he is here; but if he be not, one that belongs to me I have sent to see for him: Whether he be a good or bad Witness, I do not know personally.

Sir W. Jones. Mr. *Booth* knows him very well, he saw him Yesterday, and so we may venture to ask him the Question.

L. H. S. Did you see *Robinson* the Witness Yesterday?

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

L. H. S. Do you know him?

Mr. *Booth*. My Lords, I do know him very well, though I have not seen him often: For indeed, my Lords, he behaved himself so the first Time that I saw him, that I believe I shall never forget him. My Lords, I am better acquainted with his Character than his Person, though I know the Man very well;

well; and truly the first Time that ever I was in his Company, he gave me no Encouragement ever to desire it again; for, if you please, I'll tell you how I came to know him. He told your Lordships that he came into *Cheshire* at a Cocking; it was at that Time that I saw him: For upon the *Sunday* after the Cocking, I was invited to a Neighbour's, about two Miles from Home. We were set down to Dinner, and we had not sat long, but this Man comes into the Room where we were; there was an empty Place at the lower End of the Table, and he sits him down, and began a Discourse to ridicule the Lord's Day, in such a Manner as I never heard the like. And the rest of his Discourse was full of a great deal of Contempt of God Almighty, and all that was sacred. All his Discourse at Dinner was very profane. It was not in mine own House; and because it was not taken Notice of by the Master of the House, and he coming under the Protection of a young Gentleman, I did not what else I should; for I should have made him hold his Tongue, or have used it to better Purpose: The whole of his Discourse was so atheistical and profane, that I never heard the like in my Life. When Dinner was done, he used a great many Inticements to draw the Company into Play, by asking what would they say, if they should see such and such Things to be done: And at length he pulls out a great many Dice out of his Pocket, and behaves himself in that Manner, as People do that would draw in others to play; and they that had better Skill in it than I, said that they were all false. When I saw this, I desired him to leave our Room, or to forbear; for, said I, if this be the Entertainment of the Day, I must leave the Company: Then they commanded him to desist. This is all that I do know of my own Knowledge: But I shall acquaint you what I believe; for I have heard it from very considerable Persons, whom I dare credit: For the Man run much in my Mind, because I never saw so ill a Man in my Life. Coming Home, I was speaking to some of my Family; says I, yonder I met with the strangest Fellow that I ever saw in my Days, he is fitter to be hanged than any Thing else. Oh, Sir, said they, there is such a Fellow hath cheated I know not how many at the Town where the Cocking was. The next Day, I think it was, or shortly after, I had Occasion to go to that Town; and many People came and complained to me of his Cheats, to a very great Degree. They asked me what they should do. Said I, you have nothing to do but indict him for a Cheat. Why, said they, will you take no Course with him? Said I, what Course can I take? I am turned out of the Commission of the Peace, else I know enough to bind him to his good Behaviour. After this, I had Occasion to go into *Lancashire*, and there I found he was better known than trusted. There were very loud Complaints against him, and some would have given twenty Pound to meet with him. I heard afterwards he went into *Staffordshire*, and he changed his Name wherever he went; but he soon discovered himself, and all thereabouts he goes for a notorious Cheat. This is all I can say of him.

L. Staff. My Lords, Be pleased to give me leave to say one Word. I assure you, if I had thought this Man had been such a Fellow as now he proves, I would not have brought him before you. I never knew what he was in my Life, nor heard of his Name till *Saturday* last.

L. H. S. It may be so, my Lord: But your Lordship must take Notice, this is the Man that gave the

most important Evidence, that *Dugdale* should corrupt him to swear against you for Money.

L. Staff. Give me leave to observe upon that, my Lords, That if *Dugdale* knew him to be a cheating Fellow, he might think him the liker to take Money to forswear himself.

Sir W. Jones. My Lords; We shall not reply now, but observe anon, how this cheating Fellow comes to swear for my Lord at this Time. But we desire an Honourable Peer of this House may give some Account of him, and that is the noble Lord the Earl of *Macclesfield*; I think he may be known to your Lordships.

(*Then the Earl of Macclesfield stood up.*)

L. H. S. Pardon me, my good Lord, my Lord must be sworn.

Earl of *Macc.* Before I am sworn, I would know of your Lordships whether I should be sworn or no; for your Lordship shall not make me be sworn, unless my Lords say I should.

L. H. S. I should not offer it, if there were any Colour of doubt in it.

(*Then my Lord was sworn.*)

Earl of *Macc.* My Lords, I have nothing to say against this Man, but what he said to me, and before a Justice of Peace too; for I did take this Man when he had run away from my Lord *Gerard*. He had cheated many of his Servants. I caught him on the Way running to play his Tricks somewhere else, and I intercepted him; but tho' I was a Justice of Peace there, yet because it was in a Manner my own Case, I would not commit him, till I had carried him before another Justice of Peace. So the Man comes up to me; says he, My Lord, have you a Mind to have your Son-in-law bubbled? I have been only teaching him how to avoid being cheated; I acknowledge myself to be a Cheat, and I would teach him to avoid them. I am going now into *Staffordshire*, and that was all I intended to his Lordship: I am a Rogue I confess. And upon this a Justice of Peace comes in, and while they were examining of him, we bid some that were by to search him, and they found in his Pocket false Dice; and truly the Justice nor I did not know whether they were true or false. Says he, you don't know what to do with these, but I do. This is all I can say; but in all the three Counties of *Staffordshire*, *Cheshire*, and *Lancashire*, there are several Men that I see here, that know his Life better than I do; for 'tis his common Practice. And I believe, my Lords, the Judges must know him; for it was his common Practice at all Assizes and great Meetings to play these Pranks.

Sir W. Jones. My Lords, We will not trouble your Lordships any further as to *Robinson*; if he were here, perhaps my Lady would know him; but having two such Witnesses, I think we need not trouble our selves nor you any more about him.

L. H. S. Have you done with my Lady *Gerard*?

Sir W. Jones. Yes, and we beg her Pardon for this Trouble. My Lords, your Lordships will be pleased to remember, there was one *Holt* was produced as a Witness by my Lord *Stafford*; and your Lordship, when you look on your Notes, will remember, he testified to this Purpose: That *Dugdale* sent an Horse for him to *Stafford* Town; which Horse brought him to the *Star* Inn, and there *Dugdale* did offer him forty Pounds to swear, That one Mr. *Moor* carried away *Evers* the Jesuit. My Lord, we will call some Witnesses to this Mr.

Holt;

Holt; you will find him to be something a-kin to *Mr. Robinson*, and, as we suppose, of nothing a better Reputation than he. The Witnesses will give you an account of his Pranks. Call *Sampson Rawlins*, and *Lander*.

(*Rawlins stood up, and was sworn.*)

L. H. S. What is your Name?

Witness. *Sampson Rawlins*.

L. H. S. What do you ask him?

Sir *W. Jones*. We desire to ask him if he knows *Samuel Holt* the Blacksmith.

L. H. S. Do you know *Holt*?

Rawlins. Yes.

Sir *F. Win*. Acquaint my Lords what Reputation he is of, where he lives, and what he is.

Rawl. He is counted to be a very lewd loose Fellow.

L. H. S. Why so?

Sir *W. Jones*. What hath he done?

Rawl. He is counted a drunken lewd Fellow.

Sir *W. Jones*. Is he of an ill Reputation in the Country where he lives?

Rawl. Yes, he is so.

L. H. S. For what?

Rawl. 'Tis said in the Town he keeps another Man's Wife.

Sir *Will. Jones*. Is there any other Fault he hath?

Rawl. He said there were none but Rogues would take *Mr. Dugdale's* Part; whereas I never knew any harm by *Mr. Dugdale*, and I have known him this fourteen or fifteen Years: I dealt with him, I was Taylor to the Family, and he ever paid me very honestly and well.

Sir *W. Jones*. Have you heard of *Mr. Holt* any other ill thing besides what you speak of?

Rawl. He broke open my Lord *Aston's* Wine-Cellar, and stole several Bottles of Wine; wherefore my Lord *Aston* bid *Mr. Dugdale* send him to the Goal: but he curry'd favour with *Mr. Dugdale*, and so kept in with him, that he afterwards begged for him of my Lord to forgive him; and now he comes to evidence against *Mr. Dugdale*, that was his sure stedfast Friend, and saved him from the Goal.

L. Staff. I would ask this Witness a Question—

Rawl. And because I took *Mr. Dugdale's* Part, saying, he was an honest Man (and he was so to me, and all others, as far as ever I heard) he met me, and would have murder'd me.

L. H. S. When was this?

Rawl. Since last Term, when I was up here. And likewise *Sawyer* took a Pot, and would have dong'd my Brains out.

Sir *F. Win*. My Lords, I think this Man was summoned as a Witness, to attend at my Lord *Aston's* Trial. What Occasion brought you to *London* at that time?

Rawl. I was subpoena'd up. And when I came home to my Wife and Children, they grossly abused me, and said I was a Rogue, because I came up upon his Majesty's Service.

L. Staff. Pray, my Lords, ask him whether *Holt* was my Lord *Aston's* Servant or no.

L. H. S. Was *Holt* a Servant to my Lord *Aston*?

Rawl. He was a Smith hard by his Gate, and he worked to the Family.

L. H. S. Were you subpoena'd up to the Trial of my Lord *Aston*?

Rawl. Yes.

L. H. S. And it was for coming to that Trial he offered to murder you?

Rawl. Yes, I have several Witnesses of it. And by the Blow that *Thomas Sawyer* gave me, for a good while I could not lay my Head on the Pillow.

Sir *W. Jones*. Call *Thomas Lander*. (But he did not appear, being gone away sick.)

Sir *W. Jones*. Because we would not lose your Lordships time, seeing the Man we call for, is gone away sick, we will call a Witness as to another of my Lord's Witnesses, *John Morral*. Call *Thomas Thorne*.

(Who was sworn.)

Sir *F. Win*. My Lords, if that other Man come by and by, we hope your Lordships will give us leave to ask him a Question to the Point which we are now gone over. But my Lord *Stafford* did produce one *John Morral*, a Barber that lived at *Ridgely*, who said, that Money was offer'd him to swear against *Sir James Symons*, and *Mr. Howard*, and others. We call this Witness to give your Lordships an account what this *Morral* is, and how he hath behaved himself in this Business.

Sir *W. Jones*. What do you say about *John Morral*? Do you know him?

Thorne. Yes.

L. H. S. What do you know of him?

Thorne. I know he is a Man that used to come often to my Lord *Aston's* to *Tixall*, to trim him, he is a poor Fellow that walks up and down the Country, and hath little or nothing to live on.

L. H. S. Is he poor and needy?

Thorne. Yes, he hath been sued for Money, and I have been contributory to keep him out of Prison.

Sir *W. Jones*, I ask you in general, is he of a good or bad Reputation?

Thorne. Indifferent.

Sir *W. Jones*. 'Tis modestly said. My Lords, your Lordships have heard what kind of Witnesses have been brought against us: For two of them you have had particular Matters; for a third, our Witness speaks modestly, that he is a Man of indifferent Reputation. But now, my Lords, we must prove what Endeavours have been used to get other Witnesses against our Witnesses; and for that, I desire to call one *Simon Wright*, to tell your Lordships what hath been offered him to swear against *Dugdale*, and by whom.

(*Wright stood up and was sworn.*)

Mr. Foley. My Lords, we desire this Witness would give your Lordships some account what Endeavours have been used by Offers of Money, or otherwise, to make him swear against *Dugdale*, and by whom.

L. H. S. Hath any body endeavoured to persuade you to swear against *Dugdale*?

Wright. Yes, my Lords.

L. H. S. Tell your whole Story, who it was, and what was offer'd you.

Wright. The first time I was employed was presently after the Murder of *Sir Edmundbury Godfrey*; and it was by one *Mr. Plessington*, that was in custody about that matter: And he sent me one Sunday Morning to the Marquis of *Winchester's* to desire him to consider what a Charge he lay at; and my Lord did fend him Word, he could not expect to be discharged so soon. The Tuesday after he was discharged; and afterwards coming unto me, I told him I was glad he had so good Friends to get out so soon. He told me, were I in the same condition, I should have as good or better. Whereupon *Mr. Plessington* and I were as good Friends as

any about the Town. I was his Barber, and Barber to Mr. *Dugdale*, and we were all great Cronies. And *Pleffington* told me, if I could find a way to take off his Evidence, or destroy him, I should have seven hundred Pounds. I went to enquire out where I might have a Security for the Money, and Mr. *Reeves*, an Apothecary in *Chancery-Lane*, did proffer me his Note, and so did Mr. *Dewy* the Scrivener: but I did not, nor had the Money. And several times, particularly at the Trial of Mrs. *Price* and Mr. *Tasborough*, they would have had me sworn quite blank, That he would have hired me to have sworn against them. And afterwards they would have had me own I was forsworn, and they would get me a Pardon.

L. H. S. What had you sworn?

Wright. What I heard Mrs. *Price* say at the *Horse-shoe* in *Chancery Lane*, as to the blasting of *Dugdale*, as may be seen in the Trial.

L. H. S. Who offered you that seven hundred Pounds?

Wright. My Lord *Bellofs's* Steward.

L. H. S. What is his Name?

Wright. *Pleffington*.

Sir *Fr. Win.* My Lords, I think he says he was to swear against Mr. *Dugdale*; I desire he would explain himself more particularly, and tell who it was that offered the Money to swear against *Dugdale*.

Wright. Mr. *Pleffington*, my Lords. And since the Trial of Mrs. *Price*, they did persuade me to write a Paper for the blasting the Reputation of *Dugdale*, and to shake his Credit by it. And that they carried to Mr. *Drayton* and Sir *James Symons*, and they being satisfy'd, would have me write again to those Gentlemen, and they framed a Letter for me to write. And thereupon Mr. *Longmore* (I know the Gentleman if I see him again) told me that Sir *James Symons* was better able to perform, than *Dugdale* was to promise; and if I would stand by it, I should be a happy Man.

L. H. S. What had you said in that Paper?

Wright. I had said according as they directed me, That Mr. *Dugdale* would have given me Money to swear against Sir *James Symons* and Mr. *Gerard*.

L. H. S. Did you swear that?

Wright. No, I did not, but I was to have done it.

L. H. S. How came it to pass you did not agree with them?

Wright. My Lords, I have had four Pounds in hand, and that I had by reason Poverty came upon me. And my Lord *Bellofs's* Steward came and lay with me, and spent twenty Shillings upon me; but finding that I was not absolutely true to them, nor like to go through, they distrusted me: and I borrowed an Horse of Capt. *Chetwin*, and got down into the Country, where I have been since *July* last, till I was fetch'd up by a Messenger to come and give Evidence for the King. And there I received a Letter from my Lord *Aston's* Agent, That if I would call at *Stafford*, and come up with my Lord's Witnesses, they would bear my Charges up to *London*. I have the Letter in my Pocket.

L. Staff. If it please you, he may shew the Letter. (*Which he did.*)

Clerk. This for Simon Wright, a Barber, at *Deliver with Care*. Subscribed, *Your loving Friend* Abnett.

Simon Wright,

I Have just now received a Letter from the Lord *Stafford*, wherein my Lord mentioned Wright to be one of his Witnesses, and desired me forthwith to

give Wright notice, that, if possible, he should be at *London* on the Saturday Night next, his Trial being to be on the Tuesday after; therefore if he pleased to come to him, he should give him Money to bear his Charges up, and he should come up with my Lord's Witnesses.

Abnett.

(This is the Substance of the Letter as it was taken.)

Sir *W. Jones*. I presume your Lordships will be pleased to take notice, he was intended a Witness for my Lord; and it was supposed then that he was able to say something, but he was not produced by my Lord yesterday.

L. Staff. Pray, my Lords, give me leave, as to this Witness; I desire, if you please, I may have time to prove something against this Man till tomorrow: I have enough against him.

Mr. Serj. *Mayn*. You will find another Witness, I suppose, by that time.

L. Staff. No, I will not find him, I have him already; I have enough against this Fellow.

L. H. S. You shall have time to say what you will, my Lord.

Mr. Serj. *Mayn*. I would my Lord would name his Witnesses.

L. Staff. I will name him to you, since you ask it, 'tis *Dodd*; he knows what I mean well enough.

Wright. I don't know him, my Lord, I assure you.

Sir *Will. Jones*. My Lords, we will go on now to another Matter. My Lord *Stafford* was pleased to object, that Mr. *Dugdale* did talk much of Letters and Proceedings, but was able to shew none of them. My Lords, we will give an account how that comes about: Mr. *Dugdale*, as in part hath been proved already, was apprehensive of being accused for the Plot; nay, I think we shall prove he was afraid he had been in the Proclamation against those Traitors and Jesuits that were fled. We shall prove, that Mr. *Dugdale*, to secure himself, and his then Friends (for he was not then come over to make any Discovery) did burn a great many Letters and Papers that did relate to those Proceedings, and did not leave any thing remaining; hoping thereby to prevent a Discovery. We will call Witnesses that were by when it was done, and I think that will be some Answer to this Objection. Call *Elizabeth Eld*, and *Anne Eld*.

