

of yours, so as to have no Sense of our own, and to be impos'd upon so weakly as this. Here is the Thing, says the Letter, *I would not have you come too soon to London, nor appear too much in publick, for fear of discovering a Design, which requires Secrecy in its own Nature.* What, was that your Design, of choosing a Procurator? Tell me but one Thing that can bear the Name of a Design, which must have that Secrecy in it, that People must not appear much about Town, and that in its own Nature requires such a Thing.

Whitebread. My Lord, the Thing itself is evident, what was the Design.

L. C. J. Come, Mr. *Whitebread*, you will do it better.

Whitebread. It is evident it was a Design to choose an Officer.

L. C. J. Why, good Mr. *Whitebread*, do any write after that manner? Were you to write to any one, or ask the Jury, if they were to choose some Collector for the Receipt of some charitable Money that should be employed for the Relief of Protestants in France: Do you think any Man would say, *Do not appear much in London before-hand, nor come too soon, for fear of discovering the Design, which in its own Nature requires Secrecy:* Will this endure the Name of a Design?

Whitebread. First, it is a very hard Thing to bring so many Mens Lives in Danger, meerly upon the Interpretation of a Word, which may as properly signify one thing as another. Is it not proper for me to say, I have a Design to Dine with such a Man to-morrow, or the like?

L. C. J. 'Tis true now, but hearken —

Whitebread. But that was the Thing designed, to have a Congregation for the choosing of an Officer, and it was, I think, very properly said, and that it should be kept secret, was as prudential a Thing as possibly could be. Was it not proper here, because our Profession was not publicly permitted in this Kingdom; and therefore that was the Reason why Secrecy was injoin'd? And this, upon my Salvation, was all that ever was intended or thought.

L. C. J. North. This now is the Interpretation you put upon the Letter, but we understand by the Witnesses what was done at that Meeting.

L. C. J. Look you, Mr. *Whitebread*, this Letter, without Question, hath been well studied by you all; and it requires it mightily.

Whitebread. It needs none.

L. C. J. This is not the natural Exposition of the Words of the Letter, that you give, but a forced one; for first, there is a Difference between saying, I do design to Dine to-day, tho' it be a usual matter, but it is another thing, when I call a Thing by the Name of a Design, accompanied with a requiring of Secrecy in its own Nature, and when I give Advice, that they must not appear in Town too soon, nor too much about the Town, for fear of discovering the Design, *which in its own Nature requires Secrecy:* Must all this amount but to the choosing of an Officer? You'll never make one Papist of all this Company, if you make no better Work of it.

Whitebread. My Lord, I humbly desire your Lordship would not strain a Word which may be well enough said, whether it be properly said or no.

L. C. J. 'Tis not one Word alone, but 'tis the whole Sense.

Whitebread. 'Tis evident, there was just Cause of Secrecy, because of our Profession.

L. C. J. Mr. *Whitebread*, 'Tis not one Word that is relied upon, for the Business is pursued. 'Tis not said, *Pray meet at such a Time*, but, *Be careful you do not discover the Design;* if it had been only said so, it would have been a Strain, to have made this Construction of a single Word, to make this that Design; but as it is here, we make no such Construction; it had been hard indeed to put that Meaning upon it as you do, even then, for 'tis seldom so used, for no Man writes after that manner; but when it follows in a continued Sense of so many Lines, *be sure you meet on the 24th of April, the Day after St. George's Day, but come not too soon to Town, nor appear too much about the Town, for fear of discovering the Design, which you know in its own Nature does require Secrecy:* Can we make any such Interpretation of it? If you have no better Arguments than these, you must have People lose their Understandings, or have a very blind Obedience to yours, or it will never down, Ay; Come, Mr. *Gavan*, how do you say is the Meaning of this?

Gavan. For my part, I'll assure your Lordship, I was not there; but this is known to all the Christian World, that there is such a Meeting in Spain, France, Germany, &c. that wherever the Jesuits are, once in three Years they have a Meeting among themselves, for the settling of their Affairs. Indeed the Words have given your Lordship an Occasion to raise a Difficulty, what the Word *Design* should mean? Which I do give this Answer to: Your Lordship's Difficulty is, That the Word *Design*, here, should not be made use of to send one poor Jesuit to Rome. My Lord, do but mark the End of the Congregation, and you will say to us, that we might well use that Word, because the Word may import some great Business of Concernment; now what Business of greater Concernment for poor religious Men to meet together about, than those Things that may promote their better State in another World, and the Regulation of what is amiss in their Order. My Lord, upon my Conscience and Salvation, this was the End of the Congregation, to meet, and see what is amiss in their Order, who do their Duties, and who not, who are irregular in their Offices, and whose Office is vacant, and to be supplied.

L. C. J. But must no Body come to Town, nor appear too much about the Town, for this?

Gavan. Therefore, my Lord, as to the Word *Design*, it concerning the whole spiritual Good of the whole Body of the *English* Jesuits, it might well be used for the Consultation of that Body, about all their Good, Temporal and Spiritual, which was all concerned in it.

L. C. J. These are a many Words, but to no Purpose.

Gavan. Now, my Lord, for the Second Thing that you object, your Lordship remembers very well, that the Continuation of the Sense in so many Lines, made the Thing the more suspicious, that more was intended by it than so: Now to this I shall be able to answer, if there can be given a particular Reason why we should add that Word of *Secrecy*, to the other of *Design*; having answered to the one Part, we now give an Answer,

swer to the other, and so to the Whole. Now, my Lord, because of the Time, the Parliament was then sitting, and that we might not offend the King and all Civil Magistrates (whom we honour from our Hearts and Souls) that Word was used that it might be kept secret.

L. C. J. It was not out of Love to the Parliament, it was *the Nature of the Thing required it*, nor was it out of Fear you had of them. I did never find, tho' you are as good at it as ever any I met with (for I never met with a Priest that had much more Understanding) but really you do not answer me. You are so far from Scholars, and arguing like such, that you do not maintain the Matter with common and rational Understanding, but only heap up so many vain Words, (like a Rope of Sand put together) which hath no natural Coherence; for you cannot possibly make this reasonable, that People should have so much Caution, that they should not come too long to Town before-hand.

Gavan. Not to be taken notice of.

L. C. J. Not to appear in Town when they come.

Gavan. Not to be taken notice of.

L. C. J. I say so, you cannot tell why all these Cautions should be used, merely for choosing an Officer.

Gavan. My Lord, our Lives depended upon it, if we were taken, being such Men as we are.

L. C. J. You can make nothing of it, and you will find it an hard Task to answer it; for if half the Evidence that hath been given, were not given, yet this Letter of your own, which cannot be denied, is an unanswerable Proof. It does monstrously confirm Mr. Oates's Testimony to be undeniable, as to the meeting at the Consult; for he, four or five Days before-hand, comes and tells the Council, the very Day which, five or six Days after, this Letter makes good, which is found in *Harcourt's* Custody. Then there was a Consultation upon the Day, the very Day that Mr. Oates says, and what he calls a Consultation, your own Letter says is a Design.

Gavan. It was a Design of a Congregation.

L. C. J. What Sense is there in that? Will any Man in *England*, or did any Man in *England* ever say, Take heed of discovering our Design of going to Church, or choosing a Collector?

Gavan. There is Reason for the one, and Reason for the other too.

L. C. J. I would appeal to your selves, and all here present, what the natural Import of such a Letter is, whether it does not carry a Matter more than ordinary, whether its natural Intendment doth not look at that? And the next thing is this; Does any Man write plainer than this, when they write of a thing that is of such a Nature? Is not the Danger too great to hazard that Fact, which they call the Nature of the Thing, to intrust it in a Letter? Is it not vain to put that in a Letter, in Words at length, which they, to whom it is writ, know what the Thing means? And if it should be further known than they would have it, the Thing could never be done: And if you consider the Person that writes, a Jesuit, or a Priest; Are Priests ever plain? And will you expect Plainness here, when, in Things of ten thousand times less Moment, they don't write plainer? Is it not known, you have not a Profelyte, that you do not keep under Obligations as

close as your Confessions are? Have you not taken here, as it is sworn, a Sacrament of Secrecy? Is there a Woman that you convert, but in the dark? Or a Papist made, out of a Priest's Hole? Are not all your Deeds under-ground? and do you work with any Light, but that of a Dark-Lantern? This is plain, unless you give a better Answer to this Letter, the Letter will hang about your Necks.

L. C. J. North. Mr. Oates will tell you what the Design was.

Mr. Just. Ellis. He can tell you what it was.

L. C. J. The Letter speaks itself.

Oates. Mr. Gavan, and they, now, tell your Lordship what this Consult was for, but they denied this Consult at first, when there was but one Man to justify it. I justified it before Mr. *Fenwick*, who denied it at the Council-Board, tho' now they pawn their Salvation upon the Justification of it.

Fenwick. I never denied that there.

L. C. J. Come, have they any thing to say for themselves?

Bedlow. My Lord, Whereas, as Mr. Gavan says, that in obedience to the King and Parliament they would have their Consultations secret, and that they always desired to conceal themselves then; the Time of Sessions of Parliament was the only time that I and others have been employed to fetch over more Jesuits than at any other particular time.

Oates. And there are more of them then in the *Court of Requests*, and in the *Lobbies*, bare-faced, and threatening the Protestants, than at any other Time.

Bedlow. We used to fetch them against the Parliament always; they were in less danger then, than at other Times.

L. C. J. You could give a very good Interpretation of the Letter, I suppose, that Mr. *Dugdale* speaks of, that came from *Whitebread*, That he should be sure to entertain such as were hardy, stout Fellows: I suppose you can make all this to signify nothing more than a Design for a Game at Cudgels.

Sir Cr. Levinz. If your Lordship please, we must desire that one Letter more may be read. Your Lordship hath been told of Commissions for raising an Army, here is a Touch of them mentioned in this Letter, found amongst Mr. *Harcourt's* Letters too.

L. C. J. Look you, Mr. *Harcourt*, you had best attend; here is another Letter found amongst your Papers, concerning some Commissions. You look ill to your Letters; you are to blame, indeed, Mr. *Harcourt*.

Sir Cr. Levinz. Pray, Sir *Thomas Doleman*, look upon that Paper, and tell us how you came by it.

Sir Tho. Doleman. This Letter in my Hand I found amongst Mr. *Harcourt's* Papers, about some two Days after I found that other that was read before. Having heard Mr. *Oates* give in his Information to the Council, That there were several Commissions given out to several Persons, and finding some doubtful Clauses and Expressions in the Letter, I did present this Letter to the Council, and made a Mark upon it, *Enquire what is meant by the Word Patents*.

L. C. J. Pray let it be read, because we shall desire a little more of their Interpretation:

Cl. of the Cr. It is signed Christopher Anderton, Hilton, February the 5th 167 $\frac{7}{5}$.

Oates. Hilton, that is Rome.

L. C. J. Mr. Harcourt, you understand, that by Hilton, is meant Rome?

Harcourt. Yes, my Lord, I do.

L. C. J. Well, then go on, and read it.

Cl. of the Cr. *Worthy Sir, I know not from whence it proceeds, but I perceive that both your Letters and mine have had Fortune by the way, for my Correspondents with you complain, they hear not from me; whereas I write constantly intire Pacquets; and since the Bills I received from your self, for Sir William Goring, and for Mr. Ireland, from Mr. Shelly, I have not had one Letter, but what I received this Week, which, in part, made recompence for the former, for it brought me three of yours, and one of Mr. Ireland's, for which I render you many humble Thanks, and acknowledge the Fifteen Pounds from my Lord Castlemain, tho' Mr. Ireland made no mention of it in his. We are all here very glad of the Promotion of Mr. Thomas Harcourt. When I writ that the Patents were sent, altho' I guess for whom they were, yet I knew not for certain, because our Patrons do not use to discover things or resolutions till they know they have effect. And therefore in these kind of matters I dare not be too hasty, lest some might say, A Fool's Bolt is soon shot.*

L. C. J. What is the meaning of these Patents?

Fenwick. This Gentleman will tell you, my Lord.

Whitebread. My Lord, they were the Patent for my being Provincial.

L. C. J. How many Patents had you?

Whitebread. But one, my Lord.

L. C. J. Is that Patents?

Whitebread. *Literæ Patentis.*

L. C. J. Is it Patent or Patents?

Cl. of Cr. Patents.

L. C. J. Read those Words again.

Cl. of Cr. *We are all here very glad at the promotion of Mr. Thomas Harcourt. When I writ that the Patents were sent, altho' I guess for whom they were, yet I knew not for certain, because our Patrons do not use to discover things or resolutions, till they know they have effect.*

L. C. J. Now you have not interpreted well this neither.

Sir Cr. *Levinz.* It is said, *I knew not for certain who (they) were for;* but to make it clear, I would desire Mr. Whitebread to answer me one Question, How long is it, Sir, since you were made Provincial?

Whitebread. The 14th of January was Twelve-month.

Sir Cr. *Levinz.* And this was dated the 5th of February, which was after your Commission.

Whitebread. That may be, and they not know till then.

L. C. J. And so you expound those latter Words of the Letter, That the Resolution of making you Provincial was not discovered till the Effect was known.

Whitebread. Because it is not known, whether the Person that is nominated might not be excepted against: and it is *Literæ Patentis.*

L. C. J. But here is but one Person to answer the Word *Patents*, and there should be more than one Man.

Whitebread. Every Patent is called *Literæ Patentis*, tho' it be but for one Person.

Mr. Recorder. They were in great doubt that you would refuse the Place, I warrant.

Oates. He is bound on pain of Damnation not to disobey his Superiors; if they choose him to a Place, he must take it upon him.

Whitebread. It is not the first, second, or hundredth time that one hath been appointed by the Superior to a Place, and hath refused it; and if I had known the hundredth part of what I do now, of the Trouble of the Place, I would never have accepted it.

Mr. Recorder. Ay, if you had known the difficulty of this Design, you would never have engaged in it, especially if you had known what is come to pass.

Whitebread. No, Sir, I never had a hand in any such thing in all my Life: this is *coram Deo* that I now speak, and as I am to appear before the great Tribunal at the Day of Judgment, I know nothing of all this Matter.

Oates. My Lord, these Patents, of which this Letter makes mention, a great many of them came down in the Months of April and May before.

L. C. J. Methinks he interprets them plainer than you do.

L. C. Baron. Now what have you to say every one of you for yourselves? Make your Defence.

L. C. J. Mr. Whitebread, do you begin.

Oates. While the Prisoner's Evidence is calling in, I desire that my Witnesses may be sworn.

Mr. Just. Pemberton. Mr. Oates, be quiet, there is no need of it yet, till they have made their Defence.

L. C. J. But send for them, that they may be ready.

Whitebread. My Lord, that which I have to say for myself is this: I thank God, my Lord, I am not afraid of Death; but I should be very loth to die unjustly, and I hope your Lordship will consider, that every Man's Blood is dear to him, and is concerned for his own Life to preserve it, he ought to be allowed Liberty and Freedom to preserve himself as much as he can. Life is a thing not to be thrown away, but charily to be lookt after, and that there is such a thing as taking away Mens Lives by Perjury, as well as by a Knife or Pistol, is without contradiction. Now whoever comes against a Man for his Life, I suppose he is to be look'd upon not only by the Prisoner, but also by the Jury and the Court, that he ought to be *Probus Testis*, and a Man fit to be admitted to be a Witness. Now I have something to offer, That Mr. Oates is not any such Person. Your Lordship was pleased to say, That he was the Person who proved the Design mentioned in the Letter that was read. Now I hope your Lordship will give me leave (and I hope I may do it without offence to this Court) to say that he is perjured in what he says.

L. C. J. You mean that his Evidence is false, you may do it if you can.

Whitebread. He says he came over hither, and was here present the 24th of April with me, and that I did appoint him to do such and such things, and discovered the whole Business to him. Now I desire your Lordship would be pleased to consider whether this were probable, and whether I had not been a very much mistaken Man all this while, to trust a Man with such a Business, and whether I ought not rather to be sent to *Bedlam* than *Newgate*, for trusting such a Man as he, whom by his own Confession I never saw till that

that time. 'Tis not rational that a Man would trust him; and then, my Lord, that this Business should be discovered to him, a Man that depended wholly upon us to live, and had no Livelihood but what he had from us, who maintained him at *St. Omers* long, as well as the best Man in the House.

L. C. J. Did you do it?

Whitebread. Yes, my Lord, I did.

L. C. J. You should consider how in that you answer your self.

Whitebread. I, that is, when I came to the Office, and I and my Predecessors. When I was Superior I found him not a Man fit for that Purpose and Design he pretended to. He was very zealous to be entertained amongst us, and therefore I desired him to absent himself.

L. C. J. Why was he not fit to be employed among you?

Whitebread. For several Reasons of our own: First of all it was doubtful, whether he was a good Catholick: for he had oftentimes maintained several Propositions that were not soundly Catholick: and then, secondly, he led a very idle Life, and he was not found a Man we were obliged to accept of, and therefore we desired him to retire. And to that purpose we furnished him, gave him a good Suit of Clothes, and a Periwig, and four Pounds in his Purse, and he promised me to pay me again when he had sold his Library, which he said he had a very good one in *London*; but he never did. But that I should be so strangely overseen and mad, as at the first sight of such a Man as this, to trust him with such a great Intrigue as this was, and to write in such a plain strange manner, and send by Post to Mr. *Dugdale*, as your Lordship did and justly might wonder at, had been a Madness. It was much that any Man would write so plain of such a Thing. But then, my Lord, the chief thing is this, That I hope your Lordship will give us leave to produce our Witnesses to prove, that he was not from *St. Omers* from the 10th of *December* till the 23d of *June* following, and never lay out of the House but one Night from *December* till *June*.

L. C. J. Name your Witnesses.

Whitebread. I desire first Mr. *Hilsley* may be called.

L. C. J. Call him; but I'll tell you what is strange, You say it is wonderful that you should trust a Man you had so little Opinion of his Abilities or Fidelity; but I wonder that you should maintain him after that.

Whitebread. No, my Lord, we did not.

L. C. J. You say you did.

Whitebread. No, my Lord, he pretends he was here in *England* sent over by us, but we will prove he was not.

L. C. J. But you maintained him abroad?

Whitebread. That was before.

L. C. J. Is it so great a wonder that you should take into your Confidence and Consultation that Man, whom for a considerable time before you had maintained abroad?

Whitebread. But, my Lord, I suppose there is some difference between charitable Acts to a Man in Want and a Scholar, and trusting him with such an Intrigue as this.

Fenwick. Pray my Lord, be pleased to take notice, that this Man's Evidence all along is, that he saw such and such Letters from such and

such Persons. They have no Evidence but just that they saw such and such Letters, and how is it possible that a Man who was turned away from *St. Omers* for his Misdemeanors, that I should shew him all my Letters? Now, my Lord, I have had a Thousand Letters taken from me, nor any of these Letters had any thing of Treason in them, or soliciting of Persons to come into *England*; let the Letters be produced, and then your Lordship will see what is in them. All the Evidence that is given, comes but to this; there is but saying and swearing. I defy them all to give one probable Reason to satisfy any reasonable uninterested Man's Judgment how this could be.

L. C. Baron. There can be no Reason given why you should sign an Instrument to kill the King.

L. C. J. You say there is nothing but saying and swearing, but you do not consider what you say in that Matter. All the Evidence and all the Testimony in all Trials is by swearing. A Man comes and swears that he saw such a Bond sealed, or heard such Words spoken, this is saying and swearing, but it is that Proof that we go by, and by which all Mens Lives and Fortunes are to be determined. But then say you, 'tis wonderful, that since they say they saw such and such Letters, they should not produce them; why? they did not belong to them: Ay, but then say you, 'tis strange they should not find one Letter in all those numerous Papers that were taken that contains any Traiterous Matter; but, I say, 'tis forty times more a wonder that one should be taken, than for all the rest to be undiscovered. I suppose Mr. *Harcourt*, amongst those Papers that he let be surpris'd, did not think that Letter that hath been read to have been of such Consequence, nor the Sense of it to be so bad.

Fenwick. I dreamt no more of my Apprehension, when I was taken, than the Day of my Death, it was so unexpected; nor what I should be accused of: I had no fear of it, no thought of it, so that I took nothing out of the way. They took five or six thousand Pound Bonds and Bills, besides Letters; methinks something of the Effects of those Letters might be produced, and some of the Design appear. For God's sake, where are the Commissions signed, and Moneys paid?

L. C. J. They talk of a Patent. Mr. *Whitebread* construes it, that it is his Commission; if so, does it lie in *Oates* or *Bedlow's* Power to shew that Commission? (this is just like that of the Bill of Exchange) neither does it in any of the Letters.

Fenwick. Here is Mr. *Hilsley*, my Lord.

Whitebread. My Lord, we pray we may have the favour that they may be Sworn.

L. C. J. North. By Law they cannot.

L. C. J. In no Capital Case against the King can the Witnesses for the Prisoner be Sworn; but I will say this to the Jury, That they are not Sworn, is, because they cannot, but the Jury is to take great heed of what they say, and to be governed by it according to the Credibility of the Person and of the Matter.

Gavan. My Lord, if you please to give me leave, my Lord *Coke* in his *Institutes* says expressly, That there is no positive Law against it, his Words are, there is not so much as *Scintilla Juris* against it.

L. C. J. North. We know that the constant Usage and Practice is so, and you cannot produce any Man, that in any Capital Case had his Witnesses sworn against the King.

L. C. J. My Lord *Coke* says otherwise, That the Evidence should be so plain that nothing could be answered to it; and therefore no Evidence should be sworn against the King.

Gavan. My Lord, those are the Words of my Lord *Coke*.

L. C. J. You argue against the known Practice of all Ages.

L. C. J. North. There was never any Man, in a Capital Cause, sworn against the King. The Common Law is the Custom of the Kingdom, and we are bound to know it, and must be all governed by it.

Whitebread. In Mr. *Ireland's* Trial, pag. 35, 36, he says, he came over with Sir *John Warner*, Father *Williams*, and Mr. *Hilsley*, from *St. Omers*.

Mr. Just. *Pemberton*. Nay, you must not resort to the Printed Trials for Evidence.

Fenwick. If we can prove him Perjured at any time, I hope we may.

L. C. J. Suppose upon the taking of those printed Trials they mistake, shall Mr. *Oates* therefore be thought Guilty of Perjury? If you have any thing to ask of your Witnesses which you can apply to the Evidence given now, you may.

Fenwick. Mr. *Oates*, did not you your self own then you came over with Mr. *Hilsley*?

Oates. Ask me any Question about what I have given to-day, and if the Bench think it reasonable, I will answer it.

Fenwick. My Lord, he did then affirm, that he came over with these Persons, in which he is forsworn.

L. C. J. He is not convicted of Perjury, and therefore that must not be urged.

Fenwick. My Lord, we will prove by Witnesses that were at the Trial, that he did affirm so: And I do desire now to know of you, Mr. *Oates*, whether ever you came over with Mr. *Hilsley*?

Oates. That which I said then, and that which I say now, is, (because you should not puzzle your selves) that one Mr. *Hilsley* did come over with us when we did.

Hilsley. My Lord, I did not.

L. C. J. How can you tell?

Hilsley. I left him at *St. Omers*.

L. C. J. What say you, Mr. *Oates*?

Oates. 'Tis true, Mr. *Hilsley* did leave me at *St. Omers*, because he went out a Sunday Morning, and I came out of the Monday Morning, but I overtook him at *Calais*.

Hilsley. My Lord, that is false, and I have a great many here that can prove it.

L. C. J. What Religion are you of?

Hilsley. I am only to serve His Majesty.

L. C. J. Are you not to serve God too?

Hilsley. I am first to serve God, and then His Majesty.

Mr. Just. *Pemberton.* Are you a Catholic?

L. C. J. Are you a Roman Catholic?

Hilsley. Yes, my Lord, I am.

Mr. Just. *Pemberton.* Be not ashamed of your Religion, do not deny that; your Provincial here can give you a Dispensation for what you say.

Hilsley. I hope a Roman Catholic may be a lawful Witness?

L. C. J. Yes, I deny it not. This is that you say, you left him at *St. Omers*; you must call more Witnesses to back him: Master *Oates* says 'tis true, you left him at *St. Omers*, but he overtook you at *Calais*.

Oates. This Gentleman lost his Money at *Calais*, and Father *Williams* did relieve him by my means.

L. C. J. What say you to that?

Hilsley. Why, my Lord, yes, it is true, I did lose my Money there, but it is nothing to the purpose, for I will affirm, I was never in the Ship with him in my Life.

Oates. I desire he may be asked, whether he be in the Degree of a Priest, or not?

L. C. J. That would be a hard Question to put to him, to make him accuse himself. It would bring him into danger of Treason.

Mr. Just. *Pemberton.* He is a Boy very fit to make a Jesuit of.

L. C. J. How could he then come to know this?

Hilsley. I confess 'tis true, that Mr. *Oates* did never come over with me. And I have Witnesses to prove, that they saw him there next Day at *St. Omers*, and two or three several Weeks after.

Sir Cr. *Levinz.* Mr. *Oates* hath another Circumstance to prove it by.

Oates. He went from us by the way, and did not come up with us to *London*.

Hilsley. I know how he understood this: There was a Gentleman that the Witnesses will prove he was very familiar with, the second of *May*, that told him.

L. C. J. Is that Gentleman here?

Hilsley. Here is one here to prove it.

L. C. J. And did he tell them how you lost your Money?

Hilsley. Yes, my Lord, I suppose so.

L. C. J. I speak seriously, I do not understand how he could come by these Things.

Parry. My Lord, I can testify, if it were lawful for us to swear, and prove that he was at *St. Omers* that Day, when he says he came over.

L. C. J. What is your Name?

Parry. My Name is *William Parry*.

L. C. J. What Countryman are you?

Parry. I am a *Flintshire* Man.

L. C. J. When was he at *St. Omers*?

Parry. He was there that 25th Day, that Day he says he came over.

L. C. J. Was he there all Day?

Parry. He did not stir thence all the Day.

L. C. J. How can you tell that?

Parry. I din'd with him; that Day he went into the Infirmary, he did not go out of the College, he was sick.

Fenwick. Mr. *Parry*, How long did Mr. *Oates* stay there at *St. Omers*?

Parry. He staid till after the 20th of *June*, I am sure; for on the 20th of *June* I know he was present, by a very good Circumstance, he was at an Action of ours, a *Latin* Play.

Oates. My Lord, as to this going into the Infirmary at that time, I deny it. My Lord, (if your Lordship please) I will shew that this Gentleman is not only a Volary of the Jesuits, but hath been one of the Sodality several Years. And they have Dispensations, and are bound by an implicit Obedience to say what the Jesuits bid them, who are their Superiors.

L. C. J. What say you to the 20th of June, the time he says you were there at the seeing of the Play?

Oates. My Lord, as to that twentieth of June, I was there, and there was an Action at that time, for I was then returned thither from London.

Parry. I deny all that, for he never stirr'd out of the College.

L. C. J. Young Man, in what Quality were you there?

Parry. I was a Student there, a Poet.

L. C. J. How can you say he did not stir thence all the while?

Parry. I know by a particular thing; I din'd and supp'd with him there, but when he was in the Infirmary; but the particular passage was this, He did there fall out with a Gentleman that was in the Infirmary too.

L. C. J. When was that?

Parry. It was at the time that he says he came away.

L. C. J. When went he in?

Parry. The 25th of April, Old Stile, and staid a matter of three or four Days.

Oates. Will you be pleased to take notice of this? he says that *Hilsley* left me at St. Omers when he came away, and that the next Day he dined with me, and that I went into the Infirmary, which, he says, was the 25th of April, Old Stile. Now we will run to argue *ad hominem*; If this were the 25th of April, Old Stile, how did Mr. Williams meet with Mr. *Hilsley* at Calais, and restore him his Money, when the 24th Old Stile Mr. Williams was at the Consult in London?

L. C. J. When was it that you say Mr. *Hilsley* was at St. Omers?

Fenwick. Answer my Lord's Question.

Parry. He went away the 24th of April, as I remember.

L. C. J. What, Old Stile?

Parry. Yes, Old Stile according to the reckoning there.

Oates. But, my Lord, upon the Oath that I have taken; if he mean New Stile, all that this Gentleman hath said about this is false, except that I was there the 20th of June.

L. C. J. Was it New Stile or Old Stile that you say Mr. *Hilsley* went away?

Mr. Recorder. He does not know New Stile from Old Stile.

Parry. He went the 24th, that is the Old Stile beyond Sea.

Whitebread. I do desire he may answer, whether he does know that Mr. Oates was ever out of the House from the time he came in December till June, but one Night.

Parry. No, he never was out but one Night at Watton.

L. C. J. From what time to what time?

Parry. It was but two Days and one Night.

L. C. J. What time was it that he was there first?

Parry. He came thither in December.

L. C. J. And did he stay there all the while?

Parry. He did not stir from the College till the end of June; and never went out but a Day or two, as I know of.

L. C. J. Not as you know of; but might not he go, and you not know of it?

Parry. I am sure of it.

L. C. J. How can you tell?

Parry. Not a Scholar goes from thence to England, but the whole College rings of it?

Gavan. And then, my Lord, when they go out they go in secular Clothes, that none must know when any Person leaves the College.

Oates. My Lord, in such cases, tho' 'tis true in a general Sense, yet it is but a general Rule, and every general Rule admits of its Exceptions, and my Case was a particular Exception. I put on the Habit of the House as soon as I did return from London, and did not appear as if I had gone out of the House, nor did I know that it was known that I had been out; for I did never appear in the College in a secular Habit.

Whitebread. What his Clothes were, does not change the Place he sat in; he being Ancienter than the Boys, had a privilege to sit in a particular Place, which must be known to all the House at Dinner and Supper. He was visible every Day there.

L. C. J. I do believe it; and therefore he says, not only that he was reported to be there, but that he saw him there almost every Day.

Then another Witness for the Prisoner stood up.

L. C. J. What say you, Young Lad?

Doddington. I say, my Lord—

L. C. J. What is your Name?

Doddington. Doddington.

Oates. Pray, my Lord, ask him if he went by that Name at St. Omers.

Mr. Just. Pemberton. What was your Name at St. Omers?

Doddington. My Name was *Hollis* there.

L. C. J. How old are you?

Doddington. Eighteen Years and an half.

L. C. J. What can you say? Where was Mr. Oates?

Doddington. He never went out of the College, but one Night to Watton, till the end of June.

L. C. J. When came he into the College?

Doddington. A fortnight before Christmas, I did not mind the Day, he says himself it was the 10th of December.

L. C. J. Was he there till June?

Doddington. Yes, he never went out till June but one Night.

L. C. J. Where was that? At Watton?

Doddington. Yes, my Lord.

L. C. J. How do you know that?

Doddington. I only know that by what all the House said.

L. C. J. Did you see him every Day, except that Day?

Doddington. I cannot say I saw him every Day, because he was in the Infirmary once, and he was there that very Day after Mr. *Hilsley* went away.

L. C. J. What Day was it that Mr. *Hilsley* went away?

Doddington. The 24th of April New Stile; and that Day he fell sick, and went into the Infirmary the next.

L. C. J. What Day of the Week was that?

Doddington. It was of a Sunday.

L. C. J. And when did you see Mr. Oates?

Doddington. On Monday or Tuesday, I am not certain.

L. C. J. How often did you see him from the 24th of April to June? Did you see him every other Day?

Doddington.

Doddington. Yes, that I am sure of for every other Day, I am not certain every Day.

L. C. J. Are you positive?

Jury. We desire to know what time of the Year he was in the Infirmary.

Doddington. I discoursed with him in the Infirmary two or three Days after Mr. *Hilsley* went away.

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

Doddington. He was there first in Winter, and then afterwards he was in at this time, which was in *April*.

L. C. J. Have you any more to say?

Doddington. I can say more, that I saw Mr. *Oates* the second of *May* with one *Blood* or *Burnaby*, and I am sure I saw him in his Company.

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

Doddington. I saw him walking in the Garden with Mr. *Burnaby*.

Mr. Just. Pemberton. When did you come into *England*?

Doddington. I came over the 24th of *April*.

L. C. J. How long have you been in *England*?

Doddington. About two Months.

Mr. Just. Pemberton. Why did you come over? were you sent for over upon this occasion?

Doddington. No, I was not.

Mr. Just. Pemberton. Why did you come over?

Doddington. I came over partly upon the King's Proclamation.

L. C. J. What Proclamation was that?

L. C. J. North. That those that were in the Seminaries should come over again.

Doddington. And partly because I had not my Health.

Fenwick. Mr. *Gifford*, what do you know about Mr. *Oates*'s coming from *St. Omers*?

L. C. J. When came you from *St. Omers*?

Gifford. I came over about a Month ago.

L. C. J. Upon what occasion?

Gifford. To justify that Mr. *Oates* was there all the while that he says he was here.

