

pass upon him, but an Attainder of High-Treason.

Coll. Well, if it be so, I cannot help it. I thank God, I am innocent of any Treason, or any such thing.

L. C. J. Why don't you plead Not Guilty, then?

Coll. I do not refuse to plead, I am willing to plead with all my Heart, if I may have my Right.

Mr. J. Jones. If you do not plead, you refuse to plead.

Colledge. Pray, my Lord, let me have my Papers.

Mr. Att. Gen. Pray give the Court an Account, where had you those Papers.

L. C. J. Nay, we will not enter into any Examination of that Matter now, Mr. Attorney; he can have no Use of Papers to see whether he should plead Guilty, or Not Guilty.

Mr. Serj. Jefferies. We know nothing of those Papers, we desire that he may answer to the Question shortly, whether he be Guilty or Not Guilty; if not, we pray your Lordship's Judgment.

Colledge. I had them not all from one Person, they were received from my own Hands, some of them in the Tower; and being brought back to me, they were taken from me to Day; let me have but one of them: The Paper of Instructions in Point of Law, that I may know what is my Right: I would not throw away my Life, if I have any thing that is my Right that can preserve it.

L. C. J. You are to give a plain Answer, whether you are Guilty or Not Guilty, now for that you have no Use of Papers: For you can best tell whether you be Guilty or Not. If you can propose any Matter of Law that you can have to plead, do it.

Coll. If I have any Plea, that I may plead besides Not Guilty, I desire I may have my Papers to consider of it, and that I may have Council assigned me.

L. C. J. If you have any such Plea, tell us the Matter and Substance of it.

Colledge. I do not know what really are Matters of Law; if I had those Instructions that are in my Papers, I could give you a direct Answer presently.

L. C. J. You ought not to have any Advice to decline your Trial: When you propose Matter of Law yourself, you may have advice upon it. But you ought not to have Advice to decline your Trial before-hand.

Cl. of Cr. Are you Guilty, or Not Guilty?

Coll. Mr. Attorney, pray let me have a Copy of the Indictment.

Mr. Att. Gen. Apply your self to the Court for it, we must receive our Directions from thence.

L. C. J. You have had the Opinion of the Court, you can't have it.

Mr. J. Levinz. You have been told nothing can be received from you, but a Plea of Guilty, or Not Guilty, and the Court have given you their Opinion, and that you cannot have a Copy of the Indictment, nor Council assigned you, till you offer something for them to be assigned upon.

L. C. J. And that was it which was done in

the *King's-Bench* in the Case of *Fitz-Harris*, which I suppose you meant when you speak of the Judges Opinions.

Mr. Justice Jones. Nothing was done there till he himself assigned the Matter in Law that he would plead, and then Council was assigned him.

Mr. Serj. Jefferies. Mr. Colledge was in the Court at that Time, and can tell what was done.

L. C. J. If you desire the Indictment read over again distinctly, that you may have.

Mr. Att. Gen. Ay, with all my Heart.

Colledge. Pray let me hear it again, my Lord, if you please.

L. C. J. Read it over again to him, and read it distinctly.

Cl. of Cr. Thou art indicted by the Name of *Stephen Colledge*, late of *Oxon*, in the County of *Oxon*, Carpenter, as a false Traitor.

Colledge. I have observed one Thing already, my Lord, I pray I may have Pen and Ink.

L. C. J. Ay, give him Pen and Ink, let him make what Observations he can.

Then the Clerk read the Indictment through.

Clerk of Crown. Art thou Guilty of this High-Treason, or Not Guilty?

Colledge. This Indictment, if I understand it, says, there was a Plot and Conspiracy by me and others; now I know when my Lord *Stafford* was tried, they did proceed to prove, first, that there was such a Plot, and then that my Lord was guilty of it; first, that there was such a Conspiracy by the Papists, is it not requisite they should first prove such a Plot and Conspiracy there was, before they go to prove me guilty of it?

Mr. J. Jones. What before you have pleaded?

L. C. J. When you have pleaded, the next thing is to try you, and to give the Evidence; but what Way the King's Council will take to manage your Trial, that we can't tell.

Mr. Just. Jones. But they are not to be directed by you, Mr. Colledge.

Colledge. It was so done, I say, in my Lord *Stafford's* Case.

L. C. J. He pleaded first, however, you have not yet pleaded.

Cl. of Cr. Are you Guilty or not Guilty?

L. C. J. Do not trifle any longer, 'tis a plain Matter, and requires a very short and plain Answer.

Colledge. Your Lordships are my Council, as well as my Judges, and I do desire if I have any Right to plead any other Matter, you will be pleased to declare it to me, for I am ignorant in the Law.

Mr. Just. Jones. We have declared our Opinion already, that you have no Right to have any Solicitor or Council, till Matter of Law do arise.

Colledge. Is it your Lordships Opinion, that I have no Plea in Law?

Mr. Just. Jones. Have you no Plea in Law?

L. C. J. He would have our Judgment, whether there be any or no.

Mr. Just. Jones. You yourself know best; we know nothing you have to plead.

Colledge. I cannot, unless I have Council, and my Papers.

L. C. J.

L. C. J. There does nothing appear to us.

Coll. I know nothing of the Law.

L. C. J. Then plead Not Guilty, that is a ready Plea.

Mr. Just. Jones. You have had our Opinion over and over again. You have as much Council as is allowed in these Cases, for every Man is best Judge of his own Case, what to plead, whether Guilty or Not Guilty: You have had as fair Play as ever any Man had.

Mr. Att. Gen. *Mr. Colledge* has said, he knows of no Plea in Law he has, and therefore there is none; for *de non apparentibus & non existentibus*, the Reason is the same.

L. C. J. In Matter of Fact, there is no Plea, but Not Guilty.

Coll. The Court are Judges in Matter of Law, and they are my Council.

Mr. Just. Jones. And the Court have all of them declared, they know of nothing in Law that you have to plead.

Coll. Is not Council to be allowed to one under my Circumstances?

L. C. J. If you have any thing for Council to be assigned upon, you shall have them.

Colledge. If I am ignorant of that, and cannot propose it, shall I not have the Assistance of Council?

Mr. Just. Jones. No, we have told you the Law plainly, and that which is frequent in Practice in like Cases, and you must be contented with the same Measure.

Colledge. My Lord, I am ignorant of the Law.

L. C. J. Then rely upon the Fact, and plead Not Guilty.

Coll. But if I have a Right to any Point in Law let me have it.

Mr. Just. Jones. You have a Right if you will propose any Matter of Law, but we cannot propose it for you.

Mr. Att. Gen. *Mr. Colledge*, no Man ought to propose your Plea for you; *Ignorantia juris non excusat*.

Coll. Shall my Ignorance destroy me, *Mr. Attorney*?

Mr. Sol. Gen. You have heard the Opinion of the Court, you have a Right to propose any other Plea that you can yourself; but you have no Right to ask Council before you have pleaded.

Mr. Serj. Jeff. If *Mr. Colledge* have such a thing as a Solicitor, I shall crave leave to put that Solicitor in mind of the Case of one that was indicted of High-Treason.

Mr. Att. Gen. We shall talk of that by and by.

L. C. J. The same Methods are used in our Case, as are in all Cases of the like Nature, as far as my Knowledge reacheth.

Coll. If I have a Right to the Law, I must not lose it for my own Ignorance of the Law; but if you deny me both my Council and my Papers, you take away the Means of my coming to that Right, and make me incapable of making my Defence.

L. C. J. You have been told you must plead before you do any thing.

Coll. This is the Person (*pointing to a Person by him*) that had the Papers. Be pleased to command him, that I may have them again: He said, he had Orders to take them from me, and bring them to your Lordship.

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L. C. J. I know of no Use you could have of any Papers, to plead Guilty or Not Guilty.

Mr. Sol. Gen. If there be in those Papers Advice in Matters of Law, that you have been told you ought not to have, till the Court has assigned you Council to give you Advice.

Colledge. Then if there be a Right in Law, and a privilege which I ought to have, I must lose it by my being ignorant of it, and have no one to advise me about it neither.

L. C. J. You may propose it, if you have any, if not, you must plead to the Indictment.

Mr. Serj. Jeff. My Lord, it has not been usual for us, that are of the King's Council, to enter into Dialogues with Prisoners at the Bar. The first thing that is to be done in such Cases, is for the Prisoner to plead Guilty or Not Guilty, or to offer something to the Court that may be a matter in Law fit to be debated; and this we pray may be done in this Case, and that the Prisoner may plead presently, or else we desire your Judgment.

Coll. Pray let me have my Papers again, my Lord.

L. C. J. You go in a Circle, and run round from one thing to another, and will receive no Answer. We have told you our Opinion, and we must tell you, though you hold long Discourses, yet you will be judged lost and mute, if you plead not a legal Plea: Therefore you must plead Guilty or Not Guilty, or offer something that may be a Plea in Law, and then you shall have the Assistance of Council, but you must have none till then.

Coll. But shall I not have my Papers, my Lord?

L. C. J. We know nothing of them.

Coll. Pray, my Lord, order the Man to give them to me, that took them from me.

L. C. J. We will order no such thing. He may be a Criminal perhaps that did give them you at first; but when you have pleaded, we will hear any Motion you will make about them.

Coll. It may be I ought to plead, that Words were spoke in another Place than the Place laid in the Indictment.

L. C. J. You will not need to plead any such thing; for if there be nothing proved of Treason that you said or did in *Oxfordshire*, you must be found Not Guilty.

Coll. Here is another thing, my Lord, I am indicted by the Name of *Colledge*, Carpenter.

L. C. J. What then?

Coll. I am not a Carpenter, but a Joiner; is that any Bar to it?

L. C. J. The Addition signifies nothing, I do not know any Difference betwixt a Carpenter and a Joiner in Law.

Mr. Just. Jones. They might have indicted you by the Name of Labourer, and it had been good.

Coll. Pray, my Lord, either give me my Papers or assign me Council, or else I may throw away my Life, for I am wholly ignorant of the Law.

L. C. J. When you have pleaded, we will hear any Motion you will make, and do that which is just upon it; but I see no Use you can have of Papers to plead Guilty or Not Guilty, which is the only Question is asked you.

Cl. of Cr. Are you Guilty or Not Guilty?

Coll. Will you promise me, my Lord, there shall no Advantage be taken against me, if I do plead so?

L. C. J. We will make no Bargains with you. Plead as you ought by Law to do.

Coll. If Matters of Law arise, shall I have Council to speak to them?

Mr. Just. Jones. Yes, you shall, you need not doubt it. Propose any Matter now fit to be argued, and you shall have Council to it.

Coll. I am not capable of doing it. I know not when I have any Right.

Mr. Just. Jones. The Court is of Council to you.

Coll. If you are my Council, then have I any Plea in Law to make?

Mr. Just. Jones. You have heard the Indictment read, what say you? For you must propose the Matter.

L. C. J. We know of none but Guilty or Not Guilty; if you can tell any, do.

Coll. I pray I may have my Papers again; if there be no other Plea for me, pray let me have my Papers again.

L. C. J. You have heard the Opinion of the Court, you must plead.

Mr. Att. Gen. Certainly, *Mr. Colledge*, you can't be guilty of these things, you need not to scruple it, to plead Not Guilty, sure.

Coll. My Lord, having been kept a Prisoner, as I have been, without Pen, Ink, or Paper, no Conversation with my Friends, or Knowledge of the Fact, and being ignorant of the Law, not knowing where I have a Right, nor when I have a Right, if you do force me upon this Plea, and it cost me my Life, at your Doors lie it.

Mr. Just. Jones. You will lose your Life if you do not plead; if you plead Not Guilty, and are not proved Guilty, you will save your Life by this Plea.

Coll. I am willing to plead what the Law requires of me to plead, and if I have a Right in Law, I would not lose it.

Cl. of Cr. Are you Guilty or Not Guilty?

Coll. Why then as they have laid it in that Indictment, in Manner and Form as 'tis there laid, I am Not Guilty.

Cl. of Cr. Culprit, by whom wilt thou be tried?

Coll. By God and my Country.

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

Mr. Just. Jones. Not Guilty is his Plea.

L. C. J. Now he has pleaded, *Mr. Attorney*; he speaks of some Papers, if there be any Memorandums, or any Thing that must assist him, that is necessary for his Defence in his Trial in those Papers, it will be hard to deny him them.

Mr. Att. Gen. If your Lordships please to give me Leave, I will give you an Account of them. The Messenger just now did deliver these Papers to be delivered to the Court.

Coll. Pray speak out, *Mr. Attorney*, and let me hear.

Mr. Att. Gen. When he came to Prison he had none, but *Mr. Aaron Smith*, the Messenger informed me, did deliver them to him.

L. C. J. Whose Hand-writing are the Papers in?

Coll. He received them from me in the Tower.

Mr. J. Jones. You received them from him first.

Coll. No.

Mr. Att. Gen. What were the Papers you delivered to him in the Tower?

Colledge. The three Pieces joined together that contains Directions how to govern myself; there is another to the same Purpose, which instructs me to demand a Copy of the Indictment, and of the Pannel of the Jury, and those were

Instructions to tell me what the Law allows me.

Mr. Att. Gen. Here is a Speech made for you that begins thus; *Before you speak, speak to this Purpose.* Pray, my Lord, I desire that may be examined, and *Mr. Smith* may be called to give an account how he came to give the Prisoner those Papers; for here are Abundance of Niceties proposed for him to move, and there will be a strange Sort of Proceedings at this rate, if Men go about to espouse the Cause of Traitors.

Colledge. I am no Traitor, *Mr. Attorney*.

Mr. Att. Gen. You stand indicted of High Treason.

Colledge. That is by a Grand Jury made up that Morning, as I am informed.

Mr. Att. Gen. Here is a List of the Names of several Men of the County returned to be of the Jury, and particular Marks set upon them, who are good Men, and who bad Men, and who moderate Men.

Coll. Ought I not to have that Paper, my Lord?

Mr. Att. Gen. No, I hope not.

L. C. J. Whether they are material, or not material, if we should judge them not material for his Defence, yet it will look like an hard Point upon the Prisoner; and to deliver them into an Hand that they may be carried away or stifled, in case there were a Crime in the delivering of them, that would not do well on the other Side: Therefore I would have these Papers put into some safe Hands, that what may be for the Prisoner's Use he may not want, and yet they may not be taken away, if there be Occasion to use them upon another Account.

Mr. Att. Gen. But if it please your Lordship, I desire you would enter into the Examination of this Matter; for I have an account from *London* by a special Messenger, that there are several Persons go up and down to procure Witnesses against the King's Evidence, making it a publick Cause; and here, my Lord, is another Paper which is a List of Men as Witnesses picked up together against the King's Witnesses.

L. C. J. He must have that, deliver him that presently.

Mr. Att. Gen. But, my Lords, others have gone about and framed Witnesses for him.

L. C. J. You must give him the List of his Witnesses, for I see not what Use you can make of it.

Mr. Serj. Jeff. This no Man will oppose sure, if any Thing that is delivered to him be fit to be delivered, the Person that delivers it must come and own it; but before any Person delivers any Papers to the Prisoner, for him to make use of against the King's Evidence, we desire to know what those Papers mean, and who gave them.

L. C. J. Look you, Brother, we will have nothing of Heat till the Trial be over, when that is over, if there be any Thing that requires our Examination, it will be proper for us to enter into the Consideration of it. But in the mean while what hurt is there, if the Papers be put into some trusty Hands, that the Prisoner may make the best Use of them he can, and yet they remain ready to be produced upon Occasion: If a Man be speaking for his Life, though he speak that which is not material, or nothing to the Purpose, there will be no harm to permit that.

Mr. Serj. Jeff. With Submission, my Lord, that is assigning him Council with a Witness.

Mr. Att. Gen. If People are permitted to go up and down and ask Counsel of Persons, and bring it in Papers to the Prisoner, 'tis the same Thing as if Council came to him. Here is a busy Solicitor, and he gets Advice from Council, and then he delivers it to the Prisoner; 'tis the first of that Kind certainly that ever was allowed; and if this be not to assign him Council, I know not what is.

L. C. J. What think you of our perusing the Papers?

Mr. Att. Gen. With all my Heart, my Lord.

Coll. If you take away all Helps from me, you had as good condemn me without a Trial.

Mr. Att. Gen. You ought not to have Helps to plead Dilatories.

Coll. Not to help me to my right in Law?

Mr. Att. Gen. We are to go upon the Fact now: And, my Lord, I pray your Judgment about them, when you have perused them.

Then the Judges looked upon that Paper that was called the Speech.

L. C. J. We have read enough of this to suppress it, and to examine how this came to his Hands.

Mr. Just. Jones. Where is *Aaron Smith*?

Mr. Att. Gen. My Lord, here is another that is worse than that, charging the Justice of the Nation. Pray call *Mr. Aaron Smith*, and *Mr. Henry Starkey*.

Mr. Smith appeared.

Mr. Att. Gen. *Mr. Smith*, did you deliver these two Papers to the Prisoner?

Mr. Smith. Does any Body accuse me that I did?

Mr. Att. Gen. You are accused of it.

Mr. Smith. I desire Proof may be made against me.

Mr. Att. Gen. That will be done.

L. C. J. Look you, we will not interrupt the Trial with it. *Mr. Smith* must be taken into safe Custody, only to secure him till we can examine it, not as charged with any Crime, but only that he may be forth-coming to be examined.

Mr. Att. Gen. You do not make a direct Answer, *Mr. Smith*, in the Case, it will be proved upon you.

Mr. Smith. *Mr. Attorney*, I know not what Answer to make better than I have given; our Law says no Man is bound to accuse himself.

Mr. Att. Gen. But our Law says, you shall be examined.

Mr. Smith. I come to give no Informations here, *Mr. Attorney*; if I did I should be then examined.

Mr. Att. Gen. Here are Instructions given to the Prisoner, they say you gave them.

Mr. Smith. I desire to have it proved.

L. C. J. *Mr. Attorney*, you will take a Recognizance of *Mr. Smith*, to be forth-coming during this Session.

Mr. Smith. I will not depart, my Lord, I assure you; and I hope *Mr. Attorney* will take my word.

Mr. Att. Gen. Indeed I will not *Mr. Smith*, because you have broken it with me already; when I gave you leave to go to the Prison, I did not think you would have abused that Kindness, to give him Papers.

L. C. J. Well, take his Recognizance.

Mr. Smith. 'Tis high Time to have a care, when our Lives and Estates, and all are beset here,

L. C. J. What do you mean by that, *Mr. Smith*?

Mr. Smith. I said it not, meaning by it the Court, for I declare I abhor that Expression to be so interpreted, that I reflected upon the Court.

L. C. J. Why do you use such loose Expressions then, *Mr. Smith*?

Mr. Smith. Because I have been threatened since I came to Town, though I have not spoke one Word in any publick Company since I came.

Mr. Just. Jones. It seems you will reflect here in the Face of the Court, and in the Face of the Country, upon the Government, upon the Justice of the Kingdom.

Mr. Smith. No, my Lord, I have told you what I meant by it; I neither reflected upon the Court, nor upon the Government, nor upon the Justice of the Kingdom.

L. C. J. You should have done well to have forbore such Expressions as those were.

Coll. Shall I not have the Use of my Papers, my Lord: Will you not please to deliver them back to me now you have perused them?

Mr. Just. Jones. One of them is a Speech, and a most seditious libellous Speech, to spit Venom upon the Government in the Face of the Country. We cannot tell who made it, but it seems to be beyond your Capacity; and therefore we must enquire into it: But we do not think fit to let you have the use of that Paper.

L. C. J. For that which contains the Names of the Witnesses, that you have again: For the other Matters, the Instructions in Point of Law, if they had been written in the first Person, in your own Name, that we might believe it was your writing, it would have been something; but when it is written in the second Person, you should do so and so, by which it appears to be written by another Person, it is an ill Precedent to permit such Things; that were to give you Council in an indirect Way, which the Law gives you not directly.

Coll. If I am ignorant what Questions to ask of the Witnesses, shall not my Friends help me, my Lord?

L. C. J. We will sift out the Truth as well as we can, you need not fear it.

Coll. Some of those Things I took out of the Books myself: And if you are resolved to take away all my Helps, I cannot help it; I know not that *Mr. Smith* wrote one of those Papers.

Mr. Attor. Gen. But *Mr. Smith* would have given four Guineas, it seems, as a Bribe, to the Goaler, and he offered four more to let him have the Liberty to come to him.

Mr. Serj. Jeff. 'Tis Time indeed for *Mr. Smith* to have a care.

Keeper. It was *Mr. Starkey* that offered me the four Guineas.

Mr. Att. Gen. Pray call *Mr. Henry Starkey*.
(*But he did not appear.*)

Then the Court took a Recognizance of 100l. of Mr. Smith to attend the Court during the Session.

Coll. Pray, my Lord, let me have my Papers delivered to me, I cannot make my Defence else.

L. C. J. We are your Council in Matter of Fact, and to give you your Papers were to assign you Council against Law, they being not your own Papers, but coming from a third Hand.

Colledge. Will you please to give me the Paper that has the Questions in it, to ask the Witnesses?

L. C. J. There are no Papers with any particular Questions to any one Witness, but only Instructions how to carry yourself in this Case.

Colledge. A great deal of it is my own, my Lord.

L. C. J. Mr. Attorney, truly I think, that which does not contain Matter of Scandal, may be transcribed and given to the Prisoner.

Colledge. My Lord, I desire I may have that, that has in the Margin of it, the Cases of *Lilburne* and *Stafford*.

Mr. Justice Jones. You shall not have the Instructions to scandalize the Government, all that is necessary for your Defence, you shall have.

L. C. J. If he had writ it himself I cannot well see how you could take it from him; and truly as 'tis, I had rather let him have too much than too little.

Colledge. My Lord, I thought I might have had Council to have assisted me, but if I may have Council neither before my Plea nor after, I that am an Ignorant may be lost by it, but can't help it.

L. C. J. If Matter of Law arise, you shall have Council to it.

Colledge. I know not but it might have admitted of an Argument, that which, if I had had my Papers, I should have offered to you.

L. C. J. Mr. *Colledge*, we shall not go any farther now, I know not how many Witnesses will be produced either of one Side or another, but 'tis too late to go on this Morning, and because we attend here only upon this occasion, we shall go on with the Trial at two o'Clock in the Afternoon.

Colledge. My Lord, will you be pleased to order the Papers for me to peruse in the mean Time.

L. C. J. We have ordered that you shall have a Transcript of the Paper of Instructions, leaving out that which is scandalous.

Colledge. I desire I may have a Copy of the Whole.

Mr. J. Jones. No, we do not think fit to do that.

Colledge. Pray let me know which you do except against.

L. C. J. Look you, Mr. Attorney, I think we may let him have a Copy of the Whole.

Mr. Att. Gen. My Lord, before you rise, I desire you would be pleased to take the Examination of Mr. *Gregory* about Mr. *Starkey*.

L. C. J. Swear him. (*Which was done.*)

Mr. Att. Gen. What do you know concerning Mr. *Starkey*, and what did he offer you?

Gregory. When they came by your Lordship's Permission to Mr. *Colledge*, they brought some Papers which they delivered to him: And afterwards Mr. *Starkey* took me aside, and told me, it was hard Usage that the Prisoner could not have his Council permitted to come to him: Do him what Favour you can, and I shall not be ungrateful; so he clapped four Guineas in my Hand, but I immediately laid them down upon the Table, and would not take them.

Mr. Att. Gen. My Lord, I desire you would please to send for Mr. *Starkey*.

L. C. J. Let him be sent for.

Cl. of Cr. You must go and take up Mr. *Starkey*.

Messenger. Must I keep him in Custody? I don't know him.

Cl. of Cr. No, you must order him from the Court to attend here.

Mr. Just. Jones. These Papers *Colledge* shall not be debarred of for his Defence, nor you Mr. Attorney from prosecuting upon them.

L. C. J. No, we will put them into such Hands as shall take care of that.

Colledge. Very few, my Lord, have appeared to do me any Kindness, some have been frightened and imprisoned, others are now in Trouble for it.

L. C. J. Well, you shall have the use of your Papers.

Colledge. May I have any Friends come to see me in the mean Time?

L. C. J. They must not come to you in the Prison, to give you Advice; but I'll tell you, since you move it, if my Brothers think it convenient, whilst the Court does withdraw, any Body of your Friends may come to you, in the Presence of your Keeper.

Mr. Justice Jones. Certainly you cannot think you can give a Privilege to any Friends of yours, to commit any Misdemeanor to offer Bribes to any Person.

Colledge. I know not of any such Thing.

Mr. Justice Jones. We do not charge you with it, but Mr. *Starkey* did.

Colledge. I have been kept a strict close Prisoner, and if my Friends are so kind to me, as to help me in order to my Defence, I hope you will not be against it. Pray, my Lord, let me have my Papers.

L. C. J. You shall have them, but they shall be put into such Hands as the Court may have command over; they shall be in the Sheriff's Sons Hands, and you shall have the immediate use of them.

Colledge. If there be any Thing else in those Papers necessary for my Defence, I pray I may have it.

L. C. J. The Speech is not fit for you; what other Papers would you have?

Colledge. Another Paper there is, that is something of Law.

Mr. J. Jones. Nothing but libellous, and what is a Scandal to the Government.

Mr. Att. Gen. You are to have nothing of Matter of Law, but what you are to propose yourself.

Colledge. If you take away all my Helps, I cannot propose any Thing.

Mr. Serj. Jeff. To allow you those Papers, is to allow you Council by a side Wind.

L. C. J. Look you, the Papers of Instructions shall be delivered to the Sheriff's Son, who shall let you peruse it in this Interval, and make use of it in your Trial; but it must be in safe Custody to be used upon further Occasion, as the King's Attorney shall think fit.

Then the Court adjourned till two in the Afternoon.

Post meridiem, *At two o'Clock the Court returned, and Proclamation was made for Attendance, and for the Under-Sheriff to return his Jury.*

Colledge. My Lord, ought not I to have a Copy of this Jury?

L. C. J. No. * They are to look upon you as they come to be sworn, and then you are to challenge them.

C. of Cr. Stephen Colledge, hold up thy Hand, and hearken to the Court; those good Men that you shall hear called, and personally appear, are to pass, &c.

* Chief Justice *Pemberton* said in *Lord Ruffel's Case*, p. 630. it was never denied in Case of Life, that he knew of, it was allowed to Count *Cuningmark*, Vol. III. p. 465.

Colledge. Pray, Sir, let the Way be clear, that I may see them.

Cl. of Cr. Ay, ay.

Colledge. Pray, Sir, how many are there of the Jury that appear?

Mr. Att. Gen. There are enough.

Cl. of Cr. Make Proclamation for Information, (*which was done.*)

Cl. of Cr. *Henry Standard*, (who was sworn,) *Richard Croke*, (who was challenged by the Prisoner,) *William Bigg*, (challenged.)

Mr. J. Jones. Do you challenge him Peremptorily, or with Cause?

L. C. J. If he do not shew Cause, it must be supposed it is Peremptory.

Coll. I suppose he was upon the Grand Jury.

L. C. J. That would be a Challenge with Cause.

Mr. Bigg. No, I was not.

Colledge. Then I do not challenge him; I know him not. (*He was sworn.*)

Cl. of Cr. *Thomas Marsh*, (challenged,) *Thomas Martin*, (did not appear,) *Gabriel Merry*, (being almost an hundred Years of Age, was excused,) *Robert Bird*, (sworn,) *John Shorter*, (sworn,) *William Windlow*, (sworn) *Edward Ayres*, (challenged) *William Ayres*, (challenged,) and *Richard Ayres*, (challenged,) *Charles Hobbs*, (sworn,) *Roger Brown*, (sworn,) *Timothy Doyley*, (sworn,) *Richard Dutton*, (challenged,) *Ralph Wallis*, (sworn,) *John Nash*, (challenged,) *John Benson*, (sworn,) *John Piercy*, (sworn,) *William Web*, (challenged,) and *John Lawrence*, (sworn.)

They were counted, and their Names in Order thus.

<i>Henry Standard,</i>	<i>Roger Browne,</i>
<i>William Bigg,</i>	<i>Timothy Doyley,</i>
<i>Robert Bird,</i>	<i>Ralph Wallis,</i>
<i>John Shorter,</i>	<i>John Benson,</i>
<i>William Windlow,</i>	<i>John Piercy,</i>
<i>Charles Hobbs,</i>	<i>John Lawrence.</i>

L. C. J. Mr. Sheriff, there are a great many of the Jury that are not sworn, they are discharged, let them go out of the Court, and so you will make room for the Witnesses.

Cl. of Cr. Gentlemen, you of the Jury, look upon the Prisoner, and hearken to his Charge. He stands indicted by the Name of *Stephen Colledge*, late of *Oxford*, in the County of *Oxford*, Carpenter; for that he as a false Traitor, &c. prout in the Indictment, *Mutatis Mutandis*, and upon this Indictment he hath been arraigned, &c.

Mr. North. May it please your Lordship, and you Gentlemen, that are sworn, this is an Indictment against *Stephen Colledge*, the Prisoner at the Bar, for an Endeavour to raise a Rebellion within this Kingdom, wherein he is accused, and the Jury find that he as a false Traitor, against the King's Majesty, contrary to the Duty of his Allegiance, on the 10th of *March*, in the 33d Year of the King's Reign, at *Oxon* here did traitorously conspire, and compass the Death of the King, and the Subversion of the Government, and to raise a Rebellion in the Kingdom, and to slaughter his Majesty's Subjects, to put the King to Death, to levy War against him, and to deprive him of his Royal State and Government, and to alter the Government at his own Will and Pleasure; and to accomplish this, he did at *Oxon* here prepare Arms for the carrying on the War, and excited one *Edward Turberville* and others, to

arm themselves against the Accomplishment of this Design (and did declare his Purpose was to seize the King's Person at *Oxon*, and that he was one of those that was to do it; and to bring the said *Turberville* and other Subjects to his Purpose, did falsely, maliciously, and traitorously declare in their hearing, That there was no good to be expected from the King, that he minded nothing but the Destruction of his People, and arbitrary Government, and to introduce Popery. And this is laid to be against the Duty of his Allegiance, against the King's Peace, and against the Form of the Statutes in those Cases made and provided. The Prisoner, you hear, upon his Arraignment hath pleaded Not Guilty, which Issue you are to try, and if the Evidence for the King, which are ready to be produced, prove that which is laid to his Charge, you are to find it accordingly.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury; The Prisoner at the Bar stands indicted of a very high Crime, no less than High Treason, and that too of the deepest Dye; it is for an Endeavour to destroy the King, to subvert the Government, to raise a Rebellion among the King's Subjects. And, Gentlemen, these Instances that we shall give you, and produce our Evidence to, for the Proof of that, are these: He laid his Design to seize the King at *Oxon*; and he did not want his Accomplices to do it; but they were not Men, Gentlemen, that were Protestants, but Men that were Rebels in the late War, they were Men of such a Kidney, that he associated himself with, and these were the Persons that were to assist in this Attempt. In Order to this he had prepared Arms in an extraordinary Manner, Arms of a great Value, for one of his Condition, who is by Trade a Joiner; for if a true Estimate were taken of the value of the Arms, I believe they were worth twice his whole Estate; he prepared a good Horse, extraordinary Pistols, a Carbine, a Coat of Mail, an Head-piece; and so being armed Cap-a-pee, with that Design he came hither to *Oxon*. And you will judge whether these be fit Tools for a Joiner.

Colledge. I beseech you, Sir, have you any Body to prove this? If you have not, you do hurt to the Jury as well as me, to speak it.

L. C. J. Be patient, Mr. *Colledge*, and let Mr. Attorney go on to open the Charge. I will tell you and the Jury too, that what he says further than he makes good by Proof and Witnesses, will serve for nothing.

Colledge. 'Tis hard the Council should plead against me, and open Things that he cannot prove.

L. C. J. I will do you all the Right imaginable, and therefore I do tell you again, if they do not prove it, all he says is nothing.

Colledge. But I beseech you, my Lord, since there hath been such extraordinary Means and Methods used to contrive my Death, that the Witnesses may be examined apart, and far from the hearing of one another.

L. C. J. That we will take care of by and by.

Mr. Att. Gen. Mr. *Colledge*, this shews your Temper, you are inordinate in your way of expressing yourself.

Colledge. Mr. Attorney, I should not interrupt you, if I were not afraid this was spoken to prepossess the Jury.

Mr. Att. Gen.

Mr. Att. Gen. I hope to prove what I have said, or every Word of it shall pass for nothing.

Colledge. 'Tis impossible for all the Men on Earth to prove it.

Mr. Attor. Gen. Gentlemen, These were the Particulars I was opening to you, in what manner he was armed, and how accoutred he came hither. We shall likewise shew you that he made it his Business to persuade others to undertake the Design, and join with him, as if open War was already declared; he gave out a Sign, which was a blue Ribbon, a wrought Ribbon with Letters in it, and this was the Mark and Sign they were to know one another by. This was given out by him frequently; and that it may not seem an extraordinary Thing, Gentlemen, though indeed it was a wild Attempt, yet you will cease to wonder when you have heard of the Exploits of *Venner*, who with a few Men raised such a Commotion, soon after the King's coming in, and the several Exploits that have of late in *Scotland* been carried on by a few discontented Persons. So that Men of the like Principles, as we shall give you an account of this Gentleman's Principles what they were, may well be thought to engage in such an extraordinary Exploit. And we shall prove what the Encouragement was he was to have; for he boasted of himself, that he should be in a little Time a Colonel.

Colledge. What, Sir?

Mr. Att. Gen. A Colonel, a great Preferment for a Joiner.

Colledge. Yes, it was so.

Mr. Att. Gen. We shall shew to you that this was not a sudden unpremeditated Thing; for we shall prove that he had entertained the horridest Malice against the King, that ever Subject entertained against his Sovereign: For we shall give this Evidence, and his Front will not oppose it, that he had made it his common Discourse in Coffee-Houses, and Publick-Houses, (and I believe I could bring you 40 and 40 Witnesses to it) to defame the King, and murder him in his Reputation, and was one of the Accomplices with *Fitz-Harris*, who was lately executed for that venomous Libel: We shall prove that he justified it, and maintained it to be as true as the Gospel. We shall give Evidence that he carried on the same Design with that Arch-Traitor who was a Papist; and I believe if this Gentleman were examined thoroughly, he would be found to be one of the same Stamp, and acted by the same Principle; for I think that no Protestant Subject would attempt such Things as we shall prove to you. I believe, Gentlemen, you have frequently heard, as none of us but have, that the King has been traduced as a Designer of arbitrary Government, and his Reputation blasted maliciously and falsely, as an Introducer of Popery: Whence comes all this generally, but out of the Popish Quiver; who make it their Business to set the King's good Subjects at Variance amongst themselves, and against their Prince, by stiling the King a Papist, as this Prisoner hath done; nay, he hath been so impudent as to report that the King was in the Plot against his own Life. We shall prove to you, how here and at other Places he hath frequently done this; to go further, we shall produce to you the Evidence that he drew the King's Picture, and exposed him in all the re-

proachful Characters imaginable, and that the Picture might be the better understood, he adds a Ballad to it: And that he may not have the Confidence to say this is not true, we shall produce to you a whole Bundle of these Papers, among those which his Son made a Discovery of, when they were sent to his Uncle to be hid, and we shall prove him to be the Author of them; and yet this Man should have the Confidence to say he is a good Subject, and a good Protestant, when by all Ways imaginable he goes about to ruin the Government and defame the King? And Gentlemen, when we have given this Account by Witnesses, for I would have you believe me in nothing, but according as I prove it, you will not wonder then that he should say his Life was in Danger, (for so it is indeed?) And if any Man ever was Guilty of High-Treason, sure he is, and being Guilty of the greatest Treason, he deserves the greatest Punishment.

