

*L. C. J.* Argue the matter as long as you will, Mr. Sollicitor, you will never convince me, but that he that has once forsworn himself, ought not to be a Witness after that in any Cause whatsoever. If any Man tell me otherwise till Doomsday, I cannot be convinced of it.

*Mr. Sol. Gen.* I go but to ask him this Question, whether or no what he swore were true?

*L. C. J.* Mr. Sollicitor, we are all of another Opinion, that it is not Evidence fit to be given.

*Mr. Sol. Gen.* My Lord, I must submit it to you.

*L. C. J.* I tell you, Mr. Sollicitor, if you should call him to know what it was he swore, and it does appear by any Evidence, or by his own Confession, that it was false, you ought not to believe what he says, even in that matter. And I think truly, for Example's sake, it ought not by any means to be admitted.

*Mr. Sol. Gen.* My Lord, I must submit it to you; but then I humbly conceive, it will be in very many Cases impossible to detect a Perjury or Subornation, if the Party suborn'd cannot be admitted to be a Witness.

*L. C. J.* What good will the admitting him to be a Witness do? For either what he swore then, or what he swears now, is false; and if he once swears false, can you say he is to be believ'd?

*Mr. North.* My Lord, if a Man come and swear——

*L. C. J.* Look ye, Sir, you have our Opinion; it has been always the Practice heretofore, that when the Court have deliver'd their Opinion, the Counsel should sit down, and not dispute it any further.

*Mr. At. Gen.* Then we will go about the Business of *Clay*, and for that we will call *Lawrence Davenport*.

*L. C. J.* 'Tis certainly against the Law to admit a Man that has once forsworn himself to be a Witness again in any Cause.

*Mr. At. Gen.* Swear *Lawrence Davenport*. [*Which was done.*] Pray give my Lord and the Jury an account how *Clay* came to be a Witness, and by whom he was wrought upon to be so.

*Davenport.* May it please you, my Lords, and Gentlemen of the Jury, *Mr. Oates* came to the Prison, I being then a Prisoner at that time in the *Gate-house* at *Westminster* myself; and having no other Employment, I had the Government and Care of some of the Prisoners for a Livelihood, being in Custody; and at that time *Mr. Oates*, as I said, when old *Clay* was in Prison, did come there to visit this *Clay* at several times. And coming there to visit this *Clay*, up stairs he went to his Chamber, and desired to speak with him; and I did desire your Worship, *Mr. Oates*, that you would go in to him, and you did go into his Chamber, and there these Words you did speak to him before the Trial of the five Jesuits; that if he did not swear what you put to him, he should be prosecuted as a Priest, which you did believe he would die for.

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

*Mr. At. Gen.* *Lawrence Davenport*.

*L. C. J.* Did you hear him say so?

*Davenport.* Yes, my Lord, upon my Oath I did hear him say so, and *Sir William Waller* was with him; and then he replied, and said, with a Proviso that you would give him his Gold and Silver that was taken from him, being then a Prisoner under my keeping in the *Gate-house*, and wanting his Money; if you would do that, he said,

he had been a Rogue before, and he could not say what he might do.

*L. C. J.* Now make it appear that this *Clay* was sworn at the Trial.

*Davenport.* My Lord, afterwards I was Keeper to him under the other Keeper, and he had a Keeper to wait on him to *Newgate* Sessions at the *Old Bailey*; wherefore this Gentleman that is standing there, *Mr. Oates*, comes to us, says he, do not you trouble yourself about this Prisoner; let him alone with me, I'll see him at home again; and then the Jesuits there did take their Trials; how it was I cannot tell, for we could not come into the Court. Afterwards they went to the *Fountain Tavern* by *Newgate* to Dinner, and *Mr. Oates* and he went to Dinner together; we were below in the House waiting there till it was Night, and still thinking that he should come down again: but away went he home, and left us in the lurch; but indeed he did come home to the Prison very honestly and civilly, because he was civilly guarded.

*Mr. At. Gen.* Now, my Lord, we'll give you an account, that the next Morning after this Discourse betwixt *Oates* and *Clay* at the *Gate-house*, this Witness told it to another that was a Prisoner there then too.

*Oates.* My Lord, I would ask this Man a Question, whether he had the sole keeping of *Clay*, without any other Keeper with him?

*Davenport.* There was no Keeper in the House but myself, where he lay, which was in *Margaret's-lane*, not in the Prison, but in the House.

*Oates.* Pray ask this Gentleman, why he did not come in and testify this Discourse he speaks of, when *Clay* was a Witness.

*Davenport.* I was not by when he was sworn.

*Oates.* Did he not know he was a Witness?

*L. C. J.* No, he says he did not go into the Court with you, he was not suffered to go in.

*Davenport.* My Lord, I am a poor Tradesman, and know nothing what belongs to the Law.

*Mr. At. Gen.* Come, pray swear this Man, Mr.—  
[*Which was done.*]

*Mr. Sol. Gen.* Pray tell what *Davenport* told you, and when.

*Mr. ———.* He came and told me the next day in the Prison, where I was then, what *Mr. Oates* and *Sir William Waller* had been tampering with *Clay* about, to make him swear for *Mr. Oates*.

*L. C. J.* What were the Words he told you they said to him?

*Mr. ———.* It was, that he must swear that *Mr. Oates* dined at *Mr. Howard's* House such a Day of the Month, and *Mr. Clay* did say he knew nothing of the matter; but then *Sir William Waller* and *Mr. Oates* did reply to him again, here's your Choice; if you will not swear this, we will try you for a Priest, and hang you, and so *Clay* agreed, if he might have his Money restored that was taken from him; he had been a Rogue before, and did not know what he might do.

*Oates.* Is this Evidence, my Lord?

*L. C. J.* Yes, doubtless, very good Evidence.

*Oates.* 'Tis only upon Hear-say that he speaks.

*L. C. J.* But that establishes the other Man's Testimony, this being told the very next Morning; for he would not conceal it, it seems.

*Mr. At. Gen.* Now that *Clay* was sworn at the Trial, you admit, *Mr. Oates*.

*Oates.* Yes, I do, he was so.

*Mr. At. Gen.* Then I think here's a plain Proof of a Subornation.

*L. C. J.*



L. C. J. You must observe how they apply this Evidence: They say you are an ill Man, not only as to swearing false yourself, but as to suborning others to swear more than they knew; and particularly as to this *Clay*, that you and *Sir William Waller* did threaten him, you would hang him up for a Priest, if he would not swear as you would have him; and by your Threatnings he was prevailed with to swear.

Oates. Is Mr. *Clay* in Court, my Lord?

L. C. J. Nay, I cannot tell where he is.

Mr. At. Gen. He was your Witness, Mr. Oates; we expected you would have brought him.

Oates. I cannot tell where to find him, my Lord, now, truly.

Mr. At. Gen. Call Mr. *Howard*.

Cryer. Here he is, Sir; he is sworn.

L. C. J. Mr. Attorney, you have not proved what he swore.

Mr. At. Gen. We are now about it, my Lord. Mr. *Howard*, pray were you at the Trial of the five Jesuits, or at *Langborn's*, when *Clay* was sworn as a Witness for Dr. Oates?

Mr. *Howard*. Yes, I was at *Langborn's* Trial, my Lord.

Mr. At. Gen. What was the effect of his Testimony there?

Mr. *Howard*. He did swear, that he was with me and Mr. Oates at Dinner at my House, in *May* in the Year 77.

Mr. At. Gen. 77 did he say, or 78?

Mr. *Howard*. Stay, I will look upon my Notes I took at that time.

L. C. J. Ay, do so, to refresh your Memory, Mr. *Howard*.

Mr. *Howard*. It was *May* 78, my Lord.

Mr. Sol. Gen. Pray, Sir, was he then at your House with Oates?

Mr. *Howard*. No, he was not there in *May*; Mr. *Clay* was with me and Mr. Oates both together in *July* 78, after the 4th Day of *July*.

Mr. At. Gen. That is, after the time he came to *London* from *St. Omers*.

L. C. J. You say very well; have you any more Witnesses?

Mr. Sol. Gen. My Lord, we must desire that the 28th Article of Mr. Oates's Narrative may be read.

Cl. of Cr. Reads. That in order to this Command on April 24. 78. Father Warren, Rector of Liege; Sir Thomas Preston, Baronet; Father Marsh, Rector of Gaunt; and Father Williams, Rector of Watton, and Master of the Novices; Sir John Warner, Baronet; Richard Ashby, Rector of the English Seminary at St. Omers, being sick of the Gout could not go. But out of the said Seminary went Sir Robert Bret, Baronet; Father Pool, Edward Nevile. There were in all with the Deponent nine or ten, who met in London in consult with Thomas Whitebread, Father Harcourt Senior, and Father Harcourt Junior, John Fenwick, Basil Langworth, William Morgan, John Keimes, Father Lovel, Father Ireland, Father Blundel, Richard Strange, Father Mico, Father Grey, and others, to the Number of fifty Jesuits, met at the White-Horse Tavern in the Strand, where they plotted their Designs for the Society, and ordered Father John Carey, who was also there, to go Procurator for Rome; at which Consult thus held in the Month of May, the Deponent was present to attend the Consultors, and deliver their Concerns from Company to Company; and then a little after they left the White-Horse Tavern, and divided

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themselves into several Clubs and Companies; some met at Mr. Saunders's House in Wild-street; others at Mr. Fenwick's; at Aires's House in Drury-Lane; others at Mr. Ireland's in Russel-street, near Covent-Garden; and in other Places. All which, tho' in several Companies, five or six in a Company, did contrive the Death of the King; and in order to which, there were Papers sent from Company to Company; which the Deponent did carry, containing their Opinions of the timing their Business, and the manner how it was to be done; and within three or four Days after the Deponent went to St. Omers, with the Fathers that came from the other side of the Water.

Mr. At. Gen. My Lord, we produce this to overthrow their Witnesses, that speak of his being here a Week in *May*. Now Mr. Oates in his Narrative says, that the Consult ended the 24th of *April*; and that three or four Days after, he returned back to *St. Omers*.

L. C. J. Pray read that over again, where the Names are; for the Witnesses for the King swear, that Mr. Williams came over from *St. Omers*, but he there says he did not, I think.

It was read again.

L. C. J. I thought it had been otherwise, 'tis darkly penn'd.

Mr. At. Gen. My Lord, I myself heard him declare in many Trials here, and at the *Old-Bailey*, that all was finish'd in that Day, and he went in a few Days.

Oates. Mr. Attorney, you are mistaken: For if you please, my Lord, the Consult was not dissolv'd in six or eight Days, tho' they were not sitting or acting every Day.

Mr. At. Gen. 'Tis not a difference of six or eight Days that is contended for, but it is, either Mr. Oates, or his Witnesses, do not swear true. If it were as Mr. Oates says, that six or eight Days were allow'd after the 24th of *April*, then it must be the 5th or 6th of *May* that he went to *St. Omers*; and then his Witnesses, that say he was here the latter end of *May*, cannot swear true. And our Witnesses say he was all *April* and *May*, till the 23d of *June*, at *St. Omers*.

Oates. My Lord, Mr. Attorney does not apprehend the Evidence aright.

L. C. J. Well, you may make your Remarks by and by, and set him right if you can.

Mr. At. Gen. We have done our Evidence, my Lord.

L. C. J. Have you any more Witnesses, Mr. Oates?

Oates. No, my Lord, I have not.

L. C. J. Then you must conclude, and say what you have to say to the Jury.

Oates. My Lord, I have one thing more, and that is, a Copy of the Record out of the House of Lords. It is in the Journal the twenty-fifth of *March*, 79.

Mr. Walker. My Lord, I have not the Book here, it was not spoke for.

Oates. But do you know this Hand?

[Shewing him a Copy.

Mr. Walker. Yes, and I believe it is a true Copy.

L. C. J. Read it.

Cl. of Cr. Reads. Tuesday the 25th of *March*, 1679.

Oates. It is the last Clause in the Journal of that Day.

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*Cl. of Cr. Reads. Resolved, Nemine Contradicente, by the Lords Spiritual and Temporal, and Commons in Parliament assembled, that they do declare that they are fully satisfied by the Proofs they have heard, that there now is, and for divers Years last past hath been a horrid and treasonable Plot and Conspiracy contrived and carried on by those of the Popish Religion, for the murdering of his Majesty's Sacred Person, and for subverting the Protestant Religion, and the ancient and established Government of this Kingdom.*

*Oates.* There is an Order to have that Vote printed, and inserted before the Form of Prayer for the Fast. Pray, Sir, read the next Page.

*Cl. of Cr. Reads. Die Lune 25 Oct. 1680.*

*Upon Report from the Lords Committees for examining Matters relating to the Discovery of the late horrid Plot and Conspiracy, that Captain Thomas Bickley hath lately vilified Dr. Titus Oates at a public Meeting at Chichester, to the prejudice of his Majesty's Evidence, for the further Discovery of the said Plot: It is thereupon ordered by the Lords Spiritual and Temporal in Parliament assembled, that the said Thomas Bickley be, and is hereby required to appear before their Lordships, in the Lord Privy-Seal's Lodgings, near the House of Peers, on Wednesday the third Day of November next, at eight of the Clock in the Forenoon. And it is further ordered, that Alderman Exon, and Alderman William Bury of Chichester aforesaid, who were then present at the said meeting, do likewise attend their Lordships at the time aforesaid, to give Evidence of what they know concerning this matter.*

*L. C. J.* What of all this? We know hereupon *Bickley* was turn'd out of Commission, and now *Bickley* is in again. But it seems, as you had credit with some then, so you had not with others. Well, have you now done all?

*Mr. At. Gen.* Yes, my Lord.

*Mr. Sol. Gen.* If *Mr. Oates* will sum up his Evidence, then I will do the same for the King, when he has done.

*L. C. J.* Well, what say you, *Mr. Oates*?