L. C. J. You speak like an honest Man, there is no hurt in that.

Fenwick. We did send for him over.

L. C. J. When did you see Mr. *Oates* there?

Gifford. I saw him the first of *May* was Twelve-month with us, and the 21st of *April*.

L. C. J. And how long after that?

Gifford. I was in his Company for a whole Week after, I am sure.

L. C. J. You say the first of *May* he was there, how can you tell?

Gifford. The first of *May* there came one Mr. *Burnaby* to the College, and he fell into Acquaintance with him, and I saw him with him: He was with us an whole Week at least every Day after Dinner: We have an hour always after Dinner to recreate in, and this Gentleman was there with us, and Mr. *Burnaby*; for Mr. *Oates* seeing us in the Garden at first, put himself into our Company, and kept with us.

L. C. J. Was he not in the Infirmary?

Gifford. Not at that time, my Lord.

L. C. J. When was he in the Infirmary?

Gifford. The Day after *Hilsley* went away.

L. C. J. Do you remember that?

Gifford. Yes, I do.

L. C. J. North. How long did he stay in the Infirmary?

Parry. About three Days.

L. C. J. And for how long together did you see him after Mr. *Hilsley*'s Departure?

Gifford. I can swear that I saw him at least till *June*, if I can believe my own Eyes.

L. C. J. Your Religion does not allow you to believe your own Eyes.

Gifford. I can in my Conscience say, I believe I did see him every Day, or every other Day.

L. C. J. Which do you say, Did you see him every other Day, or every Day.

Gifford. If I say, I saw him every other Day, that is sufficient.

L. C. J. Do you know that he went out of the College at any time?

Gifford. Yes, he went for one Night.

L. C. J. Whither?

Gifford. To a place called *Watton*.

L. C. J. What did he go thither for?

Gifford. For his Relaxation.

L. C. J. How came you to take such particular notice of him, that he was there?

Gifford. It is impossible but we should see him, and take notice of him, for we Dine all together in one Room, and we could not but take notice of him, for he was at a distinct Table by himself.

L. C. J. How many are there that Dine in one Room?

Gifford. One hundred and fifty.

L. C. J. How could you know him, when there were so many?

Gifford. He was at a distinct Table by himself, between the Boys and the Religious.

Then stood up another, one Palmer.

L. C. J. Well, what do you ask him?

Fenwick. The same Question as the rest.

L. C. J. When came you from *St. Omers*?

Palmer. I came two or three Months ago.

L. C. J. Why did you come over?

Palmer. I had no mind to stay any longer.

L. C. J. Where does your Father live?

Palmer. By *Windsor*.

L. C. J. When did you see Master *Oates*?

Palmer. I saw him the first Day of *May*, New Stile, and I know it for a particular Reason; there were Strangers dined at the College that Day, whereupon Master *Oates*, and several other Boys played at Nine-Pins, in the Afternoon, I saw them.

L. C. J. Why, you do not count all Boys there, do you?

Palmer. All but those that are the Religious.

L. C. J. Why, you did not count Master *Oates* a Boy, did you?

Palmer. He was none of the Religious: He sat indeed at a Table by himself, but he went to School with the Boys, and we called all the Scholars Boys.

L. C. J. How often did you see him?

Palmer. I'll tell your Lordship, I saw him the first of *May*, for that Reason; the second of *May* I saw him with Master *Burnaby*, a Man that he had never seen in all his Life before, and we wondred that he had so much impudence to insinuate himself into his Company.

L. C. J. What is he?

Palmer. He is a Gentleman that is now in *Flanders*.

L. C. J. How do you know that Mr. *Oates* had no Acquaintance with him before?

Palmer. Because I know he was in *England*, and came over while Master *Oates* was actually at *St. Omers*.

L. C. J. But he might be of his Acquaintance in *England*.

Palmer. I heard Master *Burnaby* say, he never saw Master *Oates* in all his life before. The second of *May* I saw him at the Action, the fifth of *May* Master *Killinbeck* went away, and I saw Master *Oates* actually there then, and one Master *Poole* went away; and I remember *Oates* was there for a particular Reason; he was a kind of a weak Man, something soft, not over-wise, and we were asking him, why he would go away by himself; and talking of it afterwards, says Master *Oates*, (I will not say positively those were the words, but that was the sense) *He does not go alone, for there goes Esquire Poole and Esquire Fool together.* The eleventh Day we had an Action, a Play also, whereupon there was a particular place for the Musicians to play in, where no one else was to sit; Master *Oates* would sit there, and thereupon there was one Master *Watson* quarrell'd with him, and they had like to have fought.

L. C. J. This was the 11th of *May*?

Palmer. Yes, my Lord, New Stile, and the other was the 5th.

L. C. J. But you saw him betwixt that Time?

Palmer. Yes, my Lord, I did.

L. C. J. And so for how long?

Palmer. I saw him at four o'clock in a Morning, reading Father *Worsley's* Controversies, and so for several Days together.

Fenwick. Did he go away before *June*?

Palmer. No, he did never stir till *June*.

Sir Cr. *Levinz*. Did not you go sometime by the Name of *Sanders* or *Hill*?

Palmer. No, only by the Name of *Thomas Palmer*.

Sir Cr. *Levinz*. Hark you, Sir, who maintained you at *St. Omers*? Do not you know one Mr. *Caryl*?

Palmer. No, my Father maintained me.

L. C. J. Who is your Father?

Palmer. Sir *Philip Palmer*.

L. C. J. What Country Gentleman is he?

Palmer. *Buckinghamshire*.

Mr. Just. *Pemberton*. He is Cup-bearer to the King.

Then stood up one Master *Cox*.

L. C. J. How long have you been from Saint *Omers*?

Cox. Two Months.

L. C. J. What Country-man are you?

Cox. I was born at *Brussels*, to serve you.

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

Cox. Yes, I did, very well.

L. C. J. Where?

Cox. At *St. Omers*.

L. C. J. When?

Cox. I left *St. Omers* Seven Months ago, and I came away in the Month of *November*, after Master *Oates*. My Lord, I can prove that he was there in *April* and *May*. I went from *St. Omers* to *Brussels*, and from *Brussels* I came straight to *London*.

L. C. J. But when did you see Master *Oates* there?

Cox. I can prove I saw him at *St. Omers*, when he says he was in *England*, and that by this Circumstance; Master *Pool*, who was my Musick-

Master, was sick there, and Master *Oates* was often with him.

L. C. J. Were you there all the Time he was there?

Cox. Yes, I was, till he went away.

L. C. J. When did he go away?

Cox. Master *Oates* went away in the Month of *July*.

L. C. J. Are you sure of that?

Cox. Yes, my Lord, I am.

L. C. J. Not in *June*?

Cox. No, my Lord, *July*.

L. C. J. Why he differs from all the rest.

Cox. My Lord, I can prove he was at *St. Omers* when he says he was in *England*.

L. C. J. Why, what Month did he go away?

Cox. My Lord, I can prove that Mr. *Oates* was never absent from *St. Omers*, till he went away for good and all.

L. C. J. When was that?

Cox. He went after the Consult of the Jesuits, which he says was in *England* in *April*.

L. C. J. Come, come, answer me plainly, if you can, in what Month Mr. *Oates* left *St. Omers*?

Cox. I say, Mr. *Oates* was never absent from *St. Omers*, till the Consult of the Jesuits was over, which he hath confessed himself to be at.

L. C. J. When was that?

Cox. Why it was after *May*, 'tis no matter what the Month was, whether *June* or *July*. (At which the People laughed.)

Cox. What do you laugh at, Sirs? why, suppose I mistake the Month, it is no matter.

L. C. J. Look you, we are now upon a Question of Time, and you cannot tell that a Man is there at a certain Time, unless you can prove the certain Time when he came away.

Cox. I can prove, that he was there till after the Consult of the Jesuits. (And then the People laughed again.)

L. C. J. Ay, I believe you there, 'tis enough for you, but you have done a very great Prejudice to those Persons that you came for, for you come to prove the Conclusion, but do not take notice of what Mediums you are to use. Say you, if I can but prove that he was there till after the Consult of the Jesuits, that is the Thing in Question, and I need no more; but this is serving a Turn only: Pray can you tell me what Month he came to *St. Omers*?

Cox. Yes, he came thither in the Month of *December*.

L. C. J. And when did he go away again?

Cox. He was never absent from *St. Omers*, out of the View of the Scholars, except one Night, that he went to *Watton*, and one Day, when he was in the Infirmary, but even at that Time he was seen by some of the Scholars.

L. C. J. Yet you cannot tell the Time that he went away?

Cox. He was never absent all the while.

Mr. Just. *Windham*. Do you know when the Consult of the Jesuits was? upon what Day?

Cox. He says he went away with Mr. *Hilsley*, but he did not, I can prove the contrary.

L. C. J. No, no, he says he followed him, and overtook him at *Calais*.

Cox. That is false, and I can prove it by this Circumstance: One Mr. *Conquest* was to go for *England* that Day, and he came into the Refectory, and told us a Story of this Mr. *Conquest's* being

being unwilling to rise in the Morning to go for England.

L. C. J. When did he tell that Story?

Cox. That Day that he was to go for England.

L. C. J. How long was that after Mr. *Hilsley* went away?

Cox. The Day after.

Gavan. When was the Time that Mr. *Conquest* went for England?

Cox. In the Month of *May*, as we count.

L. C. J. What time in the Month of *May*?

Cox. It was the 5th: And he says, that Mr. *Pool* and Mr. *Neuil* were in England with him, but I can testify that they were not absent, for one of them was my Musick-master.

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

Cox. Yes, that I can testify upon my Oath.

L. C. J. And all *June*?

Cox. Yes, my Lord, but if I prove he was not in *May* in England it is sufficient.

L. C. J. Upon my word, you deserve a sharp Penance, for running into that Fault two or three times: You have done them no Kindness in this matter.

Gavan. If your Lordship will take Advantage of every Circumstance, young Men may not remember the particular Day of his going away.

L. C. J. But you hear how he delivers his Evidence, 'tis as if he had been instructed, You must come and prove that *Oates* was not in England in *April* and *May*, and that will do our Business; for he tells you, it is sufficient; but we will have it proved to satisfy us.

Cox. But why should I say more than I know?

L. C. J. You mean, more than you are instructed about. I only ask you one short Question, Do you know when Mr. *Oates* left *St. Omers*? Name the Month.

Gavan. If you don't remember the Time, say so.

Cox. My Lord, I cannot remember it.

L. C. J. Then call another. *Who stood up.*

Oates. My Lord, I desire they may be examined apart.

L. C. J. You need not trouble yourself about that. *What is your Name?*

Billing. My Name is *Thomas Billing*.

L. C. J. When came you from *St. Omers*?

Billing. I came three Months ago, I think, my Lord.

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

Billing. Yes, my Lord, very well.

L. C. J. When did you see him at *St. Omers*?

Billing. My Lord, I saw him when he came, the same Day, or the Day after.

L. C. J. When was that?

Billing. In *December*, my Lord, the 10th of *December*.

L. C. J. And he staid there, how long?

Billing. Till the latter end of *June*.

L. C. J. Was he never absent?

Billing. I can very well remember that he went to *Watton* in the *Christmas*. I was then in the Infirmary myself, and he and his Companion came in there to see us, and said he had been at *Watton*.

L. C. J. But he was twice in the Infirmary, was he not?

Billing. Yes, my Lord.

L. C. J. When was the second time?

Billing. The second time was in *April*, I went in the Week before *Christmas*: On *St. Thomas* of *Canterbury*'s Day I came out again.

L. C. J. But you say the second time was in *April*?

Billing. Yes.

L. C. J. How long was he there then?

Billing. Truly I was not with him then, but I think three or four Days.

L. C. J. Were you in the College then?

Billing. Yes, my Lord, I was.

L. C. J. Did you see him in the College from Time to Time?

Billing. Yes, I did.

L. C. J. How long?

Billing. For all the Time that he staid.

L. C. J. How long was that?

Billing. That was from *December*, till the latter end of *June*.

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

Billing. Yes, my Lord. He says he was eight Days in England, but he could not be so, for he entred himself into the Sodality the 25th of *March*, and not long after his Admission, he was put to read every *Sunday* morning at Six o'clock. And after that he began once to read, he never was absent from that Time till the Time he went away.

L. C. J. Why, did he read when he was sick?

Billing. He was not sick upon the *Sunday*.

L. C. J. You say he was sick in *April*?

Billing. Yes, my Lord.

L. C. J. But he was not sick of a *Sunday*, in *April*?

Billing. He was only a little indisposed, and frequented the Infirmary in the Day-time for a matter of three or four Days.

L. C. J. Did he read, at the Time he was sick in the Infirmary?

Billing. He was not sick a whole Week.

L. C. J. Did it reach to a *Sunday*?

Billing. No, my Lord, that I remember.

L. C. J. How long did he continue there?

Billing. Till towards the latter end of *June*.

L. C. J. Did you see him once in two or three Days?

Billing. Yes, my Lord, I did, constantly. And upon the 2d of *May*, I very particularly remember, looking out into the Garden, I saw Mr. *Blunt* walking in the Garden, and Mr. *Oates* with him: And observing him to be very intimately familiar with him, I asked some that were with me, Does this *Sampson*, for he went by that Name in the College, says I, does *Sampson* know *Dick Blunt*? No, said they; and we wondred at his Confidence, having no greater Acquaintance; I saw him that Day, walking in the Garden with that *Blunt*.

L. C. J. That was the 2d of *May*?

Billing. Yes, my Lord.

L. C. J. And he was constantly in this Gentleman's Company that Day?

Billing. Yes; and moreover the same Day this *Sampson* was walking with one *John Rushton* in the Garden, and seeing me walk alone, *Thomas*, says he, have you never a Companion? No, *Sampson*, said I: Well, said he, pr'ythee come to us. So I was with him walking a little while, and then this *Blunt*, and one *Henry Howard*, were playing one with another, throwing Stones at one another's Shins. At which he was displeased, and said, if they would not be quiet, he would go tell the Rector. *Howard* was hasty, and spoke angrily to him, and said, if he would not be quiet, he would beat him: But Mr. *Oates* persisting, and daring of him, says he, What, do you dare me? and comes up to him, and throws

up

up Mr. Oates his Heels. With that Mr. Oates look'd very fretfully upon him, and withdrew himself into the Infirmary, as we thought, to speak to the Rector. And by these Particulars, and such as these, I remember to have seen him every Day, one Day with another, or every other Day, at St. Omers, till he went away, which was in June.

Then stood up another, one Townley.

L. C. J. Come, Mr. Townley, do you know Mr. Oates?

Townley. Yes, my Lord.

L. C. J. When came you from St. Omers?

Townley. I came a Week before Easter.

L. C. J. When saw you this same Mr. Oates at St. Omers?

Townley. I saw him in June.

L. C. J. When else?

Townley. In May.

L. C. J. When else?

Townley. In April.

L. C. J. Was he there in all April, all May, and all June?

Townley. No, not all June. He went away, as I take it, about the 10th of June.

L. C. J. Pray, how often did you see him? Did you see him every Day?

Townley. I conversed with him every Day. He was partly a Scholar, and partly a Father; and sat at a Table by himself. He went to School as a Scholar; 'tis true, indeed, he did not learn, as the rest of the Boys did, but he went to School, as the Boys did, and was at a Table from the Fathers, as the Boys were, but apart and alone.

L. C. J. But how often did you see him? was it every other Day?

Townley. Yes, I believe I did.

L. C. J. What, for all April, and all May?

Townley. Yes.

L. C. J. How came you to take such particular Notice of it, that you can say, you saw him every other Day?

Townley. If I constantly dine with one, or if he be at a single Table alone, he cannot be absent, but I must take notice of it: And he was neither as a Father nor as a Scholar, but betwixt both, and therefore the more to be taken notice of.

L. C. J. This then you say, He sitting by himself, and being distinct from all the others, you might more easily observe his Absence, than any others. This is that you say?

Townley. Yes, my Lord.

L. C. J. You say well. Call another.

Then stood up one Fall.

L. C. J. When came you from St. Omers?

Fall. About Two Months ago.

L. C. J. When did you see Mr. Oates?

Fall. I saw him when I was in my Syntax, and now I am in Poetry.

L. C. J. What Month did you see him in?

Fall. When he came first, as I remember, it was at Christmas.

L. C. J. Christmas last?

Fall. No, it was Christmas was Twelve-month, Christmas 1677.

L. C. J. How long did you see him there?

Fall. I saw him there from that time till June, only when he was at Watton.

L. C. J. Was he never sick?

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Fall. I saw him in the Infirmary my self.

L. C. J. How can you tell when a Man is sick?

Fall. I do not pretend to that, but he was in the Infirmary as a sick Man.

L. C. J. How came you to take particular notice of it?

Fall. I took no particular notice, but I have recollected my Memory.

L. C. J. Upon what Occasion?

Fall. Upon this Occasion.

L. C. J. How often did you see him?

Fall. I saw him every Day.

L. C. J. How long have you been in the Convent?

Fall. My Lord, I have been there two Years and an half.

Then stood up John Hall.

L. C. J. When came you from St. Omers?

Hall. In July, my Lord.

L. C. J. How long have you been there?

Hall. Seven Years, and upwards.

L. C. J. How long is it since you came from thence?

Hall. In July, in the Year 1678.

L. C. J. And did you see Mr. Oates there then?

Hall. No, my Lord.

L. C. J. When did you see him there, then?

Hall. I saw him there in April, May, and June.

L. C. J. What, all June?

Hall. No, my Lord.

L. C. J. How long in June?

Hall. He went away about the 23d of June.

L. C. J. How came you to take such particular notice Mr. Oates was there all this while?

Hall. I was a Servant there.

L. C. J. In what Way?

Hall. A Refactorian, a Butler.

L. C. J. Did you keep Books of what Meat and Drink they had?

Hall. No; I laid their Table, drew their Beer, and laid the Bread.

L. C. J. And did you serve Mr. Oates with Bread and Beer every Day?

Hall. Yes, my Lord, most Days.

L. C. J. Did you serve the Infirmary?

Hall. No, my Lord.

L. C. J. But you say you served him every Day?

Hall. Yes, my Lord, the most of the Time he remained there; I acknowledge he was in the Infirmary.

L. C. J. How long?

Hall. Four or five Days, or thereabouts.

L. C. J. Was he in the College in April?

Hall. Yes, my Lord, all along.

L. C. J. And all May?

Hall. Yes, my Lord, I saw him all May, I laid his Table near the Door, at a particular Place where he always sat.

Jury. My Lord, we desire to know what Employment he is of now?

L. C. J. Hall, what made you come into England?

Hall. My Lord, I had not my Health there.

L. C. J. How long had you lived there?

Hall. Seven Years, and upwards.

L. C. J. And when began you to be sick?

Hall. I had not my Health at Christmas, in December 1677.

L. C. J. What Employment have you here, for you had a good Place there?

Hall. I live at home, with my Father and my Friends.

L. C. J. What is your Father, where lives he?

Hall. He is a Gentleman; he lives in *Radnorshire*.

L. C. J. When came you to *London*?

Hall. I came to *England* in *July* 1678.

L. C. J. But you say your Father is in *Radnorshire*, when came you here to *London*?

Hall. I have been here about a Month. I was summoned up as a Witness.

Then one Dallison was called, who did not appear; and one Maushel appearing, but speaking French, and no English, and an Interpreter not being ready, he was for the present, by the Consent of the Prisoners, set aside. And then stood up one Cooke.

L. C. J. When came you from *St. Omers*?

Cooke. In *January* last.

L. C. J. And where have you been ever since?

Cooke. Here in *Town*, my Lord.

L. C. J. Does your Father live here in *Town*?

Cooke. No, my Lord.

L. C. J. Do your Friends live here?

Cooke. No, my Lord.

L. C. J. You came over upon this Occasion, did you?

Cooke. Yes, my Lord.

L. C. J. When did you see *Mr. Oates* there?

Cooke. I saw him in last *June*.

L. C. J. And was he there in *July*?

Cooke. No, my Lord.

L. C. J. What time did he go away?

Cooke. The 23d, the Eve of the Feast of *St. John Baptist*.

L. C. J. How do you know?

Cooke. I made him some Clothes.

L. C. J. Are you a Taylor?

Cooke. Yes.

L. C. J. How often did you see him?

Cooke. Every Day.

L. C. J. How came he to keep you Company?

Cooke. I could not choose but see him, sometimes I saw him twenty times a Day.

L. C. J. Where was he in *April*?

Cooke. He was there all *April*.

L. C. J. He might be absent one Day, or so, and you see him not.

Cooke. He used to come twice a Week to my Shop for things.

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

Cooke. Yes.

L. C. J. You say you saw him every other Day?

Cooke. Yes, my Lord.

Sir Cr. Levinz. Why, Sir, there are 150 Scholars there, how can you tell he was there so well?

Mr. Just. Pemberton. Can you tell every one that was there all that time?

Cooke. No, I can't tell every one that was there, but he was particular enough.

L. C. J. Did you live in *Town* as a Taylor, or in the College?

Cooke. In the College.

Mr. Belwood. Was *Mr. Oates* at *Watton*. any part of the time?

Cooke. Yes, he was.

Mr. Belwood. What Day? what Month?

Cooke. I cannot justly say the Day, but it was in *April*.

L. C. J. How long was he absent?

Cooke. Only one Night, as it shall please you.

Mr. Just. Pemberton. Hark you, how came you to take notice that he was at *Watton* one Night?

Cooke. It was talked of among all the Scholars:

L. C. J. How can you remember what was said a Year ago of one Man?

Cooke. It was reported all over the House.

Gavan. In one Place of his Narrative, he says he came over with *Sir John Warner* and *Sir Thomas Preston*.

L. C. J. North. That is nothing to the Purpose. If you can contradict him in any thing that hath been sworn here, do.

Gavan. If we can prove him a Perjured Man at any time, we do our business.

L. C. J. You should have proved him a Perjured Man before. How can we prove one Cause in another? and then too he had been provided to make his Defence. Can he come prepared to make good every thing that he hath said in his Life?

Oates. Can I come to make good my Evidence against all I have done in my Life?

L. C. J. Look you, if so be he hath forsworn himself in any former Trial, if that would appear, you have all the Reason to make use of it; but you have not taken the right way, you should have indicted him and tried him for Perjury in the former Trial, and then he could not have been heard at all in this.

Whitebread. We were all Prisoners close shut up.

L. C. J. We know you have a Party strong enough, and willing enough to convict him of Perjury, if they could; but look you, Gentlemen, here is the thing, if you can give such Evidence as will satisfy the Jury that he was absent all *April* and all *May*, you have said a great thing. His Evidence will be quite contradicted.

Whitebread. He says he came over with *Sir Thomas Preston* and *Sir John Warner*, and others.

L. C. J. He says nothing of it now.

Oates. May it please you, my Lord, I will answer it, if you please.

L. C. J. They desire to know who came over with you when you came over in *April*.

Oates. I will tell you, and to convince the Court, that in neither of the Trials I did contradict my self, I say, I did name some Persons at one time that I did not name at another, because some Mens Names did occur to my mind at one time than did at another. There came over with me the Rector of *Liege*, *Sir John Warner*, Father *Williams*, Father *Marsh*, Father *Warner*, *Sir Thomas Preston*, and others.

L. C. J. This is dealing plainly with you.

Then stood up one Bartlett:

L. C. J. What Countryman are you?

Bartlett. I am a *Dutchman*.

L. C. J. Can you speak *English*?

Bartlett. Yes, a little.

L. C. J. When came you from *St. Omers*?

Bartlett. I came from *St. Omers* the 23d of *May*, in the Year 1678, New Stile.

Gavan. My Lord, this Man is come over to testify, that *Oates* is perjured in a Circumstance about *Sir John Warner*.

L. C. J.

L. C. J. He is to contradict Mr. Oates's Testimony, for he says he came over with Sir John Warner, and you say Sir John did not come at that time.

Gavan. Yes.

L. C. J. Well, when did Sir John Warner come over from St. Omers ?

Bartlett. Whither ?

L. C. J. Into England.

Bartlett. Sir John Warner hath not been in England all May, and all the Month of April.

L. C. J. Where was he ?

Bartlett. He was at Watton. I did see him there.

L. C. J. Were you there all that time ?

Bartlett. Yes, I was.

L. C. J. North. Were you there all May ?

Bartlett. Yes, I was.

L. C. J. When did you come over into England last ?

Bartlett. The 23d of May.

L. C. J. How long have you been in England ?

Bartlett. About five or six Weeks.

L. C. J. What is your Name ?

Bartlett. My Name is Bartlett.

L. C. J. But you say that you came over the 23d of May.

Bartlett. I did not come over till the latter end of June.

L. C. J. Just now you said, you came over the 23d of May.

Bartlett. No, my Lord, I thought you had asked the Question when Mr. Oates came over.

Mr. Just. Pemberton. He says so, as your Lordship says before.

L. C. J. How do you know when Mr. Oates came over ?

Bartlett. I heard so beyond Sea.

Then one Carrier, a Foreigner, appearing, and not being able to speak English, Mr. Tisser the Under-Sheriff of Middlesex was sworn truly to interpret his Testimony.

L. C. J. Mr. Tisser, you are only to tell us what he says : Ask him when he came into England last.

Tisser. He says, my Lord, it was between seven and eight Weeks ago.

L. C. J. Ask him if he knows where Sir John Warner was, last Summer was a Year ago.

Tisser. He says, my Lord, he was in Watton for two Years last past.

L. C. J. Ask him where he was all April was Twelvemonth, and all May.

Tisser. My Lord, he says, that the last Sunday in April Sir John Warner was at his House at Watton.

L. C. J. And where was he all May ?

Tisser. In the same House.

L. C. J. Ask him how he does know.

Tisser. My Lord, he saith, that he was a Gardener there.

L. C. J. It seems he says to the same effect as the last Witness did. Call another. Who did stand up.

L. C. J. What is this Man's Name ?

Gavan. His Name is Charles Verrou.

L. C. J. Does he speak any English ?

Gavan. No, he does not.

L. C. J. Then, Mr. Tisser, ask him if he knows

Sir John Warner, and where he was April and May was Twelvemonth.

Tisser. He says, my Lord, that he was at Watton all April and May, and continued there till September.

L. C. J. Pray ask this Man what Quality he is of there.

Tisser. He goes along with a Vessel between St. Omers and Watton, and that he knows it to be true.

L. C. J. Ask him if he did see him every Day.

Tisser. He says, generally, my Lord, daily.

L. C. J. Ask him what Religion he is of.

Tisser. He says he is of the Roman Religion.

Then stood up one Baillee.

L. C. J. Ask him, Mr. Tisser, if he knows Sir John Warner ; and where he was all April and May was Twelvemonth.

Tisser. He says the same, that he was at Watton all April and May.

L. C. J. Ask him, how he can tell.

Tisser. He says he is a Servant of the House.

L. C. J. And did he see him there daily ?

Tisser. My Lord, he says that he gave him Directions to make a Bastymment, that he is a Mason, and that he did give him Directions daily about it, and that he saw him every Day.

L. C. J. Look you, Gentlemen of the Jury, he speaks to the same purpose that the three Witnesses before spoke to ; he says he is a Mason, and that he built a Bastymment there by Direction from Sir John Warner, and that Sir John Warner came daily to give Directions about it.

Then stood up John Joseph.

L. C. J. Do you know Sir Thomas Preston ?

Joseph. Yes, my Lord.

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

Joseph. In the Months of April, May, and June.

L. C. J. Where was he then ?

Joseph. He was at the English House at Liege.

L. C. J. Did you see him there ? How often did you see him there ?

Joseph. I saw him there every Day almost.

L. C. J. What Occasion had you to see him ? What were you there ?

Joseph. I was Porter of the Gate.

L. C. J. And did you see him all the Month of April ?

Joseph. Every Day, most commonly.

L. C. J. Did you see him once in a Day or two ?

Joseph. I did see him in April, May, and June.

L. C. J. That you might do ; but did you see him every Day ?

Joseph. Every Day, most commonly, I cannot absolutely say, but two or three Days in a Week.

Sir Cr. Levinz. Pray do you know of any time that Sir Thomas Preston was absent from Liege ?

Joseph. He was in the Time of Vacancy.

Sir Cr. Levinz. Was he not absent in April or May ?

Joseph. No, my Lord.

L. C. J. When are the Vacancies ?

Joseph. In August, my Lord.

Then stood up one Peter Carpenter.

L. C. J. Do you know Sir Tho. Preston ?

Carpenteer. Yes, my Lord, very well.

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

Carpenteer. I knew him at *Liege*.

L. C. J. How often did you see him there in *April* and *May*?

Carpenteer. Every Day I saw him there, all *April* and *May*.

L. C. J. What Office had you there?

Carpenteer. I was Caterer.

Gavan. My Lord, we have no more Witnesses as to this Point. But, my Lord, my Case is different from the others: *Mr. Oates* says he did not see me in the Congregation, but he says, he afterwards saw my Hand to the Consult: Now, my Lord, I have a Witness to prove that I was at that time at *Wolverhampton* in *Staffordshire*. No body hath a Right to sit in the Congregation till he become a professed Jesuit, which at that time I was not.

L. C. J. He does not charge you to have been there, tho' he says he saw your Hand to it.

Gavan. My Lord, I was then in the Country.

L. C. J. North. That will do you some, and yet but little Service, if you can prove your self at *Wolverhampton* at that time; but call your Witnesses.

L. C. J. *Mr. Gavan*, he says he saw a Letter of yours, giving an Account how Affairs stood in *Staffordshire* and *Shropshire*, and that afterwards in *July*, and before that Gentleman, *Mr. Asby*, went to the *Bath*, he heard you discourse of the same Matter: And though he cannot charge his Memory to say he saw you the 24th of *April*, yet, says he, I did see his Hand to the Consult; and being asked how he knew your Hand, he says he knew it by your writing a Bill of Exchange in his Presence.

Gavan. I could not sign the Consult at *London*, and not be at *London*.

L. C. J. North. I believe in such a Business you care not how many Hands you have; but we will not prevent you calling your Witnesses: You are upon your Life, don't spend the Time, call them quickly.

L. C. J. What do you call them to prove?

Gavan. To prove that I was at *Wolverhampton* the 24th and 25th of *April*.

L. C. J. Pray hear what he says himself. You say, Sir, you saw his Hand to the Consult that was in *April*; pray, when was it that you saw it?

Oates. It was in *June* or *July*.

L. C. J. North. You might set your Hand afterwards to it, if you were not there then.

L. C. J. You say you were then in *Staffordshire*, and might not you set your Hand afterwards when you came to Town? I will tell you, *Mr. Gavan*, in *April* they met, and had such a Resolution; you were then in *Staffordshire*; might not you come to Town in *July* following, and set your Hand to what was agreed in *April* before? And you cannot contradict him, but by shewing that all *June* and *July* you were not here: For if you prove your self never so much to have been at *Wolverhampton* in *April*, that will not serve the Turn. You seem to make a very great Defence of this: All that *Mr. Oates* says is, that the 24th of *April* he was present where there was a Consult had about the Death of the King, and divers Persons set their Hands to the Resolve. *Mr. Gavan* afterwards was in Town, and then, says he, I saw his Hand set to the Consult: I will not charge

my Memory to say he was present, but I will tell you why I believe it was his Hand, because I saw him draw a Bill of Exchange, and that was just like the same Hand.

Gavan. Ay but, my Lord, I was not here in *April*.

L. C. J. But this proves, in effect, that you set your Hand to the thing afterwards. And now if you should prove your self never so plainly not to have been there in *April*, you do not come to the thing: it is still a *Non liquet*, whether you were here *July*, or no. And *Mr. Oates* does not positively charge you as to *April*. Well, call your Witnesses, and prove what you will.

Catharine Winford was called, and appeared.

Gavan. I desire you would be pleased to ask her, where I was the 23d of *July*?

Winford. My Lord, I am very sure he was a Sojourner at our House the most part of the Summer, in *June* and *July* both: In *July* the 23d he went away from my House, and took another Lodging more convenient for that which he had to do.

L. C. J. Where? In what Town was this?

Winford. At *Wolverhampton* in *Staffordshire*.

L. C. J. Was he never away from you all that Time?

Winford. No; and then he went to another Lodging in the Town.

L. C. J. Do you say that he sojourned with you all *June* and *July* till the 23d?

Winford. He sojourned with me longer; but I only name those Months, because they are only in Question.

L. C. J. Where did he go when he went from you?

Winford. He took another Lodging in the Town.

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

Winford. I saw him then every Day, or every other Day.

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

Winford. Yes, my Lord, I am so.

L. C. J. Call another.

Gavan. Call *Mary Poole*. [*Who stood up.*]

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

Poole. Yes, my Lord.

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

Poole. This Six or Seven Years.

L. C. J. Pray do you know where he was this time Twelvemonth?

Poole. He was at *Mrs. Winford's* House at *Wolverhampton*.