(*Elizabeth Eld sworn.*)

Sir *F. Win.* My Lords, if your Lordships please, we would ask her this general Question; What she knows of Mr. *Dugdale's* burning a great many Letters and Papers, at what Place, and about what time.

Elizabeth Eld. I cannot possibly say to the time; I burnt some Writings for him when he went away, he desired me to burn them, he did not tell me what Writings they were. He said, the Times were troublesome, and if he should be sick upon the Road where he was going, he would not have all his Papers seen, but he desired me to burn them. And I took and burnt them all but one Book; and my Sister asked if that Book should be burnt: he said, no, there was nothing of Treason in it. I asked him if there were any thing of Treason in the others; and he said, do you think there was?

Sir *Will. Jones*. How long was this before he went away?

Eliz. Eld. That Morning when he went away.

Sir *Will. Jones*. How many Papers were there?

Eliz. Eld. I cannot say how many.

Sir

Sir Will. Jones. I do not ask you the Number, but the Quantity; was there a Bushel?

E. Eld. I cannot say; they were rolled up, and put in his Pockets and his Breeches.

L. H. S. Were they Parchments or Papers?

E. Eld. They were Papers.

L. H. S. Were they Letters?

E. Eld. I did not see what they were, but they were wrapt up together, they might be the Accounts of the House for what I know.

Sir F. Win. But she says, as I take it, that Mr. *Dugdale* said there was Treason in them.

E. Eld. No, he said, Did I think there was? He said, it was no Matter for burning that little Book, there was no Treason in that; and when I asked him if there was any in the others, he said, Do you think there was?

L. H. S. Was it one or two Bundles?

E. Eld. There were several Bundles, they were not tied up, but taken in Handfuls and thrown into the Fire.

Mr. Foley. If my Lord *Stafford* will ask her no Questions, we will call up another.

E. Eld. My Lords, I did see Mr. *Dugdale* take a Glass of Cyder, and I heard him say, and wish it might be his Damnation, and he might sink in the Place where he stood, if he knew any Thing of the Plot.

Sir Will. Jones. I pray what Religion are you of? I don't ask you to disparage you.

E. Eld. A Roman Catholick.

L. H. S. When was it that he said that?

E. Eld. When he was in *Staffordshire*.

(*Anne Eld was then sworn.*)

Mr. Foley. Tell my Lords what you know of any Papers that were burnt by Mr. *Dugdale*, or by his Direction, and at what Time.

A. Eld. Mr. *Dugdale* came to my Father's House over Night, and the next Morning (before he went away) he brought a great many Papers he had in his Breeches, and in his Pockets, bundled together, and he desired us to burn them in the Flame of a Candle.

L. H. S. Why did he desire you to burn them?

Anne Eld. He said, the Times were troublesome, and being to travel, he was to go to divers Places, and if he were taken, People would think him a Plotter, having all those Papers about him.

L. H. S. Did he burn the Book at that Time?

A. Eld. No.

L. H. S. Why not?

A. Eld. I found that Book, and asked him, if that should be burnt; he said, No, lay that by, it might do good seven Years hence, there is no Treason in it. Says my Sister to him, Is there any Treason in the rest? Says he, Do you think there is? That was all.

Sir Will. Jones. Not to trouble you longer, my Lords, upon this, your Lordships will be pleased to remember, Yesterday my Lord *Stafford* was pleased to offer by Way of Evidence, as if Mr. *Dugdale* was a Man of an ill Reputation in these Particulars, That he had defrauded my Lord *Aston*, that he was a mean Man, run in Arrear to my Lord; and that being in Necessity, he became a fit Instrument to give false Evidence. We shall shew, That Mr. *Dugdale* was a Man of Estate; that both before, and since he came away from my Lord *Aston*, he hath made it his Business to desire my Lord to come to Account; that he hath pressed him, and that he does believe, and hath Reason so to believe, that there is Money coming from my Lord *Aston* to him, and that a considerable Sum.

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Now, my Lords, if we shall make it appear, that he hath made it his Business to come to Account with my Lord, I hope it will not be supposed that he is afraid of it, or so needy, or so mean. For this we call *Michael Noble* and *Stephen Colledge*.

(*Michael Noble sworn.*)

Sir John Trevor. What do you know of Mr. *Dugdale*, and my Lord *Aston*?

Mr. Noble. My Lords, I can say little or nothing as to Mr. *Dugdale*, for that I have never been acquainted with him, but since the Plot, and he came to be an Evidence; but Mr. *Dugdale* desired me to assist him as much as I could, to make up his Accounts with my Lord *Aston*. And we were twice at the *Tower*, one Time we spoke with my Lord with great Difficulty; another Time we could not see him. There were three Books of Account, two my Lord would let us see, but the third, wherein all the Discharges were, as Mr. *Dugdale* said, he would never let us see, that is all I can say. (*Then Stephen Colledge was sworn.*)

L. H. S. What is your Name?

Witness. *Stephen Colledge.*

Sir Will. Jones. Declare to my Lords what you know concerning Mr. *Dugdale's* pressing my Lord *Aston* to account with him.

Mr. Colledge. In *January* last I went along with Mr. *Dugdale* at his Request, to the *Tower*, with one Mr. *Noble* a Barrister of the *Temple*, and one Mr. *Boson* of *Lion's-Imm*, in order to the making up Accounts between Mr. *Dugdale* and my Lord *Aston*; for he told me he was going thither for that End. When we came thither, we met with one Captain *Hawley*, who belongs to the Lieutenant of the *Tower*, and we desired him to go to my Lord *Aston*, and tell him Mr. *Dugdale* was there, in order to make up his Accounts with him. He went, and brings an Answer back again, that my Lord was not at Leisure to speak with Mr. *Dugdale* then, nor none of us from him. And Mr. *Hawley* said he was then going up with the Lords to *Nine-pins*. Mr. *Dugdale* said, he was very ill used, for he had been several Times there before, and he could not be admitted to speak with him. He hath a little Book, says he, (meaning my Lord) wherein there is an Account made up under his own Hand, of almost two or three hundred Pounds; which Sum I cannot say, but one of them I am certain of, which he hath denied several Times that he had it, (but I can prove that he hath it :) If he will be pleased to produce that Book, we need not be a Quarter of an Hour in making up the Account. He did speak of some other Sums he had to place to Account, but so much was made up already. But Captain *Hawley* saying he would not speak with him, nor any of us from him, I did take the Liberty to say to Captain *Hawley*, that it was hard his Lordship, and his Party should abuse Mr. *Dugdale* at that rate, to make him his Debtor; for now I understand by what Mr. *Dugdale* said, my Lord was his Debtor: And said I, if I can persuade Mr. *Dugdale*, he shall publish his Case, for the Protestant Interest suffered by it, that he should be made a Debtor to my Lord when he was not so. And I believe Captain *Hawley* told my Lord *Aston* what I did say; for when he came back again from my Lord *Aston*, he said, my Lord did acknowledge he had that Book, and it was ready to be produced, but he would stay till a Counsellor of his came out of the Country, and till he had spoke with the Lieutenant; for he would not speak with Mr. *Dugdale* unless the Lieu-

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tenant

tenant were by, and in three or four Days Time he would send for him: But I never heard that he sent for him ever since. If it please your Lordships, I have one Thing more that I remember: There was a young Man that belonged to my Lord *Aston's* Family, that heard Mr. *Dugdale* was at Captain *Hawley's* Chamber, and came to see him, and paid a very great Respect to him, and would stand bare to him, though Mr. *Dugdale* desired him to put on his Hat several Times. Some of us asked him, whether Mr. *Dugdale* was thought to be such a Knave, when he lived with his Lord, as they would have made him since. No, said he, Mr. *Dugdale* was as honest a Gentleman as ever lived in our Family. I remember my Lord *Aston's* Man said this to us then.

L. *Staff.* My Lords, will you be pleased to give me leave; if I speak impertinently, I am under your Correction; I conceive I shall have something to answer to this, but I would first know whether I may desire of your Lordships, that I may have my Lord *Aston* here to give an Account of this Matter.

Sir *Will. Jones.* If he were here he could not be heard, being a Person accused for the same Offence.

L. *H. S.* My Lord, he stands indicted for the same Treason, and cannot be a Witness.

L. *Staff.* I beg your Pardon, my Lords.

(*Nicholas Boson was sworn.*)

L. *H. S.* What is your Name?

Witness. *Nicholas Boson.*

Sir *Will. Jones.* Declare to my Lords what you know concerning Mr. *Dugdale's* pressing my Lord *Aston* to come to an Account.

Mr. *Boson.* In *January* last, I met with Mr. *Dugdale*, and one Mr. *Noble*, and one Mr. *Colledge*. And Mr. *Dugdale* desired us to go down with him to the *Tower*. He said he had an Order of the Council to pass his Accounts with my Lord *Aston*; and when we came there, we enquired for Captain *Hawley*, and desired him that he would acquaint my Lord *Aston*, that he was there to account with him. Captain *Hawley* went up to my Lord *Aston*, and brought Word back again, my Lord was not at leisure, or would not speak with him, or to that Effect; whereupon Mr. *Dugdale* said, it was very hard that he should be aspersed to owe my Lord Money, and he would not come to Account with him. For my Lord *Aston* had a Book or Books in his Custody which he would stand by, and they would determine the Business between them; that my Lord *Aston* was almost two hundred Pounds in his Debt. And pray, says he, Captain *Hawley*, do me the Favour to go to my Lord *Aston* again, and desire him that he will be pleased to produce that Book or Books. If I owe my Lord any Money, I am ready to pay him. And if he owe me any, I hope his Lordship will do the like by me; as I am sure he does two hundred Pounds. Captain *Hawley* went away, and brought this Answer, that his Lordship would send for him in some short Time, as soon as a Counsellor did come out of the Country, whom he had entrusted with his Books; and that was one *Birch*, as near as I remember.

Sir *Will. Jones.* We have done with this Witness. And because we desire to conclude as to Mr. *Dugdale*, we shall call some Persons of Quality as to his Reputation, my Lord having gone about to make him a Man of no Reputation.

Mr. *Boson.* I can speak too about the Boy that came in.

Sir *Will. Jones.* There is no Need of that now: We shall trouble you no further, Sir. Your Lordships will be pleased to observe, That Mr. *Philips*, the Minister, that was one of my Lord *Stafford's* Witnesses, did say, Mr. *Dugdale* was a Man of whom many spoke well, and some indifferently, and perhaps that is the Case of most good Men; for scarce any are so good that all speak well of them: But that many should speak well, and some indifferently of him, may be the Lot of a very good Man. We shall call some Witnesses, and begin with Mr. *Whitby* a Justice of the Peace, that will tell you he hath known Mr. *Dugdale* long, and what Reputation he is of.

(*Thomas Whitby, Esq; sworn.*)

Sir *John Trevor.* My Lords, We desire your Lordships would be pleased to ask him what Reputation and Credit Mr. *Dugdale* was in, in my Lord *Aston's* Service.

Mr. *Whitby.* My Lords, I have known Mr. *Dugdale* to be a Servant to my Lord *Aston* this nine or ten Years; he was Steward to him, and there was no other Person between my Lord and him; he received my Lord's Rents and Debts for him, exchanged his Lands for him in forty Places; I exchanged some Land with my Lord myself, and he was the Man that did it. He was very hard for my Lord's Advantage, and did what he could for my Lord's Profit.

Sir *John Trevor.* What do you know more as to his Dealing?

Mr. *Whitby.* He was a Person that was next to my Lord, and did rule and govern the rest of the Family. All the Servants were under him.

Sir *John Trevor.* Was he looked upon to be an honest Man in his Dealings?

Mr. *Whitby.* As to what I had to deal with him, he was an honest Man, I never heard to the contrary. I have heard some Tradesmen complain that he hath put them off without Money, would not pay them what my Lord owed them.

L. *Staff.* I desire that Mr. *Whitby* may be here when I shall have Occasion to say something to him.

Sir *Will. Jones.* That will be, I hope, by and by, for we have almost done. Call Mr. *William Southall*.

(*Who was sworn.*)

L. *H. S.* What is your Name?

Witness. *William Southall.*

Mr. *Foley.* Give my Lords an Account how long you have known *Dugdale*, and what you know of him.

Mr. *Southall.* My Lords, I have known Mr. *Stephen Dugdale* about eight Years.

Mr. *Foley.* How hath he behaved himself? What Reputation hath he born?

Mr. *Southall.* Truly he hath always had a good Repute, not only with my Lord's Tenants, but also with the Workmen, and those People that had Dependance on the Family; and truly I never heard any ill Report of him, but only what is spoken of now of late.

Sir *Francis Winnington.* Were you very well acquainted with him?

Mr. *Southall.* Yes, but never had any Business with him. Several Discourses I have had with him about the Popish Religion.

Sir *John Trevor*. My Lords, I only observe this, This Gentleman is Coroner of the County, and hath a general Knowledge of the County, and must know most Men there.

Sir *F. Win.* You are Coroner of the County of *Stafford*, Sir, I think?

Mr. *Southall*. Yes, I am one of them.

Mr. *Foley*. What was he in my Lord's House?

Mr. *Southall*. Bailiff, and a kind of Governor, providing Meat, and paying Workmen; most of the Things of the Family went through his Hands.

Sir *Francis Winnington*. My Lords, This Gentleman is a Coroner of the County, and can speak materially to other Particulars besides this of *Dugdale's* Reputation; for he was a Person who was present when he made his first Discovery of this Plot, and was very instrumental in prevailing with him to do it. He will give your Lordships an Account of the whole Business, and I would rather he himself should relate all the Progress of it, than take upon me to recite any of the Passages.

Mr. *Southall*. There was, the latter End of *November* (78.) a Report that Mr. *Dugdale* was gone away from my Lord *Aston's* suddenly and strangely; and it was the common Report in the Country that he was in the Plot, and was fled for it. In the Beginning of *December* I went through a Town called *Great Heywood*, a Mile and a half from *Tixall*, where my Lord *Aston* and Mr. *Dugdale* dwelt. I called at Mr. *Thomas Whitby's* House, the Gentleman that was up here lately, and he was telling me, *Dugdale* was come again, and apprehended by the Watch at *Heywood* upon Suspicion. He told me further, he would make no Confession of the Plot, though he had been under Examination before Sir *Walter Bagott*, Mr. *Kinnerley*, and I think he said Sir *Thomas Whitgrave*. But he told me divers Passages by which we both suspected he might be concerned and know of the Plot. We thought so from the various Reports and Rumours we had heard in the Country, and from those great Grounds of Suspicion that were given us. As I returned from *Heywood*, I resolved I would speak with *Dugdale* the first Opportunity, for I had a strong Persuasion I could prevail with him to make a Discovery of the Plot: But before I did speak with him, there was one *Goldsmith* my Kinsman, had some Difference fallen out between him and Mr. *Ansell*, and Mr. *Dugdale*, touching a Deed, the deciding of which they had referred to Mr. *Dugdale*. And he desired me to go to Mr. *Dugdale* to *Stafford* with him; I was very glad of the Opportunity. *Ansell* was to bring one *Hanson*, Mr. *Goldsmith* was to bring me, and Mr. *Dugdale* was to bring one Mr. *Gerard*, that was concerned in the Pre-mortgage, that we might all have Discourse together. I promised to meet them at the Time appointed, and accordingly the 23d of *December*, two Days before *Christmas-Day*, I came to the Place in *Stafford*, where *Dugdale* was, about ten o'Clock in the Morning, where they met according to their Promise. We had not been in the House longer than a Quarter of an Hour, but the King's Business, which I thought was a Business of greater Weight than any particular Business, did stick much upon me; and I resolved before I spoke to the particular Business about which we all met, I would first speak to Mr. *Dugdale* to put that in Execution which I had resolved. After a short Space of Time, I desired Mr. *Dugdale* that I might speak with him in a Chamber privately between him and me; he told me, if I would go into the next Chamber to

his, he would come to me. Accordingly I went, and staid a short Space of Time, and Mr. *Dugdale* came to me. I desired him to make the Door to, which he did, and I began thus with him. Mr. *Dugdale*, said I, for some Years last past, since I came to be acquainted with you, I have always had a good Esteem of you, and you a good Report in the Country where you live; and now there is an Opportunity put into your Hands to serve his Majesty and his Protestant Subjects, if (as an honest Man ought) you will discharge your Duty. Mr. *Dugdale* replied, Sir, What do you mean? Why said I, I mean this in a few Words, Here is a Plot discovered in *London*, and if it be in *London*, I conceive it hath been in Part acted at *Tixall*; and if there, of Necessity, you having such a Government and Rule over that House, it is impossible but you must know it. He looked upon me very earnestly, and gave me a Smile, but answered me not. I replied to him again thus; said I, There is a natural Allegiance which every Subject owes to his Sovereign; and by that it is required, that if any Subjects know of any Plot or any Conspiracy against his Person and Government, they ought in Conscience to discover it; therefore Mr. *Dugdale*, said I, discharge a good Conscience, and tell what you know, for it is commonly suspected you are concerned in the Plot. He answered, I have taken the Oaths of Allegiance and Supremacy. When and where, said I? Before his Majesty's Justices of the Peace at *Stafford*, said he. Then, said I, there is not only that natural Allegiance which every Subject owes to his Prince, but the Oath of Almighty God lies upon your Conscience; therefore discharge a good Conscience, and tell your Knowledge. He stood pausing a little while, and by and by, said he, If I should make any Discovery, how should I be secured of my Life? You need not question that, said I, nor his Majesty's Gracious Pardon, which he hath promised in his Proclamation. Have you seen the Proclamation? Yes, said he. Said I, you have but a short time, a Day or two to discover in, for this is the 23d, and as I do conceive, you ought to discover before the 25th. He stood pausing a while about the Time; said I, You need not question his Majesty's gracious Promise, and to encourage you thereto, there is not only an Assurance of Pardon, but a Promise of Reward of two hundred Pounds. Said he, if I do discover any Thing of my Knowledge, I matter not, nor desire (I don't know which it was) his Majesty's Money, so I may be secured of my Life. Upon this my Lords, said I, Sir, you need not question his Majesty's gracious Promise, my Life for yours if you have not his Pardon; but I will take special Care about it, for I will send up a Letter to *London*, directed to some of the Lords, (which I accordingly did) and I will also speak to Captain *Lanc*, who is a worthy Gentleman, to interpose in it too. Then, said he, I will make a Discovery of the Plot. Then, my Lords, he told me first some particular Passages relating to this Lord at the Bar, and also concerning Mr. *Evers* and Mr. *Petres*, now in Custody, and some other Particulars: I wished him that he would speak no more at that Time. And when I parted with him, forthwith I consulted with myself what I ought to do in Point of Law: I knew, I must discover, that a further Discovery might be made of what had passed between us. Then I went to Mr. *Ireke*, who was either Mayor or Justice of Peace in *Stafford*, and told him he must come with me to Serjeant *Parry's*. He asked

me what to do. I told him, when he came, he should know; he accordingly came, and took short Notes of a further Discovery, and Mr. *Freke* he certified it up to Mr. *Chetwyn*, who was then at *London*. Upon the Day following, the 24th, I rose and went to one Mr. *Vernon*, one of his Majesty's Justices of the Peace, and told him what had happened, and he sent for Captain *Lane*, another of his Majesty's Justices of the Peace, and they took an Examination of him. I have done, my Lords, with reference to his Discovery, and the Time.