*Oates.* Now, my Lord, here is an Indictment prefer'd against me for Perjury, and the Evidence they have given for the King, is this. 1. They have call'd *Mr. Foster*, and he tells you, that I was produced at the Sessions-House in the *Old Bailey*, where he was summoned as a Juryman, upon the Trial of *Ireland*; and he says, that when I was produced at the Sessions in the *Old Bailey* as a Witness, and sworn (if I do remember *Mr. Foster* aright in what he says) he did hear me swear, that there was a treasonable Consult of Jesuits upon the twenty-fourth of *April 78*, at the *White-Horse Tavern* in the *Strand*; and he does further say, that I said those Jesuits afterwards came to a Resolution to kill the King; and that they separated themselves into lesser Clubs, the Resolution being drawn up by one *Mico*; and that I carried it from Chamber to Chamber to be signed, and did see it signed. My Lord, I did ask *Mr. Foster*, whether I in my Evidence call'd it a Consult, or a traiterous Consult. Now, my Lord, 'tis true I did call in a traiterous Consult; it is as true that I did swear there was such a Consult; and it is as true, that I did swear this Consult did divide itself into lesser Companies; it is as true as I did say I carried that Resolution about from Chamber to Chamber, and saw them sign that Resolution for murdering the King, I do not mean of this King, but of the late King. My

Lord, the Evidence I think I, nor no honest Man shall need to be ashamed of: I am not ashamed to own, that I repeated this Evidence several times, nor that I gave that Evidence upon Oath; for it is Truth, my Lord, and nothing but Truth, and I resolve by the Grace of God to stand by it, and confirm it with my Blood, if there be occasion. My Lord, to convict me of Perjury, they have brought a parcel of *St. Omers* Witnesses, and these do swear that which they would have sworn six Years ago; but then the Court thought them not fit to be sworn, not only because the Law will not allow them, but because of their Religion, that can dispense with false Oaths, if it were for a good Cause, and that was the Remark my Lord Chief Justice *Scroggs* then made on it. I shall not insist much upon what they have sworn, for that I suppose your Lordship and the Jury do very well remember: But I have five things to object to their Evidence, and I hope the Jury will take notice of my Objections, and make their Remarks upon them; for since you have heard the Evidence that is brought against me, it will be necessary for your Lordship to weigh the nature of these Witnesses, and the value that the several Juries of *London* and *Middlesex* had for them. 'Tis true, there are several brought here now, that never were Witnesses before; there are indeed other Men, but of the same Religion and the same Interest, and therefore their Testimony must be of the same value; I think your Lordship will allow me that. Therefore I begin with their Religion and that I take notice to be a great Objection to their Evidence, as I am advis'd by those that are learned in the Law. And I must appeal to the Court, whether a Papist, in case of Religion, may be believed and received as a good Witness.

*L. C. J.* We must not hear any of these idle Expressions.

*Mr. Just. Withins.* Do you think you are come here to preach *Mr. Oates*?

*L. C. J.* I'll tell you, a Papist, except you'll prove any legal Objection against him, is as good a Witness in a Court of Record, as any other Person whatsoever.

*Oates.* But if 'tis your Lordship's, I'll tell you my Lord *Coke's* Practice was not to admit them as good Witnesses.

*L. C. J.* Do not tell me of my Lord *Coke's* Practice; the Law is otherwise: keep to the Business that you have here in hand, the Question before us, whether you were forsworn in *Ireland's* Trial or not. Answer that if you can; but you must not run out into Clamours and idle Extravagancies.

*Oates.* My Lord, I demand it as my Right to be heard what I have to except against the Witnesses.

*L. C. J.* I tell you, you shall be heard when you speak properly; but are you to determine what is right, or what is wrong?

*Oates.* I am to determine my own Right now in this Point, and I insist upon it, and demand it.

*L. C. J.* It may be, presently you'll tell us we have no right to judge of it.

*Oates.* Yes, my Lord, you have; but I hope I have right to urge it.

*L. C. J.* Urge what you will that is to the purpose, but then you must keep to the matter in hand, and not make such idle Excursions as these are.

*Oates.* I will keep to the matter, my Lord, if you will hear me.

*L. C. J.*



*L. C. J.* So you shall; we'll make you keep to the Matter, or we will not hear you at all: Do not think your Impudence shall storm us out of our Senses.

*Oates.* My Lord, I do insist upon it, that these Mens Religion is an exception to their Testimony, and a Papist is not a good Witness in a Cause of Religion; and I desire I may have leave to argue that as a Point of Law in my own Defence.

*L. C. J.* No, Sir, it is no Point of Law at all.

*Oates.* Then I appeal to all the Hearers, whether I have Justice done me.

*L. C. J.* What's that? Why you impudent Fellow, do you know where you are? You are in a Court of Justice, and must appeal to none but the Court and the Jury.

*Oates.* I do appeal to the Hearers.

*L. C. J.* Take him away there; if you will not behave your self as you ought, I can assure you, the Court will do what they ought to do, and stop your Mouth.

*Oates.* What you please, my Lord, I must make my own Defence as well as I can.

*L. C. J.* You are here in Judgment before us, and are to appeal to us; we'll suffer none of your Common-wealth Appeals to your *Mobile*; keep within the Bounds of Decency, and say what you can for your self.

*Oates.* My Lord, this I move to the Court as one of my Objections to this Evidence given against me, That their Religion makes them no good Witnesses; especially in this Cause.

*L. C. J.* I tell you that is nothing to the purpose, what their Religion is.

*Mr. Just. Holloway.* Mr. *Oates*, we come not here to dispute Points of Religion, we come to try a bare Matter of Fact, whether you are perjured, or no.

*L. C. J.* I tell you a Papist is a good Witness without a legal Exception.

*Mr. Just. Withins.* Pray, Mr. *Oates*, is not a Papist as good a Witness as a Dissenter?

*Oates.* My Lord *Coke* would not admit a Papist to be a good Witness in any Cause.

*Mr. Just. Withins.* How, not in a Cause of *Meum* and *Tuum*?

*Oates.* No, my Lord, not in any Cause between Party and Party.

*L. C. J.* Where is that Opinion?

*Oates.* I'll cite you the Case, if you please, my Lord.

*L. C. J.* Pray let us hear it.

*Oates.* It is in *Bulstrode's* Reports, the Second Part, 155. A Popish Recusant is not to be admitted a Witness between Party and Party.

*Mr. Just. Withins.* May a Presbyterian be a good Witness, Mr. *Oates*?

*Mr. Just. Holloway.* Or would Mr. *Colledge* have been a good Witness, Mr. *Oates*?

*Oates.* I tell you this was my Lord *Coke's* Practice.

*L. C. J.* You have our Opinion, and be satisfied with it; that Book says it was my Lord *Coke's* Practice, and we think if that was his Practice, his Practice was against Law.

*Oates.* Then another thing I object to their Testimony, is their Education.

*L. C. J.* That's no Objection at all neither.

*Oates.* My Lord, they are bred up in a Seminary against Law, and for which their Friends are to be punished.

*L. C. J.* So is every Man living that's bred a Dissenter, bred up against Law.

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*Oates.* My Lord, I have not offered any Dissenter as Evidence for me.

*L. C. J.* No, they are all no doubt of it very good People. Good-wife *Mayo*, and her Companions, excellent Protestants without all question!

*Oates.* My Lord, I humbly offer a Statute to your Lordship: And that is Law sure.

*L. C. J.* Yes, a Statute is Law. What Statute is it?

*Oates.* It is 27<sup>o</sup> of *Eliz. Cap. 2.* The Law says there—

*L. C. J.* Come we will see what the Law says: Read the Statute he speaks of.

*Cl. of Cr.* It is intituled, an Act against Jesuits, Priests, and other such like disobedient Persons.

*Oates.* My Lord, I desire that the Preamble of the Act may be read.

*Cl. of Cr.* Whereas divers Persons called and professed Jesuits, Seminary Priests, and other Priests, which have been, and from time to time are made in the Parts beyond the Seas, by or according to the Order and Rites of the Romish Church, have of late come, and have been sent, and daily do come, and are sent into this Realm of England, and others the Queen's Majesty's Dominions—

*L. C. J.* This is nothing to this Business before us at all.

*Mr. Just. Withins.* Does this Statute say they are no good Witnesses?

*Oates.* They own themselves to be educated at *St. Omers*, and that is against this Law expressly.

*L. C. J.* What then! Do they own themselves to be in Orders, Jesuits and Priests, then you might say somewhat to them upon this Law; but do not spend our Time in such Trifles.

*Oates.* I do not spend your Time in Trifles; my Lord; it is my Defence.

*L. C. J.* Mr. *Attorney*, do you go on; for we will not sit here to spend our Time for nothing.

*Oates.* Pray, my Lord, let me but shew this, I only propose one Statute more to your Lordship's Consideration.

*L. C. J.* You may propose to read the whole Statute-Book.

*Oates.* Pray, my Lord, hear me out.

*L. C. J.* Speak then to the Business in hand.

*Oates.* It is the Statute made in the 3<sup>d</sup> of King *Charles I. Chap. 2.*

*L. C. J.* It is nothing to the purpose.

*Oates.* I am advised 'tis very material for me.

*L. C. J.* I tell you it is not, and we'll not let your Importunity prevail upon us to spend our time for nothing: There has been a great deal of Time spent to no purpose already.

*Oates.* Then if you will over-rule it, my Lord—

*L. C. J.* We do over-rule it: For it signifies nothing to this purpose.

*Oates.* Pray, my Lord, be pleased to give me leave to offer their Judgments in Cases of Conscience, whereby they own they have Dispensations to swear Lyes for the promoting of the Cause.

*L. C. J.* That is no Evidence neither.

*Oates.* This is very hard in such a Case as this.

*L. C. J.* No, it is not hard, that what is no Evidence in Law, should not be suffered to be given in Evidence.

*Oates.* It is Evidence against the poor Dissenters, my Lord.

*L. C. J.* Indeed, Sir, it is not Evidence against any one body in the World; if you will take my



Word for it; if you will not, I cannot tell how to help it.

*Oates.* Then I offer you one thing more, my Lord, and that is what was said and done in the Case of the Earl of *Shaftesbury*, when he was charged with High-Treason, and committed to the Tower of *London*; at several Sessions in the *Old-Bailey* and at *Hickes's-Hall*, they did move that they might have liberty to bring in an Indictment of Perjury against the Witnesses which did accuse him of Treason, but now the Court there over-rul'd those Motions, and would not suffer my Lord of *Shaftesbury's* Friends to bring Indictments of Perjury against them, because they would not have the King's Evidence indicted of Perjury, nor the Popish Plot called in question: this is a Matter of Fact in the *Old-Bailey*.

*L. C. J.* And this is all idle too.

*Oates.* Pray, my Lord, will you hear me?

*L. C. J.* But pray, Sir, will you hear me too? I tell you this is nothing to the purpose neither.

*Oates.* My Lord, I desire to speak but these few Words then, as to my own Witnesses I have produced. And the first is *Cicely Mayo*; and, my Lord, though it be your Lordship's pleasure, not to have that good Opinion of her, as I think the poor Woman does deserve, yet I hope her Evidence will have its due Weight and Consideration with your Lordship and the Jury; she says, she saw me in Town in the Month of *May*: Now indeed she could not be positive, what *May* it was, but she said it was the *May* before the Popish Plot broke out, that is, before the Rumour of that Plot was spread abroad, and she believes the Plot broke out in 78. But this she says positively, she saw me in the Month of *May* here; my Lord, she comes to give this Evidence freely and voluntarily: a Man that is a Knave, is a Knave for something, either out of Malice, or for Gain or Interest; but she has no Reward given her, nor can hope for any; but in Love to Justice, without any By-end or particular Interest, she came here to testify the Truth, about her seeing me in *London*, in *May* 78. The next Witness is *Mr. Butler*, he was then *Sir Richard Barker's* Coachman. He lived some Years with him, as his Servant; but he is now set up for himself, and he says, that when he was about his Master's Business in the Coach-yard, and fitting the Coach for to fetch his Master home from *Putney*, I came in, and this was in the beginning of *May*, in a Disguise; and he says, he saw me a second time in another Disguise. Then comes a third Witness that I called, and that is *Page*, and he came into the Hall, where the Patients use to wait for his Master, and there he met me, and spoke with me. Then I called *Walker*, the Minister, but it happens his Memory is not so good now, as it was heretofore; and indeed I cannot tell how to blame him, for 'tis so long since, that it is impossible for any body to remember the Circumstances of Times and Places, that in some short time after the Fact might have been remembered with far greater Ease. I expected *Sir Richard Barker* might have been here, being subpoena'd to justify the Evidence of these People; and I did expect that *Mr. Smith* would have been examined: but I perceived the Court tender of that Point, as knowing it would then easily have been seen upon which Side it was, that he was suborned, that is, to make such a Confession as *Mr. Attorney* would have hinted at.

*L. C. J.* Have you a mind to examine him, *Mr. Oates*? with all my heart. If you consent to it, he shall be examined.

*Mr. Just. Withins.* If you will, he shall be examined, it was for your sake he was not.

*Mr. Just. Holloway.* It was to do you Right, that he was refused to be sworn before.

*Oates.* Good *Mr. Justice Holloway*, you are very sharp upon me.

*Mr. Just. Holloway.* No, I am not sharp upon you; I think the Court did you a great deal of Justice, you have no reason to complain.

*Oates.* But, my Lord, this I say, the Evidence upon which I am now indicted of Perjury is the same which was delivered six Years ago at the *Old-Bailey*, at *Whitebread's* Trial first, and then at *Langborn's* Trial, where were sixteen Witnesses then produced and heard against me: But then, my Lord, what Credit did they receive at *Whitebread* and *Langborn's* Trials? Now if this Evidence that I gave was then to be believed, though opposed by so many Witnesses, what new Objection does rise against it, which was not then hinted, and received an Answer? For as to all the Records that are brought out of the House of Lords, they have not amounted to a Charge sufficient to diminish any Man's Evidence in the World: for as to the Narrative that is entered there in the Journal, I think I and any Man else, that were concerned as I was, may very well defend the Truth of it; and I do avow the Truth of the Popish Plot, and will stand by it as long as I have a Day to live, and I do not question but the Jury, upon Consideration of those Protestant Witnesses that I have here brought against these Popish Seminaries, will acquit me of this Perjury. I leave it to your Lordship and the Jury to judge; and I hope those Passages of Heat, that have fallen from me in Court, shall not make me fare at all the worse in your Judgment. I have called some noble Lords to testify for me; but I find, either the distance of time has wrought upon their Memories, or the difference of the Season has chang'd their Opinion, so that now they disbelieve that which they did believe before, and perhaps for as little Reason as——

*L. C. J.* As they believed you at first.