L. C. J. How do you know?

Poole. I was a Servant there in the House.

L. C. J. And where was he in *April*?

Poole. He was at my Mistress's House.

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

Poole. My Lord, I believe he was there.

L. C. J. And why do you believe he was there?

Poole. Because I don't remember his going forth, till the latter end of *July*, and he was there in *June* too.

L. C. J. You answer readily, as to *June* and *July*, why did you stick at the Month of *May*, more than the other Months? for you know, when I asked you where he was in *April*, then you said he was at home; why do you doubt whether he was there in *May*, or no? pray tell us why it is not as certain to you that he was

not there in *May*, as that he was there in *June*? Why do you doubt more of it?

Poole. I do not doubt but that he was there.

L. C. J. But why did you not answer then as readily to the one, as to the other?

Poole. My Lord, any one may mistake.

L. C. J. This you were not prepared for, and it was a Question you did not come ready to answer: Are you a *Roman Catholick*?

Poole. Yes, my Lord. [*Here the People laugh'd.*]

L. C. J. Look you, you must know there is no other Use to be made of it, but only to shew, that Protestants are so averse to Popery in *England*, that they will not endure a *Roman Catholick* in *England*: But they are good Evidence, and competent Witnesses, I must tell you that, and no Man must deny it; for tho' you deny Heaven to us, yet we will not deny Heaven to you, nor Witnesses; tho' you say Hereticks will be damn'd, yet we hope they will never, while they do not follow your Practices. [*At which the People gave a great Shout.*]

L. C. J. You must pardon the People's Shouting; for you have turned their Hearts so, that there is no Living for a Papist in *England*, I will maintain it. [*And then the People shouted again.*] You shall have all the Justice that can be, and all the Favour the Law will allow.

Gavan. If there be but a Place for us in Heaven, I am contented: My Lord, I desire you will be pleased to ask this *Mrs. Catharine Winford*, whether she does not remember that I came from my Lord *Aston's* the *Monday* before.

L. C. J. *Mrs Winford*, what say you? do you remember any Passages about the Time he left your House?

Winford. My Lord, I did not know directly and positively what I should come to answer, and therefore I cannot recollect myself.

L. C. J. Do you know that he went to any Gentleman's House some time before he left your House?

Winford. Yes, my Lord, he went often abroad.

L. C. J. To whose?

Winford. To my Lord *Aston's*.

L. C. J. How long before?

Winford. I cannot tell.

L. C. J. How long did he stay at my Lord's? Did he ever stay Five or Six Days?

Winford. I cannot tell.

L. C. J. My Meaning is this, in plain *English*, to ask you plainly, and you ought in Conscience to speak the Truth as much as if you were upon your Oath; for you are in the Presence of God, who will judge you as severely for a Falshood in this Case, as in the other: I would ask you whether he could not possibly be absent, and make a Step to *London*, and you be never the wiser?

Winford. My Lord, I am as confident as I can be of any thing in the World, of the contrary.

L. C. J. Might not he be in *London* the latter end of *June* or *July*, and you not know it, when he pretended to go to my Lord *Aston's*?

Winford. I do not know, but I am very confident he did not.

L. C. J. But was he absent long enough to have done it? Can you charge your Memory with that?

Winford. It was possible it might be so, but I am confident it was not, because I used to order

my Maid to get him his Linen ready upon any Journey, and he had none now.

Oates. My Lord, he took a Chamber to go into the Exercise; now, my Lord, he taking a Chamber on purpose for this very thing, he might pretend that, and come to *London* the while, and they not know it, because he was shut up; for none are to come at them.

Winford. My Lord, I know not any such Thing of him; but this is a Rule amongst them, that when they are so shut up, if there be a necessary Occasion to come to them about any particular Business, as sending them Linen, or so, they have Admittance to them.

L. C. J. Were you employ'd upon any such extraordinary Matter?

Winford. My Lord, I used to go and see him, and carry him his Linen.

L. C. J. And can you charge your Memory with that?

Winford. Yes, my Lord, I can.

L. C. J. When? the latter end of *July*?

Winford. Yes, my Lord, I often went to see him then, when he was gone from my House.

L. C. J. Where was he for all the former part of *July*, till those eight Days?

Winford. He was at my own House.

L. C. J. When went he first into this reclusive Way?

Winford. He went from my House the 23d of *July*.

L. C. J. Was he not close, when he was with you?

Winford. No, my Lord.

L. C. J. And the last eight Days you had Access to him?

Winford. Yes, I had.

L. C. J. I ask you, Are these People shut up at a certain Time, and there is no coming to them, upon any Occasion?

Winford. My Lord, most of those Days I did see him, indeed he was shut up, but upon any kind of Business, as the carrying of Linen, and sometimes a pair of Gloves, and other Things of his own, or sometimes to speak with him about Business, we were admitted.

L. C. J. I see your Confinements are not so great as you would make them to be, or he would have us think: I ask you once more, whether you can say, that during the Months of *June* and *July* it was not possible for him to make a Step to *London*, and you never the wiser?

Winford. I am very confident he did not, he was not absent long enough to do it.

Sir Cr. Levinz. You said just now, you could not say positively, but he might be absent for five or six Days.

Winford. I do not believe he did; for he had no Linen with him, which he used to have, when he went to *London*.

L. C. J. But, supposing he had no Linen, might he not go to *London*, and you not know it?

Winford. I can't tell whether he was absent, or no, long enough to do it.

Gavan, Pray, my Lord, let me speak; as I live, an innocent Man will be lost else. He says expressly, I was in Town in *July*; and gives this Argument for it, That *Mr. Ashby* was in Town, and he met me with him.

L. C. J. No, no; *Mr. Oates* was not so positive: He says, it was either in *June* or *July*; but he

he rather thinks it was *July*. But, Mistress, might not he, in the beginning of *July*, be absent so long, as a Man might go to *London*, and return again; in the first three Weeks of *July*, I mean?

Winford. My Lord, I cannot charge my Memory, because I did not know what I should be asked, and so could not recollect myself. I only say I am confident of it, because he always told me, when he went such a Journey, that I might make Provision of Linen to fit him for it.

L. C. J. Your Reasons are weak; Because he used to tell you, that you might get him Linen: Men, upon extraordinary Occasions, do extraordinary things; so that you are not to govern yourself by what he used to do, in his acquainting you, or you in providing his Linen. This was no ordinary Errand, and therefore I don't ask you whether he had Linen from you, or no; but you are only to charge yourself with remembering whether he could not be absent long enough out of your Sight, to have been such a Journey?

Gavan. Pray, my Lord, give me fair Play. He does charge it expressly, and is precise to a Day: He saith, I was here in *July*, after that *Asbby* was come to Town, and before that he went out of Town: And he says, That *Asbby* came to Town in the middle of *July*, and went out of Town about the latter end of *July*, or beginning of *August*. Now, my Lord, I say this, he saying that *Asbby* came to Town the middle of *July*, and staid there a Fortnight, and then went to the *Bath*, and that I came to Town while that he was there; if I prove that I was in *Staffordshire* from the 15th or 16th of *July*, to the end of the Month, then I shall clear myself evidently; for he does, in effect, charge me to be here, some Time in that Fortnight's Time, and I prove, that all the latter Part of *July* I was in the Country.

L. C. J. He does not charge it to a Day, but he says it was about a Fortnight.

Oates. Mr. *Asbby* came to Town in the beginning or middle of *July*; I rather think it was the middle, but I dare not, upon my Oath, be positive, as to the Time; and in that Time that Mr. *Asbby* staid in Town, Mr. *Gavan* came to *London*: For I remember, he said he would go and see Father *Asbby*, who was then at *Wild-House*.

L. C. J. Prove where you were now, all *July*. Call your Witnesses.

Gavan. I prove that I was at *Wolverhampton*, from the 23d, to the end of the Month.

L. C. J. Call your Witnesses to prove where you were the beginning, that can speak expressly to it.

Gavan. My Lord, I have them not here.

L. C. J. Why then would you make us lose all this Time?

Gavan. My Lord, I will tell you; hear the Words of an ingenuous Man: Being, as I was, innocent, not knowing what they intended to charge me with, I, in my Mind, run over all that I could imagine I had at any time done, that they could lay hold on. If I had been guilty of any Thing, my own Conscience would have told me of it; and I should have provided to have given some Answer to it: But being innocent, I was to ransack my Memory, to sum up all the Passages of my Life; where I had been, what

I had said, what I had done, that would give them any Occasion of accusing me. And because I did imagine they might think I was here the 24th of *April*, I brought Witnesses for that; and because I did imagine that they might speak of some Consults in *April*, I sent up for such Witnesses, at my own Charge, as could testify where I was then.

L. C. J. But you have not one Protestant, that testifies for you.

Gavan. And now, my Lord, I humbly cast myself upon the Honour and Justice of this Honourable and Just Court; to which I submit myself, with all my Heart and Soul, having used all the Remedies I can. I have cleared myself, as to the main Day, the 24th of *April*, whereon all the pretended Plot lies: And I'll bring Witnesses that shall swear, I was not in *London* in *August*; and if my eternal Salvation lay upon it, I could aver, I was not in *London*: And I wish I may be made an Example of Justice before all the World (in the Sight of God I speak it) if I be not the most innocent Person in the World. And, my Lord, seeing there is only his Oath for it, and my Denial, I have only one Demand; I don't know, whether it be an extravagant one or no; if it be, I don't desire to have it granted.

L. C. J. What is that Demand?

Gavan. You know, that in the beginning of the Church (this learned and just Court must needs know that) that for One Thousand Years together, it was a Custom, and grew to a constant Law, for the Trial of Persons accused of any Capital Offence, where there was only the Accuser's Oath, and the Accused's Denial, for the Prisoner to put himself upon the Trial of *Ordeal*, to evidence his own Innocency.

L. C. J. North. We have no such Law now.

L. C. J. You are very fanciful, Mr. *Gavan*; you believe that your Cunning in asking such a Thing, will take much with the Auditory; but this is only an artificial Varnish: You may do this with Hopes of having it take with those that are *Roman* Catholicks, who are so superstitious as to believe Innocency upon such Desires; but we have a plain Way of understanding here in *England*, and that help'd very much by the Protestant Religion: So that there is scarce any Artifice big enough to impose upon us. You ask a Thing that sounds much of a Pretence to Innocency, and that it would be a mighty Suffering, if you should miscarry, because you ask that you know you can't have. Our Eyes and our Understandings are left us, tho' you do not leave their Understandings to your Profelytes: But you are mistaken, if you think to impose that upon us that you do upon them; and you do so impose upon them. But I'll tell you, there is scarce any Man with us that can be a Papist: For you cannot deceive and gull us, as you have done all that you have perverted to your Way.

Gavan. Is it any Harm, my Lord, to ask whether I might not be so Tried?

L. C. J. North. Look you here, Mr. *Gavan*, the Time is far spent; if you have any thing to say, we will hear you; if you have any Witnesses, call them, and we will examine them: But if not, the other Prisoners must be admitted to make their Defence, as well as you.

Gavan.

Gavan. All these Six can prove, that I was at *Wolverhampton* the last Week in *July*.

Then another Witness stood up for him.

Gavan. Where was I in *July*?

Witness. I cannot speak to all *July*; but, my Lord, I can declare, that *Mr. Gavan* was in *Staffordshire* the last Week of *July*, every Day, I am confident.

L. C. J. Where was he, the first three Weeks in *July*?

Witness. I cannot speak as to that; but in the last Week in *July*, he came to an Apartment of an House that I lived in.

L. C. J. Look you, *Mr. Gavan*, you see what this Evidence is; she says, that you were in *Staffordshire* the last Week in *July*, for you had an Apartment in the House she lived in. Call another. [*Who stood up.*]

L. C. J. Where was *Mr. Gavan* in *July* last?

2 Witness. My Lord, I saw him myself, at the latter end of *July*, for very many Days; for he was in a Room of the House that I lived in, I am sure, most of the last Week.

L. C. J. Where was he the last Fortnight?

2 Witness. I am confident I saw him all the last Fortnight, but I cannot be positive.

L. C. J. Call another. [*Who stood up.*]

L. C. J. Where was *Mr. Gavan* in *July*?

3 Witness. My Lord, I lived in the same Town with him, and I don't remember that he was out all *July*, but the last Week he was in our House.

L. C. J. Well, call another. [*Who stood up.*]

L. C. J. Where was *Mr. Gavan* in *July* last?

4 Witness. He was, in *July* last, the last Week, in a part of our House.

L. C. J. So then he came home, from *London*, the 23d or 24th of *July*. Well, *Mr. Gavan*, have you any more Witnesses, to any other Purpose? For here are enough to this.

Gavan. No, my Lord.

L. C. J. *Mr. Whitebread*, have you any Witnesses to call?

Whitebread. My Lord, I have only this, and I desire to be heard in this Point, to prove that *Mr. Oates* was mistaken in his Evidence that he gave at the last Trial, against *Mr. Ireland*.

L. C. J. Look you, I must break in upon you; you have been told so often, all of you have been told it, and yet you are upon the former Trials again. You are now upon your Trial for your Life, if you could have disproved any thing that he said at a former Trial, you should have taken a Legal Way, and convicted him of Perjury; but now to charge him with a Printed Paper, is not fair. You must speak to what he says now.

Whitebread. He says the same now. But all that I say is this, If he be not honest, he can be Witness in no Case. I suppose if any one can prove him not *Probus Testis*, his Testimony is not to be received in any Case.

L. C. J. But how will you prove that? Come on, I'll teach you a little Logick; if you will come to contradict a Witness, you ought to do it in a Matter which is the present Debate here; for if you would convict him of any thing that he said in *Ireland's* Trial, we must Try *Ireland's* Cause over again. But if you will say any thing against what he says now, do.

Whitebread. That which I would alledge is this, If he be convicted of Perjury in one Case, he is not to be believed in another.

L. C. J. You say right, if he be convicted.

Whitebread. He is not only then an incompetent Witness, for he cannot be said to be *probus testis*, but he is *improbus*. Now this is that I can prove.

Mr. Just. Pemberton. Nay, you must shew it by a Record.

L. C. J. You cannot have so little Understanding; you that have been, and were to be, so great a Man among them; had been Provincial, and was to have been somewhat else. I have told you already, that to prove him to be a Man that hath no Faith in him, he must be Convicted. You must have Indicted him, and Convicted him, of the Thing wherein he did commit Perjury, and then he had been prepared to justify himself. But shall you come now, and at this your Trial, and prove what he said at *Staley's* Trial, and *Coleman's* Trial, and *Ireland's* Trial? And must We examine what Matters have received a Verdict and a Judgment there? For, consider what will be the Consequence of it; if it should be false, you there Arraign a Verdict. You should have convicted him of the Falshood first.

Whitebread. I desire the Jury to take notice, that he does not stick to the Testimony that he gave then, for if he does, it was false.

L. C. J. They must not take notice of any thing that was done at a former Trial, unless it be spoken of now.

L. C. J. North. Do not call any Witnesses to prove what he said then, but to disprove what he hath said now.

L. C. J. 'Tis a pretty hard matter to make a Priest understand one, for what I see. If the Witness shall not gain Credit with the Jury, that he came over with *Sir Thomas Preston*, *Sir John Warner*; if they are satisfied by those many Witnesses, Ten or Twelve, at least, that it is false, they ought not to believe him; but as to that Testimony, they ought to believe your Witnesses; but he is not presently guilty of Perjury: For if they should not give Credit to *Mr. Oates*, you must indict him, and another Jury must pass upon him, before he is convicted: For it is one Thing to be Forsworn and Perjured, and another Thing to be proved so, and he is not proved to be so, but by a Record for that Purpose.

Harcourt. If so be our Witnesses can't be look'd upon as good Witnesses, then there can be no Commerce abroad in any other Country.

L. C. J. They are, no doubt, good Witnesses, till they be proved otherwise; and they are left to the Jury to believe as they think fit.

Harcourt. Now here are divers Things that are brought against myself, by *Mr. Bedlow*, *Mr. Prance*, *Mr. Oates*, and *Mr. Dugdale*; if the Witnesses that I bring, because they are *Roman Catholics*, are not good Witnesses, then I am in a hard Case.

L. C. J. North. Look then, you mistake the Thing; those that are not Witnesses, we don't hear at all; but our hearing them at all, proves that we look upon them as good Witnesses. But when a Man is a Witness, he is either of more Credit, or of less Credit, according to the Circumstances; and 'tis a proper Question to ask them, whe-

whether they are *Roman* Catholicks? But they are Witnesses, without all Question.

Harcourt. I say, my Lord, these Persons are known to be every one of them very bad and flagitious Persons, and that every one of them have undertaken this Course, meerly to get a Livelihood: They are Men of desperate Fortunes, they get a Living by swearing fast, they find that the best Trade.

L. C. J. North. If you have any other Witnesses, we will hear them: If you have no other Witnesses, then we must hear what the King's Counsel reply, and then it will be your Turn to say what you can in your Defence.

Gavan. I have Witnesses here: It is not indeed a Positive Evidence, but a Negative Evidence; and I have a Brother and a Sister in Town, and upon my Salvation I never came to Town, but I came to their House.

L. C. J. That will signify nothing. Mr. *Harcourt*, have you any more Witnesses? If you have them, pray call them.

Harcourt. 'Tis in vain to call them, if they be not to be believed, because they are *Roman* Catholicks.

Sir Cr. Levinz. 'Tis a Mistake, we do not refuse any Witnesses, because they are *Roman* Catholicks.

L. C. J. No, we have not refused any one Point yet.

L. C. J. North. If you have any more, pray call them, and don't spend the Time.

L. C. J. Call a Priest or two, if you will, we will hear them.

Harcourt. Mr. *Oates* did accuse me of paying Fourscore Pounds at my Chamber, and he did say afterwards it was at *Wild-House*. I have Persons to justify what was done at my own Chamber; and he says Mr. *Ireland* was by, now here are Witnesses to prove, that Mr. *Ireland* was in *Staffordshire* all the Month of *August*, therefore he could not be present.

L. C. J. Does he say any such thing now?

Mr. Just. Pemberton. That was urged before; pray do not insist upon that, it hath receiv'd a Trial.

L. C. J. I'll tell you what he says, and I'll ask him the Question: Dr. *Oates*, it is supposed by your Testimony, that Mr. *Ireland* and Mr. *Harcourt* were together, when this Fourscore Pounds was paid, for the Villains that went to *Windsor* to murder the King?

Oates. I never said such a Word.

Harcourt. Here it is in the Trial.

L. C. J. I stand not by the printed Trial, it is no Record in Law. In short, Were Mr. *Ireland* and Mr. *Harcourt* together at that Time?

Oates. No, they were not.

Gavan. He did then say, that he did receive of Mr. *Ireland*, the 2d of *September*, 20*s.* that he borrowed of him; now the 2d of *September* he was at *Boscobel*.

Oates. My Lord, I was not positive as to the Day; but as near as I remember, (those were the Words I said) it was the 2d of *September*; but whether it was the 1st, 2d, 7th, 8th or 9th, I would not be positive in it.

Then the Prisoners called Pendrel and his Wife, and Gifford and his Wife; and Gifford stood up.

Gifford. My Lord, I was here the last Sessions,

where I did testify the seeing of Mr. *Ireland* in *Staffordshire*, on the 24th of *August*, *Bartholomew-Day*, and the next Day after; at which Time Mr. *Oates* said that he saw him here in Town. But Mr. *Oates* could not be particular in every Thing; but at last he came to a Circumstance, and averred, that the 1st or 2d of *September* he did receive 20*s.* of Mr. *Ireland*, in *Harcourt's* Chamber; he said it was about the Fast-Day.

Oates. That was as near as I remembered.

Gifford. Here is in Court at least six People that know it; I saw him several other of those Days there; but these six People conversed with him every Day.

Mr. Just. Pemberton. How do you know all that?

L. C. J. North. Come, come, you must not speak, as to what he said in *Ireland's* Trial.

L. C. J. What Time was it that Mr. *Harcourt* and Mr. *Ireland* conferred together about this same Business?

Oates. My Lord, I do not charge *Ireland*, but I charge *Harcourt* with being at *Wild-House*, and that there *Coleman* met him, and that there was the greatest Part of the Money, which was carried back to *Harcourt's* Chamber, and given to the Person that was to carry it down to *Windsor*; but Mr. *Coleman* was gone away before, and had left a Guinea behind him, which was given to the Messenger for Expedition.

L. C. J. I am mistaken, if you have not testified that *Ireland* was in Town in *August* and *September* with *Harcourt*.

Oates. *Ireland* took his Leave of *London* betwixt the 8th and the 12th of *August*, as to go to *St. Omers*.

L. C. J. Here is the Matter, they must have Right, tho' there be never so much Time lost, and Patience spent. Say they, We must prove and contradict Men by such Matters as we can; People may swear downright Things, and 'tis impossible to contradict them; but we will call Witnesses to prove those Particulars that can be proved: Say where Mr. *Ireland* was in *August*.

Oates. He took his Leave of us in Town in *August*, and that was between the 8th and 12th, at *Harcourt's* Chamber.

L. C. J. What do you infer from *Ireland's* being there then?

Oates. I'll tell you what I design in it: Your Lordship may perceive that I did methodize my Evidence according to the Time; for I said, this was our Business in *April*, this in *July*, and now we come to the Business of *August*, said I, we took our Leaves of Mr. *Ireland* between the 8th and 12th. I said, in *July* Mr. *Fenwick* was out of Town, but then, if your Lordship remembers, I said, he was in Town, and took his Leave of Mr. *Ireland*, between the 8th and the 12th of *August*.

L. C. J. Was Mr. *Ireland* in *Fenwick's* Company at that Time in *August*?

Oates. Yes, my Lord, he was, when he took his Leave.

L. C. J. Did they talk then of this Business?

Oates. They took their Leaves of one another, but as to what particular Things of the Plot they spoke about, I don't remember.

L. C. J. Look you now, mind what he says, *Ireland* and *Fenwick* were together in *August*, between the 8th and the 12th; but being asked, Whe-

Whether they were met on purpose to talk of the Plot? He says, he does not remember the Particulars.

Here the Lady Southcott, her Son, and her Daughter, were called.

L. C. J. Did you say, that Fenwick, there at the Bar, had Converse with Ireland in August, for the carrying on of the Plot?

Oates. Yes, my Lord.

L. C. J. My Rule is this, in doubtful Cafes, when Men are upon their Lives, I had rather hear what is impertinent, than not let them make a full Defence.

L. C. J. North. I had rather hear Things at a Venture, than forbid Things at a Venture.

Lady Southcott stood up.

L. C. J. How long were you in Mr. Ireland's Company?

Lady Southcott. From the 5th of August to the 16th.

L. C. J. What, every Day?

Lady Southcott. Yes, every Day.

Oates. My Lords, here is Sarah Pain, who before hath testified what she hath known in this Matter. If your Lordship please, I desire she may be called, in readines to speak to it.

L. C. J. Are you sure it was the 5th?

Lady Southcott. Yes, as sure as I can be of any thing.

Mr. Recorder. Dr. Oates, you had best keep your Evidence entire till the last.

Then Sir John Southcott was called, and appeared.

L. C. J. Did you know Mr. Ireland?

Sir John Southcott. Yes, I did know him by Face.

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

Sir John Southcott. I saw him the 5th of August, at St. Albans.

L. C. J. And did he travel along with you?

Sir John Southcott. Yes, he did travel along with us the 6th, 7th, 8th, and 9th.

L. C. J. How many Days did he travel along with you?

Sir John Southcott. He travelled along with us four Days together, I am sure.

L. C. J. What, from the 5th to the 9th?

Sir John Southcott. Yes, Sir.

L. C. J. Is this all that you can say?

Sir John Southcott. Yes, my Lord.

L. C. J. But we would know where he was afterwards. Did you see him after the 9th?

Sir John Southcott. My Lord, I saw him at St. Albans, and he went from thence to Northampton, and from thence to Coventry, and from thence to my Lord Aston's, that is four Days; and I saw him Thursday, I saw him Friday, Saturday, and Monday following. Tuesday I had occasion to go further into the Country, and he went along with us; so I saw him Tuesday, Wednesday, Thursday, and Friday afterwards.

L. C. J. Why then you saw him at least twelve Days?

Sir John Southcott. Yes.

L. C. J. Have you any more?

Then Mr. Edward Southcott stood up.

L. C. J. Were you here when Ireland was Tried?

Sir John Southcott. No.

L. C. J. Did you see Mr. Ireland in August last?

Mr. Southcott. The 3d of August he came down to my Lord Aston's at Stanmore, they said so; but I cannot swear he came that Night; but I saw him very early the next Morning; the 5th we went to St. Albans, and we kept on till we came to Tixall; and I was in his Company from the 4th to the 16th.

L. C. J. Why, you hear what he says, He was in company with him every Day from the 4th to the 16th.

Gavan. Call Mrs. Harewell, and her Daughter, Mrs. Gifford and Mrs. Pendrel.

Then Mrs. Harewell stood up.

L. C. J. Did you see Mr. Ireland in August last?

Harewell. I saw Ireland in August last, the 17th Day: He came then to my House at Wolverhampton, and there he continued every Day, and lay in my House every Night, till the 26th Day.

Then young Mrs. Harewell stood up.

Harewell. Mr. Ireland came to our House in Staffordshire the 17th of August, and staid there till the 26th; I saw him every Day, unless it was Friday, the Day before Bartholomew-Day, when he went to Litchfield and returned again.

Gavan. My Lord, there is a Prisoner now in Newgate that can testify the same.

L. C. J. North. Would you ask your Fellow if you be a Thief? he is in for the same Offence.

Gavan. My Lord, I desire to know, if a Man be not convicted of the same Offence, whether he be not a good Witness?

L. C. J. North. If he stand charged of the same Plot, his Evidence is of little weight.

Then Elizabeth Keiling stood up.

L. C. J. Did you see Mr. Ireland in August?

Keiling. Yes, my Lord, I did.

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

Keiling. I saw him at Wolverhampton, there he was from Saturday the 17th, to Monday, and then I went to see my Mother, and came back again on Thursday, and found him there, and there he was till the 26th.

Gavan. Call Mr. Pendrell and his Wife.

Then Pendrell stood up.

L. C. J. When did you see Mr. Ireland?

Pendrell. I saw him the Second and Third of September.

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

Pendrell. At Boscobel.

L. C. J. And what, did you see him in August?

Pendrell. No, my Lord.

L. C. J. How do you know you saw him then?

Pendrell. My Wife being paid for his Diet, set down the Day.

L. C. J. What, he came to sojourn with you, did he?

Pendrell. They were with me for their Meals, and so my Wife set it down.

L. C. J. Why, do you set down the Day of the Month when any one comes to you?

Pendrell. Yes, my Lord, when we are paid for their Diet, we do.

L. C. J. What, do you keep a publick House?

Pendrell. I keep the *Royal-Oak*.

L. C. J. Methinks, you should have a great deal of Company, if you live there; and 'tis hard you should charge yourself to remember a particular Person you did not know before.

Pendrell. My Lord, he told me his Name was *Ireland*, and several others did so too.

L. C. J. You had as good have let such trivial Evidences as this alone. But go on.

Then Mrs. Pendrell stood up.

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

Mrs. Pendrell. I did know by Report it was he.

L. C. J. Where did you see him in *August* or *September*?

Mrs. Pendrell. At *Boscobel*, my Lord.

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

Mrs. Pendrell. No, my Lord.

L. C. J. Do you know it was the same Man that suffered?

Mrs. Pendrell. I will take my Oath of it.

L. C. J. How! when you never saw him before that time?

Mrs. Pendrell. I was in Town when he died.

Then stood up Mrs. Gifford.

L. C. J. When did you see Mr. *Ireland*?

Gifford. My Lord, Mr. *Ireland* came to *Wolverhampton* the 17th of *August*, and he stayed there till the 26th, it was of a *Monday*, I remember it by several Circumstances.

L. C. J. Did you know Mr. *Ireland*?

Gifford. I never saw him before.

L. C. J. Do you know it was the same that died?

Gifford. My Lord, here was my Brother in Town, who saw him executed, and he did assure me he was the same: And I saw him again the second of *September*, and the seventh of *September* again, and the tenth and eleventh: My Lord, he was the same Man, I believe, because my Brother told me so.

Mr. Gifford. I saw him in the Country, and I saw him executed.

Then another Mrs. Gifford stood up.

Mrs. Gifford. I saw him at *Pancrass* Fair in *Staffordshire*.

L. C. J. Was it the same Man that was Executed?

Mrs. Gifford. My Lord, I cannot say that, I did not see him suffer; but my Sister and I were at the Window, and she shew'd him to me, and said that was Mr. *Ireland*, and told me how long he had been in *England*.

L. C. J. How do you know that was the Man that was Executed? did you see him tried here?

Mrs. Gifford. Yes, my Lord, I did.

L. C. J. And that was the same Man?

Mrs. Gifford. Yes, it was, my Lord.

L. C. J. When was it your Sister shew'd you him?

Mrs. Gifford. I saw him upon the seventh of *September*.

Then stood up one Mr. Bedle.

L. C. J. When did you see Mr. *Ireland*?

Bedle. I saw him at a Place called *Millage* in *Staffordshire*, the second of *September*.

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

Bedle. If I must make a confession of my Faith, I will. But I saw him there, and they said it was Mr. *Ireland* the Jesuit.

L. C. J. Had you no Acquaintance with him before?

Bedle. No.

L. C. J. How do you know it is the same Man that suffered?

Bedle. I do not know that, but I suppose it was the same.

Turner. I am accused for being at *Tixall* at a Consult in *September*, I desire to know who saw me there, for I have not been there these Four Years.

L. C. J. Mr. *Dugdale* saw you there.

Turner. What Witnesses besides?

L. C. J. None but he for that.

Mr. Recorder. Hath Mr. *Fenwick* any more Witnesses to call?

Fenwick. My Lord, I have not any.

Then was Captain Hill called.

Fenwick. My Lord, he can prove something against Mr. *Bedlow*: He says, he lived in good repute; but the Captain will tell you, he was in the *Marshalsea*, and lived a poor mean Life, and all the time fed upon the Basket.

L. C. J. North. He was Guilty of the same Treasons that you are Guilty of, there is his fault.

L. C. J. No doubt he was a Naughty Man, he was with you in this Plot.

Fenwick. I can prove by Sir *James Butler's* Clerk, that he cheated a Cutler of a Silver hilted Sword.

Then Sir James Butler's Clerk was called; but he having more than one, and the Person meant not being there, there could nothing be examined about that.

L. C. J. North. He hath had the King's Pardon for all that.

Fenwick. He was forced to run the Country for a many Cheats, and was forced to borrow 4 or 5 s. to redeem his Boots. My Lord, does his Pardon make him a good Witness? Then we will prove something since his Pardon.

L. C. J. No doubt he was bad enough while he was with you.

Whitebread. My Lord, I think I have a plain Demonstration against Mr. *Bedlow* since his Pardon; he did at my last Trial say, that he had nothing to say against me, and now he comes and gives fresh Evidence against me.

L. C. J. North. That is an Objection that will not take away his Evidence, but only goes to the lessening of the credit of it. He says he was in Treaty with Mr. *Reading* about you, and the Lords in the *Tower*; and to beget a Confidence in him that the Lords in the *Tower* should receive favour from him, and come off by his means, he was to be easy to you too, which made him lessen his Evidence at that time. This is that he says, the weight of it must be left to the Jury. And he said at that time he had more to say at Time and Place convenient.

Whitebread. There is no such thing in the Trial. He hath alledged great Matters against me, therefore it is Evident he did falsify his Oath;

Oath; for if he were to swear the truth, the whole truth, and nothing but the truth, and he did not say the whole truth, he is perjured; if he did, he can say nothing against me now.

L. C. J. North. Mr. *Whitebread*, you have your Objection, and it must be observed to the Jury. Your repeating of things signifies nothing.

Then Captain Hill stood up.

Fenwick. Pray Sir, what do you know of Mr. *Bedlow*?

Mr. Just. Pemberton. But don't ask any thing before the Pardon.

Hill. I knew him in the *Marshalsea*.

Fenwick. In what condition was he there, Sir?

Hill. He was a poor Man, as I be, and lived upon the Basket.

Harcourt. How long ago is it since you knew him there?

Hill. In *May* was Twelve-month.

L. C. J. That was long before his Pardon. But he might be an honest Man for all that, tho' he were as poor as you. Are you an honest Man?

Hill. Yes, I think so.

L. C. J. And so might he be. Well, have you any more?

Prisoners. No.