Colledge. Pray, Gentlemen of the Jury, take Mr. Attorney General at his Word, and remember, Sir, you desire not to be believed yourself, but what you prove.

Mr. Serj. Holloway. May it please your Lordship, and Gentlemen, pursuant to what Mr. Attorney hath opened, we will call our Witnesses, and we will begin with Mr. *Dugdale*, who was a Witness against my Lord *Stafford*, at his Trial in Parliament, whose Credit Mr. *Colledge* did attest at that Trial, asserting him to be an honest good Man, and I believe his Evidence will go in a good Measure through all that Mr. Attorney hath opened, and when we have done with him, we hope to second him with other Witnesses of as good Credit, and that will say as much to the Purpose.

Then Mr. Dugdale was sworn.

Mr. Att. Gen. Mr. *Dugdale*, look upon the Prisoner, and tell the Court whether you know him.

Mr. Dugdale. Yes, I do know him, Sir.

Mr. Att. Gen. Will you give us an Account of your Knowledge of him?

Colledge. My Lord, I humbly desire they may be examined a-part, and not in the hearing of one another.

Mr. Att. Gen. That, with Submission, ought not to be in the King's Case, though we think there are none of them, that will speak any more than the Truth.

Colledge. Here are several of them, my Lord, they are all of a Gang.

Mr. Serj. Jefferies. Not of your Gang, Mr. *Colledge*.

Colledge. I pray they may go out, my Lord, (which was ordered accordingly.)

Mr. Dugdale. If your Lordships please, whether or no I may deliver in these Papers?

Mr. Att. Gen. By and by, Time enough, when we ask for them; speak your own Knowledge.

Mr. Dugdale. My Lord, I have been, I think, acquainted with Mr. *Colledge* two Years or thereabouts. I have been several Times in Mr. *Colledge's* Company, and truly sometimes he hath been mightily bent against Popery; he hath at some Times uttered himself, because the King did not prosecute the Papists according as he thought sufficiently, that the King was a Papist himself, that

that he was as deep in the Plot as any Papist of them all, that he had an Hand in Sir *Edmondbury Godfrey's* Death. This *Mr. Colledge*, I appeal to yourself, whether you have not said it: And in this Town of *Oxford* you have several times told me, that nothing was to be expected from him, he would do nothing.

Mr. Just. Levinz. Who did tell you so?

Mr. Dugdale. *Mr. Colledge* did tell me, that there was nothing to be expected from the King, but the introducing of Popery and arbitrary Government; this I believe *Mr. Colledge* will acknowledge to be true.

Colledge. Where was this spoken?

Mr. Dugdale. This was spoken at a Coffee-House, called *Combes* Coffee-House in this Town, and at the *Angel-Inn* in this Town at a Barber's Shop; that Day the King went out of Town, we were in the same Shop.

Colledge. Who was there besides?

Mr. Serj. Jeff. Do not interrupt our Witnesses, let us have done with him, and you shall have your Time to ask him Questions after.

L. C. J. For your Instruction I will tell you, your Time is not yet come, if you chop in and interrupt the Witnesses, you will disturb any Man living; but your Way is this, when he hath delivered his Testimony, ask him any Questions then; and he shall be bound to answer you, and in the mean time you shall have Pen, Ink and Paper, to help your Memory.

Mr. Dugdale. That Day the King went out of Town, presently after he went, you and I went into the *Angel-Inn*; and we went into the Barber's Shop that is just within the Inn, and being charging your Pistols there, you said, *Rowley* was gone, the Rogue was afraid of himself, he was shirked away, and here I appeal to your own Conscience, whether you did not speak of it?

Colledge. I know nothing of it.

Mr. Att. Gen. Don't appeal to him, 'tis nothing for that.

Mr. Sol. Gen. Who did he mean by *Rowley*?

Mr. Dugdale. The King.

Mr. Serj. Holloway. Was that his common Appellation for the King?

Mr. Dugdale. It was his common Word concerning the King. And at other Times speaking that the King did not do those Things that were fair, he hath given mighty great Words against him: He hath told me, that there was no Trust to be put in him; for it was the People we must trust to, and we must look to arm our selves, and that he would arm himself, and be here at *Oxford*; and he told me here in the Town accordingly when I came out of the Country, and he said that he had several stout Men that would stand by him in it. Their Intention was, as he said, for the rooting out of Popery, by which Name he always termed the Church that is now established by Law, as to be of the same Nature the Papists were. This I believe *Mr. Colledge* will acknowledge.

Mr. Att. Gen. Well, go on, Sir.

Mr. Dugdale. And at a Time when he had *Dr. Tongue* at his House, he told me, that as for *Dr. Tongue*, he had much ado with him, and he had been at a great Charge to keep him in order, that he was forced to neglect his own Business to look after him; for if he had not done so, the Rogue, as he said, had a mind to sling all

upon the Protestants, that is, the Dissenters, for he does not count the Church of *England* to be so; that he had much ado to keep him in Order; for he had said he had drawn Papers for that Purpose, but those Papers are secured, for where they are I can't tell.

Mr. Att. Gen. Who were they that were to be with him in that Design of his?

Mr. Dugdale. He told me, Captain *Chinton*, Captain *Brown*, and one Doctor *Lewes*, and he brought them into Town here, when he came with him.

Mr. Att. Gen. To what Purpose did he bring them?

Mr. Dugdale. Expecting there would be a Rising.

Mr. Just. Jones. Did he tell you that here?

Mr. Dugdale. Yes, the *Friday*, I think it was, after the first Parliament sat.

Mr. Justice Jones. How did he express himself what they had to do?

Mr. Dugdale. They were to be here, in case there were any rising, which he expected.

Mr. Justice Jones. What Use did he say he would make of them?

Mr. Dugdale. For the Defence of the Protestant Religion, against the King and all his Adherents.

Mr. Just. Jones. What did he say he would do to the King? I would not lead you.

Mr. Dugdale. He did not say what particularly.

Mr. Just. Jones. What did he say, if the King did not yield to the Parliament?

Mr. Dugdale. If the King did not yield to the Parliament, he should be forced to it.

Mr. Just. Jones. Where did you hear him say that?

Mr. Dugdale. At *Oxford*.

Mr. Serj. Holloway. Did you hear him declare this at *London*?

Mr. Dugdale. He did say at *London*, he expected there would be something done at *Oxford*, and that he would go thither with his Horse and Arms, and those Gentlemen I named before would go with him. And he said, let them begin when they would, he did not care how soon, his Party was the greatest Party.

Mr. Att. Gen. What was that Captain *Brown*? Did you know him?

Mr. Dugdale. Yes, I knew him very well; he did much frequent *Mr. Colledge's* Company; he was in the late Army against the King.

Mr. Serj. Jeff. Did you see him have any Pistols?

Mr. Dugdale. Yes, I have seen him carry Pistols about him.

Mr. Serj. Jeff. Where, in his Pocket?

Mr. Dugdale. I saw them in the House.

Mr. Serj. Jeff. At *Oxford*?

Mr. Dugdale. Yes.

Mr. Serj. Holloway. Did you see them in his Hand?

Mr. Dugdale. I cannot tell that, he had them in the House, I saw them there.

Mr. Serj. Holloway. Did you see him in his silk Armour about the Parliament-House, the Lobby, or any Place?

Mr. Dugdale. I cannot say that.

Mr. Att. Gen. What did you know of his delivering any Marks or Signs for Persons to be distinguished by?

Mr. *Dugdale*. I had as much Ribband from him as came to 40s. with *No Popery, No Slavery*, wrought in it; and he gave it me to distribute among my Friends in the Country, that they might be known by other Persons that would wear the same.

Mr. *Just. Jones*. Where had you it?

Mr. *Dugdale*. At *London*, from Mr. *Colledge*.

Mr. *Justice Jones*. Where was it to be distributed?

Mr. *Dugdale*. Among those that I knew to be Dissenters in the Country.

Mr. *Just. Jones*. Were you to come to *Oxford*, by Agreement, with Mr. *Colledge*?

Mr. *Dugdale*. I promised him to come to *Oxford*, and did so.

Mr. *Attor. Gen.* Well, go on. What more do you know?

Mr. *Dugdale*. At *London*, I was once at a Coffee-house with Mr. *Colledge*, and with some of the Members of the House of Commons; it was a little before they met; and they were earnestly talking of the Parliament at *Oxford*, and of some Disturbance that was likely to happen here. And it was then fully agreed, and Mr. *Colledge* was by, That it would be the best Way, out of every County, where the Parliament had the best Interest in the People, to leave one in every County that might manage the People. This I appeal to Mr. *Colledge*, whether it be true.

Colledge. You appeal to me, shall I speak now, my Lord.

Mr. *Just. Jones*. No, you will remember it by and by?

Mr. *Attor. Gen.* What do you know of any Pictures?

Mr. *Sol. Gen.* Pray let him speak that over again which he mentioned last.

Mr. *Dugdale*. Being in a Coffee-house with Mr. *Colledge*, there were some of the Members of the House of Commons by; and speaking of a Disturbance that might happen here at *Oxford*, it was then agreed, That in every Quarter where the Parliament had the most Interest in the People, they should not all come up, but some remain there to manage the People.

Mr. *Att. Gen.* What do you know of any Pictures or Papers, have you any about you?

Mr. *Dugdale*. Yes, I have one thing I received from Mr. *Colledge*, that is, the Letter pretended to be intercepted to *Roger L'Esrange*.

Mr. *Att. Gen.* Pray, what Account did he give you of it? Who made it?

Mr. *Dugdale*. He told me he was the Author of it himself, and he shewed me it in Manuscript before it was printed; and he told me, he got one *Curtis*, or his Wife, to print it; but he would never trust them again, for they cheated him of some of the Gain.

Mr. *Att. Gen.* Who was the Author, did he say?

Mr. *Dugdale*. He himself.

Mr. *Att. Gen.* Pray produce it, Sir.

Mr. *Dugdale*. This and others he delivered to me to disperse.

L. C. J. What is it, Mr. Attorney?

Mr. *Att. Gen.* It is a Letter, and a great Part of *Fitz-Harris's* Libel is taken out; it seems *Colledge* was the Author, and this is the Original of the Libel.

L. C. J. Did he tell you, this was of his own making?

Mr. *Dugdale*. Yes.

Mr. *Att. Gen.* Did he disperse them to any body else?

Mr. *Dugdale*. Yes, there was some given to one Mr. *Boson*, he had some at the same Time, and Mr. *Baldwin* had some.

Then the Paper was read.

Cl. of Crown. First Q. Whether they that talk—

Mr. *Att. Gen.* Pray give my Lord an Account what more Papers and Libels he delivered to you.

Mr. *Dugdale*. I received one like this, I cannot say it was the same, where all the Bishops were changing their Hats for Cardinals Caps.

Mr. *Serj. Jeff.* Where is *Rary Shew*, for it seems he hath expounded the Meaning of that?

(Then it was produced.)

Mr. *Serj. Jeff.* I suppose 'tis his own cutting too.

Mr. *Dugdale*. I heard Mr. *Colledge* sing it.

Mr. *Serj. Jeff.* Where?

Mr. *Dugdale*. In *Oxfordshire*, and in *Oxford-Town*, at my Lord *Lovelace's*.

Mr. *Serj. Jefferies*. Where, at my Lord *Lovelace's*?

Mr. *Dugdale*. At his House in the Country.

Mr. *Serj. Jefferies*. Who were in the Company there?

Mr. *Dugdale*. Sir *Robert Clayton*, Sir *Thomas Player*, Mr. *Rouse*, Mr. *Colledge*.

Mr. *Serj. Jeff.* You say, you heard him in *Oxford*, and in *Oxfordshire*, and at my Lord *Lovelace's*, where is that?

L. C. J. My Lord *Lovelace* is here himself, and hears what he says.

Mr. *Dugdale*. I might mistake the County, but I heard him sing it at *Oxford Town*, and at my Lord *Lovelace's* House again.

L. C. J. Where is that?

Mr. *Dugdale*. I cannot tell the Town.

Mr. *Serj. Jeff.* How came you there?

Mr. *Dugdale*. Sir *Thomas Player* did invite me thither.

Mr. *Serj. Jefferies*. Where is it in *Oxfordshire*?

Mr. *Dugdale*. I cannot tell, 'tis four Miles from *Henley*.

Mr. *Serj. Jeff.* Was my Lord at home?

Mr. *Dugdale*. Yes, he was.

Mr. *Serj. Jeff.* Now for the Cut, then; Did he shew you this Cut?

Mr. *Dugdale*. Yes, he told me he would get it printed.

Mr. *Serj. Jeff.* Was it before it was printed then that he sung it?

Mr. *Dugdale*. Yes, it was.

Mr. *Serj. Jefferies*. Who did he tell you did make it?

Mr. *Dugdale*. He told me he was the Author of this Cut, and he gave me one, and we sang it together presently after it was printed.

Mr. *Att. Gen.* How did he describe it to you, when he shewed it to you?

Mr. *Dugdale*. That which hath the Pack on the Back of it, he described to be the King; those

those that follow him were *Topham, Cooper, Hugh* and *Snow*, and that Company of Men there is the House of Commons.

Mr. Serj. *Holloway*. What was meant by the Pack?

Mr. *Dugdale*. The Parliament and all his Retinue; and then here is the King in the Mire again, according as 'tis represented in the Song—

Mr. Serj. *Jefferies*. Ay, he goes on well. And this here is the Bishops which they thrust into the Pack when they have got him down in the Mire, and then they thrust them all away, as it is in the Song, to hoot them away.

L. C. J. Did he make this Explication to you?

Mr. *Dugdale*. Yes.

Mr. Serj. *Jefferies*. Who were the *All*?

Mr. *Dugdale*. King and Clergymen, and all.

Mr. Serj. *Jeff*. Where was this that he explained it?

Mr. *Dugdale*. At *London*.

Mr. Serj. *Holloway*. Is there any thing relating to *White-Hall*? What Name did he give that?

Mr. *Dugdale*. Yes, he said, *Louse-Hall* was *White-Hall*, because of its Poverty.

Then the Ballad was read.

Cl. of Cr. *Mary Shew*. To the Tune of, *I am a Senseless Thing*—

Mr. *Att. Gen*. This shews you what a sort of Man he is.

Mr. Serj. *Jefferies*. Here you say he explained this with the Pack at the Back to be the King?

Mr. *Dugdale*. Yes, he told me so.

Mr. Serj. *Jeff*. What did he mean by the two Faces?

Mr. *Dugdale*. That he was half a Protestant, and half a Papist.

Mr. J. *Jones*. Did he make any Comparison between his own Party and the King's Party?

Mr. *Dugdale*. He said, they were but a Handful to them.

Mr. Just. *Jones*. To whom?

Mr. *Dugdale*. To his Party, that was the Dissenters.

Mr. *Att. Gen*. Speak that out.

Mr. *Dugdale*. That their Party was but a Handful to theirs.

Mr. *Att. Gen*. Theirs and Theirs, who did he mean?

Mr. *Dugdale*. He meant the Dissenters, for the Church of *England* he reckoned among the Papists.

L. C. J. Tell us the Words he said.

Mr. *Dugdale*. He said, his Party was the true Church of *England*, and that which is established by Law, were but Protestants in Masquerade.

Mr. Just. *Jones*. Tell us when he made the Comparison, what Words he did use, and upon what Occasion.

Mr. *Dugdale*. When he perceived the King at *Oxford* would not yield to the House of Commons, he said, Let him begin as soon as he would, he did not care how soon he did begin, for their Party, meaning the King and his Party,

was but an handful to him and his Party, calling them the true Protestants; the others were Protestants in Masquerade.

Mr. *Att. Gen*. What did he desire you to do? To be assisting in any thing?

Mr. *Dugdale*. He always desired me to be true of that side, he hoped I was, and to get good Arms for myself.

Mr. Serj. *Holloway*. Did he in *Oxford* desire this of you?

Mr. *Dugdale*. No, he did not.

Mr. *Sol. Gen*. For what Purpose did he desire you to arm yourself?

Mr. *Dugdale*. He said, the King had a Design on the People to introduce Popery and arbitrary Government, and he expected every day when they would begin, and the sooner the better, he would be provided for them.

Mr. Just. *Jones*. Was that in *Oxford*?

Mr. *Dugdale*. He spoke it in *Oxford*, and in the City too.

Mr. Just. *Jones*. Did he tell you of any that were lifted?

Mr. *Dugdale*. He spoke of Captain *Brown*, and Captain *Clinton*, and Don *Lewes*, and abundance more he said he had.

Mr. Just. *Jones*. Did he tell you he had them here?

Mr. *Dugdale*. Yes, about forty of them were there, he said.

Mr. Serj. *Holloway*. Did he tell you of any that were lifted, in order to the coming down of the Parliament at *Oxford*?

Mr. *Dugdale*. Not lifted, but were intended to come down; and at *Oxford* he told me they were come down.

Mr. Just. *Jones*. Were you in their Company in *Oxford* here?

Mr. *Dugdale*. Yes, I was.

Mr. Justice *Jones*. In the Company of whom? name them.

Mr. *Dugdale*. Of Captain *Brown*, Don *Lewes*, and several others of that Gang; I know not their Names, but I know their Faces.

Mr. *Sol. Gen*. Did he take Notice to you that they were come down?

Mr. *Dugdale*. Yes.

Mr. *Sol. Gen*. To what Purpose?

Mr. *Dugdale*. He expected there would be a rising in *Oxford*, and to this Purpose; Mr. *Colledge* was one that debated it at *Richard's* Coffee-house, and it was to be carried from thence to the *King's-Head* Club, Whether it were not best to leave a Parliament-man in every County?

Mr. *Att. Gen*. Where was this?

Mr. *Dugdale*. This was at *Richard's* Coffee-House in *London*, against they met here.

Mr. *Att. Gen*. We could give you an Account of a Volume of these Things, abundance of scandalous Pamphlets, both Songs, Libels, and Ballads, that were made by this Gentleman, and all seized in his Custody.

Mr. Justice *Jones*. But he sung this Libel?

Mr. *Att. Gen*. All these, Gentlemen (shewing a great Bundle) were to be dispersed over *England*.

Mr. Serj. *Jefferies*. It was, it seems, expounded and sung by the Prisoner at the Bar; he gave you the Ballad at *Oxford*, you say, Mr. *Dugdale*.

Mr. *Dugdale*. No, I heard him sing it here.

Mr. Just. Jones. Pray, Mr. Dugdale, what was the Use was to be made of this Ballad ?

Mr. Att. Gen. Come go to the next, we call this Evidence to shew you the Malice of the Man.

Colledge. Pray, my Lord, let me ask some Questions of Mr. Dugdale.

Mr. Serj. Jeff. Ay, now let the Prisoner ask his Questions (to do him right) before we go to another Witness.

Mr. Dugdale. My Lord, I have a Word or two more about a Libel in Manuscript, that very Day the Sheriffs were to be chosen, it was to be printed, and he told me the Printer durst not print it, it was so dangerous.

Mr. Serj. Jeff. What was it, can you remember any Part of it ?

Mr. Dugdale. No, but it was the worst I ever heard in my Life against the King and Government.

L. C. J. Now ask him what Questions you will.

Colledge. Pray, when was the first Time you gave this Evidence ?

Mr. Dugdale. Truly, Mr. Colledge, I don't keep an account of Time, I cannot give an account of Time.

Mr. Attor. Gen. As near as you can tell him.

Mr. Dugdale. I cannot tell whether it might be in June, I think it was.

Colledge. How long before I was taken ?

Mr. Dugdale. It might be about the Time you were taken.

Colledge. Pray, who did you give it before ?

Mr. Dugdale. I gave it to Sir Lionel Jenkins.

Colledge. Where did you swear these Things were done then ?

Mr. Dugdale. What was done in the City, I swore to be done there.

Colledge. What City ?

Mr. Dugdale. London ; the same Words were said in the City of London, and over again here. I have repeated, for the most Part, only the Words you said here, but more was in the City than here.

Colledge. Did you swear then, that the Words you swear now were spoken at London ?

Mr. Dugdale. It may be we might not name Oxford then.

Mr. Serj. Jeff. He says well, it might not be named then.

Colledge. Then you did give in your Information, that I spoke these Words at Oxford.

Mr. Dugdale. I was not examined about what was done at Oxford ; I believe I have heard you speak the same Words to me at my Lord Lovelace's, but I do not know what County that is in.

Colledge. I ask you positively, Whether you did not swear that what you now say was spoken at Oxford, was spoken at London.

Mr. Dugdale. I did not name Oxford then.

Colledge. But did not you say that was done at London, that now you say was done here ?

Mr. Dugdale. Truly, you said them both at London, and here.

Colledge. Pray, Mr. Dugdale, what had you to give this your Information ?

Mr. Dugdale. Truly I can't say I have received the worth of a Groat.

Colledge. Nor was ever promised any Thing ?

Mr. Dugdale. No, I never received any Thing, nor ever was promised, but only what the King gave me for going down into the Country for my Charges.

Mr. Att. Gen. Was that the same Allowance you had when you were Witness for the popish Plot ?

Mr. Dugdale. Yes.

Mr. Serj. Jefferies. Have you any other Allowance than what you had before, when you gave Evidence at my Lord Stafford's Trial ?

Mr. Dugdale. No, nor have got all that yet neither.

Colledge. But pray observe my Question, Mr. Dugdale, and answer it. Did you not swear at London that I spoke these Words there, which now you say I spoke here ?

L. C. J. Pray observe, he says he did not then name Oxford ; but in the giving of his Evidence now, he tells you a Series of what passed between London and Oxford ; and I must tell you further, if a Treason be committed, and the Evidence prove it to be in two Counties, the King may choose which County he will prosecute and bring his Indictment in, and give in Evidence the Facts in both Counties. But you shall have your Objection to it afterwards, and we will take it into Consideration. I tell you this, that it may not seem to you that the Witnesses speak impertinently of what was done at London ; but if nothing was done or said at Oxford, then it will be taken into Consideration, you shall have it saved afterwards. I only hint it now, that you may not think it impertinent.

Colledge. I beseech your Lordship give me leave to speak one Word : When he made his Affidavit before Sir Lionel Jenkins there about seizing the King, about the Party I had, and the Arms I had provided, ought not he at the same Time to have said where I said those Words to him ? But he did swear then it was in London that I said those Words to him ; and coming before a Grand Jury of honest Gentlemen in London, they were so wise and honest as to do me Justice, and not find the Bill ; so their Design failing there, then they changed it to Oxford.

L. C. J. You did not come to your Trial there, if you had so done, then they would have asked him in particular what was said at Oxford, and what at London, as 'tis now, being done in both Counties. But look you, if you will ask any particular Questions, do, for they have other Witnesses to produce.

Colledge. My Lord, I only ask this Question, Whether it be not rational to think, that when he swore before Sir Lionel Jenkins, he should not swear the Words were spoken, and Things done ?

Mr. Dugdale. He hath said the same Words to me at my Lord Lovelace's, as I lay in Bed with him, and this I never mentioned but now in my Evidence.

Colledge. What Words did I say there ?

Mr. Dugdale. If you must have them repeated, they were about the King.

Colledge. What were they ?

Mr. Dugdale. That he was a Papist, and designed arbitrary Government.

Colledge. Did I say so to you at my Lord Lovelace's ?

Mr. Dugdale. Yes, as we lay a-Bed.

Mr. Soll. Gen. Did you lie together?

Mr. Serj. Jefferies. Yes, yes, they were Intimates.

Colledge. I had not six Words with you when you went to Bed, for you said you were weary, and went asleep presently.

Mr. Dugdale. I say you said this in the Morning, for we had an Hour's Discourse when we were a-Bed, and all our Discourse was about the Parliament and the King.

Colledge. Where was it I said these Words in Oxford?

Mr. Dugdale. At Comb's Coffee-House was one Place.

Colledge. Was there no Body by?

Mr. Dugdale. No, but at the Angel-Inn there were several Persons standing by?

Colledge. Surely then some of those heard the Words as well as you.

Mr. Dugdale. It may be so, I am sure many at London have been by, as Mr. Starkey by name, Mr. Bosom, Mr. Baldwin; they have rebuked you for it, and I have rebuked you too.

Coll. What Words have they and you heard, and rebuked me for?

Mr. Dugdale. When you have been railing against the King, and said, That the King designed nothing but the introducing of Popery and arbitrary Government, and that he was a Papist.

Mr. Serj. Jeff. He loves to hear it repeated.

Colledge. What Arms did you see of mine in this Town?

Mr. Dugdale. I saw Pistols; you had some Pocket Pistols.

Colledge. None but one I borrowed of you, and that you had again; had I? (Pray speak) did you see any more?

Mr. Dugdale. It may be there might not, but there were Pockets-Pistols in the Room, and you had them in your Hand.

Colledge. He swore but now that he saw me have Pocket-Pistols, when it was but one, and that was his own.

Mr. Serj. Jeff. Hark you now, you talk of Pistols, do you know, that he had any Pistols in his Holsters at Oxford?

Mr. Dugdale. Yes, he had.

Colledge. Yes, I know that, I don't deny it.

Mr. Serj. Jeff. I think a Chiffel might have been more proper for a Joiner.

Colledge. You say I was confederated with Capt. Brown, and other Men.

Mr. Dugdale. You have told me that Capt. Brown had a good Allowance, and it was pity he had not a better Allowance; and you would speak he might have a better Allowance, for he was able to do good Service when the Time came.

Colledge. From whom?

Mr. Dugdale. Among you.

Colledge. Among whom?

Mr. Dugdale. You know there were several Gatherings among you that I was privy to.

Colledge. What do I know?

Mr. Sol. Gen. You know Money was gathered many Times.

Colledge. For what Purpose?

Mr. Dugdale. You never told me Particulars; it was to distribute somewhere, I had none of it.

L. C. J. He does not say these Men were concerned with you, but you said so.

Mr. Dugdale. You know, Mr. Colledge, there were many Gatherings of Monies.

Coll. Did I tell you there were any Gatherings for Captain Brown?

Mr. Serj. Jeff. He says, you told him no Particulars; if you have a Mind to ask him any more Questions, do.

Colledge. Pray, Sir George, don't interrupt me, I am here for my Life. Did I tell you there were any Gatherings for Captain Brown?

Mr. Dugdale. I do not say for him, nor whom you distributed it to; but you gathered Money one among another, and you have paid Money.

Colledge. I have paid Money! When, and to whom?

Mr. Att. Gen. You will not deny that, you confessed, upon your Examination, that you gave a Guinea.

Colledge. Sir, did you see me any more at Oxford, than in the Coffee-House, and at that Inn, when I went out of Town, and was going home with the City-Members?

Mr. Dugdale. Yes.

Coll. Were you in my Company any where but in those two Places?

Mr. Dugdale. I was with you at the Chequer.

Coll. Did you come a Purpose to speak with me, or had you any Business particularly with me?

Mr. Dugdale. Truly, Mr. Colledge, I have forgot whether I had or no; I was in the Room with you there.

Coll. Where is that Room?

Mr. Dugdale. I can't tell all the Rooms in that House.

Coll. Was it above Stairs, or below?

Mr. Dugdale. Both above and below, two Days I was there with you.

Coll. Was there any of this Discourse you speak of passed there between us?

Mr. Dugdale. I know I was with you in those two Places I mentioned before; you called me aside to drink a Glass of Mum, and there was none in the Room but us two at that Coffee-House.

Coll. Sir, you came to Town but on Friday, I think it must be Saturday, Sunday, or Monday, this was; for he stayed no longer in Oxford.

Mr. Dugdale. Nay, I came to Oxford either Wednesday Night, or Thursday Morning; and I saw you and Mr. Hunt together the same Day I came.

Coll. Did I explain any Pictures to you at London, or owned I was the Author of them?

Mr. Dugdale. Yes, upon my Oath, you have explained Pictures to me, and there is one Picture that I have not shewed yet, which you have explained what the meaning was.

Mr. Serj. Jeff. 'Tis your common Trade, it seems.

Mr. Dugdale. You told me you got them done.

Clerk reads, *A Character of a Popish Successor,* &c.

Mr. Serj. Holloway. How did he explain it to you, Mr. Dugdale?

Mr. Serj. Jeff. I would see what Opinion he had of the Church of England; there are some Church-men, what are they a doing?

Mr. *Dugdale*. They are a Parcel of *Tantivy-men* riding to *Rome*; and here's the Duke of *York*, half Man, half Devil, trumpeting before them.

Coll. You have got some body to explain these things to you, Mr. *Dugdale*.

Mr. *Dugdale*. You did it, upon my Oath.

Coll. Oh, fie upon you, Mr. *Dugdale*, consider what you say.

Mr. Serj. *Jefferies*. All this you did explain, it seems.

Mr. *Dugdale*. And in one Place of the other Libel the King was termed a Rogue; but they put him in by another Name.

Mr. Serj. *Jeff*. Where is it?

Mr. *Dugdale*. 'Tis in *Rary Shew*; in the Manuscript it was, *Now, now the Rogue is down*.

Mr. Serj. *Jeff*. Let me see it; I took Notice of it, *Now, now the Giant is down*, here.

Coll. I ask you, Sir, whether the Song which you say was sung at my Lord *Lovelace's*, and other Places, was the same with this?

Mr. *Dugdale*. For the general it is, I can't tell for every Word: You sang it half a dozen times there, and the Musick plaid to you.

Coll. I ask you, whether it was the same with this?

Mr. *Dugdale*. I can't tell for every Word you sang.

Coll. Was there any Body by at my explaining of these Pictures?

Mr. *Dugdale*. Mr. *Baldwin* was by, and re-proved and corrected you, that you would be so open.

Coll. Was there any body at *Oxford*, when you did hear me talk of arming my self?

Mr. *Dugdale*. They were walking up and down in the Barber's Shop, and I know not whether they did hear or no.

Mr. Att. Gen. Was that Gentleman sworn at my Lord *Stafford's* Trial, Mr. *Dugdale*?

Colledge. Yes, I was sworn there, I acknowledge it.

Mr. Att. Gen. Did he swear any thing on your Behalf, for your Credit, Mr. *Dugdale*?

Coll. That was by hear-say, Mr. Attorney, at the *Tower*; I know nothing of my own Knowledge; but I did believe him another Man than I find him.

Mr. Serj. *Jeff*. No Question, or else you would not have trusted him.

Mr. Att. Gen. Swear *Stevens*. (*Which was done*.) Do you give my Lord and the Jury an Account where you found this precious Ballad.

Stevens. The first Draught I found in his Bed-chamber.

Mr. Serj. *Jeff*. What of all of them? Which is it?

Stevens. The *Rary Shew*: We found the first Draught of it in his House, when we came to search his Papers, by Order of Council; and the Printer that printed the Ballad hath told me since, he had it from him——

Mr. Att. Gen. What say you yourself? speak your own Knowledge.

Stevens. And Mr. *Atterbury* was by when we searched the House.

Mr. Att. Gen. Well, Mr. *Atterbury* will tell his own Story.

Stevens. I have seen you on Horseback, with Holsters before you, with some hundreds of Men after you, coming out of the *Bell-savage-Inn*; they

said, you were going to chuse Parliament-men: I have known you three or four Years, you were joiner to our Hall.

Mr. Serj. *Jeff*. We call you to that Particular of the Papers, and you run in a Story of a Cock and a Bull, and I know not what.

L. C. J. Will you ask him any Questions?

Colledge. No, only this; Do you swear, upon your Oath, that you found the Original in my House?

Stevens. Yes, Sir, you will see it with my Hand to it, and some more of them.

Mr. Att. Gen. And you found too those that were printed?

Stevens. Yes, both our Names are to them that were concerned in the searching of them.

Mr. Serj. *Jeff*. You found the Paper in the House?

Stevens. Yes.

Mr. Serj. *Jeff*. That is *Towzer*; but have you the Original of the *Rary Shew*?

(*It was looked for, but could not be found.*)

Col. Pray, Gentlemen, observe, he swears that is an Original.

Mr. Serj. *Jeff*. No, no, he found the Paper in your House.

Coll. I ask about the Original of *Rary Shew*.

Mr. Serj. *Jefferies*. He says, he saw a Paper drawn with a Pencil that was like the Original.

Atterbury. There was an Original drawn with a Pencil, upon Dutch Paper, 'tis long since, for we do not see it here now, which at the same Time we found upon *Colledge's* Table in his Bed-Chamber.

Coll. Did you find an Original in my Chamber?

Atterbury. Yes, we found a Paper drawn with Black Lead.

Coll. Pray, where is it?

Atterbury. I did see it, it was drawn in Black Lead, it was upon Dutch Paper, and lay upon the Table in your Chamber.

Stevens. Sure I am, it was taken when we searched the House.

Coll. I am sure you could never find the Original of any such thing in my House.

Mr. Att. Gen. Then where is Mr. *Scwell*? (*Who was sworn*.) Sir, did you see that Trumpery taken?

Scwell. I had a Warrant to seize Mr. *Spur*, and his Brother-in-Law, Mr. *Colledge*. So I went down to seize Mr. *Spur*, and search his House for such Papers as I should find. I could not find them in the House; but I enquired of him, after I had searched, and could not find them where they were; because I saw him at Mr. *Colledge's* when we first searched; he denied them a pretty while, but at last he told me, they were in the Hay-mow in the Barn. When I came there, he was bawling, and told me, his Wife, *Colledge's* Sister had taken them down, and carried them into a Room where I had searched before, but could not find them; and the Man was angry then, so we run after his Wife, and found her with all these Papers in a Bag.

Mr. Att. Gen. Are these the same Papers?

Scwell. Yes; and there were two other Cuts, the Man himself is about the Place somewhere.

Mr.

Mr. Att. Gen. Swear *Mr. John Smith.*
(Which was done.)

Mr. Just. Jones. Come, *Mr. Smith*, do you know *Mr. Colledge.*

Mr. Smith. Yes.

Mr. Serj. Jeff. Give us an Account what dealings you have had with him, where, and when; what he hath said about the King; and tell us first whether you be intimately acquainted?