L. H. S. Do you remember what he mentioned of my Lord *Stafford*? What he said of him?

Mr. Southall. Truly, my Lords, I can only tell what he said at the first Examination: He told me the first Time my Lord *Stafford* spoke with him was at *Tixall-Hall*, nigh to the *Gatehouse*, betwixt the Gate and the Hall. My Lord was going into the Hall, and my Lord *Stafford* told him it was a very hard Thing, or to that Purpose, that they could not say their Prayers but in private, and after told him the same Day or Night t'one, that they had some Work to do, and he might or must be instrumental in it. This was the Effect of what he told me passed the first Time. Another Time I think he told me he was to have five hundred Pounds to kill the King.

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

Mr. Southall. Not till Captain *Lane* examined him, which was the second Time he was examined; which was about the 26th.

L. H. S. Did he swear that before *Vernon* and *Lane*?

Mr. Southall. Yes, he did, I could give your Lordships a Breviate of what he swore then.

L. Staff. I desire he may give that Breviate.

Mr. Southall. I took some Notes of what he swore then.

L. H. S. Have you them by you, or about you?

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

L. H. S. Produce them.

Mr. Southall. I took this upon some Paper I had in my Pocket, and is the Substance of what he swore.

(Which he delivered to the Clerk.)

Clerk. December the 24th 1678, Mr. *Dugdale* informeth, That in *September* last, he met in *Tixall* the Lord *Stafford*, nigh to the Gates, who said, That it was sad they were troubled they could not say their Prayers, but in a hid Manner; but suddenly there would be a Reformation to the *Romish* Religion, and if there be a good Success we shall enjoy our Freedom. And that upon the 20th Day of *September* 1678, the said Lord *Stafford* told this Informant, That there was a Design in Hand, and if he would undertake in it, he should have a good Reward, &c. and make himself famous. The same Day this Informant went up into Mr. *Francis Evers's* Chamber, to know what my Lord *Stafford* meant by his Words; and he first made him swear Secrecy upon his Knees, and then told him, That he might be a Person employed, and have a good Reward, and make himself famous, if he would stand instrumental with others in taking away the King's Life, by Shooting, or otherwise; and need not fear, for that the Pope had excommunicated the King, and that all that were excommunicated by him were Hereticks, and they might kill them, and be canonized for Saints in so doing. And that the Design was to kill the Duke of *Monmouth* as well as the King.

December the 29th 1678, this Informant saith, That since the 20th Day of *September* last, the said Lord *Stafford* did promise him five hundred Pounds as to the carrying on of the Plot, and that Mr. *Evers* should give him Instructions about the same. And that the Lord *Stafford* told him, he did not doubt of his Fidelity, for Mr. *Evers* had given him a good Character to be trusty. And that the Lord *Stafford* told this Informant, That there was a Design to take away the Life of the King, and the Life of the Duke of *Monmouth*, and that several others were to be employed in the Design besides this Informant. And that this had been thoroughly considered of to be the fittest Way for the establishing of the *Romish* Religion. And that at the said Time, the said Lord *Stafford* laid his Hand upon his Head, and prayed God to keep him in his good Mind, and to be faithful to what he had entrusted him in, &c.

And this Informant further saith, That he doubting of the Lord *Stafford's* Payment, the said Mr. *Evers* promised him the making good of my Lord *Stafford's* Promise, &c.

And further saith, that he saw a Letter directed from my Lord *Stafford* to Mr. *Evers*, and he read the same, and knows it to be my Lord *Stafford's* Writing; and that therein was written, that Things went on well beyond the Seas, for the carrying on the Design, and so he hoped it did do here in *England*, &c.

Sir Will. Jones. My Lords, we will examine no further as to Mr. *Dugdale*, but will conclude with this Witness, and I think he speaks fully to him. The next Witness we called was Dr. *Oates*, and your Lordships have been pleased to observe, That what Exceptions have been made against him, have not been so much by Witnesses produced, as by opposing one Part of his Testimony to another, what he swore at one Time to what he swore at another: To which we shall give an Answer when we come to sum up our Evidence; for there will be no need of Witnesses to what is objected against Mr. *Oates*, but only of Observations. But as to the third Witness *Turberville*, we have something to answer of Witness, and something by Way of making Observation. We will first call our Witnesses.

[Then Mr. Southall desired his Paper again, which the Court told him he should have a Copy of from the Clerk.]

Sir Will. Jones. And our first Witness is to this Purpose: It was objected against Mr. *Turberville*—

L. H. S. Have you done with *Dugdale*? You have forgot to give an Answer to the Objection about the Point of Time when *Hobson* told him of the Design.

Sir Will. Jones. My Lords, that will be when we come to make our Observations; we shall not answer that by Witnesses; when we come to sum up our Evidence, I doubt not but we shall give a sufficient Answer to that Objection. But to go on with what is to be answered by Testimony, your Lordships will be pleased to remember, that *Turberville* did inform your Lordships, That he had some Converse with my Lord *Stafford* at *Paris*, being introduced by some of the Fathers. My Lords, we shall call a Gentleman that happened to be there at that Time, that will tell you, though he did not know my Lord *Stafford*, yet he knew that *Turberville* did converse much with an *English* Lord in that Place where my Lord does acknowledge his Lodging

Lodging to be. He will give you some further account how *Turberville* went to *Diep* in Expectation of my Lord, and how he had a Message from the Lord, though he did not know my Lord *Stafford*. He will give you a further account how Mr. *Turberville* was earnest with him to go to *Calais*, and then told him, he might go over with my Lord at that time. The use we make of these Particulars we will forbear to mention till we sum up our Evidence. We desire to examine Mr. *Thomas Mort*.

(Who was sworn.)

Sir *Will. Jones*. We desire to ask Mr. *Mort*, whether he knew Mr. *Turberville* at *Paris*, and at what time.

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

Mr. *Mort*. Yes, my Lords, I knew him, it is now five Years past since we were in *Paris*. He and I had been intimately acquainted before, we lived in the same Family. I was several times in Company with him, and many times in his Brother's Company, which was a Monk, and I heard him say his Brother had an Intention he should be of the same Order. And some time after that he altered his Resolution, and designed for *England*, and I had such a design too to go from *Paris*, where I was an Apprentice. And being acquainted with him, I resolved to go over with him, and he told me, his Brother the Monk had introduced him into the favour of a Lord; as I take it, it was my Lord *Stafford*, as well as I can remember. And that there was a Vessel to come to *Diep*, a Yacht, and we should go thither to go over with my Lord. And Mr. *Turberville* told me, we must make as much haste as might be, for it were better to be there a Day or two too soon, than too late. We went to *Diep*, and when we came there, the Vessel was not come. And when we had been there a Fort-night, or thereabouts, we were put to a great deal of Inconveniency by reason of our long stay there: And, I think, if I mistake not, I or some of the Company said, Cursed is he that relies or depends on a broken Staff; alluding, as I believe, to my Lord *Stafford's* Name. Mr. *Turberville* told me, if we did go to *Calais*, we might go over with my Lord; but how or by what means he understood the Vessel would be there, and my Lord go that way, I know not. But we did not go thither, we had another Opportunity; there was a small Vessel, whether a Fish-Boat or a Coal-Vessel I cannot tell, a very little one it was, but we took the Opportunity, and came over in it.

Sir *Will. Jones*. My Lords, We shall make use of it in due time; we only call him now to prove his Converse with a Lord at *Paris*.

L. H. S. Did you ever see *Turberville* at a Lord's House in *Paris*?

Mr. *Mort*. No, my Lords, not that I can remember; but I think, as near as I remember, I will not be positive, I walked about *Luxemburgh-House* while he went, as he said, to the Place where the Lord lodged, I was thereabouts till he came.

L. Staff. In what Street was it?

Mr. *Mort*. Indeed I cannot tell.

Sir *W. Jones*. This Man is very cautious.

L. H. S. Can you tell the Lord's Name?

Mr. *Mort*. I do not remember his Title, but I think it was my Lord *Stafford*.

Sir *Will. Jones*. Pray who were you Servant to? Who were you bred under?

Mr. *Mort*. My Lord *Powis*. I served as a Page to him, when Mr. *Turberville* was Gentleman-Usher

to the young Lady, one of his Daughters, since married to my Lord *Mollin:ux*.

Sir *W. Jones*. Will my Lord please to ask him any Questions? if not, we will go on.

L. Staff. No, not at present.

Sir *Will. Jones*. Well then, my Lords, we desire to call one Mr. *Powell*, a Gentleman of *Grays-Imm*, to tell you when he first heard Mr. *Turberville* speak of this Evidence he hath now given.

(Mr. *Powell* was sworn.)

Sir *W. Jones*. Pray will you give an account what Discourse you had with Mr. *Turberville* about the Plot, and when.

Mr. *Powell*. About this time twelve-month we discoursed about it, and he told me, that he had much to say in relation to the Plot; but truly he did not name any Particulars to me at that time.

Sir *Will. Jones*. Where was this, we desire to ask him.

Mr. *Powell*. It was at the *King's-Head* Tavern in *Holborn*.

Sir *Will. Jones*. Are you sure it was a Year ago?

Mr. *Powell*. It was about this time twelve-month.

Sir *Will. Jones*. What was the reason he did not think fit then to reveal it? Did he tell the Reason?

Mr. *Powell*. I think he gave me a Reason, That he was something cautious, because he feared he might disoblige his Brother at that time.

Sir *Will. Jones*. Did he give you any further Reason?

Mr. *Powell*. I think he said he was afraid he should not have Encouragement enough, for he said some of the Witnesses had been discouraged, and he was afraid he should be so too.

Sir *Will. Jones*. Now we shall call a few Witnesses to Mr. *Turberville's* Reputation, which have known him a good while. Mr. *Hobby*.

L. H. S. Was this time that Mr. *Powell* speaks of, that he did discourse with him, before or after that of *Yalden*?

Sir *Will. Jones*. My Lords, We do not know of any Discourse with *Yalden*; nay, we believe none such was. This Witness speaks of a Year since.

L. H. S. What time does *Yalden* speak of?

Sir *W. Jones*. *February* or *March* last, and this was a Year ago.

L. H. S. This was then before that certainly.

Sir *W. Jones*. We desire that Mr. *Arnold*, a Member of the House of Commons may be sworn.

(Which was done in his Place.)

Sir *W. Jones*. Do you know Mr. *Turberville*?

Mr. *Arnold*. My Lords, I do know him very well, and I have known him these two Years: He came recommended to me from his Grace my Lord Duke of *Buckingham*. My Lords, presently after the breaking out of the Plot, he was sent down into our Country by the Lords of your Lordships House that were of the Committee, and a particular Recommendation from the Duke of *Buckingham* to me, to give him Direction and Assistance to find out a Priest, one *Charles Pritchard*, and I think also if I mistake not, one *Morgan*, my Lord *Powis's* Priest. I spoke with him before he went, I sent Letters down with him, I spoke with him afterwards: He hath been in my Family some time; he hath behaved himself very well there, and in several other sober Families nearly related to me. I have not heard a better Character of any Man from

from all sorts of People, than of him, in my Life.

Sir *Will. Jones*. Did he tell you any thing of the Plot, Sir?

Mr. *Arnold*. My Lords, I did several times find by him, that he knew much; having conversed both in *France* and here with Jesuits and Priests. I pressed him oftentimes to discover his Knowledge, and to come in to the Council; but he gave me such Answers why he did not, that I could not answer.

Sir *W. Jones*. What were they, Sir? Pray tell us.

Mr. *Arnold*. That the Witnesses that were come in, were in danger of their Lives; that they were discouraged, that they were discountenanced; and as long as the Duke of *York* had that Power in the Council that he had, and my Lady *Powis's* Brother had that Power over these Countries where he lived, (which his Lordship is often pleased to call his Province) he durst not do it for his Life.

(Then Mr. Hobby was sworn.)

Sir *Will. Jones*. Do you know Mr. *Turberville*, and how long have you known him?

Mr. *Hobby*. My Lords, I have known Mr. *Turberville* near four Years.

L. H. S. What Account can you give of him?

Mr. *Hobby*. My Lords, my first Acquaintance with him, was at my Brother's House in *Glamorganshire*. When I came there, my Brother shew'd him me, and told me he was a very worthy Man, but his Friends had cast him off, because he would not take Orders in the *Romish* Church. He lived at my Brother's above a Year; and when he came thence, my Brother writ a Letter of Recommendation to my Father to receive him there, and do him all the Kindness he could. He came to my Father's, and staid there near half a Year, or thereabouts, I cannot tell to a Month or so. Since I have known him often in this Town, and been in his Company; and I never knew, nor heard, but that he behaved himself like a worthy honest Gentleman: But as to any thing of the Plot, I know nothing.

Sir *W. Jones*. We ask you not to that: Where is Mr. *Matthews*?

(Then Mr. Matthews, a Divine, was sworn.)

Sir *Will. Jones*. Mr. *Matthews*, pray tell my Lords, whether you know Mr. *Turberville*, and how long you have known him?

Mr. *Matthews*. Yes, my Lords, I have known Mr. *Edward Turberville* for about four Years last past.

L. H. S. Go on, what do you know of him?

Mr. *Matthews*. My Lords, he lived some time in my Neighbourhood; I never knew him guilty of any ill Action at all, but a Person of a very fair Reputation: He acknowledged himself a *Roman* Catholick, and was pleased to give me the liberty to talk to him. I found him inclinable to hearken to me, and to those Reasons I offered to him; and I found he had a mind to quit that Religion, being convinc'd by the Arguments I gave him; and at several times he hath since told me, those were some of the great Motives of his coming over from the *Romish* to the *Protestant* Communion.

L. H. S. What were the Motives?

Mr. *Matthews*. One was the Hazard I told him of, in his living in the *Roman* Communion, as to Salvation; another was the Excellency of the Doctrines of our Church, it's Principles and Practices.

L. H. S. Did he acknowledge to you, he knew any thing of the Plot?

Mr. *Matthews*. No, not a Syllable of it.

Sir *Will. Jones*. We don't call him to that Purpose.

(Then another Witness was sworn.)

L. H. S. What is your Name?

Witness. *William Scys*.

Sir *Will. Jones*. Pray will you acquaint my Lords, what you know of Mr. *Turberville*.

Mr. *Scys*. I have been acquainted with him these two or three Years, and I never knew him guilty of any ill Action in my Life. I never heard of any body that could asperse him; but he hath behaved himself like a very honest civil Gentleman.

Sir *Will. Jones*. Where were you acquainted with him?

Mr. *Scys*. Here in *London*.

(Then Capt. Scudamore stood up again.)

Sir *W. Jones*. He was sworn before, we desire he may speak to Mr. *Turberville's* Reputation.

Capt. *Scudamore*. My Lords, I have known Mr. *Turberville* for these three Quarters of a Year, I have been acquainted with him in *London*; he hath been much at my House, and all that while I saw nothing in him, but that he is a very honest Gentleman.