*Oates.* Yes, truly, my Lord, for as little reason as they believed me at first; for I cannot expect that a Man, who believes without a Principle, should not recant that Belief without a Reason.

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

*Oates.* I name no body.

*L. C. J.* But the Nobility that are here, and that have been Witnesses in this Cause, are all Persons of that Honour, that the Court is bound in Justice to take notice of, and vindicate them from your scandalous Reflections; but only I think that a Slander from your Mouth is very little Scandal.

*Oates.* Nor from some body's else neither.

*L. C. J.* But, Sir, you must be taught better Manners.

*Oates.* I find, my Lord, I am not to be heard in this Cause with Patience.

*L. C. J.* I think you do not deserve to be heard at all.

*Oates.* I cannot tell how to help it, if you will not hear me.

*L. C. J.* Can't you say what you have to say for your self without Reflections, and running out into such Extravagancies?

*Oates.* My Lord, you will suffer me to offer no—that is material for my Defence.

*Mr. Just. Walcot.* Do you think it decent for this Court to suffer Persons of Honour, that by your own Desire were sworn to give Testimony in this Cause,



Cause, should lie under the Reproach of your Tongue?

*Oates.* Good Mr. Justice *Walcot*, was there ever any Man dealt with as I am, or had such Evidence offer'd to be given agin't him? Here they offer to blacken me with the imputation of that foul, infamous Crime of Perjury; and who are the Witnesses to prove it, but Youths out of a Seminary? Sir *George Wakeman*, and my Lord *Castlemain*, known Papists, and perhaps Popish Recusants Convict too. As for My Lord *Castlemain*, the Record of his Acquittal is brought as a Charge against me, to prove that I was forsworn, and not believed at his Trial; when all the World knows, it was because there was but one Witness against him, that he came off, and that was the Reason that was urg'd by my Lord Chief Justice *Scroggs* at that very time, who would not admit *Dangerfield* to be a Witness, and reflected not at all upon my Testimony, but directed the Jury, for want of another Witness, to acquit him. Then, my Lord, here is *Wakeman* brought, and his Acquittal too; he swears all I said against him was false: whereas, had it not been for two dishonest Persons, one I have now in my sight, I shall not name any Names, we could at that time have proved five thousand Pounds of the Money paid to him, and that he gave a Receipt for it. But, my Lord, this I am sure of, if I had been brought in as a Witness in the Case of those that suffered lately for the Presbyterian Fanatick Plot (as they call it) I had never been call'd in question, if my Evidence had been false; but it is apparent the Papists have now a Turn to serve, and these Papists are brought in, the *St. Omers* Youths, to bear this Testimony on purpose to falsify my Evidence, and to bring off the Popish Lords that now stand impeach'd of High-Treason for the Popish Conspiracy: but, my Lord, I hope as the Court would never admit Indictments of Perjury against the Witnesses in that Case of my Lord *Shaftesbury*, so you will not admit it here; and if my Lord Chief Justice *Jones* were in the right, who did the same thing in his Circuit, I hope I shall have that Right done me here. My Lord, it is not me they indict, but the whole Protestant Interest is aim'd at in this Prosecution; and hereby they arraign the whole Proceedings of so many Parliaments, all the Courts of Justice, and the Verdicts of those Juries that convicted the Traitors that were executed; for my own part, I care not what becomes of me, the Truth will one time or another appear.

*L. C. J.* I hope in God it will.

*Oates.* I do not question it, my Lord.

*L. C. J.* And I hope we are finding it out to-day.

*Oates.* But, my Lord, since I have not the liberty to argue those things that were most material for my Defence against this Indictment, I appeal to the great God of Heaven and Earth, the Judge of all; and once more in his Presence, and before all this Auditory, I avow my Evidence of the Popish Plot, all and every part of it, to be nothing but true, and will expect from the Almighty God, the Vindication of my Integrity and Innocence.

*Mr. Sol. Gen.* May it please your Lordship, and you Gentlemen of the Jury——

*Oates.* My Lord, I have one thing to move to your Lordship; I desire I may be brought up to-morrow by Rule of Court to hear my Trial that is then to be.

*L. C. J.* Ay, let him be brought up by Rule to his Trial.

*Oates.* My Lord; I lie under very great Affliction with the Stone and the Gout, and besides that, I have lain in Irons these twenty-one Weeks; I beseech your Lordship, that this Cruelty may not be inflicted upon me. My Lord, I am but hitherto a Debtor to the King upon a Civil Account; and if I should be convicted upon these Indictments, I could then be but in Execution for a Trespass: and I humbly conceive and hope the Court will shew me that Favour, as to acquaint my Keeper, that I ought not to be so handled.

*L. C. J.* Look you, for that, I tell you again what I have often said, I expect from the Marshal that he keep you as he ought to keep you; I have heard that there have been abundance of Attempts made for your Escape, and therefore the Marshal must have the greater Care of you.

*Oates.* Let any of those Complaints be made out, my Lord, and I'll be contented to be used how they will.

*L. C. J.* I repeat it again, Let the Marshal have a care to keep you *in salvâ & artâ Custodiâ*, according to Law.

*Mr. Just. Holloway.* If the Marshal does otherwise than his Duty, inform against him, and take the Remedy the Law allows.

*Marshal.* But the last Night, my Lord, Ropes were brought into his Chamber, on purpose to give him means to escape, and here are the Bundle of Ropes.

*Oates.* I know nothing at all of them, I assure you, my Lord.

*L. C. J.* Well, you have our Rule. Go on, Mr. Solicitor.

*Mr. Sol. Gen.* May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel for the King in this Cause; which is upon an Indictment of Perjury against *Titus Oates*, the Defendant; and the Perjury charg'd upon the Defendant, is laid to be in his Oath at the Trial of *Ireland*, at the *Old-Bailey*; and it is thus, That he in his Evidence at that Trial did swear, that there was a treasonable Consult of the Jesuits, held at the *White-Horse Tavern* in the *Strand*, the 24th of *April* 78, and that he was there present——

*Oates.* Ay, I was there.

*L. C. J.* You must be quiet, and let the Counsel go on without Interruption.

*Mr. Sol. Gen.* And that they separated themselves into lesser Companies and Clubs, and that the Jesuits came to a Resolution to murder the late King, and that he the Defendant *Oates*, carried this Resolution from Chamber to Chamber, and saw it signed by them: Now all this is laid in his Indictment to be false; for that, in truth, he was not present at any such Consult of the Jesuits at the *White-Horse Tavern* in the *Strand* upon the 24th of *April* 78, nor did carry any such Resolution from Chamber to Chamber to be sign'd, as he had sworn in the *Old-Bailey* at that Trial; and so has committed wilful and corrupt Perjury.

Gentlemen, The Evidence that has been given to prove, that he was not present at any such Consult, nor did carry any such Resolution, has been by proving where he was at that very time that he swears this Consult was held, that is, that he was really at *St. Omers*, in parts beyond the Seas, and not in *London*; and to make out this, we have produced no less than twenty Witnesses, that swear positively, and give you very many Circumstances to induce you to believe, that what they have taken upon



upon them to remember, is really and effectually true.

First, You have Mr. *Hilsley*, and he swears that he himself came away from *St. Omers* the 24th of *April*, New Stile, which is the 14th of *April*, Old Stile, which was a *Sunday*; that Night he came to *Calais*, the next day he arriv'd at *Dover*, and coming up to town towards *London*, the next Day he met with Mr. *Burnaby*, who was then going to *St. Omers*. And he further swears, that at that very time, when he came from *St. Omers*, he left *Oates*, the Defendant upon the Place: this, I say, was the 14th of *April*. And for a Confirmation of this to be true, he left him there at that time, I would mention what two other Witnesses do testify, and therein do verify what he swears; for they tell you, that at this very time when he came over, or within a Day or two, but long before such time as there was any occasion to bring this to be a Question, he told one of them, in a Discourse that was between them, that he had left upon the Place from whence he came, which was the College at *St. Omers*, an *English* Minister, whose Name was *Sampson Lucy*——

*Oates*. My Lord, I beg I may have leave to withdraw, for I am very weak and ill.

*L. C. J.* Then make room for him to go away, if he will.

*Mr. Sol. Gen.* And they give you an account, that the Defendant, *Oates*, went by that Name there, and it is not denied by him that he did so: And this is a Circumstance greatly verifying Mr. *Hilsley's* Evidence. Then comes Mr. *Burnaby*, who swears, That he met Mr. *Hilsley* when he came from *St. Omers*, about the 16th of *April*, Old Stile, and the 21st of *April*, Old Stile, he came to *St. Omers*; and that when he came there, he found *Oates* there upon the Place; this was the 1st of *May*, New Stile: and he gives you this Circumstance to strengthen his Testimony, That he very well remembers, that upon the 2d of *May*, New Stile, the Day after he came to *St. Omers*, *Oates* intruded into his Company, and got himself acquainted with him. He says further, that upon the 3d of *May*, New Stile, he particularly remembers *Oates* was in his Company there, and they went into the Garden and walk'd together; he also says, he saw him the 5th of *May* New Stile, which is the 25th of *April*, Old Stile, the Day after this Day assign'd for the Consult, with this Circumstance, That he remembers to have seen him in the Rhetorick School, and so successively afterwards he gives you a particular Account down to *Midsummer*: after that, *Oates* continued in the College at *St. Omers*, and then went away.

Then the next Witness we produce is Mr. *Pool*, and he gives you an account, that upon the 25th of *April* 1678, New Stile, which was the 15th of *April* our Stile, he came over here, and he left behind him at *St. Omers*, the Defendant *Oates*; for he particularly remembers, that he saw him there when he came away; so *Hilsley* left him the 14th of *April*. Mr. *Pool* came away the 15th of *April*, which is their 25th and left him at *St. Omers*, and does not remember, that he used to be absent out of the College; and Mr. *Burnaby* finds him there the 21st of *April*; so that particularly at the times the other two came away, and *Burnaby* came thither, there he was, and there they saw him.

The next witness is Mr. *Thornton*, and he gives you an account when *Oates* came thither first, and how long he staid there; he says he came about

*Christmas* 77, and there he staid till *Midsummer* Eve 78; and he tells you some particular Days he saw him on; he says he saw him there on the 1st of *May* New Stile, and he saw him the 2d of *May* New Stile, in company with Mr. *Burnaby*, the next Day after his Arrival there, wondering at their sudden Acquaintance. And he adds a particular Circumstance, why he remembers it was the 2d of *May*; because that Day the Scholars at *St. Omers* acted a Play, at which *Oates* had a Scuffle for a Seat: and he says he does likewise remember him to have been there, when Mr. *Pool* came away, which was the 25th of *April*, New Stile.

Then Mr. *Conway*, that was our next Witness, gives you an account likewise of *Oates's* coming to *St. Omers* about *December* 77, and how long he staid there, viz. till the latter end of *June* 78. And he does not remember, that he lay out of the College above one Night, and that was in *January*. And he remembers particularly, that he saw him with Mr. *Burnaby* such a Day in *May*.

Then we brought another Witness, and that was Mr. *Haggerstone*, and he tells you, he had good reason to remember Mr. *Oates*, for he was in the same *Classis* with him; and this Gentleman gives an account particularly, that he remembers him to be there the next Day after Mr. *Burnaby* came, and agrees in testimony with all the rest, that from *Christmas* till *Midsummer*, he was not absent out of the College but one Night.

We have another Witness, Mr. *Beeston*, and he remembers, that *Oates* was playing at Nine-pins the 1st of *May*; he remembers the 2d of *May* to have seen him with Mr. *Burnaby* after the Play was over; and that agrees with the other Witnesses about his being in *Burnaby's* Company the 2d of *May*: and he remembers likewise, that he himself was chosen Reader to the Sodality, but upon Mr. *Oates's* Importunity, he supplied the Place in Mr. *Beeston's* room, only with this Reserve and Condition, That Mr. *Beeston* was to be Reader at any time, if *Oates* failed. And he gives you this particular account, that *Oates* did read, as he believes, every *Sunday* and Holiday, from the latter end of *March*, when he was chosen Reader, to within a Week of his going away; for that he did never read himself, as he should have done if *Oates* had been absent or failed to read.

We have another Witness, and that is Mr. *Smith*, and he swears his being there from *Christmas* 77 to *Midsummer* 78, and he remembers particularly as to *April* and *May*, because the 21st of *April* he himself fell sick in the College, and went into the Infirmary, and remained there till the 7th of *May*; and he does remember that *Oates* visited him very oft in that time in the Infirmary, and told him Mr. *Hilsley* was gone away, and Mr. *Pool* was gone away, and two or three other Particulars, which happened in the College at that time; so that there is another Evidence, that is very strong with Circumstances to confirm the Testimony of the rest; and he gives you a very satisfactory Account of it, by shewing the Reasons how he comes to remember these things.

Mr. *Price*, who was our next Witness, has given you a Relation all to the same purpose of *Oates's* coming there at *Christmas*, and of his going away, at *Midsummer*. And he remembers particularly, that *Oates* was at *St. Omers* when the Jesuits went to the Consult at *London*; for that there was a Consult, and at that time, is acknowledged to be true; but not such as he says, nor was he there; but he



says some of the Fathers did call these in the way to *England*. And at that very time, and after, he saw him there. And Mr. *Doddington* gives you the same Account.

Then comes Mr. *Gerrard*, and he tells you a Story to the same purpose; how long *Oates* was there, and when he came. And that the 2d of *May* he remembers *Oates* was at the Play; and he remembers the 26th of *May*, *Oates* was there, which was the 16th of *May* Old Stile. And he is sure *Oates* was there at that time, for this reason, that being the Day whereon he himself was confirmed, *St. Augustine's Day*; and *Oates* was confirm'd with him: and therefore he has reason to remember *Oates* was at *St. Omers*.

My Lord *Gerrard* of *Bromley* was our next Witness, and he gives you an account to the same purpose; and to the general Evidence, in which he confirms the others, he adds this Particular, That *Oates* used to read with a singular canting Tone; so that he must needs remember him, and was so remarkable for other things, that he could not be absent without being miss'd, which he never was.