Mr. Smith. We were intimately acquainted. The first Time I heard *Mr. Colledge* discoursing any Thing of this Nature, that is, concerning Treason, or any such Thing, was once at a Coffee-House by *Temple-Bar*; there I met *Colledge*, and he told me he was invited to Dinner, and he likewise invited me to it. I asked him, who provided the Dinner; he told me it was one Alderman *Wilcox*; I told him I was a Stranger, and did not care for going; he told me, I should be very welcome there; and at last prevailed upon me to go: And as I was going along, I asked him what the Alderman was; he told me, he was a Man that was as true as Steel, and a Man that would endeavour to root out Popery: Said I, That may be done easily, if you can but prevail with the King to pass the Bill against the Duke of *York*. No, no, said he, you are mistaken, for *Rowley* is as great a Papist as the Duke of *York* is, (now he called the King *Rowley*) and every Way as dangerous to the Protestant Interest, as is too apparent by his arbitrary Ruling. This was the Discourse between the Coffee-House and the Tavern where we went to dine. When we came in, I asked *Colledge* again whether the Alderman was there; he said he was not there at that Time: I asked him the second Time, what Kind of Man he was; he said, he was one that lived in his Country House, and gave freely to several People to buy Arms and Ammunition: And I asked him to what Purpose? And he said, it was to bring the King to Submission to his People: Adding thereto, that he wondered *Old Rowley* did not consider how easily his Father's Head came to the Block, which he doubted not would be the end of *Rowley* at the last. After this Discourse, the Alderman came in; we dined, and every one went his own way about his own Business. *Mr. Colledge* then told me, if I would go with him to his own House, I should see how he was prepared with Arms and Provision. Soon after I met with him, and he desired me to go along and dine with him; and I did so, and there he did shew me his Pistols, his Blunderbuss, and his great Sword; and he shewed me his Armour, Back and Breast; and he shewed me his Head-piece, which if I am not mistaken, was covered over with Camblet, it was a very fine Thing; and, said he, these are the Things which will destroy the pitiful Guards of *Rowley*, that are kept up contrary to Law and Justice, to set up arbitrary Power and Popery.

Coll. What did I say, Sir, about my Armour?

Mr. Smith. Thus you said; it was to destroy *Rowley's* Guards, (those were your Words) that were kept up contrary to Law and Justice, to set up arbitrary Power and Popery. After I had dined with him, I parted with him. A little before the Parliament was to meet at *Oxford*, I met him again; and we were discoursing of several Things, what Preparations the City were making, how they were provided with Powder and Bullets, and for his Part he would go down to *Oxford*, for he expected a little Sport there, upon

the Divisions that were like to be between the King and Parliament. Then, said I to him, Why; what is the Matter there? Why, said he, we expect that the King will seize upon some of the Members, and we are as ready as he: And, says he, for my Part, I will be there, and be one that shall seize him if he secure any of the Members; (and I believe he did go down;) says he, you know how the City is provided: I told him, no, not so well as he; but he told me all was very well. After he came up again, I met him another Time, and he told me, he went down in Expectation of some Sport; but *Old Rowley* was afraid, like his Grandfather *Jamy*, and so ran away like to beshit himself.

Mr. Serj. Jeff. Did he say, if he had not run away he would have seized him?

Mr. Smith. He said nothing of that; but before, he said, he would be one of them should seize him, if he seized any of the Members. After this he told me, that *Fitz-gerald* and he had had a Quarrel at the Parliament-Door of the House of Lords at *Oxford*; that *Fitz-gerald* had called him Rogue; and, said he, *Fitz-gerald* made my Nose bleed; but before long, I hope to see a great deal more Blood shed for the Cause. After this again, when there was a discourse of disarming the City, that my Lord *Feversham* was to come to do it, he told me, he was well provided, and if *Feversham*, or any Man, nay, *Rowley* himself should attempt any such Thing, he would be the Death of him, before any Man should seize upon his Arms.

Mr. Serj. Jeff. Did he discourse any Thing to you about Arms to provide yourself?

Mr. Smith. Yes, he did, I had an Armour from him.

Mr. Serj. Jeff. What did he say to you about it?

Mr. Smith. He did desire me to get me Arms, for I did not know how soon I might make use of them. I had an Armour from him upon trial; he said it cost him 30 or 40s. I had it upon trial, but it was too big for me, so I gave it him back, and bought a new one.

Mr. Att. Gen. Did he tell you to what Purpose you should arm yourself?

Mr. Smith. No, he did not name any Purpose; but he told me, I did not know how soon I might make use of it.

Mr. Att. Gen. What did he say to you about any one's seizing the King?

Mr. Smith. He told me the Parliament were agreed to secure the King, and that in order to it, all the Parliament-men came very well armed, and accompanied with Arms and Men; and he told me of a great Man that had Notice from all the Gentlemen of *England* how well they came armed.

Mr. Just. Jones. What did he say of himself?

Mr. Smith. He would be one that should secure the King, if he seized any of the Members.

Mr. Just. Jones. When he had been there, what did he say?

Mr. Smith. If they had had any Work, he was ready provided for them.

Mr. Att. Gen. But pray, tell us again what he said of the King's running away?

Mr. Smith. He said, *Rowley* was afraid, like his Grandfather *Jamy*, and run away ready to beshit himself.

L. C. J. If you have done with him, *Mr. Attorney*, let the Prisoner ask him what Questions he will.

Coll.

Coll. Mr. *Smith*, where was this Discourse I had with you?

Mr. *Smith*. Which do you mean, the former Part, or the latter?

Coll. The first Discourse you talk of, what I told you going to Mr. *Wilcox's* to Dinner; and when it was?

Mr. *Smith*. You know best when it was, I can't exactly remember the Time; but you know 'tis true.

Coll. Where was it?

Mr. *Smith*. As we went along thither we had the first Part of it, and when we came thither, you and I talked till Alderman *Wilcox* came in; and you and I were alone together, and several Persons that were there, were drawn into Cabals, two by two.

Coll. Where?

Mr. *Smith*. In the Room where we dined; and you know there was a little Room by, where some were drinking a Glafs of Wine.

Coll. You say, by two and two, the Company were drawn into Cabals.

Mr. *Smith*. I tell you, most of them were in Cabals, two and two together, only those two Gentlemen that belonged to the Alderman went up and down, and gave Wine.

Coll. What Religion are you of?

Mr. *Smith*. Is it for this Man to ask me, my Lord, such a Question?

L. C. J. Yes, answer him.

Mr. *Smith*. I am a Protestant.

Coll. You were a Priest?

Mr. *Smith*. Yes, what then? and I am in Orders now.

Coll. That was from the Church of *Rome*.

Mr. *Smith*. Yes, and that is a good Ordination; I came in voluntarily to discover the Popish Plot, and was no Pensioner, nor received any Salary from the King. I have spent several Pounds, several scores of Pounds, but received no Recompence: And I was the Darling at one Time all over the City, when I did adhere to what they would have me to do.

Mr. Serj. *Jeff*. Did not you swear against my Lord *Stafford*?

Mr. *Att. Gen.* Were you not a Witness, Mr. *Smith*, at my Lord *Stafford's* Trial?

Mr. *Smith*. In that Case I did give a general Account of the Design of the Papists; they did not then question my Reputation, and I defy all the World to say any thing against it.

Coll. Pray hear me, Sir, if you please; the first Discourse that you speak of about Mr. *Wilcox's* being a good Man for the Cause, and contributing Money, this was when we were at Dinner.

Mr. *Smith*. This was that Day when we went to Dinner with him, you know it very well.

Coll. Where were the other Discourses I had with you?

Mr. *Smith*. Which part of them?

Coll. When I came from *Oxford*?

Mr. *Smith*. By the Ditch-side, by your own House; I have two or three to prove it, we were an Hour or two discoursing together about this Business.

Coll. What Business?

L. C. J. He tells you of two Discourses, one before you went to *Oxford*, and one after you came from thence.

Coll. He does say, that I did discourse him about

our coming down hither to *Oxford*, that the Parliament would secure the King, and that I would be one of them that should seize him, and this was the Time when we dined with Alderman *Wilcox*.

L. C. J. Not so, he says, after that Time, and before you went to *Oxford*, he had such a Discourse with you.

Mr. *Smith*. Yes, my Lord, so it was.

Colledge. And does he speak of another Time, when I shewed him the Back, Breast, and Arms?

Mr. *Smith*. Yes.

Colledge. But he said, I discoursed then, that the City was provided with Arms, and that the Parliament were resolved to bring the King to Submission.

Mr. *Smith*. When I was in the House with him, he then said, Mr. *Wilcox* gave Money to provide Arms: I asked, for what? he said, it was to bring the King to Submission to his People; and then he added, he admired that *Rowley* did not remember how easily his Father's Head came to the Block; and he doubted not but that would be the End of him too.

L. C. J. He spake of several Times, you know.

Colledge. I do not know one Word of it, nor can I distinguish the Times: But, Mr. *Smith*, the last Discourse, you say about *Oxford* Business was by the Ditch-side.

Mr. Serj. *Jeff*. The Discourse about bringing the King to Submission, was in the Way as you went to Dinner.

Mr. *Smith*. The last Discourse, when you returned from *Oxford*, was by the Ditch-side; but both before and after you spake to me at that Place about this Design of bringing the King to Submission.

Colledge. You said, it was at *Wilcox's* at Dinner.

Mr. Serj. *Jeff*. You mistook him then.

Coll. Nay, Sir *George*, you took him not right.

Mr. Serj. *Jeff*. I have taken him right, I assure you, and you shall see it by and by.

Colledge. He is the falsest man that ever spoke with a Tongue.

Mr. *Att. Gen.* Swear *Bryan Haynes*. (*Which was done*.) Tell my Lord and the Jury whether you know this Gentleman, what Converse you had with him, and what Discourse he hath had with you. Apply your self to Mr. *Colledge's* Business only.

Haynes. I suppose he will not deny but that he knows me very well; I have been acquainted with him ever since *March* last, before the sitting of the Parliament at *Oxford*. My Lord, there was a Warrant against me for High-Treason, and I made my Application to Mr. *Colledge*, and desired him to go to a Person of Honour in *England*, and ask his Advice, whether I might supersede the Warrant by putting in Bail, and carry the *Supersedeas* in my Pocket: Mr. *Colledge* told me, he would go to this Person of Honour, for he would do nothing of his own Head; and he bid me come to him the next Day. My Lord, I came to Mr. *Colledge* the very next Day, and I met him at his House, and I asked him what was the Result, and what Advice he had from that Person of Quality: He bid me be of good cheer, that the Parliament would be, and sit at *Oxford* soon; that I should not value the King a Pin; for, said he, the King is in a worse Condition than you or I; for you shall see, said he, he shall be called to an Account for all his Actions.

Mr. Serj. *Jeff.* Who should ?

Haynes. The King ; for all the World may see, says he, that he does resolve to bring in arbitrary Power, and Popery : And, said he, unless he will let the Parliament sit at *Oxford*, since he hath called them together, and put the People to charges in choosing of them, and them in coming down, we will seize him at *Oxford*, and bring him to the Block, as we did the Logger-head his Father : The Parliament shall sit at *Guild-Hall*, and adjust the Grievances of the Subject, and of the Nation : And you shall see, said he, that no King of his Race shall ever reign in *England* after him.

L. C. J. Where was this he said so ?

Haynes. At his own House I met him ; and he and I did walk all along from his own House, over the Bridge that is against *Bridewell*, and so went all along till we came to the *Hercules Pillars*, and we had some discourse there ; we went up one Pair of Stairs and called for some Beef ; and all this discourse was in that very Place of the *Hercules Pillars*.

Mr. Serj. *Holloway.* Do you know any thing of any Arms he had, and for what ?

Haynes. But, Sir, said I to Mr. *Colledge*, how can this be done, 'tis a Thing impossible : You pretend, you say, to the Duke of *Monmouth*, that he is a fine Prince, and stands up for the Protestant Interest. Alas, said he, we make an Idol of him to adumbrate our Actions, for fear we should be discovered : Do you think the wise People of *England* shall ever make a Bastard upon Record King of *England* ? No, said he, for though we praise his Actions, yet we cannot endure him, because he is against his own Father. But, said he, further, unless the King do expel from his Council the Earl of *Clarendon*, cunning *Lory Hyde*, the Earl of *Hallifax*, that great Turn-coat Rogue, that was before so much against the Papists, a Rascal, we shall see him hanged, and all the Tory Counsellors, except the King do it, we will make *England* too hot for him.

Colledge. Who did I say this to ? To you ?

Haynes. Yes, to me.

Colledge. Pray, how could this be possible ?

Haynes. Yes, you knew my Condition ; and I intimated to you at that Time, that I was as much for Treason and Villainy as you : But then said I to him, how can this be done ? Here you have neither Officers, nor Men of Experience, nor Men of Knowledge ; nor you have no Ammunition, Sea-port Towns, nor any Ships. And besides, the King, said I, hath a great Party in the Land, and the Duke of *York* likewise ; and for all the Men of Estates, and the ancient Gentlemen, they will not be disturbed, and quit their Ease for a Civil War. Oh, says he, you are mistaken, for we have in the City 1500 Barrels of Powder, and we have 100,000 Men ready at an Hour's Warning ; and we have ordered every Thing in a due Method against the sitting of the Parliament at *Oxford* ; and you shall see *England* the most glorious Nation in the World, when we have cut off that beastly Fellow *Rowley* ; and speaking of the King, he said, he came of the Race of Buggers, for his Grandfather King *James* buggered the old Duke of *Buckingham* ; and he called him Captain, and sometimes the King, and sometimes *Rowley*.

Mr. Serj. *Jeff.* This was pure Protestant discourse, upon my Word.

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Haynes. Then he railed at Judge *Pemberton* ; and, said he, let him try *Fitz-Harris* if he dare ; I shall see him go to *Tyburn* for it, I hope a Turn-coat Rogue ; he was for the Plot whilst he was *puisne* Judge, but now he is Chief Justice, he is the greatest Rogue in the World. He is like one of the Pensioners in the Long Parliament. So one Day I went along with Mrs. *Fitz-Harris*, and Mr. *Ivy*, and he sent a Man to me, and desired me to come to the *Hog in Armour* ; thither we came, and met him, and went to his Lodgings, and there we dined. Then they made some Persons of Honour believe, that I was a Person so and so qualified, and was brimful of the Plot ; and he would put me upon charging the King with the firing of *London*, and the Murder of Sir *Edmundbury Godfrey* ; and, said he, such and such Lords shall live and die by you ; and besides, said he, you need not fear, *England* shall espouse your Cause. But, said I, the Law is like a Spider's Web ; that catches the little Flies, but the great Flies run through the Net, and make their escape ; so it is with these Lords, they put you and me on the danger of acting ; and when they got off by Interest, a Jury of 12 Men will hang us by the Neck, and so I should perish, whilst others triumphed, and only be a Martyr for the Fanaticks. So in discourse we were talking of the Libel of *Fitz-Harris* ; the Devil take me, said he, every individual Word is as true as God is in Heaven ; and, said he, if you do not join with *Fitz-Harris* in his Evidence, and charge the King home, you are the basest Fellow in the World, for he makes you Slaves and Beggars, and would make all the World so ; and 'tis a Kind of Charity to charge him home, that we may be rid of such a Tyrant.

Mr. Serj. *Jeff.* Mr. *Colledge*, if you will ask him any Questions, you may.

Coll. Certainly, my Lord, the thing speaks it ; he is not to be talked withal ; is it probable I should talk to an *Irishman* that does not understand Sense ?

Haynes. 'Tis better to be an honest *Irishman*, than an *English* Rogue.

Mr. Serj. *Jeff.* He does it but to put you in a Heat, don't be passionate with him.

Haynes. No, I am not, I thank God, he hath not put me into a Heat.

Coll. Where was this discourse about superseding your Warrant ?

Haynes. At *London*.

Colledge. When ?

Haynes. It was before the Parliament sat at *Oxon*.

Colledge. How long ?

Haynes. I can't tell positively to an Hour or a Day.

Colledge. What Month, as near as you can ?

Haynes. It was in the Month of *March*.

Colledge. Had you ever seen me before ?

Haynes. Can you deny that ?

Coll. I ask you whether you have or no ?

Haynes. Yes, I have seen you in the Coffee-Houses bawling against the Government.

L. C. J. Were you an intimate Acquaintance of his before *March* last ?

Haynes. No intimate Acquaintance.

Coll. Then this is the first Time you discoursed with me.

Haynes. Oh, no my Lord. One and I fell out at the *Queen's-Head* Tavern at *Temple-Bar*, and he set me upon the Business, and *John Macnamarra* and others ; and truly I did the Business for him :

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For we fell out and did Box, and our Swords were taken from us, and I went to *John Macnamarra*, and told him, yonder is such a Man at such a Place, now you may seize upon him.

Coll. What Man was that?

Haynes. One *Richard Pourz*.

Coll. He belonged to my Lord *Tyrone*, I think, there were Warrants to take him. Do you say I set you upon that?

Haynes. Yes, you were with me the Night before, and Capt. *Brown*, and they gave us a Signal, a blue Ribband, to distinguish that we were Protestants, from the Bishops Men.

L. C. J. When were you to make Use of it?

Haynes. When the King was seized.

Mr. Serj. Jeff. Well, go on, have you any more?

Haynes. But, my Lord, further, after he came from *Oxon* I met him; and, said I, Where are now all your Cracks and Brags? Now you see the King hath made a Fool of you; now you know not what you would have done. Says he, What would you have us to do? We have not done with him yet; for, said he, no Servant, no Man living did know whether he would dissolve the Parliament that Day. I was that very nick of Time at the Lord's House, and there was a Man came in with a Gown under his Arm, and every one looked upon him to be a Taylor, and no Body did suspect, no, not his intimatest Friends, except it were *Fitz-gerald*, that he would dissolve the Parliament that Day; but presently he puts on his Robes, and sends away for the House of Commons; and when he had dissolved them, before ever the House could get down, he took Coach and went away, otherwise the Parliament had been too hard for him; for there was never a Parliament-Man but had divers armed Men to wait on him, and I had my Blunderbuss and my Man to wait upon me. But well, said he, there is a God above that will rule all.

Mr. Att. Gen. Call Mr. *Turberville*.

Colledge. Hold, Sir, I desire to ask him some Questions. You say, the first Time that I saw you, you had this discourse with me?

Haynes. Do not use Tautologies; 'tis not the first Time I have been examined, I know how to speak as well as you.

Colledge. Answer my Question, Sir,

Haynes. You know it was after I had made Affidavit before the Recorder of *London*, a Copy of which was carried to that Nobleman; and you came from him and returned me his Thanks, and told me it was the best Service I could do him. I would not trouble the Court with circumstantial Things; and you told me I should be gratified not only in my own Property, but a Reward for me and my Heirs for ever.

Mr. Attor. Gen. For what?

Haynes. I made Affidavit before the Recorder of *London*.

Colledge. About what?

Haynes. Concerning one *Fitz-gerald*.

Mr. Att. Gen. Is this to this Matter?

Haynes. No, nothing at all.

L. C. J. Let him ask any Questions what he will.

Coll. I ask when it was the first Time you were acquainted with me, so much as to know me well?

Haynes. As to the first Time of Intimacy, here is *Macnamarra* will take his corporal Oath that I was as well acquainted with him as any one in the World.

Colledge. Pray answer me, Sir, when was the first Time I talked to you?

Haynes. The first intimate Acquaintance we had, was when you put me upon the Design about *Fitz-gerald*.

Colledge. Pray, Sir, you go too fast already, as you are still galloping; where was this discourse about his Majesty?

Haynes. I told you before.

Colledge. Where was it?

Haynes. I went to you after the Affidavit was made, and told you there was a Warrant out after me, and desired you to go to that Nobleman and desire his Advice what I might do, or whether I might supersede the Warrant. You told me you could do nothing without Advice, and you would go and advise with that Nobleman.

Coll. My Lord, here is Mr. *Turberville* come in, they will over-hear one another; pray let me have fair play for my Life.

(Whereupon Turberville withdrew.)

L. C. J. Can't you answer him? When was the first Time you came acquainted with him?

Mr. Serj. Jeff. When was the first Discourse you had with him?

Haynes. In *April* last.

Coll. You say it was before the sitting of the Parliament, and that was in *March*?

Haynes. I meant in *March*.

Colledge. So indeed you said at first.

Mr. Serj. Jeff. He never did say the Day of the Month, nor the Month neither.

Mr. Jones. How long was it before the sitting of the Parliament?

Haynes. Mr. *Jones*, Truly I do not remember precisely how long it was before the sitting of the Parliament; but I am sure it was before.

Mr. Serj. Jeff. I did take it that he said it was before the sitting of the Parliament, and now he says in the Month of *March*. Pray when he talked to you, did not he tell you of the sitting of the Parliament, and that they would stand by you?

Colledge. He hath said it already, you need not direct him, Sir *George*, he goes fast enough. But you say, Sir, the first Time I was ever acquainted with you, was in *March*; then Gentlemen, consider, whether it be probable that at that Time I should discourse to him after this Manner.

L. C. J. No, I did tell you what he says; he said the first Time he was intimately acquainted with you, was in *March*; he said he had before seen you in Coffee Houses, and he is sure it was before the sitting of the Parliament; for he tells you the Discourse you had, and by that Discourse it appears, it related to a Parliament that was afterwards to sit. And then to give you a more particular Circumstance, he says, that you put him upon the making the Affidavit about *Fitz-gerald*, and so you came acquainted.

Haynes. Ask Mr. Attorney. My Lord, that Day he was taken and carried to *White-hall* before the Secretary of State, he said, I do not know who it should be that should accuse me, I believe it is *Jvy*; as for *Haynes*, he was taken t'other Day, he was an honest Man.

Colledge. You say I desired you to make an Affidavit; Was it after that, or before I had that Discourse with you?

Haynes. It was after: For I came and desired you to go to such a Person of Quality, and you went to him and advised with him; and then the

next

next Morning such Discourse as I told your Lordship and the whole Court of, he told me.

Colledge. Did I speak these treasonable Words after the Affidavit was made?

Haynes. You said I must make such an Affidavit concerning *Fitzgerald*.

Colledge. But was this treasonable Discourse before you made the Affidavit, or after?

Haynes. After the Affidavit made, you told me this: When I came to his House, and from thence we went to the *Hercules Pillars*.

Mr. Sol. Gen. Will you ask him any more Questions, *Mr. Colledge*?

Colledge. Did you ever speak with me in your Life before *Macnamarra* did call me out of the Coffee-house to go along with you, where you would discover a Design against my Lord *Shaftesbury's* Life.

Haynes. I told you I never had any intimate Acquaintance with you in my Life before, nor did I ever speak with you before.

Colledge. When was that Discourse, I ask you once again?

Haynes. After the Affidavit made.

Colledge. That Night?

Haynes. Within a Week or thereabouts after the Affidavit made.

Mr. Att. Gen. Call *Mr. Edward Turberville*. But *Mr. Haynes*, I would ask you one Question, Did he deliver you any Ribband as a Mark of Distinction?

Haynes. Yes, here it is. (*And it was shewn to the Court.*)

Then Mr. Turberville was sworn.

Mr. Serj. Jeff. Pray, *Mr. Turberville*, will you tell my Lord and the Jury what Discourse you had with *Mr. Colledge*; and where, and when?

Mr. Turberville. When the Parliament sat in *Oxon* about the middle of the Week, I can't be positive in the Day, but I think it was in the middle of the Week I dined with *Mr. Colledge*, *Capt. Brown* and *Don Lewis*, Clerk of *Derby-House*, at the *Chequer-Inn*. After Dinner *Don Lewis* went out about some Business, and *Captain Brown* went to sleep, *Mr. Colledge* and I fell to talking of the Times, and I was observing, I thought the Parliament was not a long-lived Parliament. Said he, There is no good to be expected from the King; for he and all his Family are Papists, and have ever been such, you know it, Sir.

Mr. Serj. Jeff. Nay don't apply to him.

Mr. Turb. Said I, The King will offer something or other by way of Surprize to the Parliament. Said he, I would he would begin; but if he do not, we will begin with him, and seize him; for there are several brave Fellows about this Town, that will secure him till we have those Terms that we expect from him.

L. C. J. Where was this?

Mr. Turb. At the *Chequer-Inn*.

L. C. J. What said he further?

Mr. Turb. He said he had got a Case of Pistols, and a very good Sword, and a Velvet-Cap; and I can't be positive he had Armour on, but I believe he had.

Mr. Att. Gen. Did he tell you he came down for that Purpose, to seize the King?

Mr. Turb. Yes, and he gave me a piece of Blue Ribband to put in my Hat. He had a great Quantity of it.

Mr. Att. Gen. What was that for?

Mr. Turb. To be a Distinction if there should

be any Disturbance when the Thing should be done.

Coll. What Thing done?

Mr. Turb. I know nothing but of your telling me of it.

Coll. Where was this?

Mr. Turb. At the *Chequer-Inn* in *Oxon*, *Mr. Colledge*. You talk much and can't remember all you say.

Mr. Att. Gen. What did he discourse to you about Arms and a Horse?

Mr. Turb. I told him I had never an Horse, and nothing but a Case of Pistols; he bid me I should not trouble my self, for he would get me an Horse.

Coll. What to do?

Mr. Turb. To carry on your Design, I know not what it was, but by your Words.

Mr. Att. Gen. Tell what he said of it at the *Chequer-Inn*.

Mr. Turb. He said, there was a Design to seize the King.

Mr. Att. Gen. Did he desire you to be one of them?

Mr. Turb. He did desire me to be ready to assist.

Mr. J. Jones. And how much of that Ribband had he, pray?

Mr. Turb. A very great Quantity, 40 or 50 Yards.

Mr. Sol. Gen. Pray, *Mr. Turberville*, will you give your Evidence over again, and let *Mr. Colledge* attend to it.

Mr. Turb. When the Parliament sat at *Oxon*, about the middle of the Week, I cannot be positive to a Day, I believe it was either *Wednesday* or *Thursday*, I dined with *Mr. Colledge*, *Captain Brown* and *Don Lewis*, who was formerly Clerk of *Derby-house*. *Don Lewis* after Dinner went out, and *Captain Brown* lay down on the Bed, and *Mr. Colledge* and I fell a talking of the Times, and I told him, I thought this Parliament would be no long-lived Parliament. Upon which *Colledge* told me, the King and all his Family were Papists, and there was no good to be expected from him. Then I replied, the King would perhaps surprize the Parliament, or use some Stratagem to bring them to his Terms. Said *Mr. Colledge* again, I would he would begin; but if he do not, we will secure him till he comes to those Terms we would have from him; for here are several brave Fellows, and many more are coming down that will join with it.

Mr. Att. Gen. Did he name any one?

Mr. Turb. No indeed, he did not; he himself had a Case of Pistols, a Sword, and I believe he might have his Armour on.

Col. Did I discourse who were to join with me?

Mr. Turb. No, *Mr. Colledge*, you did not name any body to me, but *Capt. Brown* was with you.

Mr. Att. Gen. Were you examined in my Lord *Stafford's* Trial?

Mr. Turb. Yes, I was.

Mr. Att. Gen. Was this Gentleman sworn to your Reputation there?

Mr. Turb. No, not to mine.

Coll. Pray, how came we to talk of such things? What Occasion was there that I should talk Treason of the King to you? Was there any body besides us two there?

Mr. Turb. No, *Capt. Brown* was gone to sleep, and *Lewis* was gone out.

Mr. Att. Gen. It was not at Dinner that you talked so, *Mr. Colledge*, he says.

Coll. Had they been at Dinner with us there?

Mr. Turb. Yes, and we had a Leg of boiled Mutton to Dinner.

Coll. Did you stay after Dinner?

Mr. Turb. Yes, and I lay with you afterwards upon the Bed.

Coll. I thought you had said *Capt. Brown* went to sleep there.

Mr. Turb. Yes, but he was gone too, when we laid down together.

Coll. God forgive you, I can say no more, I never spoke one Word of any such Discourse in my Life.

Mr. Attor. Gen. Will you ask him any more Questions?

Coll. *Mr. Turberville*, when did you give in this Information against me?

Mr. Turb. I gave it to the Grand Jury.

Coll. Not before?

Mr. Turb. Yes, I did.

Coll. When was it?

Mr. Turb. Truly I can't well tell, I believe it was a Day or two before I came to *Oxon*.

Coll. Why did you make it then, and not before?

Mr. Turb. I'll tell you the Occasion. *Mr. Dugdale* told me the Grand Jury of *London* would not find the Bill: I did admire at it extremely; for I thought every one that conversed with him might be an Evidence against him; he was always so very lavish against the King and the Government. So then *Colonel Warcup* came to me and took my Depositions, and then I came for *Oxford*.

Colledge. What was the reason you did not discover this Treason before?

Mr. Turb. There was no reason for it, it was not necessary.

Colledge. You were not agreed then.

Mr. Turb. There was no Agreement in the Case, there needs nothing of that, I think, but I am not obliged to give you an Account of it.

Colledge. God forgive you, *Mr. Turberville*.

Mr. Turb. And you too, *Mr. Colledge*.

Mr. Att. Gen. Then call *Sir William Jennings*.

Mr. Serj. Jeff. *Mr. Attorney*, if you please, till he comes, I will acquaint my Lord here is a Gentleman that hath not yet been taken notice of, one *Mr. Masters*, that is pretty well known to *Mr. Colledge*; now he is a Man, he must acknowledge, of an undoubted Reputation, and I desire he may give your Lordship and the Jury an account what he knows of the Prisoner; because he is so curious for *Englishmen*, we have brought him an *Englishman* of a very good Répute.

Colledge. My Lord, I am charged with Treason in this Indictment; here are a great many Things made use of that serve only to amuse the Jury, I can conjecture nothing else they are brought for; I desire to know whether the Pictures produced are Part of the Treason.

L. C. J. Stay till the Evidence is given, and we will hear what you can say at large when you come to sum up your Defence.

Mr. Serj. Jeff. Pray, my Lord, will you be pleased to hear this Gentleman: He will tell you what discourse he hath had with the Prisoner at the Bar.

Then Mr. Masters was sworn.

Mr. Masters. *Mr. Colledge* and I have been acquainted for a great many Years; and we have often discoursed. I have told him of his being so violent as he hath been several Times. But a little

before the Parliament at *Oxford*, about *Christmass* last, after the Parliament at *Westminster*, at *Mr. Charlton's* Shop the Woollen-Draper in *Paul's Church-Yard*, we were discoursing together about the Government, and he was justifying of the late long Parliament's Actions in 40; and he said, That Parliament was as good a Parliament as ever was chosen in the Nation. Said I, I wonder how you have the Impudence to justify their Proceedings that raised the Rebellion against the King, and cut off his Head. Said he, They did nothing but what they had just Cause for, and the Parliament that sat last at *Westminster* was of their Opinion, and so you would have seen it.

Mr. Serj. Jeff. What did he say of the Parliament since?

Mr. Masters. He said the Parliament that sat last at *Westminster* was of the same Opinion that that Parliament was.

Mr. Serj. Jeff. Pray afterwards what discourse had you about his Colonelship?

Mr. Masters. We were talking at *Guild-Hall* that Day the Common-Council was, the 13th of *May* as near as I remember, so I came to him, How now, *Colonel Colledge*, said I, what do you make this Bustle for? You mistook me, and said, Cousin, how long have you and I been Cousins? Nay, prithee said I, 'tis not yet come to that, to own Kindred between us, I only called you Colonel in Jest. Marry, mock not, said he, I may be one in a little Time.

Mr. Serj. Jeff. Have you any Thing to ask *Mr. Masters*? You know he is your old Acquaintance, you know him well.

(Then Sir William Jennings was sworn.)

Mr. J. Jones. What is that you know concerning *Mr. Colledge* at *Oxford*, Sir?

Sir W. Jennings. My Lord, the first Time that I heard any Thing of *Mr. Colledge* was, there was some Company looking upon a Picture, for I knew him not, nor never had any Word of discourse with him in my Life, any more than seeing him in a publick Coffee-House. But there was a Picture looking on by 7, or 8, or 10 People, I believe more or less, and I coming and crowding in my Head among the rest, looked upon this Picture. After the Crowd was over, *Mr. Colledge* takes a Picture out of his Pocket, and, said he, I will give you one of them if you will. So he gives me a Picture; which Picture if I could see, I could tell what it was; it was written *Mac a Top*, and there were several Figures in it.

(Then the Picture was shewed him.)

This is one of the same that I had of him, and I had not had it long in my Custody, but meeting with Justice *Warcup*, I shewed it him, who bid me give it him, and so I did. The next Thing that I did see *Mr. Colledge* do, was in the Coffee-House, not the same Day, but another Time. I saw him bring in a Parcel of blue Ribband which was wrought, and these Words eight Times wrought in it, twice wrought in every Quarter of a Yard, *No Popery, No Slavery*. I saw him sell to a Member of Parliament, as I took him to be, a Yard of that Ribband for 2s. and truly I was thinking he would ask me to buy some too, and I saw that Gentleman (I took him to be a Parliament-Man) take this Ribband and tie it upon his Sword. As to the other Thing I have to say of *Mr. Colledge*; that very Day the Parliament was dissolved, he had been in a Quarrel, as he told me, with *Mr. Fitz-gerald*; and I was standing in the

School-House Yard, and he comes directly to me without my speaking to him or any thing; but he comes and tells me Mr. *Fitz-gerald* had spit in his Face; and, said he, I spit in his Face again; so we went to Loggerheads together, I think that was the Word, or Fifty-cuffs. So, said I, Mr. *Colledge*, your Nose bleeds; he takes his Handkerchief out of his Pocket and wipes his Nose, and said, I have lost the first Blood in the Cause, but it will not be long before more be lost.

L. C. J. Where was this?

Sir W. Jennings. In the School-House Yard at *Oxon.* I never discoursed with him afterwards till I met him at *London* in *Fleet-Street* one Sunday in the Afternoon, and I remember Captain *Crescett* was along with me. And when he came up to me, How now, said I, honest Joiner? Says he, You call me honest Joiner, some call me Rogue and Rascal, and I have been beating some of them; so that I believe they will be aware of it. So I told Captain *Crescett*, I never met this Man but he was always in a Quarrel.

Coll. Was it on a Sunday that I told you I had been beating somebody?

Sir W. Jennings. You told me so, Capt. *Crescett* was by.

Coll. I do remember I met you, but I did not tell you I had then been beating any one. But pray, *Sir William*, when I met you after the Parliament was dissolved, and *Fitz-gerald* and I had quarrelled, did I say, That I had lost the first Blood in the Cause, but it would not be long e'er more were lost? *Sir William*, you are a Gentleman, as for the other Men, they don't care what they say, nor do I so much regard them; but you value your Word and Honour: These were my Words, and pray will you recollect yourself before you be positive in the Thing, whether I did not say, I have lost the first Blood for the Parliament, (for it was upon my vindicating of the Commons and *Dr. Oates*, whom *Fitz-gerald* had abused, and upon that the Quarrel began; so I said when you met me, and told me my Nose bled, *I have lost the first Blood for the Parliament*) *I wish it may be the last.*

Sir Will. Jennings. Mr. *Colledge*, if you please I will answer you as to that; I do assure you 'tis the first Time that ever I came upon this Occasion in my Days, and I have declared it before, and do declare it now, I would rather have served the King in three Engagements, than come in against you or any Man upon such an Occasion. But I declare to you upon the whole Memory of the Truth, the Words were as I spoke them at first, and no Parliament named or mentioned. And, my Lord, moreover, I will tell you, when I did tell this Story, because that Mr. *Crescett* is able to tell you whether I did not relate the Words within half an Hour, or a little Time after. Now I never had a Prejudice against you in my Days, nor other Concern; but having told Mr. Justice *Warcup* this Story, I am brought hither to testify it.