Sir *Will. Jones*. My Lords, I think we have but one Matter more, which we should have mentioned before, but that our Witness was not come: But I hope we shall have the Favour of some honourable Lords that do know the thing; and I think there are many more that can prove it. My Lord *Stafford*, who is very ancient, it may be, may not remember Matters exactly; I blame him not; Oblivion is the great Infirmity of old Age. He was pleased to say Yesterday, he had so good Health, that he had not been lame, I think he said for these forty Years; but at last his Page said, for the last seven Years: And I shall confine our Proof to that Time. My Lords, I think there are some honourable Lords here, that have seen this Noble Lord, that says he was not lame in so many Years, very near about the Time that he was confined and imprisoned, go lame and come lame to the House, and ease himself by holding up his Leg sometimes. My Lords, I do not say, the Circumstance is very material, but only to shew my Lord may forget himself, which I shall impute to his old Age.

L. *Staff*. I will acknowledge it, if your Lordships please; I did say I had not been lame with the Gout so long, no more I have not. I was troubled with the *Sciatica* many Years, but 'tis above eight or nine Years since that; and I took so much *Opium*, that that, and my going to the *Bath*, cured me. I have often come lame to the House, out of Weariness and old Age; but if ever I put my Foot upon a Stool for the Gout, or was ever so lame as to put my Foot upon a Cushion to ease it, I will admit what he speaks to: I'll acknowledge thus much to save time.

Sir *Will. Jones*. Seeing my Lord is pleased to go off from it, I'll call no Witnesses to it.

L. *Staff*. I go off from nothing, I was lame three or four Years when the King came in: I went to the *Bath*, and afterwards into *Germany*; and what with *Opium*, and the *Bath*, I was cured, and have not been lame these eight or nine Years. I have not had the Gout in my Foot for these many Years, and I never was so lame to put my Foot on a Stool, to my remembrance.

Sir *Will. Jones*.

Sir Will. Jones. I do not think we shall need to trouble you. Lordships more with this matter; that my Lord was lame some time, he is pleased to confess. One Witness says, That he put his Foot upon a Cushion; my Lord doth not acknowledge that.

L. Staff. I was never lame at Paris.

Sir Will. Jones. That a Man that is lame does sometimes ease his Foot, is no hard Consequence, I think.

L. Staff. I deny I was lame then; I walked about the Streets of Paris, I desire I may not be misunderstood.

Sir Will. Jones. I must then desire, under his Lordship's Favour, if he will not acknowledge it to be within seven Years, that we may prove it, and falsify his Witness, the Page.

L. Staff. I have gone with a Stick to the House, I acknowledge it, and been lame with Weariness.

Sir Fran. Winnington. The Objection went to the Credit of our Witnesses, and therefore we desire to answer it: My Lord was not lame, as he says, for so many Years; but if we prove that within less time my Lord hath been lame, it will take off that Objection from our Witnesses. And we desire a Noble Lord or two of this House may testify what they know. And first the Earl of Stamford; (who was sworn.)

Earl of Stamford. My Lords, I think I have not had the Honour to sit in this House much above seven Years, but long since that time I have seen my Lord Stafford come lame into the House of Peers, and that is all I can say.

L. Staff. I have come lame with a Stick to the House, I say.

Sir Fran. Winnington. My Lords, we desire that Noble Lord, my Lord Lovelace, may be sworn; (which was done.)

Lord Lovelace. My Lords, the Account that I can give your Lordships, is this; I cannot ascertain any time, but I am sure, and I do declare it upon my Honour, and the Oath I have taken, that I have seen my Lord Stafford lame in the House of Lords within less than these seven Years.

L. Staff. If he goes home to the Tower he may see me lame, but never put my Foot upon a Stool.

Sir Will. Jones. My Lords, your Lordships will be pleased to remember, we did call a Witness, one Thomas Launder, and the Account we had of him was, he was gone sick from the Bar, he was very sick indeed; but being just now brought, we desire he may be heard, though it be out of time: We call him to the Reputation of Holt.

(Thomas Launder was sworn.)

Sir John Trevor. Do you declare to my Lords, whether you know Samuel Holt.

Launder. Yes, My Lords, I do.

L. H. S. What do you know of him?

Launder. He is a Smith, my Lords.

L. H. S. What Reputation is he of?

Launder. Indifferent, my Lords.

Sir Will. Jones. What do you mean by that, good or bad? speak plainly.

Launder. A drunken Sot, a Man that will drink, and rant, and tear the Ground, and sing two or three Days or a Week together, and lose his time.

Sir F. Win. I would ask this Man, whether he was summoned as a Witness upon any Trial in relation to the Plot?

L. H. S. Were you ever summoned as a Witness about the Plot?

Launder. My Lords, I was summoned concerning my Lord Aston's Trial, and I came up with my Lord Aston's People as an Evidence.

Sir W. Jones. Had you any Offer of Money, and what Sum?

Launder. Yes, my Lords.

Sir F. Win. Acquaint my Lords with it.

L. H. S. Who offered it you? and when? and for what?

Sir Will. Jones. For what was that Money offered you?

Launder. The Money was not absolutely offered me, but I was to have an Horse to ride on, and Money in my Pocket, if I could take off James Ansell, Dugdale's Evidence.

L. H. S. Who came and offered it to you?

Launder. I was sent for by Mr. Fox to Tixall-Hall, and there was my old Lord's Brother for one, and Mr. Thomas Aston, that is, this young Lord's Brother, and Mr. Francis Aston, who is my Lord's eldest Son, were in a Room together, and this Thomas Sawyer that was here, and more were in the Room when they promised all these things.

L. H. S. If you would do what?

Launder. If I would take my Oath, that this James Ansell was a perjured Rogue.

L. H. S. Did all they make you this Promise?

Launder. Yes, my Lords.

Mr. Foley. It was a Consult together about taking off the Evidence.

Sir Will. Jones. My Lords, we have done with our Witnesses; if my Lord Stafford please to conclude, we are ready to do so too.

L. Staff. What should I conclude? about those Witnesses you have now brought in?

Sir Will. Jones. Your Lordship may please to conclude your Evidence, we are ready to conclude on our Part.

L. Staff. These new Witnesses, must I say what I can say against them presently? I cannot do it, I know very few of them.

L. H. S. Have you any Witnesses here, my Lord?

L. Staff. I cannot possibly have any; for I did not know, nor guess these People would be brought against me: They are Persons I know nothing of. Ansell I have seen four or five times, I may have seen the rest, but I do not know them to be able to give an Account of them.

L. H. S. If you have any Witnesses here to support the Credit of your own Witnesses that have been impeached, you may call them.

L. Staff. I have none, my Lords.

L. H. S. Will your Lordship recapitulate the material Parts of your Defence, that the Process may be closed?

L. Staff. I am very unready for it, my Lords. Let me ask Mr. Whitby a Question, if I must have no more time.

(Mr. Whitby stood up.)

L. H. S. There he is; What would your Lordship have with him?

L. Staff. I do not know the Gentleman.

Mr. Whitby. Nor I your Lordship.

L. Staff. I ask him upon the Oath he hath taken, I know he will speak Truth, Whether he did

did not some Years ago tell my Lord *Aston* that is dead, this Lord's Father, That *Dugdale* was a Knave, and persuaded him to turn him away, (I say not it is true, but I have heard so) and desired him to tell his Son so, that he might quit himself of him?

L. H. S. What say you, Mr. *Whitby*?

Mr. *Whitby*. My Lords, about three or four Years ago my Lord *Aston* that is dead (I believe it may be two Years last *April*) sent for me to dine with him; and when I came thither, he told me, says he, Mr. *Whitby*, I have sent to you to acquaint you with a Thing, but I do not believe it before I tell it you. What is it, said I? Said he, *Stephen Dugdale* hath acquainted me, that you have employed Persons upon the Water to destroy my Water; said I, my Lord, I never endeavoured it. He said, he did believe me. Then I told my Lord; said I, Mr. *Dugdale* is a Dishonour to the Family, upon this Account, because many times People come for Money, and he will not let them have it, but puts them off, and makes them complain. Says my Lord, my Son is now at *Standall*, but I will tell him as soon as he comes home; and if you will bring the Persons that have waited so long for their Money, and made so many Journies, you shall hear what he will say to it. Within a while my Lord *Aston* that now is, came down, and I went thither to see what became of it. And I went to the Bowling-Green where my Lord and his Son were; but my old Lord said nothing to me of it, nor his Son neither. Within a few Days my old Lord *Aston's* Gentleman came down to my House, (one Mr. *Ashley*) said I, I wonder whether my Lord *Aston* hath acquainted his Son with what I told him. Says he, he hath, but it signifies nothing; for he will hear nothing against Mr. *Dugdale*. This I speak upon my Oath, 'tis true.

L. H. S. Your Lordship sees what this Gentleman's Opinion was of *Dugdale* then, he would hear nothing against him. Will your Lordship conclude?

L. Staff. My Lords, I am mighty unready, and know not which way to turn myself, upon those new things they have brought; for I knew nothing of it, nor expected any such thing. But will you be pleased that I may call *Simon Wright* again?

(*Who stood up.*)

L. H. S. What would your Lordship have with him?

L. Staff. I have nothing to say to him, but to desire him to see this Letter, whether it be of his own Writing or no.

L. H. S. Look upon that Paper, shew it him: (*Which was done.*)

L. H. S. Is it your Hand?

Wright. This is my Hand. 'Tis part of that I was hired to do. There is another of a great deal more Consequence than that.

L. H. S. Deliver it in, and read it.

Sir, June the 14th, 1680.

Clerk. **I** Can, I bless God, with a safe Conscience declare upon my Oath that Mr. *Dugdale* hath been unkind to me in taking his Opportunity of my Poverty, by reason of a private Meeting of us two by his Appointment, he did that time proffer if I would swear against you, and Mr. *Gerard*, he would protect me as one of the King's Evidence, and I should not want Money; and in the Hall at Westminster he said, if I did discover it that Day at Mrs. *Price's* Trial, he would set me in the Pillory. This I have

owned to his Face, and shall not go back from this and more, neither for Fear nor Favour. So I rest as you shall find by your Servant,

Sim. Wright.

L. H. S. Is this your Hand?

Wright. Yes, my Lords; this I was advised Word for Word to write.

L. H. S. Who penn'd this for you? Did you pen it yourself?

Wright. No, my Lords, they penn'd it, and a great while I would not set my Hand to it; but *Fermin Drayton* said I need not fear, I was not to swear against the King.

L. H. S. Who is that?

Wright. He is Butler to Mr. *Hexningham*.

L. Staff. See what you have under his Hand, I have no more to say to him.

Wright. But by their Persuasion at last I did write it, and a great deal more than that.

Sir Will. Jones. I desire to ask Mr. *Wright* whether they would have had him swear this?

L. H. S. Were you desired to swear this?

Wright. No, my Lords, they never put me to swear it; for they told me I was not to swear against the King: but if I would be so kind to make an Affidavit before a Justice of Peace, I might then go where I would into the Country, and I should have Money to bear my Charges.

Sir W. Jones. Who would have had you swear it before a Justice of Peace?

Wright. *Fermin Drayton*, and Mr. *Longmore*; where he is I can't tell, but he told me that Sir *James Symons* was better able to perform than *Dugdale* was to promise.

Mr. Mr. Serj. *Maynard.* The same thing that was done by *Redding*, he was convicted for it, and stood in the Pillory.

Sir Will. Jones. We desire to know, whether he was ever with Sir *James Symons* himself, and what he offered?

Wright. I was once with him at the *King's-Bench*, I dined there: after I had written the Paper that was read, he gave me 20 s. and said, he hoped I would not go off from what I had said; and he hoped I was sensible his Gratuity would not be wanting, and was sorry he had not occasion to use me.

Sir Will. Jones. My Lords, we have done with him; I only observe, that my Lord *Stafford* was pleased to produce this Paper; he was Master of it, and had it in his keeping.

Sir Fran. Win. Wright says, there is another Paper of more Consequence; I wish his Lordship would produce that also.

L. Staff. I did not know of this till just now it was delivered into my Hands. Did you see Mr. *Longmore* before this Letter was writ?

Wright. Both before and after, to the best of my Remembrance, and at the time when Sir *James's* Trial should have been, at the Sign of the *Crown* in *King-street* in *Bloomsbury*.

L. H. S. My Lord, will you conclude?

L. Staff. My Lords, I desire your Lordships Pardon; I do not know how really to go about it to Night. I will obey your Commands, though I fall down at the Bar. I protest before God, I was all Night so ill of the Cramp, that I had no Repose. If you will have me go on, I will, if you will give me but a little time to recollect myself.

L. H. S. God forbid, when your Lordship is to speak upon so great a Concern, and a matter of that Importance as this is to you, you should be put at the end of the Day, and in the midst of all your Thoughts, to sum up your Evidence. I do believe, if you do desire time till to-morrow, my Lords will give it you: And if you would have me move my Lords in it, I will.

L. Staff. One word, I beseech your Lordships—
Sir W. Jones. We do not oppose it.

L. Staff. My Lords, I desire one thing; I am very ignorant in this Matter, and do not understand it; I would desire your Lordships Directions to know in what Method I must proceed.

L. H. S. Your Lordship is to proceed thus, if you please: Your Lordship is to recollect and recapitulate all the Proofs you have made; and you are to enforce them as well as you can, and make such Observations upon them as are for your own Advantage; and this your Lordship must do for the Fact. If there remain a Doubt in Law which you may have occasion to move, Council may be demanded; and if it be considerable and worthy of Debate, you may have Council heard to speak to it. But the Process is closed, no more Witnesses are to be heard: There remains only Observations upon the Fact or Law to be made.

L. Staff. Are no more Witnesses to be heard?

L. H. S. No, I think not: 'tis agreed on both sides all is done: But my Lord, I would not have your Lordship to understand me so, that if so be you have yet any material Evidence, that you think it does concern you to produce, and you have it ready to-morrow, before you sum up the Evidence; I believe then, if you move my Lords, they will let it be heard: Otherwise I think here is an end of Witnesses.

L. Staff. I desire the Paper I gave in, may be returned me.

L. H. S. But in order to this, my Lord, if your Lordship does think you shall use or produce any other Witnesses, it would be of Importance that you would name them now.

L. Staff. Truly, my Lords, I will go hunt for none; and I think I shall have none: only one thing I must beg your Pardon in; which is the only thing I must have Witnesses to, to answer what they have said, that my Lord *Aston* would not come to Account. My Witnesses are very near me. Mr. Lieutenant, some in the *Tower*, and one Mr. *Birch*.

L. H. S. My Lord *Stafford*, bring those to-morrow that you name to-night.

L. Staff. If you please that I may have that Paper, *Wright's* Letter.

E. of Shaftesb. My Lord Steward, I desire that Letter may be kept.

L. Staff. It is a Paper that was given me, and I would return it: if you won't allow me it, I can't help it.

L. H. S. 'Tis desired it may remain where it is: But your Lordship may have a Copy if you please attested by the Clerk. Is it your Lordships pleasure to adjourn?

Lords. Ay, Ay.

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

Then the Lords withdrew in their Order, and the Committee of Commons returned to their House, where Mr. Speaker resumed the Chair.

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

Mr. Speaker.

The Lords have sent us to acquaint this House, That they have Ordered William Viscount Stafford to be brought again to his Trial at the Bar in Westminster-Hall, to-morrow Morning at Ten of the Clock.

The Commons adjourned to Eight of the Clock the next Morning.

THE FIFTH DAY.

Saturday, December 4. 1680.

ABOUT the Hour of Ten in the Morning, the Lords adjourned into *Westminster-Hall*, going thither in their former Order into the Court there erected; and Mr. Speaker having left the Chair, the Commons were seated as before.

The Court being sat, Proclamation for silence was made, and the Lieutenant of the *Tower* commanded to bring his Prisoner to the Bar; which being done, the Lord High Steward began as followeth.

L. H. S. What says your Lordship, my Lord *Stafford*? My Lords are prepared to hear what your Lordship can say in the summing up of your Defence.

L. Staff. My Lords, I must needs say to your Lordships, That you have given me Favour and Time all that I could demand. But I am a very unfortunate Man in many Things, unfortunate in being brought hither upon this Account; and truly, my Lords, I am very unfortunate, that I had not yesterday, before I went away, the Names of some very material Witnesses, and some that I did not know of, till within this half quarter of an Hour: I humbly offer this to your Lordships Consideration as the State of my Case. 'Tis true, my Lords, I acknowledge I was bound up yesterday to Mr. Lieutenant, and some others that I named; but I humbly tell your Lordships this, That I am informed of some material Witnesses more this Morning.

L. H. S. Are the Witnesses you speak of, any of the Witnesses you named last Night?

L. Staff. No, my Lords; 'tis one of my Lords, a Peer of this House.

L. H. S. How many more have you?

L. Staff. Five or six.

L. H. S. To what Point?

L. Staff. To discredit the Witnesses that have been brought against me; both some of those that have discredited mine, and some that have sworn against me particularly.

L. H. S. There is no end of this Way of Proceeding.

L. Staff. My Lords, I profess to your Lordships, in the presence of God, I do it not for delay, nor did I know of them then.