Sir Cr. Levinz. Gentlemen of the Jury, you have heard the Prisoners, and they have had a great deal of time to make their Defence; but the greatest part of their Defence hath been to invalidate the Testimony of Mr. *Oates*; and what is the Evidence they have brought against him? they tell you first, That he did not come over in that Company that he says he came over with. And whereas he hath sworn he was here the 24th of *April*, they have taken a great deal of Pains by fifteen or sixteen Witnesses to prove that he was all the time at *St. Omers*; and that *Sir John Warner*, and *Sir Thomas Preston*, whom he tells you came over in Company with him, never stir'd from the Places of their Residence, that is *Liege* and *Watton* all that time: But this, Gentlemen, you must observe, that if Mr. *Oates* were out of the Case, all these Persons, except Mr. *Turner*, are proved Guilty of the Treason they are charged with; and yet I shall set up his Testimony, and make him clear, notwithstanding whatsoever hath been alledged against him. Gentlemen, to take them in order, Mr. *Whitebread* hath Mr. *Dugdale*, Mr. *Bedlow*, and Mr. *Prance*, to prove him Guilty, let what will come of Mr. *Oates*, all of them speak to him.

L. C. J. Prance, do you speak any thing against Mr. *Whitebread*?

Mr. Prance. No.

Mr. Recorder. It was *Fenwick* and *Harcourt*.

Sir Cr. Levinz. But there is *Bedlow* and *Dugdale* against Mr. *Whitebread*, and therefore, Gentlemen, there are two have sworn against him, besides *Oates*; and there is two against Mr. *Fenwick* at least; nay, there are three, for besides *Oates* there is *Bedlow* and *Prance*; as to Mr. *Harcourt*, there is *Bedlow*, *Dugdale*, and *Prance*, besides Mr. *Oates*; as to Mr. *Gavan*, there is *Oates* and *Dugdale*; indeed there is none but *Oates* and *Dugdale* against *Turner*; so that as to the three first however there are two Witnesses besides Mr. *Oates*, that is, against Mr. *Whitebread*, Mr. *Fenwick*, and Mr. *Harcourt*. Now as for Mr. *Oates*'s Testimony, and what they have to say to him; in the first Place, they have

brought a young Gentleman, Mr. *Hilley*, and he says he did not come over with him, and there 'tis one against one, but Dr. *Oates* hath sworn it, and hath given you such convincing Circumstances how he lost his Money, &c. so that I leave it to you which of the two is in the Right, and ought to be believed. But then, my Lord, as to the rest of the Witnesses, here are a great many brought over to prove that Mr. *Oates* was all the while at *St. Omers*; but I shall bring you a considerable Number of Witnesses to prove that Dr. *Oates* was then in *London*, and that all these Persons are mistaken. They do all pitch upon the first of *May* to fix it upon a time wherein he says he was here in Town: But Gentlemen, I hope you did observe, that as to other Things and Time that were not so necessary as to this Matter, there they were pleased to mistake, and to differ one from another, to contradict one another; for some of them said he went away and left *St. Omers* the 10th Day of *June*, others the 23d, others, which was the same *Flemish* Gardiner, that he staid till *July*. Truly half that variance in the time which is necessary would serve our Turn, we are but for eight Days time, that is, he was not above eight or ten Days here, truly these Gentlemen will be sure to speak punctually to all those eight Days that hurt the Prisoners, but they will vary thirty Days at another time that hurts them not. Why may they not be mistaken as well with that portion of time, as they were in the other, wherein they so much differed one from another?

But I shall give you most infallible proof by and by, that Mr. *Oates* was in *England* at that time that he said he was in *England*. My Lord, as to that of *Sir John Warner*, truly we have sent for a Witness, but we did not know of the Objection before; they have now brought you the Gardiner, and he did say positively at first that *Sir John Warner* was there all that while, but being asked again how he knew it, he said it was the talk of the Country, and so some of the Witnesses did speak to *Sir Thomas Preston*. But then I did desire to know of these Witnesses, whether these Persons were never absent from these Places or not, they told me they were absent for some time in the Vacancy.

Gavan. That was in *August*.

Sir Cr. Levinz. You are very good at expounding I know, but what those Vacancies were I am not certain; but being apt to mistake a little, they might mistake the Time too, and they might extend their Journey beyond their Vacancy. Mr. *Gavan* he hath made a mighty Defence I must confess, endeavouring to prove that he was out of Town all *June* and *July*, and in *April* and *May* before, and truly he hath brought some Witnesses that have spoken very far for him as to those Months, but I will desire you to observe, as I know you did, that the three last Witnesses that knew him very well did affirm positively that he was there the last Week in *July*, but being asked to the Week before that, and the Week before that, they could not be positive. And, under favour, by that Evidence you will believe rather that he was not there, for if so be they could so positively Remember for the last Week, why should they not be as positive for the two Weeks before? why, these two Weeks were enough to serve our Turn, for it was towards the latter end of *July* that which Mr. *Oates* hath sworn

upon Mr. Gavan, that he was in Town, and talked of the same Matters which he had written the Letter about. And therefore it is much to be presumed, that because the Witnesses will take upon them as to the last Week, they are sure he was at *Wolverhampton*, but as to the two other Weeks they could not be sure, that they speak with some Conscience, and therefore it may be true that he was here. And the Woman said she could not say but possibly he might make such a Journey and she never the wiser. So that under favour, Gentlemen, all that which Mr. Gavan hath so industriously endeavoured to lay upon Mr. Oates, does shrink into a very slender Evidence, and that it might well be he was at *London* at the Time that Oates says, the three last Witnesses speaking positively only to the last Week in *July*.

Then truly, my Lord, they are fixed upon another great Matter to blemish Mr. Oates as to Mr. Ireland, a Person that is dead and out of the way. Mr. Ireland hath been hanged upon that Evidence, so far it was believed; but now after all this, will these Gentlemen come to question the Evidence that was given against Mr. Ireland. They have likewise, my Lord, brought my Lady *Scotchcott*, and some other Persons, who give you an Evidence concerning Mr. Ireland, that he should not be here at this Time; but, Gentlemen, under favour, Mr. Oates hath sworn before, and he hath now sworn it again, that Mr. Ireland was at that Time in *London*, and, Gentlemen, I will confirm him in that by another Witness that did see him here in Town at that Time. And when you have two Witnesses for the King upon their Oaths come and testify it, I hope you will believe them, rather than other Persons that testify only by hearsay. It was the Matter then in issue, and had saved his Life if it had been true; but tho' it be now settled, and none could think it would be again started, they would make that an Objection, but by chance we have a Witness still to give you Satisfaction, that Mr. Ireland was in *London* at that Time that Mr. Oates did swear him to be. We will begin with that Witness about *Ireland*. And then we will call our Witnesses to prove that Mr. Oates was in *England*, and did come over when he said he did. Call *Sarah Paine*. Who was sworn.

Sir Cr. Levinz. What time did you see Mr. Ireland in *London*? did you see him in *August* last?

S. Paine. I saw him about seven or eight Days before I came to my Lord Chamberlain, and that was about a Week before the King went to *Windsor*.

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

S. Paine. At his own Door in *Ruffel-Street*.

L. C. J. Did you speak to him?

S. Paine. No, I knew him very well, and saw him as I came by.

Sir Cr. Levinz. Had not you carried many Letters to him?

S. Paine. Yes, several Letters.

Sir Cr. Levinz. Where did you live before?

S. Paine. I lived at Mr. *Grove's*.

Sir Cr. Levinz. Did not Mr. Ireland use to come there too?

S. Paine. Yes, he did often.

L. C. J. Was any one talking with *Ireland* then?

S. Paine. No.

Sir Cr. Levinz. How long did you look upon him? Did you see him go in? did you see his Face or his Back?

S. Paine. I saw his Face and made him a Curtesy.

L. C. J. This she said to *Ireland's* Face.

Mr. Just. Dolben. Your Evidence is, that Mr. Ireland went out of Town the 5th of *August*, and she says she saw him about that time which must be the 12th or 14th of *August*.

Gavan. How does she prove it? she does not say she spoke with him.

Mr. Just. Dolben. She swears it.

Sir Cr. Levinz. Now we must prove what time the King went to *Windsor*.

L. C. J. Sir *Thomas Doleman*, what time in *August* did the King go to *Windsor* last Summer?

Sir Tho. Doleman. I believe (I cannot charge my Memory so well) it was the 13th, it was about the 12th or 13th.

L. C. J. Was my Lord Chamberlain there then?

S. Paine. My Lord Chamberlain went after the King.

L. C. J. And when do you say you saw *Ireland*?

S. Paine. I saw him seven or eight Days before I went to my Lord Chamberlain's, which was before my Lord went to *Windsor*, and that was a Week after the King went thither.

Sir Cr. Levinz. Now I'll tell you what she says; she says she saw *Ireland* a Week before she went to my Lord Chamberlain's, and she saw him go into *Grove's* House, where he did usually go for Letters; she says she saw his Face, and made him a Curtesy; and that this was a Week before she went to my Lord Chamberlain's, and that was a Week after the King went to *Windsor*. Now the time that Mr. Oates pitches upon is between the eighth and the twelfth of *August* which by computation is the time she speaks of.

Gavan. And our Witnesses go from the third of *August* to the fourteenth of *September*.

Sir Cr. Levinz. Call Sir *Richard Barker*, *William Walker*, *Sarah Ives*, &c.

William Walker was first sworn, and bid to stand up.

Sir Cr. Levinz. Pray, Sir, do you know that Mr. Oates was in *England* the beginning of last Summer? Pray tell your whole knowledge.

Walker. Yes, my Lord, I will. I have known Mr. *Titus Oates* these seven Years; and had not seen him above five Years; but about two Years ago I did meet him in *Newgate-market*, and then again in the latter end of the Month of *March* 1678, or the beginning of *April*, I did see Mr. Oates in a disguise in a gray Serge Coat, and I think a gray Hat, but I did not understand it, nor did I know him to be the Man; and I was very much troubled that I could not recollect my self who he was, and I went to Bed, and could not recollect who he was; but before I rose in the Morning I did draw him within the Scheme of my knowledge, that it was *Titus Oates*, and to confirm my Judgment in that, I did go to a Gentlewoman, whose Name I did not know, but I went thither because it was the same place that I had seen him at a Year before, to enquire what became of Mr. Oates, and how he did: And when I came to her (in the Morning early, it was the next Day after I had seen him in Disguise)

guise) I enquired of the Gentlewoman how Mr. Oates did, and she clapped her Hand upon her Counter, being a Tradefwoman, O, Said she, *He is an undone Man! Why so?* said I. Said she, *He is turned to the Church of Rome, and he absconds and hides himself, I know not where he is. Then, in plain Terms,* said I, *I saw him later than you, for I saw him Yesterday, between Nine and Ten of the Clock, it was at the upper-end of St. Martin's-Lane, near Leicester-House.*

Sir Cr. Levinz. What time was this?

Walker. This was in *April* or *March* last was a Twelve-month.

L. C. J. Did you never see him more than then?

Walker. No, I knew his Face so well, as I looked back upon him, and he looked back upon me, but it was with some kind of Terror, and he did seem to abscond and hide himself.

L. C. J. When was this?

Walker. It was some time from the latter end of *March* to the middle of *April*.

L. C. J. Why did you skip the beginning of *April*?

Walker. I am not able to remember exactly the Time; for why, I did never think to be called as a Witness about it.

L. C. J. Did you speak to him?

Walker. No, my Lord, I did not.

L. C. J. How long before had you spoke to him?

Walker. A Year before, but in his Canonical Habit, and not before of five Years.

L. C. J. North. You will not sure catch him upon a Day.

L. C. J. But I'll tell you what it does, it contradicts all that your Boys, all your Witnesses say: Tho' it does not go home exactly to the 24th of *April*, yet, if it be true, and we have no Reason to believe it otherwise, it disproves all their Evidence; for they charge him to have been at St. Omers all *March*, *April*, and *May*.

Sir Cr. Levinz. Swear *Sarah Ives*. [Which was done.]

Oates. My Lord, we bring *Sarah Ives* to prove that this same Gentleman went to her to enquire of her about me.

L. C. J. Pray Mrs. what did that Minister say to you, and when, concerning Mr. Oates?

Ives. Mr. *Walker* came to my Shop, and asked me when I saw Mr. Oates; said I, *I have not seen him since he went beyond Sea. Then,* said he, *I have seen him later than you, for I was going to Leicester-Fields, and at the end of St. Martin's Lane I saw him in a Disguise, and he looked wistly back upon me, and I upon him, and,* said he, *I am certain, it was the Man.*

L. C. J. What time was this?

Ives. It was *April* was a Twelve-month.

L. C. J. What time in *April* do you think?

Ives. I cannot say the Day.

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

Ives. I don't justly know, I think it was the middle of *April*, or thereabouts.

L. C. J. Call another Witness.

Sir Cr. Levinz. Call Mrs. *Mayo*. [Who was sworn.]

Sir Cr. Levinz. Well, what say you, when did you see Mr. Oates in *England*?

Mayo. I never saw his Face till a Week before *Whitsontide*, or a little after; there was a Young Man, a Servant of Sir *Richard Barker's*, that knew him a long time before; he came to me and said, *Yonder is Mr. Oates hath changed his*

Coat from a black to a white; what is he! said I, *he was a Minister, but he is either turned Quaker or Catholick; but,* said I, *he is not turned Quaker, for he wears a Pericwig, and he fell a laughing and jeering at him; said I, Why do you deride this Gentleman, when he is a Friend of Sir Richard Barker's.*

L. C. J. Where was Mr. Oates then?

Mayo. He was in the Court-yard, and I was in the Kitchen.

L. C. J. When was this?

Mayo. The Week before *Whitsontide*.

L. C. J. In what Month?

Mayo. It was in *May*.

L. C. J. Did you know him before then?

Mayo. No, I did not, but I had heard much of him in the Family.

L. C. J. How soon did you see him again after that?

Mayo. About a Week after he came and brought another with him, and walked into the Garden, and seemed to be discontented that they did not shew such a Countenance to him as they used to do in the House, for the Gentlewomen had heard he was turned *Jesuit*, and therefore were very shy; that is, Sir *Richard's* Kinswomen, my Lady's Sisters Daughters.

L. C. J. Do you know Dr. Oates now?

Mayo. Very well, Sir. Afterwards he came again and walked into the Garden, and the Young Man I spoke of before, that is now dead, came again and took notice of him, of the strange Garb he was in; he was in a Room that looked into the Garden; I saw him walking there, and said he, *Yonder is Oates again, and hath brought another with him; he looked out of the Window, and said he, Pr'ythee look here, does not he look like a Jesuit?* and he that was with him looked back, and if it had not been for that, and the Young Man's Importunity, I had never taken notice of Mr. Oates. After, when I heard he was come over and gave in his Testimony about the Plot, I would needs go see him; but he spoke very slightly to me, and seemed to be offended with the Family because they did scorn him. Said I, *They had no reason to countenance you, because we all understood you were turned Catholick. They did,* said he, *look very shy upon me. Why,* said I, *you must not be offended, for you know all the Family are no Friends to Jesuits, and I hope never will be so; but I hope, Mr. Oates, you will not forget eaten Bread, because he used to be made very much of at Sir Richard Barker's.*

Sir Cr. Levinz. Is that the Man that you saw there?

Mayo. This is the Man, if you will put me to my Oath again I will swear it.

Sir Cr. Levinz. When was this?

Mayo. It was the Week before *Whitsontide*, it was in *May*, for *Whitsontide* fell in *May*.

Sir Cr. Levinz. Then call *Philip Page*. Who was sworn.

Sir Cr. Levinz. Do you know Dr. Oates?

Page. Yes, Sir.

Sir Cr. Levinz. How long have you known him?

Page. I have known him four or five Years.

L. C. J. Pray did you see him in the Year 1678, last Year.

Page. Yes, I did.

L. C. J. At what Time?

Page. About the beginning of *May*.

L. C. J. Where?

Page. At Sir Richard Barker's.

L. C. J. Were you acquainted with him before?

Page. I had spoke with him before.

L. C. J. How do you know it was he? did you speak with him then?

Page. Yes, I did.

L. C. J. What Habit was he in?

Page. He had a light-coloured Campaign Coat. I ask'd him, where he had been so long a Time, that we had not seen him, but he turned away from me, and gave me no Account, but, after he had been in the House, made back again, and away he went, after he enquired for Sir Richard.

L. C. J. How do you know it was in May? why might it not be in April?

Page. It was in the beginning of May, to the best of my Knowledge.

L. C. J. By what material Circumstances do you remember it was in the beginning of May? Is there any thing that puts it into your Mind more particularly?

Page. My Master had a Patient at that Time, that was sick of a Fever.

L. C. J. Where? at Sir Richard Barker's House.

Page. At *Issington* it was.

Jury. We desire to know what the Patient's Name was, for some of us know *Issington* very well.

Page. I have forgot the Name.

Sir Richard Barker. It was *Aldram Milver's* Daughter.

L. C. J. It was about that Time in May that you saw him?

Page. I did upon my Oath, and I spoke with him, and took much Notice of him, he had an old black Hat on, that flapp'd, and a pair of *Spanish-Leather* Shoes.

Sir Cr. Levinz. Call Sir Richard Barker. *Who was sworn.*

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

Sir Richard Barker. Yes, my Lord, I have known his Father and him ever since he hath been a Child; I saw him the last Summer.

L. C. J. About what time?

Sir Richard Barker. At that Time that they have given in Evidence, I have only this to say, I was abroad, as my Business leads me often abroad into the Country, but they told me, Mr. Oates came to my House in a Disguise, and that they believed he was turned either Quaker or Papist.

L. C. J. When was this?

Sir Richard Barker. It was, my Lord, to the best of my Remembrance, after *Whitsontide* that they told me, but they told me a Story of him, how that he was in two several Disguises, the one was a short Hair, and then they thought he was turned Quaker, another Time he had a long Periwig, and then they thought he was turned Papist; and the first that told me, was this Fellow here, that is a Coachman of mine, who was mending something of his Coach. It happen'd, my Lord, upon the visiting of a Gentleman, that I was very ill, in which Time Mr. Oates was gone, and afterwards, when I was recovered again, he came to my House, to enquire concerning Dr. Tongue.

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

Sir Richard Barker. It was, my Lord, to the best of my Remembrance, the latter end of

June, or beginning of *July*, upon my Recovery.

L. C. J. By the Oath that you have taken, I would ask you one Question, Did not you see him till *June*?

Sir Richard Barker. No, my Lord; but my Servants told me, they had seen him in *May*, before *Whitsontide*.

L. C. J. Did you see him in *June*?

Sir Richard Barker. To the best of my Remembrance, 'twas in *June*.

Then one Butler was sworn.

L. C. J. Come, do you know Dr. Oates?

Butler. Yes, very well.

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

Butler. I have known him these three Years, before he went beyond Sea.

L. C. J. Come, you are upon your Oath, when did you see Dr. Oates, and where, the beginning of last Summer?

Butler. I saw him the beginning of last *May*, at my Master's House in *Barbican*.

L. C. J. Upon what Occasion? what are you?

Butler. I am Sir Richard Barker's Coachman. And I was making clean my Coach in the Gatehouse, and in comes Dr. Oates, in *May* last was a Twelvemonth, the beginning of *May*; with his Hair cut off close cropt to his Ears, in Gray Clothes, a Gray Coat like a Shepherd's Coat, a *Yorkshire-Gray*, he asked me whether Dr. Tongue was within? I told him, No: Nevertheless he went into the House, and immediately came out again, and seem'd to be very much discontented, but said nothing at all to me, but pass'd by me, and went away.

L. C. J. And did you know him at that Time he spoke to you first?

Butler. Yes, my Lord, because I knew him three Years before.

L. C. J. Could you have then call'd him by his Name?

Butler. Yes, my Lord, I could.

L. C. J. You say he came to enquire for Dr. Tongue, and was discontented that he could not see him?

Butler. He said nothing to me when he came out, but pass'd away as one that was troubled.

L. C. J. Did you see him afterwards?

Butler. Six Weeks after I saw him; and then he had a long black Coat and a Periwig on.

L. C. J. But are you sure it was the same Man?

Butler. I am, upon my Oath.

Mr. Just. Dolben. Did you tell your Master of his being there the first time?

Butler. I did tell Sir Richard Barker of him, as soon as I saw him.

L. C. J. Sir Richard, how soon did he tell you Oates was first there?

Sir Richard Barker. It was soon after, my Lord.

L. C. J. Was it in *May* that he told you he had seen him?

Sir Richard Barker. He told me as soon as ever I came home, in *May*, as I remember.

L. C. J. Did he tell you Mr. Oates was there by Name?

Sir Richard Barker. Yes, my Lord, he did: And when he told me what Habit he was in, I wondred at it.

Oates. There are several, my Lord, that did see me at that Time; but they are gone into the Country; and I cannot have them now ready: If you please now to call Mr. *Smith* the School-master of *Issington*. *Who was sworn.*

Sir Cr. Levinz. Do you know Dr. *Oates*?

Smith. Yes, very well.

Sir Cr. Levinz. Pray, Sir, how long have you known him?

Smith. He was my Scholar at *Merchant-Taylor's-School*, where I was Usher.

Sir Cr. Levinz. When did you see him, the beginning of last Summer?

Smith. I saw him in the beginning of last *May*, that is, 1678.

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

Smith. He dined with me at my House in *Issington*.

Mr. Just. Dolben. What, the Boys at *St. Omers* now are gone?

L. C. J. Recollect your self well: By the Oath you have taken, did Dr. *Oates* in *May* was Twelve-month dine with you?

Smith. Yes, my Lord, he did; and it was the first *Monday* in *May*, as I remember.

Mr. Just. Dolben. And this you swear, directly and positively?

Smith. Yes, my Lord, I do.

L. C. J. How long did he stay there?

Smith. He staid three or four Hours after: And, may it please you, my Lord, he was in a Summer-suit, and a coloured Ribbon, a green Knot upon his Shoulder.

L. C. J. What did you discourse about?

Smith. About his being in *Spain* and *Flanders*, and his Travels.

L. C. J. Had you a long Discourse with him?

Smith. Yes, I had.

L. C. J. Had you nothing about the Times?

Smith. No, my Lord, not a Word.

L. C. J. Did you understand he had been turned *Roman* Catholick?

Smith. I did know it.

Jury. My Lord, Did Mr. *Smith* see him any other time after that?

Smith. No, my Lord, not in two Months; to my Remembrance, about the middle of *August*.

Sir Cr. Levinz. Call one *Clay*. *Who was sworn.*

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

Clay. Yes, my Lord, I do.

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

Clay. Ever since *April* last was Twelvemonth.

L. C. J. Was that the first Time of your Acquaintance with him?

Clay. Yes, at Mr. *Charles Howard's*?

L. C. J. Where were you there with him?

Clay. He lived in one Corner of old *Arundel-Houle*.

L. C. J. How came you acquainted with him?

Clay. Truly I met him accidentally, at Mr. *Howard's* House.

L. C. J. How came you to come there?

Clay. I was there to visit Mr. *Howard*, as a Friend.

L. C. J. Were you acquainted with him?

Clay. Yes, I was with Mr. *Howard*, and there I saw Dr. *Oates*.

L. C. J. When did you see him the second Time?

Clay. The second Time I think I saw him there too.

L. C. J. When was that?

Clay. That was in *May*.

L. C. J. North. How long was that after?

Clay. I think the other was in *April*.

L. C. J. And did you see him in *May*?

Clay. I saw him in *May* too.

L. C. J. What Time of the Month was it?

Clay. I cannot exactly speak to that, but it was in that Month as I remember, I am morally certain of it.

L. C. J. And when did you see him after *May*?

Clay. I can't tell whether I saw him after *May* or not.

L. C. J. Is that the same Man that you saw at Mr. *Howard's*, either in *April* or *May*?

Clay. Yes, my Lord, it is the same Man.

Sir Cr. Levinz. Then we have done with our Evidence.

L. C. J. Come, Gentlemen, now what can you say to this? They have given you now their full Charge.

Oates. My Lord, I have one thing more, I desire your Lordship to take notice, this Gentleman, Mr. *Clay*, is a Priest in Orders, as they say.

L. C. J. I will not ask him that Question, but, Mr. *Clay*, are you a Papist?

Clay. Yes, my Lord, I am so.

L. C. J. North. Come, what say you now, Mr. *Whitebread*, to this?

Whitebread. I have this to say; first, That at my last Trial, when I pressed him to declare who had seen him, when he said he was here in Town, he could name no body, not one. I know afterwards he was examined at the Committee, and then he could name no body neither. He said he was there privately at Mr. *Grove's*, and we can prove, that he never did lie there in his Life. And then he said absolutely, he had not seen much Company, he staid but six Days. Now this good Doctor that does say he saw him here in the latter end of *March*, or the middle of *April*, whereas he himself says he came over with *Hillsley*, the 24th of *April*.

L. C. J. He was landed here the 17th of *April*, and the Witnesses say, it was the latter end of *April*, or beginning of *May*.

Whitebread. Mr. *Oates* expressly said, he staid here but six Days, when he came over to the Consult.

L. C. J. Why, does not all this stand together?

Whitebread. No, my Lord, how could this stand together? his coming over the 17th, and his being here a great part in *May*, whereas he says he was but six Days?

L. C. J. Perchance Dr. *Oates* may not be precise enough; but look you here, these Witnesses do not speak so exactly to a Day or two, or three, or four, or five, but to the latter end of *April*: Now, why might they not see him the latter end of *April*, and the beginning of *May*, and yet stand very well with Mr. *Oates's* Testimony, who says he was landed here about the 17th of *April*, and staid here about six or seven Days? How nice would you have them be in that Case? which, because they are honest, they will not be.

L. C. J. North. You make your Defences to depend upon an Uncertainty of Time, which no mortal Man can ever remember; besides, pray observe

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observe this, That Mr. Oates stands a good Witness, till you impeach him by a Fry out of your own Schools, and they go to the whole Months of *June*, and *April*, and *May*, now these all speak in contradiction to other Witnesses, and so Mr. Oates is still an upright and good Witness.

Whitebread. They say they did see him there every Day, or every other Day.

L. C. J. But sure I can as well tell, who saw him but once in such a Month, and dined with him then, as any that saw him never so often: but here are five Witnesses upon you in this Point.

Whitebread. The one was told by his Man, the other by his Boy.

L. C. J. The Coachman, and the Boy, and the Maid, and Mr. *Smith* did see him.

Mr. Just. *Pemberton*. The Divine did see him, and went and told the Woman that he had seen him, pray remember that.

L. C. J. North. Now the Evidence is concluded, say what you will for your selves; and then we will observe what you object, upon our Direction to the Jury, according to our Consciences.

Gavan. My Lord, then I say this for my self. We commit our selves to God Almighty. We must compare the Number, tho' ours were not sworn, yet there were sixteen of them, Boys, Young-men, that conversed with him every Day, and these Witnesses speak but of one or two particular Days: One says he dined with him, and another saw him in a Disguise; but, my Lord, in these very Witnesses there is an apparent Contradiction, because out of his own Mouth (*ex ore tuo te judico*) they are contradicted. He says he came over upon *Sunday*, with *Hillsley*, which was the 20th of *April*, as I think, and staid here only a matter of six Days. One of the Witnesses says he saw him the first *Monday* in *May*. What signify the Witnesses, though upon Oath, that say they saw him in *May*? How can he come over the 20th of *April*, and stay but six Days, and be seen here in *May*? Before these can be reconciled, one of them must be false; and then, my Lord, besides that which I first said, there is the Number of Witnesses, they are nothing in Comparison with the Number of ours. And then, my Lord, Secondly, if we should grant, that a lesser Number should serve the Turn, because they are sworn for the King, because they swear for the Safety of the King, (whom God preserve, whatsoever becomes of me) and the other speak not upon their Oaths, yet, my Lord, this does not destroy nor touch at all that Evidence that is brought against him, about the Rector of *Liege*, Sir *John Warner*, and Sir *Tho. Preston*. And though it be granted, that all the others that spoke about Mr. Oates being at *St. Omers* be mistaken, and must not be believed, yet we have him still, by those six others, who have proved that he hath sworn false; and I hope we shall have fair Play in the Law, to make the best Defence we can for our Lives; and I humbly conceive, no body must be convicted of High-Treason by the Law, but upon the Evidence of two sufficient Witnesses. Now I leave it to the Conscience and Honour of the Court, whether he shall be believed, and counted a sufficient Witness, when there are so many that have proved him false in that one Point? And then, besides all this, my Lord, we have here sixteen, at least, *Staffordshire* Witnesses, who give you an Account of Mr. *Ireland's* being out

of *London*, from the 3d of *August* till the 14th of *September*; so that in these two Things he hath been contradicted without any Answer, for he says, the 12th of *August* he was with him, when they say he was in *Staffordshire*.

L. C. J. You have forgot the Maid that saw him in *London* the 12th or 13th.

Gavan. No, my Lord, I have not. And this is it I answer to it, She is a Witness that only says, she just saw him, but did not speak to him.

L. C. J. She made a Courtesy to him.

Gavan. We are now talking of seeing *Ireland* in *August*, and we prove by Sir *John Southcott*, and all his Family, who say they began their Journey with him the 5th of *August*, and staid with him till the 19th, after the particular Day that she speaks of, you find seven or eight of them swear that they saw him all the Time. And therefore I would fain know, whether poor Mens Lives shall be cast away upon such Evidence as this? And then, my Lord, for the other Thing, I hope I have made a very good Plea for my self concerning the Matter of *July*, my Witnesses could be positive as to the last Week, but for the other Weeks, tho' they could not be positive, they rather believed I was there, than not: But when it is urged, Why might not they give as good a Testimony for the former Weeks as for that? To this I answer fully, that there is a great and predominant Reason why they should have a particular Reason to swear, why I should be there the last Week, rather than the other Weeks, because I was then shut up in the Spiritual Exercise, and they had a particular Reason to take notice of that. Then, my Lord, I hope you will be pleased to mind this, by which I have made my Plea good, that is, my Lord, that Mr. Oates's Testimony against me is this, Mr. *Ashby* came to Town about the middle of *July*, and that he staid there about a Fortnight, and that in the Time of that Fortnight I came to Town, and said I would go see Father *Ashby*, and had that Discourse he speaks of; and so much for that. And then, my Lord, I beseech you still to bear it in your mind, that I have been proved not to be in Town at the time of the great Consult about the Plot; and indeed I was not capable of it, for I was not then Professed, and there could none be of that Congregation about the Plot, but those that were Professed. I could not be there in the Congregation, by reason of my Age, Mr. *Harcourt* here, and the rest, if you will ask them, will tell you it, they were there, but, upon the Word of a dying Man I was not there.

L. C. J. 'Tis not positively said by Mr. Oates that you were.

Gavan. But then, my Lord, he says my Name was to it, which he saw in *July*; now I prove, that I was in *Staffordshire*, the last Week of *July*, and seeing I have Witnesses to prove, that I was there till the 14th, and the last Week, and it was after the 14th, that he saw me, I hope my Plea is good. Then, my Lord, I ground my Plea upon this, I have studied Philosophy, and other Things, but I never studied the Law, and so am very ignorant of it; but this is my Case, I am accused by one Witness, concerning one Fact, and by another concerning another; the one committed here at *London*, the other in *Staffordshire*; I desire, therefore, to know, whether the Witness that swears the Thing done in

Staffordshire,

Staffordshire, in another County, being joined to the other Witnesses, that swears what was done in *London*, can be esteemed two Witnesses, according to the Law, to convict me of Treason?

L. C. J. North. Yes, I'll tell you, if it were a Matter of Doubt, it might be found specially, and be argued, but it is a Matter that hath been already resolved in the Case of *Sir Henry Vane* at the *King's-Bench* Bar, who was indicted for levying of War against the King, and there one Witness proved the levying of War in one County, and the other proved the levying of War in another County, and so, though they were but single Witnesses of single Facts, yet being both came up to the Indictment, they were adjudged sufficient to maintain it. So it is in your Case, here is one Witness for the proving your hand to the Paper, which was for the Murder of the King, and there is another Witness of your Discourse to the same purpose; the Fact is your joining and conspiring to destroy the King, and to levy War against him, and both these are proved to the full of the Indictment by these Witnesses; and though they are to several particular Facts, yet they are all Overt Acts of the same Treason.

Gavan. My Lord, I have a contrary Opinion to that in *Serjeant Rolls*.

L. C. J. North. But this is a known Case, and the Law is settled therein.

L. C. J. I'll tell you what you mistake in what you say, for there are two Witnesses, *Oates* and *Dugdale*, who swear to the same Fact, which is killing the King, altering the Government, and bringing in Popery: *Oates* says he saw your Hand to the Consult, for the Murder of the King, for the raising the Army, and for the introducing of Popery, which is a necessary Consequence of Change of Government; *Dugdale* says he was with you in the Parlour of my Lord *Aston's*, where the Discourse was between him and you, and others, about killing the King, and altering Religion. Are not these two Witnesses to one and the same Treason?

Gavan. No, my Lord, I conceive not.

L. C. J. If I consult a way to kill the King here, and then I go into the Country, and there I consult of it with another Person, are not these two Witnesses to the same Treason? sure they are.