Colledge. *Sir William*, I am very sorry you did not observe and remember my Words then.

Sir Will. Jennings. I must needs say, I could not imagine what the Words meant when they were spoken, nor do I understand them to this Day; but soon after they were spoken, I related them to Justice *Warcup*, he being a Justice of Peace.

Mr. Serj. *Holloway.* Gentlemen, we shall rest here, and conclude our Evidence for the King at present, to hear what the Prisoner says to it; only with my Lord's Leave, I shall explain the Words to you that are in the Indictment, and tell you what is meant by compassing and imagining the Death of the King. The seizing the Person of the King is in Law a compassing and intending his Death; and so it hath been adjudged in several Cases, as in *1 Jacobi*, my Lord *Cobbam*, and my Lord *Grey's* Case, and several other Cases; and so you may fully apprehend what the Charge is, and may understand the Words in the Indictment, That if you are not satisfied with the general Words of compassing the King's Death, you may know, that the seizing his Person extends to it.

Mr. Serj. *Jeff.* My Lord, we have done with our Evidence, now let him go on with his.

L. C. J. Now, Mr. *Colledge*, you may say what you will for your Defence, and call your Witnesses that you have to produce.

Colledge. My Lord, I have heard the Evidence that is against me, and I would desire your Lordship to resolve me some Questions upon it. I think the Indictment is for treasonable Practices, for a Conspiracy; now I desire your Lordship will be pleased that I may know from you and the Court, whether in all this Evidence given in Proof against me, a Conspiracy is proved; or if any Thing appears besides what they say I said.

L. C. J. For a Conspiracy in you, if the Witnesses speak Truth, there is a plain Proof, and of the Degrees of it: First of all, by your publishing Libels, and Pictures to make the King odious and contemptible in the Eyes of the People, and that you should be the Author of some of those Pictures, and they were found in your Custody.

Coll. I conceive that is not proved.

L. C. J. If the Witnesses say true, it is proved.

Coll. They do not produce that, they do but say it.

L. C. J. Mr. *Dugdale* swears, That at *Oxford* here, you shewed him the Picture, you sung the Song here, and expounded it at my Lord *Lovelace's*, and a great many of them are found in your Custody. Then that you prepared Arms, that you shewed *Smith* the Arms of your House, and having those Arms, you said, you would go to *Oxford*, and if there should be a Disturbance there, you would secure the King. And you did come to *Oxford*, where you hear what is said; for I observe *Stephen Dugdale* and *Edward Turberville* speak of what was done at *Oxford*. *John Smith* and *Bryan Haynes* speak of what you said at *London* before you went to *Oxford*, and after you came from *Oxford*. Now I say, if these Witnesses speak true, 'tis a strong Evidence against you, both upon the Statute of the 25th of *Edw.* the IIIrd, and that of this King too. For my Brother *Holloway* told you true, That whereas the imagining the Death of the King is High-Treason, by the 25th of *Edw.* the IIIrd, so a seizing of the King, and endeavour to do that, is a constructive Intention of the Death of the King; for Kings are never Prisoners, but in order to their Death. And therefore it hath been held in all Times, that by the Statute of *Edw.* the IIIrd that was Treason; but then the Statute of this King, in the 13th Year of his Reign, is more strong; for there it says, If any Man shall by any Words, or malicious speaking

speaking shew the Imagination of his Heart, that he hath any such Intention, that is Treason too.

Coll. My Lord, the Foundation of this Indictment is said to be laid here in *Oxford*, as I suppose; pray, my Lord, here is only Mr. *Dugdale* and *Turberville* that swear against me for what I should say in *Oxon*, all the rest speak to Things said and done at *London*. Now, my Lord, I desire to know whether they have proved any Treasonable Practices, Conspiracy or Design in me against the Government, I would fain know that, whether there be Matter here to ground an Indictment upon; for the one says in one Place, the other in the other, which may be distinct Matters, and none of them swear Facts against me, but only Words.

Mr. Just. *Jones*. Yes, providing Arms for your self, and offering others Arms.

Coll. That I shall make this Answer to, I had only a Case of Pistols and a Sword, which every Footman and Horseman had, that came from *London*, I think. But further, my Lord, I would ask your Lordship, whether there ought not to be two Witnesses distinct, to swear Words at one and the same Time.

Mr. Just. *Jones*. No, no, the Resolution of the Judges in my Lord *Stafford's* Case is quite contrary.

L. C. J. Look you, it hath been often resolved, That if there be one Witness that proves one Fact which is an Evidence of Treason; and another proves another Fact, which is an Evidence of the same Treason, though they be but single Witnesses to several Facts, yet they are two Witnesses to an Indictment of Treason, that hath been often publicly resolved, particularly in the Case of my Lord *Stafford*, mentioned by my Brother. And I'll tell you my Opinion further, If there be one Witness that proves here what you said at *Oxford*, and another that proves what was said in *London*, if they be in order to the same Treason, it is sufficient; for if you do conspire to commit such a Treason in *London*, and you come with such an Imagination in your Heart to *Oxford* to complete this Treason, though your Design was not first formed here, I think 'tis enough to maintain an Indictment of Treason, and they are two good Witnesses, though but one speak to what was done at *Oxford*; but I must tell you, in your Case, there are two full Witnesses, to that which was done at *Oxford*, besides Sir *William Jennings*.

Coll. That which Sir *William Jennings* speaks of I told you before what it was I said, *It was the first Blood that was shed for the Parliament*.

Mr. Just. *Jones*. The Parliament was dissolved before that which Sir *William Jennings* speaks of, therefore you could not say it was to defend the Parliament.

Coll. Mr. *Dugdale* did say that I spake such and such Words in the Barber's Shop in the *Angel-Inn*; there I was indeed at the Time that he does speak of, and the Barber was by, I do think indeed it were convenient to have him here; but I know not where he would charge me, or what it was he would charge me with, because I never said any thing in my Life that was like Treason.

L. C. J. Mr. *Colledge*, call what Witness you will.

Coll. But, my Lord, pray let me ask you one Question more; You take these Words distinct from any Matter of Fact, don't you?

L. C. J. No, complicated with the Fact, which was the Overt-Act, the coming to *Oxon*, with Pistols to make one, if there had been any Disturbance, and to seize the King.

Coll. Then, my Lord, I would ask you, Whether any Act of Treason done at *London*, shall be given in Evidence to prove the Treason for which I am now indicted, and which was given in Evidence before the Grand Jury, upon which the Trial was grounded.

L. C. J. Any Act of Treason that is of the same kind. And I'll tell you, That was resolved in Sir *Henry Vane's* Case; those that gave you that Paper understand it. But I speak now to your Capacity, and to satisfy your Question. He was indicted for levying War against the King, he conspired in *Westminster*, the War was levied in another County; the Conspiracy upon the Trial was proved in the County of *Middlesex*, and the War in another Place, and yet it was held sufficient to maintain the Indictment in the County of *Middlesex*.

Coll. There was a War really levied; but God be thanked, here are only bare Words.

Mr. Just. *Jones*. Yes, Actions too.

Coll. What Actions, my Lord?

Mr. Just. *Jones*. Arming yourself, and coming to *Oxford*.

L. C. J. Well, I have told you my Opinion; my Brothers will speak theirs, if they think otherwise.

Mr. Justice *Jones*. That is not your Case neither, though I am of the same Opinion with my Lord; for here are two Witnesses have proved plain Matter of Fact at *Oxford*; the providing Arms yourself, and encouraging others to take Arms—

Coll. They name no Persons.

Mr. Just. *Jones*. You will have my Opinion, and yet you will give me no leave to speak; I had Patience to hear you: You are told there are two Witnesses, *Turberville* and *Dugdale*, that prove your providing and having of Arms at *Oxon*, and persuading others to take Arms, particularly *Turberville*. He told you, he had no Arms, or but a Case of Pistols, and he had no Horse; but you told him you would provide him an Horse. And then there are two other Witnesses, *Smith* and *Bryan Haynes*; they do not tell you of any thing done at *Oxford*, but they tell you what you said in their Hearing of what you had done in *Oxon*, and so I think, if the Witnesses are to be believed, there is a very full Proof against you.

Mr. Just. *Raymond*. I am of the same Opinion truly, and I cannot find, but that there is Proof enough by two Witnesses, *Turberville* and *Dugdale*, of what was done at *Oxford*. They swear Matter of Fact, not Words only, but Actions also.

Coll. No Fact, but that I had Pistols and a Sword, and that I should tell Mr. *Turberville* I would provide him an Horse, which is still but Words.

Mr. Just. *Jones*. But you shall hear anon for the full Conviction of you and all others, the Statute of the 13th of this King read to you, and you shall there see that such Words are made Treason.

Coll. But I beseech your Lordship to tell me, whether there must not be two Witnesses to the same Words at the same Time.

Mr. Just. *Jones*. No, it was the Resolution of all the Judges in the Case of my Lord *Stafford* in the

Presence of the Parliament, and the Parliament proceeded upon it.

Mr. Serj. *Jefferies*. In the same Trial where Mr. *Colledge* was a Witness.

Mr. *Att. Gen.* All the whole House of Commons prayed Judgment upon my Lord *Stafford*, pursuant to that Resolution.

L. C. J. Come, will you call any Witnesses?

Coll. My Lord, I do not question but to prove this one of the hellishest Conspiracies that ever was upon the Face of the Earth, and these the most notorious wicked Men, an absolute Design to destroy all the Protestants of *England*, that have had the Courage to oppose the Popish Plot. In which no Man of my Condition hath done more than I have done. I was bred a Protestant, and continued so hitherto, and by the Grace of God I will die so. If that they had known of these Words that I should speak, and such a Design that I should have before the Parliament sat at *Oxon*, and be with me in *Oxon* when the Parliament sat, if they had been good Subjects, they ought to have had me apprehended. *Turberville* came several times indeed, and dined with me. I did not bid him go out of Doors, nor invited him thither; he was a Man I had no Disrespect for; nay, he was a Man I valued, thinking he had done the Nation Service against the Papists; that this Man should hear me speak such Words against his Majesty, who was then in this Town, and know of a dangerous Design to attempt the seizing his Person, or that I should discover a great Party that were ready to do it, I think there is scarce any Man of Reason, but will say, if this were really done and spoken by me, neither of them would or ought to have concealed it, but discover it; none of them has ever charged me with any such thing, they have been in my Company since. I never had any Correspondence with any of them but *Dugdale*; then pray consider how improbable it is, that I should talk of such things to Papists, Priests, and *Irishmen*, who have broke their Faith with their own Party, that Faith which they gave under the Penalty of Damnation; Men that have been concerned in Plots and Treasons, to murder and cut the Throats of Protestants, that I should be such a Madman to trust these People, when I could receive no manner of Obligation from them, nor could give any Trust to them, they having before broke their Faith; especially considering I could lay no such Oaths and Obligations upon them, who was a Protestant; then 'tis the greatest Nonsense, to believe that I would say these things before Persons whom I could never hope would conceal my Treasons, having discovered their own. If they speak Truth concerning the general Popish Plot, that could be no Obligation upon me to trust them with another; and they cannot say, that they ever obliged me in any respect. My Lord, I thank God, I have had some Acquaintance in the World, and have been concerned with some Persons of Honour, Noblemen, and Parliamentmen, that I know are as good Subjects as any his Majesty has; these never found me a Fool, nor a Rascal, so great a Knave as to have any such Thoughts in my Heart, nor so great a Madman, or so foolish, as to go to discover them to Papists, Priests and *Irishmen*, to Men of their Condition, that were ready to starve for Bread. As for *Haynes* and *Smith* that run so fast through all their Evidence, the first time that ever

I set my Eyes on *Haynes*, was in the Coffee-House that he speaks of; *Macnamarra* comes in, and desires me to go out with him, and I should hear the greatest Discovery of a piece of Villainy against my Lord *Shaftesbury's* Life, that ever I heard in my Life. This Captain *Brown*, who is now dead, a Man that I had known but a Month before (for I think it was in *March* last when this was) could testify for me; for I came to him, Captain, said I, here is a Discovery offered to be made to me, of a Design to take away my Lord *Shaftesbury's* Life. *Macnamarra* asks me to go to the *Hercules-Pillars*, I went along with him, and took Captain *Brown* with us. Afterwards he fell sick in *April*, and is now dead, so I lost a main Evidence in the case. He was the only Man that was by at the Time; God knows my Heart, I speak nothing but the Truth, I took him with me; *Haynes* began to discover to us, that *Fitz-gerald* had employed him to fetch over *Macnamarra*, and if he would come in, and swear against my Lord of *Shaftesbury*, which was his Design, it would not be long ere his Head were taken off, and he said, he had given in a Paper of High-Treason against my Lord of *Shaftesbury*. I asked what it was? He told me, that my Lord should tell *Fitz-gerald*, that he had a Design to bring this Kingdom to a Commonwealth, and to root out the Family of the *Stuarts*. This he said *Fitz-gerald* had given in in a Paper, under his own Hand; and I think he said, he had sworn it, and sent *Haynes* to fetch *Macnamarra* to swear against my Lord the same things too. I writ down all the Heads of the Discourse, which Capt. *Brown* heard as well as I. After he had said it, he desired us to conceal it. Sir, said I, You are a Stranger to me, and these are great and strange things that you do tell us; *Macnamarra*, and *Brown*, and *Ivy*, and others were there, which (if they were honest Men) they would come and testify. I thought them honest Men, and that they had none of those wicked Designs in their Hearts, that now I find they have. So, says *Haynes*, I do not know this Man, meaning me: *Macnamarra* told him, I was an honest Man, he might lay his Life in my Hands. After he had spoken all this, he desired us to conceal it: Said he, I will not only discover this, but a great deal more of their Rogueries, that I know very well. Said I to him again, I will not conceal it, nor do you no wrong; for if this be true, my Lord *Shaftesbury* shall know it to Night; for where there is a Design to take away a Peer of the Realm, I will not conceal it; but if it be false, and you have said more than comes to your share, recant it again, and we will take no notice of it, only say you are a Knave for speaking of it; he swore, Damn him, it was all true, that, and a great deal more, which he said he knew, about seizing and destroying the Parliament at *Oxon*, about an Army in the North that was to be raised about the Time of the Sitting of the Parliament at *Oxon*, of a French Army that was to land in *Ireland* at the same Time, that the Duke of *York* was to be at the Head of them, and the Intention was to destroy all the Protestants. Upon this, I was resolved, if I lived, to come along with the Parliament, and if there was any such Design, I was resolved to live and die with them; but I had no more than common Arms, a Sword and a Case of Pistols; my Cap was a Velvet-Cap, and nothing else. My Lord, I had the Honour to be sent for, when the Parliament sat last at *Westminster*, the Sessions in *October*, it was an honourable Occasion, and I thank

thank those worthy Gentlemen that sent to me, for the Honour of it; there I begun to be popular as to my Name; for from that Time they begun to call me the *Protestant Joiner*, because the Parliament had entrusted me. My Lord *Grey* was pleased to send his Footman for me to the *Crown-Tavern* behind the *Exchange*, where there were several worthy Lords, Peers of the Realm, and one hundred of the Commons, that had dined there that Day, it was the Day before they sat, after they had dined I came to them, and the Duke of *Monmouth* told me, They had heard a good Report of me, that I was an honest Man, that understood Building, and they did confide in me to search under the Parliament-House; they did not really know of any Design, but they would not be secure, there might be some Tricks play'd them by the Papists; though we are not afraid of them, said the Duke, yet we think fit to employ you to search under the Houses, and thereabouts, whether you can find any such Practices. So accordingly, my Lord, I did go; my Lord *Lovelace* was one of the Honourable Lords and my Lord *Herbert* that went with me, and some of the Gentlemen of the House of Commons; and those worthy Protestant Lords were pleased to thank me for my Service, and did believe I was active and zealous to find out and discover the Bottom of the Popish Plot, so far as it came legally in my Way to do it. My Lord, upon this Occasion there was a great Kindness from them to me, and I had upon all Occasions Testimonies of it; and this very Man who swears Treasons against me (which God Almighty knows is all false) did swear in his Affidavit before Sir *George Treby* the Recorder of *London* (I did never see the Affidavit, indeed I was over night at Sir *George Treby's*, but he was not then at leisure, but he drew it up next Day, and swore it) that there was a Design to destroy the Parliament at *Oxon*, and there was not only his Oath for it, but it was the general Belief, that some Evil was intended them. All Men had Cause to fear and to suspect, the Papists did bear them no Good-Will; and making use of their own Observations, they were generally armed with a Pistol, or a Sword, for themselves, in case they should be attacked by the Papists. In order to this, I did come down with my Lord *Howard*, my Lord of *Clare*, my Lord of *Huntington*, and my Lord *Pagett*, those four worthy Protestant Lords, and it was two Days after the Parliament was sat, that we came, and I went out of Town again with my Lord *Lovelace*, Sir *Thomas Player*, and Sir *Robert Clayton*; and I am sure they were in so great a Fear that *London* should be surprized and seized on by the Papists, but there was no mortal Man that ever heard of the King's being seized, or thought of it, till these Men come and tell me, that I had such a Design, and came hither with that Purpose; but, my Lord, I declare, as God is my Judge, I would not have it thought I speak it to save my Life, were it as certainly a Truth, as 'tis most wickedly a Falshood, that I had a Design to seize the King, I know not of one Man upon the Face of the Earth, that was to stand by me, Parliamentman or other Person whatsoever; and how is it possible for me to attempt that, being a single Person, with only a Sword and a Case of Pistols, let any Man judge. And I do declare, I know of no Conspiracy or Design against the King or Govern-

ment, I never spoke one of the treasonable Words in my Life, that is laid against me, nor had ever any Thoughts of any such thing. God, that is my eternal Judge, knows, that what I speak is true.

L. C. J. Well, Mr. *Colledge*, will you call your Witnesses, for I must tell the Jury as I did at your Request concerning Mr. Attorney, that as nothing he said, so nothing you say is to be believed upon your Allegation; for then no Man would ever be guilty, if his own Purgation by Words were to be believed.

Coll. My Lord, I thank God, I know my own Innocency, and hope to prove it. I have a Soul that must live to Eternity, either in Joy or Misery; I act according to those Principles, and I hope I have some Assurance of my own Salvation when I die, I would not call God to witness a Lie, to save a thousand Lives. My Lord, this is a villainous Conspiracy against me, and if it takes place against me, it may go a great way, God knows how far: This is the 17th or 18th Sham-Plot the Papists have made against the Protestants, to get over their own; but I hope, my Lord, God-Almighty will never suffer it. If they can make me a Traitor, they will try it upon others, and so hope to sham off their own Treasons; but I say, I hope God Almighty will never suffer it. My Lord, I think the first Witness that swore against me was Mr. *Dugdale*; and I must call my Witnesses as I have them here; I know no Person of them hardly, and this that is done for my Defence was done abroad. My Lord, I have been kept close Prisoner in the *Tower*, and none of them suffered to come to me, whilst the Popish Lords have had the Liberty and Privilege to talk with their Friends. Here are Witnesses, I hope, will prove that these are suborned Men; for *Macnamarra* did tell me presently after the Parliament broke up at *Oxon*, and whispered it to me in the Coffee-House, said he, there is a Design laid to make us retract our Evidence, and go over to *Fitzgerald*. Said I, I suppose they have been at that Sport a great while. Ay, said he, they make large Offers. Said I, by whom? Said he, Colonel *Warcup* hath been at me, and tells me—

Mr. J. Jones. *Macnamarra* is not produced as a Witness at all.

Colledge. No, but he told me this, that there was such a Design, and, said he, I will get you and some other honest Men; and he desired me to be by when he had something more to tell which would do his Business for him, but the next News I heard of him was, he was put into *Newgate*.

L. C. J. Call your Witnesses, Mr. *Colledge*, and prove what you can.

Coll. Call Mr. *Hickman*.

Mr. Att. Gen. My Lord, I desire he may observe the same Rule he desired about our Witnesses; that he may call but one at a time.

Coll. Yes, yes, I will call them one by one.

L. C. J. Are not your Witnesses together? send to them.

Coll. My Lord, I don't know, I have not seen one since I come. This is not the first Time, my Lord, the Papists have designed to take away my Life, though it is the first Time they went about to take it away by Law.

L. C. J. I know not one Papist that is a Witness against you.

Coll.

Coll. There is never a Man of them, except Sir *William Jennings*, but what was a Papist.

Mr. Att. Gen. What say you to Mr. *Masters*?

Colledge. Mr. *Masters* says nothing material, it was only a jocose Discourse.

Mr. Serj. Jeff. It was very pleasant Discourse, upon my Word; you were as merry as when you were singing of the *Rary Shew*.

Mr. J. Jones. What do you make Mirth of the blackest Tragedy that ever was; that horrid Rebellion, and the Murther of the late King?

Coll. I never justified that Parliament in any such Thing that they did contrary to Law.

Mr. Justice Jones. He swears it.

Mr. Att. Gen. *Hackman* does not appear, call another.

Coll. Call *William Shewin*, (who appeared.)

L. C. J. Look you here Friend, you are not to be sworn; but when you speak in a Court of Justice, you must speak as in the Presence of God, and only speak what is true.

Coll. I would not have any Body speak any Thing for me, but what is Truth.

L. C. J. Now ask him what you will.

Coll. I don't know the Gentleman. But pray, Sir, will you tell what you know of these Witnesses?

Mr. Shewin. Name any of them that I know, pray, Sir, I'll tell you.

Colledge. Do you know *Bryan Haynes*?

Mr. Shewin. I know there is such a Man, but I have nothing to say to him.

Colledge. Do you know *Turberville*?

Mr. Shewin. Yes.

Colledge. Pray tell what you know of him.

Mr. Shewin. My Lord, I was in *Turberville's* Company on *Thursday* Night last at the *Golden Posts* at *Charing-Cross*, and there I heard him say, that if I were at *Oxford* I should hear strange Things against *Colledge*, and he would lay ten to one that Mr. *Bethel* and Mr. *Wilmore* should be hanged at *Christmas*, and he would lead him by the Gold Chain along *Fleet-Street*, and down with his Breeches in the middle of the Coffee-House, with a Band about his Neck and a Cloak.

Mr. Serj. Jeff. Did he say all these Things against Mr. Sheriff *Bethel*? I assure you he is a bold Man.

Coll. What do you know of Mr. *Smith*?

Mr. Shewin. I know him by Sight, but I have nothing in particular to say concerning him. I have something to say to *Macnamarra*, Sir, if he were here.

Coll. Do you know any Thing of this Conspiracy in general?

Mr. Justice Jones. What of your Conspiracy?

Mr. Shewin. I know they did lay who should be hanged at *Candlemas*, who at *Christmas*, and who at several other Times.

L. C. J. What did you hear Mr. *Turberville* say?

Mr. Shewin. Those Words I spake before about Sheriff *Bethel*, and about the *Amsterdam* Coffee-House.

Colledge. Did they say what Time I should be hanged? For the Discourse rose about me.

Mr. Shewin. One told me that there was one that did design to be returned upon this Jury, that was resolved to hang him right or wrong.

Mr. High Sheriff. My Lord, I did hear there was such a one, and I left him out of the Jury.

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L. C. J. For Mr. Sheriff's Honour, we must take Notice of what he hath said. He says he heard of a Man that spoke something of that Nature, and therefore he left him out of the Jury.

Coll. Now 'tis possible these Witnesses were at the same Sport.

Mr. Shewin. Was Mr. *Peacock*, Mrs. *Fitz-Harris's* Maid's Father, or she here, either of them Witnesses against you?

Mr. Serj. Jeff. No, they were not, Sir.

Coll. They did swear against me at the finding of the Bill.

Mr. Serj. Jeff. We have only called these Witnesses, if you can say any Thing against them, do.

Coll. Call *Henry Hickman*, (who appeared.)

Mr. Serj. Holloway. Where do you live, Sir?

Mr. Hickman. At *Holborn-Bridge*.

Mr. Att. Gen. What Trade are you?

Mr. Hickman. A Cabinet-maker.

L. C. J. What do you ask him?

Colledge. Do you know *Haynes*?

Hickman. Yes, very well; because he used to come to my House to a Popish Widow that was a Lodger in my House where I live now; and this Person was a Prisoner at *Haynes's* when he was a Prisoner in the *Fleet*. I always had a Suspicion he was a Priest, not that I could accuse him really of any Thing, but he several Times using to come to my House, I thought so of him, and discoursing with my Landlady.

L. C. J. Your Tenant you mean?

Mr. Hickman. Yes, my Tenant. I asked her, what this Fellow was; said she, he is a very dangerous Fellow, though he is a Papist, and I am one myself, yet he is a dangerous Person, and he does not much care what he swears against any one.

Mr. Just. Jones. This your Tenant told you, what do you know yourself?

Mr. Hickman. Another Time he came to speak with my Tenant Mrs. *Scot*, who is now gone into *Ireland*; when he came to the House, he asked me, is Mrs. *Scot* within? Yes, said I, Mr. *Haynes*, she is above; and up he goes, and there they locked the Door, and plucked out the Key; so I slipped off my Shoes, for I thought there might be more Danger from such People than I could discover any other Way. So I went up Stairs, and stood at the Door, and hearkened, hearing my Landlady talk something to him, he raps out a great Oath, *God damn me*, said he, *I care not what I swear, nor who I swear against; for 'tis my Trade to get Money by swearing*. Whereupon, my Lord, I came down as fast as I could, and a little after I saw him go out, and as soon as my Landlady came down, said I, Mrs. *Scot*, I desire you would provide yourself as soon as you can; I would be civil to you, and I would not put you to a Non-plus, because your Goods by the Law will be seized for not departing according to the King's Proclamation. So a while ago since this Business of *Haynes's* swearing against my Lord of *Shaftesbury*, I bethought myself of some other Businesses I had heard: To find out the Knavery I went to the *Fleet*, where he hath a very ill Character as well amongst the Papists as the Protestants. Whereupon I asked one Fellow that was a Kind of a Porter, if he knew any Thing of him; said he, Go to such an one—

Mr. Serj. Jeff. We must not permit this for Example sake, to tell what others said.

B b b

L. C. J.

L. C. J. Nothing is Evidence, but what you know of your own Knowledge; you must not tell what others said.

Hickman. This I do say, I heard him say; and there are those that can produce a Letter—

Mr. Serj. Jefferies. Bring those People, but you must speak nothing, but upon your own Knowledge.

Hickman. I was at the Chamber-Door, and looked in at the Key-Hole, and he sat down at the Window.

L. C. J. How long ago was it, pray?

Hickman. A Year and a half.

Mr. Att. Gen. You are an Eves-dropper I perceive.

Hickman. I did not know what Danger he might bring Men into, because he was a Papist. I have taken an Oath to be true to the King, and I will as long as I live. For this Gentleman, I never beheld him till last Night, in all my Days; though he lived by me, I never saw him.

L. C. J. Well, call the next.

Coll. I never saw this Gentleman; but you see what *Haynes* hath declared.

Mr. Serj. Jeff. This Man says, he did say so.

Coll. And, for ought I perceive, he does accordingly. Call *Elizabeth Oliver*. (Who appeared.)

L. C. J. *Mrs. Oliver*, stand up. What do you ask her?

Colledge. Do you know *Haynes*, pray? *Bryan Haynes*?

Mrs. Oliver. Yes.

Colledge. Pray tell the Court what you know of him.

Mrs. Oliver. I know him very well.

L. C. J. What do you know of him?

Mrs. Oliver. He writ a Letter in my Father's Name, unknown to my Father.

L. C. J. Did you see him write it?

Mrs. Oliver. I saw him write it.

L. C. J. Read it. By whom is it subscribed?

Clerk. By no body.

L. C. J. Why, how is it written in your Father's Name, when it is not subscribed at all?

Mrs. Oliver. He writ it as from my Father.

Mr. Serj. Jeff. Whither did he bring it?

Mrs. Oliver. He sent it into the Country.

Mr. Serj. Jeff. Can you write and read, Mistress?

Mrs. Oliver. Yes.

Mr. Serj. Jeff. Who did he send it by?

Mrs. Oliver. The Carrier.

Mr. Serj. Jeff. When is it dated?

Clerk. In 77.

L. C. J. Read the Letter. (*Which was done.*)

Clerk reads.

L. C. J. What is all this to the Purpose, unless your Father were here to prove it was done without his Knowledge?

Mrs. Oliver. My Father did not write it.

L. C. J. Was your Father in the *Fleet* then?

Mrs. Oliver. Yes, my Lord, he was a Prisoner then.

Coll. *Mrs. Oliver*, do you know any thing more of him?

Mrs. Oliver. I have known him a great while; I know him to be a very ill Man.

Mr. Serj. Jeff. Must she tell you all she knows?

Mr. Att. Gen. Did you ever know him forswear himself?

Mrs. Oliver. No, I don't know that.

L. C. J. Come, call another; this is nothing to the Purpose.

Col. Call *Mrs. Hall*. (*Who appeared.*) Pray, do you know *Mr. Bryan Haynes*?

Mrs. Hall. Yes, if I see him I know him very well.

Coll. What do you know of him?

Mrs. Hall. He lodged at my House, and came there the Day before *Fitz-Harris* was tried, and there was a great Discourse about his Trial, and I was enquiring of him; and I told him, I must expose my Ignorance, I did not know what it was he was tried for: And, said he, if you please to sit down, I will tell you: *Madam Portsmouth* came to him, and went upon her Knees, and begged of him, if he had any Kindness for his Majesty, that he would now shew it at this Juncture; and she told him she heard he had formerly Acquaintance with one *Mr. Everard* abroad, and therefore desired him to go now and renew it, and endeavour to get him over; and, if he could possibly, to get over some others to make a Presbyterian Plot of it. This is true, I very well know it; as for this Gentleman, I never saw his Face before; but those were the Words, I am sure.

L. C. J. What were the Words?

Mrs. Hall. That they might make a Presbyterian Plot of it.

Coll. Did he say so?

Mrs. Hall. He said that the Duchefs of *Portsmouth* did so.

L. C. J. What a Story is this?

Coll. Did not he say, that the Duchefs of *Portsmouth* had employed him too?

Mrs. Hall. No, this was about *Fitz-Harris*.

Coll. What do you know more about *Haynes*?

Mrs. Hall. One Night he had been about some Business for me in Law with one *Mr. Woodward*, an Attorney at Law, and when he returned I was busy in the Kitchen with my Maid about the House, and he came up to me; *Madam*, said he, this Night I had a Message from the King; a Justice of Peace met me, one brought me Word, that the King had sent into *Ireland*, to enquire into the Loyalty of my Family, and he hath heard, that my Father was a loyal Subject, but he understood strange Things of me; but if I would come in, he would grant me my Pardon. I told him, said he, I did not value his Majesty's Pardon a Pin, for I had done nothing that might make me stand in need of it; but I would do any thing that might tend to the Preservation of his Majesty's Person or Honour; but to do such base Things as are beneath a Man, I will never do it; and he whispered me in the Ear (as the accusing of several Persons) and since he sent me a Letter by his Mother-in-Law, *Mrs. Wingfield*, that I should not believe it, if I heard he should accuse any body; but I might be confident he had not, nor would accuse any body.

Coll. Was he to swear against the Protestants?

Mrs. Hall. I did not enquire any Questions; but he said, such base Things he would never do as the accusing several Persons.

Mr. Att. Gen. Pray, Mistress, did you believe him when he told you he was so honest a Man?

Mrs. Hall. How do you mean, Sir?

Mr. Att. Gen. When he said he would not do those base things, did you believe him?

Mrs. Hall. I never saw his Face before he came there to lodge; but I saw him to be a Man that made but little Conscience of what he said or swore.

Mr. Att. Gen. Did you find him a bragging Man?

Mrs.

Mrs. *Hall*. I had little Discourse; but what he said of himself. But there is one thing more about an Intelligence: When *Thompson* had written something in his Intelligence concerning *Bryan Haynes*, he said he would write an Answer to it; and accordingly he reads it to us: He said, he was going that Evening to get it put into one of the Intelligences: The Words were to this Purpose: 'Whereas one *Nathaniel Thompson* had 'falsly and maliciously accused one *Bryan Haynes* 'for speaking treasonable Words; he the said 'Bryan Haynes doth declare, that he challenges 'any Man to charge him with it; but he owned 'he had an Hand, or was employed to put the 'Plot upon the dissenting Protestants.'

L. C. J. Did he publish that in the Intelligence?

Mrs. *Hall*. I never read it published; but he had writ it, and read it to us several times.

Mr. *Att. Gen.* Do you go to Church, Mistress?

Mrs. *Hall*. I hope I do.

Sir *Geo. Jeff.* To what Church?

Coll. Call *Mary Richards*, Mrs. *Hall's* Maid. (Who stood up.)

L. C. J. What will you ask her?

Coll. Do you know this *Bryan Haynes*, pray?

Richards. Yes, he lodged there where I lived.

Coll. What do you know of him?

Richards. I know he writ that in the Intelligence my Mistress spoke of; *Thompson*, in his Intelligence, accusing him of having spoken Treason, he reads what he said he would put into the Intelligence, That he never spake one Word of Treason, and he writ it for his own Vindication; that whereas *Nathaniel Thompson*, in his Intelligence of the 18th of June, had maliciously accused one *Bryan Haynes* of treasonable Words; there was no such thing.

L. C. J. And that was to vindicate him, that he never did speak any treasonable Words.

Richards. Yes.

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

Coll. I cannot tell what she says.

L. C. J. She says, he writ something that was in Answer to *Thompson's* Intelligence, to vindicate himself that he never did speak any treasonable Words.

Coll. But did you hear him say any thing of these Words, that he was employed in a Plot against the Protestants?

Richards. I read that, in what he writ to put in the Intelligence, that he challenged any one to appear, and charge him with Treason; but, said he, I own that I was employed, or had a Hand in putting the Plot upon the dissenting Protestants; and he telling my Mistress he had a Message from the King, offering him his Pardon, I asked him why he did not accept the King's Pardon. Alas! said he, you do not understand what I was to do for it; I was to do such base Things, so beneath a Man, that I will never do them: I had five hundred Pounds offered me, besides the King's Pardon, to do such base Things as are beneath a Man to do.

Coll. What were the base Things he said he was to do, and would not do?

Richards. I cannot tell, he did not say to me what they were.

Mr. *Att. Gen.* When was this?

Richards. It was a Week before he was taken.

Mr. *Att. Gen.* That is two Months ago.

Coll. It was since the Parliament sat at Oxford: But what was that he was employed to do, did he say?

Rich. Why, he said in his Answer to the Intelligence, he was one that had an Hand to put the Plot upon the dissenting Protestants.

Coll. Call Mrs. *Wingfield*. (Who appeared.)

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

Mrs. *Wingfield*. *Mary*.

L. C. J. What do you ask her?

Coll. Do you know this *Bryan Haynes*, pray?

Mrs. *Wingfield*. Yes, very well.

Coll. What do you know of him?