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

Sir W. Jones. My Lords, I am afraid this Proceeding at this rate will never have an end. If his Lordship have any Witnesses to any material part of his Defence, tho' he hath bound himself up, I should not be against hearing of them. But if his new Witnesses are only to the Reputation of our Witnesses, then perhaps we must have some other Witnesses brought to discredit his; and we not

knowing who these new Witnesses of his would be, may need perhaps another Day to bring Testimony against them, so that I know not when the matter can have an End. Your Lordships know, there is a Rule in the Civil Law, *In testem, testes, & in hos, sed non datur ultra*: And I hope beyond that you will not go. Truly, for my own part, I did not expect any other Witnesses, but those he was pleased to name last Night, in relation to the Matters of Accompt; if he please to call them, we shall hear them: But for any other, considering it would prolong the Trial to another Day, and this Cause hath had four Days already for Hearing, we hope they shall not be admitted.

L. Staff. My Lords, I profess to your Lordships, if I were alone concerned in it, I should not have moved it; but when I consider my Wife and Family are concerned, I hold my self bound by the Duty I owe to God and them, to propose this to your Lordships: I am pressed to it by my Wife just now, since the House came in. I protest before God, for my self, I can look Death in the Face without being afraid; but when I consider in what Condition I shall leave my Wife and Family, it moves me.

(Then he wept.)

I am not concerned at it for my own part, for I know I am innocent, but I cannot forbear Tears when I consider them; 'tis not for my self, I take God Almighty to witness, that I weep; I could be content to speak a few Words to your Lordships, and submit to your Judgment, and take my Death, if you decree me to it, and not defer it till Monday. But I cannot forbear shewing my Grief when I consider my Wife and Children.

L. H. S. Pray, Gentlemen, consider, Whether it be not a saving of Time, to let my Lord examine his Witnesses; else my Lords must withdraw to consider of his Desire. 'Tis true, in the Practice of *Chancery* we do examine to the Credit of Witnesses, and to their Credit, but no further; but what my Lords will do in this Case, I know not till they are withdrawn.

Sir Will. Jones. My Lords, we have that Opinion of our own Proofs, and are so desirous of an End of these Proceedings, that rather than we will give your Lordships the trouble to withdraw, if my Lord will please now to tell us the Number and Names of his Witnesses, we shall not oppose their being heard.

Sir F. Win. If your Lordships please, one word further: We know well of what Concern this is to my Lord, and no body desires to have him cramped in his Evidence. The Objection did lie fair on our side, it looking like a designed Delay; and yet we are willing to comply, with this Reservation, that if there should be any such Witnesses produced now, as may require an Answer, that we may not be foreclosed of advising with one another about it.

L. H. S. No, by no means. My Lord Stafford, your Desire is consented to upon these Terms, That your Lordship will now name the Persons and Number of the Witnesses you will call.

Mr. Hampden. And the Points to which you will call them.

L. Staff. I humbly thank your Lordships for the Favour, but it is an Impossibility for me to do it: If your Lordships will give me a quarter of an Hour's Time, I will name them; I cannot name some of them; one is my Lord Ferrers, another is

one Dr. Taylor, Dr. Watson, Dr. Elliot, and one William Dale.

L. H. S. Now to what Points will your Lordship call these Witnesses?

L. Staff. My Lord Ferrers is to speak his Knowledge of Southball the Coroner, and that is as to Dugdale; my Lord knows that Person. Dr. Watson, and they are to invalidate the Testimony of Dr. Oates: And there is another Man's Name, I forget what it is.

Sir W. Jones. To what Point is he to be a Witness?

L. Staff. 'Tis to Dr. Oates, and the Evidence against me.

Mr. Serj. Mayn. So there will be Pretences made every Moment of some new Witness to put off this Cause.

L. Staff. Under your Lordships Favour, I scorn to make any Delay. If you think this may not be material, or not fit to be done, I will quit it.

L. H. S. Go on, my Lord.

L. Staff. Will your Lordships be pleased to begin with my Lord Ferrers? (*Who stood up in his Place.*)

L. H. S. My Lord Ferrers, your Lordship is called upon by my Lord Stafford, and you being a Witness for the Prisoner, and against the King, your Lordship is not to be sworn.

Lord Ferrers. My Lords, What I have to say concerning that Person my Lord named, Southball, is only upon Hearsay, and upon the Reputation he hath in the Country; for I have no Acquaintance with him, nor do know him at all: But the Reputation that hath been given me of him in the Country, is, That he hath been a very active Man in the late Times against the King, and is counted to be a very pernicious Man against the Government.

L. Staff. Call Dr. Taylor.

Servant. I know not where he is, he can't be found at present.

L. Staff. Then call William Dale in the mean time. My Lords, This same Southball I never heard of; the other Man that drew up the Affidavit, that is Feake, I know; he was named by Southball to join with him in the Examination; I can't tell what he was, I can prove that he is an Attorney, that he was Mayor of Stafford, and proclaimed the King Traitor.

L. H. S. Who was that?

L. Staff. One that drew up the Affidavit of Dugdale, Feake mentioned by Southball.

L. H. S. Who is your next Witness, my Lord?

L. Staff. One William Dale. (*Who being called, appeared.*)

L. H. S. What is your Name?

Witness. William Dale.

L. H. S. What do you say?

L. Staff. About Dugdale, my Lords, what he knows about his offering him any Money.

Sir Will. Jones. We desire to know where he lives.

Dale. Dugdale never offered me any Money.

L. H. S. Where do you live?

Dale. At Owefeley-Bridge.

L. Staff. Pray ask him whether Dugdale persuaded him to swear against my Lord Aston something he knew not.

L. H. S. Did Dugdale ever hire you to swear against my Lord Aston?

Dale. No, he never hired me.

L. H. S. Do you know that he ever hired any body else to swear false?

Dale.

Dale. I do not, my Lords.

L. Staff. My Lords, I most humbly thank your Lordships for your Favour in giving me the Liberty of examining these other Witnesses; I shall trouble you no further, nor give no more Evidence; only one Witness, my Lords, I shall trouble you no further, and that is Mr. Lieutenant of the Tower, to this Point, whether my Lord *Aston* did refuse to come to account with *Dugdale*.

L. H. S. Come, Mr. Lieutenant, do you know any thing about Accompts between my Lord *Aston* and Mr. *Dugdale*?

Mr. Lieutenant. My Lords, last Summer was Twelve-month *Dugdale* came to the Tower, but my Lord *Aston* would not speak with him, unless I were by; so they brought him to my Lodging, and he shewed me the Books of Accompts: I told them I did not understand Accompts, but if they would have me be by, I would get somebody to be present that did, and have them adjusted. Mr. *Dugdale* said he would come another time, but from that time to this I never heard of him.

L. Staff. My Lords, I shall not trouble you with any more Witnesses. My Lords, I have now done my Evidence. I shall, as well as my weak Memory and old Age will give me leave, sum it up, something (as well as I can) of the Evidence given against me, and for me. Truly, my Lords, I am able to do it very imperfectly for want of Understanding, and truly for want of Sleep; but I do not doubt, but that according to the Law, as I am informed it is, since I can have no Counsel in Matter of Fact, or to advise me in any thing of that nature, yet I am also informed by the Law, your Lordships who are my Judges, are my Counsel. And I do not doubt but your Lordships, when you take it into Consideration, will supply any Defects which I shall commit, which I believe will be many. I shall spend your Lordships time as little as I can; tho' these Gentlemen of the House of Commons believe I desire to protract it, yet I profess before God I do not. And I declare before them all, and your Lordships, I am so satisfied of my own Innocency, that I would never beg a moment's time of delay; and I know your Lordships will take care of the Life of the meanest Subject: and tho' I have had the honour to sit among your Lordships as a Peer, yet I ask not for your Favour, but with your Justice too; I shall therefore sum up my Defence as well as I can. For the first Witness, *Dugdale*, he swore I was at a Consult at *Tixall* in the end of *August* or the beginning of *September*; I have sufficiently proved that in all *August* I was not there, nor till the 12th of *September*. I have proved that his first Oath was, I was there in *August*, and a Man that will swear false in one thing is not to be credited in any. I have made it appear to your Lordships, that upon the 20th of *Septemb.* when he says he was in my Chamber and I sent the Page to call him, that that is false; it was only he desired he might come to me to get leave that he might go to the Race, my Lord *Aston* being angry with him for it. This I conceive is proved sufficiently by two Witnesses, my Man and my Boy, and this I think I have proved as positively as can be done. My Lords, 'tis true, 'tis objected against me, That I had said *Dugdale* was never seen alone with me in my Life, 'tis true; and 'tis true *Ansell* swears he brought a Footman to me, but he swears it was in the Morning, when it was at Supper, and does not say that he was alone with me. My Lords, *Dugdale* swore that he told Mr.

Philips and Mr. *Sambidge* of the Death of Sir *Edmundbury Godfrey* on the *Monday*, some swore he said it was on the *Tuesday*, but they deny that ever he told it them; and so he is forsworn in that. And, my Lords, whether he be a Man of any great Credit, I think I have proved enough to your Lordships. 'Tis proved by two Witnesses, *Holt* and *Morrall*, that he offered them Money to swear, as likewise he did to another; one *Robinson*; whom I do believe, by the Information that was given of him, to be a wicked ill Man, and not to be credited; but being so, my Lords, he was the fitter for *Dugdale's* turn. And yet he had so much Conscience, tho' he was a poor and needy Fellow, he would not swear a Man's Life away for Money. The other two are without Exception, the one they say is an idle Fellow, and t'other a Man but of an indifferent Reputation; how far that will move with your Lordships, I submit it to you. I suppose 'tis also clear by my Witnesses, that *Dugdale* is a Man of no Reputation, having forsworn himself in several Particulars; and I submit the Credit of all he says to your Lordships upon that.

The next Witness, my Lords, is Mr. *Oates*, whether he be a Doctor or no, I know it not, he would not own it here; he, my Lords, swears that he saw a Commission delivered to me to be Pay-master of an Army to be raised, God knows when, I never heard when, or where, I suppose it was in the Clouds, for I never knew where else. Mr. *Oates* all along before swore only that he believed I was in the Plot, now he swears I was in it, at Mr. *Fenwick's* Chamber, a Man I never saw in my Life, nor heard of till this Discovery. And that he saw Letters subscribed by my Name; but that, my Lords, I conceive is no Evidence at all, for he never saw me write, nor does know my Hand, nor does he pretend to know me then: and when he had told your Lordships he had a Letter of mine, he pretended to look for it, and then said he had lost it, that is, never had it. But besides, my Lords, his Evidence now does not agree with his former: for I do appeal to your Lordships that were in the House then, that he swore the first time, He only saw my Name to Letters; afterwards he swore (that is, some days after he had ended all his Evidence, and knew no more than he had put down then, afterwards he remembers what he knew not before and swears) a Commission he saw delivered to me: So his Memory increases as he hath time to invent, and perhaps by another time it might be much more. But, my Lords, I think that one particular, his swearing before your Lordships, as 'tis entred in your Journal, that he had no more to say against any body, and afterwards naming the Queen, and now me to have a Commission, I conceive, is perfect Perjury. My Lords, Mr. *Oates* told your Lordships, That he had never been a Papist in his Heart, but ever feigned it; truly, my Lords, I cannot possibly give over that Point, That a Man that feigns himself to be a Papist, or any thing that in the Opinion of Protestants is so wicked a thing as that, is fit to be believed, if he shall not heartily repent himself, and own it to God and Man as an ill thing to dissemble so. But yesterday he with a smiling Countenance, and as it were with a Derision, owns that which must be a very great offence to God Almighty, to pretend to be of an Idolatrous Church. I appeal to your Lordships whether he be a fit Witness, I conceive he cannot be thought a Christian, nor to believe in God. I know many wicked

ed and infamous Persons have done many wicked things and yet have been Witnesses; but never did any wicked Man own a wicked thing, that he might have concealed, with boasting of it, that ever was credited in any thing: For if he had said I do acknowledge I did dissemble with God and my own Conscience, but I ask God Forgiveness, it was for a good End, and a good Intention, it had been something, (tho' that could not have atoned for so ill a thing) but shewing no Repentance, but rather an impudent affronting of God Almighty, I think he is not a fit Witness, I appeal to your Lordships and the whole Christian World if he be. I cannot believe your Lordships will condemn me for an Opinion which I will go to my death with, and it stands upon me so to do.

The last Witness, my Lords, is *Turberville*, and he says, In the Year (75) he often discoursed alone with me for a Fortnight together at *Paris*. My Servants he owns he never saw them, and how he could come for a Fortnight together, and not see my Servants, I refer it to your Lordships Consideration whether it be possible. For I'll tell your Lordships, when I had been a few days at *Paris*, my Landlord came one day to me and said, You do not do well to suffer any body to come to you without your Man be by; for there came Yesterday a *Frenchman* to speak with you, and I do not know him, and he went up strait to your Chamber without any body with him; 'tis a dangerous thing, said he, for I know that *Frenchmen* and People have come up, and been alone with Persons, and put a Pistol to them and made them deliver their Money for fear of their Lives; therefore, pray, said he, do it no more. From that time, which was a few days after I came to *Paris*, the latter end of *October*, or the beginning of *November*, no Christian Soul was permitted to come to me without my Servants; how then could he come to me for a Fortnight together, and none of my Servants see him? My Lords, this Gentleman very civilly the next day after he had made an Affidavit against me, would needs mend it; and Sir *William Poulteney* did acknowledge that he made an Affidavit one day, that he came to my Lord *Powis's* in the Year (73) and the next day amended it to (72). Now I humbly conceive, my Lords, a Man that swears one thing to-day, which he forswears to-morrow, is not to be believed: And the truth of it is, as his Brothers prove to your Lordships, he came to my Lord *Powis's* in the Year (71) and so he forswears himself in every thing, and is in no wise to be believed. He swears to your Lordships I writ a Letter to him to acquaint him that I would go by *Calais*, and not by *Diep*; But I have proved I went by *Diep*, and I assure your Lordships I have not been at *Calais*, I think, these twelve or fourteen Years. I conceive these things are very manifest and clear Proofs against him that he hath not swore one true word. He swears that my Lord *Powis*, my Lady *Powis*, and his Friends, persuaded him to go to *Doway* to be a Friar, but not liking it, he came over again, and was in danger of his Life by them; but the Evidence is sufficiently strong in proof that he afterwards was at my Lord *Powis's* and was well received, that he lay in the House, and was not in the least injured by them. And for his other Relations, his Brother proves he was not ill used by them. They gave him seven Pound to be gone and trouble them no more. He says, I said he was a Coward; and I'll tell you why I said so, because a Captain, that is now out of *England*, told

his Sister so, who told me so; but that is not very material. My Lords, there is one Witness more, *John Porter*, that swears to your Lordships this one thing, That this *Turberville* swore to him at such an Ale-house, he knew nothing of the Plot. And then, my Lords, there is Mr. *Falden*, and he is a Gentleman of Reputation, he said in his Company, there was no Trade good but that of a Discoverer, God damn the Duke of *York*, *Monmouth*, Plot and all, for I know nothing of it. Truly, my Lords, whether he got Money by it or no, is known since he hath been a Discoverer, telling what he knew not so many Months ago; and therefore I submit it to your Lordships what he is.

My Lords, these People that swear against me, there is not one of them a Person of any Quality or Condition; and whether they have not rather sworn for Money than the Truth, by things that are known, and need no Proof, I shall observe when I come to it to argue that Point in Law, Whether a Man that swears for Gain is a credible Witness, or no?

My Lords, I have, as well as I can, summed up that little Evidence that was given against me: I cannot do it better in so short a time; for indeed I had but a very short time last night, and I have not slept, I had the Cramp so much in extremity, that my next Neighbour heard me roaring out. My Lords, I submit my self to your Lordships, and doubt not but that the Matters charged upon me will appear to your Lordships sufficiently answer'd. And I beseech your Lordships well to consider that one thing against Dr. *Oates*, his dissembling with God Almighty, and his impudent owning of it. This I do insist upon; and I protest before God Almighty, If I were a Judge, I would not hang a Dog upon such Evidence. My Lords, I have many Points in Law to offer to your Lordships, and when you please I should do it, I'll name them to you.

L. H. S. Name them, my Lord; if you have any Doubts in Law, propound them.

Lord Lovelace. My Lords, I would not interrupt my Lord, but I think indeed it is no Interruption, since his Lordship broke off, and was going on to another Point. But I think I see one of the impudentest things that ever was done in a Court of Justice; whilst we are trying a Person here for a Popish Plot, I do see a professed Papist standing in the Body of your House, and that is Sir *Barnard Geseigne*.

(*Who thereupon went out of the Court.*)

L. Staff. My Lords, I do conceive I have cleared myself to your Lordships of what I am accused of. My Lords, the Course of my whole Life hath been otherwise; I defy any Creature in the world to say, that I ever used one disobedient or disloyal Word of the King, or did any such Act. I waited on the King that now is, in the unhappy War that is passed, when I was in a low Condition enough as to Fortune, and my Wife and Family were thereby reduced to great Straits, for my Wife and Children lived some five or six Years upon some Plate and Jewels that we had; whereas if I would have come, and been at *London*, and joined with that Party, I could have saved my Estate, and lived quietly as others did. But my Conscience told me, I ought to wait upon the King, and offer him my personal Service, when I could do him no other. I have shewn how the Witnesses have forsworn themselves; I shall now, if your Lordships please, desire your Opinion in

some Points of Law. And though perhaps I may name to your Lordships many Things that are impertinent, or not to the purpose, I beg your Lordships Pardon, 'tis out of the Weakness of my Understanding; and I hope you will not think ill, neither your Lordships, nor the House of Commons, if I should, thro' Ignorance, move Things impertinent. The first Point of Law is this:

First, I conceive there is no Example or Precedent for it, that Proceedings Criminal ever did continue from Parliament to Parliament, and this is continued to three.