Then comes Mr. *Morgan*, who was there at that time, a Scholar; but he's now a Minister of the Church of *England*; and therefore not liable to Mr. *Oates's* great Exception of Religion. He confirms what all the Witnesses said of the Time of *Oates's* coming, and of the Time of his going away: and particularly he swears, That when Mr. *Hilsley* went away, he was there; when Mr. *Pool* went away, he was there; and when Mr. *Burnaby* came thither, he was there. And this is not all, for there is something more remarkable in his Testimony; for he tells you particularly he does remember, That upon the 24th of *April*, Old Stile, the Day, Gentlemen, when *Oates* says he was at the Consult in *London*, *Oates* was then at *St. Omers*. And the Occasion of his remembering this, he gives you an account of; for, he tells you, upon reading the Trial of *Ireland*, where *Oates* swears, That he was here at the Consult the 24th of *April* 1678, Old Stile, all the College reflected upon it, and wondered at the Impudence of the Man, that he should dare to swear such a thing, when all the College remember'd him to be there all the while. And upon recollection of Circumstances, he himself did particularly recollect his own playing at Ball that very Day, and having toss'd his Ball over the Wall, he borrow'd *Oates's* Key to go into the Garden to fetch it: And this was thought of whilst things were fresh, and every Man remember'd this, or that, or the other thing to be done at such a particular time.

Mr. *Arundel*, who was another Witness, proves the general Testimony of the rest, and agrees in some particular things; and all he says, is to the same purpose.

Mr. *Christopher Turberville*, he comes and swears *Oates's* being at *St Omers* the 4th or 5th of *May*, which is the 24th and 25th of *April* Old Stile. For that upon Mr. *Pool's* going away, he changed his Chamber in the College, and saw *Oates* divers Days afterwards in his Chamber, and at the Door; and he knew that he constantly read in the Sodality, and that he left particularly the *Sunday* before he went away, which was about *Midsummer* 1678.

There was another Gentleman, and that was Mr. *Anthony Turberville*, who gives evidence all to the same purpose; and this Circumstance goes thorough all the Testimony of these Persons, that there's scarce any body can come to, or go out of

the College, but it is known to all that are there; every Man takes notice of it, 'tis the common Discourse amongst them; and therefore they give this as the Reason of their Belief, That he was there all this while, because they did not remember any thing that should give them occasion to believe Mr. *Oates* was away from the College from *Christmas* till *Midsummer*, but only one time; and the Remembrance of that does shew, that they do really observe these things, for they could all tell that in *January* he went to *Watton*, and staid out one Night.

There is one Witness more that is positive and particular, and that is Mr. *Clavering*, and he remembers *Oates*, by a very remarkable Circumstance, was at *St. Omers* at the very time of the Congregation is said to be held in *London*; for he tells you there came a Person to beg Money of him, and there was a Collection made in the House; and this Person did desire to speak with *Oates*, who was then in the College, and whom it seems this Person had known in *Spain*; but *Oates* did refuse to speak with him, and did not come down to him. Thus he remembers such an one came there, and when he was there, he was sent to *Oates* to desire him to come down to this Man, and he would not. Ay, but now how is this remember'd to be at the time when the Congregation was held here in *England*? As to that, he gives this plain and full account, That it must be at that very time; for the Scholars did discourse among themselves, and were reckoning up what he had gotten among them, and what he had gotten at *Watton*; and finding that it was very inconsiderable that he had gotten at *Watton*, they talk'd among themselves what should be the Reason, and concluded it was, because the Fathers were gone over to *England* to the Congregation.

These particular Circumstances our Witnesses give you as the Reasons of their particular Remembrances of the particular Times: But, Gentlemen, you must take along with you those general Considerations too that are offered, which do affect the whole Time, from *Christmas* till *Midsummer*. First, That none can come or go, without being discourf'd of in the College: Next, that much more Mr. *Oates* must needs be miss'd, than any other, being so remarkable a Person, as they tell you, that scarce any Week pass'd without his making it remarkable by some ridiculous Action or another. They say he sat singly by himself, at a particular Table, that no Man could come into the Hall, but they must see him; and therefore, if absent, must needs miss him. And yet they swear they do not ever remember him absent, but that one Night; and if he had been absent, they must needs have observed it, because of all those Circumstances that have been reckoned up.

These are the Witnesses, Gentlemen, that we have produced to prove this Charge upon the Defendant, two of whom are brought only to verify Mr. *Hilsley's* Testimony; having heard it from him at that time that he had left *Oates* at *St. Omers*; when there was no Thoughts of this Question.

Now among these twenty Witnesses, there are not above two or three at most that were at either of the Trials before. They were never produced as Evidence, tho' indeed they proved the same thing that was testified by others then, but with many other Circumstances and Particularities that were not before spoken of; some are now produced that were produced before, and the Reason is, because they are themselves concerned in those Parti-



Particularities which gave occasion to the others to remember them.

Gentlemen, after the producing of so many Witnesses, and so strong a Proof, what is it that Mr. *Oates* has produced against it? His main Objection to their Testimony, is, There were several that came from *St. Omers* to testify at those former Trials what these now swear, who were not believed, but I was believed, and the Men were convicted, condemned, and executed upon my Testimony: But is that all he has to say? No, says he, I have likewise Witnesses to offer as a Counterproof to them, a positive Proof that I was here in *England* at the time they swear me to be at *St. Omers*; and he says well; if that be proved, there is an end of the Case. Well, what is the Proof? The Witnesses that he has, have been these four, *Cicely Mayo*, Servant to Sir *Richard Barker*; *Butler* his Coachman; *Page*, another of Sir *Richard's* Servants; and the Parson *Walker*.

The Evidence of *Page* and *Walker*, tho' produced last by Mr. *Oates*, yet I crave leave to mention first, and set them out of the way. *Page*, he remembers to have seen Mr. *Oates* in a Disguise at Sir *Richard Barker's*; that is, in grey Cloaths; but he is not certain as to the Time; and he cannot take upon him to say what time of the Year, or what Year it was, only he believes it was in *May*: and therefore that can be no sufficient Evidence to contradict Witnesses, that with great Particularity speak to certain times. As for *Walker*, the Parson, he said he saw him between *St. Martin's-Lane* and *Leicester-Fields*; but he cannot remember the time when neither: nay, the Remembrance he has of it goes rather to another time, than the time in question; for being asked what Circumstance he knew the Time by, he said, it was about a Year and a Quarter before the Plot was discovered, which must be in *April* or *May* 1677, and that will do the Doctor no service at all upon this Question.

Now let us consider Mrs. *Mayo's* Testimony; and the Oath that she made was this, That when *Oates* came over into *England*, she saw him at Sir *Richard Barker's* House the latter end of *April*, or the beginning of *May*, and the Week before *Whitsuntide*. The latter end of *April*, or the beginning of *May*, was the first time that he came, that she saw him; but that he came before, as she heard, but the Coachman only saw him, and told her that *Oates* had been there: but the second time she did see him, and he went in and dined there in the House. Sir *Richard Barker* was not there, but my Lady's Sister, her Sons and Daughters were there. She says, that she saw him again a Week before *Whitsuntide*; that when he came the first time he was in grey Cloaths, a white Hat, and a short Perriwig. Afterwards he was in black Cloaths, a pretty long Perriwig, not very long, but the Perriwig was brown: and these are the Circumstances she remembers to have seen him by.

Now let us see what *Butler*, the Coachman, says: He remembers about the beginning of *May* he saw *Oates* at his Master's House in a Disguise; the other said it was the latter end of *April*, or the beginning of *May*; but I stand not upon that: but this he does swear. That the first time he saw him, *Cicely Mayo* saw him too, that he was then in grey Cloaths, a white Hat, but his Hair was cut short, and he had no Perriwig on; afterwards he came in a cinnamon colour'd Coat, and green Ribbons, and a long black Perriwig. This is *Butler's* Evidence.

Now these two People's Evidence are utterly impossible to be reconciled, they contradict one another so much: First, they contradict one another in this; she says, the first time he came she did not see him, but the Coachman told her he had been there; but he swears, That she did at that time look out of the Window into the Yard, and did see him as well as he. Another Contradiction is this, she remembers the first time he came in grey Cloaths, a white Hat, and a short Perriwig; the Coachman swears he had no Perriwig on; but his Hair was cut short to his Ears. Then again she swears the second time, he was in black Cloaths, and an indifferent long Perriwig, and the Perriwig was brown; and the other swears he was in cinnamon-colour'd Cloaths, and a long Perriwig, and it was a black one. Now thus you see the Witnesses contradict themselves, and cannot be reconciled to one another.

But take one thing more, which is very considerable, wherein she contradicts Mr. *Gerrard*; for she swears he was here a Week before *Whitsuntide*; that she is sure of: Now that falls upon the nineteenth Day of *May*; then upon the sixteenth Day of *May*, was the Week before *Whitsuntide*; now, that is a most eminent Day, by the Testimony of Mr. *Gerrard*; for that happens to be the twenty sixth of *May*, New Style, and that was the Day he was confirmed with Mr. *Gerrard* at *St. Omers*: And no Man sure can doubt which of the two Witnesses is to be believed; and it cannot but be true, that he was there at that time, because so remarkable a Circumstance cannot be forgotten: and yet this Woman swears that he was there a Week before *Whitsuntide*, and that by computation must be the Time of his Confirmation. But, Gentlemen, another thing that I offer upon the Testimony of these Witnesses, is this: If you will believe it, he himself contradicts his own Witnesses, or they him, and one of them is forsworn: For he has sworn the Consult was the twenty fourth of *April*, and that three or four Days after that was over, he went back with the Fathers to *St. Omers*: Now this contradicts all that his Witnesses have said. But he has given himself, as he thought, some little Latitude; says he, the Consult began the twenty fourth, but it held six or seven Days longer. We will for this time admit it to be so, and give him the six Days he requires; and yet after all, it will not come up to the time that his Witnesses speak to: for to the 24th of *April*, add six days, and that brings us just to the last Day of *April*; and then take four Days in *May*, to make up the three or four Days after the Consult was over, and we are yet at a great distance from the *Whitsun* Week; for that was the 19th of *May*, and the Week before must be the 12th or 13th, and so it is impossible to be reconcil'd to Truth, what he and his Witnesses swear; either the Evidence that the Doctor now brings, must be a Contradiction to his own former Oath, or his Oath proves they are mistaken: besides the Contradiction that is between the Witnesses themselves; for they vary in a great many material Circumstances, which I have before reckon'd up to you.

But, Gentlemen, false Witnesses are very often detected by little Circumstances, though I must needs say, these are not small ones; for these are very remarkable things in themselves, and great Contradictions to one another, and therefore 'tis impossible they both can swear true.



There were some other Witnesses that were produced by Mr. *Oates* formerly upon this Point; one of which was *Clay*, the Priest, and he you hear is contradicted by Mr. *Howard's* Testimony, who not only tells you he was not at his House, when he says he was, but shews that *Clay* was mistaken in point of Time: It was not in *May*, but in *July*. But that's not all, we have another Evidence, Gentlemen, to shew how this Mistake comes to pass, and which will give a great light into this sort of Practice that has been used in this matter; for we have two Witnesses that give you an account how *Oates* and Sir *William Waller* were at the *Gate-House* with *Clay*, and there did threaten him, that unless he swore he dined with *Oates*, at Mr. *Howard's*, in *May*, they knew he was a Priest, and he should be hang'd. The Man was somewhat cautious at first, for truly he knew nothing of the matter; but at last, upon condition he might have his Money again that was taken from him, he had been a Rogue formerly, and he did not know what he might do. Now, we find presently after, that he was in fact brought as a Witness; what he swore, Mr. *Howard* tells you, and you have heard him contradicted in that point of Time. For Mr. *Howard* says, it was in *July*; and then it was agreed that *Oates* was in *England*; for our Witnesses tell you that at *Midsummer* he came away from *St. Omers*.

So that, Gentlemen, the Evidence that was formerly produced for him, is not only taken away by positive Counter-proof, but there is fixed upon him, with great Infamy, the additional Crime of Subornation, by forcing People to swear for him under the Threats of being hang'd; and we all know how such People lay under great Fears and Terrors at that time.

There was another Witness that was produced formerly for him; but I shall not take upon me to repeat all the particular Evidence that has been now given about that Matter. In short, our Objection to that Testimony lies thus: That *Oates* did swear in his Narrative, that *Smith* was a dangerous Man, and employed by the Jesuits to stir up the People against the Government; that appears by *Oates's* own Oath. But it likewise appears, that afterwards they were reconciled, and that he gave *Smith* a Certificate under his Hand, that he was a good Protestant, and a good Subject, and about eminent Service for the King. Now we see no reason hitherto, why Mr. *Oates* should change his Mind, after having sworn him such an ill Man, all of a sudden to be so kind to give him his Protection, and so advantageous a Character, as that was in that Season. But, Gentlemen, the Mystery is easily unfolded, if we go three or four Days further in time, which brings us to the Trials of *Whitebread* and *Langborn*; it seems Mr. *Oates* was then aware of that, which is now an Objection to his Testimony; for it was made an Objection at the first Trial of *Ireland*, That he was not at this Consult, for he was then actually at *St. Omers*; but no Witnesses were there to prove it; but now he was aware that some were a coming over, and it concerned him to make some good Proof if he could, that really and in truth he was here in *London* at that time.

And I cannot omit to take notice of what my Lord Chief Justice was pleased to observe and object to him now: It is a wonder a Man should be here in Town so long; a Man that had much Acquaintance, as it seems he had; a Man that went about

freely and publickly, as his own Witnesses say he did, should be seen by no body, but these few; should not be able to give an Account, by any body, where he lodged, at any one Time in this Interval. Nay, by no Circumstances that must occur to his own knowledge, to be able to shew where he lodged, is very strange; though it should be that he did lodge in the Houses of those that would not come to give Evidence, as he alledges, yet it is almost impossible, but there must be some other Circumstances to prove his being here, besides the Evidence of the Landlord of the House where he lodged: but he gives no Account where he was lodged, and whom he conversed withal, but these People only; and that they should see him, who were not his Intimates, and none else in the World, is to me one of the most strange Things that can be conceived.

Now, Gentlemen, when he has given no manner of Satisfaction, that he was here, and is by twenty Witnesses sworn not to be here; what is it that he says to all this? Why he doth insist upon it, that his Credit must not be now impeached, because that once he had the fortune to be believed, and some Men have died and suffered for it; as if no Perjury were to be punished, but that which is unsuccessful; whereas the reason why Perjury is taken notice of in the Temporal Courts, is only because of the Mischief that it may do. Shall it then be no Crime when a Man has done the Mischief, when the fear of that Mischief was the ground of making it a Crime? That is a most monstrous way of arguing. And yet this would Mr. *Oates* have look like an Argument, that because he has been believed in his false Oaths, and Men have suffered by his Perjury, and he has been successful in his Crime, that Success has protected his Wickedness from Punishment. This I confess is a new way of arguing; and such as none but Mr. *Oates* could certainly have invented.