Gavan. Then, my Lord, my second Plea is this, If there be two Witnesses, you will grant me this Ground, that no Man must be convicted but upon the Evidence of two legal and credible Witnesses, and upon clear Evidence, as the Statute since His Majesty's happy Restauration does declare. Now two Things are required certainly to make a credible Witness, and a clear Evidence; as the Witness must be credible, so it is as agreeable to Reason that the Evidence must be plain and clear, yea, as clear as the Light of the Sun at Mid-day. Now therefore if I prove, that neither the Witness is credible, such as the Law requires, nor the Evidence clear, such as the Law looks upon as such, then I ought not to be convicted by this Witness upon this Evidence.

L. C. J. The Jury are Judges of that, and therefore there I leave it.

L. C. J. North. You argue mighty subtilly, but I'll give you this Answer; there must be two lawful Witnesses, that is the Law; a Man can-

not be impeached of Treason but by two lawful Witnesses; now if they be not convicted of Perjury, and their Testimony be not taken away, but they may be heard in a Court of Justice, they are lawful Witnesses; now for the being credible Witnesses, that is a matter that is left to the Jury, but we must receive them as lawful Witnesses till they be convicted of a Crime that takes away their Testimony.

Gavan. Therefore because they are left to the Jury, I am satisfied, and I turn my self to you, Gentlemen. You are to sit upon my Life and my Death, as for my own part I can truly profess I am as innocent as the Child unborn, and this Gentleman *Mr. Whitebread* knows I was not capable of being at the Consult, being not of Age. Now I must leave my self to the Jury, and will leave it to their Judgments whether these two Witnesses can be esteemed credible Witnesses; for to make credible Witnesses there is required Honesty of Life, and Truth in their Testimony, for no Man can be a good Witness that is not an honest Man, nor that hath carried himself so that he is not to be believed. As to the Honesty of *Mr. Oates* his Life, you have heard that he was disgusted by the Jesuits, esteemed not a Person of that diligence or fidelity to be intrusted by them; he was turned out of *St. Omers*.

L. C. J. Does that prove any Dishonesty in *Mr. Oates*?

Gavan. No, but I speak to his Credibility.

L. C. J. Speak plain, how does it impeach *Mr. Oates* his Evidence, that the Jesuits did not like him?

Gavan. It might be a Ground of Hatred and Malice in him against them; and then, Gentlemen, I desire you to consider that other Thing, That we have proved him to speak false in his Testimony about *Sir John Warner* and *Sir Thomas Preston*; and all the Business of the 12th of *August*, concerning *Mr. Ireland's* being here the 12th of *August*, who, by Sixteen Witnesses, is proved to have been all the while in *Staffordshire*: And tho' he was not convicted of Perjury before, which might have easily been done, as I have shewn to the whole World now, I appeal to the Honour and Conscience of the Jury, whether all these Proofs ought not to make this Witness to be deemed an incredible Witness. And pray, Gentlemen, hear me this, and carry this away with you, as to the Business of *Ireland*, between the 8th and 12th of *August*, how many do swear that he was in *Staffordshire*, I desire you but to compare that one Woman that only saw him, and made a Courtesy to him, as she says, with those Sixteen Witnesses that conversed with him daily. Then as for the second Testimony of the *St. Omers* Witnesses, which you see is thwarted by some that do swear in the King's Name to the contrary: Still I desire you to compare Number with Number: The others, tho' they do not swear, are ready to swear, and there are only three or four against sixteen of them, and there is an evident Contradiction in what they say, and that proved out of his own Mouth; for he says he came over the 20th of *April* with *Mr. Hillsley*, and staid only six Days; they say he was here in *May*, and I desire these may be compared: for how could it be that he should be here in *May*, if he staid but six Days? And then to make your Verdict, and take their Credit away,

I would desire you to consider those Witnesses that I have brought for my self, not being here, but in *Wolverhampton*; for being in *Staffordshire* as long as till the last Week of *July*, it must fall within the time of his Testimony. I have brought Witnesses to prove upon Oath, that from the 22d upward they saw me in *Wolverhampton*, and they do remember the particular Instance that I was then at my Spiritual Exercise: And this is that I have to say as to Mr. *Oates*. As for Mr. *Dugdale*, I would desire you to reflect upon the whole Story of his coming to discover this Plot, and his being an Informer about it. The Truth is, I confess I have known him five or six Years, whilst he lived at my Lord *Aston's*, and I have divers times discoursed with him there in Mr. *Ewers's* Chamber; but, as I hope to be saved, never any thing of Treason in all my Life. Now, 'tis well known, and there are those that can testify it, that in truth *Dugdale* run away from my Lord *Aston's* after he had lost 300 l. of my Lord's Money.

L. C. J. If you can say any thing against Mr. *Dugdale* by Witnesses that you can prove it, then you say well; but if you will tell a Story out of one Lord's Mouth, and another Lord's Mouth, that is never to be endured; you shall never take away a Man's Testimony by hear-say, you must prove it.

Gavan. 'Tis well known, if I prove *Dugdale* no credible Witness, I play my own Game. You know I have been a Prisoner twenty Weeks, and could not seek out Witnesses, I asked it as soon as I knew of my Trial, but it was denied me to send for Witnesses to prove that *Dugdale* was in Goal for Debt. If I had the Recorder's Warrant, or the Authority of this Bench, I could send for them.

L. C. J. You must not fall upon Persons without Evidence, if you have Witnesses to prove any thing, whom the Jury will believe, call them.

Gavan. I do assure your Lordship, as I hope to see the Face of God, I am innocent of what is charged upon me. And God bless the King and this Honourable Court.

L. C. J. Tho' you do an hundred times bless the King and Court and all, you must prove things if you will be believed. What say you, Mr. *Whitebread*?

Whitebread. My Lord, I have but one thing to say, and 'tis but a word: Your Lordship was pleased to make an Observation, and a good one it was, a Letter which Mr. *Dugdale* says was written by me to Mr. *Ewers*, which he says he intercepted; he was, in the mean time, a trusty Correspondent for his Friend. In that Letter he swears, there was expressly contained positive Words of entertaining Persons to kill the King, that only such as were hardy, desperate, and stout; but as your Lordship well observed, that it was an improbable thing that a Man who had his Wits about him should write such plain Expressions about such a Matter; and upon that Improbability I leave it to the Jury.

Mr. Just. *Pemberton.* Have you any thing to say, Mr. *Fenwick*?

Fenwick. I desire, my Lord, your Lordship and the Jury to consider and observe the nature both of our Witnesses, and of them that are brought against us. The one speak for the whole Time, that they saw him every Day, or every

other Day; they daily conversed with him, and eat and drank with him in the same House; the others, they say only, they saw him one particular Day, another, another; and one of them says he saw him but in a Disguise. Now, my Lord, whether it be likely that so many innocent Children, brought up in a good virtuous Life, should come here to forswear themselves, to contradict People that we know not what they are; and then, besides, we know that these People are of a poor, mean, beggarly Condition, that intend to mend that Condition by such a Pretence of Discovery, and hope thereby to advance themselves. It is probable such People might be drawn in. Then also we shall prove that Sir *John Warner* did not come over with him, nor Mr. *Williams*, nor Sir *Thomas Preston*: Then all his Witness, as to them, is false, and he does not say he went back with these People; and this for the Witnesses. Now suppose the Witnesses were all equal, what does he prove against us Three? Or what Reason doth he give of his Evidence? He says he saw such and such Letters from Mr. *Whitebread*. Now is it possible that a Man that had no Credit at all with us, that we should be such Fools to trust him with such Letters as those, then your Lordships must hang us twice, once for Fools, and then for Knaves. Or is it possible that we should be such egregious Fools that we should trust a Man that was never esteem'd of, was expelled the College? And for all his Talk of Commissions and Letters, there is not one of those found, let him shew any one Commission, any Money paid, or any Order brought him, or any Arms that were found; there are three Quarters of a Year now passed since the first discovery; certainly all this time could produce something: Thousands of Letters have been taken from us, some of those Letters would have discovered this Thing: certainly therefore we have better Evidence than he hath, supposing them to be equal as to Credibility in their Original. Is it credible we should be so great Rogues to contrive the King's Death? though he speaks of the Writing being carried from Chamber to Chamber concerning this Matter, he can never produce one Paper signed by any one Man's Hand, nor can he produce any thing to attest his Testimony. I leave this to your Lordships Judgment, whether this Evidence be good, there is nothing appears in so much time, of any Effect that is produced: Where were the Armies? Where were the Monies paid? Where the Commissions? Is it possible such a thing should be, and no sign of it for a whole Year almost? there is no Reason brought, amongst them all, but Saying and Swearing, and that I will stand by.

Whitebread. I thank God I don't look like a fighting Man, nor I never did; but who can think that I should be so mad, when I had committed such a Secret to him, to beat him, as he says? 'Tis strange that such a Plot should be discovered wherein so many Persons of Quality, Honour and Reputation, are said to be concerned, and yet no Footsteps of it appear; and none of them, as my Lord *Arundel*, my Lord *Bellasis*, should never divulge such a Plot; I would fain know whether such a thing be probable, but I commend my self to God Almighty, and the Jury.

Harcourt. My Lord, I have only this to say, I have lived to this Age, which is 70 Years, and I never

never knew any Man that could say I was accused of the thing in the World, for which I should be brought before any Magistrate; and 'tis strange that after so many Years I should come to be Arraigned and Condemned for a Crime of the highest Nature; and there's no Reason brought against me, nor any of the rest, for the Proof of what is alledged, nor do they, who are the Witnesses against us, deserve at all any Credit. They only affirm such and such things without any Reason, to persuade you to believe them, and 'tis easy to say, and so 'tis to swear it. So that all I have to say is this, since a Negative cannot be proved, I hope Innocency will find some that shall defend it. I leave my self to the Bench, for the Law is the Defence of Innocency. If they did bring any Evidence besides that, which is downright positive Swearing without any Reason or concurrent Reason to confirm it, it were something.

Fenwick. And besides all this, to think how these Men have lived before time is worth Reflection and Considering. As for *Bedlow*, he hath been a very ill Man, the World knows it.

L. C. J. Have you proved it? Can you shew any Record of it?

Mr. Just. Pemberton. *Turner*, have you any thing to say? You have had your Time.

Fenwick. You will find that *Nemo repente fit nequissimus*, No Man arrives at the highest Degrees of Impiety at first: Men grow extremely wicked by Degrees. But let us see if they can blame our Lives, or any thing that we have done at any time before; we prove, and all the World knows what they have been, and how scandalously they have lived.

Gavan. Our Witnesses are to be regarded for their Number and for their Innocency, especially since they give no Reason nor convincing Arguments for what they do affirm.

L. C. J. We would hear you, and we have heard you very long, but it must not be permitted you to go over the same things again and again.

L. C. Baron. Hath *Turner* any thing to say?

Turner. All that I have to say, my Lord, is this, to ask whether it be reasonable that *Bedlow* and *Oates* should be looked upon as good Witnesses, that these Persons who have been such scandalous People should be admitted to an Oath, who were debarred from the Sacrament; for according to the Church of *England*, no Man that is publicly scandalous can be admitted to the Sacrament.

L. C. J. But you prove nothing.

Turner. I can prove it first by Evidence of one *Hassins*.

L. C. J. Call him. [*But he appeared not.*]

L. C. J. Gentlemen of the Jury; Here hath been a very long Evidence, and a very confused one; and you cannot expect, that it should be wholly repeated to you: For it is almost impossible for any one to remember it; neither would I if I could, because a great deal of it is impertinent, and vainly to be repeated: And besides many things have been said over and over again, to no purpose. But I will observe to you, as well as I can, what Testimonies there are against each particular Man of them; and that I do look upon, to be very material. And I leave it to you, to judge and consider, how far the Evidence is Credible, and how far it is Substantial.

Against *Mr. Whitebread*, you have the Testimony of three, *Oates*, *Dugdale*, and *Bedlow*: Against *Mr. Fenwick*, you have the Testimony of *Oates*, *Bedlow* and *Praunce*: Against *Harcourt*, you have *Oates*, *Dugdale*, *Bedlow*, and *Praunce*. You have against *Gavan*, *Dugdale*, and *Oates*; and against *Turner*, *Dugdale*, and *Oates*: So that, to the two last, you have two, three to the two first, and four to *Harcourt*.

Now, the Matter that they have sworn, hath been all tending to one thing; the Murder of the *King*, the Advancing of *Popery*, and Suppression of the *Protestant Religion*: That is the Thing, that all the Evidence does drive at.

For *Dugdale*, for ought we can perceive, he hath been upon the matter a Stranger to *Oates* and *Bedlow*; and I do not find, that he had any Correspondence with, or Knowledge of them, at the time he charges *Mr. Harcourt*, and *Mr. Gavan*. And he charges them with the very self-same Things, *viz.* the Consulting the Death of the *King*, and Advancement of *Popery*. And they have several Instances of the Facts, as their several Consultations; how they met together, and where, or at what Place. And *Dugdale* tells you of a Letter, that he found; wherein *Whitebread* gave Charge, for the Entertainment of good stout Fellows; No matter for Gentlemen, so they were Resolute. And so they have several *Mediums* to prove one and the same Thing.

Mr. Fenwick says to all this, Here is nothing against us, but talking and swearing: But for that, he hath been told, (if it were possible for him to learn) that all Testimony is but talking and swearing: For all Things, all Mens Lives and Fortunes, are determined by an Oath; and an Oath is by talking, by kissing the Book, and calling God to witness to the Truth of what is said. That is the Essence of an Oath, and those are the Ceremonies: The Kissing the Book, and Speaking, is the accidental Form; the Substance is, calling God to Witness. Therefore what a vain thing is it in *Mr. Fenwick*, to seem to triumph, by saying, There is nothing against us, but talking and swearing. There is nothing against them, but Evidence and Proof of Men upon Oath: And their Reasons, the Truth is, are very Trifles. They defend their Lives as they do their Religion, with weak Arguments, and fallacious Reasons.

For that long Business, that *Mr. Gavan* hath undertaken to say against *Mr. Oates*, and what they all insist upon, *viz.* the Number of their Witnesses, which were Sixteen, amounts to this, to disprove *Mr. Oates* that it could not be true what he says, That he should be present here at a Consult, the Twenty-fourth of *April*, because they have brought Sixteen from *St. Omers* to prove, That he was there all *April* and *May*.

'Tis very true now, if that be so, it is impossible *Oates* can swear any Truth: But whether that is to be believ'd, or no, is the Question. Methinks they did not do well for themselves, when they bid you remember the *Nature* of the Evidence. They did well enough, to bid you remember the Number: For the Number is more than what *Oates* is back'd with on t'other Side; but the *Nature* is of much less Weight: Not only because they are not upon their Oaths, for by Law they may not be upon their Oaths; (and that must not be charged on them as a Defect, seeing they would swear, I doubt not, if they might)

might) but because their Testimony is really to be believed much alike without an Oath, as with one; because they are of a Religion that can dispense with Oaths, though false, for the sake of a good Cause.

But, seeing they desire the *Nature* of the Men may be considered, you are to observe, that they are Profelytes, and Young Striplings of their Church; which does indeed, in one Respect or other, abuse all her Disciples, and keeps them in a blind Obedience, to pursue and effect all Her Commands.

If the Doctrines of that Church were better; if such which are allowed by their Chief Authors, were but less bloody and inhumane; If they had ever put those that are so, into an *Index Expurgatorius*, that they might have been publickly disowned and declared as the particular Opinions of some ill Men, which they did disavow; these Men might have been then more worthy to be regarded. But when none of their Popes have done this (who must have very strange Foreheads, if they say they have) and such Doctrines are still owned, there is much indeed to be observed from the *Nature* of the Evidence, the *Nature* of the Men, and their Profession.

I must confess, I believe that they would deny their Principles to be bloody, or to be defended and allowed by any of their best Authors, if at this Time, the Fear of apparent Falshood did not deter them: But if to Murder KINGS, or to Depose them, and Absolve their Subjects from their Allegiance, for the Advancement of Religion, be a Thing most impious, and void of Religion, and makes Religion worse than none; which Doctrine yet they have owned, and their Councils have owned, and we have proved it upon them, and cut of them: I cannot tell what to say to these Men, or their Testimony; the *Nature* of whom they desire to be considered.

But they were Young Boys, sent for hither on purpose to give this Testimony; and it was not, indeed, a Fault in the Prisoners at the Bar, to send for what Evidence they could, for themselves: But it is very doubtful and suspicious, to have such green and flexible Minds thus employ'd, and I must leave it to you, to consider how far these Young Men, train'd in such Principles, may be prevail'd on to speak what is not true.

And now, if the King's Evidence, after this, stood alone, it were yet something: But when you have Mr. Oates's Testimony, as to this great Matter of his appearing in *April*, confirmed by Seven or Eight Witnesses, that speak so expressly to it, how will they answer it! Do they make Sir Richard Barker a Person of no Value? Do they so little esteem the Minister, that says I knew him though he was in Disguise; and went and said it presently to a Woman, that he knew was acquainted with Oates. And asking her, when she saw Mr. Oates? And she saying, Not a great while; he said, I saw him later than you; and says, he did know him: And this is confirmed still by Sir Richard Barker, who tells you, That his Men told him that he had been there. What should make them to acquaint their Master so, if it were not so? Or do you think it a thing maliciously prepared or invented, to take away the Lives of these Men, that his Men should tell him a Story so long ago? If it be not true; to what Purpose should they tell him so? and if it be true, it confirms the Matter sworn against them.

There is he that was his Companion, the Schoolmaster, that says, in the beginning of *May* was Twelvemonth, Mr. Oates dined with him at his House, sat with him four Hours, discoursed of his Travels into *Spain* and *St. Omers*: And there is the Man that is a *Papist*, if not a *Priest*, that swears he saw him twice, about the middle of *April*, at Mr. Charles Howard's Lodgings in *Arundel* House; so that here are Seven Witnesses, direct or circumstantial, to prove Mr. Oates to have been in *London*, in *April* and *May*, 1678.

But say they, This is but *Talking* and *Swearing*. Very fine! and the *St. Omers* Youths is *Talking*, but not *Swearing*. Ay! but then their *Numbers* are not so many. That, Gentlemen, I leave to you, for both cannot be true. The Testimony of Mr. Oates, and the Witnesses that he had to back himself withal, and to prove himself to be here, is inconsistent with what the young Men say, that he was at *St. Omers*.

Now, if you observe, all these Mens Defence is in the circumstantial Part of the Evidence, in watching and catching at what Day, what Hour, and what Month? how Mr. Oates reckoned false, so and so: If he came here about the 20th of *April*, how could they see him the 1st of *May*? and they think then, they have got such a mighty Victory, but it is not so weighty an Argument with Protestants, after all their Conceit, that it is unanswerable; for here is the Point, The Matter of Time is a Thing that no Man can so precisely charge his Memory with, as that it should be too strictly the Measure of your Judgments about Truth or Falshood, by the mistake of seven or eight Days. Examine your selves, how often every Day you do mistake things that have been transacted half a Year ago, and err in Point of Time, taking one Week for another, and one Month for another; and tho' I must say, it is considerable, yet too great Weight is not to be laid upon that.

As for that they insist upon so much, the coming over of Sir Thomas Preston, and Sir John Warner, with Mr. Oates; it is true, three or four Witnesses speak, as to Sir John Warner, and some to Sir Thomas Preston; and they say, they were both beyond Sea when Mr. Oates came over; but if the Sixteen be not to be believed in the first Matter, and if Mr. Oates does say true, notwithstanding all their Evidence, that he was here such a Time in *April* and *May*, then I'll tell you what Inference may naturally be; to wit, That they can't want a Witness to prove what they please: For I believe there is none of them all will make any Bones of it.

I say, Gentlemen, if you are satisfied in your Consciences, that the Evidence on Mr. Oates his Part, to that Point, (that is to say, seven Witnesses) ought to prevail with you, to believe he was here in those Months, (notwithstanding the sixteen Witnesses, who say they saw him every Day beyond Sea, in *April* and *May*;) their other Evidence about his coming over with Preston and Warner, will have no great Weight; because the other is the Great Matter, by which they make the Substance of their Defence.

I am glad indeed to see a Gentleman here, whose Face I never saw before, and that is Mr. Dugdale. Upon my Word, he hath escaped well, for I find little said against him, very little, either as to the Matter or the Manner of his Evidence.

Evidence. They would have made Reflection on him for his Poverty, but I hope that they, whose Religion is to vow Poverty, will never insist on that for any great Objection against any.

L. C. J. North. Your Lordship hath forgot that he said he gave away Three or Four Hundred Pounds to them.

L. C. J. But I will challenge all the Papists in *England*, to satisfy any Man that hears me this Day of one piece of Evidence, which will turn every Protestant's Heart against the Papists. If so be they murdered *Sir Edmundbury Godfrey*, the Plot even by that, is in a great measure proved upon them, by that base Murder. And what can be a plainer Proof of it, than the Evidence of this Day, which *Mr. Dugdale* produces? We had notice, saith he, on *Monday* Night, that on the *Saturday* before it, *Sir Edmundbury Godfrey* was kill'd; (which falls out to be that very *Saturday* he was first missing;) which Notice was given in a Letter writ by *Harcourt* to *Ewers*, another Priest, that same *Saturday* Night, wherein were these Words, *This Night Sir Edmundbury Godfrey is dispatch'd*; and I am sure, if this be true, then no Man can say, but *They* murdered him.

Whitbread. It is not alledged against any of us.

L. C. J. It is an Evidence of the Plot in general, and to *Harcourt* in particular.

Harcourt. He never shews the Letter that he says I writ.

L. C. J. He says that he used to peruse the Letters, and that *Ewers* had this again, after he had perused it; he says also he has received, at Times, a hundred Letters from you, and this among the rest. Now the Question is, Whether it be true, or no? To make it out he produces *Mr. Chetwynd*, whom I hope you will not deny to be a Gentleman of one of the best Families of his Country, and of honest Reputation; who says, That on the *Tuesday* following that *Saturday* *Sir Edmundbury Godfrey* was miss'd, he and another were talking together in *Staffordshire*, and that the other Person asked him, if he knew of the Death of any Justice of the Peace at *Westminster*, and when he told him, he had heard of no such thing; No! said he, that is strange, you living sometimes about *Westminster*; for, said he, The Wench at the Alehouse says, That this Morning *Mr. Dugdale* said to two other Gentlemen, There was a Justice of Peace of *Westminster* kill'd; and *Mr. Dugdale* swears, that was *Sir Edmundbury Godfrey*. Now, if *Dugdale* be fit to be believed, that he saw such a Letter, as he must be if he be not a very great Prophet, to be able to foretel this; or if the Maid that said this, did not invent it (a Thing then impossible to be done) or *Mr. Chetwynd* feigned, that he heard the Man make his Report from the Maid; this Thing could not come pass, but by these Men. Nay, if *Mr. Dugdale* could not do as great a Miracle as any are in the *Papish Legends*, how could he tell, that it was done on the same Night when it was done at *London*? Or speak of it, on the *Monday* Night after, when it was not known in *London* till the *Thursday* following? This will stick, I assure you, Sirs, upon all your Party.

For my own part, this Evidence of *Mr. Dugdale's* gives me the greatest Satisfaction of any thing in the World in this Matter; and whilst

we rest satisfied in the Murder of that Man, and are morally certain you must do it, knowing of what Principles you are, you cannot blame us, if, upon such manifest Reasons, we lay it upon you.

And this is Occasional Evidence, which I, for my part never heard before this Day; nor can I be more, or better satisfied, than I am upon this Point, viz. The Testimony that I have received this Afternoon, concerning the Murder of *Sir Edmundbury Godfrey*. As to the Defences they have made, they are Exceptions in Point of Time, but do not affect *Mr. Dugdale*; for they have hardly the Confidence to deny the Things he says, to be true against them.

They fall foul, indeed, upon *Mr. Oates*: He appears to have been their Agent; and whilst so, bad enough: But if he had not had a Mind to have become a good Man, he would not likely have done us that Good that he hath done, in discovering the Design you had engaged him in. Let any Man judge, by your Principles and Practices, what you will not do, for the promoting of the same.

For while this Gentleman's Blood lies upon you (and some have been Executed for it,) it must be yet farther told you, that in what you *Did* do, you have given us a Specimen of what you *Would* do. We have a Testimony, that for promoting your Cause, you would not stick at the Protestants Blood. You *Began* with *Sir Edmundbury Godfrey*, but who knows where you would have made an *End*! It was this One Man you kill'd in his *Person*, but in *Effigy* the Whole Nation. It was in one Man's Blood your Hands are *Imbrued*; but your Souls were *Dipt* in the Blood of us all. This was a Handsel only of what was to follow; and so long as we are convinced you kill'd him, we cannot but believe you would also kill the King. We cannot but believe, you would make All of Us away, that stand in the Way of your Religion; A Religion, which, according to what it is, you would bring in upon us; by a *Conversion* of us with *Blood*; and by a *Baptism* with *Fire*. God keep our *Land* from the one, and our *City* from the other.

To return: The Letter that is found in *Harcourt's* Papers, does further confirm *Mr. Oates* in all the great and considerable Matters that he says; That there was a Plot; That that Plot was called by the Name of a *DESIGN*, which was to be kept Close and Secret: And this is an Evidence that cannot lye. For that Letter will never be got off, no more than the other Letter, that *Mr. Dugdale* speaks of about *Sir Edmundbury Godfrey*.

And thus I leave it to you Gentlemen: You have heard how many Witnesses they have had for them, about Twenty-four or Twenty-five, of one sort or another. You have heard what they apply their Testimony unto, to convict *Mr. Oates* of Falshood in matter of Time; which was their principal Defence: That he was not here in *April* and *May*, and that he came not over with *Sir Thomas Preston*, and *Sir John Warner*, and that *Ireland* was not here all *August*. You have heard what Witnesses *Oates* is back'd withal, as to the Time of his being here: And the Maid says, she saw *Ireland* here in *August*.

However, though their Defence depends but upon a Point of Time, I must tell you, it ought to be well considered, for 'tis indeed very considerable

able towards their Defence; and God forbid but we should be equal to all Men.

And so I have remembered, as well as I can, in this long and perplexed Evidence, that which seems to me most material, as to their Charge or Discharge; and that which they have made their greatest Defence by the Youths from St. Omers, to disprove Mr. Oates his being here, and Mr. Ireland's not being in London in August, which in Truth is not the proper Business of this Day; but hath received a former Verdict before; for if so be the Jury before had not been satisfied of the Truth of that, they could never have found Ireland Guilty. So I leave it to you, upon the whole Matter. I can remember nothing besides. Go together, and consider of your Verdict, according to your Evidence.

L. C. J. North. Gentlemen, my Lord hath repeated it so fully to you, that I shall not need to add any thing to it.

Then an Officer was sworn to keep the Jury, who withdrew; and the Judges also went off from the Bench, leaving Mr. Recorder, and a competent Number of Commissioners there, to take the Verdict; and about the space of a Quarter of an Hour, the Jury returned, and answered to their Names, and gave in their Verdict thus.

Cl. of the Cr. Gentlemen, are you all agreed of your Verdict?

Omnes. Yes.

Cl. of the Cr. Who shall say for you?

Omnes. Foreman.

Cl. of the Cr. Thomas White, alias Whitebread, hold up thy Hand. You of the Jury look upon the Prisoner: How say you? Is he Guilty of the High-Treason whereof he stands Indicted, or Not Guilty?

Foreman. Guilty.

Cl. of the Cr. What Goods or Chattels?

Foreman. None, to our Knowledge. [*And so severally of the rest.*]

Which Verdict being Recorded, in usual Form, Mr. Recorder spoke to the Jury thus:

Gentlemen, you of the Jury, There hath been a long Evidence given against the Prisoners at the Bar: They were all Indicted, Arraigned, fairly Tried, and fully Heard, for High-Treason, depending upon several Circumstances. They can none of them pretend to say, (and I take the Liberty to take notice of it, for the Satisfaction of them, and all that are here present, and all the World,) That not a Person among the Prisoners at the Bar, were either wanting to themselves to Offer, or the Court to them, to Hear any thing that they could say for themselves. But, upon a long Evidence, a full discussing the Objections made against it, and a patient hearing of the Defence they made, they are found Guilty: And I do think, that every honest Man will say, That they are unexceptionably found so; and that 'tis a just Verdict you have given.

And then the Prisoners were carried back to Newgate, and the Court adjourned till Eight next Morning: When the Court proceeded to the Trial of Richard Langhorn.