L. H. S. Speak out, my Lord, and go on.

L. Staff. *Secondly*, my Lords, I do not question the Power of the House of Commons in the least; but, my Lords, I know they impeach when they find Grounds for it without Dispute: but I question whether any Man, by the known Laws of this Kingdom, in Capital Cases, can be proceeded on, but by Indictment first found by the Grand Jury, and not by Impeachment by any Person, or other Body of Men.

L. H. S. Say on, my Lord.

L. Staff. *Thirdly*, my Lords, I conceive there are many Defects in the Indictment or the Impeachment, (Indictment there is none.) There is no Overt-Act alledged in the Indictment or Impeachment, I know not well what it is called. And, my Lords, by the Act of Parliament in 1 H. IV. c. 10. nothing from thenceforth is to be Treason, but according to the Statute of 25 Edw. III. which includes an Overt-Act.

Fourthly, My Lords, I desire that I may prove that by Law they are not competent Witnesses, for they swear for Money. But, my Lords, I forgot one thing to say to your Lordships as to the Evidence, that these Gentlemen did endeavour to prove (I do not speak whether they did or not) a general Plot of the Papists; whether they did or not, I am not concerned in it, for I say they have not proved me a Papist, which I submit to your Lordships: and though any Man may know me so in his private Knowledge, yet they having not given any Proof of it, 'tis not to affect me.

Fifthly, There is one Point of Law more, That no Man can be condemned for Treason, as I conceive, by one Witness; and there are not two Witnesses to any one Point. These are the Points of Law; I humbly beg your Lordships Pardon for the trouble, and desire your Opinion in them.

Sir Will. Jones. My Lords, before we make answer to what my Lord hath said, I do humbly desire, That for the Objection which he hath made against Mr. Southall, proved by a noble Lord of this House (tho' I must observe it was not of his own Knowledge, but by Hearsay, and that Matter of Hearsay contrary to the Act of Oblivion) to the end there may be no doubt remain of Mr. Southall's Credit, that a noble Lord of this House, and a Gentleman of the House of Commons (who both know Mr. Southall) may be heard to his Reputation.

Sir F. Win. My Lord Ferrers knew him not himself, but my Lord Brook and Mr. Gower will give a better Account of him.

(Then the Lord Brook was sworn.)

Lord Brook. My Lords, what I have to say concerning this Mr. Southall is, That he hath been often employ'd both by my Brother and my Mother; and they have so good an Opinion of him, that

they employ him still; and therefore we take him for an honest Man, and an able Man, or he would not be so much trusted and employed: and I take him to be a very good Churchman; for if he was not, I would not employ him.

L. H. S. An honest Man, an able, and a good Churchman, your Lordship says?

Lord Brook. He receives the Sacrament four times a Year.

Sir Will. Jones. Then swear Mr. William Leverson Gower, a Member of the House of Commons; (which was done in his Place.)

Mr. L. Gower. My Lords, I have been near seven Years of Staffordshire, but did not know Mr. Southall till this Popish Plot was discovered. After that I came acquainted with him (being a Justice of the Peace in that County) in Court, where I found him to be the most zealous Prosecutor of the Papists in that Country, no Man like him. I likewise found several Popish Priests had by his means been apprehended and imprisoned, and one of them since convicted, who by the way still remains unexecuted in Stafford Goal. What Opinion some may have heard or had of him formerly, I cannot tell; but this I know, that he hath more than once come to desire my Assistance, that he might prosecute the Papists the most effectual way upon the Statutes made for that purpose, and that he did complain to me that he had not met with good Usage elsewhere.

My Lords, I take Opinion to be grounded upon Principles; and I do observe that those of this Country who do believe this Popish Plot, and know Mr. Southall, and are principled for the Preservation of the King, the Protestant Religion, and the Government, do at this time speak well of him, and those who are not so principled speak otherwise.

My Lords, I was surprized when I heard my Name mention'd upon this Occasion: I have told your Lordships all the Matter of Fact that upon the sudden occurs to me, (with my own Opinion, which I offer with all Submission;) and had I had notice, I might possibly have recollected more, which I would freely have declared to your Lordships, but this is all that I can now say.

L. Staff. My Lords, if your Lordships please, I would say one word, if you will give me leave; I am very ignorant, and beg your Lordships pardon for troubling of you: I humbly desire to know, Whether after the Points of Law are argued, I may speak something, not concerning the Evidence of the Plot, but concerning myself.

Sir Will. Jones. My Lords, we shall not oppose the saying any thing he can for himself; but we must conclude, and have the last word.

L. H. S. My Lord, the Gentlemen that are for the House of Commons must conclude. My Lords will give you all the Favour they can, but they must have the last word.

L. Staff. I do not oppose it.

L. H. S. Therefore you will do well to say all you have to say together. For the Points of Law, my Lords will give no Judgment till the Commons have answered them, and they I suppose will first sum up the whole Proofs; then you may say what you have to say, for they must make an end. Gentlemen, will you speak first to the Law?

Sir Will. Jones. No, my Lords, first to the Fact.

L. H. S. Go on then.

Then

Then Sir William Jones, one of the Committee appointed to manage the Evidence, began to sum up the same as followeth.

May it please your Lordships,

WE have now done our Evidence as to Matter of Fact; and that which I have in charge at this time, is to remind your Lordships of our Proofs; to answer the Objections that have been made against them; and to make some Observations upon the whole.

My Lords, The Members of the House of Commons that were appointed for the Service of the Management of this Trial, those of them I mean who began the first Day, made a Division of our Evidence into two Parts; the one that which concerned the Plot in general, and the other what related to this Lord in particular.

My Lords, as to the Plot in general, we did call six Witnesses; I know some of your Lordships have taken Notes, and you have their Names: they were *Smith, Dugdale, Prance, Oates, Dennis,* and *Jenison.*

My Lords, because I will save as much of your time as I can, I will not take upon me to repeat what each Witness said as to the Plot in general; but when I come to the Evidence which immediately concerns my Lord, I must beg your Favour that I may be more particular. I will say thus much for the Proofs of the Plot in general, that there was by those Witnesses so much fully proved, that made it most apparent that there was a general Design amongst the *Roman* Catholics to introduce their false Religion into this Kingdom, that the Jesuits had several Meetings to that end, that they endeavoured to do it by several Ways, by raising of Arms, by collecting of Monies, and by designing against the King's Life; nay, they had so far advanced their Designs, and were in so much Readiness, as they thought it time to appoint Officers not only for their Army, but for the Civil Government, as if the Work were already accomplished.

Your Lordships were told by one of the Witnesses of a Lord Chancellor, and of a Lord Treasurer, (Lords now in the *Tower* yet to be tried;) and you were told also of Officers for the military Part, a General, a Lieutenant-General, and this Lord at the Bar to be Pay-Master of the Army.

I shall, my Lords, desire to take notice to your Lordships, that this Design, though it was to be finally acted by other Hands, yet it was first contrived, and afterwards carried on by the Priests and Jesuits. You will find them preparing for it, by making Sermons to justify that Doctrine (which I confess this noble Lord denies) of the Lawfulness of killing Kings. You will find the Priests and Jesuits, in their Discourses, as well as Sermons, urging and encouraging their Disciples and Votaries, to go on with their Design of killing our King, and giving that common Reason for it, That he was a Heretick, and it were meritorious to take him out of the way.

My Lords, I take notice of these Particulars in the general Plot, because it may give great Light to, and add much to the Confirmation of the particular Evidence. And, my Lords, (I think) I may take leave to say, That the Plot in general hath been now sufficiently proved. And if we consider what hath been proved at former Trials (upon which many of the Offenders and Traitors have

been executed) what hath been published in Print; and above all *Coleman's* Letters, written with his own Hand, and for that Reason impossible to be falsified; we may justly conclude, that there is not a Man in *England*, of any Understanding, but must be fully convinced of the Truth of the Plot in general. I shall spare to mention the Resolutions and Declarations of two Parliaments, and of both Houses in those two Parliaments, without (as I remember) one dissenting Voice, expressing their full Satisfaction of the Reality of the Plot: so that I think now none remain that do pretend not to believe it, but two sorts of Persons; the one, those that were Conspirators in it; and the other, those that wish'd it had succeeded, and desire it may so still.

But, my Lords, I will be the shorter on this part; for perhaps it will be objected, You have offered a fair Proof of a general Plot, here are Records, Votes of both Houses, Papers and Evidences printed, and Witnesses *viva voce* to prove it; but what is all this to my Lord *Stafford*? My Lords, it goes a great way to him; I do not say to be a convincing Evidence, but to make the particular Evidence against him highly credible.

Your Lordships cannot imagine, that there are such a Store of Lords and great Men amongst that Party (though there be too many) that they should have great Choice for great Offices. Your Lordships hear how the other great Offices were disposed of, and truly I think the Merit of this Lord amongst that Party might very well entitle him to an office as great as this of Treasurer of War, or Pay-Master to the Army. But what is the Evidence of the general Plot (may some still say) to my Lord *Stafford*? What do you mention the raising an Army? What do you mention the collecting of Money? What do you mention the providing of Arms for? Yes, my Lords, they are very useful, for they give a fair Introduction to prove against this Lord, that he was to have this Office. If it be proved by other Witnesses than those who swore directly against this Lord, That there were Arms provided, that there was an Army to be raised, and the rest; it proves at least, that there was Occasion for such an Officer as the particular Witness proves my Lord to be.

My Lords, for the other Matter that relates to the Consultations of the Priests and Jesuits, and their Sermons and Discourses, I desire your Lordships to observe that also; which if you do, your Lordships will easily perceive what a great Influence even that Matter hath upon the particular Evidence, and how credible it renders the Testimony of the particular Witnesses. Your Lordships will find, when my Lord was at *Tixall* (as *Dugdale* gives you an Account) there was *Evers* the Jesuit, and other Priests still at my Lord's Elbow, and egging him on to this Business. Your Lordships will find where *Oates* speaks of him, it is at *Fenwick's* Chamber, who was a Jesuit, giving him ghostly Council. Your Lordships will find, That at *Paris*, where Mr. *Turberville* speaks of him, there were Father *Sherborne*, Father *Nelson*, and Father *Anthony Turberville*. Still the Priests are about my Lord; and when my Lord is amongst them, or but newly come from them, then he utters the Treason of killing the King. And doubtless this traiterous Purpose of his did arise from their Councils: So that tho' our Witnesses speak of my Lord's Discourses at several times about killing

ling the King, yet they make them flow from one and the same Fountain, the Instigation of the Priests and Jesuits.

But now, my Lords, to come to the particular Evidence, I think I may say, if ever Evidence was convincing, this is so. We have brought three Witnesses which speak each of them that which is sufficient to prove my Lord guilty; and they speak of Overt-Acts too, as I shall observe anon.

His Lordship was pleased at the beginning of our Evidence to desire that the Witnesses might look him in the Face; and for that he cited two Statutes, I suppose he intended the Statutes of 1 & 5 of *Edw. VI.* which Statutes, or at least one of them, do say, That there shall be in Case of High-Treason, two Witnesses to accuse, and those two Witnesses brought face to face at the Time of Trial: And my Lord hath had the Benefit of those Laws; he hath had two, nay three Witnesses to prove him guilty, brought face to face before your Lordships; and if these three, or any two of them deserve to be credited, my Lord in this Case is guilty of High-Treason. My Lords, I must beg the favour of looking upon my Paper of Notes; for the truth is, the Witnesses are so many, and the Proceeding hath held so long, that it is impossible for my weak Memory to retain all that was said.

My Lords, the first Witness we began withal was *Dugdale*; and I know your Lordships did take notice what he swore: but it will be my Duty to remind your Lordships, that he tells you, That he had heard of a general Design of making Preparations to be ready against the King's Death, and this for several Years past. But as to the Matter of hastening the Death of the King, that was but a late Council. He tells you, I think, that about the latter end of *August*, or the beginning of *September* 1678, *Evers* and other Jesuits were at *Tixall*, that there was a Consult then about the King's Death; and that (by the means of *Evers*, who was a very great Man among them, but since fled, and is mentioned in the Impeachment) he was admitted to that Consult, and heard particularly what every Man said; and he does take upon him to say, That at that time the Matter of taking away the King's Life was propounded, and that my Lord, the Prisoner at the Bar, did consent to it.

My Lords, he tells you further, That upon a *Sunday-Morning* my Lord came from *Stafford* to *Tixall* to Mass: my Lord was pleased to observe, that we do not prove him a Papist; but we prove my Lord came to Mass, and that, I think, is one good Proof of his being a Papist. Besides, *Dugdale* swears my Lord did then complain, That they had not the free Exercise of their Religion; that they could not say their Prayers openly: What were they? Not the Prayers of *Protestants*, not those contained in the Liturgy of our Church. He could not complain of any Restraint as to them; but complain he did, that they had not the Free Exercise of their Religion; but he did hope, if Things succeeded well, in a short time it would be otherwise. This is particularly sworn by *Dugdale*.

My Lords, his Lordship was very much unsatisfied, that *Dugdale* was not particular in point of time; he did talk of some Matters to be in *August* or *September*, but could not fix to any Day. But your Lordships will remember, that as to one Particular, and which mainly concerns his Lordship to answer, he comes to a Day, or within a Day; for he swears positively, That upon the 20th or 21st of *September* he was sent for to my Lord's

Chamber, the Servants were put out; that there my Lord did propose to him, in express Terms, the matter of killing of the King: He would have him be an Actor in it, and he offered him a Reward of 500 *l.* to perform it. For this, which is the most material part of his particular Evidence against my Lord, he is certain 'twas either on the 20th or 21st of *September*; and he tells your Lordships how he comes to remember the time, by a good Token, by the Foot Race that was then to be run; and I do not perceive that my Lord does deny, but rather acknowledge that *Dugdale* was in his Chamber at that time. 'Tis true, he does deny some other Circumstances which I shall answer anon. And here I do think *Dugdale* undertakes to swear to that which will amount to an Overt-Act. and a damnable one too, that is, the offering 500 *l.* to kill the King.

But *Dugdale* (it seems) was not willing to depend upon the Promises of my Lord for so much Money, his Lordship had not that Credit with him; he repairs to *Evers*, and desires to be satisfied from him, whether he might rely upon my Lord for so much Money? *Evers* told him he might be sure to have the Money; and that there was enough in *Harcourt's* and other Mens Hands for the carrying on that blessed Design; and that he should have it thence. I might, my Lords, remember to your Lordships, how *Dugdale* does particularly swear concerning another Discourse he had afterwards with my Lord; That my Lord complained of the great Losses that had been sustained by him and his Friends for the King; how, in particular, my Lord *Aston's* Father had lost 30000 *l.* and what Resentments my Lord had of it. He said, That Places of Profit were rather bestowed upon those that deserted the King, and were Rebels and Traitors, than on those that did him faithful Service: And what does he conclude from thence? he is very angry with the King, and does say, that next to the Cause of Religion (which was the strongest Motive with him to take away the King's Life) the King's Ingratitude to his loyal Subjects, was that which did most offend him.

I shall not trouble your Lordships with other particular Matters which were to serve as Encouragements to the Design; as that there was to be a Pardon from the Pope; That my Lord did write a Letter to *Evers*, which was shewn to *Dugdale*, wherein he says, That things did succeed very well abroad, and he hoped they would do so at home. I shall only observe, that *Dugdale's* Evidence, as to my Lord's damnable Design of killing the King, is positive and full. And if this be to be believed (as I hope we shall shew there is no Reason but it should be) then here surely is one sufficient Witness to prove my Lord guilty of the highest Treason.

My Lords, the next Witness we call for against my Lord, was *Dr. Oates*; and I think *Dr. Oates* is not only positive, but he is positive in that which most certainly will amount to an Overt-Act; nay, I think to more Overt-Acts than one. The Doctor tells your Lordships, That having been at *St. Omers* and in *Spain*, he saw several Letters that were subscribed *Stafford*; he did not then know my Lord's Hand, but he saw the Letters, and he tells you the Effect of those Letters. And I remember in one of them there is this Expression, That my Lord (the Prisoner at the Bar) does give Assurance to the Fathers, that he is very zealous and ready to do them Service.

Dr. Oates tells you, my Lords, That afterwards coming into *England*, my Lord *Stafford* did write a Letter, I think it was to his Son; but sure I am, the Doctor said, he had the Carriage of it to the Post-house; That he saw my Lord write it; he read the Superscription, and he swears, that the Hand which writ that Letter, was the Hand which subscribed to all the former. And so then joining the one to the other, it amounts to as good an Evidence as if he had known my Lord's Hand from the beginning.