Mrs. *Wingfield*. I know nothing of him, but he is an honest Man; he married my Daughter, and always carried himself like a Gentleman; he scorns the thing that is unhandfom, and never did any thing that is unhandfom in his Life.

Mr. *Serj. Jeff.* Pray how came you by this Witness? Have you any more of them?

Coll. I never saw her before, but I believe she hath said something else in another Place. Did you ever say the contrary, pray?

Mrs. *Wing.* No body can say so; and I had done the Gentleman a great deal of Wrong, if I had.

Coll. Call Mr. *Whaley*. (Who appeared.)

L. C. J. What is your Name, Sir?

Mr. *Whaley*. *John Whaley*.

Colledge. Did you know *Bryan Haynes*?

Mr. *Att. Gen.* Where do you dwell, Sir?

Mr. *Whaley*. At the *Hermitage*, beyond the *Tower*.

Colledge. I don't know you, Sir; but what do you know of him?

Mr. *Whaley*. I never saw you, Sir, 'till to Day; but that which I think I am called for is this, though it was upon Sunday that I received this same Subpœna to come down hither; but about six Years ago, *Bryan Haynes* was a Prisoner in the King's Bench, and he came down to the Cellar which I had taken of the Marshal to sell Drink in; and coming down to drink in one of the Rooms of the Cellar that belong to me, he took away a Tankard, and went up with it. One of the Men followed him up; so I went to the Marshal to complain, and told him of it; and the Marshal took him from the Master's Side, and put him into the Common Side. That is all I know of him any way, directly or indirectly.

L. C. J. Why did you not indict him of it?

Mr. *Whaley*. I acquainted the next Justice of the Peace, who was the Marshal; and he put him from the Master's Side, into the Common Side.

L. C. J. He was no good Justice of the Peace in the mean time.

Colledge. Call Mr. *John Lun*. (Who appeared.) Do you know *Bryan Haynes*, Mr. *Lun*?

Mr. *Lun*. I have seen him twice; the first time I ever saw him was, I went into the *Derby-Alley*, to enquire for one *Micklethwayte*, a Kinsman of mine, and there this *Bryan Haynes* was, in a little Room next the Ditch, near the Door that goes out there, as if he were asleep, and he roused himself up; and, as I was walking there, Sir, said he, will you take part of a Tankard with me (that was his Expression.) With that, said I, I do not care if I do. And the first Thing he began was the King's Health, then the Queen's, then the Duke of *York's*; then he fell very foul against the Grand Jury, because they had not found the Bill against Colledge, who is a Gentleman that I never saw before in my Life but once, as I know of: And he said, my Lord *Shafesbury* was a little Toad, but he would do his Business very suddenly. Then he railed upon the Parliament, and said

they were a Company of Rogues, they would give the King no Money, but he would help him to Money enough out of the Fanaticks Estates. And he said, they would damn their Souls to the Devil before their Catholick Cause should sink.

Mr. Serj. *Holloway*. When was this?

Mr. *Lun*. It was three or four Days after the Bill was brought in *Ignoramus* by the Grand Jury.

Mr. Just. *Jones*. Was he alone?

Mr. *Lun*. Yes, he was.

Colledge. Is that all you have to say?

Mr. *Lun*. One Thing more, my Lord. On Monday last I was at *Uxbridge*, and a Gentleman sent his Man on purpose to let me know I must go to *Colebrook*, and stay till they came thither. When I came there, I met *Bryan Haynes* at the *Crown* Kitchen-Window, and he was stirring a Glass of Brandy, and sweetning it with Sugar; said he, Sir, will you drink? Here is the King's Health to you: So I drank, and asked him how he did. Do you know me, Sir, said he. Yes, said I, I drank with you once. Says he, you have a good Memory. So then a Pint of Sack was called for, and after that another, and then came down Mrs. *Peacock*; and being very fine, all in her flowered Silks, I asked what Gentlewoman that was? Said he, it is Mrs. *Fitz-Harris*. No, says I, 'tis not; they say she is gone. But, said he, it is her Maid; and Sheriff *Betbel* is to marry her: As I have a Soul to save, I tell you nothing but what is Truth. Thereupon, said I, Sheriff *Betbel* is able to maintain her, he hath a good Estate. But, said he, it shall be the King's e're long.

Coll. So that here is a plain Design against all the Protestants.

Mr. *Lun*. So with that, my Lord, if it please your Honour, I clapped my Groat down at the Bar, and went out of the Room. Nay, said he, let us have one Health more: And so he had his Tankard, and I had mine.

Haynes. I humbly desire you to call for Mr. *White*, the King's Messenger, who was by. I never saw the Man before he was at *Uxbridge*; and asking Mr. *White* who he was? Said he, his Name is *Lun*, he was my Prisoner two Years.

L. C. J. What say you to the Discourse he talks of at *Fleet-Bridge*?

Haynes. My Lord, I am upon my Oath, and I never saw him in my Life before I saw him at *Uxbridge*.

Mr. *Lun*. I will take my Sacrament upon it, that what I have averred is true.

Mr. Serj. *Jeff*. I suppose you are both known, and then your Credit will be left to the Jury.

Mr. *Att. Gen*. There is Mr. *White*; pray swear him. (*Which was done*.)

L. C. J. Do you remember that *Haynes* asked who Mr. *Lun* was?

Mr. *White*. It was at the Bar of the *Crown-Inn* at *Uxbridge*; and I being there, Mr. *Lun* came into the Yard, and I knowing Mr. *Lun*, asked him how he did; he said he was glad to see me, and he called for a Pint of Sack to make me drink. *Haynes* stood by, and he asked who he was, and I told him; and we drank the King's Health; but for any thing of those Words that were spoken there, Sir, I did not hear one Word of them; but he thanked me for my Civility when I summoned him up to the Court; and seeing Mr. *Haynes* by, he asked who he was?

Mr. Serj. *Jeff*. And you take it upon your Oath, that he asked who *Haynes* was?

Mr. *White*. Yes, I do.

Mr. Serj. *Jeff*. Pray, did you hear any discourse that Time as if there had been a Meeting upon *Fleet-Bridge*?

Mr. *White*. Not one Word of that?

Mr. *Lun*. I will take the Sacrament upon it; what I say is true.

Mr. Serj. *Jeff*. We know you, Mr. *Lun*; we only ask Questions about you, that the Jury may know you too, as well as we. We remember what once you swore about an Army.

Colledge. I don't know him.

Mr. *Lun*. I don't come here to give Evidence of any Thing but the Truth; I was never upon my Knees before the Parliament for any Thing.

Mr. Serj. *Jeff*. Nor I neither for much; but yet once you were, when you cried, *Scatter them, good Lord*.

Mr. *Colledge*. Call Mr. *Broadgate*.

L. C. J. What is your Christian Name, Sir?

Mr. *Broadgate*. *Jeremiah*.

L. C. J. What do you ask him?

Mr. *Broadg*. My Lord, I am a Stranger to the Prisoner at the Bar; what I have to say is concerning Mr. *Turberville*, whom I met one Day, and he asked me how I did? Said he, I owe you a little Money, but I will pay you in a short Time; but if you will go to drink a Glass of Ale. No, said I, I am in haste, and do not care for going to drink. Said he, you shall go; so away we went, and when we were sat, said he, When did you see *Turberville* that was my Lord *Powis's* Butler; said he, he was a great Rogue to me, and when I stood up for the Nation's good, he vilified my Evidence, and afterwards he came to me with Doctor to beg my Pardon; but I would not forgive him for the whole World. And speaking of the King's Evidence, said he, the King's Evidence are looked upon as nothing, as poor inconsiderable mean Fellows, and their Salaries are lessened and, said he, I have had the greatest proffers from Court of Preferment and Rewards, if I would go from what I have said, and come upon the contrary; and he repeated it, yes, upon the Faith of a Man, and from the highest: But, said he, I have a Soul and a Body; a Body for a Time, but my Soul for Eternity, and I cannot go from it. He went over it again; I might have what I would if I would go from what I have said, and come upon the contrary.

Mr. *Att. Gen*. But he does not go from any Thing of what he hath said.

Colledge. Did he say what he was offered, and by whom?

Mr. *Broadg*. He said, he had very great Offers from the Court if he would disown the Plot, and go upon the contrary.

L. C. J. But he does not disown it.

Mr. Just. *Jones*. Nay, he had a Soul to save, and could not go from it.

Mr. Serj. *Jeff*. You talk of the contrary, and the contrary; What did he mean by that? What Plot should he disown?

Mr. *Broadg*. The popish Plot.

L. C. J. He does not disown it, nor never did disown it.

Coll. He would make a Presbyterian Plot of it now, for he cannot say I am in the Popish Plot. Sir, do you know any thing more of him? Or did he name me? Or that he was to swear against me, or any Protestant?

Mr. *Broadg*.

Mr. *Broadg.* No, only he said the King's Evidence were vilified, and looked upon as poor inconsiderable Fellows; but it seemed, if he would go on the other Side, he might have great Preferments and Rewards.

L. C. J. You make a wrong Comment upon it, Mr. *Colledge*; it was if he would retract his Evidence and disown the Plot.

Coll. I leave it to your Lordship and the Jury, to make the Sense of it.

Mr. *Broadg.* I saw Mr. *Turberville* since I came hither, and he asked, Are you come Mr. *Broadgate*, to give Evidence against me? Says I, I am come to declare the Truth, and nothing but the Truth.

Mr. Serj. *Jeff.* You might have staid at home for any Thing material that you do evidence.

Colledge. Call Mr. *Zeal.* (*Who appeared.*)

L. C. J. What is your Christian Name, Sir?

Mr. *Zeal.* *John.*

L. C. J. What would you ask him?

Mr. Serj. *Holloway.* Where do you dwell, Sir?

Mr. *Zeal.* In *London.*

Mr. Serj. *Jeff.* Whereabouts?

Mr. *Zeal.* In *Fetter-Lane.*

Mr. Serj. *Holl.* What Countryman are you, Sir?

Mr. *Zeal.* *Somersetshire.*

Mr. *Attor. Gen.* Whereabouts in *Somersetshire* were you born?

Mr. *Zeal.* By Sir *William Portman's*, within six Miles of him.

Mr. Serj. *Jefferies.* What Trade, Sir?

Mr. *Zeal.* No Trade.

Mr. Serj. *Jeff.* Have you any Estate?

Mr. *Zeal.* My Father has. I was bred to wait upon a Person of Quality.

Colledge. Do you know *Turberville*, Sir?

Mr. *Zeal.* Yes Sir, I do.

Colledge. What do you know of him?

Mr. *Zeal.* Sir, I know nothing but what Mr. *Ivy* told me with his own Mouth.

L. C. J. Do you know any Thing of your own Knowledge?

Mr. *Att. Gen.* Has Mr. *Turberville* told you any Thing?

Mr. *Zeal.* Not concerning Mr. *Colledge* he has not.

Colledge. *Ivy* was amongst them.

Mr. *Zeal.* Yes, my Lord, he was the first that swore this Presbyterian Plot.

L. C. J. We know of no Presbyterian Plot.

Coll. Can you say any thing of your own Knowledge concerning *Turberville*?

Mr. *Zeal.* Nothing but what Mr. *Ivy* told me.

Mr. Serj. *Jeff.* That is not of your own Knowledge, and so it is nothing, for he is not produced in this Cause.

Coll. Pray, my Lord, give me Leave to call Mr. *Ivy.*

Mr. Serj. *Jeff.* Do if you will. (*He stood up.*)

Coll. What was that you heard *Turberville* say of me, or of any Presbyterian Plot?

Ivy. I never heard him say any thing concerning a Presbyterian Plot in my Life.

Coll. Did not you tell *Zeal* of such a Thing?

Ivy. No, I never did.

Colledge. Hark you, Mr. *Ivy*, you have sworn against me, have you not?

Ivy. What I have sworn against you, or any other Person, is true.

Colledge. What have you sworn against me?

Ivy. I am not bound to answer you.

Colledge. Did not you call me out with *Macnamarra* and *Haynes*, to the *Hercules Pillars*?

L. C. J. Look you, Mr. *Colledge*, I will tell you something for Law, and to set you right; whatsoever Witnesses you call, you call them as Witnesses to testify the Truth for you; and if you ask them any Questions, you must take what they have said as Truth: Therefore you must not think to ask him any Questions, and afterward call another Witness to disprove your own Witness.

Colledge. I ask him, was he the first Time with us, when I was called out of the Coffee-House to hear *Haynes's* Discovery?

L. C. J. Let him answer you if he will; but you must not afterwards go to disprove him.

Coll. If he were sworn against me, I would not ask him any Questions, for he is among them.

L. C. J. Ask him what you will.

Coll. I desire not if he have sworn against me, for truly I can't expect a good Answer from him; but he was by when *Haynes* made his Discovery.

L. C. J. Will you ask him any Questions?

Colledge. I ask whether he hath given any Evidence against me any where?

Ivy. I am not bound to answer you.

L. C. J. Tell him if you have.

Ivy. Yes, my Lord, I have.

Colledge. Then I think he is no good Witness for me, when he hath sworn against me.

Ivy. I have sworn against him and others. You know that you and I have had a great many Intrigues about this Business in Hand, and how we dealt with Mr. *Haynes.*

L. C. J. Look you, he does not call you for a Witness for him, you can testify nothing, and so you must be quiet.

Colledge. Call Mr. *Lewes.* (*Who appeared.*)

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

Mr. *Lewes.* *William.*

Colledge. Pray, Mr. *Lewes*, what do you know about *Turberville*?

Mr. *Lewes.* I know nothing at all I assure you of him that is ill.

Colledge. Do you know any Thing concerning any of the Evidence that hath been given here?

Mr. *Lewes.* If I knew any Thing relating to you, I would declare it; but I know something of Mr. *Ivy*; it has no relation to you, as I conceive, but against my Lord of *Shaftesbury.*

L. C. J. You would call *Ivy* for a Witness, and now you call one against him; and that I told you, you must not do; but *Ivy* is not at all in this Case.

Colledge. Do you know any Thing of the rest of them, *Haynes*, or *Smith*, or *Dugdale*?

Mr. *Lewes.* No more than what Mr. *Zeal* told me, was told him.

Colledge. Do you know any Thing of a Presbyterian Plot?

Mr. *Lewes.* If the Court please to hear me, I will tell my Knowledge of that; but I know nothing that affects him in the least, only that which concerns my Lord of *Shaftesbury.*

L. C. J. That is nothing to the Purpose, call another.

Mr. *Lewes.* There was not, to my Knowledge, a Word mentioned of your Name: I will do you all the Justice I can; if I knew any Thing concerning you, I would be sure to relate it.

Colledge. I cannot say who can, or who cannot; I am a Stranger to all of it.

L. C. J. Well, call your next Witnesses.

Colledge. My Lord, there was a Petition presented to the Common Council of *London*, wherein they set out, that they were tampered withal about a Plot against the Protestants.

L. C. J. A Petition, from whom?

Colledge. I cannot tell from whom; from some of these Witnesses.

L. C. J. Who preferred and signed it?

Colledge. Mr. *Turberville* was one. Pray call Doctor *Oates*.

L. C. J. The Prisoner calls upon you, Mr. *Oates*. What would you ask him, Mr. *Colledge*?

Coll. Where is the Petition to the Common Council, Doctor?

Dr. Oates. I have it in my Hand.

L. C. J. By whom was it presented?

Dr. Oates. It was given by Mr. *Turberville* and Mr. *Macnamarra*, to Mr. *Wilmore*?

L. C. J. Was you present when it was delivered?

Dr. Oates. Mr. *Wilmore* did deliver it to me before he was apprehended; for, being to come down as a Witness, he was taken up and committed to Prison.

L. C. J. Whose Hands are to it?

Dr. Oates. I know Mr. *Turberville*'s Hand, he will not disown it.

Clerk reads. It is subscribed *Edward Turberville, John Macnamarra.*

L. C. J. Look you, Mr. *Colledge*, what Word is there in all this Petition that is a Contradiction to what they have said now?

Colledge. I did not hear it, my Lord.

L. C. J. They say, they are constant Witnesses for the King against the Papists; and they have been tempted to unsay what they have said: How does that contradict what they say now?

Coll. I suppose they say they have been tempted to turn the Plot upon other People, and to make a Plot upon the Protestants.

L. C. J. They have been tempted, they say, by the Papists, to unsay what they have said; but the Jury heard it read, and will give it its due Weight. Will you ask Mr. *Oates* any Questions?

Coll. What do you know of Mr. *Turberville*?

Dr. Oates. As to *Turberville*, my Lord, a little before the Witnesses were sworn at the *Old Baily*, I met with Mr. *Turberville*, I was in a Coach, but seeing Mr. *Turberville*, I stept out of the Coach, and spoke with him; for, hearing that he was a Witness, I did ask him whether he was a Witness or no against *Colledge*? Mr. *Turberville* said, he would break any one's Head that should say so against him; for he neither was a Witness, nor could give any Evidence against him. So after he came from *Oxon*, I met with Mr. *Turberville* again; and, hearing he had been there, I asked him if he had any Thing against *Colledge*? He said, yes, he had been sworn before the Grand Jury. Said I, did not you tell me so and so? Why, said he, the Protestant Citizens have deserted us; and *God damn him*, he would not starve.

L. C. J. Would he say so to you?

Dr. Oates. Yes, my Lord, he said those very Words.

Mr. Serj. Jefferies. 'Tis Mr. *Oates*'s Saying, 'tis Mr. *Turberville*'s Oath.

Dr. Oates. Several Times he did repeat it; but when I asked him what he had sworn, he said I am not bound to satisfy People's Curiosities.

L. C. J. What say you to it, Mr. *Turberville*?

Mr. Turberville. My Lord, the first Part of the Doctor's Discourse, in Part is true; I met him just at my Lodgings, and the Doctor alighted out of his Coach, and spoke to me, and invited me to come to my old Friends; for he told me, they had some Jealousy that I was not true to them: And he told me, if I would come to the King's Head Club, I should be received with a great deal of Kindness: And never afterwards did I speak with the Doctor a tittle about any Evidence.

L. C. J. He said, you said you would break any one's Head, that said you were an Evidence against *Colledge*; for you were not, nor could be.

Mr. Turb. There was no such Thing said by me.

Mr. Att. Gen. Upon your Oath, did you tell him so?

Mr. Turb. Upon my Oath, I did not.

Mr. Serj. Jeff. Did you tell him that other Passage, when you swore you would not starve?

Mr. Turb. No, I did not.

Dr. Oates. Upon the Word of a Priest, what I say is true. My Lord, I do say, as I am a Minister, I speak it sincerely, in the presence of God, this Gentleman did say these Words to me; which made me afraid of the Man, and I went my Ways, and never spake with him afterwards, nor durst I; for I thought he that would swear and curse after that rate, was not fit to be talked with.

L. C. J. 'Tis very improbable that he should say so to you.

Mr. Turb. I always looked upon Dr. *Oates* as a very ill Man, and never would converse much with him.

L. C. J. Will you ask him any Thing more?

Colledge. Do you know any Thing of the rest, Doctor?

Dr. Oates. I know nothing of *Turberville* further, but that he did present this Petition, wherein he says, he lay under great Temptations to go on the other Side, and accuse some Protestants. And truly till I heard he was an Evidence at *Oxon*, after what he had said to me, I did not believe it.

Mr. Att. Gen. Doctor *Oates*, Mr. *Turberville* hath not changed Sides, you have; he is still an Evidence for the King, you are against him.

Dr. Oates. Mr. Attorney, I am a Witness for Truth, against Falshood and Subornation; and it can plainly be made to appear there is Subornation against the Protestants. And moreover, my Lord,—

L. C. J. Mr. *Oates*, you would do well to explain yourself.

Mr. Serj. Jeff. If there be any Subornation relating to Mr. *Turberville*, or any of the other Witnesses that have now sworn against *Colledge*, make it out Doctor.

Dr. Oates. There is, my Lord, and there will be made further to appear in Time to come. To my own Knowledge as to Mr. *Smith*, Mr. *Colledge* and Mr. *Smith* had some provoking Words passed betwixt them at *Richard's Coffee-House*, and Mr. *Smith* comes out and swears, *God damn him he would have Colledge's Blood*. So, my Lord, when I met him, said I, Mr. *Smith*, you profess yourself to be a Priest, and have stood at the Altar, and now you intend to take upon you the Ministry of the Church of *England*, and these Words do not become a Minister of the Gospel: His reply was, *God damn the Gospel*: This is Truth, I speak it in the presence of God and Man.

L. C. J. Can you say any Thing of any of the other Witnesses?

Dr. Oates. As for Mr. *Dugdale*, I was engaged for him for 50*l.* for last Lent Affizes, he wanted Money to go down to the Affizes, having paid some Debts, and paid away all his Money; and so I engaged for 50*l.* that he borrowed of *Richard* the Coffee-man. After he came from *Oxon*, I called upon him to hasten to get his Money of the Lords of the Treasury, which, as near as I remember, was ordered him upon his Petition, for so I heard. And that Time, said he, Sir, I hear there is a great Noise of my being an Evidence: Against whom? Said I: Against several Protestants, my Lord *Shafesbury*, and others: Said I, I never heard any Thing of it: Says he, there is no Body hath any Cause to make any such report of me, for I call God to Witness I know nothing against any Protestant in *England*. After that I met with *Dugdale* at *Richard's* Coffee-House, and pressing him for the Money, and he saying he had it not just then, but would pay it in a little Time: Mr. *Dugdale*, said I, you have gone, I am afraid, against your Conscience, I am sure against what you have declared to me: Said he, it was all along of Colonel *Warcup*, for I could get no Money else.

Mr. Att. Gen. Mr. *Oates* is a thorough paced Witness against all the King's Evidence.

Mr. Serj. Jefferies. And yet *Dr. Oates* had been alone in some Matters, had it not been for some of these Witnesses.

Dr. Oates. I had been alone perhaps, and perhaps not; but yet *Mr. Serjeant*, I had always a better Reputation than to need theirs to strengthen it.

Mr. Serj. Jefferies. Does any Man speak of your Reputation? I know no Body does meddle with it; but you are so tender!

Coll. Sir *George*, now a Man is upon his Life, I think you do not do well to affront his Witnesses.

Mr. Serj. Jeff. I do not affront him; but now, my Lord, pray give us leave to call our Witnesses. *Mr. Smith*, pray stand up.

L. C. J. *Mr. Smith*, do you hear what *Mr. Oates* hath said?

Mr. Smith. No, my Lord.

L. C. J. Then speak it again, *Mr. Oates*.

Dr. Oates. Yes, my Lord, I will speak it to his Face. He said coming out of *Richard's* Coffee-House, they having had some provoking Words, as I understood when I came in, *God damn that Colledge, I will have his Blood*: And, my Lord, when I did reprove him, and said to him, *Mr. Smith*, you have been a Priest, and stood at the Altar, and intend to be a Minister of the Church of *England*; these Words do not become a Minister of the Gospel; and he replied, *God damn the Gospel*; and he went away.

L. C. J. What say you to it, *Mr. Smith*?

Mr. Smith. Not one Word of this is true, upon my Oath. 'Tis a wonderful Thing you should say this of me; but I will sufficiently prove it against you, that you have confounded the Gospel, and denied the Divinity too.

Mr. Serj. Jeff. *Mr. Dugdale*, you heard what was said against you?

Dr. Oates. My Lord, now *Dugdale* is come, I will tell you something more. There was a Report given out by *Mr. Dugdale's* Mears, that *Mr. Dugdale* was poisoned; and in truth, my Lord, it was but the Pox. And this Sham passed throughout the Kingdom in our Intelligences; and this I will make appear by the Physician that cured him.

Mr. Serj. Jeff. That is but by a third Hand.

Dr. Oates. He did confess that he had an old Clap, and yet he gave out he was poisoned; but now, my Lord, as to what I said before of him, I was engaged for 50*l.* for *Mr. Dugdale*; do you own that?

Mr. Dugdale. I do own it.

Dr. Oates. I did press upon you to hasten the Payment of it.

Mr. Dugdale. Yes, you did.

Dr. Oates. And did not you come to me and tell me there was a Noise of your being an Evidence? It was in Time just before my Lord *Shafesbury* was taken up.

Mr. Dugdale. I never spoke to you till you spake to me.

Dr. Oates. My Lord, he came and said to me, there is a Noise of my being an Evidence; now I had not heard it then, but the Day after I did hear it; and I did justify *Mr. Dugdale*, because he had said to me that he had nothing against any Protestant in *England*. So I did stand up in Vindication of him; but my Lord, after he had sworn at the *Old Baily*, I met him again, and pressed him for the Money, and urged him with it, why he had sworn against *Colledge*, when he had told me so and so before; and he said it was all along of Colonel *Warcup*, for he could not get his Money else; and Colonel *Warcup* did promise he should have a Place at the Custom-House.

Mr. Dugdale. Upon the Oath I have taken, and as I hope for Salvation, it is not true.

Mr. Serj. Jeff. Here is *Dugdale's* Oath against *Dr. Oates's* Saying.

Dr. Oates. *Mr. Serjeant*, you shall hear of this in another Place.

Mr. Att. Gen. 'Tis an unhappy Thing that *Dr. Oates* should come in against these Men that supported his Evidence before.

Mr. Dugdale. My Lord, I say further, if any Doctor * will come forth, and say he cured me of a Clap, or any such Thing, I will stand guilty of all that is imputed to me.

L. C. J. *Mr. Colledge*, will you call any other Witnesses?

Coll. My Lord, I think this is not fair Dealing with a Man for his Life; because these Men be upon their Oaths, and deny the Things again that my Witnesses prove; therefore what they swear must needs be taken for Truth: But if my Witness comes and says such a Thing upon the Word of a Minister, and in the presence of God, and which he is ready to maintain by an Oath, sure it is not to stand for nothing, nor to be hooted out of Court, because *Mr. Dugdale* denies it upon his Oath; I do suppose he will not acknowledge it. But, my Lord, I am the Prisoner, and cannot be heard as a Witness for myself: But God is my Witness; he hath said a great deal more to me

* *Dr. Lower*, the most noted Physician then in *London*, proved it at the Council Board both by his Bills, and by the Apothecary, that he had been under cure in his Hands for that Disease; which was such a Shur upon *Dugdale's* Credit, that he was never used as a Witness more.

formerly; and he hath told me, when I have seen him with *Warcup*, and asked him why he kept Company with *Warcup*, and others; said he, I know they are suspected Men, but I must keep Company with them to get my Money; what would you have me to starve? And when I lent him Money out of my Pocket, and trusted him with my Horse, I dun'd him for Money and could not get it; said I, Will you pay me the 5*l.* I lent you? He put me off, said he, I shall have it, for the Attorney General hath made up his Accounts, and is very kind to me. Why then, said I, why have you it not? said he, he is my Friend, and I do not question the getting of it; but here is new Work to be done, such Work as my Conscience will not serve me to do; there is more Roguery, they will never have done plotting, and counterplotting; but they will make a thousand Plots if they can to destroy the real one.

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

Coll. No, it was spoken to myself; and no body was by but myself.

L. C. J. Then you should not speak it. But you asked the Question whether a Man may not be believed upon his Word, as well as he that is upon his Oath. Your Witnesses are not upon their Oaths, but they may be Witnesses, and their Weight is to be left with the Jury; they will consider how improbable it is, that these Men should come, three Men to one Man, and all of them should speak that which would make themselves Rogues and Villains; and that one Man of them, *Smith*, should say such vile Words, as *God damn him, he would have his Blood*; and, *God damn the Gospel*: That *Dugdale* should confess he was wrought upon by *Warcup* to testify against his Conscience; and that *Turberville* should say to that Purpose, he would not starve; they have sworn the contrary, and so there are all these three Mens Oaths against one Man's Affirmation; but it must be left to the Jury.

Colledge. There is his Affirmation against what they three say. He charges every one of them, and 'tis but the single denial of every one of them to his Charge.

L. C. J. 'Tis impossible they should own themselves such Villains to him.

Dr. Oates. They must be so, if they will do what they have undertaken. I hope my Word will be believed as soon as their Oaths.

Coll. It is not to be thought, but when they have sworn so against me, they will deny any such Thing when they are charged with it.

L. C. J. Have you done with your Witnesses? Or will you call any more?

Coll. What is said upon an honest Man's Word in the Face of a Court, is certainly to be believed as well as what is sworn.

L. C. J. 'Tis a Testimony, that is most certain, and must be left to the Jury, they must weigh one against the other. But pray, *Mr. Colledge*, will you call your Witnesses, for it begins to grow late?

Coll. There is *Mr. Wilmore*, that was a material Witness for me, who was Fore-man of the Grand Jury, that would not find the Bill upon this Evidence. What he had to say I don't know, but I am informed it was very material for me.

L. C. J. It will be enough for him to clear himself, for he is charged with High-Treason, and by two Witnesses too.

Colledge. Call *Alexander Blake*.

L. C. J. What do you ask him?

Colledge. Do you know *John Smith*?

Mr. Blake. Yes, Sir.

Colledge. Pray will you tell the Court what you know of *John Smith*?

Mr. Blake. I suppose you mean this Gentleman, *Mr. John Smith*, Gent. came to me one Morning, and told me there was one *Haynes* under Examination, and this *Haynes* had discovered very material Things against some great Persons: This passed, and within few Days after I met *Mr. Smith* at the *Exchange Coffee house*, and having saluted him, I desired him to drink a Glass of Wine, and so we went to the *Sun-Tavern*, and when we were there, I asked him, what his Sense was of *Haynes* and his Discovery? Said he, 'tis a Sham-Plot: I askt him, what he meant by that Sham-Plot? Said he, it is a Meal-Tub Plot. This is all that I know.

L. C. J. Would you ask him any Thing else?

Mr. Blake. I know nothing more.

Colledge. Do you know any thing of *Turberville* or *Dugdale*?

Mr. Blake. Sir, I have no Acquaintance with him, nor desire it: But I was acquainted with this Gentleman *Mr. Smith*, I know him very well.

Mr. Serj. Jeff. You say well, stand down.

Colledge. Call *Mr. Samuel Smith*.

L. C. J. What ask you him?

Colledge. What he knows of *Mr. Smith*.

Mr. S. Smith. *Mr. John Smith* and I have had an Intimacy and Acquaintance several Months, and since *Mr. John Smith* swore at the *Old Baily* against *Mr. Colledge*, and was gone out of Town, several People have talked with me concerning him; and asking me what I thought of him? I told them, I believed he was an honest Man; however I would not believe otherwise till I knew a Reason of it. They told me, that he had sworn against *Mr. Colledge*, that he was to seize the King at the Parliament at *Oxford*, and that there was 1500 Barrels of Powder, and it was to carry on a Presbyterian Plot: Said I, I will never believe it, and the rather because he hath said to me often, there was a Popish Plot, but he does not believe any Presbyterian or Protestant Plot; and, said I, further, as to his giving any Evidence with *Irishmen*, I believe it less for that, for I have heard him often say, they were a Company of Rogues that had done the Protestant Interest more harm than ever they could do it good, and bid me have a care of coming into their Company, and many other such Things that *Mr. Smith* here knows to be true. Then, my Lord, when *Mr. Smith* came home (for I was very impatient till he did come home, to hear every Day such Things said against him) I went to him to see him. Said I, Cousin *Smith*, I have had great Confronts about you since you went away, but I hope you can't be that ill Man you are represented to be, and truly I would be sorry it should be so: Pray, Cousin, said I, I have put every Man off with this, that I would suspend my belief of you, till I had spoken with you yourself; what is the Evidence you have given? They say, you have sworn a Presbyterian Plot, or a Protestant Plot, a Design of seizing the King at *Oxon*, and of so many Barrels of Gun-powder that were provided. Says my Cousin, I did swear no such Thing, nor never a Word of any such Thing as a Protestant Plot, or a Presbyterian Plot, and pray do not believe it of me. No, said I, I thought you could not swear

swear any such Thing, because you have said often to me, you believe there was no such Thing. I do not believe it yet, said he; and as to whatsoever *Colledge* said, I did not believe it, for he did not believe it himself. And *Mr. Smith* told me after his return, that he did not know of any Protestant concerned in the Plot.

L. C. J. He does not say now 'tis a Protestant Plot.

Mr. S. Smith. So far from that, that he told me after his return, he did not know any Protestant concerned in the Plot.

L. C. J. *Mr. Smith*, thus I understand you: You say that he said to you, that he had not testified any Thing of a Protestant Plot, nor did believe there was any Protestant Plot, for he did not believe what *Colledge* said himself: So by that Discourse there seems he did not deny, but he had testified against *Mr. Colledge*; but he did not believe there was any Protestant Plot?

Mr. S. Smith. No, my Lord, he did not deny but he had sworn against *Colledge*.

Mr. Just. Jones. Nor, that what he had said against *Colledge* was true?

Mr. S. Smith. No, my Lord, but he did not believe him, and he thought *Colledge* did not believe it himself.

Mr. Serj. Jeff. It seems *Mr. Colledge* thinks the whole Protestant Interest concerned in him.

L. C. J. The question is, *Mr. Colledge*, what you had in your Mind, not what was in the Mind of all the Protestants.

Mr. S. Smith. This I do say, I would not speak more or less than the Truth, he did not deny but he had heard *Colledge* speak those Words he swore, but he did not believe him, and I think *Mr. Smith* hath said that at another time before *Mr. Gardner*.

Coll. If he knew of no Protestant Plot, it was very unlikely that I should attempt such a Thing myself.

Mr. S. Smith. My Lord, I find *Mr. Smith* hath been very passionate and very inveterate of late against other Men that he hath given me a very good Report of before; and when I was talking of this, I was saying, if it be true that People say of you, a Man goes in Danger of his Life to converse with you. *Mr. Smith*, said he, I do not care for all the Men between *Wapping* and *Charing-Cross*, there is never a Man that will forbear my Company, but would do or say as much as *Colledge* hath done or said.

Mr. J. Smith. 'Tis true, and I say so still.

Coll. 'Tis a Contradiction in itself, that there should be such a Design, and none but myself to do it. God my righteous Judge knows my Innocency.

Mr. Just. Jones. You might say those Words in Hopes they would be of your Party, and made so by your Libels and poisonous Pictures.

L. C. J. Come, call another Witness.

Coll. Call *Mr. Tho. Gardner*. But, my Lord, how likely is it that I should say, that I would seize the King, when he, it seems, says, he did not believe there was one Man to stand by me?

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

Coll. I never saw him in my Life.

Mr. Gardner. Nor I you, Sir.

Coll. I know not three of all that come here.

L. C. J. Well, will you ask him any Thing?

Coll. Pray do you know *Mr. Smith*?

Mr. Gardner. Yes.

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Coll. What do you know of him? Can you say any Thing concerning this Matter that is sworn against me of Treason?