LXXXIV. The Trial of RICHARD * LANGHORN, Esq; at the Old-Baily, for High-Treason, June 14, 1679, 31 Car. II.

UPON Saturday the 14th of June, 1679, at the Sessions-House in the Old-Baily, London, the Court (according to their Adjournment the preceding Day) met, and proceeded to the Trial of Richard Langhorn, Esq; in this manner:

Clerk of the Crown. Set Richard Langhorn to the Bar. Richard Langhorn, hold up thy Hand. [*Which he did.*]

Thou standest Indicted in London, by the Name of Richard Langhorn, late of London, Esq;

For that you Richard Langhorn the Elder, as a false Traitor of the most Illustrious, Serene, and Excellent Prince, Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, your supreme and Natural Lord, not having the Fear of God in your Heart, nor weighing the Duty of your Allegiance,

but being moved and seduced by the Instigation of the Devil, the cordial Love, and true, due, and natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him do and ought to bear, altogether withdrawing, and devising, and with all your Strength, intending the Peace and common Tranquillity of this Kingdom to disturb, and the true Worship of God within this Kingdom used, and by Law established, to overthrow, and Sedition and Rebellion within this Kingdom to stir up and procure, and the true Love, Duty and Obedience, which true and faithful Subjects of our said Lord the King, towards him do and of right ought to bear, to withdraw, relinquish, and extinguish, on the 30th Day of September, in the 30th Year of His Majesty's Reign, at London, in the Parish of St. Dunstan's in the West, in the Ward of Farringdon without London, aforesaid, falsely, maliciously, subtilly, and traiterously, with many other false Traitors of our Sovereign Lord the King unknown, did purpose, compass, imagine, intend, consult and agree,

to stir up Sedition and Rebellion within this Kingdom of England, against our said Sovereign Lord the King, and a miserable Slaughter amongst the Subjects of our said Lord the King, of his Kingdoms of England, to procure and cause, and our said Sovereign Lord the King, from his Kingly State, Title, Power, and Government of his Kingdom of England, totally to deprive, depose, and disinherit, and our said Sovereign Lord the King to Death and final Destruction to bring and put, and the Government of this Kingdom to subvert and change, and the true Worship of God in this Kingdom by Law established and used to alter, and the State of this Kingdom in all the Parts thereof well instituted, totally to subvert and destroy, and War within this Kingdom of England to procure and levy, and the same most wicked Treasons, traitorous Imaginations, Purposes, Compassings, and Agreements aforesaid, and to perfect and fulfil: You the said Richard Langhorn afterwards, to wit, the 30th Day of September in the 30th Year aforesaid, and diverse other Times before at London, &c. falsely, advisedly, maliciously, subtilly, and traitorously, did compass, contrive, and write two Letters, to be sent to certain Persons unknown at Rome, and at St. Omers, in Parts beyond the Seas, to procure the Adherence, Aid and Assistance of the Pope, and of the French King, and others, to you the said Richard Langhorn, and other false Traitors unknown, the true Worship of God within this Kingdom of England, by Law established and used, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, and our said Sovereign Lord the King to Death and final Destruction to bring and put; and that you the said Richard Langhorn, in further Prosecution of the said Treason, traitorous Imaginations, Intentions, and Agreements aforesaid, on the Day and Year aforesaid, and the said other Days and Times before at London, &c. did compass, contrive, and write two other Letters to be sent to Rome, in Parts beyond the Seas, to one Christopher Anderton, then Rector of the English College at Rome aforesaid, and two other Letters to be sent to St. Omers, in Parts beyond the Seas, to diverse Persons unknown there residing, and by the said respective Letters traitorously you did advise the said Pope, and Christopher Anderton, and other Persons unknown residing beyond the Seas, of the ways and manner to be taken for accomplishing the said most wicked Treasons, for altering the true Worship of God in this Kingdom established and used, to the Superstition of the Church of Rome, and for subverting the Government of this Kingdom, and for the Death and Destruction of our said Lord the King, and to the Intent that the said Christopher Anderton, and others unknown, should give their Aid, Assistance, and Adherence, and should procure other Aid, Assistance, and Adherence, to you the said Richard Langhorn, and other false Traitors unknown, to alter the true Worship of God aforesaid, to the Superstition of the Church of Rome, and to subvert the Government of this Kingdom of England, and to put our said Sovereign Lord the King to Death, and that you the said Richard Langhorn afterwards, to wit, the Day and Year aforesaid at London, &c. Traitorously did deliver the Letters aforesaid, to be sent to the said Christopher Anderton, and others, Persons beyond the Seas, to perfect the Traitorous Purposes aforesaid, and that you the said Richard Langhorn, further to fulfil and accomplish the same most wicked Treasons, traitorous Imaginations, Purposes, and Compassings aforesaid, afterwards the said 30th Day of September, in the Thirtieth Year aforesaid, at London, &c. five Com-

missions in Writing, made by Authority derived from the See of Rome, for constituting Military Officers, for leading the Forces to be levied in this Kingdom against our said Sovereign Lord the King, for the altering the Protestant Reformed Religion, to the Use and Superstition of the Church of Rome, and for subverting the Government of this Kingdom of England, Traitorously you did receive, and five other Commissions in Writing, made by Authority derived from the See of Rome, for constituting Civil Officers for Governing this Kingdom after the most wicked Treasons and traitorous Imaginations, Purposes and Compassing aforesaid were fulfilled and accomplished, then and there traitorously you did receive. And that you the said Langhorn, afterwards, to wit, the Day and Year aforesaid, at London, &c. the said several Commissions so received, to divers false Traitors of our Sovereign Lord the King unknown, falsely, knowingly, and traitorously did distribute, give and dispose for constituting Officers, as well Military as Civil, to the traitorous Purposes aforesaid. And that you the said Richard Langhorn, afterwards on the Day and Year aforesaid, at London, &c. a Commission to constitute and authorize you to be Advocate-General of the Army, to be levied in this Kingdom, to War against our said Sovereign Lord the King, falsely, traitorously, and against the Duty of your Allegiance, from a certain Person unknown, did receive and had; and the same Commission then and there falsely, advisedly, and traitorously, did inspect and read, and in your Custody keep; and to the same Commission traitorously did give your Consent, to the Intent that you the said Richard Langhorn should have and execute the Place and Office of Advocate-General of the Army aforesaid, after the Army aforesaid should be rais'd against our said Sovereign Lord the King, by you the said Richard Langhorn, and other false Traitors unknown, in Execution of the said traitorous Compassings, Imaginations, and Agreements aforesaid. And that whereas William Ireland, John Grove, and Thomas Pickering, and other false Traitors of our Sovereign Lord the King, unknown, on the 24th Day of April, in the 30th Year aforesaid, in the County of Middlesex, did consult to bring and put our said Sovereign Lord the King to Death and final Destruction, and to change and alter Religion in this Kingdom of England, rightly and by Law established, to the Superstition of the Church of Rome, at London, &c. had Notice of that Consultation; and the same Consultation for the Destruction of the King, and for the Alteration of Religion in this Kingdom, rightly Established, to the Superstition of the Church of Rome, and the Treasonable Agreements had in that Consultation, on the said 30th Day of September, in the 30th Year aforesaid, from our said Sovereign Lord the King, advisedly and traitorously did conceal, and to that Consultation traitorously you did consent. And the said William Ireland, John Grove, and Thomas Pickering, on the Day and Year last aforesaid, at London, the Treasons aforesaid to perpetrate and perfect, maliciously, subtilly, and traitorously, you did abet, counsel, maintain and comfort; and that you the said Richard Langhorn, afterwards (to wit) the said 30th Day of September, in the 30th Year aforesaid, at London, &c. falsely, subtilly, and traitorously, you did move and solicit the Benedictine Monks, (unknown) to expend and pay the Sum of Six Thousand Pounds, to procure a Person traitorously to kill and murder our said Sovereign Lord the King. And whereas Edward Coleman, and other false Traitors

of our said Sovereign Lord the King, unknown, on the 29th of September, in the 30th Year aforesaid, in the County of Middlesex, traiterously had conspired and consulted to procure Rebellion and Sedition, within this Kingdom of England, against our said Sovereign Lord the King, and him from his Kingly State and Government of this his Kingdom of England to deprive and disinberit, and to bring and put him to final Death and Destruction, and the Government of this Kingdom of England to alter, and the true Religion in this Kingdom of England, by Law Established, to alter and change. And whereas be the said Edward Coleman had traiterously written four Letters to Monsieur Le Chaise, then Counsellor of the French King, to procure the Aid, Assistance, and Adherence of the French King, to perfect and accomplish the traiterous Imaginations aforesaid, you the said Richard Langhorn afterwards, to wit, the said Thirtieth Day of September, in the Thirtieth Year aforesaid, at London, &c. well knowing the treasonable Matters in the same Letters contained, to the same Letters did consent, and then and there falsely, subtilly, advisedly, maliciously, and traiterously did abet, counsel, maintain, and comfort the said Edward Coleman, to perpetrate and accomplish the Treason aforesaid, against the Duty of your Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in this Case made and provided.

Clerk of the Crown. How say'st thou, Richard Langhorn, art thou Guilty of this High-Treason whereof thou standest Indicted, or Not Guilty?

Langhorn. Not Guilty.

Cl. of the Cr. Culprit, how wilt thou be Tried?

Langhorn. By God and my Country.

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

Then the Petit Jury impannelled for this Trial was called, the Prisoner put to his Challenges, but challenging none, the Twelve sworn were these.

Arthur Yong,		Thomas Barnes,
Edward Becker,		Francis Neeve,
Robert Twysford,		John Hall,
William Yapp,		George Sitwell,
John Kirkham,		James Wood, and
Peter Pickering,		Richard Cawthorne.

After which, Proclamation for Information was made in the usual manner.

Cl. of the Cr. Richard Langhorn, hold up thy Hand. [Which he did.] You of the Jury, look upon the Prisoner, and hearken to his Cause: He stands Indicted in London by the Name of Richard Langhorn, late of London, Esq; for that as a false Traitor, &c. [put in the Indictment Mutatis Mutandis] and against the Form of the Statute in that Case made and provided. Upon this Indictment he hath been Arraigned, and thereunto hath pleaded Not Guilty; your Charge is to enquire whether he be Guilty of the High-Treason whereof he stands Indicted, or Not Guilty; if you find him Guilty, then you are to enquire what Goods or Chattels, Lands or Tenements he had at the Time of the High-

Treason committed, or at any Time since; if you find him Not Guilty, you shall enquire whether he fled for it, if you find that he fled for it, you are to enquire of his Goods and Chattels, as if you had found him Guilty: If you find him Not Guilty, nor that he did fly for it, say so and no more, and hear your Evidence.

Then Roger Belwood, Esq; of Council for the King in this Cause, open'd the Indictment thus:

May it please your Lordship, and you Gentlemen of the Jury;

The Prisoner at the Bar, Mr. Langhorn, stands Indicted of High-Treason, and it is for conspiring the Murder of the King, and endeavouring an Alteration in the Government in Church and State. And the Indictment sets forth, that the 30th of August, in the 30th Year of the King, he and other false Traitors did agree to stir up Sedition and Rebellion in the Kingdom, and to cause a great Slaughter of his Majesty's Subjects; To introduce the Superstition of the Church of Rome, and depose and murder the King, and to alter the Government in Church and State. And 'tis there said, that to accomplish these evil Designs, he writ two Letters to be sent to Rome, and St. Omers, the Effect of which Letters was to procure the Assistance of the Pope and the French King, to alter the Religion Established by Law in this Kingdom, to Romish Superstition, to subvert the Government, and to put the King to Death; and that in further Prosecution of these traiterous Designs, he writ two other Letters to be sent to Rome to one Christopher Anderton, Rector of the English College, and a Jesuit; and two others to be sent to St. Omers; and in these Letters he took upon him to advise the Way and Means by which these Treasons might be effected, and that these several Letters were sent and delivered by him, and received. The Indictment further sets forth, that in further Prosecution of these traiterous Imaginations of his, he did receive five several Commissions in Writing, by Authority derived from the See of Rome; and those were for the making of Military Officers, to execute these Treasons by Force of Arms, and that he did likewise receive five other Commissions for constituting Civil Officers in this Realm, after the Treason was committed. And that amongst the rest he did receive for himself one Commission to be Advocate-General of the Army that was to be rais'd. And the Indictment further charges upon the Prisoner, that to accomplish these Treasons, whereas Ireland, Pickering, and Grove, and other false Traitors, had consulted these Treasons, which I before mentioned, Mr. Langhorn had Notice of the Treasons, and did consent to them, and abet them, and that he did solicit the Benedictine Monks to advance 6000 l. for the Murder of the King, for the Alteration of Religion, and for the Subversion of the Government in Church and State. And further, whereas Mr. Coleman, (who was executed for Treason) had (with others) conspired the Death of the King, and the introducing of Popery, and has writ a Letter to the French Confessor Le Chaise, for Aid and Assistance, that the Prisoner at the Bar had Notice of this, and that he did consent to it, and did abet it. This, Gentlemen, is charged to be Traitrously and Devilishly done, against the Prisoner's Allegiance, and the form of the

the Statute. To this he hath pleaded Not guilty, but if we prove these Treasons, or any of them, you are to find him Guilty.

Then Sir Creswel Levinz, one of His Majesty's Learned Counsel in the Law opened the Charge thus: Prout—

May it please your Lordship, and you Gentlemen of the Jury;

Mr. *Langborn* is indicted for Treason, for having a Part in that general Treason that you have heard several times before of, and some Persons there were indicted, tried, and convicted yesterday, for that Treason that Mr. *Langborn* had an Hand in: for the Indictment does set forth, that there were Letters written by him to *Rome* to the same purpose, of which, Gentlemen, you have heard so often, and will hear again.

This Treason was no less than to murder the King, to alter the Religion, to overturn the Law, to raise an Army by Force to effect all this, and in short to do all the mischief that Men (if it be lawful to call such Creatures Men) could do. That there was, in order to this, Consultations held the 24th of *April* among the Jesuits; and there it was resolved that the King should be killed, there were Persons appointed to do it, that was *Pickering* and *Grove*, but they failed therein, and they prosecuted it at *Windſor*, but happening to fail there also, they followed him to *Newmarket*, and ordered that it should be done there: And when all this failed, they took another Course, His Majesty was to be poisoned; and as I said before, to make all this good, an Army was to be raised of 50,000 Men in *England*, to perfect this Work; but if that would not do, they were to have Forces from beyond Sea to join with them: and Mr. *Langborn* he writ Letters to procure these Forces, and he not only did so, but he found the effect of his Letters, and received Commissions from beyond Sea, whereof one was for himself, to be Advocate-General of the Army. All these things are laid to Mr. *Langborn's* Charge.

But I'll begin first, and shew you, before I come to the particular Evidence against Mr. *Langborn*, some Evidence of the general Design; and therefore we will call some Witnesses to do that in the first Place, and then bring it down to Mr. *Langborn* himself.

Call Mr. *Dugdale*, and Mr. *Praunce*, (who were both sworn, and Mr. *Dugdale* first stood up.)

Sir *Cr. Levinz*. Come, Sir, what do you know of any Design to murder the King? speak what you know concerning the Plot and Conspiracy.

Dugdale. I was in several Consultations for Alteration of this present Government, and for the introducing of Popery, and for the Murder of the King. I was a Person in most of the Consultations to the same purpose, and heard the very Words used, and was hired to be instrumental in it, and was to have a Sum of Money to be one of them that should do it. I was to be an Actor in it, and was to have a Place appointed to do it.

Mr. *Just. Atkins*. What were you hired to do?

Dugdale. I was to kill the King.

Sir *Cr. Levinz*. And who were the Persons that put you upon it?

Dugdale. There was Mr. *Ewers*, Mr. *Gavan*, Mr. *Luson*, and Mr. *Vavasor*.

Sir *Cr. Levinz*. What were these Men?

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Dugdale. They are all Jesuits.

Sir *Cr. Levinz*. Do you know any thing of an Army that was to be raised to effect it?

Dugdale. They always did speak of an Army that was to be raised, but it was not actually to be done till the King was killed; that was the last Conclusion: It was indeed at first concluded on to raise an Army, but the last Consultation was, that there should no Arms appear, till the King was killed.

Sir *Cr. Levinz*. You do not know any thing of Mr. *Langborn* in particular, do you?

Dugdale. No, I do not know any thing particular, I have heard of him.

L. C. J. North. Why, you brought him only to prove the general Design.

Dugdale. There was a Massacre to be, and then there should be an Army, a pretty good considerable Army, there was no certain Number that I could hear of; but those that did escape the Massacre, should be cut off by the Army.

L. C. J. North. Where were these Consultations?

Dugdale. One was at *Tixall*, another was at *Boscobel*, at my Lord *Aston's*, and Mr. *Gerrard's*.

L. C. J. North. Where were these Places?

Dugdale. In *Staffordshire*.

Mr. *Just. Atkins*. Pray, who were to be massacred in the first place?

Dugdale. All Protestants, and those we could not be sure to be Papists.

Mr. *Belwood*. Pray, Sir, what do you know of any Letter to be writ to Mr. *Ewers*, concerning Sir *Edmundbury Godfrey's* Death?

Dugdale. I do remember a Letter that came to Mr. *Ewers*, from Mr. *Harcourt*, which did express, and begin thus, *This very Night Sir Edmundbury Godfrey is dispatched*; with some other Words of like Import; and then I sent to Mr. *Ewers* about it: And do you think this will carry on the Design? I will be hang'd if it don't spoil it: No, said he, he was a Person that used to be very severe against debauch'd lewd Persons, and so it will be laid, as if they had done it out of Revenge.

L. C. J. North. What Day of the Week was that Letter dated?

Dugdale. It was, as I can very well make it out, on *Saturday*.

L. C. J. North. And when was it received?

Dugdale. It was received on *Monday* Night.

L. C. J. North. What were the Contents of it, do you say?

Dugdale. I began thus, *This very Night Sir Edmundbury Godfrey is dispatched*.

L. C. J. North. Who did it come from?

Dugdale. It came from Mr. *Harcourt*.

Sir *Cr. Levinz*. They themselves know that he was not found here in *London*, till *Thursday*.

Dugdale. I could not hold, it run so much in my Mind, but the next Morning going to an Alehouse hard by, I there spoke of it, and immediately it was carried to Mr. *Chetwin*, and he was here Yesterday to make it out, that I so did.

L. C. J. North. But why did they kill him? was it expressed why?

Dugdale. I had several Times heard, he was too much privy to their Consultations.

L. C. J. North. That is, you mean, he had too much discovered to him.

Dugdale. And so they were afraid of Mr. Coleman too, that he carried Things too high; and he was out of their Favour for two Years.

Sir Cr. Levinz. Then call Mr. Praunce. Pray, Sir, what can you say.

Praunce. There was one Mr. Messenger, a Gentleman of the Horse to my Lord Arundel of *Wardour*, who was employed by my Lord Arundel of *Wardour*, and my Lord Powis, and he was to kill the King, and to have a very good Reward for the doing of it; and I was told so by my Lord Butler: I afterwards met with this Messenger, and asked him, what his Reason was that he would kill the King. He told me, he was off of it now.

Sir Cr. Levinz. But what was to be done after they should kill the King?

Praunce. Presently there should be an Army of 50,000 Men raised, to be governed by my Lord Arundel, and my Lord Powis, and them: I have heard Mr. Fenwick, and Mr. Ireland, and Groce, to speak of this at the same time together.

Sir Cr. Levinz. What was that Army to be raised for?

Praunce. To settle the Catholick Religion.

L. C. J. North. What was to become of other Persons?

Praunce. They were to be killed and ruined all: So Fenwick told me.

L. C. J. North. Look you, Mr. Langhorn, these Witnesses speak nothing to you in particular, but only that there was a Conspiracy in general, to kill the King, and introduce Popery: If you will ask them any Question, you may.

Langhorn. No, my Lord, they not accusing me, I have nothing to say to them.

Praunce. I heard one Mr. Harcourt say, that the King was to be killed by several, before one Mr. Thompson, twice in his own Chamber in *Duke-Street*. And I heard Fenwick say, that Mr. Langhorn was to have a great hand in it.

Langhorn. Is that all you have to say as to me?

Praunce. It is all that I know of.

Then the Lord Chief Justice Scroggs came in.

Sir Cr. Levinz. Now, my Lord, we will call the Evidence, that shall prove the particular Matters of the Indictment, as of writing the Letters beyond Sea, of his receiving Commissions, of his distributing them here to the several Persons to whom they were directed; of his soliciting for the Money, the 6000 *l.* to be raised by the *Benedictine* Monks, which was either for a particular Purpose to poison the King, or to carry on the Design in general. And first we call Dr. Oates. *Who was sworn and stood up.*

Sir Cr. Levinz. Sir, you hear what the Matter is, as to Mr. Langhorn, be pleased to tell the Court, whether you knew he writ any Letters, and received any Commissions; speak your whole Knowledge.

Oates. I hope your Lordship will be pleased to give me leave to use my own method.

L. C. J. Ay, ay, take your own Way, Mr. Oates.

Oates. Then I begin thus. In the Month of *April* 1677, I went into the Kingdom of *Spain*: In the Month of *September* following, the Sons of Mr. Langhorn came into the Kingdom of *Spain*; It was *September*, or sooner, but I will not be po-

sitive as to the Time of their coming; the one was a Scholar of the *English* College at *Madrid*, the other was a Scholar of the *English* College at *Valladolid*. They came there to study Philosophy, in order to their receiving of the Priesthood. My Lord, my Occasions called me into *England*, in the Month of *November* following; and coming into *England*, Mr. Langhorn's Sons did give me some Letters to Mr. Langhorn their Father; and as soon as I had rested my self for a Day or two, after my Journey, I came to Mr. Langhorn's House in *Sheer-lane*. Now Mr. Langhorn's Wife being a zealous Protestant, I did whisper his Foot-Boy, or his Servant-Boy, in the Ear, that he should go and whisper his Master, Mr. Langhorn, and tell him there was one would speak with him from his Sons. Mr. Langhorn, by his Son, did desire me to meet him at his Chamber in the *Temple*, (in the *Inner-Temple-lane*, it was, I think) I know the Chamber, however; and accordingly I did meet Mr. Langhorn that Night, by the means of his Half-Brother, who is Brother, I think, by the Mother, and not by the Father, his Name is *Smithson*; and when I came into Mr. Langhorn's Chamber, their Chambers being directly opposite one to another, I was treated by Mr. Langhorn with a great deal of Civility, and I delivered Mr. Langhorn the Letters from his Sons, and I told him, that I thought his Sons would enter into the Society: Mr. Langhorn was mightily pleased with the News, being himself a great Votary for the Society, that his Sons would enter into it. Now may it please your Lordship, Mr. Langhorn did say, He thought if they did continue in the World, that is Secular Priests, they would suddenly have very great Promotion in *England*; for he said, Things would not last long in this Posture; that is, at that Time he then spoke; I speak the Words now, that he said then. And now, my Lord, I was with Mr. Langhorn another Time, while I was in *England*; but in the latter end of *November*, Old Stile, in the beginning of *December* New Stile, I went to *St. Omers*, and there were Letters that he delivered me (looking upon the Prisoner) a Pacquet to carry to *St. Omers*. And when the Pacquet was opened, there was a Letter, signed *Richard Langhorn*, in which he gave the Fathers at *St. Omers* great Thanks, for the great Care had of, and Kindness they shewed to, his Sons, and that what they had been out of Pocket for their *Viaticum*, in order to their Journey into *Spain*, which was 20 *l.* he promised them they should be repaid it; and in this Letter he did expressly say, that he had written to Father *Le Chaise* in order to our Concerns; those were his Words. Now, my Lord, the Letter that he writ to Father *Le Chaise* I saw not, but only this Letter I saw, which gave an Account of that Letter he had writ to Father *Le Chaise*; and he said, Mr. Coleman had been very large with him, and therefore it would not be necessary for him to trouble his Reverence with any large Epistles at that Time. My Lord, there was another Letter, and I think that was in the Month of *March* or *April*, I cannot be positive as to the particular Time, but it was upon this remarkable Circumstance: Mr. Langhorn had a Son, that had been in Rebellion, and had turned Soldier, or some such Thing in *France*, and this Young Gentleman came to *St. Omers*, being the Place where he had been

been Educated; and Mr. *Langborn*, by the Intercession of the Fathers there, did order him Five Pounds, to bring him over into *England*, upon Promise of his Son's Submission, who had been very extravagant in several respects. In this Letter, my Lord, Mr. *Langborn* did express his great Care for the carrying on of the Design of the Catholics, and several other Expressions there were in it bad enough, which I cannot now call to mind, but they were to this Effect; The Parliament began to flag in promoting the Protestant Religion, and now they had a fair Opportunity to begin and give the Blow; what that Blow was, I leave to the Court and to the Jury to expound.

L. C. J. But was that an Expression in the Letter?

Oates. It was, my Lord: But it was a very large Letter, I can't give a particular Account of every Thing in it. My Lord, in the Month of *April*, or the beginning of *May*, your Lordship remembers there was a Consult that hath been sworn here in this Court, to which Consult —

L. C. J. Pray speak it out.

Oates. There were several of us came over from *St. Omers*, and from other Parts beyond the Seas, to this Consult, at which Consult Mr. *Langborn* was not present; but I had Orders from the Provincial, to give Mr. *Langborn* an Account of what Resolutions, and Passages, and Minutes pass'd at this Consult; and this I did as well as I could, and when I did so, Mr. *Langborn* lift up his Hands and his Eyes, and pray'd to God to give it good Success. My Lord, while I was at Mr. *Langborn's* Chamber, giving this Account, I saw several Parchments lying upon the Table in his Study.

L. C. J. You had best tell the Effect of the Account you gave Mr. *Langborn* in his Chamber, that you speak of.

Oates. My Lord, I told him who went Procurator to *Rome*, that was one Father *Cary*, I told him what was the Resolve of the Consult concerning the Death of the King.

L. C. J. Did you so?

Oates. Yes, my Lord, I did: I told Mr. *Langborn* that several of the Fathers were to be admonished for their irregular Living, as they termed it: And to this Mr. *Langborn* did reply, as near as I can remember, that he found some of them did not live up to the Rules of the Society.

L. C. J. Pray tell us more particularly, what you told him. And tell us as near as you can, as you told it him then, the Business of the Plot upon the King.

Oates. I told him the Resolve of the Society, and of that Consult, and what was that which was resolved, that *Pickering* and *Grove* should go on to attempt to assassinate the King's Person, and what was to be their Reward, the one was to have, that is *Grove*, 1500*l.* and the other, that is *Pickering*, was to have 30,000 Masses: He lift up his Hands and Eyes when I told him this (and I told him more particularly than I can now remember) and he lift up his Hands and Eyes, and prayed God that it might have good Success.

L. C. J. Did you tell him they had Signed to this Agreement?

Oates. Yes, my Lord, I told him, that they had all Signed it.

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Langborn. When was this?

Oates. It was the latter end of *April*, or beginning of *May*.

Langborn. How long after they had Signed the Consult?

Oates. A Day or two after.

Langborn. Dr. *Oates*, Do you know the Day of the Month? You have asserted the Day of the Month formerly, pray do it now.

Mr. Just. Pemberton. Let him go on; you shall ask him what Questions you will, by and by.

Oates. My Lord, I saw there a Commission for my Lord *Arundel* of *Wardour*, and another to my Lord *Powis*; the one was to be Lord High Chancellor, and the other to be Lord High Treasurer; there was a Commission for my Lord *Bellasis*, to be General, another for my Lord *Petre*, to be Lieutenant-General, and there were other Commissions, of which I cannot remember the particular Names, but there was a Commission for *Coleman* to be Secretary of State, and there was a Commission for the Prisoner at the Bar to be Advocate of the Army.

L. C. J. By what Authority were those Commissions?

Oates. They were by Authority derived from the See of *Rome*, by Virtue of a Breve from the Pope, directed to the General of the Society, and they were Signed IHS, and with the Mark of the



Cross thro' the IHS, and they were Signed *Yohannes Paulus de Oliva*.

L. C. J. North. That is the Jesuits Mark?

Oates. Yes, my Lord.

L. C. J. North. Where did you see those Commissions?

Oates. In Mr. *Langborn's* Study of his Chamber, in the *Temple*.

L. C. J. Where? Did they lie open, that any one might see them?

Oates. They lay upon a Corner of his Desk, folded up.

L. C. J. How came you to see them?

Oates. My Lord, if your Lordship please, I will tell your Lordship how I came to see them. We had Notice they were come, by a Letter from one Father *Anderton*, and he called these Commissions Patents, and, if it please your Lordship, I did ask Mr. *Langborn*, whether he had received them? He told me, Yes: Then I asked him, whether he would do me the Favour to let me see them? and because I had been privy to the Consults, and came to wait upon him by Order of the Provincial, he did let me see them.

L. C. J. And you saw them in his Study, upon his Desk?

Oates. Yes, my Lord, I did. And particularly one more I can tell of, which his Son was to deliver to a Son of my Lord *Arundel* of *Wardour*.

L. C. J. How many Commissions were there?

Oates. I cannot say, about Seven or Eight, I think, I did see, and looked over.

Mr. Just. Atkins. And you knew what they were?

Oates. Yes, for those that I saw, that I can remember.

L. C. J. What was my Lord *Powis* to be?

Oates. Lord High Treasurer.

L. C. J. And what my Lord *Arundel*?

Oates. Lord High Chancellor of *England*.

L. C. J. And what my Lord *Stafford*?

Oates. As to my Lord *Stafford*, I cannot give so good an Account; but as I remember, he was to be a Pay-master in the Army, or some such Office relating to the Army.

L. C. J. North. What was the Prisoner at the Bar to be?

Oates. A Judge in the Army, or an Advocate-General, so they called him.

L. C. J. You saw most of these?

Oates. I saw several of them, most of them in his Custody, I cannot say all: There was more than for these Lords, for other inferior Officers.

L. C. J. How many might there be of them, as near as you can guess?

Oates. I think he told me they were about Fifty.

L. C. J. What Number did you see?

Oates. I saw about Half a dozen or Eight.

L. C. J. Well, Sir, go on.

Oates. My Lord, I am now to speak to your Lordship concerning some Letters that he wrote to *Rome*, and there was ———

L. C. J. Had you any Discourse with him concerning the Matters of any of the Commissions of my Lord *Bellasis* and my Lord *Powis*?

Oates. No, my Lord; I had but little Skill in Military Affairs, and therefore I said but little, and I cannot give you an Account, Word for Word, what the Discourse was, for it was out of my Way. My Lord, there were several Letters which Mr. *Langhorn* writ to Father *Le Chaise*, the Answers to which I saw in *April* and *May*; whereupon the Fathers did desire they might have the Originals of those Copies: He gave me the Originals to carry to the Fathers, I think it was that very Day I had been with him in the Afternoon; for I was with him in the Morning; the Fathers did read the Letters.

L. C. J. From whom came they?

Oates. From Father *Le Chaise*, and from Father *Anderton*. And *Le Chaise*, in his Letter, did assure him of his Steadfastness and Constancy, to assist the Society for the carrying on the Cause: And that they should not need doubt, but the *French* King would stand by them, or to that Purpose. I cannot remember exactly the Words, but it was to that Effect.

L. C. J. But they were directed to Mr. *Langhorn*?

Oates. I cannot swear that directly, but he gave them me.

L. C. J. Who were *Le Chaise* and *Anderton*?

Oates. The one was Confessor to the *French* King, and the other Rector of the College at *Rome*.

Mr. Just. Atkins. But you saw those in the Prisoner's Custody, you say?

Oates. Yes, my Lord, I did.

L. C. J. He gave them you to deliver to the Fathers, to *Whitebread* and the rest of them?

Oates. Yes, my Lord, but I cannot say who they were directed to.

L. C. J. But pray repeat what was the Substance of that Letter?

Oates. My Lord, as to the Words of them, I dare not charge my Memory, but it was to this Purpose, that *Le Chaise* would stand by the *English* Society, and assist them, and that they should not need to doubt the *French* King, or to that Effect.

Mr. Belwood. Do you remember any Letters that were writ by Mr. *Coleman* to *Le Chaise*?

Oates. Yes, my Lord, I remember several Let-

ters that *Coleman* writ, but Mr. *Langhorn* was not affected in them.

Mr. Belwood. Did he know of them?

Oates. He gave an Account, in his Letter to the Society, That *Coleman* had writ Letters to *Le Chaise*, and was very large, and therefore he should not trouble his Reverence with any long Epistles.

Sir Cr. Levinz. What do you know of any Money that was to be raised by the *Benedictine* Monks?

Oates. I had forgot that.

L. C. J. You say, that he said, they should not need to doubt the *French*, but he would stand by them with Men and Money; For what Purpose, pray?

Oates. I'll tell you for what Purpose it was, the Words of the Letter did alledge it to be for carrying on of the Cause.

Mr. Just. Pemberton. You mean the Catholick Cause?

Oates. So it was generally understood.

L. C. J. But for the other Money, what say you?

Oates. Mr. *Langhorn* was employed as Solicitor for the Jesuits, and did accompany some of the Society, Father *Harcourt*, Father *Fenwick*, Father *Kaines*, and Father *Langworth*, and they went and did communicate the Secret to the *Benedictine* Monks, desiring them to stand by them with a Sum of Money for the carrying on the Design: Now, upon Mr. *Langhorn's* soliciting them, and appearing for them, as I have heard, 6000 *l.* was promised and paid.

L. C. J. By whom promised and paid?

Oates. By the *Benedictine* Monks.

L. C. J. To whom?

Oates. To the Society.

L. C. J. To what Person?

Oates. That I cannot say; but it was said, Mr. *Langhorn* was to receive it.

L. C. J. Did you see the Money paid?

Oates. No, I did not.

L. C. J. Did you hear Mr. *Langhorn* confess it was paid?

Oates. Mr. *Langhorn* did say in the Month of *July* or *August*, I cannot be positive which, but thereabouts, when he was spoke to about it, that he would stir in it, and do to the utmost of his Power for the procuring of it. And another Thing, I am sure Mr. *Langhorn* was very much disgusted, that Sir *George Wakeman* was not contented with the 10,000 *l.*

Sir Cr. Levinz. What was the 6000 *l.* for?

Oates. It was for the general Cause.

Sir Cr. Levinz. For the Murder of the King?

Oates. Yes, and the Alteration of Religion.

L. C. J. North. How did it appear that Mr. *Langhorn* was disgusted, that Sir *George Wakeman* would not take the 10,000 *l.*? And, What was it for?

Oates. It was to poison the King. And he said, He was a covetous Man; that was in a publick Concern; and that, being it was to carry on the Cause, it was no matter if he did it for nothing: But he said he was a Narrow-Spirited, and a Narrow-Soul'd Physician.

L. C. J. When was it that he said he would stir for the Money?

Oates. It was in *July*, or in *August*.

Langhorn. My Lord, may I ask him any Questions?

Mr. Just. Pemberton. Yes, yes, Mr. Langborn, you may.

L. C. J. North. Pray, Mr. Oates, you saw such and such Commissions from the Superior of the Jesuits, that were signed *Johannes Paulus de Oliva*; pray will you look upon this, and see whether you know it? (*And a Writing under the Jesuits Seal was shewed him.*)

Oates. This is the Hand, the very Hand, that was to the others, and they had put such a Seal; and that is for Mr. Stapleton, to be Rector of St. Omers.

Sir Cr. Levinz. Now, my Lord, if you please, this was not one of those Commissions that Mr. Langborn did distribute to the Persons that were to have them, no, he would let us have none of those, but it is a Commission of another nature, 'tis neither for an Office Civil nor Military, but Ecclesiastical, and yet it is under the same Hand and Seal.

Langborn. You say, you came to me, the first Time, in *November*; and you went to St. Omers, when, Sir?

Oates. The latter end of *November*.

Langborn. When arrived you at St Omers?

Oates. I think it was the 10th of *December*, New Style, I will not be positive.

L. C. J. All their Defence lies in Catches upon a Point of Time, in which no Man living is able to be positive.

Oates. My Lord, if the 26th of *November* fell upon a *Monday*, then it was on the 26th Day that I set out for *Dover* in the Coach, as near as I can remember, and I got to St. Omers a Friday Morning following.

Langborn. A *Friday* after, you say, you got to St. Omers.

Oates. About that Time.

Langborn. How long did you stay there?

Oates. 'Till *April* following I staid.

Langborn. Without any moving from thence?

Oates. Only went to *Paris*, and after that, a Night or two at *Watton*, and then came away in *April*. My Lord, I desire, if your Lordship please, that Mr. Langborn may ask the Court, and the Court ask me; for I know the Court will be so kind, as to task me such Questions as are reasonable, and proper for me to answer.

Mr. Just. Atkins. That indeed is the regular Way, for Prisoners should not ask the Question, but the Court.

Langborn. Very well, I shall observe the Method, if your Lordship please. I desire to know what Time in *April* he came back for *England*.

Oates. I came about the middle of *April*, or latter end, I will not be so positive in that, and I was in *England* under twenty Days.

Langborn. Can you tell what Day you came into *England*?

Oates. No, I cannot exactly, but I came in *April*, the middle or the latter End.