But, Gentlemen, to contradict this, we have shown you, that as he has had the fortune to be believed; so he has likewise had the fortune to be disbelieved. For there have been produced as many Records of Acquittals, where he was an Evidence, as there have been produced Convictions upon his Testimony; so that he has been as often disbelieved as believed.

Whither then does he betake himself next? He has called a great many Witnesses to give you, as Evidence for him, an Account what Opinions at that time the Houses of Parliament, the Courts of Justice, and the Juries had of his Evidence; and then insists upon it, that now to call his Credit in question, is to arraign the Justice of the Nation, the Wisdom of both Houses of Parliament that believed him, the Honesty of the Juries that convicted those whom he accused, and the Integrity and Understanding of the Judges who were learned, wise, and just Men; and with great Earnestness he asks the Question, why now at this time of day should this be called in question, which received so much Credit and Approbation so long ago, by the good Opinion that all sorts of Men had of it at that time? And now to question this, he would have thought to be a casting a Blot upon the Wisdom of the Nation, and an arraignment the Justice of it; when, if the thing be duly considered, the not punishing this heinous Offence with the utmost Severity that the Law will allow of, now, that these Circumstances appear to make it plain and evident, would be a greater piece of Injustice and



Reproach, rather to our Nation, than any ways a Reflection on the Justice of it.

Gentlemen, when we consider the Circumstances of this Case now, I do verily think it will appear to be a very strange and wonderful thing to us, that ever any Man should have believed him. And it is a strange Consideration to reflect upon, to think what Credit he had at that time. But withal, consider, Gentlemen, could any one imagine, that it were possible for any Man on Earth to become so impudent, as to dare to expose himself before the High Court of Parliament, the great Courts of Justice, and there tell a most infamous Lye for the taking away the Lives of Men? The greatness of the Attempt, was a great Inducement to the Belief of it, because no Man could be presumed to dare the doing of such a thing, if he had not a Foundation of Truth to build upon. And when he had thus made his Discovery, and that of such a nature too, a most horrid, bloody, and traiterous Conspiracy to murder the King, to overturn the Government, to massacre all the Protestants in the Kingdom, and to deface the very Name of the Protestant Religion; what was more natural than that the Parliament should take all imaginable Care to prevent the accomplishment of so great a Mischief? And consider too how much easier it was for him to relate his Evidence in a continued Story, than afterwards it was to maintain it, when it came to be examin'd and oppos'd by them that were accused, who best knew wherein, and by what means to prove him false.

Gentlemen, the Care the Parliament took to disappoint any Designs of this Nature, and the means they us'd for the Security of the King and Kingdom, and the Preservation of our Religion and Lives, (which I cannot but observe, was previous to the Trial of any one Offender, that was tried and convicted upon this Evidence) must needs put the whole Nation under great Apprehensions of Danger and make the way much easier for him to be believed, as by sad Experience we found it did. Under these Circumstances came those Men to be tried, with this further, (as we cannot now but think) that there were ill Men at work, that laboured to improve those Fears and Jealousies, that had already possess'd Men's Minds; the Wonder then will be the less, if Men under such Disadvantages, tried by Men under those Fears and Apprehensions, had the ill fortune to be convicted. But when Men had a little overcome their Fears, and began to consider his Evidence more calmly, the Scene was changed, *Oates* lost his Credit, and the Men were all acquitted. Nor is this Prosecution any Reflection on the Protestant Religion, whose Cause he falsely assumes to himself. No, Gentlemen, the Protestant Religion had no share in that Invention. It needs not the support of a Lye, no, not the most plausible Lye, much less of one so infamous as this does now appear to be. It is rather a Vindication of our Religion, to punish such Offenders as they deserve, and the proper way to maintain the Justice of the Nation, and wipe off that Reproach this Man's Perjury has brought upon it.

*L. C. J.* Then, Gentlemen of the Jury, the Evidence has been very long, and it cannot be expected after so much time has been spent in this Cause, and such a difference of Testimony, and especially considering that the Testimony has met with frequent interruptions, and I may say, some Part of it, delivered in great Confusion, it cannot be thought

or imagin'd, I say, that I should be able to remind you of the several Particulars that concern this Case, and may be necessary to be observed about it. But, Gentlemen, I am sure, by the Knowledge I have of most of you, you are Persons of great Understanding; so that what may be omitted by me, I question not, but your own Abilities will supply. I confess I am much shortned in my Labour, by the pains that Mr. *Sollicitor* has taken to sum up the Evidence to you, and without all doubt, has done it with all Faithfulness to his Master, and with great Right to himself. I could not hear much of what he did say; but you who were nearer and did hear all, which I could not do, your Judgments will direct you to lay that Weight upon it, which it deserves, and which the Law will allow; for, Gentlemen, I am bound to tell you, that you are to lay no weight upon any Allegations on the one side, or on the other, or what is observed to you by the Court, further than is supported by the Testimony that has been offered.

Now, Gentlemen, I think it not amiss for me (before such time as I enter upon the Consideration of the Particulars, and reminding you what I take to be Evidence in this Case, and what not) to clear one Point, that this Person, *Oates*, the Defendant, against whom this Indictment of Perjury is brought, has endeavoured to insinuate, on purpose to gain himself a Reputation; which if he could acquire this way, would add a greater Reproach to the Justice of the Nation, than it has contracted already, by giving too much Credit to such profligate Wretches, as have too lately appeared among us. The Objection he makes and insists so much upon; says he, I was believed very much before, I can produce you the Opinions of the Judges, that declared themselves very well satisfied with my Evidence, and the Verdicts of Juries, two or three, that convicted Men upon my Testimony; and not only that, but here were likewise three or four Parliaments that did not only believe that Testimony (or rather Narrative, for I cannot call that Testimony, which was given before the House of Commons) that I gave, but did declare their Satisfaction of the Truth of what I said; which Satisfaction and Belief of theirs did produce Thanks from both Houses to me for giving this Testimony.

But all this while, what Mr. *Sollicitor* said upon this Point, is a plain and a full Answer to it: if in case upon a sudden Information, the King, the Parliament, the Courts of Law, and Juries, were surpriz'd into this Belief, as not imagining there could be a pack of such Villains, that could be wound up to that height, as these Fellows have been; that there could be such an horrid Impostor, as this Fellow, that should make such Attempts, unless there had been some Truth in it.

Therefore the surprize of the thing, at that time might obtain a Belief; but God forbid, that that Belief, which was so obtained, should protect the Party believed, from being call'd in question for the falshood of that Testimony, which was the ground of that Belief. It was hardly credible that any Person could be so wicked as to declare such impudent Falsties as these; but, God forbid, that we should continue longer under the same blindness and delusion, the whole Matter is now laid open and detected. Therefore, Gentlemen, if you are satisfied in your Consciences, and do believe upon the Testimony and Evidence that has been given here this day, that those very things that were so much believed before, were credited upon the Sur-  
prize



prize of a sudden Discovery, or the Boldness of the Undertaking, yet now do plainly appear to be false; then be it, I say, upon your Consciences, if you let this Falshood go unpunished. It is a Charge upon us who are upon our Oaths as Judges, and who must answer to the great Judge of all the World for our Judgments; and 'tis likewise a Charge upon you that are sworn to try this Cause, and must answer, as well as we, for what you do in it, not to have regard to any thing that was done before upon that hurry and surprize, but seriously to weigh and consider what is sworn now, and from thence make a Conclusion, whether you are not satisfied that innocent Blood has been spilt by the means of this Fellow. Nay, in this Case, 'tis a contracting of much more Guilt than ordinary, as it is Murder done under the Forms of Law, and common Methods of Justice. That Men should take away the Lives of their Fellow-Creatures, by Perjury and false Accusations, is of such dreadful consequence, that if the Justice of the Nation shall be afraid to have such matters detected, there would be an end of all the Security we have of our Lives, Liberties, and whatsoever is dear to us.

Gentlemen, the Justice of the Nation lies under a very great Reproach abroad, for this particular thing; and we must be, all of us, that have any Concern for the Honour and Good of our Country, uneasy, till this matter be thoroughly searched into, and impartially determined; and I take it to be a Case of the greatest Importance to the Settlement of the Kingdom, for the Credit of our Laws, for the Honour and Justice of our Kingdom, that ever came in Judgment in any of our Courts of Justice. And therefore as you respect your own Consciences, and the Obligation of that Oath you are now under, and as you would be thought to bear any regard to the Peace, Honour, and Good of your Country, take care to examine strictly and impartially into the Merits of this Cause, and weigh the Evidence which has been given on all sides: be not at all dismayed with the Apprehension of Clamour or Calumny, from any sort of People whatsoever, for doing your Duty; neither be led away by the Insinuations of what was believed formerly; for you hear the Reason which might make *Oates* be believ'd then; but it is incumbent upon you to enquire, whether you have not sufficient reason to be satisfied what the Truth now is.

And, Gentlemen, I take my self to be the more obliged to take some pains in the pressing a serious and impartial Consideration of these things upon you, because I cannot but say, my Blood does curdle, and my Spirits are raised, that after the Discoveries made, I think, to the satisfaction of all that have attended this Day, to see a Fellow continue so impudent, as to brazen it out, as he has done this Day; and that there should appear no more shame and confusion than what was seen in the Face of that monstrous Villain that stood but now at the Bar. The pretended Infirmary of his Body made him remove out of Court, but the Infirmary of his depraved Mind, the Blackness of his Soul, the Baseness of his Actions ought to be look'd upon with such Horror and Detestation, as to think him unworthy any longer to tread upon the Face of God's Earth. You'll pardon my warmth, I hope; for it is impossible that such things should come before any honest Man, and not have some extraordinary Influence upon him.

Gentlemen, As to the Merits of the Cause, you have the positive Proof of many Witnesses, whose

Testimony I shall by and by, as well as I can, repeat to you; but, pray you, first give me leave to observe somewhat, as to some Points that have been started at the Bar, as, Whether a Papist can be a Witness? Now, suppose all these Persons that come here to testify this Matter against the Defendant, were Papists, as they are not, except you can take it upon your Oaths and Consciences, that all these Men are guilty of voluntary and wilful Perjury, you must find the Defendant guilty.

As to their Difference in Religion, which *Oates* so much hung upon, I must tell you, every Papist or *Roman* Catholick, call them how you will, except the contrary be made appear by a legal Exception, I mean such as would take off the Testimony of one that were not a Papist, is as good a Witness in a Court of Justice, as any Protestant whatsoever: we are not come here to controvert Points of Religion, but to try a bare Matter of Fact; so that all that stuff that you have heard here this day from the Defendant, and those Insinuations that he made about their Religion, on purpose to cast dirt and filth upon all the Testimony that they have brought against him, must signify nothing with you at all. If in case such Doctrine happen to prevail as he has this day preached, then it is in the power of any Villain to swear any mischief whatsoever against a *Roman* Catholick, and that *Roman* Catholick has no way to vindicate himself, nor to make the Truth appear. We have no such Exceptions to Witnesses in our Law; every Man, till it is made to appear, that his Credit is forfeited, may and ought to be received as a Witness to give Testimony in any Cause: so that all that matter is of no import at all.

And, Gentlemen, I am the rather minded to hint this unto you, because he has insinuated something out of the Trials of *Grove* and *Pickering*, and *Ireland*, which was in *December*, in the Year 1677, at which Trial *Whitebread* and *Fenwick*, who had pleaded to the same Indictment, were brought on to Trial; but because there was but one Witness against them, the Court discharged them for that time, and they came not again to Trial till the Month of *June* or *July* thereafter, when they were convicted and executed. Now between that time of *Ireland's* Trial, and the time when *Whitebread* and the rest came on to Trial again, says *Oates*, they had sufficient time to have brought all their Witnesses from *St. Omers*, to testify this business of my being there, having notice by the former Trial, what Evidence was against them: but all the Witnesses they did bring, which were about fifteen or sixteen, were not sufficient to countervail the Testimony that *Oates* gave of his being here in Town; and thereupon they were convicted, condemned, and afterwards (I am sorry to say it) executed.

This is the Objection he makes, but at the same time I must repeat what I said before, when such a dismal Story as this was told, when he had the confidence to relate it before, in the Houses of Parliament, and there obtained Credit; no wonder if, in that hurry, all of that Persuasion were look'd upon with an evil Eye; and the Conviction of those that were at that time accused were too easy.

We must remember the Apprehensions some were under of our Religion being to be subverted, our Government to be destroyed, our King to be murdered, our Throats to be cut by the Papists, to that height, that this very Fellow, *Oates*, was so much credited, that all other People almost were below him, and greater Respect shewn to him,



than to the Branches of the Royal Family. Nay, it was come to that degree of Folly, to give it no worse Name, that in publick Societies, to the Reproach and Infamy of them be it spoken, this profligate Villain was carested, was drunk to, and saluted, by the Name of the *Saviour of the Nation*. O prodigious Madnes! That such a Title as that was, should ever be given to such a prostitute Monster of Impiety, as this is!

Good God, whether were we running, when many easy People were so strangely wrought upon by this Impostor, and when the villanous and black Designs of some evil Instruments amongst us, could prevail so far, as to deceive almost a whole Nation into the Belief of so horrid a Falshood; even at the same time that a hidden Treason too deeply contriv'd was carried on amongst us? But, God be thanked, was not too lately discovered. The Conspirators had a fair Game of it, whilst this Fellow was believed, and they needed no other means to accomplish their Design: But when he was found false, and the pretended Plot had lost its Credit in the World, what is their next Step? Why, then they enter into that black and bloody Conspiracy, from which it hath pleased God lately to deliver us.

I speak this the rather, because I know there are in my Eye several Persons, whose Fears of Popery made them give credit to such Villains as these before: but when it pleased God to open their Eyes, and the false Mist vanish'd, they found a real Conspiracy against the Persons of that Blessed King, lately dead, and of our Gracious Sovereign, now living, carried on under the pretence of that false, but so much credited Discovery; and now God be thanked, all our Eyes are open. And I hope, as we are secured from what we so vainly dreaded, so we shall not be afraid to have Villany detected, and the greatest Mark of Infamy that can be put upon it.