Mr. Gardner. My Lord, that Day-Fortnight I think it was, *Mr. S. Smith*, the Gentleman that was just now up before me, sent for me to the *Rummer* in *Queen-Street*, to drink a Glass of Wine, where when I came, I found him and *Mr. J. Smith*, that is here, whom they call *Narrative Smith*, talking very briskly concerning one *Colledge*, I suppose that is the Gentleman, and the Jury that acquitted him, and he said that two or three of the Jurymen were Rascals and Villains; and, says he, they talk up and down the Town, as if I did intend to sham the Popish Plot, and to make a Protestant Plot, which, said he, I vow to God, and I will justify it before God and all the World, that I know of no Protestant Plot, nor is there any Protestant concerned in a Plot to my Knowledge, but this *Colledge*, and upon his Trial I believe he will be made appear to be more a Papist than a Protestant: But, says *Mr. Smith* to him, Now you are known to be a Witness in this Case, it will be a dangerous Thing for a Man to converse with you.

Coll. Will it be now known that I am a Papist? No Man could ever say so in this World.

Mr. Gardner. Says he, I care not what all the World says of me, and I do not value all the Men from *Wapping* to *Charing-Cross*, but that Man that will shun my Company, will say and do as much to the King as *Colledge* hath done. But then I was saying, methinks it seems an improbable Thing, that such a Man as *Colledge* should seize upon the King, or provide 1500 Barrels of Powder, and those other Things. Upon my Word, said he, with some Passion, clapping his Hand upon his Breast, when *Mr. Colledge* did say it, I did not believe a Word of it, and upon my Faith I believe *Colledge* himself did not believe it when he told me so.

Coll. Do you know any Thing more, Sir?

Mr. Gardner. No indeed, *Mr. Colledge*.

Coll. Call *Dr. Oates* again.

L. C. J. Well, what say you to him?

Coll. Pray *Dr. Oates*, *Mr. Smith* charges me that I should speak some treasonable Words that Time that Alderman *Wilcox* gave you a Treat at the *Crown Tavern*; you were there, and pray how long ago was it?

Dr. Oates. My Lord, I heard *Mr. Smith* speaking of it at the *Old Baily*, and if you please to take Notice, it was thus: This Summer was Twelve-Month, or I am sure a great while before *Christmas*, the Alderman had invited me several Times to give me a Treat, and I had not Time, other Business calling me off; but finding a Time, I sent him word I would come and see him. He said he was a Brewer, and troubled at home with Customers, but he would give me a Dinner at the *Crown Tavern* without *Temple-Bar*, that was the Place fixed upon; there was *Mr. Smith* the Counsellor, who had been serviceable to me in several Instances. I did get him to go along with me, and *Mr. Colledge* was with us, and I heard *Smith* swearing at the *Old Baily* that *Mr. Colledge* and he had discoursed from the *Rainbow Coffee-House* where we met, and went together.

Coll. There I was invited by Alderman *Wilcox*.

Dr. Oates. But, my Lord, I will tell my Story, I am not to tell *Mr. Smith's*. *Colledge* did tell me

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he was invited ; said I, you shall be welcome as far as I can make you welcome. So *Colledge* and I went together from the *Rainbow Coffee-House* to the *Crown Tavern* : Now indeed, *Colledge* was very pleasant and merry, and as I think, the Discourse between the *Rainbow Coffee-House* and the Tavern was betwixt Mr. *Colledge* and me ; for Mr. *Smith* stayed somewhat behind, or walked before, I cannot tell which : When we came to the *Crown Tavern* we did, to divert ourselves till Dinner came up, enter into a philosophical Discourse with one Mr. *Savage*, who was formerly a *Romish* Priest, but this *Savage* is since pardoned by the King, and is a Member of the Church of *England*, and hath been Professor of Divinity and Philosophy beyond Sea. This, as I remember, was the Discourse before we dined, till we went to Dinner ; it was concerning the Existence of God, whether that could be proved by natural Demonstration, and whether or no the Soul was immortal. My Lord, after Dinner *Smith* went away, I did not hear the least Discourse of any such Thing as he speaks of, and Mr. *Smith* and *Colledge* had no Discourse in my hearing from the Coffee-House to the Tavern ; and when we were in the Tavern, we did discourse about those two Points. Counsellor *Smith*, my Lord, will justify a great deal of this, and my Brother too, who was with us. But when I heard Mr. *Smith* swear as he did about this Matter at the *Old Baily*, I did really, my Lord, in my Conscience, look upon him to be forsworn in that Particular.

Mr. Serj. *Jeff.* And he does swear you are out in this.

L. C. J. Will you ask him any more Questions?

Dr. *Oates.* If your Lordship please, he speaks of Mr. *Wilcox* to be a Man that contributes Money to buy Arms, Powder and Shot. I think, Sir, *George Jefferies* knows Alderman *Wilcox* is a Man of another Employment.

Mr. Serj. *Jeff.* Sir *George Jefferies* does not intend to be an Evidence, I assure you.

L. C. J. Do you ask him any more Questions?

Dr. *Oates.* I do not desire Sir *George Jefferies* to be an Evidence for me, I had Credit in Parliaments, and Sir *George* had Disgrace in one of them.

Mr. Serj. *Jeff.* Your Servant, Doctor, you are a witty Man, and a Philosopher.

Colledge. Call Mr. *Tho. Smith*.

L. C. J. What would you ask of him now?

Colledge. Counsellor *Smith*, here is *John Smith*, or Narrative *Smith*, which you please to call him, hath charged me with speaking Treason at our going to Dinner at Mr. *Wilcox's* ; I remember you were there, and I think you and I, and Dr. *Oates* and his Brother, and Mr. *Goodwin Wharton* went together ; I did tell Mr. *Smith* of it, but I did not stir a Step out of the Coffee-House with him, but went away before him. How long ago is it since we had that Dinner ?

Mr. *T. Smith.* My Lord, if your Lordship please, I do very well remember Mr. Alderman *Wilcox*, so they called him, did desire to give Dr. *Oates* a Treat, with some other of his Friends at the *Crown Tavern* without *Temple-Bar* ; but really, my Lord, as to the certain Time I do not remember it, but to my best Remembrance, my Lord, it was before *Christmas* last, and some Time before *Christmas* last. And, my Lord, I was there all the Time ; Mr. *Smith* was at that Time somewhat a Stranger to me, something I had heard of his

Name, and I did stay there all the while ; I remember Mr. Alderman *Wilcox* was to go out of Town that Day ; and truly as to any Matter of Treason, or treasonable Words, or any Thing tending towards it, I am confident nothing was, or could be spoken, and the Room was a very small Room, and our Company did fill it up, and the Table was so big, that there was little more than for the Servitors to go about ; so that any Man might easily hear from the one end of the Room to the other. I remember there was some Discourse betwixt Dr. *Oates* and Mr. *Savage*, who, I think, hath been a Jesuit, and it was about some Points of Philosophy and Divinity ; but for Treason I do not remember the least of it, and I am confident *Colledge* said not any Thing at that Time ; and my Reason is this, I very well remember Mr. *Colledge* did set himself down upon one Side of the Table, and fell asleep, and unless he talked Treason in his sleep, there could not be any such Thing said, and if it had been said, it would have been heard.

Mr. Att. Gen. Mr. *Smith*, did you never hear Mr. *Colledge* speak an ill Word of the King ?

Mr. *T. Smith.* Never in my Life. And if I were now to take the Sacrament upon it, I could say so.

Mr. Serj. *Jeff.* You used to converse with him, Mr. *Smith*, did he never say any Thing like it to you ?

Mr. *T. Smith.* Good Mr. Serjeant, you know I can take the Sacrament ; pray, let us have no Reflections.

Mr. Serj. *Jeff.* Who did reflect upon you ? I did not reflect upon you.

Mr. *J. Jones.* Mr. *Smith*, did he never deliver you any of those Pictures ?

Mr. *T. Smith.* No, Sir, he never did.

Coll. Good Sir *George*, don't reflect upon my Evidence. It seems Mr. *Smith* is mistaken in the Time ; for he says it was at *Christmas* ; but Mr. *Smith* says it was some Time before.

L. C. J. Mr. *Smith* does not say so, the certain Time he cannot tell exactly ; but your Witnesses say it was then.

Mr. *T. Smith.* I do speak as much as if I were upon my Oath ; and I do know what an Oath is, I thank God, and what it is to speak before a Court of Judicature ; and I know, and do speak Truth as much as if I were upon my Oath ; and I do say I did not hear *Colledge*, or any one else that was in that Company, at that Time speak any Thing reflecting upon the King and Government, or any Thing tending towards it.

Mr. Just. *Jones.* Can you remember Matter so distinctly, which Dr. *Oates* says was a Year and half ago ?

L. C. J. No, this Summer was Twelve-month.

Mr. Just. *Jones.* And can you tell so long ago, not only your own Actions, but testify to all other Men's Actions too that were in the Room ?

Mr. *T. Smith.* I cannot tell what Dr. *Oates's* Memory is as to the Time ; but I remember the Place, the Occasion, and the Persons that were there.

Mr. *J. Jones.* And you take upon you to have such a perfect Memory, as to the Actions of all the Persons that were in the Room ?

Mr. *T. Smith.* I do not speak of all that was done, but I say, I remember no such Thing that was said, and I believe no such Thing was said, and I have given you my Reasons why. But, my Lord, that which I say further for Mr. *Colledge*, is this ; I do hear something pretended, as if he

provided arms to go to *Oxford*. I have known him this three Years, or thereabouts; and, my Lord, I do know that he did usually ride with a Case of Pistols before him. And before that Time I had occasion to borrow his Horse of him, at the Election for *Westminster* the last Parliament that sat there, and I had it then with a Case of Pistols. I likewise borrowed it at *Michaelmas* last, the same Horse, and the same Pistols they were, I did at the same time see a Suit of Silk-Armour, which he told me he did provide against the Papists; for he said, he did expect we should have a Brush with them. Said I, do not trouble your self for that, they dare not meddle; said he, they will do no Harm. And as I remember, it was a Suit of Armour made of Silk to wear under a Coat.

Coll. It was Silk-Armour only for the Thrust of a Sword. And I assure you, my Lord, I had but one Suit, but one Case of Pistols, and but one Horse. I had two before; but they did not then make a Traitor of me, that was all that ever I had; but if I had had ten Horses, and never so many Armours, I declare it upon my Salvation, I intended it for nothing but against the Papists, if they should make a Disturbance; and whatever I did, was with that Design, and truly by the Grace of God, I would not have been the last Man then; but I see, whatever I provided my self with for that, they have turned it all another way, that it may be believed the Protestants were against the King and the established Government.

L. C. J. Those Observations may be proper for you at last. Go on now with your Evidence.

Coll. My Lord, I am not a Man of that great Memory, I may forget it; and therefore I speak it now whilst I think on it.

L. C. J. Set it down in your Paper.

Coll. *Smith* says, I talked with him coming from *Richard's* Coffee-House till we came to the Tavern; I do declare it, I went away before him, and went away with *Dr. Oates*.

L. C. J. Ask *Mr. Smith* that Question, if you will.

Coll. Pray Sir, do you know who went together thither?

Mr. T. Smith. I dare not undertake to say that, I cannot tell whether he went from the *Rainbow-Coffee-House* with us, or no.

Coll. He says, after we had dined, we divided our selves into Cabals, two and two together; I do declare, it is that which is the real Truth, I fell asleep behind the Table; if any body was divided, it is more than I know; but, *Mr. Smith*, you can tell, because he says I spoke Treason to him when I was in the Room, he and I in one Cabal.

Mr. T. Smith. My Lord, I remember nothing of that, nor do believe it; for I told you the Room was so little, that we could not divide our selves: And it is impossible in such a little Compass where we was so many as we were, fourteen or fifteen of us; it may be one might talk to another that was next to him, but then the Company must hear; and whether they did so or no, I cannot tell, I do not remember *Mr. Smith's* saying any thing to any particular person; but the great Ingagement was between *Dr. Oates* and *Mr. Savage*, and about some Questions in Divinity, and that is the great Matter I took Notice of.

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Coll. However, my Lord, I declare it, that was above a Twelve-month ago, and I hope your Lordship and the Jury do observe, that there was no new Arms were found but what were provided a great while ago; all that know me, know I was never without a Case of Pistols and an Horse, though I was but a Joiner, and there is no more that you see now. And to what *Smith* said about going into Cabals, that you hear *Mr. Smith* denies.

L. C. J. Will you call any other Witnesses?

Coll. Yes, if it please your Lordship. Do you know no more, Sir?

Mr. T. Smith. I know no other thing, if I did, I would declare it.

Colledge. Call *Dr. Oates's* Brother, *Mr. Samuel Oates*. My Lord, thus you see *Smith's* Testimony is false.

L. C. J. I do not see this contradicts his Oath, for he speaks of several Times that he did speak with you; one was at *Wilcox's*, which is this they speak of.

Coll. *Mr. Smith* says, there was only that great Discourse going on in the Room, and there was no such Thing as Cabals which he speaks of.

L. C. J. What do you say to this Witness?

Coll. Do you know Narrative *Smith*?

Mr. Oates. Yes, Sir.

Colledge. What do you know of him? Were you at the Dinner which *Mr. Wilcox* gave your Brother?

Mr. Oates. Yes, yes, I was at that Dinner.

Coll. Were you at the Coffee-House when I went along with your Brother?

Mr. Oates. Yes, we went with you.

Coll. Did *Mr. Smith* go with us?

Mr. Oates. Yes, *Mr. Smith* followed us.

Coll. Did you hear any treasonable Discourse between us?

Mr. Oates. Not the least of a little Word.

Coll. Did we go into Cabals two and two together there?

Mr. Oates. There was nothing at all of Cabals, that I saw, from the Time of going to Dinner; for we came just as Dinner was going into the Room, as I remember.

Mr. Serj. Jeff. What do you mean by Cabals?

Mr. Oates. That is, as I discern by *Mr. Colledge*, as if there had been Cabals amongst the Company.

Mr. Just. Jones. That is going by Couples.

Mr. Oates. Yes, yes.

Mr. Serj. Jeff. What did they talk of?

Mr. Oates. There was nothing at all spoken of.

Mr. Serj. Jeff. What did they say nothing all the while?

Mr. Oates. Nothing but Matter of common Discourse, Matters of Eating and Drinking, and talking of Country-Affairs; there were several that had Lands in the Country, and they were talking of those Things.

Mr. Just. Jones. Were you there all the while?

Mr. Oates. Yes.

Mr. Serj. Jeff. Hark you, Sir, Were there no Disputations in Divinity?

Mr. Oates. Not at all.

Mr. Serj. Jeff. Nor of Philosophy?

Mr. Oates. No.

Mr. Serj. Jeff. Why, pray Sir, did not *Dr. Oates* and *Mr. Savage* talk very pleasantly of two great Questions in Divinity, the Being of God, and the Immortality of the Soul?

Mr. Oates. There was not a Word of that, but only common discourse.

Mr. Serj. Jefferies. Are you sure there was no such thing?

Mr. Oates. Not that I know of, in the least, I sat at Table with them.

Mr. Serj. Jefferies. Was it such a little Room that you could hear all was said?

Mr. Oates. There was Room enough.

L. C. J. People cannot give a perfect Account of all things that have passed so long ago.

Coll. I did not hear that Discourse myself, because I was asleep behind the Table; and perhaps Mr. Oates cannot remember it.

Mr. Sol. Gen. Was it before Dinner, or after Dinner that Colledge fell asleep behind the Table?

Mr. Oates. He was not asleep to my remembrance all the while.

Mr. Serj. Jefferies. Recollect yourself pray, was Mr. Colledge asleep there?

Mr. Oates. I do not remember he was.

L. C. J. 'Tis impossible to give an Account; and therefore Witnesses in Negatives are of little Value.

Colledge. Did Mr. Smith and you and I go together?

Mr. Oates. Mr. Smith followed us.

L. C. J. How do you know that?

Mr. Oates. For you and I, and my Brother went together; you were a saying, when we came out of the Coffee-House, in a jocosse way, Come, Doctor, I will go along with you, and be one of your Guard. You spoke it in a jesting way. So you may, if you please, said my Brother. And so he went by my Brother's Side, and I went by Mr. Colledge's Side.

Coll. Do you remember how long ago that was?

Mr. Oates. It was the last Summer; but to say exactly what Month, I cannot.

Mr. Sol. Gen. Mr. Oates, answer me this Question, pray, Sir.

Mr. Oates. Yes, Sir.

Mr. Sol. Gen. From what Place did you go?

Mr. Oates. From Richard's Coffee-House.

Mr. Sol. Gen. Who went along with Colledge?

Mr. Oates. He came along with my Brother and me; for he said to my Brother, I will be one of your Guard.

Mr. Sol. Gen. Who went along with Mr. Smith?

Mr. Oates. I don't know, I took very little Notice of Things.

Mr. Serj. Jeff. 'Tis sufficient that he can tell who went with Colledge.

Mr. Oates. I remember one Thing: Mr. Smith would fain have persuaded me into something that my Brother should talk, but I heard nothing; said I, do not examine me upon such things, for I took little Notice of any thing; but this I can say, whereas he doth charge Mr. Wilcox, the Gentleman did not speak five Words all the Time he was there.

Mr. Serj. Jeff. He does not use to be so melancholy, I assure you.

Mr. Oates. I did wonder at it my self, but he was not long with us; for I do not think he was there a quarter of the Time; it seems he had a Son sick in the Country, and he was going thither.

Coll. Have you any thing against Macnamarra?

L. C. J. He is no Witness here.

Coll. Do you know any thing against Mr. Dugdale?

Mr. Oates. No, not I.

Coll. Then I can say no more to you.

L. C. J. Call another Witness.

Coll. Call Bolron.

L. C. J. What do you ask him?

Colledge. Do you know John Smith?

Mr. Bolron. Yes.

Colledge. What do you say against him?

Mr. Bolron. May it please your Lordship, the last 25th of July, Mr. Smith, and Mr. Mowbray, were travelling from York towards London. We lay the 24th at _____ and the 25th we were travelling towards London: Mr. Smith did ask me if I did remember what Discourse there was betwixt Sir John Brooks and I at Ferry-bridge when we were coming up before to London? I desired him to tell me what Discourse, and I would tell him if I did remember it or no. So, my Lord, he did say, the Discourse was, that Sir John Brooks did say, there would be cutting of Throats at Oxford, and that the Parliament did go provided some with 8, some with 6, some with 4 Men, and they were to meet at Grantham, and go together. This Discourse I did remember, That Sir John Brooks said, they went with Horse and Arms to secure them from Highway-men; and Sir John Brooks did then further declare, that the Discourse was, there would be cutting of Throats at Oxford, which made them go with Arms to defend themselves. Mr. Smith did further upon the 25th, 26th, 27th and 28th of July (and it was our frequent Discourse) tell me, that he had given His Majesty an Account of it, which occasioned the dissolving of the Parliament: That Discourse that was made to the King, was, That Sir John Brooks should say, that there would be cutting of Throats at Oxford, and that the Parliament-men went provided with 4, or 5, 6, or 10, men apiece; and he did tell me, that he had given a further Account, that there was to be a Consult at Grantham, wherein it was resolved, that it was better to seize the King, than to let him go on. Now, this I knew nothing of, but he would have persuaded me to have given in this Evidence against Sir John Brooks, as to this Discourse. But I declare, I did never hear it, and Mr. Smith was the first Man that ever I heard it from, I never heard it before in my Life.

Colledge. Would he have had you been an Evidence, and swore it?

Mr. Bolron. Yes, he said, he had given an Account of it to the King, and if I did manage it rightly against my Lord Shaftesbury and Colledge, he would make me for ever; those two Persons were mentioned all along. But I do declare it, I did never hear him speak Treason against the King in my Life. And he did further tell me, that I must say so and so; for if we did not agree, it would signify nothing. But, my Lord, I know nothing of the Matter, I never heard any one speak of it but Mr. Smith. My Lord, this is true, Mr. Mowbray was the Man that was by when it was discoursed.

Mr. Just. Jones. He would have had you sworn it, would he?

Mr. Bolron. I discovered it to my Lord Mayor.

Mr. Att. Gen. When did you discover it?

Mr. Bolron. Soon after I came to Town.

Mr. Att. Gen. When was it?

Mr. Bolron. Some time last Week.

Mr. Att. Gen. Was it on Sunday last?

Mr. Bolron. It was the beginning of the Week.

Mr. Serj. Jeff. Thou art such a Discoverer.

Mr.

Mr. *Bolron*. My Lord, 'tis very true what I say. If I had known any such Thing, I would have discovered it.

Mr. Serj. *Jeff*. Thou wouldst have discovered it before that Time, of my Conscience.

Coll. My Lord, he hath been an Evidence against the Papists as well as Mr. *Smith*; and therefore, pray, Sir *George*, don't make your Flourishes upon him.

Mr. Serj. *Jeff*. He was an Evidence, but had the Misfortune never to be believed.

Mr. *Att. Gen*. Do you know of any Pictures of Mr. *Colledge's* making? Have you seen *Rary Shew*?

Mr. *Bolron*. Never in my Life.

Mr. *Att. Gen*. Did not you shew it in Oxford?

Mr. *Bolron*. No, never in my Life.

Mr. Serj. *Holl*. Did you never declare to any Gentleman of Oxford, that *Colledge* made this Picture?

Mr. *Bolron*. I have seen the Character of a Popish Successor, but I never saw *Rary Shew*.

Mr. Serj. *Holloway*. Here is the very Gentleman that will make Oath of it.

Mr. *Bolron*. He was supposed to make them, I did not know that he did.

Mr. Serj. *Jeff*. I do only desire one Thing, I do not say that you ever had *Rary Shew*, but did you ever tell any body that *Colledge* made any of these Pictures?

Mr. *Bolron*. I have heard of such a Paper, but I did never see it in my Life.

Mr. Serj. *Jefferies*. Do you know that Gentleman, Mr. *Bolron*?

Mr. *Bolron*. I know him not.

Mr. Serj. *Jeff*. I would ask you, whether you ever had any Discourse with that Gentleman?

Mr. *Bolron*. Never in my Life.

Then the Gentleman was sworn, being a Master of Arts.

Mr. Serj. *Jeff*. What is the Gentleman's Name?

Mr. Serj. *Holl*. Mr. *Charlett*, of Trinity College.

Mr. Serj. *Jeff*. Pray, Sir, do you know that Person there?

Mr. *Charlett*. My Lord, in the new Coffee-House that was by the Schools, that was set up in the Parliament-time, there was a Gentleman that is in the Court (I think) one Mr. *Dashwood*, and one Mr. *Box*, were there, together to drink a Dish of Coffee, and hearing that some of the Evidence were there, we desired their Company up, and that Gentleman was one; and among other discourse, they were speaking of some Pictures, and they shewed us the Picture of the *Tantivies*.

Mr. Serj. *Jeff*. Did this Man shew it you?

Mr. *Charlett*. This very Man. It was the Pictures of the *Tantivies* and the *Towzer*, and he told me they were made by *Colledge*, he was a very ingenious Man.

Mr. *Bolron*. I know nothing of it; the Character of a Popish Successor I have seen, but never the other, I never shewed him any such thing.

Then the Pictures were shewn him.

Mr. *Charl*. It was something like this, but I cannot say for any of the other.

Mr. *Bolron*. The Character of a Popish Successor, I say, I have seen, and *Colledge* himself hath told me he made the Character of a Popish Successor, I do not deny that I have seen that.

L. C. J. Would you ask him any more Questions?

Mr. *Bolron*. My Lord, I have something to say concerning Mr. *Bryan Haynes*; in January, Febru-

ary and April last, several times I was in his Company, and I heard him say, he knew nothing of a Popish Plot, nor of a Presbyterian Plot neither; but if he were to be an Evidence he did not care what he swore, but would swear and say any thing to get Money.

Mr. Just. *Jones*. Did he tell you so?

Mr. *Bolron*. Yes, I did hear him say, To Day he would be a Papist, to morrow a Presbyterian, he did not care for Religion, he would never die for Religion, he would be of that Religion that had the strongest Party. My Lord, he told me so at my own House in *Fleetstreet*.

Coll. He would say any thing for Money; pray, my Lord, take Notice of that, for so I find he does.

Mr. *Bolron*. Then there is *Dennis Macnamarra*, and *John Macnamarra*.

Mr. Serj. *Jeff*. We have nothing to say to them.

Coll. They have been Evidences against me; though you do not now produce them, they are all in a String, but they are not now brought, because my Witnesses are prepared to answer them.

L. C. J. Will you call your next Witness?

Coll. Mr. *Mowbray*, pray, Sir, do you know Narrative *Smith*, as he calls himself?

Mr. *Mowbray*. Yes, my Lord.

Coll. What do you know of it?

Mr. *Mowbray*. I came up from *York* with him when I returned, after I was commanded down upon the King's Account to give in Evidence against Sir *Miles Stapleton*, he came to me the third of *August*, and called at my House in *Yorkshire*, and was very importunate for me to come up to *London* with him; for he said, he had a Letter come to him which commanded his Presence at *London* very suddenly, and he produced that Lettce which he said came from a Gentleman of the Court, or some Court-Dependent; so he read the Letter in Mr. *Bolron's* Hearing. We set forward on *Sunday*, and upon our Journey to *London* he told me he had something of Importance to impart to me; so upon the Road he began to discourse of the Parliament and of the illegal Proceedings and arbitrary Power of the two last Parliaments; he said, their Proceedings were very illegal and arbitrary, and he began to open some of the Votes, as that which they voted, that those that should lend the King Money upon the Crown-Lands, should be Enemies to the King and Kingdom, and those that counselled the King to dissolve the Parliament; and he repeated many Votes, and, said he, these are signs of arbitrary Power, and certainly they design to take off the King; so he proceeded further to ask me, what was the Discourse of Sir *John Brooks*, when he came up before, and he did much importune me to say, that Sir *John Brooks* did affirm there would be cutting of Throats at *Oxford*, and that the King was to be seized there; I told him, I could have no plausible Pretence, because I had no Acquaintance with Sir *John Brooks*, nor did I come up with him; upon which he applied himself to *Bolron*, and importuned him for the same; he asked me who I came up with? I told him, I came up with three Members of Parliament, my Lord *Fairfax*, Sir *John Hewly* and Mr. *Stern*; he asked me what Discourse we had upon the Road? And he asked, whether they had any Discourse that tended to justify their former Votes? For he said, if they did think to justify any of these Votes, or if they would not allow the King Money, and stood upon the Bill of Exclusion, he said, that

was Pretence enough for any Man to swear that there was a Design against the King, and that the King was to be seized at *Oxford*.

Coll. An excellent Pretence indeed, and like the rest.

Mr. Mowb. He would have tempted me to swear against my Lord of *Sbastesbury* the same. And he said, it would be well if I did appear on *Colledge's* Trial at *Oxon*, for it was a Thing of great Consequence; the Popish Plot was thrown out of Doors, and no Man was looked upon that did speak of it.

Mr. Just. Jones. Was all this in the Presence of *Mr. Bolron*?

Mr. Mowb. No, my Lord. When he was discoursing about *Sir John Brooks*, *Mr. Bolron* rid up to us, and he applied himself to him, because I told him I had no plausible Pretence to swear against him, having no Acquaintance with him.

Mr. Serj. Jeff. Pray, Sir, let me ask you one Question, When came you from *York*?

Mr. Mowb. We set forward the third Day of *August* from *Wentbridge*.

Mr. Serj. Jeff. Pray, who came with you in the Company?

Mr. Mowb. *Mr. Bolron*.

Mr. Serj. Jeff. That was a *Sunday*, as I take it.

Mr. Mowb. Yes.

Mr. Serj. Jeff. Then pray, how long did you continue before you came to *London*?

Mr. Mowb. I think we came in on the *Thursday* after.

Mr. Serj. Jeff. When was the first Time *Mr. Smith* came into your Company?

Mr. Mowb. Upon the Road on *Sunday*.

Mr. Serj. Jeff. Was that the first Time?

Mr. Mowb. Yes. He had been at *York*, and went further, and afterwards came to us.

Mr. Serj. Jeff. When did you come from *York*?

Mr. Mowb. About the *Thursday* before, if I be not mistaken.

Mr. Serj. Jeff. Was it in a Week before?

Mr. Mowb. Yes, within a Week it was.

Mr. Serj. Jeff. And you and *Mr. Bolron* came together?

Mr. Mowb. Yes.

Mr. Serj. Jeff. And you left *Mr. Smith* behind?

Mr. Mowb. Yes.

Mr. S. Jeff. And he overtook you upon the road?

Mr. Mowb. Yes, he was to go further into the North as soon as the Trial of *Sir Miles Stapleton* was over, and therefore he did very much importune me to stay in the Country till he came to go up with me.

Mr. Serj. Jeff. What Day was the Trial of *Sir Miles Stapleton*?

Mr. Mowb. On the *Monday* before.

Mr. Serj. Jeff. You are sure of that, and that *Mr. Smith* went further into the North?

Mr. Mowb. I see him take Horse.

Mr. Serj. Jeff. But he did not come into the Company of you and *Mr. Bolron* till the *Sunday* after that.

Mr. Mowb. See ye, Sir, he did desire me to stay in the Country till he came, for he had a Business of great Concernment to impart to me, but it would be a Week or a Fortnight e'er he came, but yet he came in a shorter Time, for he said he had received a Letter that brought him up.

Mr. Serj. Jeff. You are sure of this?

Mr. Mowb. Yes.

Mr. Serj. Jeff. And you did not see him from the *Monday* before, till that *Sunday*?

Mr. Mowb. No, no,

Mr. Serj. Jeff. Now then, I ask you, where was that Place he met with you?

Mr. Mowb. At *Wentbridge*.

Mr. Serj. Jeff. And then you came from thence towards *London* the next Day?

Mr. Mowb. Yes.

Mr. Serj. Jeff. Now would I desire to know of you, for I perceive he did attack you to say something against *Sir John Brooks*, and finding that you could not do it, because you had no Acquaintance, he applied himself to *Bolron*. I would know, was it between that Place and *London*?

Mr. Mowb. Yes, it was.

Mr. Serj. Jeff. And after the third of *August*?

Mr. Mowb. Yes, it was after he set out.

Mr. Serj. Jeff. I thought it had been the 24th of *July* that you set out, and continued your Journey the 25th, 26th, 27th, 28th, and 29th. Alas, we have lost a great deal of Time between *Mr. Bolron* and *Mr. Mowbray*. *Bolron* said, it was the 25th they lay at such a Place, and you are gotten to the 3d of *August*; you are mistaken, certainly, as to point of Time.

Mr. Mowb. See, Sir, I will look in my Almanack; 'tis all set down there.

Mr. Serj. Jeff. Let us see now if your *Oxford* Journey be as well set down, as your Journey to *London* is.

Mr. Mowb. Here is my Almanack, Sir.

Mr. Just. Jones. Here, look upon his Almanack.

Mr. Serj. Jeff. *Mr. Jones*, I don't care for his Almanack, I had rather *Mr. Mowbray* and *Mr. Bolron* could bring their Almanacks together, and I would have them compared, to see whether the 3d of *August* in one be the 25th of *July* in the other. Did you discourse with him upon the Road the 3d of *August*, and not before, and *Bolron*, that came up with you, discoursed with him the 25th of *July*?

Mr. Mowb. I am mistaken, I find.

Mr. Serj. Jeff. Ay, that you are, one of you, most grossly.

Mr. Mowb. See, Sir, here is my Almanack, whereby I find that it is my Mistake; but pray see, Sir, here it is set down, the Day we came out was the 24th, the Day we came up to *London* was the 27th.

Mr. Serj. Jefferies. How didst thou set out the 3d of *August* from that Place, and yet come to *London* the 27th of *July*?

Mr. Mowb. I will refer myself to *Mr. Smith*, as to the Time we came up, and here is my Almanack.

Mr. Serj. Jefferies. I will believe thy Almanack to speak Truth, though it have never so many Errors about the Changes of the Weather, sooner than I will believe thee.

Colledge. I perceive the Man is mistaken in the Month and the Times; but pray, my Lord, will you please to see, for Justice sake, if the Almanack be new writ.

L. C. J. Look you, here is the Matter, *Mr. Colledge*, he was asked again and again, what Day it was, and he was positive to the 3d of *August*.

Coll. He was mistaken, but his Almanack is right.

L. C. J. He speaks rashly, that is the best can be said.

Mr. Mowbray. It was a Mistake of mine, Sir *George*, but my Almanack is right.

Mr. Serj. Jefferies. Nay, *Mr. Mowbray*, don't enter into Dialogues with me, I only make a little Observation upon your Almanack.

Mr. Mowb. It was only my Mistake.

L. C. J. You are a rash Man to affirm so; if you had an Almanack, you should have consulted it, or referred to it.

Mr. Serj. Jefferies. Nay, we have lost a Day even by your Almanack; for your's says, it was the 27th you came to Town, *Bolron* the 28th.

Mr.

Mr. *Mowb.* I refer my self to Mr. *Smith*, he can't deny but he came up with us at that Time.

Mr. Serj. *Jeff.* You were examined at Sir *Miles Stapleton's* Trial, was you not, Mr. *Mowbray*?

Mr. *Mowb.* I was an Evidence there.

Mr. Serj. *Jeff.* Did the Jury believe you?

Mr. *Mowb.* They did acquit Sir *Miles Stapleton*.

Coll. That is nothing to the Purpose, so was Mr. *Smith* too.

L. C. J. Would you ask any thing further?

Coll. Call Mrs. *Bolron*.

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

Mr. J. *Jones.* Mr. *Mowbray*, was Mr. *Bolron's* Wife by when this Discourse was?

Mr. *Mowb.* No, she was in Town, she did not go down with him at all.

L. C. J. Are you Mr. *Bolron's* Wife?

Mrs. *Bolron.* Yes.

L. C. J. Well, what do you ask her?

Coll. Mrs. *Bolron*, pray do you know Mr. *John Smith*?

Mrs. *Bolron.* Yes, I do know him.

Coll. What can you say of him?

Mrs. *Bolron.* He sent several times for my Husband and Mr. *Mowbray* to my House, something he would have them be concerned in, some Business he had in hand.

L. C. J. When was that?

Mrs. *Bolron.* Within this three Weeks, since he came up from *Tork-Affizes*.

Coll. You may see there was an Understanding between them then.

Mr. Just. *Jones.* Did they go accordingly?

Mrs. *Bolron.* Now and then they have gone to him, but they knew his Business, because they had Discourse with him, as they said, upon the Road, and they would not go.

L. C. J. Would you ask her any thing else? What do you know more?

Mrs. *Bolron.* Nothing, for I am not one that stirs much abroad.

Coll. Call Mr. *Everard*.

L. C. J. What do you ask him?

Coll. As for Mr. *Everard*, I need not ask him whether he knows him, for they know one another well enough. But Mr. *Everard*, that I would ask you is this, What do you know of Mr. *Smith*, and of this Contrivance against me?

Mr. *Ever.* Mr. *Smith* I have been to see of late, and he told me, he knew of no Presbyterian or Protestant Plot, and when my Lord *Howard* was tried, that is, the Bill brought against him, he said, he wondered how my Lord *Howard* could be guilty, and that both himself and I were joined as Evidence, to that Jury, only to put a gloss upon the Evidence; for, says he, I have nothing material to say.

Collidge. Mr. *Everard*, do you know any thing more concerning him, what he hath said at other Times concerning me?

Mr. *Ever.* I have told you already, what I have heard him say, that he thought there was no Protestant or Presbyterian Plot, and that now of late within this little while.