But that which comes home to my Lord, is that which Dr. Oates saw, and that which Dr. Oates heard: and they are these Particulars which I now mention.

First, he saw a Commission directed to my Lord to be Pay-master of the Army, he saw it delivered to my Lord's own Hand, and my Lord accepted it. Dr. Oates read the Commission, and he tells you by whom it was signed, *Joannes Paulus Oliva*, a Person substituted by the Pope to issue out Commissions. He tells you the Contents of it, and of this he swears he was an ocular Witness.

He tells you of another Matter he heard my Lord say, as considerable as the other, That when my Lord had received the Commission, my Lord declared, that he was to go down into *Staffordshire* and *Lancashire*, where he was to put things in Readiness. What were those things? He had now a Commission, by vertue of which, in *Lancashire* and the other Places, he was to prepare and gather Monies for that Army which he was to pay. So much Dr. Oates doth swear he heard from my Lord's own Mouth.

But there is one thing further, which I had almost forgot. He doth swear, that my Lord was privy to, and approved of, the Matter of killing the King: for he doth swear he did hear my Lord say at that time, *He hoped before he returned, honest William (who was Grove that was executed for this Attempt) would have done the Business.* And what that Business was, every Man who hath heard of *Grove's* Treason, must needs understand.

There is but one thing more that I remember of Dr. Oates's Testimony. Your Lordships that have a better Advantage to write than we, who are crowded together, may have taken Notes of more; but this one thing I do observe: Dr. Oates doth expressly swear, That my Lord bore a very ill mind towards his Majesty; for my Lord did, in his Hearing, complain, *That the King had deceived them a great while, and that they would bear with him no longer, he should deceive them no more.*

My Lords, our third Witness was Mr. *Turberville*, who doth give you an account, That he being first sent to *Doway*, and intended to be entred there in one of the Societies, (he was sent by my Lord *Powis* and my Lady *Powis*, and some of his Relations of that Religion, for that Purpose) he did not like the Company, he was not pleased with the Exercises of that Religion, and that with much Difficulty he escaped thence and came for *England*. But finding he was not well looked upon here, nor well received by his Relations, he went over to *France*: That being at *Paris*, he came into the Company of the three Fathers I named before, Father *Sherborne*, Father *Nelson*, and Father *Turberville*; the last whereof, he tells you, was his own Brother: That by the Means of these Priests he was brought acquainted with my Lord *Stafford*; and doubtless they were able to make him intimately acquainted with my Lord. And it did

prove so, for he tells you, after some time, that in a lower Room of my Lord's Lodging, my Lord proposed to him the Business of killing the King. That he did not at all like it, was very unwilling to undertake it, but my Lord bid him consider of it, and that he should give him his Answer at *Diep*, having enjoined him Secrecy; but my Lord after sent him word he would go by *Calais*: and the Witness afterwards went into *England*, and from thence into the *French* Army. And this is the Substance of what *Turberville* deposes.

And, my Lords, I think it will not be doubted by any Man that will consider these three Mens Testimonies, but that here are two Witnesses, if not more, to prove my Lord guilty of Treason.

But my Lord has been pleased against them to make several Objections; some have been by Witnesses which he hath produced to encounter the Proofs that we have offered; and some of them have been by Observations that he hath made upon what hath been said by our Witnesses and his. I will keep to Order as much as I can, and not confound the Order and Method of his Defence.

The Witnesses he first brought were against *Dugdale*, and of them his Lordship was pleas'd to begin with his Daughter, the Lady *Marchioness of Winchester*, and his Niece Mrs *Howard*. Your Lordships, I presume, are pleased to observe what they were called to. They did testify, that being at *Wakeman's* Trial, they did hear *Dugdale* swear (says my Lady *Marchioness of Winchester*) that my Lord *Stafford* was to come down into *Staffordshire* in *June* or *July*, and Mr. *Dugdale* was then to receive Orders from my Lord; and he swore (as she was pleased to say) that there was a Consult in *August* at *Tixall*, and my Lord *Stafford* was there present. Mrs. *Howard* (for I put them together) was pleased to say that she was present at that Trial, and there *Dugdale* swore that my Lord *Stafford* did come down in *June* or *July*, and that my Lord was at the Consult in *August*.

My Lords, I will not make Objections neither to the Religion of these Ladies, nor to their Relation to my Lord, though those be Matters that are to be considered. But that which I shall observe to your Lordships, is this, That they do not agree one with another: For my Lady *Winchester* says *Dugdale* did swear that my Lord was to come down in *June* or *July*, and Mrs. *Howard* says, that he swore he did come down then. Now there is a great Difference betwixt swearing an Intention that a Man was to come down, and swearing the very Act that he did come down at that time. By which your Lordships may observe, how hard a matter it is for Witnesses that are present at a Trial (especially at a Trial which did not directly, though it might in consequence concern another Person of their Relation) to take notice exactly of Things.

And truly, my Lords, these Ladies being of that Religion, might have so much Concern upon them for Sir *George Wakeman* the Popish Physician, and in him for other their Friends of that Party, that they might not have so much Liberty of Thought, as to observe exactly all Circumstances sworn to by the Witnesses; and therefore it is no great Matter if they are mistaken in them. But I believe if any one do consult the Print (though it be no Evidence, nor offered as such) he will find no such thing was at that time sworn; for it is not so printed, and those that took Notes did not understand it so.

My Lords, the next Witness my Lord is pleased to bring, is his Servant *Furnese*; and what is it that he testifieth? He saith, that he was with my Lord the whole time that *Dugdale* was in my Lord's Chamber, and he doth not remember that ever *Dugdale* was there but once, and he doth not remember that ever my Lord bid him go out of the Room.

My Lords, It is a very hard matter for a Man to come thus in the Negative, to remember how often *Dugdale* was there, especially there being no more occasion to take notice of it then, than here appears to be, and that after so long a time. And it is a very hard matter for a Servant to gain Credit, by saying his Master never bid him go out of the Room in his Life. These things may be done or said, and yet escape the Memory of a Servant of more Age, and of less Inclination to favour his Master than this Person appears to be of and to have. Therefore I think there will be but a very small matter made of what he said, no force at all in it, and I believe your Lordships will give very little regard to it; but rather believe those Witnesses that swear positively, that they have seen him with my Lord, and speak to a Familiarity at that time between them. This young Man, *Furnese*, was my Lord's Servant, and of his Religion; and it is considerable, whether we have not reason to be afraid that more than ordinary Practice has been used to prepare Evidence on my Lord's behalf, which I shall have occasion to speak to when I come to the other Witnesses.

His next Witness, my Lords, was his Boy, *George Leigh*, who is 15 Years of Age now, and was eight Years old when he came to my Lord seven Years ago. And he attests the same thing, and to the same purpose with the other. And I think I may leave him with the same Answer, for we are nothing more concerned with him than we were with the other. Only one thing I would observe, to shew that his Memory was imperfect; he doth not remember that *Dugdale* was with my Lord at all that Day, which my Lord himself doth acknowledge he was, and the other Witness agrees: So that there cannot be any great weight laid upon what he saith.

My Lord's next Witness was *Thomas Sawyer*, and he is one of my Lord *Aston's* Servants, that I desire to observe of him first. And what does he say? He saith, That *Dugdale* went away for Debt. The contrary to which was apparently proved; for we, by our Witnesses, made it manifest, that *Dugdale* went away for the Matter of the Plot; the fear and dread he was in upon that Score, and the Circumstance of his being apprehended by the Watch at Night in his Flight, and how he was put to take the Oaths, do manifestly prove this. But he says another thing, which I desire may have no weight with your Lordships, That *Dugdale* should threaten, that because my Lord *Aston* would not own him for his Servant, he would be revenged of him. Truly, if my Lord *Aston* were here to be tried, it would have some weight. But to think, if it were true, that he had so sworn, that therefore he would be so wicked as to do mischief to another Man, that he would be revenged of every Man of that Religion, or of every Man that came to my Lord *Aston's* House; that cannot be imagined. So I cannot see what great Stress, my Lords, the Prisoner can lay upon it, as to the present Trial, which concerns my Lord *Stafford*.

But, my Lords, I desire to observe, that he says further, That when *Dugdale* went away there was a Discourse of a Plot; (this he helps out *Dugdale* in;) and that there was a Discourse of the killing of a Justice of Peace. So that certainly it does shew, that *Dugdale* was apprehensive of the Plot. And as to that which he is pleased to say, That *Dugdale* should deny his Knowledge of the Plot, and take Drink, and with Execrations forswear it; it will be no manner of Objection at all. For I shall have occasion to shew hereafter, that *Dugdale* at that time was very far from revealing the Plot, he had been so long engaged in; he was in Apprehension of the danger of his own Life, and *Southall* tells you how and when he revealed it, and by what Inducements he was prevailed upon to do it.

The next Witness my Lord called, was *Philips*, the Minister of *Tixall*; and truly all that I can accuse him of, is want of Memory, and that is no fault in a Man, that perhaps is very studious and careful in his Employment, as I hope he is. He tells you, that whereas *Dugdale* swore at a former Trial, that he acquainted Mr. *Philips* with the Death of a Justice of Peace of *Westminster* on the *Monday*, that he did not acquaint him with it; that is, he does not remember it, for no Man that swears a Negative, can swear more. But whether Mr. *Philips's* Evidence be of any Consequence to us, we submit to your Lordships Consideration; when we oppose to his want of Memory, two Witnesses that swear he was by when this News was told: and we are told likewise, as a Confirmation of that, by two Gentlemen of Quality, that the Report of such a thing was spread abroad all over that Country, before it was possible for it to come by the way of ordinary Intelligence. Whether therefore, what Mr. *Philips* testifies, proceeds from any other Cause than want of Memory in Mr. *Philips*, I must leave to your Lordships Consideration.

But this I would observe to your Lordships, that when Mr. *Philips* was asked by my Lord, whether or no *Dugdale* were a Person likely to perjure himself, he could not say so: Nay, being asked of what Reputation he was of? he said, by some he was very well spoken of, by some but indifferently; but I do not remember that he said he was ill spoken of by any. So I think Mr. *Philips* has rather advanced than prejudiced Mr. *Dugdale's* Reputation and Credit.

My Lords, I think I may lightly pass over the three Justices of Peace that were brought to give an Account of *Dugdale's* Behaviour before them, and not mention them distinctly, because they swear all to the same Purpose, That Mr. *Dugdale* was apprehended upon Suspicion of the Plot, that he took the Oaths, that he was invited and urged by them to make a Discovery of the Plot, which he then denied to have any Knowledge of: For all this will be answered, when we come to remind your Lordships of Mr. *Southall's* Testimony.

His Lordship was pleased in the next Place, to offer to prove *Dugdale* an ill Man, by endeavouring to suborn Witnesses: And in the first Place he called *Robinson*, who testified a very unlikely thing, that Mr. *Dugdale* should call him in the Street, and bring him to an House, and offer him Money to swear against my Lord *Stafford*; which Money he had in an Handkerchief, but did not tell him what Particulars he should swear to: Nay, and this after he had told him he could swear nothing. And it does not appear, that *Dugdale* had any manner of knowledge of him, or that this Gentleman, *Robin-*

son, had any Knowledge of my Lord *Stafford*: So that it was a very rash and presumptuous thing, that *Dugdale* should attempt a Man that he knew not; and a very imprudent thing, that he should suborn a Witness, to swear against a Man that the Witness to be suborned did not know. But I shall say no more of him, because I think upon the Account that has been given of him by a noble Earl of this House, and an honourable Member of the House of Commons, if he had said things in themselves probable, he is not in the least to be believed.

My Lord's next Witness upon the same Head of Subornation was one *Murrall*, a poor Barber; and what says he? He testifies that Mr. *Dugdale* did offer him 50*l.* to swear against Sir *James Symons* and some others. My Lords, Whether this be probable or no, we must leave to your Lordships. We have called Witnesses that prove him a Man of no Reputation, one that runs up and down the Country, a kind of Vagabond, and I think (upon the Endeavours that have been proved to have been used as to others) it is no very hard matter to bring a Man of his Condition to say as much as he hath done.

The next Witness is *Samuel Holt* the Blacksmith; and he tells such a Story, that if it were true, would be some Disparagement to *Dugdale*: And what is that? He says, That *Dugdale* sent a Man and Horse for him, to bring him to the Star in *Stafford*; and there offer'd him 40*l.* to swear that one *Moore* carried away *Evers*. My Lords, How this Story comes in, I cannot imagine; why Mr. *Dugdale* should bear any Ill-Will to *Moore*, or what should induce him to intice this Man to swear against *Moore*, or what else was in it, it doth not appear. But no matter what it was for; we prove against this Man, by two Witnesses, *Rawlins* and *Lander*; by the first, that he is a Man of ill Reputation, very zealous to support the Plot, and cry down Mr. *Dugdale*, saying, that he was a Rogue, and all they were Rogues that took part with him. And by the other Witness *Lander*, that *Holt* did make an Assault upon him, and would have killed him for being ready to appear against my Lord *Aston* at his intended Trial. So that he is a Man that has more Zeal than Honesty: Zeal in no good matter, namely, to hinder the Truth from coming out against my Lord *Aston*; and therefore we have little reason to wonder: Nay, all the reason in the World to believe, that he says that which is untrue about Mr. *Dugdale*.

My Lords, There was another Witness, Mr. *Lydcott*, that said, he was a Fellow of *King's-College* in *Cambridge*. He has offer'd no Proofs that he was so; and truly it is very improbable he should be so: For I hope Fellowships in the University, especially in one of the chief Colleges (as this is) are bestowed upon more deserving, and less suspicious Persons than he appears to be: A Man that owns himself the continual Companion and Secretary of one so famous in the Popish Party as my Lord *Castlemain* is: A Man that pretends he was never out of his Company; and a Man that owns, that two Years since, he was taking of Notes at a Trial for this Plot, not only for his own Curiosity, but for the Service of his Lord, who was concerned in the Accusation. That this Man should be a Fellow of *King's-College*, seems strange, and till it be better proved, will hardly be believ'd; nor will he deserve any Credit. It is true, he doth acknowledge himself a Protestant, and to be of the Church of *England*, and educated, as he says, a

Presbyterian; but when he was asked, When he received the Sacrament last, I do not remember that he gave your Lordships any Answer.

This Witness says, That he was at the Trial of the five Jesuits; and there *Dugdale* did swear, that he gave notice to Mr. *Philips* and Mr. *Sambidge* of Sir *Edmundbury Godfrey's* Death: And this they would make to be a great Fault in *Dugdale*, because neither *Philips* nor *Sambidge* remember it. Now whether *Dugdale* swore true in that or no, does not depend upon *Dugdale's* own Credit alone; but you have heard other Witnesses have made it appear, that he did swear true: So that we need not say any thing more to this Witness, nor to *Gifford*, who testifies to the same purpose; because that Point, as to the Report of the Death of the Justice of Peace, is by other Witnesses clearly prov'd.

And as for Mr. *Sambidge*, I do not wonder much, that he should say he did not hear it, because he could hardly hear what was said to him by the Court, or any of the Officers set near him on purpose. But, my Lords, I desire your Lordships to take notice that he was a very angry Witness; he said, he had formerly had a Controversy with *Dugdale*, that *Dugdale* had cited him into *Lichfield-Court*, and had there a Suit against him for a Defamation; and he said that against *Dugdale*, which, unless better proved, must needs make *Sambidge* much suspected: He said, that *Dugdale* was the wickedest Man on Earth; but what Proof he offer'd of that, or whether he did instance in any one Particular, I leave it to your Lordships Memorics.

My Lords, There is another Proof relating to Mr. *Dugdale*, not out of the Mouth of a Witness, but out of a Paper, which I desire to give an Answer to. It was an Objection the Prisoner at the Bar was pleas'd to make to *Dugdale's* Information, taken the 24th of *December*, 1678. before the Justices in the Country, wherein he had said to this Purpose; Presently after one *Howard*, Almoner to the Queen, went over, he was told by *George Hobson*, that there was a Design, &c. This, saith my Lord, is most impossible to be true: For you say, that immediately after the Almoner was gone away, *Hobson* told you this, whereas *Hobson* went away with the Almoner; and he came not to live with my Lord *Aston* till many Years afterwards.

This my Lord is pleas'd to offer as a Falsification of *Dugdale's* Testimony; but, my Lords, I do desire to observe that this is an Information taken before two Justices of Peace in the Country; and if you look upon it, you will see it was written by a Country Clerk, and not very skilfully done. 'Tis rather short Notes of an Examination, than a compleat Examination. And your Lordships will please likewise to observe, that there is not really an Expression that is clear one way or the other, but capable of two Senses; that is to say, either it may import *Hobson* told him there was a Design ever since the Almoner *Howard* went away; or it may import, *Hobson* told him presently after the Almoner went away, that there was a Design. Read but the Words with a different Comma, and it makes the Sense one way or t'other. Now it is plain, *Dugdale* could not intend that *Hobson* told him so as soon as the Almoner went away, because *Hobson* went away with the Almoner. And it was better to his Purpose, that *Hobson* should tell him so after his return than before, for that shews the Design had been long a carrying on.