Yes, Gentlemen, there was a Consult, and there was a Conspiracy against the Life of our King, our Government, and our Religion: Not a Consult at the *White-Horse* in the *Strand*, but a Cabal and Association of perfidious Rebels and Traitors, who had a mind to embroil us in Blood and Confusion; but, God be thanked, it had not its desired Effect. The same sort of Villains were Parties in this Conspiracy, that had too great a hand in the late great Rebellion, which we to this day feel the smart of, and they had a mind to make use of the like Instruments, as they did before, to bring us into the like Misery, as we were before involv'd in.

And is it not a prodigious thing, to have such Actions as these to-day defended in a Court of Justice, with that Impudence and Unconcernedness, as tho' he would challenge even God Almighty to punish his Wickedness, and blasphemously blesses God, that he has liv'd to do such wonderful Service to the Protestant Religion; and is so obstinate, in his Villany, as to declare he would venture his Blood for the Confirmation of so impious a Falshood: and indeed, to speak the truth, he makes no great Venture in it; for when he had pawn'd his immortal Soul, by so perjur'd a Testimony, he may very easily proffer the venturing of his vile Carcass to maintain it?

Gentlemen, Having thus said, (and I could not forbear saying of it) give me leave to put you in mind of what lies before you now to be tried. First, this Indictment takes notice, that there was an Indictment taken before the Commissioners of Oyer and Terminer, and Goal-delivery at *Hicks's-Hall*,

of High-Treason against *Whitebread*, *Fenwick*, *Ireland*, *Pickering*, and *Grove*, and that Indictment and the whole Record is proved to you by *Swift*. For I must tell you as I go along, what Proofs there are all of the Particulars, and you, upon consideration of all that is alledged, are to be Judges what is sufficient Proof to convict the Defendant of the Crime that is laid to him; which is wilful and corrupt Perjury. The Indictment, Gentlemen, sets forth the Oath that *Oates* did make at *Ireland's* Trial, and then avers it to be false: For the Oath that he did take, that stands thus, That he did swear he was present at a Consult, held at the *White-Horse* Tavern in the *Strand*, the 24th of *April* 1678. That he did swear, that it was there resolved to murder the late King: How that that Resolution was carried by him from Chamber to Chamber, that is, to *Whitebread's* and *Fenwick's*, and *Ireland's* Chambers, and saw them sign this Resolution there: And the Assignment of the Perjury, is, that he was not present at any Consult, 'tis not that there was not any such Consult, tho' it appears by the Evidence that there was none such, but that he was not present at any Consult at all held there at that time.

Now, that he did make such an Oath, is proved by a worthy Gentleman, Mr. *Foster*; a Gentleman known to you all that live in the City of *London*; and he did truly make that Remark in the beginning of his Testimony, that any honest Man in his place would have done, that he was one of those unfortunate Men, that tried Mr. *Ireland*; for tho' a Man do go according to his Conscience, as to be sure there is no question to be made of it, but all these Jury-men did in finding that Verdict; yet when I come to find, that the Evidence upon which I convicted those Men, is detected to be false, and that upon my Verdict the Persons were executed; tho' no Guilt of their Blood is really contracted by me, yet I cannot but think my self unfortunate, that I was, tho' innocently, an Instrument of their Death; and there is never an one of you, but would have thought your selves unfortunate, if you had convicted Men upon such a Testimony, which tho' you believed then, yet afterwards you should have reason to conclude was false. And yet *Oates* would have you think, that because they believed him when he was a Villain, and not known to be so, you must believe him, notwithstanding his Villany is now discovered; for that is all the Argument this learned Doctor has a mind to impose upon you by.

Gentlemen, Mr. Solicitor has been very particular, in giving an Account of the whole Evidence, and then it comes to this, which is the natural Question in the Case; Whether upon the Testimonies that have been given to you, there does remain so much as a Doubt, what Verdict you ought to give; for I confess, were it a thing in the least doubtful, Matters of Perjury are so nice and tender, that we and you ought to be cautious how you convict People for Perjury in doubtful Matters; but if it be a thing without doubt, and plainly evident, that there was a Verdict thereupon, it adds to the Guilt, because the Justice of the Nation is imposed upon; the God of Heaven deliver every honest Man's Soul and Conscience from such Guilt. For my part, I would not for the Universe have the least Guilt of innocent Blood lie upon me.

Then, Gentlemen, to prove what *Oates* swore is not true, you have no less than twenty-two Witnesses, that swear directly he was not here in *London* the



the 24th of *April* 1678. But it may be that it is not such a positive Testimony as the Law requires to prove a Perjury: but then to swear directly that he was in another place at that time, is a positive Contradiction to his Evidence; and this has been testified by the Oaths of twenty-two Persons, against the Credit of whose Testimony there is no Objection at all really made, but only Impudence; and that Shadow of an Objection, they are all Papists, and I am a Protestant: and truly a wonderful Credit it is, I must needs say, for the Protestant Religion to have such a learned and pious Supporter, as Mr. *Oates*, to be of that Persuasion; but it is certain there was a *Judas* amongst the twelve Apostles, and there are Rascals of all Persuasions. And truly I take it makes never the more for his Advantage, nor the Honour of our Church, that he is pleased to call himself by that Name, which he, and such as he, have brought into some Scandal and Reproach, by setting themselves up, as the great Pillars of it; but we know Dr. *Oates* has been very liberal to himself, he has given himself Baptism, and given himself the Doctor's Degree, and now he gives himself the Title of the Reforming Protestant, Mr. *Oates*. We have Protestant Shoe-makers, and Protestant Joiners, and Protestant Atheists, and all sorts of true Protestant Rascals; but it becomes us and you to assert the Honour of our Religion, by disowning any Fellowship with such Villains, or their Actions.

Gentlemen, the Method that was taken, gives you an exact account in point of time, as to this whole Business. First, says Mr. *Hillsley*, I left him, in time the 23d of *April* New Stile, at *St. Omers*, and I am sure I saw him there then, which is the 13th Old Stile; the 24th of *April* New Stile, which is the 14th Old Stile, I came from *St. Omers*, I did not see him there that Morning, but I myself came to *Calais*, it being Sunday, and I staid there till Sunday in the Afternoon, and all Night. I came on Monday in the Afternoon to take water at *Calais*, and from thence went to *Dover*. And from thence the next Day I went towards *London*; but I staid four or five Days by the way before I came to *London*; but then there is this Circumstance that you must take along with you, Gentlemen, that at this time, one Mr. *Burnaby* was coming from *London*, and going to *St. Omers*, and met with Mr. *Hillsley* in his way towards *London*: says *Hillsley*, I came afterwards to Town, and that was upon the Monday following, which happens to be the 21st or 22d of *April*, our Stile; but this I do remember very particularly, which makes his Testimony to be true, and not dressed up for this occasion; says he, I told one *Osbourne* at that time, that we had a pretty Fellow at *St. Omers*, that went sometimes by the Name of *Lucy*, and sometimes by the Name of *Oates*, a Minister of the Church of *England*; and there he comes and gives an account of his ridiculous childish Actions, and what a remarkable Fellow he was; and this, says he, I told to *Osbourne*.

Now, to make this good, you have one Mr. *Dorrel*, who tells you there happened a Discourse, where he was present, between his Mother and Mr. *Osbourne*, about Religion; and amongst other things *Osbourne* did say, Mr. *Hillsley* had told him he left *Oates* at *St. Omers* when he came away from thence; and Mr. *Osbourne*, he comes and says, I remember I did tell Mr. *Dorrel* and his Mother, at that time that Mr. *Hillsley* did tell me this Story: so that here are these two Witnesses which support Mr. *Hillsley*

in that Circumstance of the time of his coming away, and his Relation of *Oates* being left behind him, and that this was related about the 21st or 22d of *April*.

*Burnaby* is the next Person that was produced, and he swears he met *Hillsley* by *Sittingburn*; and he happens to set out for *St. Omers* the 18th of *April*, our Stile, and to come thither to *St. Omers* the 21st; and he swears positively, that he was there the 21st, 22d, 23d, and was there the 25th Day of *April*, our Stile; and he does positively affirm, that all those Days he saw *Oates* there at *St. Omers*; that *Oates* intruded into his Company at his first coming; and that he and all the other Scholars wondered at the Confidence of the Man; and he particularly remembers that he was with him at a publick Entertainment that was there the 25th: and if so, then it is impossible that what *Oates* has sworn of his being at the Consult the 24th of *April*, our Stile, can be true. And except you can imagine Mr. *Oates* to fly from *St. Omers* the 24th Day in the Morning, and be at the Consult and back again at Night, which is more than he would have believed, because he swears the contrary, you must conclude that what he swore was false.

The next Witness is Mr. *Pool*, and he comes and says, he was there at *St. Omers*, and he came over from thence the 25th of *April*, and that was the Day after *Oates* swears the Consult of the Plot to be here; and all the rest of the Witnesses do directly swear, That at the time that *Pool* went from thence, *Oates* was there: so that the Testimony of *Pool* is fully and positively confirmed; and *Pool* gives you a reason why he came over, which was the Death of a Brother of his, and upon a Prospect of an Estate he came into *England*, which likewise is a reasonable Circumstance why he should remember the time, because he had such Inducement to come over hither.

The next, Gentlemen, is one *Thornton*, and he comes to the Month of *May*, to the 1st and 2d of *May* their Stile, which was the 21st and 22d of *April*, our Stile; and particularly he is sure *Oates* was there upon the 22d of *April*, Our Stile, that is, the 2d of *May*, their Stile. For, says he, there was an Action or Play of the Scholars; and I can tell you how I remember *Oates* was there, *Oates* had a mind to have a place to see the Play, which he had no Pretence or Title to; and he had a Scuffle with somebody about it; and therefore I remember by that Token, that he was there at that time.

Now, Gentlemen, it is not easy to be imagined, that six or seven Men should agree in their Testimony in all those Circumstances, which in themselves are but minute; yet when offered as Reasons to induce Men's Remembrance, must be allowed as good Reasons; and yet this is to be thought but a made Story. If Sir *Richard Barker's* Coach-man, and Mrs. *Mayo* had had any such Circumstances to support their Testimony, they would have had much more Credit.

Then there is one *Conway*; and it is very observable what he speaks of; for he was there all the while that they say *Oates* was there, and he gives you an account that he saw him with *Burnaby* the first time he came over, and agrees with *Burnaby* in this, that he wonder'd much at his Confidence and did think that he was very well known to him before: He swears *Oates* came in thither about the beginning of *December* 77, and he was not absent, says he and several more, any one Night, except in *January* once at *Watton*, till he went away in  
June



June 78. Nay, they are so precise in their Memory for very good Reasons, because they are so regular in their Societies, and keep a strict Order, each has his fixed Place in the Refectory, where all the *Socii* or the Members of the College do meet; and because this Fellow was an old Fellow, older than the rest, and likewise was a Dunce, therefore he was set at the Dunce-Table in every body's View, because he was a Blockhead, and too old to keep company with the Boys: so that though perhaps one of those young Fellows in a mixt Society may escape the View, and be absent without being missed, yet remarkable Mr. *Oates* is not so easily forgotten, that us'd to sit by himself. And as that noble Lord, my Lord *Gerrard* of *Bromley* says, he has a particular Face, and a particular Tone; and there was more reason to remark him than any other, both upon the account of his Person and of his Actions: so that I must needs say indeed, it is not a downright and positive Swearing, but their Testimony is given with deliberation and recollection of such particular Circumstances, as may reasonably induce any unprejudic'd Person to give credit to it.

The next Witness, Gentlemen, is *Haggerstone*, whose Evidence is wonderful particular, and very material as to the Circumstances that accompany it. For you are to observe, that in these Colleges some are of the Sodality, and some are not; and some are of such and such Classes or Forms, and others of other. Now this Gentleman and Mr. *Oates* were of the same Form, and he does particularly remember that he was setting up for a Preacher, as he has an excellent knack that way; and he tells you, how ridiculous he made the late King in a Sermon; that he halted between two Opinions, and there ran a Stream of *Poper*y between his Legs; and such like precious Suff he vented. And to fix it to be about the same time that is now in question, he says, he particularly remembers it was when he was Reader, when Mr. *Oates* was, it seems, the Buffoon to the Society, or, as I may call him, the Jack-pudding to the College, that us'd to make them Sport, and was guilty of so many ridiculous Things, that they could not but put particular Remarks upon him.

Next, I take notice, that this Person says, there were two Persons, *Williams* and *Marsh*, that were qualified to give Suffrages in the Congregation, that is, they were past eighteen Years standing, and did go over: For that there was a Consult, is not denied, nor that it was in *London*, nor that it was upon the 24th of *April*; but they say, it was a Triennial Meeting, which they us'd to have once in three Years for the choice of some Officers to manage the Affairs of the Society; as for the choice of a Provincial, and other Persons that they were to send upon their Errands, in order to the support of their Society: so that under the Colour and Countenance of what was in itself ordinary and usual, and that happened to be at that time, *Oates*, who had heard somewhat of it, and that it was the 24th of *April*, and that such and such were to be there, he upon that Hear-say, as should seem at *St. Omers*, does feign and contrive this pretended Conspiracy.

The next is one *Becson*; and it is very material too that he swears: For besides what he testifies, That from the time of his coming, which was in *December* 77, he was not absent till the 23d of *June*, when he went away; and for the Time in question, he very well remembers his being

there, by this Circumstance: Says he, I was chosen to be Reader of the Sodality in the Month of *March*, but then *Oates* comes and gets the Office out of my Hands; but still with me there was that Benefit reserved, that if he should at any time fail of reading there upon a *Sunday* or a Holy-day, I was then to have read, and to have supplied his Place. Says he, I was there from *March*, till the time *Oates* went away in *June*; and *Oates* read there that very *Sunday* before the time in *June* that he went away. And I am sure I heard him read every time; and in case he had not read every time; I must have read in his absence: But I did not read at all during that time.

Now, Gentlemen, when a Man is to succeed or to supply the Absence of another in an Office that is peculiar as to the Charge incumbent upon the Officer, and considerable as to the Profit of it, that must needs make an impression upon the Mind, and give a Man a more exact remembrance of the Thing; and therefore I recommend it particularly to your Observation.