Coll. Pray, Sir, was there not some Discourse betwixt Justice *Warcup* and you in *Lincoln's-Inn* Walks?

Mr. *Ever.* Is Justice *Warcup* an Evidence here?

L. C. J. No, no.

Coll. 'Tis but the Evidence of a Presbyterian Plot; therefore pray, Sir, what was the Discourse between Justice *Warcup* and you? What would he have had you done?

L. C. J. I think it is not material, there is nothing of Mr. *Warcup* in his Trial.

Mr. *Ever.* If the Court does allow of it, I will freely tell it.

Coll. My Lord, the Papists Design is to make a Protestant Plot to turn off their own, and they begin with me; but if I should go, they would not be satisfied with me, they would be at others.

L. C. J. There is nothing concerning a Presbyterian or Protestant Plot in the Case.

Coll. My Lord, if there be no Presbyterian Protestant Plot; and others to join in it, how could I do it myself? 'tis impossible I should have such a Design of seizing the King, and improbable I should speak it. Now, my Lord, this Man was solicited to come in for an Evidence of such a Plot.

Mr. *Everard.* That is true.

L. C. J. I tell you 'tis not material, Mr. *Warcup* is not concerned in your Trial.

Mr. *Ever.* Justice *Warcup* would have persuaded me to have sworn against some Lords a Presbyterian Plot; but I deny that I know any such thing of them.

Coll. The Papists Aim is not at me only, but at others.

Mr. Serj. *Jeff.* We have nothing to do with what you and Justice *Warcup* talked of. For Example sake, my Lord, let us have no Discourses that concern third Persons brought in here.

L. C. J. Would he have persuaded you to say any thing that was not true?

Mr. *Ever.* He did not say positively those Words; but this he said, I knew several Lords—

Mr. Just. *Jones.* Now here is Mr. Justice *Warcup's* Fame traduced behind his Back, in the Face of the Country, and it is nothing to this Cause before us.

Coll. My Lord, I desire to know what he knows of these Things, and that he may speak it out; 'tis a material thing for me and others: Here is a Design of the Papists to turn a Plot upon the Protestants; they begin with me, and if they have my Blood, who may feel the Effects of it next I cannot tell.

L. C. J. Truly I think it not material to your Case, and indeed 'tis of ill Consequence to have any Man traduced behind his Back, as Mr. *Warcup* is.

Coll. My Lord, *Macnamarra* told me, that that Man would have seduced him to have retracted his Evidence; upon my Salvation 'tis true.

L. C. J. We meddle not with *Macnamarra* neither, he is no Evidence against you.

Coll. *Macnamarra* hath sworn against me at the *Old Baily*, and at the finding the Bill; but they have laid him by upon some trick or other. I desire Mr. *Everard* may tell what he knows.

Mr. *Ever.* I would not reflect upon any Person, nor will I answer it, if the Court do not think fit.

Coll. My Lord, this is foul Play, if I die myself for my Country's sake, I can do it freely, and the Will of God be done; I would have the Truth out for the sake of the Protestants.

Mr. *Ever.* I am very willing to tell the Truth, if the Court think fit.

L. C. J. I see not that he says Mr. *Warcup* would have had him swear that which was not true.

Mr. *Ever.* But this he said, if the Court will allow me to speak it, Justice *Warcup* said, that certainly there was a Presbyterian Plot, and such Things; and that some Lords, some of the Protestant protesting Lords must be guilty of it; and, said he, certainly you know much of it, you know such and such Things, therefore you may safely swear it, since you know it; so by Argument he would prove first
there

there was a Plot and Combination among those Lords, and then said he, this you may safely swear.

Mr. J. Jones. What is this to your Purpose, Mr. Colledge? only Mr. Warcup's Name is brought upon the Stage when he is not here to vindicate himself.

L. C. J. Would you ask him any thing else?

Coll. If he does know any thing more of any of them, I desire he would speak it.

Mr. Ever. Concerning Mr. Haynes, he told me it was Necessity that drove him to speak any thing against the Protestants, and the hard P. and the Gratitude he did receive from the Citizens.

L. C. J. Where did he tell you this?

Mr. Ever. In the Fields near Gray's-Inn.

L. C. J. How long since?

Mr. Ever. About three Weeks ago. I asked him,

Mr. Haynes, said I, I would not draw you from your Testimony in any thing, but how can this be congruous to what you have said formerly, that you knew nothing by them? The Truth is, said he, I will not say much to excuse myself, but my Wife was reduced to that Necessity, that she begg'd at Rouse's Door, and craved some Salary, and Mr. Rouse would not give her any; and, said he, mere Necessity drove me to it.

Coll. He found better Pay in another Place.

Mr. Ever. And, says he, 'tis Self-Preservation in the next place, for I was brought in guilty when I was taken up, and therefore I was obliged to do some Things to save my Life.

Coll. Pray, my Lord, and Gentlemen, observe what this Gentleman says, Haynes takes this Course to destroy innocent Persons for his own Preservation.

Mr. Ever. Besides, he told me there is a Judgment impending upon the Nation, said he, either upon the King, or upon the People, I know not which; but these Irishmen's swearing against them, is justly fallen upon them for their Injustice against the Irish in ousting them of their Estates.

Coll. So he did it then by way of Revenge; for his Countrymen; I have nothing of their Estates, I am sure; therefore they had no Cause to swear against me. But, Mr. Everard, have you any more to say concerning any of them?

Mr. Ever. No more concerning those Persons that have sworn against you; I can say no more.

Colledge. As to Dugdale or Turberwile?

Mr. Ever. No, indeed.

Colledge. As to this Presbyterian Plot, Sir?

Mr. Ever. If the Court does allow concerning other Persons; but I would not intrude any thing but what the Court shall think fit.

Colledge. I know not but they may come in against me; therefore pray tell what you know. Mr. Everard, do you know any thing more? Pray let me know what you know.

Mr. Ever. Nothing of any Person that has appeared against you as yet, but what I have told you.

Colledge. They may do, Sir.

L. C. J. And then we may properly hear him to them, and not before.

Colledge. I desire to know who they are; pray let me know their Names.

Mr. Everard. Fitz-gerald.

L. C. J. He hath been no Witness here.

Colledge. Call Thomas Parkburst.

L. C. J. What do you ask him now he is here?

Colledge. What do you know concerning Mr. Dugdale?

Mr. Park. Sir, the latter end of the last November, when the Parliament sat at Westminster, several times Mr. Dugdale having promised me his further Narrative to publish, which he printed, I met him several times; one time I met him at Richard's Coffee-house, and it was towards the Evening before we went away; he told me and Mr. Symonds, that he was to speak with Dr. Tongue; and he told us, that this Dr. Tongue did lie at Mr. Colledge's; and he having spoke the Day before, and several times, of the Danger he was in of his being assassinated by the Papists, Mr. Symonds and I offered to go with him, and we took a Coach; for we did not know where Mr. Colledge lived: He had then a Rheum in his Eyes, and was not well; so we accompanied him to Mr. Colledge's to speak to Dr. Tongue. It was the Evening when we went; and whilst we took a Pipe of Tobacco, in our Discourse we were speaking of the Times, and the Danger of the Papists; so Colledge took down a Steel-Hat, that hung up there, which he said he had, and he said he had a quilted Coat of defensive Armour, and he said he had a Blunderbuss in his House, and two Pistols. But I little thought of any thing of this, neither did I know well what I was subpoena'd down for: But these Arms I saw in his House, and it was only in Discourse that he was provided against the Papists; so I put the Steel-Hat upon my Head, and pulled it off again, and so did Mr. Symonds.

Coll. Did I say any thing, Sir, who I had those Arms against?

Mr. Park. At that Time there was no Discourse in the World, but of the Danger of the Papists; and he said he was provided for them, if they did come to make any Disturbance.

L. C. J. When was it, Sir?

Mr. Park. It was about the latter end of November, I have the Narrative that I printed, which was the 23d or 24th, and I have no Directions but that to remember the exact Time. So we carried Mr. Dugdale home again in a Coach, and gave him a Pint of Wine at his Lodgings.

L. C. J. This does not contradict Mr. Dugdale at all.

Mr. Park. Mr. Dugdale does own this for a Truth.

Mr. Serj. Jeff. So may any body own it.

Coll. Where is Mr. Symonds? Pray, Sir, what do you know of Dugdale?

Mr. Symonds. What about, Sir?

Coll. I have your Name here, Sir, but I know not for what.

Mr. Symonds. I can say the same that Mr. Parkburst did; that I suppose is the Business. All I know of it is this; I was with Mr. Parkburst and Mr. Dugdale at Richard's Coffee-house some time in November, I think it was about the printing of Mr. Dugdale's further Information; and Mr. Dugdale was saying, Dr. Tongue had sent for him, but spoke as if he was fearful of some Danger in going alone; so we proffered to go along with him, and we took a Coach at the Coffee-house Door, and went with him to Dr. Tongue, who lodged at Mr. Colledge's. When we came into the Room, Mr. Parkburst and I thought fit we should in Civility withdraw, which we did; and Mr. Colledge brought us down into another Room, where we sat and took a Pipe of Tobacco, and talking about the common Discourse of the Times, about the Papists, and the Danger from them, there hung up in Mr. Colledge's Room some Arms; what they were, I dare not charge my Memory with to swear particularly; but I do think there was a Silk Coat of Mail, and there was a Cap of Steel, and as I take it, it was covered with Cloth,

or some such thing, what else I can't well say; I think there was a Blunderbuss and a Case of Pistols. And all the Discourse that I remember then, was only this, speaking of the Papists, and some Fears as if there would be an Insurrection amongst them, said he, Let the Papist Rogues begin when they will, I am ready to defend myself for one. This is all I know.

Coll. Pray, Sir, how long ago was this? Dr. *Tongue* died before *Christmas* at my House.

Mr. Sym. I cannot tell exactly when it was; but during the Session of Parliament I am sure it was, and as I take it, in *November*, the latter end.

Coll. So then, pray, my Lord, see that these Arms they charge me withal, were provided before *Christmas*.

L. C. J. But there is nothing that contradicts *Dugdale's* Testimony in all this.

Coll. It does sufficiently contradict him.

L. C. J. I do not see that this does at all contradict what he hath said; but do you observe what you will upon it, when you come to make your Defence.

Stranger. A Gentleman below desires you to call *Mr. Yates*.

Coll. Pray, Sir, what do you know concerning *Dugdale*?

Mr. Yates. I know that *Mr. Dugdale* sent for me to a Coffee-house to bespeak a Pistol for you, and told me, that when I had made the Pistol, I should deliver it to *Mr. Colledge*, and *Mr. Dugdale* promised to pay for it when I had done it. Now some Time after I did some small Matter for *Mr. Dugdale*, cleaned his Pistols, or some small Business, and *Mr. Dugdale* asked me, if I would have a Pint of Wine, which I agreed to; and being at the Tavern, *Mr. Dugdale* asked me, if *Mr. Colledge's* Pistol was done. I told him, no, it was not, as yet. So I asked *Mr. Dugdale*, because he had promised to give *Mr. Colledge* a Pistol, what Obligation there was betwixt *Colledge* and him, that he should give him a Pistol? To which he answered, that *Mr. Colledge* had been serviceable to him, in lending him a Pair of Pistols to ride withal sometimes: So he gave him a Pistol to satisfy him for the wearing of his Pistols now and then. I thought, said I, *Mr. Colledge* did impose upon your Good-Nature too much, not but that I believe *Mr. Colledge* is a very honest Man, and stands up for the Good of the King and the Government. Yes, said *Mr. Dugdale*, I believe he does, and I know nothing to the contrary.

Mr. Att. Gen. When was this?

Mr. Yates. A little after the Parliament sat at *Oxford*; for I never knew *Mr. Colledge* before *Mr. Dugdale* set me at Work for him.

Coll. *Mr. Yates*, pray, was there nothing in the Coffee-house about one that he asked to go with him, when he said he knew nothing against me?

Mr. Yates. I heard one say——

Mr. Serj. Jeff. You must speak your own Knowledge, you must not tell a Tale of a Tub of what you heard one say.

Mr. Yates. I heard it affirmed——

Mr. Serj. Jeff. By whom?

Mr. Yates. By a Person in the Coffee-house.

Mr. Serj. Jeff. Who was that Person?

Mr. Yates. By one of the Servants of the House.

L. C. J. This is no Evidence at all; if you know any thing of your own Knowledge, speak it.

Mr. Serj. Jeff. Is he here?

Mr. Yates. No, I think not.

Mr. J. Jones. How long do you think must we sit here to hear other Peoples Stories?

L. C. J. If you know any thing of your own Knowledge, I say, speak it.

Mr. Att. Gen. Pray let me ask you that Question again; When was this that he said he believed he was an honest Man?

Mr. Yates. It was about three Weeks after the Parliament at *Oxford*.

Coll. Then he does me Wrong now; for if I were an honest Man then, it cannot be true that he says of me.

L. C. J. Who do you call next?

Coll. Pray, my Lord, who hath been sworn against me?

L. C. J. There is *Stephen Dugdale*, *John Smith*, *Bryan Haynes*, *Edward Turberville*, *Sir William Jennings*, and *Mr. Masters*.

Coll. Call *Mr. Clayton*. My Lord, at his House it was I lay in *Oxford*, and that *Dugdale* says I spake some of the treasonable Words. Pray, Sir, do you know what Time I came to *Oxford*?

Mr. Clayton. I remember it very well, it was at the Time the Parliament sat at *Oxford*, about two or three Days after it began.

Coll. Pray what Arms did I bring to your House, Sir?

Mr. Clayton. As to the Matter of Arms, there was no other but a Sword and a Pair of Pistols, a Pair of Pistols in his Holsters, and his Sword by his Side.

Mr. Att. Gen. Was there no Silk-Armour?

Mr. Clayton. I saw none, if it please you; such a thing might be.

Coll. My Lord, I continued at his House from my coming in to my going out, and that was till after the Parliament was dissolved; and I came after they were sat: But hark you, *Mr. Clayton*, *Mr. Dugdale* says, he was with me at your House, did you ever see him there?

Mr. Clayton. I remember I have seen *Dugdale* at my House, but never in your Company.

Coll. Did you sell any Mum?

Mr. Clayton. No, I never did sell any in my Life.

Coll. Because he says, we had Mum there.

Mr. Clayton. I never saw him there with you, nor changed a Word with him, as I know of.

L. C. J. Was he never in the Company of *Colledge* at your House?

Mr. Clayton. Not that I saw.

Mr. Just. Jones. You don't know all the Companies that come into your House.

Coll. My Lord, I am told there are some that came from the Town where I was born, that know me, and have known me for 24 or 25 Years together; if you think that material for me to prove whether I am a Protestant or no.

L. C. J. If you will make that out, you may. But 'tis your Loyalty that is in Question. If you will produce any that can make it appear, that you use to honour the King in your Discourses, or so, that is something.

Coll. If I am a Protestant, then the Design is plain, these Men swear to make a Protestant Plot, and turn the Plot off the Papists.

Mr. Serj. Jeff. What Church do you frequent in *London*, to hear Divine Service?

Coll. I have received the Sacrament several times, *Sir George*.

Mr. Serj. Jeff. When were you last at the publick Church?

Coll. I hope I may be a Protestant if I have not gone thither; but however, I do use to go to Church.

L. C. J. Well, call whom you will.

Coll. Is *Thomas Deacon* there?

Mr. Deacon. Yes.

Coll. He lives, my Lord, in the Parish where I was born. If you please, *Mr. Deacon*, to give my Lord an Account what you know of me from my Childhood?

Mr. Deacon. I have known *Mr. Colledge* ever since he was a Youth, he was born in the Town where I live.

L. C. J. Where is that?

Mr. Deacon. At *Watford*, a Town in *Hertfordshire*. There he lived till he was a Man, and married a Neighbour's Daughter of mine, and lived there while he had two Children; I never knew but that he was a very honest Man, frequented and kept to the Church of *England* all along, and paid every Man his own.

Mr. Att. Gen. How long is it ago since he left that Place?

Mr. Deacon. I can't directly tell how long it is, truly, but I think 'tis eighteen Years since you left *Watford*.

Coll. 'Tis fourteen Years ago.

Mr. Just. Jones. You say fourteen, and they say eighteen.

Mr. Deacon. I say, I can't exactly tell.

Coll. But, *Mr. Deacon*, I have been in your Country lately.

Mr. Deacon. He used to come there once or twice a Year generally to see his Friends. I have heard him declare himself against the Popish Church always very much.

L. C. J. Did you never hear him talk against the Government?

Mr. Deacon. No, never in my Life.

Mr. Serj. Jeff. Nor against the King?

Mr. Deacon. Nor against the King.

Mr. J. Jones. Was he in your Country the last *Easter*?

Mr. Deacon. I think it was about *Easter* he was there.

Mr. Justice Jones. Was he at Church there then, and received the Sacrament?

Mr. Deacon. I know not whether he was there on the Lord's Day or no: He did quarter at another Town, at *Busby*, where he has a Brother-in-Law.

L. C. J. Well, call another.

Coll. *Mr. Whitaker*.

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

Mr. Whit. *William*.

L. C. J. What do you ask of him?

Coll. Whether he knows me and my Education?

Mr. Whitaker. Sir, I have known him this 26 Years: I knew his Parents, I know his Mother, she lives now at *Watford*: I have known his Behaviour to be very civil and good; a very good Church-man he was when he lived with us; and I have enquired, and find he has the same Reputation in the Parish where he last lived in *Black-Friers*: He was no Jesuit nor Papist, I dare aver; he hath flouted them and mocked them with their wooden Gods, and the like; for he could never endure that Persuasion.

L. C. J. He is not questioned for that, but for Treason.

Colledge. Did you ever hear me speak any thing against the Government?

Mr. Whit. I never knew any ill Behaviour of him in my Life.

Coll. But did you ever hear me say any thing against his Majesty or the Government?

Mr. Whit. Never, that I know of. I knew him a Soldier for his Majesty, in which Service he got a Fit of Sickness, which had like to have cost him his Life; he lay many Months ill, to his great Charge.

Mr. Serj. Jeff. Where was it he was in his Majesty's Service?

Mr. Whit. At *Chatham* Business.

Coll. It was under my Lord *Rochester*. But, my Lord, I have a Testimonial under the Hands of seventy People of *Watford*, to give an Account of my good Behaviour.

Mr. Justice Jones. He hath been gone thence these eighteen Years.

Mr. Whit. He hath come there almost every half Year, sometimes three or four times in a Year, because his Mother lives there now, and he came to pay his Respects to her. His Children lived and went to School with us.

L. C. J. Come, who do you call else?

Coll. *Mr. Neale*.

Mr. Neale. I can say no more than the other Men before me. I know the Man, he was bred and born at *Watford*, he lived there several Years, he married a Wife out of the Neighbourhood, frequented the publick Worship.

L. C. J. How long ago is this?

Mr. Neale. Sixteen or seventeen Years ago. But then he used to come once or twice a Year into the Country.

Colledge. Did you ever hear me speak any thing against the King or the Government?

Mr. Neale. No, never in my Life.

Coll. How long is it ago since you were in my Company last?

Mr. Neale. When you were in Town last, I never heard you say any thing that was ill.

Coll. How long ago is it since we were at the *White-Hart* together?

Mr. Neale. It was about Spring.

Coll. I said right, my Lord, I was there about *Easter*. Pray, did you ever hear me speak for the King?

Mr. Neale. Truly, the Discourse we had I never used to keep in my Mind; but I never heard him speak any thing against the King or the Government.

L. C. J. Were you much conversant with him?

Mr. Neale. When he came down to give his Mother a Visit, and see his Neighbours, we used always to see one another.

Colledge. Pray, will you call *Mr. Tanner* and *Mr. Remington*.

[*Mr. Remington stood up.*]

Mr. Remington. I say, I have known *Stephen Colledge* these forty Years, and I have known that he always was an honest Man. He was a Soldier some Time, but he always went to Church, was no Conventicler; and used to visit his Neighbours when he came down to see his Mother, and was always looked upon to be a very good Man.

Mr. Serj. Jeff. You say, you knew him a Soldier, pray when was that?

Mr. Remington. About the Time of *Harwich* Business. That is all I can say.

[*Then Mr. Tanner stood up.*]

L. C. J. Come, what say you? What do you ask him, *Mr. Colledge*?

Mr. Tanner.

Mr. *Tanner*. I have known *Stephen Colledge* from a Child Forty Years, he was born at *Watford*, his Father worked with my Father, and great intimate Acquaintance we had with him, and saw him very often; I never knew any Fault in him, and I never heard a bad Report of him in all the Town of *Watford*.

Mr. Serj. *Jefferies*. Have you seen him at Church lately?

Mr. *Tanner*. No, I have not.

Mr. *Att. Gen.* I would fain know whether this Man hath been at Church himself; he looks as if he had not.

Colledge. I know not whether he hath been at the Church you mean, or no; but he may be an honest Man and a Protestant for all that.

L. C. J. Call another.

Colledge. Mr. *Peter Norreys*.

L. C. J. What do you ask him, Mr. *Colledge*? here he is.

Colledge. Do you know any thing concerning Mr. *Smith*?

Mr. *Norreys*. I was once in the *Hercules Pillars*, where was Sir *William Waller*, *Macnamarra*, Mr. *Ivy*, and five or six of us together: And Mr. *Smith* was there, and we were talking concerning the Parliament approaching at *Oxon*.

Mr. Serj. *Jefferies*. Tell the Names of the rest.

Mr. *Norreys*. Sir *William Waller*, *Macnamarra*, Mr. *Ivy*, *Lewes*, *Macnamarra's* Brother, and I, and Mr. *Smith*.

Mr. Serj. *Jeff*. Well said; we don't meddle with any of these, but Mr. *Smith*.

L. C. J. Was *John Smith* there?

Mr. *Norreys*. He was there.

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

Mr. *Norreys*. We were talking of the Parliament at *Oxon*: Says Sir *William Waller*, Most of the Parliament-men are afraid to go up to the Parliament. Truly, said Mr. *Smith*, I hope they will be provided to go, if they do go. Says Sir *William Waller*, I shall be provided with the rest of my Friends: And Mr. *Colledge* said, I will go up with the rest of the Parliament-men; I shall be provided too, says most of the Evidence: Says Sir *William Waller*, Will you go along with me, and I will provide you with an Horse? Said he, I have a Horse of my own, and if it please God I will have nothing else to do, but to go with the Parliament, and I will not neglect it. This was all the Discourse of the Company for that Night.

Colledge. Did you hear Mr. *Smith* say any thing against me?

Mr. *Norreys*. No, not a Word at all.

Colledge. But this were a material Evidence against others of the Confederates, if they had been examined.

Mr. *Norreys*. My Lord, I was at the *Amsterdam-Coffee-House* the twenty third of *June* last, and there was Mr. *Denis Macnamarra*; said he, Will you go, and I will give you a Pot of Ale.

L. C. J. There is nothing of *Denis Macnamarra* in Question before us. If you have any thing to say against any of the Witnesses that have been sworn, go on with your Evidence, we must not hear Stories of other People.

Colledge. He would speak against some Men that have sworn against me, but are left out, for

some Reasons I know not. Pray call Mr. *Thomas Norreys*.

L. C. J. What do you ask him?

Colledge. My Lord, he knew me in this Country some fifteen or sixteen Years ago.

Mr. *T. Norreys*. My Lord, I have been acquainted with Mr. *Colledge* about sixteen or eighteen Years, and he hath always carried himself very civilly and well, and he kept to the Church for a considerable Time, as duly as any Parishioner did.

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

Mr. *T. Norreys*. This sixteen Years.

L. C. J. You live in this Country, don't you?

Mr. *T. Norreys*. Yes, at *Aylworth*.

Colledge. I was at *Astrop-Wells* last Year. I believe Mr. Justice *Levinz* saw me there.

Mr. *T. Norreys*. Yes, I was there with you.

Colledge. We did discourse commonly then concerning the Papists. Pray, Sir, did you find me inclined to the Popish Interest?

Mr. *T. Norreys*. You spoke very much against them.

Colledge. Did you ever hear me speak against the King or the Government?

Mr. *T. Norreys*. No, I never heard it; for if he were my Brother, I should have discovered it.

L. C. J. How often have you seen him?

Mr. *T. Norreys*. Very often, and conversed much with him.

Colledge. My Lord, as to the Papers charged upon me that they were mine, I declare I know not of them. *Dugdale* says, I owned them, and the Letter and several Prints; but truly, my Lord, I had done myself a great Injury if I had done or owned those Things he hath charged me withal. I never could make a Picture, nor never did draw a Picture in my Life; and that very Person that he says I owned I got it to be printed by, hath denied it before the King and Council; for he there testified, that he did not know the Person that caused it to be printed.

L. C. J. How came you to have so many seized in your House?

Colledge. My Lord, here is *Elizabeth Hunt*, the Maid by whom they were taken in, and who can give you an Account of it. I cannot deny but that they were in my House; but that I was the Author, or did take them in, is as great a Mistake as ever was made. Call *Elizabeth Hunt*. I do not know whether *Curtis* be in Town; but this I am confident, he was examined before the King and Council, and he and his Wife denied it.

L. C. J. He shall be called if he be here.

Colledge. I know nothing of the printing of them, nor was I the Author of them.

L. C. J. They were dispersed by you up and down.

Colledge. That they were in my House, I believe, my Lord; and this Woman will tell you how, my Lord. Pray tell the Court how these Papers that are called the *Rary Sherw* came to be in my House.

El. Hunt. A Porter brought three Bundles to our House, and asked, whether my Master was not within. I told him, no, he was not. Said he, These Papers are to be left here; said I, Who do they come from? said he, 'tis all one for that, you must pay me, and I must leave them here;

so I gave him six Pence, and he left the Papers, but I never saw the Man since nor before. And, my Lord, I never read them what they were, but I saw they were such Sort of Prints as those.

L. C. J. How long was it before they were seized?

El. Hunt. A matter of seven or eight Weeks.

Colledge. My Lord, it seems they were put in a Box and left in my Compting-House: I never touched them, but there they staid, for ought I know, till they were taken.

L. C. J. You were *Colledge's* Servant, were you not?

El. Hunt. Yes, my Lord.

Colledge. My Lord, I never knew the Printer nor the Author; but I heard a Man was in Trouble about them, upon a By-Law in the *Stationers* Company.

Mr. Att. Gen. How came you by that Original?

Colledge. Have you it there? I know of none was produced, But if I were a Person concerned, it were no Treason, and, my Lord, I hope you will do me that Justice, to let the Jury know they are not Treason, none of these Papers. And I do declare I know nothing of the Original, the Printer, nor the Author.

L. C. J. You spend Time in making Observations out of Order of Time: When you have given your Evidence, then make your Observations.

Colledge. I confess, I may err, as to Matter of Order, for I never was in this Capacity before. But, pray, do you tell the Court how the Papers came there, and all the Transactions. For I was a Prisoner when they came and searched.

L. C. J. No, it was eight Weeks before you were taken they were left there.

Mr. Serj. Jeff. Did you not tell your Master soon after they were left there.

El. Hunt. No.

Mr. Serj. Jeff. Within what Time did you tell him?

El. Hunt. I believe it was a Week or a Fortnight.

Mr. Att. Gen. Where was your Master all that Time?

El. Hunt. He was in the Country.

Colledge. My Lord, I did see them there, I must confess, I do not deny but I saw them there, but I knew not whence they came, nor whose they were. Nor did I ever intend to meddle with them, nor concern myself about them. What have you to say more?

El. Hunt. Concerning *Mr. Dugdale*, if I may speak.

L. C. J. Ay, go on.

El. Hunt. I went to receive the Money of *Mr. Dugdale* that he owed my Master, and asking him for it, he said, he would pay me such a Time to morrow Morning, if I would come for it; but when I came, he had not the Money ready for me. Sir, said I, I think 'tis very hard that you should keep my Master's Money from him, and yet you go and swear against his Life too: What do you think we shall do at home in the Family, if you keep my Master's Money, and he be in Prison? Said he, There is a great deal of do about my Swearing against your Master, more than needs; but as I hope for Salvation, I do not believe *Mr. Colledge* had any more Hand in

any Conspiracy against his Majesty, than the Child unborn. Here is *Dugdale*, let him deny it if he can.

Mr. Dugdale. As I hope for Salvation I did not say so.

El. Hunt. Upon my Salvation 'tis true what I say.

Stevens. This was the Maid that hid her Master's Papers when they were searched for.

Mr. Serj. Jefferies. Be quiet; art thou got into Dialogues with the Maid now?

Colledge. *Mr. Stevens*, 'tis well known what a Man you are to propagate Witnesses. My Lord, she gave me an Account of this in the *Tower*, before I came away, that *Dugdale* desired to speak with *Mr. Smith*, and told her, that nothing that he had to say would touch my Life.

El. Hunt. As I am alive 'tis true,

L. C. J. *Mr. Dugdale* denies it now.

El. Hunt. He is not a right Man if he denies it, for he told me it twice.

Colledge. I told *Mr. Smith* of it, when he had leave to come to me: I told him what the Maid said he had to say to her, and this was three Weeks ago; said he, I will speak with him with all my Heart, if he has a Mind to speak with me; for he hath said that he hath nothing against her Master that he can touch an Hair of his Head, nor nothing that can touch his Life, that he knew nothing of a Plot or Contrivance against the King; and if I could help it, I had as lieve have given a hundred Pounds I had never spoken what I have. This he said to her.

L. C. J. You tell her what to say.

El. Hunt. Sir, he does not tell me; for *Mr. Dugdale* said those very Things to me.

Colledge. This is an Account I had when I was Prisoner; I could not direct her.

L. C. J. Do you deny what they say to be true, *Mr. Dugdale*?

Mr. Dugdale. My Lord, she came to me for Money; I told her I had it not ready, but would pay her: And in the Shop, before the Apprentice-Boy, she desired of me that I would write two or three Words what I would say against her Master; and I told *Mr. Graham* of it. So, said I, I cannot tell, I have not the Papers, nor what Informations I have given against him. So she came again the next Morning, and she was at me to write down what I said. I wonder, said I, your Master will send you! had not he as good send *Mr. Smith*, who is his Counsel? And this was all the Words we had.

El. Hunt. My Lord, I do solemnly assure you, he said he would write down what he had said against my Master, and would fain speak with *Mr. Smith*; for there was more ado made about it than needs.

Mr. Dugdale. *Mr. Graham* can tell what it was; for I came and told him immediately.

L. C. J. Did you tell her you had nothing to say against her Master that would touch his Life?

Mr. Dugdale. I could not say that I had said nothing against her Master; for she asked me that I would write down what I had said; but I told her I knew not what was Treason, that must be referred to the Court.

Mr. Justice Jones. Did he speak it openly or privately to you?

El. Hunt. He did not speak it loud; no Body heard him but myself.

Mr. Dugdale

Mr. *Dugdale*. It was in the Shop, and the Apprentice-Boy was by.

Mr. Just. *Levinz*. Was this after he had been at the *Old Baily*, or before?

El. Hunt. Yes, it was after he had been at the *Old Baily*, and after he had been at *Oxon* too.

Mr. Just. *Levinz*. Then it was before the Court, what could be made of it?

Coll. She hath gone forty Times for the Money I lent him out of my Pocket; and I lent him that, when I had little more myself.

El. Hunt. I did tell him, Mr. *Dugdale*, if you can't let me have my Master's Money, if you please to tell me what you have made Oath against my Master. Said he, I can't let thee have it now; but thou shalt have what I have to say against him: I will draw it up in Writing, and thou shalt have it to morrow Morning. The next Morning I came to him again, and, said I, I am come again; what must I do? Said he, I have no Money; such an one hath not helped me to it. Sir, then said I, I hope you will be as good as your Word, to let me know what you have made Oath against my Master. Said he, I was about it Yesterday, but could not do it: But, Sweetheart, said he, (and took me by the Hand) I will give you a Copy of it to Day at ten of the Clock; and if I do not, I will tell it thee by Word of Mouth. So I came to the House at ten, and staid till eleven, but did not see him.

Mr. Just. *Jones*. You had a great Mind to be tampering.

El. Hunt. The first Time, he asked me who was his Counsel; I told him, Mr. *Smith*; then, said he, I have a great desire to speak with him. So I told my Master of it.

Colledge. My Lord, you see it is but black and white, all this whole Contrivance upon me. She hath proved I knew nothing of the Papers; and indeed I did not.

L. C. J. Do you call any more Witnesses?

Colledge. There is my Brother-in-Law that received those Papers. Call *George Spur* and *Sarah Goodwin*.

[*Mrs. Goodwin appeared.*]

Colledge. Do you know any Thing of the Papers that were carried to my Brother *George Spur's*?

Mrs. Goodwin. Yes, I do. The *Saturday* after my Brother's Confinement, about eight of the Clock in the Morning, I having heard of it, came into the House, and in a quarter of an Hour's Time, in comes a Waterman and desires an handful or two of Shavings. I knowing not who he was, nor what he desired them for, told him, he should have them; so he went up to the working Shop to gather them, for he pretended that to be his Business.

L. C. J. Whose Waterman was it?

Mrs. Goodwin. A Waterman I suppose that belonged to his Majesty, for he had a Coat marked with *R. C.*

Colledge. This is after I was in Custody.

Mrs. Goodwin. Yes, it was the *Saturday* after. So no sooner had he the Shavings, but he goes out of the Shop, and comes in again with three of his Majesty's Messengers; and they made enquiry after Papers, and I being innocent of concealing any Papers or any Thing, said, I know of

none; so they came to one Box that had the Tools for the Men to work with, and they demanded the Keys. I told him I knew not where the Keys were. So they went to the next, and found it open, but nothing did they find there; there was a Bed wherein formerly my Brother's Servants did lie: Said one to the other, Look well whether there be not something hid in that Bed; said I, I suppose there is no such Thing as you enquire for: If you please, you may take off the Clothes, and gave them free Toleration to look; but for the Chest, I would not deliver the Keys, because the Man was not there that owned it. In their searching, they flung down the Waincot, and did a great deal of Damage to his Goods. *Gentlemen*, said I, *I suppose you have Order to search, but none to spoil a Man's Goods.* When they were gone, having found none, they threatened, *God damn* them they would have them, for there they were. But I being ignorant of the Concealment of the Papers, I requested the Maid and my Brother's Son, whether they knew of any Papers, and they satisfied me they knew of some Prints that were brought by a Porter, to be left at my Brother's, but they knew not whence they came, nor what they were: And the same Answer gave my Brother's Son, that he did not know whose the Papers were. But since his Father's Confinement they were laid up sure and safe, for they knew not what they concerned. Upon this, my Lord, my Brother-in-law, *George Spur*, he comes into the House, and if it please your Honour, I requested him to carry them into the Country to his House, to secure them till we knew what they did concern, and who they did belong to. Whereupon he replied, my Lord, That he was fearful to carry any Thing out of the House; said I, if you will please to take them of me, I will carry them out of the House for your Security, because his Wife looked every Hour (being with Child) when she should be delivered, and he was fearful of troubling her. So I carried them out of the House, and delivered them to him.