Therefore it being a doubtful Expression, that may refer either to the Time he told it him, or

to the Matter he told him of; and being taken in the latter Sense, the Objection faileth; I think this Matter can have no Weight at all in it to falsify a positive Testimony.

My Lords, The next Witness we did call, and which was objected against by my Lord, was Dr. Oates; and truly I must observe, that his Lordship was not pleased to call any one Witness materially to falsify Dr. Oates's Testimony; and I must likewise observe, that Dr. Oates is, in the material Part of his Evidence, supported by other Evidence.

When Dr. Oates gave Evidence at former Trials, it was the common Discourse of the Men of that Religion, that Dr. Oates had never been in *Spain*, nor had ever any Credit with the Priests or Jesuits, but was a mean contemptible Person, and that all he said was improbable. But now your Lordships have heard that Dr. Oates, even by the Testimony of *Dennis* a Popish Priest, (that is so to this Day) was in *Spain*, was, according to what he saith, brought up in the College of the Jesuits; that he was in such Esteem there, that the Archbishop of *Tuam* commended him very much in the Presence of *Dennis*, and spoke of what Expectation there was of him. So that *Dennis* the Priest doth support Dr. Oates in some Parts of his Evidence. I do not speak of that Part of it which concerns this particular Lord, but of his Testimony touching the general Plot.

There is another Thing wherein Dr. Oates is supported by another Witness, and that is the Esteem and Intimacy he had with the Jesuits. For Mr. *Jenison* swears, that Dr. Oates was a Man in Esteem among them, that he was at *Ireland's* Chamber, and had Discourse with *Ireland*, and did appear to be frequently employed by them. And I take these two Witnesses to be a great Support to Dr. Oates, as to the general Matters which he evidenceth of the Plot.

What now doth my Lord object against Dr. Oates? He called no Witnesses against him, but only an Honourable Earl of this House, I think I may name him, the Earl of *Berkeley*: And that which his Lordship was pleased to testify against him, was;

Obj. That being examined at the House of Lords after he had given a long Evidence against many Persons, he was asked this Question, Whether there were any more Persons of Quality he could speak against, or could accuse? and he said no.

Ans. First, your Lordships will be pleased to observe, that this was after he had accused my Lord *Stafford*; my Lord was secured in the *Tower* long before that, upon Dr. Oates's Testimony, and so he could not exclude this Lord. But that which it is brought for (I suppose) is to make him a Person of no Credit; for after he had said this, he proceeded to an Accusation of the Queen. My Lords, I humbly conceive this may receive a very fair Answer. For,

First, My Lords, I appeal to your Lordships Memories, (for, I think, the Matter was before you all, or at leastwise before some of your Lordships,) that the Accusation which Dr. Oates made of the Queen was not positive, nor of his own certain Knowledge; but Words which he heard spoken in a Room in which he was not himself, but coming in afterwards, he saw the Queen was there. So it was not positive, but circumstantial Proof, and questionable whether what he testified would amount to the Proof of one Witness.

And I must observe in the second Place, it might not be so clear to Dr. Oates, whether the Queen were a Person capable of an Accusation, so as to be proceeded criminally against; the King and the Queen are to some Purposes but one Person in Law. 'Tis true, some Queens have been tried for Treason; but whether Dr. Oates understood that she might be brought to a Trial, may be a Question.

But, that which I rely upon as an Answer, and which I desire may be considered, is, that Dr. Oates had given an Account of a great many Persons, and a great many Things he had sworn against several Persons, some of which were executed, some to be tried; and his Narrative against them, and of the whole Plot, consisted of a great Number of Particulars. Here is a Question comes to the Doctor on a sudden, *Have you any more to say, or can you speak against any other?* 'Tis possible a Man that had said so much, and of so many, might not upon an Instant recollect whether he had said all, or against all that he could say: Nay, 'tis easily to be imagined he could not on a sudden comprehend all he had said or could say. Therefore that the Answer of a Man to such a Question, put suddenly to him, having so much in his Mind, and having said so much, should be taken so very strictly, and to hold him as perjured, because he did not at that instant Time remember this Particular of the Queen, I think is a severe Construction.

His Lordship is pleased further to object against Dr. Oates, that he is of no Credit: Why? Because he went to be of the *Romish* Religion, and so was of that Religion which is Idolatry: I suppose his Lordship will not call that Religion Idolatry another Time, and in another Place: But it serves his Lordship upon this particular Occasion, to call it so. But suppose Dr. Oates did, out of Levity, or for want of being well grounded in his own, turn to another Religion, he is not the first Man that hath done so: There have been Men of great Fame in our Church, and of great Learning too, that have changed their Religion more than once. I think he that knew that famous Man Mr. *Chillingworth*, could not but know he was first a Protestant, and afterwards a Papist, and afterwards a Protestant again: So that unless my Lord could accuse the Doctor of some great Crime or Immorality, it will be hard, that the Matter of changing his Religion should hurt his Testimony. I am sure, it was happy for us he did change; without that, we had not had the first Knowledge of the Plot, nor of many Particulars which he could not come to know but by Occasion of that Change.

My Lord was pleased to object, that the Doctor was a Man subject to Passion; and he brought in the Lieutenant of the *Tower*, to speak of some hot Words that passed between them. My Lords, I will allow the Doctor to be a Man of Passion; nay, if my Lord please, a Man that is not of the deepest Reach: But your Lordships will observe, that passionate Men are not often malicious; and that a Man who is not of a deep Judgment, could never have contrived and invented a Narrative, consisting of so many Particulars, and they so coherent, if they were false: And if his Narrative be not true, he must be endued with more Subtilty and wicked Policy, than upon Trial we can find in him. So that what my Lord hath objected as to his Infirmities, is no Diminution to the Truth of what he says, but rather a Confirmation of it.

My Lords, The last Witness whom my Lord endeavoured to impeach, is Mr. *Turberville*; and against him my Lord thinks he hath a great Advantage: But, my Lords, by that Time I have reminded your Lordships of what hath been already said, and what was before proved in answer to my Lord's Objections against him, Mr. *Turberville* will stand as clear in this Court, as any of the former Witnesses.

Your Lordships will be pleased to take Notice, That Mr. *Turberville* was at the Beginning, when he came to the House of Commons, a little uncertain, as to Matter of Time: For when he had made in his Affidavit, the Times to be (73) and (76,) he craved leave to alter it to (72) and (75.) Surely, my Lords, this will be far from being any Imputation to Mr. *Turberville*; because, First, he gives the Reason, how he came afterwards to understand the Time better, by viewing his Papers and Letters; he likewise gives you an Account, and so did Sir *William Poulteney*, when he did this, the next Morning, before any Man in the World had questioned him upon it. So that it shews the Man's Care and Conscience both, when he is so careful, even in Matters of the smallest Moment, to set Things right.

There is no Man that knows the Practice of the Court of *Chancery*, but knows, that for a Man to mend his Answer after it is sworn in a Point of Time, or other Circumstance, is no Disparagement to him: Nay, to do it, before the other Party did except or take Notice of it, is no Objection, but rather a Reputation to him: And your Lordships will be pleased to take Notice, that one of the Times rectified, is of 7 or 8 Years, the other of 4 Years standing. And I do not think the worse of a Witness that is not positive in a Time, when that Time is so far elapsed.

The next Matter is, That this Man was never with my Lord: How was that proved, for 'tis a Negative? Why, my Lord is pleased to call his own Servants, *Furnese*, and the Boy *Leigh*; and what say they? They never saw any such Man. My Lords, I desire your Lordships to observe, That Mr. *Turberville* was introduced by greater Confidants than either of these Servants. Mr. *Turberville* came in the Company of the Priests, and you hear the Boy deny that he knew *Anthony Turberville*, but not that he knew Father *Turberville*; nor doth my Lord himself deny it, nor doth either Master or Man deny my Lord's Correspondency with the other two Fathers. And it might be very easy for Mr. *Turberville* to come in the Company of the Priests, and the Boy not take particular Notice of him. And 'tis as little an Objection what my Lord says, that *Turberville* himself said he did not know the Boy: How many are there that come to the Houses of another, and unless they lodge there or dine there often, do not remember the Servants of the House? And 'tis no greater an Objection, to say, the Servants did not know him: The Priests they knew him; they were his Guides; they were the likeliest to gain him Admittance, not only into my Lord's House, but into my Lord's Heart.

My Lords, Your Lordships will be pleased likewise to observe, They have also gone about in very little Matters to disprove Mr. *Turberville*; as that whereas he says, he was not well used by my Lord *Powis* and his Lady, when he returned from *Dorway*, that he was very well used: And as one Witness (I think *Minehead*) says, he was permitted to lie

in a Room near my Lord's Chamber. My Lords, Mr. *Turberville* does not pretend to say, that my Lord *Powis* shut him out of Doors; but what Reproaches or unkind Words might pass between them in private, *Minehead* might not hear: So that to say, that he lay in my Lord's House, is no Answer to this Matter. And for the other Witness (his Brother) that speaks of his Kindreds being kind to him, that, under Favour, does not at all disprove him; for, what was the Kindness? His Brother and Sister were so kind as to give him 7*l.* never to see him more; a great Matter when a younger Brother lies upon a Family, that the trouble of his Stay there is redeemed at the Price of 7*l.* This was a very great Kindness, a Kindness indeed that one would scarce deny to a Stranger, if in Poverty. I mention the least Matters I can remember, because I would have nothing stick with your Lordships.

Then Secretary *Lydcott* (the Fellow of *King's-College*) was called again; but indeed, my Lords, he was so out in his Arithmetick, so mistaken in the Year, and used the New Stile (the *Romish*) so much more than ours, that it makes me suspect he is not so great a Protestant as he pretends to be. He promised us his Book, which he was not then prepared to produce; but because we do not hear of him, nor of his Book since, we say no more of him.

My Lords, *John Porter*, my Lord *Powis's* Butler, comes next, and what does he tell your Lordships? Why, that Mr. *Turberville* came not to *Powis* House, (it seems he did not appear there) but that he came to a Victualling House hard by; and he telling *Turberville* he must know something of the Plot, he denied that he knew any Thing. To the same Purpose, or rather to less, and more improbably, does *Talden* (the Gentleman of *Gray's-Inn*, as he calls himself) testify, who says, that walking in *Gray's-Inn* Walks, he had a Discourse with *Turberville*; and that he then swore, there was no Trade good now but that of a Discoverer; and damned himself because he could make no Discovery. Truly, my Lords, this looks in itself to be something prepared for the Purpose: It is not probable, that a Man that should use those horrid Oaths, and should have such a Mind to be a Discoverer, should disable himself ever to be so by swearing he knew nothing.

But I will not only answer that Matter, with saying 'tis improbable; but I shall desire your Lordships to remember, that Mr. *Powel*, a Gentleman of the same House, and of good Reputation, does swear, that *Turberville* did acquaint him, that he could discover a considerable Matter; and this was above a Year since. And Mr. *Arnold*, a Member of the House of Commons, does confirm it, that he did several Times acquaint him, that he could make an important Discovery; and gave him several Reasons, why he thought not fit to do it at that Time, because of the Dangers which might arise from some great Men; and therefore till he had a more convenient Opportunity, he would not discover. But as soon as the Parliament sat, very early he did begin to discover: So that I shall oppose the Testimony of Mr. *Powel* and Mr. *Arnold*, to the Testimony of my Lord *Powis's* Butler and Mr. *Talden*; the latter of whom speaks so improbably, and of a Discourse half a Year ago; whereas Mr. *Powel* speaks of what Mr. *Turberville* said above a Year since, and Mr. *Arnold* of a longer Time.

My Lords, It hath been sometimes objected, that Mr. *Turberville* was a Stranger to my Lord; and it was too great a Trust to commit to a Stranger, too great a Secret for a Stranger to be acquainted with: My Lord's Design of the King's Death was too great a Matter to lodge with one, with whom my Lord had no more Acquaintance than he had with *Turberville*.

Your Lordships will be pleased to observe who they were that did introduce him, and who probably gave the best Character of him; they were the three Priests: And I do not wonder when these Priests had brought my Lord up to such a Purpose, that they should prevail with his Lordship to give Credit to, and deal with a Man that was not very unlike in his Circumstances to attempt such a Business: For your Lordships will observe, he was a Man that was very stout; for against my Lord's Reflection upon him as to Cowardice in deserting the Army, Mr. *Turberville* hath produced the Certificate of his Dismission, which gives him a very good Character. Besides, he was a Man indigent; and therefore I think there could not be a fitter Man chosen for the Purpose, if he had been so void of all Grace as to undertake it; and that Priests having gotten a Man so qualified, as they thought him, were not likely to let slip such an Opportunity.

But, my Lords, to come to that which is the Sum of the Business, and which my Lord lays more Weight on than all the rest; and that is the Affidavit which Mr. *Turberville* swore before the Justices of the Peace, (which was, in Effect, what he informed the House of Commons) and in that Affidavit, besides his Alteration of Times (which I have spoken to already) it is objected, that he does say that which is manifestly untrue: For he says my Lord came by the Way of *Calais*, with Count *Gramont*, neither of which my Lord did do.

My Lords, I will not mention the Master of the Yacht, nor the Witnesses from the Admiralty, which make out, that my Lord came from *Diep*, and not from *Calais*. Nor do I deny that my Lord came by himself, and not with Count *Gramont*; and therefore 'tis most certainly true, that what *Turberville* swore, as to those two Particulars, was not true. Yet if your Lordships please to observe the Circumstances, tho' what he swore herein was not true, it will appear a very innocent Mistake.

For in *Turberville's* Affidavit he tells your Lordships, That he came away without my Lord to *Diep*, and came from *Diep* to *England* before my Lord *Stafford* left *Paris*. Mr. *Turberville* tells you, afterwards my Lord came from *Calais* with Count *Gramont*: Mr. *Turberville* could not possibly be thought to speak this of his own Knowledge, because he does in the same Affidavit tell you too, that he came away before my Lord, and had not his Passage with him. So that, my Lords, I desire you would observe, it could be no Design of his to affirm this of his own Knowledge: For if it were, he took a very ill Course to disclose in the same Affidavit that he was absent, and so could not speak of his own Knowledge. And, my Lords, suppose a Man did swear such a Man and he were in such Company, and that he came Home and left the Man there, and that afterwards the Man said such and such Things in that Company? what should I say of this Oath? I might well say the Words of his Oath were not proper, or that he was unwary

in expressing himself; but I could not say, nor would any Man justly be able to say, he had a Design to make the World believe he heard him say so, because he swears in the same Breath, he came away before the Words were spoken. If Mr. *Turberville* had understood how strict and nice a Man ought to be in expressing himself in an Affidavit, he would have said (as he had been told) my Lord came to *Calais*; and that Count *Gramont* came with him as he understood. 'Tis true, he hath not put in those Words; but I beseech you, when the Matter itself will bear it, nay, when 'tis most apparent, that Mr. *Turberville* could have no other meaning than to relate what he was informed by others, and what he could not know himself; what Corruption, what Obliquity can there be in this Oath? All that can be said, is, it was not cautiously worded; but it does certainly disclose so much in itself, that every one that hears it must say, That he did not take upon himself to swear it as of his own Knowledge, because he tells you he was not there; so that it was rather want of Knowledge how to express himself properly, than any Corruption in his Oath, or forswearing himself.

But, says my Lord, how should he come to know this? Why Mr. *Turberville* said, he had a Letter whereby he knew my Lord would come by the Way of *Calais*: But where is that Letter? Is it necessary to keep, or does any Man almost keep Letters of no greater Concernment than this, that my Lord writ him Word how he would go by the Way of *Calais*, and this after five Years, and after he was in the Wars, and where I have heard he was taken Prisoner? To be sure he was much tumbled up and down from Place to Place. And under all these Circumstances might not such a Letter be lost? But, my Lords, I beseech you, are there not some Proofs that look much this Way, made out by another Witness? Does not Mr. *Mort* tell you something of this Nature? First, he agrees as to the Matter of an *English* Lord lying about such a Street in *Paris*, he tells you he was with Mr. *Turberville*, and that he himself walked about *Luxembourg-House* whilst Mr. *Turberville* went to speak with that *English* Lord: He does say, he believes his Name was my Lord *Stafford*, but he is not positive; and the Times which he speaks of do agree with what Mr. *Turberville* deposeth. And there is one Thing, which, though I should not mention upon any other Occasion, because it was but a foolish Joke, yet I shall crave leave to speak of it now. He tells you, That one Day, while they were at *Diep* in Expectation of my Lord's coming, and hearing that he went another Way, they had this Piece of minute Wit upon it, *Cursed is he that relies upon a broken Staff*: Whereby, he thinks, was meant the Name of *Stafford*. So then, I beseech you, if *Mort* say true, are not here Footsteps, and a Foundation whereon to ground a Belief, that there was a Correspondence between *Turberville* and my Lord; and that Mr. *Turberville* had an Information, that my Lord would come by the Way of *Calais*? And one Thing more *Mort* says, That *Turberville* told him, if he would make Haste to *Calais*, he might go over with my Lord. And here I would observe, how should Mr. *Turberville* come to know that my Lord went that Way? And how should he tell *Mort* that he might go over with my Lord from *Calais*, unless he had received some such Information? Therefore, my Lords, taking into Consideration what is confirmed by *Mort*,