The next is one Mr. *Smith*, and he says, he saw *Oates* there all the time: And as to one part of it, when he himself was in the Infirmary, *Oates* went to visit him every two or three Days; nay, and about such a time in *May*, says he, which was about the beginning of *May*, *Oates* being then in the Infirmary, not well, the Doctor and he had a pretty Dialogue together, and *Oates* spoke false *Latin* to the Doctor, for he said, *Si placeat Dominatio vestra*, in the beginning of his Complement: This he did particularly say was the Expression that this excellent Scholar us'd to the Physician at his first application to him, and all the whole College took notice of that Piece of his Learning.

The next is one *Pricc*, and he tells you, he was there all the time that the others speak of; he remembers him very well, and particularly says, I am sure *Oates* was there the 11th of *May* N. S. which will be the first of *May* O. S. because, says he, I know he was soundly beaten that day, upon a quarrel that he had there. This particularly he speaks to, besides his remembrance of the other Circumstances in concurrence with the former Witnesses.

Mr. *Doddington* swears the same, and Mr. *Gerrard* also swears the same, with that other particular Circumstance that Mr. *Solicitor* repeated to you, which was of *Oates*'s being there upon the Day of Confirmation, the 26th of *May* N. S. the 16th of *May* O. S. and he is sure of it, because he was confirmed along with him, and therefore it is impossible he should forget it: And my Lord *Gerrard*, who was next, gives this reason upon his remembrance of all the fore-mentioned Particulars, that he always took special notice of the Man for his canting Tone, his Physiognomy, and remarkable Behaviour.

Then there is Mr. *Morgan*, who is no *Papist*, but a Minister of the Church of *England*; now Mr. *Oates* was angry with all the rest, because they were *Catholicks*; but what has he to say to Mr. *Morgan*, who is a *Protestant*? Why the truth is, there are none of them to be believed, because they swear against him, and really he ought to be permitted to give that reason, or it is like to go very hard with him; for if in case you believe but a third part of the Testimony that has been given, it is enough to do his Work.



But what says Mr. *Morgan*? Truly he comes up to the 24th of *April* particularly, and he tells you how he remembers it; and the first occasion he had to look into it was, they being all surprized at *St. Omers* at what *Oates* had sworn, and Mr. *Morgan* recollecting with himself, did remember that very Day he was playing at Ball within the College, and happened to tols his Ball over the Wall into the Garden, and not being able to recover it any other way, he spied *Oates* walking and looking into his Book, and therefore he desired him to lend him his Key, and by the help of that, he went in and fetched his Ball; and this was the very Day that *Oates* swore he was here.

Mr. *Arundel* says the same: The two *Turberviles* say the same; and one of them is positive to have seen him there, either the 24th or 25th, or 23d and 24th of *April* O. S. which is the 3d and 4th, or 4th and 5th of *May* N. S. and if it were either of these Days, it cannot be possible he should be here at the Consult.

The next is Mr. *Clavering*, and I cannot but particularly take notice of what he has sworn: He says Mr. *Oates* was there all the time that the rest speak of; but it seems particularly about the time of the Congregation in *London*: There comes in a Stranger that was poor, and this Gentleman, Mr. *Clavering*, made a Collection for him: and it was talked of in the College as the reason why he had not Success in his Collection, because the Fathers were gone to the Congregation. Nay, and yet farther says he, I do remember particularly that Mr. *Williams* and Mr. *Marsh* did go over to the Congregation, but *Oates* did not; for I do remember when *Williams* and *Marsh* came back again, I had some Discourse with Mr. *Oates*, about the Congregation: He came to me, and desired to know of me what account I was able to give of the Matter of that Meeting after the Consult was over. Now had Mr. *Oates* been there, and been a Person of that great Trust that he had sworn himself into, he needed not sure have asked Mr. *Clavering* at *St. Omers*, what the Business of the Consult was at *London*, where he himself had been, but the other had not.

There is, besides Mr. *Copley*, another Witness, Mr. *Cooke*, that speaks particularly of the 30th of *April*, that he was sure *Oates* was there then, because of the Procession, and because he walked by himself in it; and *Wright* the last Witness gives a general Account, but speaks to no particular time.

And now, Gentlemen, after all this Evidence, *viva voce*, you must give me leave to hint *Testimonium Rei*, an improbable Oath was that which *Oates* owns he made, if it be considered in all its Parts. Can any Man believe that fifty Persons should meet together in a Tavern in *London*, and these fifty Persons should come to a Resolution to kill the King and subvert the Government, and alter the Religion; and that this Consultation being drawn up in the Tavern (for so he swears it was) they should sever themselves into lesser Clubs and Companies, and take care that none should sign when they were altogether and among themselves, but must have it carried up and down from one Man's Chamber to another, and find no body to trust with this Affair, that, if discovered, must subject them to present Destruction, and ruin their whole Party, but only Mr. *Oates*, who was none of their own Order, nor does appear to be of such Credit

amongst them? Can you believe any Men should be so void of Sense and Reason, that of fifty together, and those reputed as subtle as any sort of Men whatsoever, there should not be one Man of common Understanding, that should take care for a more rational Management of so great and hazardous an Undertaking? When they were met together, and might have dispatched it in a quarter of an Hour, they should separate themselves into several Parts of the Town, and trust a Resolution of that nature in Mr. *Oates*'s Pocket, in whom if they had had more Confidence than they seem to have, yet it was folly and madness to give him that Opportunity of destroying all of them, and making himself. Were there no other Evidence but the very Testimony of the thing, it would go a very great way with me, I confess; but I must say withal, you are Judges of this Fact, upon a superadded Testimony of Twenty-two Witnesses, *viva voce*; I think it leaves the thing without any doubt.

Gentlemen, the Answer given by the Defendant to this Charge is very fallacious; and tho' he puts such a Countenance upon it, as though his Witnesses were such Persons of Credit, that nothing could be objected against them, yet he is certainly very much mistaken in that: He has produced but two positive Witnesses, and those two, as positive as they are in their Proof, are likewise positive in their Contradictions of one another, and what they have said is left to your Consideration.

The one is a Coachman, the other was Sir *Richard Barker*'s House-keeper; they indeed do say, Sir *Richard Barker*'s Wife's Sister, and his Nephew, and his Daughter, and his Nieces, and a worshipful Knight, and I know not who, that the old Woman tells me are gone into my Country, were all there at the same time, and no body comes to testify it, but only this Coachman and this old Woman: These, Gentlemen, are things fit to be thought of.

But now let us consider how they agree in their Evidence. Says the Woman, I saw him not till the beginning of *May*; but I am sure he was there before once or twice. And how does she know that? Because the Coachman told her so; and he came there several times, but he did dine there but once; and when he came there the first time she saw him, he came in such a Disguise, and he had a short Perriwig, and a kind of short white Coat, and a white Hat; but when the Coachman comes to swear, he tells you the first time he saw him, the Woman saw him too, that he had his own Hair, and cut close to his Ears, that made him look, as the young Fellow told her, like a Quaker. And when I asked the Coachman, Are you sure that *Benjamin* the young Fellow did see him the first time you saw him there? He told me, No; but he was sure the old Woman did look out of the Window and see him, which she denies. I then asked him how often he dined there? He tells you several times, and there were such and such, and the old Woman did see him dine there several times; which she denies that she ever saw him dine there above once. And I take notice of one of the Evidence, the Coachman, he gives but an odd sort of Reason for his remembrance: In *February*, says he, my Lady died, and my Master was sick at *Putney*, and *Oates* came into the Yard while I was cleaning my Coach; and I am sure it was when the Coat



of Arms hung over the Door, because he ask'd me about my Lady's Death, and therefore it must be in *May*; when, for ought does appear to the contrary, it might be in any other Month after the Escutcheon was up; and in the other Circumstances there is no Certainty at all: So that it is plain, these Witnesses swear according as their Humour leads them, and not according to any Remembrance they have of the thing.

And I rather believe it, because the third Witness, that is *Page* the Apothecary, that used to make up Sir *Richard Barker's* Medicines, gives an Evidence contrary to both those; he cannot remember the Year positively or particularly: but I'll tell you how he thwarts and contradicts the other Peoples Testimony; for he remembers he came in such a Disguise, but he believes no body spoke to him but himself, because he found him walking in the Place, that was for the common Reception of the Patients, and he asked for Dr. *Tongue*, and he not being within, he went away very discontented: And so now these three Witnesses seem to contradict one another; and the last Witness *Walker*, who is the Parson, he says nothing to the Matter; for it does plainly appear, the Time which he speaks of, which was about a Year and a half before he was called to testify at the five Jesuits Trial, must be in the Year 77, and not in the Year 78, which is the Question here, which must be before he went first to *St. Omers*.

Gentlemen, the other Part of Mr. *Oates's* Defence has been upon this Topick: Says he, I have been believed heretofore, the Parliaments have given me Credit; and to prove it, he has called several noble Lords and Persons of Quality. The first was my Lord of *Devonshire*, who says he cannot remember any Particulars of his Evidence, 'tis so long since; but he remembers the Parliament, upon the Evidence given of the Plot, did make such Votes as we do all know of. And there were a great many People that gave credit to his Testimony, who, God be thanked, are of another Opinion now. And my Lord of *Clare* says, he was not in the House of Lords at the beginning of the Discovery, and cannot remember any thing in particular. But my Lord of *Huntingdon* was a little more particular; and Mr. *Oates* began to be angry with him, because he spoke so much: Says he, I remember Mr. *Oates* was examin'd in the House of Lords, and was believed there, because they did believe he spoke Truth at that time; but now, upon Consideration of the Contradictions and Falsities of his Evidence, I cannot but say, I do believe him, says he, to be a great Villain, and that he has been guilty of spilling innocent Blood. And this noble Lord speaks with great Honour and Consideration: And truly, I believe, if every Man that is here were to speak his Mind, my Lord has delivered the Opinions of us all, and many Thousands more in the Nation.

Mr. *Oates* call'd next my Lord Chief Baron, my Brother *Gregory*, my Lord of *London*, Sir *George Treby*, Mr. *Williams*, and my Brother *Dolben*. But they all tell you, they are able to give no particular Answers to his Questions; and this was the Sum of his Evidence.

To this Mr. *Attorney-General* has given a Reply of Evidence, that truly is of very great moment. First, here is produced Sir *George Wakeman*, whom *Oates* accused of High-Treason, and he suffered his Trial and was acquitted; so that as well as the Jury had given Credit to him in the former

Verdicts, so says Mr. *Attorney*, I must speak likewise for the Credit of that Verdict that did disbelieve him, because though he did swear as roundly and briskly up to the matter as he had done before, yet when he had not the Hurry and Surprise of his Discovery to support him, his Villany was detected, and the Innocent acquitted. And besides the Record of the Acquittal, here is the Person himself who is now under no dread or danger, having stood his Trial and being acquitted; and he takes it upon his Oath, and in the Presence of the great God, and the Searcher of Hearts, that whatsoever *Oates* swore against him at his Trial, was every Tittle of it false: And this Acquittal of his, being after great and mature Consideration, is an Evidence of another-guise Quality, than the Verdicts of the other Convictions.

Next to him, is my Lord *Castlemain*, a Person of very great Honour; and he gives an account he was arraigned of High-Treason at this Bar, and upon his Trial *Oates* was produced as a Witness against him, and there he swore he met with my Lord *Castlemain* in *Lincolns-Inn-fields*, and great familiarity there was between them, so that my Lord could not trust him in a less Affair than the Plot; and away he goes with him to *Fenwick's* Chamber, there to talk about a Design of killing the late King; Mr. *Oates*, of all Mankind must be the great Repository of this Secret. But the Jury then being Persons of great Understanding and Integrity, did not believe *Oates*, but acquitted my Lord *Castlemain*. And he does here take it upon his Oath, back'd with all the Imprecations of Evil to himself that a Man can use, that there was not one Word of Truth in *Oates's* Testimony; nor did he ever see *Oates* in his life, till such time as he was taken up upon his Accusation. Now are here two Persons of Honour and Quality, that upon their Oaths do particularly give you an Account, as in the Presence of Almighty God, that *Oates* has twice forsworn himself against them.

Gentlemen, there is notice to be taken of the Journal of the House of Lords; and though it is true for the sake of the Precedent, and to secure the Justice of the Nation, we did keep them strictly to their Proof, that it was upon Oath. And as to the Business of *Smith*, though we do believe the Thing in our private Judgments, yet we thought it not fit to be permitted, that Persons should upon their own Oaths confess themselves to be guilty of Perjury, and afterwards give Evidence against others; for such are not to have the Countenance of ever being Witnesses again: Yet by the Records of Parliament, and other Evidence, there is enough to make the matter aimed at clear.

For it is clear by his Narrative, that *Oates* did first swear, as far as he could well swear, to bring him into the Displeasure of the People: For that was his way to intimidate all he had to do with, and thereby force them to comply with his Designs. And there was no more plausible Accusation at that time, than to accuse a Man for saying somewhat against the Parliament, or being in a Conjunction to subvert the Protestant Religion. But you see when he comes to have his own Turn served, then this Man upon whom he had fixed such an odious Character, is really no Papist at all, but engaged in Service for his King and Country, and has Mr. *Oates's* Passport, a Thing of great advantage to him at that Season. This the King's Counsel made use of with great reason, as an Evidence of tampering: For the Man has altered his Opinion of one  
he



he has before accused, and now brings him as an honest Men to give Evidence for him. And this, say they, must be intended to be done by Practice and by Threats.

And the rather, Gentlemen, for that you have an Account by Witnesses sworn, that there was one *Clay* a Popish Priest, that lay in Prison at the *Gate-house*, and while he was there, *Oates* and Sir *William Waller* came into the Prison to him, and tampering with him, says *Oates*, I hear there are some *St. Omers* Boys that intend to testify that I was at *St. Omers*, when I say I was at *London*; but you must swear, that you dined with me at Mr. *Howard's* in *May* 1678; or if you will not, you know I know you to be a Priest, and I'll hang you. Says *Clay*, where is my Silver and Gold that was taken away from me? And we all know Sir *William Waller* was wonderful good at the fingering of Gold; he us'd to take away broad Pieces as Popish Reliques, because of the Crosses upon them. Says *Clay*, Give me my Gold again, I will swear for you; I have been a Rogue before, and I may be a Rogue again. And accordingly a Contract is made for him to swear directly that *Oates* and he were together at Mr. *Howard's* House in *May* 78. This very Fellow that tells you now the Story, told it the next Morning to another Man, who has likewise sworn the same. Then is *Clay* conveyed by *Oates* to the *Old-Bailey*, and there swears, being thus threaten'd and suborn'd, that in *May* 1678, he and Mr. *Oates* dined together at Mr. *Howard's* House, and you have Mr. *Howard* produc'd, who does swear that *Clay* did swear so; but indeed he was not there with Mr. *Oates* at Dinner till *July* after.