Langborn. I desire to know who came with him?

Oates. My Lord, there came a matter of Nine or Ten of us in all.

L. C. J. Name them.

Oates. There was Father *Williams*, and Father *March*, the Rector of *Liege*, and Sir *John Warner*.

Langborn. What is the Rector of *Liege's* Name?

Oates. *Warren*, I think; I cannot tell Names so exactly.

Langborn. Go on, Sir, pray.

Oates. I cannot name any more.

Langborn. You have named them all in the Records of the Lords House.

Oates. 'Tis like I have. I refer you to that.

Langborn. Did Sir *Thomas Preston* come over with you?

Oates. Yes, he did.

Langborn. Did *Poole* come over with you?

Oates. Yes.

L. C. J. Look you, Mr. Langborn, we had all this Matter spoken of Yesterday, and there were Witnesses that prove that Sir *John Warner*, and Sir *Thomas Preston*, were there.

Langborn. I humbly conceive, that was upon an Issue tried in another County, by another Jury, and therefore I hope I do not amiss in urging what I can say for my self to this Jury.

L. C. J. You are not debarred, I only told you of it. Was Sir *Robert Brett* there?

Oates. Yes, I think he was, I am not confident of that. My Lord, I own what Mr. Langborn can bring to the Court upon Record.

Langborn. I only ask it, because he says so in the House of Lords.

Oates. If you can shew the Record of what I said there, do.

Langborn. I do not desire him to name them now, but to know whether he does now affirm the truth of what he swore in the House of Lords?

L. C. J. If you can produce, as you may, if you have been diligent, a Copy of the Record in the House of Lords, and have it sworn to be a true Copy of the Records, it will be Evidence for you, and shall be read; but to put him to remember a Record without Book, must not be, it would be hard for him to undertake that.

Langborn. I desire to know how he came from *Dover*; whether in a Coach, or on Horseback, to *London*?

Oates. Indeed the Question is so sudden, that I cannot be positive, but as near as I remember, I came by Coach.

Langborn. I will give my Reason why I ask this; because he hath formerly, upon a Trial in the *King's-Bench*, affirmed he came by Coach, in the company of Mr. *Hilsley*.

Oates. No, I did never say so; but I came over in the *Pacquet-Boat*, in the company of Mr. *Hilsley*; but when we were come over, Mr. *Hilsley* went out of the Way from us.

Langborn. I desire to know where he lodged, when he came to Town?

L. C. J. Where did you lodge the first Night?

Oates. I did lie at Mr. *Grove's* House, when I came to *London* in *April*.

L. C. J. But the first Night when you came from *Dover*, when you came into *London* in *April*?

Oates. My Lord, I cannot say, I lay there the first Night; but my Lodging was provided for me there.

L. C. J. You are to answer as well as you can; if you cannot remember it, say so. Do you say the first absolutely, or not?

Oates. My Lord, I cannot remember the first Night, but I lay several Nights at Mr. *Grove's*.

Langborn. Then I ask whether he did generally lie there, during his Stay?

Oates. I did lie there some Nights.

L. C. J. How many times did you lie there?

Oates. I believe three or four Nights. I won't be positive as to the Number.

Langhorn. What Day was the Consult?

Oates. It was the 24th of April.

Langhorn. What Day did you acquaint me with it?

Oates. A Day or two after.

Langhorn. When did he return back to St. Omers?

L. C. J. When did you go back? about what time?

Oates. My Lord, I think it was a Week in May, I cannot be positive, but I think that was the outside.

L. C. J. They said, Yesterday you affirmed you staid but six Days.

Oates. I do not say so, but I say under 20.

Mr. Just. Dolben. Come, have you any thing else to ask him?

Langhorn. Those Letters that he speaks of, I desire to know whether he saw me write them?

L. C. J. Those Letters you speak of, did you see him write them?

Oates. I did not see him write them, but I am sure they were his Letters, because I know his Hand.

L. C. J. How did you come to know his Hand, since you did not see him write them?

Oates. I saw the Letter whereby he ordered Money to be paid, 5 l. to his Son. And I saw the Money paid to his Son, by that Order.

Langhorn. Do you know that *le Chaise*, and *Anderton*, writ to me?

Oates. I do not say that they writ to him, but he had Letters subscribed by their Names, and they were said by him to come from them, and they were to be communicated to the Priests and Jesuits; and he delivered them to me to that end.

Langhorn. When you returned to St. Omers, how long did you stay there?

Oates. Till 23d June, New Stile, which is the 13th Old Stile.

Langhorn. I remember he professed himself a Roman Catholick, I see he is a Minister: I desire to know of him when he left the Protestant Religion, and became a Convert, as he called himself; call it what you will, when he left being a Protestant, and became a Papist, that is it I mean?

Oates. He does it for nothing but to quarrel.

L. C. J. When did you leave the Church of England?

Oates. My Lord, if it be the Pleasure of the Bench to ask me this Question.—

L. C. J. You ought to answer it, though it be nothing to the purpose.

Oates. Then I answer it was either in February or March, 1676.

Langhorn. My Lord, I desire to know whether he had any Benefice?

Oates. Yes, I was sometime Vicar of *Bobbing*—in Kent: But I suppose this is to make me accuse my self of something, whereby I might forfeit my Living: for, my Lord, I have a Right in a point of Equity still to that Living, but only for going beyond Sea without leave of my Ordinary, I am not now Vicar of—

Langhorn. When did you come to your Vicarage?

Oates. In 1672.

Langhorn. You became a Papist in 1677. I ask this Question, Whether he did leave his Living before he turned Papist?

Oates. My Lord, I am not willing to answer that Question.

L. C. J. When did you leave your Living? Did you leave it before you went away?

Oates: It was not very long before; but the Reason why I am not willing to tell, is, When I left the Parish, I left it in the Charge of Mr. *Thomas Turner*, Vicar of *Milton*, and I did go near about *Chichester*, and served a Sequestration there. The Air was not a good Air in that part of *Kent*, and I had not my Health; and that was one Reason, and for other Reasons best known to my self.

Langhorn. After he became a Papist, I desire to know whether he became a Jesuit? Were you in any Order there?

L. C. J. Mr. Langhorn, it is not a proper Question, we ought not to ask it him: You are a Man of the Law, and therefore you know it is not fair to ask any Person a Question about a criminal Matter that may bring himself in danger.

Langhorn. I take him to be out of danger, he hath his Pardon.

L. C. J. I don't know what his Pardon is, nor how far it reaches, nor whether this be contained in it; but if Mr. Oates pleases to answer that Question, he may.

Mr. Just. Dolben. Tho' he hath his Pardon, he may be in danger of Ecclesiastical Censure.

L. C. J. He says, he will nor.

Langhorn. I'll give you another Reason why I ask it, because in one of his Narratives he seems to call himself so; he says, *There came over Nine of us, all Jesuits*, I suppose him to be one of that Order; this I took to be a Ground why I might properly call him so.

L. C. J. Narratives are no Evidence at all.

Langhorn. But that gave me an Occasion to ask the Question.

Oates. I cannot answer it, because it tends rather to raise a Debate in the Court, than conduces to the Question, to acquit or condemn the Prisoner.

Mr. Just. Pemberton. You are not bound to answer it.

L. C. J. He tells you, he is not bound by Law to answer, and he refuses to answer.

Langhorn. I desire to know, whether he ever saw me, or conversed with me, from the time he acquainted me with the Consult, and saw the Commissions in my Chamber?

L. C. J. How often did you converse with Mr. Langhorn?

Oates. After I returned again in July and August, once or twice.

L. C. J. How often in April and May?

Oates. Twice, I think, about the time of the Consult.

L. C. J. And when you came over again, how often?

Oates. Twice more, I think; twice or thrice.

L. C. J. So then, he hath been four or five times in your Company.

Oates. He would not let me come to his House, for he used to say, his Wife was but *Aums-ace* turned from a Devil; and therefore he would not have me come thither.

Langhorn. I hope he will not go out of the Court.

L. C. J.

L. C. J. No, he will stay here, but you have done with him at present, have you not?

Langborn. Yes, my Lord, I have.

Sir Cr. Levinz. Swear Mr. Bedlow. [Which was done.]

L. C. J. Mr. Bedlow, I ask you but one short Question, because I would not interrupt you afterwards, That Paper that you saw Signed by the Superior of the Jesuits, where had you it?

Bedlow. I had it at Mr. Daniel Arthur's.

Langborn. What is that?

L. C. J. It is an Instrument Signed and Sealed, just as the things were, which Mr. Oates says he saw in your Chamber.

L. C. J. North. And besides you must take notice, that this was found a long time after Mr. Oates had given his Testimony publickly, for his Closet was not searched till a great while after.

L. C. J. It is to shew you what Seals they used to have to their Commissions. Mr. Oates describes several Commissions that he saw in your Study, so Sealed and Subscribed; and after the searching Mr. Arthur's Study, being a Papist, that Commission is found there. Now tho' it be a thing of a private Concern, a Church matter, not relating to the Matters in Question, yet this very Commission is so subscribed, and so signed and sealed, as Mr. Oates had described those to be before in your Chamber.

Bedlow. Because it was exactly the Hand and Seal that I saw to the Commissions in Paris, I did take particular notice of the Paper, and brought it to the Council.

L. C. J. Well Sir, now go on with your Evidence.

Bedlow. First, my Lord, I'll only ask this Question of the Court, whether a known Roman Catholick may take Notes of the Evidence in such a Cause?

L. C. J. Truly no, I think not.

Bedlow. There is an Honourable Lady in that Gallery, the Lady Marchioness of Winchester, that hath took Notes all this Trial.

L. C. J. She will do herself, nor no body else any great hurt, by what she writes.

Bedlow. I only speak it for the Information of the Court.

L. C. J. A Woman's Notes will not signify much truly, no more than her Tongue.

Bedlow. My Lord, about three Years since, I was sent by Mr. Harcourt, and Mr. Coleman, to Le Chaise, with some Letters for the carrying on of this Design: With these Letters, Mr. Coleman asked me, if I could go with him as far as the Temple. I have no particular Acquaintance with Mr. Langborn, I was but twice at his Chamber, once with Mr. Harcourt, and once with Mr. Coleman. I waited upon Mr. Coleman to Mr. Langborn's Chamber in the Temple: There did he Register such Letters as Mr. Coleman brought to him, and afterwards Mr. Coleman sealed them up, and gave them me to carry to Le Chaise.

L. C. J. How do you say? when you went with Mr. Coleman to Mr. Langborn's Chamber, were the Letters there?

Bedlow. The Letters were writ first at Coleman's House, and brought open by Coleman to Mr. Langborn, and he read them and Registered them, and then Coleman sealed them up, and gave them me to carry away.

Langborn. What Letters were these?

L. C. J. Do you know what the Effect of those Letters were?

Bedlow. The Letters were read some of them at the King's-Bench Bar, at Coleman's Trial: There was one of them writ by Mr. Harcourt, another by Mr. Coleman, to Le Chaise.

Mr. Just. Pemberton. What was the Effect of them?

Bedlow. Only to let Le Chaise know, that they waited only now for his Answer, how far he had proceeded with the French King, for the sending of Money; for they only wanted Money, all other things were in readiness. That the Catholicks of England were in safety, had made all Places, and all Offices, to be disposed of to Catholicks, or such as they thought would be so; that all Garrisons were either in their own Hands, or ready to be put into them; that they had so fair an Opportunity, (as I remember that was one of the Expressions in the Letter to Father Stapleton) that they had so fair an Opportunity, having a King so easy to believe what is dictated to him by our Party, that if we slip this Opportunity, we must despair of ever introducing Popery into England; for having a King of England so easy, and the French King so powerful, they must not miss such an Opportunity.

L. C. J. For what?

Bedlow. To send over Money for the carrying on of the Cause, for they only wanted that, all else was in readiness: And the other Letters were to the same Effect, tho' in other Words. That Letter was in English, but the Letters to Le Chaise, and the Nuncio, were both in French.

L. C. J. But you understand French, don't you?

Bedlow. Yes, my Lord, I do.

L. C. J. Did he Copy them out, while you were there by?

Bedlow. He Registered them before me.

L. C. J. Did he write them into a Book? and were you there all that time?

Bedlow. Yes, my Lord, I and Coleman walked in the Chamber, whilst he went in and writ, as he did other things; for he Registered all their Accompts: There was not a Penny of Money either received or laid out, nor any thing done almost in relation to this Concern, but he did keep a Register of it: I cannot say, that ever he did talk any thing before me of the King's Death particularly, but talked of the whole Design. About a Year and a half since, Mr. Harcourt sent another Pacquet of Letters by me to Mr. Langborn to be Registered; he looked strangely upon me, and received the Letter, and sent an Answer to Mr. Harcourt, that Mr. Williams (for I went then under the Name of Captain Williams) had delivered him such Letters, and that he should have them again to-morrow, after he had Copied them, and Registered them. Mr. Harcourt read the Letter of Answer to me, and in the Letter it was Mr. Williams. Said I to Mr. Harcourt, I thought I might have been Registered by my right Name, because when any thing should take effect and occasion serve, I resolved to bear my own Name. Alas, says he, this does not signify any thing at all, for as for this Register, it is not so considerable: there shall be a New Register made, of things of weight and moment, this is only a blind Register amongst our selves. The two Letters that I brought from

Har-

Harcourt, there was one of them from Sir *William Godolphin*, that I had brought before from *Spain*.

L. C. J. Who was that directed to?

Bedlow. To my Lord *Bellasis*; and about three Weeks after it was that I was sent to Mr. *Langhorn* to have it Registered; the other was from the *Irish* College of *Jesuits* in *Salamanca*. The Letter from the Rector did specify, that they would have my Lord *Bellasis*, and the rest of the Lords that were concerned, and the rest of the Party in *England*, to be in Readiness, and to have this communicated with all Expedition; for now they had provided in *Spain*, under the Notion of Pilgrims for St. *Jago*, some *Irish* cashier'd Soldiers, that had left their Country, some for Religion, and some for their Crimes, and a great many Lay-Brothers, whom they procured and gathered together under the Notion of Pilgrims, to be ready to take Shipping at the *Groine*, to land at *Milford-Haven*, there to meet my Lord *Powis*, and an Army that he was to raise in *Wales* to further this Design. And these Letters said they had almost brought it to a Period, that they did only expect a Return from *England*, to shew in what Readiness they were here, that accordingly they might proceed.

L. C. J. Did Mr. *Langhorn* see these Letters?

Bedlow. He took these Letters from me, and told me Mr. *Harcourt* should have them again, when he had transcribed them; and writ a Letter to Mr. *Harcourt*, that Mr. *Williams* had brought him such Letters.

L. C. J. And he did transcribe them?

Bedlow. I suppose so, for he afterwards sent them back to Mr. *Harcourt*.

Mr. Just. Atkins. Was it a good large Book that he registred them in?

Bedlow. I know not what Book he registred them in, not those Letters.

Langhorn. It is a proper Question, because he said I registred those Letters before him.

Bedlow. I say, I saw him in his Study transcribe *Coleman's* Letter, whilst *Coleman* and I walked in his Chamber.

L. C. J. Into what kind of Book did he Register that? Had he more Books than one, pray?

Bedlow. My Lord, I cannot tell that, I judge it might be the same Book. I saw the Book then, it was a large Parchment Book; but I did not see it when *Harcourt's* Letters were Registered. When *Coleman* and I came thither, he went into his Study, and left us in the Chamber, I saw him transcribing the Papers that lay before him: but when I brought those Letters from Mr. *Harcourt*, I only delivered them sealed up, and his Answer to Father *Harcourt* was, that Mr. *Williams* had brought him so many Letters, and he should have them again as soon as he had transcribed them.

L. C. J. Mr. *Langhorn*, you would do well to shew us the Book, and that would make the Matter plain.

L. C. J. North. Could you see how far he had gone in the Book, and what Room there was left to write other Letters?

Bedlow. It was a Book at least three Inches thick, and as near as I could guess, he had gotten through two Thirds of the Book.

L. C. J. But you should shew us your Book, Mr. *Langhorn*.

Langhorn. I say, my Lord, if I had such a Book, it must needs be found in my Study; if I had it, it must be there, for I never removed it.

L. C. J. That was not a Book fit to be left there.

Bedlow. My Lord, *Pritchard* did tell me, that the Commissions were come, and that Mr. *Langhorn* had them, and things, says he, are now in a Readiness. Then said I, When shall I have my Commission? Said he, those that Mr. *Langhorn* hath are only for the General Officers; you must have yours, said he, from my Lord *Bellasis*.

Sir Cr. Levinz. Do you know any thing of any Money that was to be raised by the *Benedictine* Monks; 6000 *l.* or what other Sum?

Bedlow. My Lord, in *May* 1676, among the Letters I carried to *Le Chaise*, one of them was directed to *Stapleton* a *Benedictine* Monk, to raise the Money for *England*.

L. C. J. The Money, what Money?

Bedlow. The Money they had promised to remit into *England*.

L. C. J. But did they name no Sum?

Bedlow. No, my Lord, for they had no particular Promise, but only that they did make it their Business to raise what they could.

L. C. J. And what was it? Do you know of any Sum of Money that was raised, and by whom?

Bedlow. *Le Chaise* told me himself, that they had no Reason to suspect him or his Interest with the *French* King, for he had laid that sure enough. And that when he found a fit Opportunity, the Money was ready to be remitted into *England*, and that he had remitted some of it already to Mr. *Coleman* and *Ireland*.

L. C. J. You know not but by what *Le Chaise* told you?

Bedlow. No.

L. C. J. He speaks what *Le Chaise* told him, that he would raise Money, and that he had sent some to Mr. *Coleman* and *Ireland*.

Bedlow. Yes, and that the rest should follow when he found there was absolute Occasion; but he would not part with his Money till they had Assurance of their being in readiness here, and likely to further and carry on the Design.

Mr. Just. Atkins. Mr. *Bedlow*, had you any Discourse with the Prisoner about any Commissions?

Bedlow. No, my Lord, 'tis at least a Year and a half since I saw him.

L. C. J. Did he ever own any Commissions he had?

Bedlow. No, *Pritchard* told me he had some.

L. C. J. You have seen the Commissions, have you not?

Bedlow. No, I never saw any in Mr. *Langhorn's* Hand.

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

Bedlow. Sir *Henry Tichbourne* did shew me three Commissions in *Paris*, Signed by the General of the Order, and Sealed with the *Jesuits* Seal, which made me take up this Paper, which hath been shewn, tho' it were a thing indifferent, yet because it was written with the same Hand, and Sealed with the same Seal that the Commissions were that I saw at *Paris*.

Mr. Belwood. Did Mr. *Langhorn* know any thing of the Treason to murder the King, by *Pickering* and *Grove*?

Bedlow.

Bedlow. That I do know only by Report; but when *Grove*, *Pickering*, and *Conyers* were going to *New-Market*, I was at *Harcourt's* Chamber, and I had a Design to go to *Windsor*, to observe what they did; and I did ask *Father Harcourt* to give me leave to go see a Friend of mine take Shipping at *Plymouth*, to send some Commendations by him to my Friends in *Italy*; then says *Father Harcourt*, you cannot be spared, you must not go now, for we don't know what Return these Gentlemen will make of their Journey, and what Occasion there may be for you, if there should be any good Effect of it: Then, said I, *I will go and write, and send it by a Friend down to be sent into Italy: But*, said he, *you must stay a while till I come back again; I am going to Mr. Langhorn's Chamber in the Temple, to take the Minutes of what they have done this Morning.* That was the Contrivance of sending down those People to *New-Market* to Assassinate the King.

Mr. Just. Atkins. That is no Evidence against the Prisoner, because it is by Hear-say.

L. C. J. It is right, and the Jury ought to take notice, That what another Man said is no Evidence against the Prisoner, for nothing will be Evidence against him, but what is of his own Knowledge. But I desire, *Mr. Bedlow*, as well as you can, you would repeat the Effect of one of the most material Letters *Mr. Langhorn* did transcribe.

Bedlow. Tho' I was not so exact a *Frenchman*, in the Nicety of the Tongue, yet I understood enough to learn the Sense of those Letters. The *English* Letter from *Stapleton*, which he transcribed, was to this Effect; That *Coleman* and *Harcourt*, naming themselves *We*, (that is, *We* and the *Jesuits*, and it was to the Rector of the *English* Monks in particular, but I missed of the Rector, and *Mr. Stapleton* receiv'd it;) I say, the Effect of that Letter was, they would have a certain Answer from them —

Langhorn, When was it?

Bedlow. It was in 76.

L. C. J. What was the Effect, say you?

Bedlow. The Effect was, that they would have a final Answer from those Religious at *Dorway* and *Paris*, to know how far they had proceeded with the *English* Religious, and all their Friends beyond Sea, in making Collections, and remitting of Money, for there was only Money wanting; for the Arms of the *Catholicks* were all ready, and they had all a good Mind to the Business, their Arms and Hearts were ready, and the Easiness of the King of *England*, and the Strength of the Power of *France*, made it an Opportunity not to be neglected: That the Garrisons were ready to be put into such Hands as they could trust.

L. C. J. Was there such an Expression in the Letter, upon your Oath, that they had such Arms, and that the Garrisons were ready to be put into their Hands, and whose Hands they were ready to be put into?

Bedlow. Yes, my Lord, there were such Expressions, and they would have the Garrisons only in such Hands as they could trust.

L. C. J. And did he transcribe those Letters?

Bedlow. He did transcribe those three while we were in his Chamber.

Mr. Just. Pemberton. Was there any mention of exciting the *French* King, by Power, to Invade this Kingdom?

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Bedlow. There was in the *French* Letter to *Monseigneur Le Chaise*, which he transcribed too.

Langhorn. That was in *French*, he says.

L. C. J. I suppose you understand *French* too, or else you could not do what you did.

Langhorn. I understand *Law French*.

L. C. J. *Mr. Bedlow*, did you never hear him discourse in *French*?

Bedlow. No, my Lord.

Oates. I cannot write nor read *French*, but I can translate it.

Mr. Recorder. If you have any Questions to ask him, you may ask him.

Langhorn. How many were the Letters that then I transcribed?

Bedlow. There were three, my Lord, one was to the *English* Monks at *Paris*, another was to *Monseigneur Le Chaise*, another to the *Pope's Nuncio*.

Langhorn. Were they long or short ones? I ask for this Reason, because I observe that in the Narrative, *Coleman's* Letters are very long; of what Length might they be?

Bedlow. They were the best part of Half a Sheet of Paper, for *Mr. Coleman* writ a curious fine small Hand, and would put a great deal of Business into a little Paper; the *Pope's Nuncio's* Letter was very short.

L. C. J. Did he transcribe them all before you went away?

Bedlow. Whilst we walked in his Chamber, he Registred them: We took a great many Turns about in the Chamber, and I saw the Papers before him, and his Book.

Langhorn. Did those Letters express what the Money was to be raised for, or did they leave it to be understood? My Meaning, my Lord, of my Question, is this, whether *Mr. Coleman* writ to him to hasten the Money, and said it was for such a particular Use, or only in general.

L. C. J. He hath answered it already, but he will do it again.

Bedlow. My Lord, tho' it was not expressed in the Letter, but only we want nothing else from beyond Sea, but your Assistance; tho' it was not expressed in the Letter to destroy the King and the Protestant Religion, yet the full of the Discourse betwixt *Mr. Coleman* and *Mr. Langhorn*, was to this Effect: We only stay for Money, when we have got that, we will put ourselves into a Posture.

L. C. J. If you observed it, he said so before, when we asked him what the Effect of those Letters was, that all Things were ready, it is a good Opportunity now for the effecting of our Design, having so easy a King to deal with, and your King having so powerful a Treasury; do you but get the Money of him, and we shall do well enough.

Bedlow. Tho' it was not specified in the Letters, what the Money was for, yet in the Discourse between *Mr. Coleman* and *Mr. Langhorn*, it was Worded so, that it was plain it was to destroy the Government, and introduce Popery.

Langhorn. My Lord, ask whether this be all that he charges upon me?

Bedlow. I cannot say that, my Lord, that this is all I have to say against him; Things may occur to my Memory hereafter, which do not now.

L. C. J. But at this Time you remember no more, do you?

Bedlow. No.

Mr. Just. Atkins. But, to my Apprehension, what you said last was most material, that is, the Discourse between him and Mr. Coleman, for that rivets the whole. When he said, that if we had but a Return of this Money, then we have made ourselves safe, or Words to that Effect; but it was to the full meaning of this, that the Protestant Religion could not stand any longer here, having Assistance from *France*.

L. C. J. So they consulted together after the Letters were transcribed, did they?

Bedlow. Yes, my Lord.

Oates. My Lord, I omitted one Thing that was very material in my Evidence, which comes in my Mind since. The Congregation at *Rome* did contribute 800000 Crowns, to be sent into *England*, and Mr. Langhorn did enquire concerning that Money, and had Knowledge of the Receipt of it in *France*, as Mr. Langhorn did say, in the Month of *July*, or *August*.

L. C. J. Did he say it to you?

Oates. He did to Father *Harcourt*, Father *Kaines*, and Father *Fenwick*, that were there, 800000 Crowns come to *France*.

L. C. J. What said he then concerning the 800000 Crowns?

Oates. He gave an Account of the Money's being lodg'd at *Paris*.

L. C. J. You hear what he says, that you gave an Account of 800000 Crowns that were raised abroad, that it was lodg'd and receiv'd at *Paris*.

Bedlow. I recollect something more now, tho' I was not in Mr. Langhorn's Chamber. I met with Father *Kaines*, one Day, and said he, I must go and speak with one Mr. Langhorn, presently; and when he came out again, he brought a Letter in his Hand, and afterwards we went to a Tobacco-Shop in *Wild-Street*, and there Father *Kaines* told me the Effect of the Letter. He told me, it was a Chiding Letter from the Secretary *de propaganda fide*, Cardinal *Barbarino*, who had sent a Chiding Letter to Mr. Langhorn, and the rest of the Conspirators, for going on no faster, when they had so fair an Opportunity.

L. C. J. Did you see the Letter directed to Mr. Langhorn?

Bedlow. Father *Kaines* told me the Effects of it, and he had the Letter from Mr. Langhorn.

L. C. J. He told you so; well, but this Evidence is as to the Plot in general, but not to Mr. Langhorn in particular. But that which he charges you particularly with, is this, Your Transcribing the Letters, wherein there was an Expression made, of your being all in Readiness, as for Arms and the Garrisons; and your Discourse afterwards with Mr. Coleman, in what a Posture all Things were for the Destruction of the Government, and the bringing in Popery, and there wanted nothing but Money, for the effecting the whole Design. This is that he says.

Langhorn. My Lord, I suppose he won't go out of the Court neither?

L. C. J. No, no, he will stay here.

Sir Cr. Levinz. My Lord, there is one Witness that he had not ready here, when we began to give some Account of the General Plot, I

pray he may be Examined; his Name is *Buffs*.
[Who was Sworn.]

L. C. J. What can you say of any Design upon the King's Life? What is your Name?

Buffs. My Name is *Thomas Buffs*.

L. C. J. What Profession are you of?

Buffs. I serve the Duke of *Monmouth*.

L. C. J. In what Capacity do you serve him?

Buffs. I am his Cook.

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

Buffs. Thirteen Years I have lived with him.

L. C. J. Well, what is it you have to say?

Buffs. Being at *Windsor*, my Lord, with an old Acquaintance of mine, one *Handkinjon* that was then newly come from *Italy* —

L. C. J. When was this?

Buffs. In *September* last, within a Week after the Duke came from *Hlanders*, and we were drinking together, for I had not seen him for many Years before, and there was one *Anthony* was in the Company, and said he, I am newly come from *Italy*, and I am going again, and I am come to take my Leave of my Friends. When do you go away, said I? I believe I go to-morrow, said he; but pray, said he to *Anthony*, have a special Care of those four worthy Gentlemen. What Gentlemen, said I? Four worthy Gentlemen, said he, that I brought over with me. What, said I, from *Italy*? No, said he, they are four worthy *Irish* Gentlemen: They are very worthy Persons, said he, have a special Care of them, for they will do our Business.

L. C. J. What said you to that?

Buffs. Nothing; for I knew nothing of it, till I saw *Coleman's* Trial, where it speaks of the four *Irish* Men that were to kill the King at *Windsor*, then I bethought me of it.

L. C. J. Would you not ask him what that Business was, or so?

Buffs. No, I did not know at that Time.

L. C. J. But no Man in *England* but would have asked such a Question.

Buffs. No, he said they were four Strangers: But said I, did you bring them out of *Italy*? No, said he, they are four *Irish* Gentlemen, that I brought over with me, worthy Persons.

L. C. J. North. And what Religion was he of that said so?

Buffs. He was a Catholick, one that bought all into a College, that did so here before he went.

Praunce. He belonged to the *Benedictine* Monks, my Lord, in the *Savoy*.

L. C. J. And what was he that he spoke to?

Buffs. He was a Catholick too, he was Servant to one that belongs to the Queen's Chapel.

L. C. J. North. Did you understand what the Business was they said they were to do?

Buffs. Not till I read Mr. *Coleman's* Trial, and then I did guess these were the Persons that were to have killed the King at *Windsor*.

L. C. J. You saw them not, did you?

Buffs. No; they were in charge of this *Anthony*, that is now in some Place in the Queen's Chapel.

Mr. Just. Atkins. Did he speak to *Anthony* to have a Care of them, or to you?

Buffs. To *Anthony*, he was the Person that was to take care of them.

L. C. J. Is *Anthony* a Papist?

Buffs. Yes, a very strong Papist, and we used to be often together; but now he is jealous, and will

will not come near me, to talk with me, as we used to do.

L. C. J. Now I understand the Reason of it, why he did not ask the Question; it was not likely he should, for it was not spoken to him, but he stood by, all the while the Discourse was to *Anthony*, another Man, and it was to him that he spoke, to have a care of the four *Irish* Men, for they would do their Business. What did *Anthony* say?

Buss. He promised he would have as much care of them, as of his own Life.

L. C. J. Where is this *Anthony* to be found?

Bedlow. My Lord, *Anthony* is a *Portuguese*, and the Queen's Confessor's Man.

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

Bedlow. He was seen this Morning, they call him Signior *Antonio*.

L. C. J. North. You should have an Order to take this same *Anthony* into Custody, but in order to the finding of him, let him go to my Lord *Offory*.

L. C. J. Mr *Tisser*, we give you an Order for the taking of this Signior *Antonio*, you will find him at *Somerset-House*; for the doing of this, we do advise you to wait upon my Lord *Offory*, and tell him, that you have such an Order, but that out of Reverence to the Queen, we have also ordered you to wait upon him, to desire him to send him.

L. C. J. North. What is become of this *Hankinson*?

Buss. He is abroad, beyond the Seas, my Lord, for he said he was come thither to take leave of his Friends, and was to go the next Morning into *Surrey*, and so away.

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

Langborn. I conceive this last Witness says nothing to me.

L. C. J. North. He speaks only to the Plot in general, as the first Witnesses did; but that which is upon you, is as to Mr. *Oates*, who speaks to every Article of the indictment expressly; and Mr. *Bedlow* says, he did not only see you Transcribe and Copy out that Treasonable Letter, but he carried other Letters to you, which you promised to Transcribe; and these are Overt-acts, that make you a Party to the Treason.

L. C. J. Besides your Discourse with *Coleman*, after the Letters were Transcribed.

Langborn. These two Gentlemen were Parties in this supposed Crime; the two Witnesses which do concern me, are Mr. *Oates* and Mr. *Bedlow*, and they both of them clearly appear to have been in the same Treason that I suppose they charge me with; I desire to know whether they have had their Pardon, or no?

L. C. J. I believe they have. Mr. *Oates*, and Mr. *Bedlow*, have you your Pardons?

Bedlow. Yes, my Lord, I have three.

Oates. I have two Pardons under the Broad-Seal, but I don't know what is in them.

L. C. J. North. But make your Objection how you will; whether they had, or whether they had not, they are Witnesses.

Bedlow. I never gave any Evidence, till I had my Pardon.

Langborn. I ask for this Reason; I look upon your Lordship and the Court as my Counsel, to advise me in Matters of Law, whether these be good Witnesses, or not?

L. C. J. We do tell you, That if we had not judged them to be Witnesses, we would not have heard them.

Langborn. They come under the same Reason of Law with an Approver, having had their Pardon; I don't say they are directly Approvers, but I conceive they come under the same Reason of Law with them; and then if the Approver be pardoned, by the Law the Appellee ought to be discharged; and methinks by the same Reason, these Men having been *participes Criminis*, and having got their Pardons, ought not to be such substantial Witnesses against the Prisoner at the Bar. But, my Lord, I have one Thing yet further to ask; I desire to know whether they have not received any Rewards or Gratifications, for the Discovery they have made, and the Service they have done? And whether they do not expect further Rewards?