L. C. J. To whom?

Mrs. Goodwin. To my Brother-in-law Mr. *George Spur*. So at my going out, after I had delivered them to him, in my Way back again, I found a small Paper-Book, and a small Parcel of Writings; who dropped them, or who laid them there, I cannot tell. But taking them up unadvisedly, I put them among the Prints which I carried out, I delivered them to my Brother-in-law. This is all I have to say as to the Papers.

Stevens. Three Parts of what she hath said is false.

Mr. Serj. *Jeff*. Well, hold you your Tongue.

Stevens. Mr. *Atterbury* is here, my Lord, that searched the House.

Atterbury. Be pleased to give me my Oath, I will tell you what passed.

Mr. Att. Gen. We don't think it material, but you were sworn before, stand up.

L. C. J. Tell the Manner of finding the Papers. This Woman gives us an Account of a Waterman that came in, pretending to fetch Shavings.

Atterbury. Upon my Oath it was not so. The Waterman was a Waterman that brought me and two more of my Fellows, and the Waterman followed us into the Yard, but came after us: And being ordered to look for Papers, I did search the House;

House; for I had Intelligence that there were Papers there, but I did not find them there. But upon finding the first Papers, I made the more diligent Search, but could not find the rest I most chiefly sought after.

Mr. Serj. *Jefferies*. Did the King's Waterman take any Shavings by himself?

Atterbury. We were all together, we did not move out of any one Room, but together; this Gentlewoman was in the House when I came, and there was a little Child, a Girl, and this Maid was there.

Mr. Serj. *Jeff*. Did you come for Shavings there, pray, Mr. *Atterbury*?

Atterbury. No, I did not.

Mrs. *Goodwin*. The Waterman did though first.

Colledge. Call *George Spur*. (But he did not appear.) But Mr. *Atterbury*, before you go down, pray tell the Court, did you take any of these Papers at my House, or at my Brother-in-Law *Spur's* House?

Sewel. My Lord, I took the Papers, and I took them at *Bushy* at *Spur's* House. And this Woman carried out one half to *Spur*, and the Maid carried out the other.

L. C. J. When did he carry them?

Mrs. *Goodwin*. The same Day they searched for them, for my Brother came in at the same Time.

L. C. J. How do you know *Spur* carried any away?

Mrs. *Goodwin*. He carried none out of the House, I carried them out of the House, and delivered them to him.

L. C. J. Then they were in your House?

Mrs. *Goodwin*. They were in the Compting-house.

Colledge. My Lord, if they were in any other Place, I know not how they came there, for this was all done after I was a Prisoner; and *Sewel* says, they were removed when I was a Prisoner. Where is *George Spur*?

Mr. Serj. *Jefferies*. It is admitted they were at your House, and taken thence; and afterwards carried to *Spur's*.

Colledge. They carried them abroad, and handed them from one to another, and took them into the Country, I know not what they did with them: But, my Lord, I neither know the Printer, nor the Author, I declare it upon my Life.

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

Colledge. No, my Lord, I have not.

L. C. J. Will you that are of Council for the King call any more?

Mr. *Att. Gen.* One or two, if you please, my Lord. Call *John Shirland*. And it is to this Purpose; it seems very lately Mr. *Bolron* would have tempted him to have forsworn himself.

Colledge. My Lord, I hope if they bring in any Persons of new Evidence, I may have leave to contradict them.

L. C. J. You need not fear but you shall be heard to them.

Mr. *Att. Gen.* We shall prove *Bolron* to be a Suborner of Witnesses; and that the Jury may know what he is, he and *Mowbray* have gone to give Evidence at several Trials, and the Jury would never believe * them when they were on their Oaths.

Mr. Serj. *Jefferies*. I think it needs not, Time hath been spent enough already.

Colledge. No Whispering, good my Lord.

Mr. *G. Jeff*. Good Mr. *Colledge*, you are not to tell me my Duty here.

Mr. *Just. Jones*. Is it not lawful for the King's Council to confer together?

Colledge. Not to whisper, my Lord; all ought to be spoken out.

L. C. J. Nothing ought to be said to the Jury indeed privately.

Mr. *Att. Gen.* But shall not we talk among our selves?

Colledge. No, I hope not, of any thing that concerns my Trial.

Mr. *Just. Jones*. You are deceived in that.

Colledge. I think 'tis Law, that all ought to be publick; I beg your Pardon, if I am in the wrong.

Mr. *Attor. Gen.* Swear *John Shirland*. (*Which was done*.) Pray give the Court and the Jury an Account of *Bolron*, what you know of him.

Shirland. *Bolron*, my Lord, last *Whitson-Tuesday* would have given me ten Pounds and a Horse to go down and swear against Sir *Miles Stapleton*. I was to swear I was suborned by his Friends, and several other Persons, which I have discovered upon my Oath.

L. C. J. Is this Man sworn?

Mr. *Att. Gen.* Yes.

L. C. J. Now call *Bolron* to confront him.

Colledge. He offered you an Horse, as much as I offered *Turberville* an Horse, and I never offered him an Horse in the World.

[*Then Bolron appeared.*]

L. C. J. Is this the Man, *Shirland*?

Mr. *Attor. Gen.* Did he give you ten Pounds to swear?

Shirland. He bid me ten Pounds and an Horse to swear against Sir *Miles Stapleton*.

Mr. *Just. Jones*. Did you ever see him, *Bolron*?

Mr. *Bolron*. Yes, my Lord, he was to have been a Witness against Sir *Miles Stapleton*, and he pretended that he was suborned by Sir *Miles*, or some of his Friends.

Colledge. What are you, Sir? Mr. *Bolron*, what is Mr. *Shirland*?

Mr. *Bolron*. He is a Man that lives by his Shifts: He hath been whipt in *Bridewell*.

Colledge. Do you know him, Sir? What is he?

Mr. *Bolron*. Even an idle Man.

Shirland. You, once when you saw me, drew your Sword on me, because I would not do as you would have me.

Mr. *Bolron*. I profess, my Lord, 'tis not so.

Mr. *Att. Gen.* Here is Mr. *Smith*, hear what he says against Mr. *Bolron*.

Mr. *Smith*. As we were coming up along, he was speaking to me of *Colledge*, and told me, he had as much to say against him as any body; and if I would speak for him, he would evidence against Sir *John Brooks* for a Discourse at *Ferry-bridge*.

Mr. *Bolron*. I never did hear any such thing.

* What the *Attorney* here says, and the *Solicitor*, in summing up the Evidence, repeated after him, is notoriously false; for at the *Summer-Affizes* at *York* the Year before, *Thomas Thwing* was convicted solely upon the Testimony of these very Men in their own Country, as was afterwards executed.

Mr. Smith. No Man in your own Country will believe you.

Colledge. They believed you no more, it seems, neither.

L. C. J. Do you call any more Witnesses, Gentlemen?

Mr. Serj. Jeff. No, I think we need not.

L. C. J. Look you, Mr. Colledge, as I understand it, the King's Council will produce no more Witnesses. You may make what Observations you will upon the Evidence to the Court, and then must let them make what Observations they will to the Court; and then we will give the Charge to the Jury.

Colledge. My Lord, I have only Innocence to plead; I have no Flourishes to set off my Defence. I cannot take the Jury nor the Court with an Oratory; I am unhappy in those Things. But, my Lord, I do declare, as to my own particular, in the Presence of God Almighty, that as to whatsoever is sworn against me, as to the seizing his Majesty, providing Arms, or having any Design either at *Oxford* or *London*, or any other Place in the World, to seize upon the Person of the King, or to rebel against the Government established; I vow to God Almighty, I never had such a Thought in me: 'Tis a Truth, my Lord. My Lord, they have sworn desperately against me, and it hath appeared, I think, by very credible Persons, that they have contradicted one another. It hath been proved that this was a Design; that they were tampered withal; that they complained they were in Poverty, that they wanted Maintenance; and they did confess they were tempted to come over to swear against Protestants: And now the Lord knows, they have closed with it, and they begin with me. I hope the Jury have taken Notice, that I have contradicted them sufficiently in what they have sworn; and that it is not possible, if I had a Grain of Sense, for me to discover myself to be such an one to *Haynes*, that was an *Irish* Man, and should speak all the Treason that he hath galloped through at first Sight, that as soon as ever I saw him, that I should speak so to him; I hope you will consider whether it consists with common Reason, when there would be no Probability of making any Use of him in the World. My Lord, all my Witnesses that I have brought, your Lordship can, and I hope will sum them up better than I can; for I declare it, I have been so concerned, that I have not been able to write half of it down. But I think there is never a Man that hath sworn against me, but hath been sufficiently confuted by Persons of Integrity and Honesty, Men of Principles, and Men of Religion; they are such, my Lord, that make Conscience of what they say: They are Persons altogether unknown to me, most of them, as to what they had to say, it was what they offered voluntarily; and I am certain they had nothing but their bare Charges, if they had that, for their Pains in coming hither; and, my Lord, there is no Probability that they should come and attest any Thing that is false, for me who am a Stranger, for nothing: No Man is a Knave for nothing, as I believe these Men are not. My Lord, I do declare it, I was bred a Protestant, and have lived so; I am so to this very Day; I have been a Lover of the Church of *England*, and of all the fundamental Points of Doctrine believed in it; I own the same God, the same Sa-

viour, the same Gospel, and the same Faith; I never had a Prejudice against any Man in the Church in my Life, but such as have made it their Business to promote the Interest of the Papists, and such I must beg Leave to say there are amongst them: For there is no Society in the World without some bad Men; and these do promote the Interest of the Papists, by dividing the Protestants, and allowing none to be true Protestants but those that are within the Church of *England* established by Law; which is a Notion so wide I could never close with that. I never had a Prejudice against any Man but a Knave in my Life. I have heard, I confess, some of the Dissenters, and I have found very honest, just, pious, godly Men among them; Men free from Oaths and all Debauchery; Men that make a Conscience of what they say: Not like some Persons that say they are of the Church of *England*, that carry themselves in their Lives and Actions, so as that no credit can be gained to the Church by them. My Lord, I have been an hearty Man against the Papists; I have been an hearty Man as any Person of my Condition, for Parliaments, which I look upon to be my Birth-right, and under God Almighty, the Bulwark of our Liberty; and I am sorry if any Man should be an Instrument to create a Misunderstanding betwixt the King and the Parliament: For I always thought I served my Country, when I served the Parliament, and I served my King when I served my Country. I never made any Difference between them, because I thought them both one. I had the Honour to be entrusted by them before, and upon that Account I came voluntarily down hither. I rid my own Horse, I spent my own Money, and eat my own Bread; I was not beholding to any Man for the value of six Pence all the while I was here. My Lord, I have ever since the Plot hath been discovered, endeavoured with all my Heart, and all my Power, to detect and come at the very Bottom of it: I have spared for no Time nor Pains, what lay fairly in my way, in every Thing to encourage those that discovered the Villainies of the Popish Plot against the Life of the King, and for the Subversion of the Religion and Government established by Law. Now certainly it is not strange to the World; for I think all Christendom is aware how plain the Popish Plot hath been proved. These Men that swear against me, were they that used to follow me sometimes; they would say, it was they that had come to save our Lives, and yet we let them want Bread. That Argument, my Lord, was so fair, that I thought it unreasonable to see them starve: And I have said sometimes to some honest considerable Men, That it was hard they should have this to say of us, that they should want Bread to eat that were the King's Evidence, to detect a Popish Plot wherein we ourselves were concerned; and that when they had saved our Blood in our Veins, they should be suffered to starve. And one Time, I think, some three or four Gentlemen of the City did give me 42 s. or 40 s. and 18 d. or thereabouts; which I did distribute amongst them: And they never came to me in my Life, but to seek Relief, they knowing that I had a general Acquaintance. And sometimes they thought it might be fit to petition the Common-Council of the City of *London* to take care of them: Sometimes they would speak to me to speak to particular Men,

that care should be taken of them. At other Times indeed it was not this Sort of Discourse they had with me; but they would pretend they had something to discover of the Popish Plot, and so they would apply to me as a Man of some Acquaintance. And the first Time I saw *Haynes*, was upon such an Account, the beginning of *March* last, and it was thus: I was at *Richard's* Coffee-House at *Temple-Bar*, where *Macnamarra* did desire me to go out, and I should hear such a Piece of Roguery I never did hear in my Life, against my Lord *Shaftesbury*. So I did go out with them, and I called Captain *Brown*, who is since dead, to go with me; and we went to the *Hercules-Pillars*, and *Haynes* there discovered what I told your Lordship before, a Design to destroy the Parliament at *Oxford*; an Army that was to land in the *North*, and another in *Ireland*, and the Duke of *York* was to be at the Head of them. My Lord, after I had heard all out, he did desire us all to conceal what he had said till the Parliament sat, and then he would not only discover this, but much more. He at the same Time told us, that there was a Design of *Fitz-gerald's* against my Lord *Shaftesbury* to take away his Life, and he was employed to come to his Cousin *Macnamarra* to get him over to join in the Design, and he should never want for Money, if he would but come over and do as they would have him. After he had discovered himself, Sir, said I, You are a Stranger to me; and I never saw him before in my Days, if he had seen me I can't tell: But, Sir, said I, either this is true, or this is false. If it be true, said he, 'Tis all true, and much more. So he up and told us much of *Coleman*, and of the Reconciliation between the Duke of *Ormonde* and the Duke of *York*, and how he came to be Lord Lieutenant of *Ireland*, and how *Plunket* came to be Primate, and by Means of whom, and the Letters that passed, and how so much a Year was given to *Plunket* for carrying on the Correspondence; and he told us so much, that I did wonder to hear any Man talk after that rate. After I had heard what he had to say, I told him, Sir, said I, this is either true or false that you have said: If it be true, my Lord *Shaftesbury* shall know it to Night; for I will not conceal such a Thing concerning a Peer of the Realm: And if it were a Colour, he should know of it. And I did send him word that Night; and, said I, Sir, you ought to go, for your own Security and ours too, to swear it before a Magistrate. Said he, if I should, I should be discovered. Said I, I can't think you would be discovered. If you swore it before Sir *George Treby* or Sir *Robert Clayton*, they will not discover you. So he agreed he would swear before Sir *George Treby*; and he did go accordingly: But he being out of Town, I cannot have the Affidavit to produce it. There was a Letter sent last *Saturday* Night to Sir *George* to *Bristol*, and I hoped he might have been here to Day. This was the first Acquaintance I ever had with *Haynes*. The next Time I heard of him, was upon this Occasion. *Ivy* comes to me in *Richard's* Coffee-House, and, said he, Yonder is the Man that made that Discovery, which I told you before that *Haynes* had said to me; it was about a Month or three Weeks before the Parliament was at *Oxford*. After the Parliament was dissolved at *Oxford*, *Ivy* comes to me, and I think it was betwixt the two Terms wherein *Fitz-Harris* was arraigned and tried: I know not the Names of

them; but he comes to me, and tells me he had been with my Lord *Shaftesbury*, and that there was a Friend of his that would confirm all that *Fitz-Harris* had discovered concerning the Murder of Sir *Edmundbury Godfrey*; and, says he, my Lord of *Shaftesbury* hath sent me to you to acquaint you with it. Where is your Friend? Said I. He is without, said he. So we went out of the Coffee-House; and when we came out of Doors, there was this *Haynes*: We went to the *Crown* Tavern without *Temple-Bar*; it was in the Forenoon. When we came there into the Room, he examined all the Corners and Cupboards, and Places about the Room, to see that no Body was there. When he thought all was secure, he began to tell me he had been to acquaint my Lord *Shaftesbury* that there was a Friend of his that would discover the whole Intrigue of the Murder of Sir *Edmundbury Godfrey*, all that *Fitz-Harris* had said, and much more: And he desired me that I would intreat my Lord *Shaftesbury* to be instrumental to get him his Pardon before he discovered particularly. Then I told him, I think 'tis convenient, said I, that you discover something in Writing, and under your Hand, what you can say. He was not willing to do that. Can you believe, said I, that my Lord of *Shaftesbury* will betray you? Says he, I will not trust any Body; I shall be assassinated. Said I, if you will not give it to any Body else, Will you give it to Mr. *Michael Godfrey*, Sir *Edmundbury Godfrey's* Brother? You can have no Jealousy of him that he will ever discover you. Said he, if my Lord *Shaftesbury* will engage to get me a Pardon, I will tell the whole Truth. Said I, I will go to my Lord and acquaint him: So I went to both my Lord and Mr. *Godfrey*; and Sir *Edmundbury Godfrey's* two Brothers both met me at my Lord of *Shaftesbury's* House. This is the Thing that he tells me; he would have me get my Lord's Protection and a Pardon for Treason; but the real Truth is, he sent me upon this Errand. So I came to my Lord *Shaftesbury*, and the two Mr. *Godfreys* were in the Room; and after I had told my Lord what Discourse I had with him, says my Lord, *Colledge*, these *Irish* Men have confounded all our Business; and thou and I must have a care they do not put a Trick upon us: This must be a Trick of the Papists to ruin us; and if they have such a Design, if they will not put it upon you and I, they are Fools. Upon your Lordship, said I, they may; but I am a poor inconsiderable Fellow. Says my Lord, I'll tell you, Mr. *Godfrey*, Mr. *Colledge* hath not only been an honest Man, but an useful and an active Man for the Protestant Interest. So I told my Lord how far I had gone with him, and that I desired it might be put in Writing. Says my Lord *Shaftesbury*, if he will put it in Writing, I will go once again; for I have been since I saw the Fellow with my Lord *Maclesfield*, and my Lord Chief Justice *Pemberton*, and my Lord Chancellor, and I have told them that there is such a Person in general, but I knew not the Man; as indeed my Lord did not, for only *Ivy* was the Person between them that my Lord knew: And I told them, says my Lord, that he can confirm all that *Fitz-Harris* has said concerning the Death of Sir *Edmundbury Godfrey*, and that he would prove my Lord of *Danby* was in it, if he might have his Pardon; and my Lord said, They promised to speak to his Majesty that it might be granted. But some Time the latter

end of the Week I heard it would not be granted ; and both of these Men followed me to know what they should do. Said I, my Lord *Shaftesbury* knows not but that it may be a Trick ; and said I to *Ivy*, I wonder why he should conceal it all this while, being a necessitous Man, and 500*l.* proffered by the King in his Proclamation. Why, says *Ivy*, do you think there is no Truth in it? Says *Ivy*, 'tis not my Judgment, but my Lord *Shaftesbury*'s and Mr. *Godfrey*'s Judgment too. He answered me again, *Fitz-Harris* hath desired he may have a Pardon granted for himself and a *Frenchman* ; and if so be there were nothing in it, Do you think he would move for a Pardon? Says I, Did Mr. *Fitz-Harris* move for *Haynes*'s Pardon? How do I know that, says *Ivy* again : *Fitz-Harris*'s Wife told me so. Says I, let me speak with *Fitz-Harris*'s Wife, let me hear her say so, and I will believe you. The next Day he did bring her to me to my House : And this was the Time and the Occasion that brought *Fitz-Harris*'s Wife, and *Haynes*, and *Ivy*, and Mr. *Fitz-Harris*'s Maid to my House ; and I never saw *Fitz-Harris* in my Days, till his Trial, nor had any Communication with him. But, my Lord, she did talk with *Haynes*, and confirmed it to me, that her Husband had desired a Pardon for him : Why then, said I, he would do well to discover what he knows to my Lord *Shaftesbury* ; for I was with my Lord, and he says he will meddle no more, unless he will give it under his Hand what he has to say. And he did confess to me in my own Yard, for there we were together, that he saw my Lord of *Danby* come into the Chapel at *Somerset* House, when the Body of Sir *Edmunbury Godfrey* lay under the Altar.

L. C. J. Here hath been nothing of this made appear by Proof.

Colledge. My Lord, I only tell you which way they introduced themselves into my Acquaintance.

L. C. J. You may observe what you will upon the Evidence, as we told you ; but you ramble from the Matter you are to speak to. And as we told Mr. Attorney, that what he said should go for nothing, unless he made it out by Proof ; so must we say to you, what you say goes for nothing, further than you have proved it. Now you have quitted the Proof quite, and not spoke to that, but run into other Stories. I would have you keep yourself to your Proofs, and make your Observations upon them.

Colledge. 'Tis, as I humbly conceive it, to my Purpose, but I hope my Ignorance may excuse me, if I err. I tell you the truth of Things, thus it was.

L. C. J. Truth ! Why if yours or any Man's Word in your case should go for Truth, no Man that stands at a Bar, could be convicted : For every Man will say he is an honest Man, and all the plausible Things in the World. Make you your Observations upon the Proof, that is proper for you to do ; and urge it as well as you can, and to the best Purpose you can : But to tell us long Stories of Passages between you and others that are not a whit proved, that is not usual, nor pertinent.

Colledge. I thought it had been to the Point, when this Man pretends to have a Familiarity with me, to shew how his Acquaintance begun.

Mr. Just. *Jones.* Why do you think 'tis an Answer to him in what he proves upon his Oath?

Have you proved one Jot of it? Not that I have heard. 'Tis your Part to sum up the Evidence on your own Side, and to answer that which is proved upon you, if you can. Do that, and we will hear you speak to it as long as you can. But to tell Stories to amuse the Jury with that are not proved, and to run out into rambling Discourses to no Purpose, that is not to be allowed, nor ever was, in any Court of Justice.

Mr. Just. *Raymond.* Not one of your Witnesses have mentioned any Thing that you say.

Mr. Just. *Levinz.* I wonder, Mr. *Colledge*, you should forget yourself so much : For you found fault with Mr. Attorney at the beginning for opening the Evidence, and you were told, and the Jury were told at your request, that what he said, and did not prove, passed for nothing. But I must tell you, 'tis much worse in your Case : For Mr. Attorney only opened what he might prove afterwards, but your Observations are upon what hath been proved already ; and yet you run out into Stories of what hath not been proved at all, after our Proof is past.

Colledge. Sir, I could not prove this otherwise than by *Ivy*, who hath been sworn against me.

Mr. Just. *Jones.* Would you have the Jury to believe you upon your Word?

Colledge. There is no more than his Oath against me ; and why my Oath, being an *Englishman* and a Protestant, should not be taken as well as his that is an *Irishman*, and hath been a Papist, I know not.

L. C. J. You go upon that Ground that your Word is to be taken, as appears by your Defence ; but I must tell you, all the Course of Justice were destroyed, and no Justice against Malefactors were to be had, if the Word of him that is accused should pass for Proof to acquit him.

Colledge. My Lord, I have given your Lordship an Account of these Fellows Conversations ; and what other Proofs to make, I know not : For I knew not what they would swear against me, and I had not Witnesses in my Pockets to confront them.

Mr. Just. *Levinz.* Well, the Jury have heard it over and over again, first upon your request, that nothing is to be taken Notice of that is not proved.

Colledge. Pray, my Lord, then as to *Haynes*. My Lord, I do observe that there was a Witness for me that did prove, he owned he was one that was employed to make a Protestant Plot, and another that did hear him Swear, damn him, he would swear any Thing against any Body for Money, for it was his Trade.

Mr. Just. *Levinz.* Now you are right ; speak as much as you will as to your Proofs.

Colledge. My Lord, I think *Turberville* and *Dugdale* swear as to the tenth of *March* in *Oxon* ; I desire it may be proved I was in *Oxford* the tenth of *March*.

Mr. Justice *Jones.* You yourself came down the middle of *March*.

L. C. J. I do not remember that they said the tenth of *March*.

Colledge. Did not the Indictment say so?

Mr. Attor. Gen. It is only in the Indictment.

L. C. J. As to the Time mentioned in the Indictment, it is not material ; that is the constant rule in Trials upon Indictments ; as if an Horse be laid to be stole the tenth, if it be proved the Prisoner stole it another Day, it will be sufficient,

cient, the Time is not material ; the Question is, whether the Indictment be true in Substance. Mr. *Colledge*, my Brothers will all tell you that the Law is so.

Mr. Just. *Levinz*. Though it is laid the tenth of *March*, yet if it be proved the first or twentieth before or after, it is all one ; so the Thing be proved, they are not bound to a Day.

Colledge. My Lord, the Punctilios of Law I know not, but it was the twenty fourth or twenty fifth ere I came down.

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

Colledge. *Dugdale* says I meant by the Word *Rowley*, the King.

Mr. Justice *Jones*. He does so.

Colledge. How does he come to know, that by that Word I meant the King ?

L. C. J. That we did ask him, and he says, you used so to expound it.

Mr. Just. *Jones*. Why, look you, he said you and he used to have frequent Communication concerning the King, and you did most frequently speak of the King by the Name of *Rowley*.

Colledge. But, I say, my Lord, I never spake of the King by the Name of *Rowley* in my Life.

Mr. Just. *Jones*. You say it, and he swears the contrary.

Colledge. I don't remember that he says, I declare it so ; but he said, I meant it ; for if I had declared it, then it had been the same Thing for me to have named the King downright.

Mr. J. *Levinz*. Look you, Mr. *Colledge*, as to that, when any Witness had done his Evidence, you had Liberty to cross-examine him.

L. C. J. Would you have him called up again to clear this ?

Colledge. Yes, if you please.

L. C. J. Stand up, Mr. *Dugdale*. I understood by your Testimony, when Mr. *Colledge* and you discoursed of the King, you sometimes discoursed of him by the Name of *Rowley*, and that he explained that Name to be the King.

Mr. *Dugdale*. The first Time I ever heard what *Rowley* meant, was from him ; for I asked him what he meant by the Name *Rowley* ; I heard it before, but I did not understand it.

Mr. Just. *Jones*. Where was it ?

Mr. *Dugdale*. At *Richard's* Coffee-House.

Mr. Just. *Jones*. What was the Answer he made you ?

Mr. *Dugdale*. He said it was the King.

Colledge. Upon what Occasion did I explain it to you ?

Mr. *Dugdale*. Upon the Account of the Pictures.

Colledge. I know not which of the Pictures has the Name of *Rowley* in it.

Mr. *Dugdale*. It was then we were talking of one of the Pictures you brought in *Rowley*, and *Mac* and *Mac* was the Duke of *York*, and *Rowley* was the King.

Coll. Upon what Picture was it, that I took Occasion to explain the Name *Rowley* to you ?

Mr. *Dugdale*. I am not certain.

Colledge. Remember, you have an Account to give as well as I.

Mr. *Dugdale*. You have so many Pictures, that I can't remember them ; you have shewed me more than have been produced in Court.

Colledge. Where had you that Picture from me that they call the *Rary Shew* ?

Mr. *Dugdale*. Truly I received of them twice at *Richard's* Coffee-House.

Colledge. Twice, do you say ?

Mr. *Dugdale*. Yes, two of them at two several Times ; for you having promised me one, you brought it according to your Word.

Colledge. When was that ?

Mr. *Dugdale*. I did not keep an Account of the Day of the Month ; and another I do remember, at the *Green Dragon* Tavern you thrust into my Pocket, and Mr. *Baldwin* was by at that Time. And, said he, Mr. *Colledge*, you will be so open, that you will come to be discovered at last.

Colledge. Then will I be willing to die for it, if he and I and Mr. *Baldwin* were at the *Green Dragon* Tavern together. When was it that I gave you any Pictures there ? Was it since the Parliament at *Oxon* ?

Mr. *Dugdale*. Do I charge you since the Parliament ?

Colledge. I never saw the *Rary Shew* before the Parliament at *Oxford*.

Mr. *Dugdale*. I do not say it was that ; you gave me one of the others.

Colledge. 'Tis strange you will stick to nothing ; When was it we were at the *Green Dragon* Tavern ?

Mr. *Dugdale*. We were there before the Parliament sat at *Oxon* ; it was since *Christmas*.

Colledge. What Picture was it I gave you there ?

Mr. *Dugdale*. It may be, I can't remember which of them it was, it was not *Rary Shew* ; I suppose you gave me one of them concerning the Bishops, where you put Bishop *Mew* kissing the Pope's Toe ; for it was a Bishop with a Patch on, and that you told me was Bishop *Mew*.

Colledge. I put it, did I make it ?

Mr. *Dugdale*. You said you were the Author.

Mr. Just. *Jones*. Mr. *Colledge*, Will you consider upon what Mr. *Dugdale* was called up about, the Exposition of the Name *Rowley* ?

Colledge. I did examine him, and he hath contradicted himself ; for he hath said at the *Green Dragon* Tavern I gave him a Picture of *Rary Shew*.

Mr. Just. *Jones*. He said no such Thing ; he said, he did not know which it was.

Colledge. I am certain he meant that then when he spake it ; for he named it before, that he had two from me at *Richard's* Coffee-House, and one I thrust into his Pocket at the Tavern ; and I say, I never was at the *Green Dragon* Tavern with Mr. *Dugdale* and Mr. *Baldwin*, nor in the Tavern these three quarters of a Year.

Mr. Just. *Levinz*. Mr. *Colledge*, you were in the right Way just now to manage your Evidence, in Opposition to the other Evidence ; go on in that Way.

Colledge. My Lord, I don't know well what was said, for I could not hear half, nor write a quarter of it ; but, my Lord, I hope your Lordship hath taken Notes of it, and will remember it for me. You are my Council as well as my Judges.

L. C. J. In Matter of Fact we are.

Colledge. My Life and your Souls lie at Stake to do me Justice ; therefore I hope you will take Notice of what I have not had the Opportunity to write down. I have observed that every one of my Witnesses have spoken materially to contradict what they have said, to prove that this

was done for Money, and that there hath been Confessions from every Man of them, that they were hired to do it; that they did it for a Livelihood; and one of them said, it was a good Trade, damn him, he would do any thing for Money: And I hope then you will consider the improbability, that I should speak to an *Irishman* whom I had never seen before in my Life; and that I should at the first Dash utter that Treason that he gives in Evidence, I think it cannot consist with any Man's Understanding to believe me so mad or so weak.

Mr. Just. *Levinz*. That is as to *Haynes* only.

Colledge. As to *Smith* now, I suppose, it does not come within the Reach of the Statute; for the Dinner that was made by Alderman *Wilcok*, was made before last *July* was Twelve-month; all the Witnesses do say it was before *Christmas*, and *Dr. Oates* says, it was in the Summer; I know it by a very good Observation; because I went to *Astrop* Waters after that; and I saw *Sir Creswell Levinz* at the *Wells*: Now, Sir, you were there before this Time Twelve-month. So then whatever he says I said to him there, I cannot be charged withal by the Statute, more or less, if I had never a Witness against him; but I have Witnesses that have contradicted him sufficiently that he is forsworn in that; and if so, he is not to be believed in any thing else; for he says, he and I went to the Coffee-house together, and we discoursed such and such things, which is not above half a Bow's shot, and he made it, I say, a quarter of a Mile's Discourse; if I had had all the Talk, the Discourse could not be so long, though he had said never a Word: So you see what a kind of Witness he is. And *Dr. Oates's* Brother did say, That I did go along with *Dr. Oates*, and offered to be one of his Guard, and I did say so, and went along with them; but *Mr. Smith* he came after. And as to what he says, he is sufficiently confuted; that is, about the going into Cabals after Dinner; for it is proved, That I fell asleep behind the Table, and *Dr. Oates* was discoursing with *Mr. Savage* upon Points of Divinity; but I take no Notice of it, neither did I see *Smith* any more; but he went away, and so did the rest of the Company. But, my Lord, when *Haynes* was taken, *Smith* came to me that Day to my House at the *Ditch-side*, and sends in a Man for me, his Man; I was writing in my Parlour, and drawing the Design for Wainscoting *Alballow's* Church, a Platform for it; his Man told me, His Master would speak with me, and *Haynes* was taken that Morning: But, as I understand since, it was by Agreement and his own Consent, though he hath pretended otherwise. You hear, says he, *Haynes* is taken? Yes, says I, I do, he hath been ever since 9 o'Clock before the Secretary upon Examination, and he was till 5 o'Clock at Night examining, said he: I believe he confesses a great deal, said I: Of what, said he? Of some Design of the Protestants, said I, What, against the Government? I do not know what they may affright him into; he is a great Rogue, if it be true all that he hath said of himself: He says, he was concerned in the *Fire of London*, and knew of a Design to destroy the Protestants then; of a Rebellion that was to be in *Ireland*; of *Plunket's* being made *Primate*, and a great many of those things: So that if he speaks Truth, he hath been a great Rogue, and as he hath pretended also, he was a great Coward. So then, I believe,

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he may say any Thing to excuse himself; says *Mr. Smith*, I wish you are safe: This was the very Night before I was taken.

Mr. Just. *Jones*. Have you proved any Thing of this?

Colledge. My Lord, Pray give me Leave to tell you what is Proof.

Mr. Just. *Jones*. You are not to repeat this, unless you prove it, Sir.

Colledge. He spake cautiously to me, as if he would have intimated to me, he would have had me run away. Said he, I believe you are not safe, I would have you take care of yourself: For you were concerned with him. Now, my Lord, if I had been a guilty Person, I had Time enough to get away; and to prove this, I can only say, this was betwixt him and I. But, my Lord, you hear, *Dr. Oates* says, that this very *Smith* did swear he would have my Blood, and that was upon this Occasion of my vindicating *Sampson*, whom he had struck and abused; and I asked, Why he did it? Said he, I value no Man's Life, if he affront me, if 'tis any Man in *England*, I value him not. My Lord, upon this Occasion the Words rose between us; and when he came out of Doors, and was going away, *Dr. Oates* said, he swore he would have my Blood, and that was the Occasion of his speaking that Blasphemy.

L. C. J. *Dr. Oates* did say so.

Mr. Just. *Levinz*. Well, you are right now, if you will go in that Way.

Colledge. My Lord, this is for *Smith* and *Haynes*, that *Haynes* should say it was a good Trade, and damn him he would swear any Thing for Money, and that *Smith* should swear, damn him, he would have my Blood. I cannot sum up the rest of them, for I have not them here.

Mr. Just. *Jones*. There is *Turberville*, and *Dugdale*, and *Smith*; we will help you as to the Persons.

Mr. Just. *Levinz*. Pray keep to the Business, and do not run out.

Colledge. Pray, my Lord, I have one Thing to say about *Smith*; he says, I shewed him my Arms, which I have had for any Time almost these three Years, ever since the Plot brake out. I have been armed ready to oppose the Papists, and I did my Duty in the City in Person in the Trained-Bands; but *Smith* says, these Arms were to destroy the King's Guards; but he does not prove that I was Confederate with any other Person; but instead of that, there were other Persons that say, with his own Mouth, that he did not believe there was any Protestant Plot; nay, he did believe I said it only in Wantonness. This is all; then how probable was it, that I myself should seize the King, or destroy his Guards?

Mr. Just. *Jones*. You remember Captain *Brown*, Captain *Clinton*, and *Don Lewes*, *Mr. Colledge*.

Colledge. Did he swear they were all in my Company at *Oxon*?

Mr. Just. *Jones*. Yes, *Dugdale* did.

Colledge. My Lord, Captain *Brown* and *Lewes* were Friends to my Lord *Howard*, with whom and other Company I came down to *Oxon*, and they lay with me at the *Chequer*, and they were in my Company, because they were Guests in the House, and we came along together; but he does not say they were either of them armed more than my self, nor was he ever in Company with us; how then does he know we were in a Conspiracy?