L. C. J. Is there any Allowance to be made to you?

Oates. I have received a Reward, by disbursing 6 or 700*l* out of my Pocket, and I don't know when I shall see it again.

Mr. Just. *Pemberton.* Mr. *Langborn* does suppose that the Witnesses are corrupted and bribed; Do you think, Mr. *Langborn*, that the King will Bribe his Witnesses?

Langborn. My Lord, I only propose it as a Question.

L. C. J. Would you answer that Question yourself?

L. C. J. North. If you can suppose there was any Subornation or Corruption, call your Witnesses, and prove it; but for their receiving Sustenance and Maintenance from the King, that is but reasonable, and can be no Objection. And you yourself know, that an Approver, while he is in that Service, hath a Penny a Day, which in ancient Times was a great Matter for Livelihood and Sustenance; so that any Reward that they have, if you cannot prove it by Contract or Subornation, you cannot make an Objection.

Langborn. My Lord, I am informed by a Prisoner in the Goal, that Mr. *Bedlow* hath received 500*l*.

L. C. J. If you can prove any thing do, prove what you can.

Mr. Recorder. That 500*l*. was about a particular Fact.

L. C. J. But pray, what is his Name?

Langborn. His Name is Mr. *Reading*.

L. C. J. North. He is an infamous Person, he hath stood in the Pillory, we can't take him for a Witness; but now I'll tell you, for the 500*l*. 'tis a Thing we all know of. It was a Reward for a particular Business, not relating to the Plot, but it was for the Discovery of the Murderers of Sir *Edmundbury Godfrey*.

Mr. Just. *Alkins.* I think Mr. *Praunce* is here, that will give an Account of that, for *Bedlow* discovered him.

Bedlow. I am so far from having any Benefit by this Discovery, that I am 700*l*. out of Pocket.

Mr. Just. *Ellys.* You shall have the Liberty to make what good Defence you can for your self, and prove what you can; you must not go this way to work.

L. C. J. 'Tis pretty reasonable for us to give a publick Satisfaction to all the World, that we

do nothing under-hand, but that we do in this Case, as in all other Cases; any thing that is fit to be answered, they shall answer, and perchance in this Case something more than can be strictly required of us. 'Tis notorious enough, that Mr. *Oates* and Mr. *Bedlow* have been fed at the King's Charge, and it cannot be objected against them, and need not be winked at, for they were Parties in the Plot. And when they come to make the Discovery, without which we should never have known the Plot, for you know 'tis hard to discover any Crime, Forgery, or the like, but by one that hath been privy to it, and a guilty Person; yet these Men always have been, and are in Law, Witnesses, and 'tis just they should have a Competency to maintain them, since they came for the Publick Good to make such Discoveries.

L. C. J. North. And that particular Sum of Money was paid to Mr. *Bedlow*, in pursuance of the King's Proclamation, which we all know, which was all publickly done.

Langhorn. The Reason why I press this, was, because of the Proclamation, which was to invite Persons to come, touching the Discovery of this Plot; and to encourage them to it by a Promise of Reward. I think it may be reasonable enough, where any Person that is charged with a Crime doth absent, to propose a Reward for the bringing him in. But I think it is hard, that when a Prisoner is in Custody, Witnesses should be brought in against him by such Means.

L. C. J. North. You do artificially go off from the Point: Answer the Evidence that hath been given against you, and you shall be heard; but you labour very much, and trouble your self to make Answer to another Matter that is not pertinent.

L. C. J. Does your Defence consist wholly of this Sort of Matter, objecting the Incompetency of the Witnesses? Can you make no Answer to the Fact?

Langhorn. I must tell your Lordship, my whole Defence must run to disable the Witnesses; for, my Lord, I was committed to *Newgate* the 17th of *October*, and I have been kept there a close Prisoner till this Day was Sennight, or *Friday* the last Week; I never conversed with any Friend, or any Relation, nor knew any thing of News, but only with some few Persons, sent by Authority of the House of Commons, or the Council. And I was never examined by any since I was committed. I never heard what was charged against me, and I could not foresee what these Men could testify, because I was not confident whereupon they would proceed; therefore I can have no Defence, unless it be by lessening their Credit; 'tis impossible I should.

L. C. J. Do, lessen it, if you can. If you have any Witnesses to take off their Credit, or contradict them, call them.

Mr. Just. *Atkins.* But I would say one Thing to you. Mr. *Langhorn*; You seem to put a very ill Construction upon the King's Proclamation, as if it were to invite and encourage Persons to come and swear about a Plot, where there was none; it was to invite People to make a further Discovery of a Plot that lay close, and we could not fully discover, for the Preservation of the King and Kingdom, without such a Means.

Langhorn. He did propose a Reward.

Mr. Just. *Atkins.* Ay, in order to a further Discovery of that Plot which we had Evidence of before.

Mr. Just. *Pemberton.* And so you would be close in all your Accounts, and none should be rewarded that could make us any Discovery of them, but presently their Testimony must be gone. 'Tis very fine! but the Court over-rules it.

L. C. J. Mr. *Langhorn*, whatsoever you object of this Kind, does fly in the Face, and reflect upon the Integrity and Wisdom, of King, Lords, and Commons.

L. C. J. North. For it was done by the Advice of all Three.

L. C. J. If you'll go on, and prove any thing, but pray don't spend our Time to no purpose.

Langhorn. Call *Parrey*, and *Townley*, and *Doddington*, and the rest.

Oates. My Lord, here are Papists come into the Court with their Swords on.

L. C. J. They will not draw them here.

Lord Mayor. 'Tis well enough, 'tis well enough, Dr. *Oates*, you are safe enough here.

L. C. J. Who will you have first?

Langhorn. I would have *Hilsley* set up. [*Which was done.*]

L. C. J. What would you ask him?

Langhorn. Your Lordship hath heard Dr. *Oates* affirm he came over, such a Time, in the Packet-boat with Mr. *Hilsley*; I desire to know whether that be true, or no?

L. C. J. I can help you in that, for we had him and his Companions here yesterday; but however we will hear them again, if you will have them. Do you know Mr. *Oates*?

Hilsley. I do, my Lord, very well.

L. C. J. When did you come over from *St. Omers*?

Hilsley. I came over the 24th of *April*, *New Stile*.

L. C. J. Did Mr. *Oates* come with you?

Hilsley. No, he did not.

Oates. No, my Lord, he did leave me there, but I overtook him at *Calais*.

L. C. J. Look you there now, you did leave him there, but he overtook you at *Calais*. Did you leave him there?

Hilsley. I did leave him there.

L. C. J. Ay, but he overtook you then, did he not?

Hilsley. No, he did not.

L. C. J. He answers as he did yesterday, that he did not come over with him. You lost your Money, did you not?

Hilsley. Yes, I did.

L. C. J. How did you lose it? Did you lose it at Play?

Hilsley. 'Tis no Matter how I lost it; I did not lose it at Play.

Oates. I'll tell the Court, if your Lordship please, how he lost it; he lent a great deal of Money to a Gentleman, who went away with his Money, and left him to pay the Reckoning.

L. C. J. What say you to that?

Hilsley. That is very true, and I confess it; but what is all this? nothing to the Matter. He was told this by some Body else. I never saw him, nor ever any Man in the Ship saw him come over with me.

L. C. J. I'll tell you what then; first, here is something

something now that you would not confes yesterday, nor indeed would you confes it now. I asked you how you lost your Money; you see Mr. Oates can tell you how it was, tho' you won't tell us; so that, tho' this be a Secret, he knows it; and how could he know this Secret, unless he were there?

Hilsley. There is one that I met by the Way, that did tell him this Story.

Then one Gifford stood up.

L. C. J. Did you see Mr. Oates?

Gifford. Yes, my Lord.

L. C. J. What Discourse had you with him concerning *Hilsley*?

Gifford. Why he told us of his Departure.

L. C. J. When?

Gifford. After he was gone away.

L. C. J. How long after?

Gifford. Three or four Days.

L. C. J. What said he to you?

Gifford. He only told us he was gone.

L. C. J. What else said you of him?

Gifford. He only said he departed out of the College then.

L. C. J. What did you say to Mr. Oates about it?

Gifford. I don't remember what I said in particular.

L. C. J. *Hilsley*, Call up the other Person that you say told Mr. Oates.

Hilsley. He is not here, my Lord, but here is one that was in the Company when he told it.

L. C. J. Who was by?

Gifford. Mr. *Burnaby*, who came thither the 1st of *May*.

L. C. J. Hearken to me; When you talked with Mr. Oates, concerning Mr. *Hilsley*'s being gone from the College, was there any body by?

Gifford. I cannot tell.

L. C. J. Was Mr. *Burnaby* by, when Mr. Oates and you talked about Mr. *Hilsley*?

Then another Witness started up.

Third Witness. Yes, my Lord, there was Mr. Oates with me, and Mr. *Burnaby* put himself into our Company in the Garden, and he acquainted me with this Story.

L. C. J. What said he?

Third Witness. He said he met this Gentleman, and that this Gentleman was cheated of his Money.

L. C. J. How did he tell you he was cheated?

Third Witness. I don't know the Occasion, but he said a Fellow cheated him of the Money.

L. C. J. Was that all he said?

Third Witness. Yes, my Lord, but I do not remember upon what Occasion; he said he was cheated by a shirking Fellow.

L. C. J. Did he name the Place he met him at?

Third Witness. I don't know, my Lord, whether he mentioned it or no.

L. C. J. So that Mr. Oates names the Place, which he was never told; and unless he was there, how could he then tell it?

Third Witness. But this does not prove that I speak against my Conscience, that does not argue.

L. C. J. Look you, the Answer is this, Mr. *Langborn.* You would charge Mr. Oates with

Falsity in saying he came over in the Pacquet-boat with *Hilsley*, and you call up him, and he says, he did not come, but he left him at *St. Omers*; Mr. Oates comes and says, 'tis true, he left me there, but I overtook him at *Calais*, by this very Token, said he, you were cheated of your Money, by a Person that you lent it to, who went away, and left you to pay the Reckoning. When I asked Mr. *Hilsley*, how he could tell if it were true that he was not with him, he answered, he was told it by another; but when I come to know what that other Person said; it was no more than this, he said, in Mr. Oates's Hearing, Mr. *Hilsley* was Cozen'd of his Money, but did not say how, nor by whom, nor where.

Langborn. Now, to prove that what Mr. *Hilsley* said is true, and that therefore Mr. Oates his Knowledge must come by another Hand, I desire that the Witnesses may be asked, how long Mr. Oates was at *St. Omers*?

L. C. J. How long was Mr. Oates at *St. Omers*?

Third Witness. From *December* till *June*, he was there, except one particular Day that he went to *Watton*.

L. C. J. And you saw him almost every Day?

Third Witness. Yes, I did.

L. C. J. You have fifteen or sixteen Witnesses that will say all this; but yet, if you will, we will call them.

L. C. J. When went he away, do you know that?

Third Witness. He went in *June*, I can't certainly say the Day

L. C. J. Well, call another.

Third Witness. Pray, my Lord, let me speak if your Lordship please to let me give you my Reason, why I might see him; I saw him in the Refectory; he had a little Table by himself, distinct from the rest, and dining together in a publick Place, it was impossible but we should see his Place empty, if he were gone; and I know the Number of my own School, and can tell whether any one be absent.

L. C. J. What, because he sat at a Table by himself, therefore you think he was there all the while?

Third Witness. Certainly, if I may believe mine own Eyes, I saw him there every Day.

L. C. Baron. Were you there every Day yourself?

Third Witness. Yes, my Lord, I was, I did not miss one Day, I had no Infirmary.

Langborn. My Lord, Mr. Oates hath affirmed that there was with him, when he came over in *April*, Sir *Robert Brett*.

L. C. J. He says only he believes so; he says positively, he came over in the Company of Sir *John Warner*, Sir *Thomas Preston*, and he thinks also Sir *Robert Brett*, but is not positive.

Langborn. This he affirmed both in his Narrative, and upon Oath in the Lords House.

L. C. J. Shew any thing that he was sworn to here.

Mr. Just. *Atkins.* But what says this Lad more? let him speak, for he is very full of it.

Third Witness. The 1st Day of *May* I saw him in the Garden, with a Lay-Brother, at Kittle-pins, in the View of all the College.

Langborn. Let us examine him as to Persons, and then refer it to the Lords Register.

L. C. J. Why, if you will prove something Mr. Oates hath sworn there, that you can contradict, first prove what he swore, and then contradict it.

Mr. Just. *Pemberton*. Pray take notice, you must not go to oppose him in any thing of that Oath, unless he hath sworn it here; whatsoever there be there, except he hath sworn the same here, 'tis in vain to object it, for he cannot be intended to have Witnesses to make good what he swore there.

Sir Cr. Levinz. Let us hear what he does offer.

Langhorn. Under Favour, Mr. Oates hath acknowledged what he swore there was true.

L. C. J. You are mistaken, Mr. *Langhorn*; indeed when you asked him that Question, he said as far as what concerned what he swore here, was true, and he is bound at this Time to answer no more.

Langhorn. Then as to Sir *John Warner*, I desire my Witnesses may be examined.

L. C. J. I suppose they may be here, and say the same they did Yesterday; that he did not stir from his House at *Watton*, all *April* and *May*.

Fourth Witness. Yes, my Lord, he lived there all that while.

L. C. J. What Year?

Fourth Witness. In Year 1678.

L. C. J. That is the Time that Mr. Oates says he came over with him. You saw him almost every Day, did not you?

Fourth Witness. Yes, I did, only four Days that I was absent, being sent by him to *St. Omers*, at a great Feast.

L. C. J. And when you came back, you found him there?

Fourth Witness. Yes, I did.

L. C. J. You are his Gard'ner, are you not?

Fourth Witness. Yes, I am.

L. C. J. Did you stay all those four Days at *St. Omers*?

Fourth Witness. I was sent to the high Kirk, and carried some Instruments for the Musick, and there I staid four Days, and the last Day of *April*, and the first, and second, and third of *May*. And I saw Mr. Oates there in the House, and I saw him going into the Refectory to Dinner.

L. C. J. He says, that Sir *John Warner* was at home all *April* and *May*, that he himself was absent but four Days, that he left him there, and when he came back found him there; and that in the four Days he was at *St. Omers*, he saw Mr. Oates, which was the last of *April*, the first, second and third of *May*. You don't know when Mr. Oates went away?

Fourth Witness. No, my Lord, not I.

Mr. Just. *Pemberton*. Was Sir *John Warner* there all *June*?

Fourth Witness. My Lord, I can't tell that, I only speak to *April* and *May*.

L. C. J. Those are the two Months that fit him.

Mr. Just. *Pemberton*. Why how come you not to remember that, as well as the other two, for that is since?

Fourth Witness. Because I took not so much Notice of him in those Times.

L. C. J. How came you to take more special Notice of them two Months, than of the other?

Fourth Witness. Because our Rector did then

come into *England*, and he took the Charge of the House upon Him in the Rector's Absence.

L. C. J. When did he come?

Fourth Witness. He came the 24th of *April*.

Mr. Just. *Dolben*. Pray who is your Rector? What is his Name?

Fourth Witness. Sir *Francis Williams*.

L. C. J. Where was Sir *John Warner* in *June* and *July*?

Fourth Witness. I cannot tell.

Mr. Just. *Pemberton*. And where was he in *August* and *September*?

Fourth Witness. He went out of Town, but where I am not certain.

L. C. J. You were Gard'ner there then?

Fourth Witness. Yes, I was.

L. C. J. Why can't you as well tell me then, where he was in *June* and *July*, as in *April* and *May*? Answer me plainly.

Fourth Witness. I think he was there all that Time, but I can't be certain.

L. C. J. Why not so certain, for those two Months, as you are for the other.

Fourth Witness. Because I did not take so much Notice.

L. C. J. How came you to take more Notice of the one, than the other? that he was there in *April* and *May*, rather than that he was there in *July*?

Fourth Witness. Because the Question, my Lord, that I came for, did not fall upon that Time.

L. C. J. Now he hath answered plainly; when I asked the Question, Why he did not take so much Notice of those Months, as he did of *April* and *May*? he answered me, Because the Question did not fall upon those Months; and that, without all Question, is a plain and an honest Answer.

Mr. Just. *Dolben*. Indeed he hath forgot his Lesson; you should have given him better Instructions.

L. C. J. Look you, Mr. *Langhorn*, if he be to be believed, and that he doth not speak falsely, or more than he knows, it is impossible that Oates's Testimony and his can stand together; for he directly affirms, he saw Mr. Oates the last of *April*, the 1st, 2d, and 3d of *May*. Now Mr. Oates says he was here then; so that these two cannot stand together. The Question then is, Whether he be to be believed? and, Whether he does not come wilfully, or prepared? The Jury have heard what a kind of Testimony he gives, when the Question was asked him, How he came to take notice of the Months of *April* and *May*, more than of *June* and *July*? and why he was more sure Sir *John Warner* was there at the one Time, than at the other? Why, said he, because the Question falls upon those former Months, and not upon those of *June* or *July*. Now that does shake all that was said before, and looks as if he came on purpose, and prepared for those Months; and now this, I am afraid will go thro' all your *St. Omers* Men.

L. C. J. *North*. Indeed I doubt it will go a great way, to shake all their Testimony.

Sir Cr. Levinz. You, Gard'ner, what do you say was your Rector's Name?

Fourth Witness. Sir *Francis Williams*.

Sir Cr. Levinz. And he came over in *April* or *May*, did he?

Fourth Witness. He came over the 24th of *April*.

Sir Cr. Levinz. Why, that is the Time that *Mr. Oates* came over, and he was one of the Persons that he said came over with him.

Fourth Witness. No, he came alone, only with a certain Officer of the College.

Langborn. Pray let *Gifford* be asked the same Question about *Sir John Warner*; for if he did come, as he saith, from *Watton* to *St. Omers*, at that Time, he must see him at *St. Omers*, for he was at *St. Omers* then. The Question is about *Sir John Warner*, if he were at *Watton*, or *St. Omers*, then he could not come over with *Mr. Oates*.

L. C. J. When did you see *Sir John Warner*?

Gifford. I saw him about *June*, or thereabouts.

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

Gifford. I saw him there in *St. Omers* House.

L. C. J. When?

Gifford. In *June* or *July*, when he invited me over to *Watton*.

L. C. J. This Man does not serve the Turn, he does not know the Month upon which the Question runs.

Fifth Witness. The first Day of *March* there was a great Feast, *St. Fortunatus* and *Gordianus*, and then I saw *Mr. Oates* four Days, and he was there all the Month of *May*.

L. C. J. Where was *Sir John Warner* then?

Fifth Witness. I cannot tell; but at *St. Omers* I saw *Mr. Poole*, and *Sir Robert Brett* at that Time.

L. C. J. Did *Mr. Poole* come over with you?

Oates. Yes, my Lord, he did.

L. C. J. Witnesses, when did *Mr. Poole* come over from *St. Omers*?

Fifth Witness. He came first to *St. Omers* with *Mr. Whitebread*, he was my Master of Musick, and he taught me, and it was impossible he should be missing without my Knowledge.

L. C. J. But he was gone to *England* long before that; and he could not be at *England* and at *St. Omers* at the same time.

Fifth Witness. You say right, he could not.

L. C. J. When came he from *St. Omers*?

Fifth Witness. In the Month of *June*, or *May*.

L. C. J. Or *April*?

Fifth Witness. No, it was the Month of *June*.

L. C. J. These are but Collateral Matters, *Mr. Langborn*, for you to stand upon this, it spends Time to no purpose; but the great Question is, Friend, Whether you don't mistake the Month?

Fifth Witness. Yes, yes, (at which the People laugh'd) no, no, I don't mistake the Month, I only speak the Truth according to my Knowledge.

L. C. J. How can you so precisely remember, the Month of *May* he was there; for when I asked you when he went away, you could hardly tell the Month.

Fifth Witness. Yes, my Lord, *Mr. Oates* says, in the Month of *May* he was in *England*, but I say I saw *Mr. Poole* then at *St. Omers*.

L. C. J. But the great Question is, Whether you are to be believed? We know you answer the Question positively, but my Reason why I fear you are not to be believed, is, because you are so precise that *Mr. Poole* taught you all *May*; but I ask you once more, Was it in *June*, or was it in *May*?

Fifth Witness. It was about *June*.

L. C. J. *May* is about *June*. Why then you cannot tell. Was it in *June*?

Fifth Witness. Yes, my Lord, it was; it was about *June*. And this is nothing but what I know, for I actually saw *Mr. Oates* there at that Time.

L. C. J. I'll tell you what, *Mr. Langborn*, use your Discretion, call whom you will, and we will hear them as long as you will; but we had Sixteen of them Yesterday, that did all speak to the same purpose; but in Answer to these sixteen Witnesses, *Mr. Oates* did produce, and he will produce again, six or seven Witnesses, and one of them a Papist, if not a Priest, who do swear, that *Mr. Oates* was here in *April* and *May*; I'll tell you beforehand, do as you will.

Then one Baille stood up, and being a Foreigner, an Interpreter was called:

L. C. J. Where did you see *Sir John Warner* in *April* and *May*?

Interpreter. He says he saw him actually at *St. Omers*.

L. C. J. What, all the Month of *May*?

Interpreter. Yes, he says he conversed with him all the Month of *May*.

L. C. J. And was he there all *April*, and conversed with him then?

Interpreter. Yes, he says every Day, of both Months. He says he saw him from the first Sunday in *April* to the 14th of *May*, and conversed with him.

L. C. J. Where did *Sir John Warner* go the 14th of *May*?

Interpreter. My Lord, he says he went for one Day only to *St. Omers*, and came back again.

L. C. J. Ask him how he knows this?

Interpreter. He says he was employ'd about a Building by *Sir John Warner*.

Then Carpentier stood up.

L. C. J. When did you see *Mr. Oates*, and where?

Carpentier. I speak as to *Sir Thomas Preston*.

L. C. J. What say you as to *Sir Thomas Preston*?

Carpentier. I saw him at *Liege*.

L. C. J. When?

Carpentier. All the Months of *March*, *April*, *May*, and *June*, he was still there.

L. C. J. When went he away?

Carpentier. In the Time of the Vacancies.

L. C. J. When is that?

Carpentier. That is from the beginning of *August*, till the end of *September*.

L. C. J. When came he again?

Carpentier. When they came to School again, and that was on the second or third of *October*.

Mr. Just. Dolben. Were you with him all that time?

Carpentier. Yes, I was: He hath not been in *England* these three Years.

L. C. J. How long have you been there?

Carpentier. I have been there four Years, and I never knew that he was absent, but in the time of the Vacancies.

Mr. Just. Pemberion. Call another Witness.

Then stood up another Witness, who being a Dutchman, and not speaking English, an Interpreter was called for him also.

L. C. J.

L. C. J. Well, what comes he for ?

Interpreter. He says he comes to testify, That Sir *John Warner* was at *Watton* in *April*; and he says he saw him there from the 14th of *April* to the 25th of *April* ?

L. C. J. And then to what time ?

Interpreter. He says he was there till the 16th of *May*.

Mr. Just. *Pemberton.* Ask him where he was the beginning of *April* ?

Interpreter. He says he was Superior there in the House, and did govern.

L. C. J. Ask him where he was the latter end of *May* ?

Interpreter. He says he was likewise in the House, save only one Day, when he went to St. *Omers*.

L. C. J. Then he might have said, in short, he was there all *April* and *May*.

Mr. Just. *Pemberton.* Call another Witness.

Langhorn. Call *John Joseph.* Who stood up.

Mr. Just. *Pemberton.* What do you ask him, Mr. *Langhorn* ?

Joseph. That which I say is this, That Sir *Thomas Preston* was at *Liege* in *March*, *April*, *May*, and *June*, in the Year 1678.

L. C. J. Did you see him every Day in those Months ?

Joseph. That I cannot well tell.

L. C. J. Did you see him every other Day ?

Joseph. Yes, my Lord, I believe I did once in two or three Days.

L. C. J. Where was he in *July* ?

Joseph. He was at *Liege* too : He was obliged to be so ; but in the time of the Vacancies in *August*, he was absent.

L. C. J. Then you say he was all those Months, *March*, *April*, *May*, *June* and *July* there.

Joseph. Yes, my Lord, those four Months I am sure of it.

L. C. J. What became of him in *August*, when he went, during the Vacancies abroad ? Do you know whither he went ?

Sir Cr. *Levinz.* Do you know whether he went into *England* ?

Joseph. I never heard that he was in *England* ?

L. C. J. When did he return again ?

Joseph. When they began School, and that is in the beginning of *October*.

Then another Witness stood up.

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

Tenth Witness. I can say that Mr. *Oates* never stirred out of the College at that time when he says he came to *England*, that is, he says he came upon *Monday* the 25th of *April*, but he did not, for that Day he went into the Infirmary, and he stayed at St. *Omers* all *April* and *May*.

L. C. J. And how much longer ?

Tenth Witness. A great part of *June*.

L. C. J. Was he there the 20th of *June* ?

Tenth Witness. I am sure he was, but how much longer I cannot tell.

L. C. J. Where was he in *February* and *March* ?

Tenth Witness. He was there too ; in *January* he lay out one Night, and that was at *Watton*, but I am sure he did not come over the 24th of *April*, New Stile, as he says.

Mr. *Recorder.* Now he says, it is New Stile, not Old Stile, as he said Yesterday.

Then another Witness stood up.

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

Eleventh Witness. Mr. *Poole* was sick, and I can remember when his Nephew went to him into the Infirmary, before he went away from the College, and he gave him good Counsel, as he said, and I remember that Mr. *Brett* was sick at *Watton*, and did come home again on Horseback, and I believe he did not stir out ; and Mr. *Poole* was at St. *Omers*, I am sure I saw him once in two or three Days all *April* and *May*. He went by the Name of *Killingbeck*.

L. C. J. But he does not positively say he saw Sir *Robert Brett* every Day there, he says he believes he did.

Eleventh Witness. He came into the School and gave the Boys Questions to dispute of.

Mr. *Recorder.* Call the rest of your Witnesses.

Then another Witness was called and stood up.

L. C. J. *North.* When did you see Mr. *Oates* at St. *Omers* ?

Twelfth Witness. I saw him almost every other Day from the Time he came till he went away.

L. C. J. When was the first time you saw him ?

Twelfth Witness. The beginning of *December*.

L. C. J. Did you see him in *April* there ?

Twelfth Witness. Yes, I saw him in *April* there at an Action.

L. C. J. And did you see him in *May* there ?

Twelfth Witness. Yes, I can testify I saw him the first Day of *May* in the Garden.

L. C. J. How long stay'd he there ?

Twelfth Witness. Till *June*.

L. C. J. How came you to take such precise Notice ?

Twelfth Witness. By his very Place I could not but take notice if he were missing.

L. C. J. How can you say you saw him in the Garden the first of *May* ?

Twelfth Witness. I'll tell your Lordship why, because there was a great Feast, and he plaid at Nine-pins in the Garden, and I can tell what they play'd for.

L. C. J. What say you as to Mr. *Nevil*, and Sir *Robert Brett*'s being at St. *Omers* ?

Twelfth Witness. I did not take so much notice of Sir *Robert Brett* ; as for *Nevil*, I think I saw him once in three Days.

Mr. Just. *Pemberton.* And there is nothing said of him here.

Then another Witness stood up.

L. C. J. When did you see Mr. *Oates* first at St. *Omers* ?

Thirteenth Witness. I first saw him in the Month of *December*.

L. C. J. Did you see him in *April* and *May* ?

Thirteenth Witness. Yes, my Lord, I did.

L. C. J. Was he there all those Months ?

Thirteenth Witness. Yes, my Lord, he was.

L. C. J. *North.* Was he there all the Month of *June* ?

Thirteenth Witness. He went away towards the latter end of *June*.

L. C. J. *North.* Yesterday you said the latter end of *July*. Call another Witness.

Then another Witness stood up.

L. C. J. *North.* Come, you hear the Question, Did

Did you see Mr. Oates at St. Omers, in the Month of April?

Fourteenth Witness. Yes, my Lord, he was there all the Month of April.

L. C. J. Was he there all the Month of May?

Fourteenth Witness. Yes, my Lord, he was.

Mr. Just. Pemberton. And a good part of June.

Fourteenth Witness. Yes, my Lord.

Langborn. What do you say as to Mr. Poole?

Fourteenth Witness. I saw Mr. Poole in the Infirmary the third Day of May.

L. C. J. North. How came you to take notice of it, so well as to remember it, that it was the third of May?

Fourteenth Witness. It was a Festival Day. And the Feast we kept was the Invention of the Holy Cross. We had the Action the Day before, and some that were in the Infirmary would have it acted over again to them, and we did so. My Lord, within one or two Days after, Mr. Hillsley went away, I discoursed with Mr. Oates about half an Hour; he came out within a Day or two after out of the Infirmary, and I saw him walking in the Gallery. And again, the 2d of May I saw him walking with one Mr. Burnaby, who arrived the Day before, the first of May, and then I saw him the 3d, 4th, and 5th, in this Burnaby's Company; I saw him again the 26th of May, with a Band about his Head in order to Confirmation, for they always have a Linen Cloth bound about their Head at such a time.

L. C. J. Call another. Who stood up, his Name was ****

L. C. J. What can you say?

**** All that I can say is this, that between the said Month of December 1677, and June 1678, which is the time in Question, Mr. Oates was never out of the College above one Night, when he went to Watton in January; and this is certain, that from the time that I saw him first, till the time he went away for altogether, there were not two Days that passed away, wherein I did not see him, except in the Month of March, and when he was in the Infirmary the 24th of April, but then I heard that he was there—

L. C. J. Who did tell you so?

**** The Man that keeps that part of the House; and coming into my Office after my Recovery out of a Fit of Sickness a Week before Christmas or thereabouts, I saw Mr. Oates by this Circumstance, The Servitors of the House said they were glad to see me, and Mr. Oates being in the Place at the Refectory that was assigned to him, I asked who he was, and they told me such a one; but I had heard of his Admission a few Days before. Likewise Mr. Oates was there when Mr. Hillsley came for England, which was about the 24th of April, by this Circumstance, that he was present in the Refectory with some of the Scholars. Mr. Richard Burnaby came to the College about a Week after Mr. Hillsley went away, and Mr. Oates was actually there then, and we did very much wonder that he became acquainted with him so quickly after his Arrival. I say Mr. Oates was actually there when Mr. Killenbeck and Mr. Conquest came for England about the 3d of May, by this Circumstance, that I had some Discourse with Mr. Oates, and some others of the Scholars, that Mr. Conquest would by no means get out of his Bed betimes that Day he was to go

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away, being unwilling to leave the College. He was there the 26th of May by this Circumstance, that the Bishop dined there that Day, and Mr. Oates was there confirmed that Day. Mr. Oates was there also in June, my Lord.

L. C. J. Yes, he was there in June, he does not deny it.

Mr. Just. Pemberton. And was he there all May?

**** Yes, my Lord, he was, and all April, except the time he was in the Infirmary, which was three or four Days.

Langborn. What do you say as to Poole and Nevil?

**** They were there all the whole time in question, and they were never absent any competent time to come to England, as he says.

L. C. J. North. We must not allow that, you must tell us what time they were there, that we may know it.

**** They were there in March, April, May, June and July.

L. C. J. But did you see him every Day from the beginning of Christmas, to the time he went away in June?

**** Yes, except the time he was at Watton, and when he was in the Infirmary.

Mr. Recorder. But was not Mr. Oates twice in the Infirmary?

**** He was I remember there on St. Thomas of Canterbury's Day, and I remember he was there in April.

Sir Cr. Levinz. I did hear you say something of somebody that was absent five or six Days, was it you?

**** I was sick in the Month of March, and I was in the Infirmary till about the twelfth or fourteenth Day.

Sir Cr. Levinz. And did you see him there all that time?

**** I excepted that time, but I heard his Voice once in that time, in the next Room to the Infirmary, where I was, by this Circumstance, he used to come to a Table by himself, and it was near the Door, and Nevil and Poole were there, as I said before.

Mr. Recorder. He speaks much more to the Purpose to-day, Mr. Langborn, than he did yesterday.

L. C. J. North. And much louder.

Langborn. I hope your Lordship will take notice that he speaks likewise of the Residence of Mr. Poole, Sir Robert Brett, and Mr. Nevil.

L. C. J. Yes, I do. Call another Witness.

Who stood up, and being a Foreigner, his Evidence was likewise interpreted.

L. C. J. Ask him what he says.

Interpreter. He says he saw Mr. Oates, he was there, and he remembers it till about the 25th of June.

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

Interpreter. He says it was either in the House, or in the Garden.

L. C. J. North. When was that, that he was in the Infirmary?

Interpreter. He says, he was in the Infirmary towards the latter end of December, or the beginning of January.

L. C. J. Ask him what he says about Nevil and Poole.

Interpreter. He says they were there all June, and that Mr. Poole went away in the Month of