This, Gentlemen, is direct Corruption and Subornation; and if a Man will be a corrupt Knave, and endeavour to suborn Witnesses to swear that which is false, he is the more likely to swear false himself. Besides that, you are to take notice, here is his own Narrative produced, where you have it sworn by himself, that he went back to *St. Omers* about the beginning of *May*, and was there all the Month of *May*, and in *June* till the latter end of it. Then all this while, either Mr. *Oates*, or his Witnesses, are perjured in the Case: He says, he staid but three or four Days in *England* after the Consult was over, and then went streight back again to *St. Omers*. Which must be the first Week in *May*; but if you believe his two Witnesses, he din'd with them several times after that: And so it is apparent, some of them are guilty of gross and foul Perjury.

Now, Gentlemen, I cannot but resort back to the Objection that I made at first. 'Tis strange to me, that a Man that came upon such a Design, should go publickly about the Streets at Noon-day, though in a Disguise, yet he was known. But if

you take the Persons Time to be in the Year 1677, then it is easily reconciled what they did say of their seeing him in such a Disguise; and so all their Testimony may stand together, and perhaps they may mistake in a Point of Time, though not in the Substance of their Evidence: and I would out of Charity conclude it to be so.

But I will say, if they are to be taken strictly to the Year 1678, it is monstrous to imagine, that we should have no body brought to let us know where he lodged, where he eat, with whom he convers'd, for all that time.

Gentlemen, I have detained you the longer in this Matter, because I take it to be of so great Weight, wherein the Justice and Honour of the Nation are so much engag'd, and it was therefore fit this Cause should be tried in the most solemn and publick manner, in order to vindicate the Nation from the Reproach and Calumny of Injustice and Oppression. And sure I am, if you think these Witnesses swear true, as I cannot see any colour of Objection, there does not remain the least doubt, but that *Oates* is the blackest, and most perjur'd Villain that ever appear'd upon the face of the Earth.

*Cl. of Cr.* Tipstaff, you must take care of the Jury.

*L. C. J.* Gentlemen, if any of you have a mind to drink at the Bar, before you go, you shall have some got for you.

*Jury.* No, my Lord, we do not care for drinking.

*L. C. J.* Then we will stay for you.

*Then the Jury withdrew to consider of their Verdict, and after about a quarter of an Hour's stay, they returned and delivered their Verdict: That the Defendant was guilty of the Perjury whereof he was indicted. Which being Recorded, the Lord Chief Justice spoke to the Jury, to this effect.*

*L. C. J.* Gentlemen, that we are not, God be thanked, in those Times of Disorder and Confusion that we have been heretofore in, to have Humming or Hissings to declare the Auditors Approbation or Dislike of Juries Verdicts. But because there has been this Day mention made of the Opinions of Judges about Verdicts, I shall take the liberty to declare my Mind to you now, That for my part, I am satisfied in my Conscience, you have given a good and a just Verdict; and so I believe is very other Judge upon the Bench.

*To which the rest of the Judges assented; and then the Court arose.*





*A Second Trial of TITUS OATES D. D. at the King's-Bench,  
for Perjury, May 9. 1685. Paschæ I Jac. II.*



HIS Day being appointed for the Trial of the other of the Causes between our Sovereign Lord the King, and *Titus Oates*, for Perjury; the same began about Nine in the Morning, and proceeded after this manner.

First, Proclamation was made for Silence: Then the Defendant was called; who, appearing in Person, was advised to look to his Challenges: but he challenged none; only he desired, that they might be all ask'd, Whether they were of the Grand Jury that found the Bill? which was done. And all denying it, the Twelve sworn were these:

<p>Sir <i>Thomas Vernon</i> Kt. <i>Nicholas Charlton</i> Esq; <i>Thomas Langham</i> Esq; <i>Thomas Hartop</i>, <i>Francis Griffith</i>, <i>John Kent</i>,</p>	}	Jur.	<p><i>George Toriano</i>, <i>Henry Loades</i>, <i>John Midgley</i>, <i>John Pelling</i>, <i>Thomas Short</i>, and <i>George Peck</i>.</p>
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*Cl. of Cr.* Gentlemen, you that are sworn, hearken to the Record.

*Memorandum*, That by a certain Inquisition for our Sovereign Lord the King, at the *Guild-Hall* of the City of *London*, and within the same City, on *Tuesday* the 28th of *October*, in the 36th Year of the Reign of our late Sovereign Lord *Charles II.* by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. before Sir *Henry Tulse*, Knight, Mayor of the City of *London*; Sir *William Turner*, Knight; and Sir *James Edwards*, Knight, Aldermen of the said City; Sir *Thomas Jenner*, Knight, one of his Majesty's Serjeants at Law, and Recorder of the same City; Sir *Robert Jefferies*, Knight; and Sir *John Peake*, Knight, other Aldermen of the said City; and others their Companions, Justices of our said Lord the King; by his Majesty's Letters-Patents under the Great Seal of *England*, to enquire of several Offences in the said Letters-Patents contain'd, and to hear and determine the same, according to the Laws and Customs of this Kingdom, by the Oaths of twelve Jurors, honest and lawful Men of the City of *London* aforesaid, who then and there being sworn, and charged to enquire for our said Sovereign Lord the King, and the Body of the said City, upon their Oaths, present:

That at a certain Session of our said Lord the King, holden for the County of *Middlesex* at *Hicks's-Hall* in *St. John-street*, in the County aforesaid, on *Monday* (to wit) the 16th. Day of *December*, in the Year of the Reign of our said late Sovereign Lord, *Charles II.* by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. the 30th, before Sir *Reginald Foster*, Baronet; Sir *Philip Matthews*, Baronet; Sir *William Bowles*, Knight; Sir *Charles Pitfield*, Knight; *Thomas Robinson*, *Humphrey Wyrley*, *Thomas Harriot*, and *William Hempson*, Esquires, Justices of our said

Lord the King; to enquire by the Oaths of honest and lawful Men, of the County of *Middlesex* aforesaid; and by other ways, manners, and means, whereby they might, or could better know, as well within Liberties as without; by whom the Truth of the matter might be better known and enquired of, concerning all Treasons and Misprisions of Treasons, Insurrections, Rebellions, Counterfeitings, Clippings, Washings, False-making, and other Falsifying of the Moneys of this Kingdom of *England*; and of any other Kingdoms and Dominions whatsoever; and of all Murthers, Felonies, Manslaughters, Killings, Burglaries, and other Articles and Offences in the Letters-Patents of our said Lord the King, to them, or any four or more of them, thereupon directed, specified; as also the Accessaries of the same, within the County aforesaid, as well within Liberties as without, by whomsoever, howsoever had, made, done, or committed, and to hear and determine the same Treasons, and other the Premises, according to the Law and Custom of this Kingdom of *England*, assigned by the Oaths of *Ralph Wain*, *John Vaughan*, *Richard Foster*, *Thomas Paget*, *Robert Newington*, *Henry Tompkins*, *Robert Hayes*, *John Greenwood*, *Peter Stinyeson*, *Josiah Richard Richman*, *Augustine Bear*, *John King*, *Nathaniel Brit*, *Francis Fisher*, *Edward Forster*, and *Samuel Lynn*; honest and lawful Men of the County aforesaid, sworn, and charged to enquire for our said Lord the King, and the Body of the County aforesaid, upon their Oaths; it was presented, That *Thomas White* otherwise *Whitebread*, late of the Parish of *St. Giles in the Fields*, in the County of *Middlesex*, Clerk; *William Ireland*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Fenwick*, late of the same Parish and County, Clerk; *Thomas Pickering*, late of the Parish aforesaid, in the County aforesaid, Clerk; and *John Grove*, late of the Parish aforesaid, in the County aforesaid, Gentleman; as false Traitors against the most Illustrious, and most Serene, and Excellent Prince, our said late Sovereign Lord *Charles II.* by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. their supreme and natural Lord; not having the Fear of the Lord in their Hearts, nor weighing the Duty of their 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 Lord the King, towards him our said Lord the King, should, and of right ought to bear, utterly withdrawing and contriving, and, with all their might, intending the Peace and common Tranquillity of this Kingdom of *England*, to disturb; and the true Worship of God, within this Kingdom of *England* used, and by Law established, to subvert; and Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure; and the cordial Love, and true and due Obedience, which true and faithful



ful Subjects of our said Lord the King, towards him the said Lord the King, should, and of right ought to bear, utterly to withdraw, put out, and extinguish; and our said Sovereign Lord the King, to Death and final Destruction to bring and put, the 24th of *April*, in the 30th Year of the Reign of our said late Sovereign Lord *Charles II.* at the Parish of *St. Giles in the Fields* aforesaid, in the County of *Middlesex* aforesaid; falsely, maliciously, subtilly, advisedly, and traitorously, did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure, and a miserable Slaughter amongst the Subjects of our said Sovereign Lord the King, to procure and cause; and our said Lord the King, from the Regal State, Title, Power, and Government of his Kingdom of *England*, wholly to deprive, depose, cast down, and disinherit: and him our said Lord the King, to Death and final Destruction to bring and put; and the Government of the said Kingdom, and the sincere Religion of God, in the same Kingdom, rightly and by the Laws of the same Kingdom established, at their Will and Pleasure to change and alter; and the State of this whole Kingdom of *England*, through all its parts well instituted and ordained, wholly to subvert and destroy, and War against our said Lord the King, within this Kingdom of *England* to levy.

And to compleat and perfect the same their most wicked Treasons, and traitorous Imaginations and Purposes aforesaid; they, the aforesaid *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and other false Traitors, to the Jurors unknown, the aforesaid 24th Day of *April*, in the 30th Year aforesaid, with Force and Arms, &c. at the Parish of *St. Giles in the Fields* aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, subtilly, advisedly, devilishly and traitorously did assemble themselves, unite, and congregate; and then and there falsely, maliciously, subtilly, advisedly, devilishly and traitorously did consult and agree, our said Sovereign Lord the King to Death and final Destruction to bring and put, and the Religion within this Kingdom of *England*, rightly and by the Laws of the same Kingdom established, to the Superstition of the *Romish* Church, to change and alter. And the sooner to compleat and perfect the same their most wicked Treasons and traitorous Imaginations and Purposes aforesaid, the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and other false Traitors of our said late Lord the King, to the Jurors unknown; afterwards (to wit) the same 24th Day of *April*, in the 30th Year aforesaid, at the aforesaid Parish of *St. Giles in the Fields*, in the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devilishly, and traitorously, between themselves did conclude and agree, that they the said *Thomas Pickering* and *John Grove*, him our said late Lord the King should kill and murder; and that they, the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, and others, false Traitors, to the Jurors unknown, a certain number of Masses, between them then and there agreed, for the Health of the Soul of him the said *Thomas Pickering*, therefore should say, celebrate, and perform; and therefore should pay unto the said *John Grove* a certain Sum of Money between them then and there agreed.

And the Jurors aforesaid, upon their Oaths aforesaid, did further present, That the said *Thomas Pickering* and *John Grove*, upon the Agreement aforesaid, then and there falsely, subtilly, advisedly, maliciously, devilishly and traitorously did take upon themselves, and to the same *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, and other false Traitors against our said Lord the King, to the Jurors aforesaid unknown, then and there falsely, subtilly, advisedly, maliciously, devilishly and traitorously did promise, that they the said *Thomas Pickering* and *John Grove*, him our said late Lord the King would kill and murder: And that they, the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, *John Grove*, and other false Traitors against our said Lord the King, unknown, afterwards (to wit) the same 24th Day of *April*, in the 30th Year aforesaid, at the aforesaid Parish of *St. Giles in the Fields*, in the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devilishly and traitorously did give their Faith each to other, and upon the Sacrament then and there traitorously did swear and promise to conceal, and not to divulge their said most wicked Treasons and traitorous Compassings, Consultations, and Purposes so between them had, him our said late Lord the King traitorously to kill and murder, and the *Romish* Religion within this Kingdom of *England* to be used, to introduce, and the true reformed Religion within this Kingdom of *England*, rightly and by the Laws of the said Kingdom established, to alter and change. And that the said *Thomas Pickering* and *John Grove*, in Execution of the traitorous Agreement aforesaid, afterwards (to wit) the same 24th Day of *April*, in the 30th Year aforesaid, and divers Days and Times after, at the aforesaid Parish of *St. Giles in the Fields*, in the County aforesaid, Muskets, Pistols, Swords, Daggers, and other offensive and cruel Weapons, him the said late Lord the King to kill and murder, falsely, subtilly, advisedly, maliciously, devilishly and traitorously did prepare and obtain, had and kept for themselves; and that they the said *Thomas Pickering* and *John Grove*, afterwards (to wit) the same 24th Day of *April*, in the 30th Year aforesaid, and divers Days and Times after, with Force and Arms, &c. at the Parish aforesaid, in the County of *Middlesex* aforesaid, and in other Places within the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devilishly and traitorously did lie in wait; and endeavour our said late Lord the King traitorously to kill and murder; and that the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, and other false Traitors to the Jurors aforesaid unknown, afterwards (to wit) the same 24th Day of *April*, in the 30th Year aforesaid, at the Parish aforesaid, in the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously and traitorously did prepare, persuade, excite, abet, comfort and counsel four other Persons to the Jurors unknown, and Subjects of our said Lord the King, him our said late Lord the King traitorously to kill and murder, against the Duty of their Allegiance, against the Peace of our said Lord the King his Crown and Dignity, and against the Form of the Statute in such Case made and provided; and thereupon it was so far proceeded, that afterwards, at the Court of Goal-Delivery of our said Lord the King, at *Newgate*, at *Justice-Hall* in the *Old-Bailey* in the Suburbs of the City of *London*, in the Parishi



of *St. Sepulchre*, in the Ward of *Faringdon without*, *London*, the 17th Day of *December*, in the 30th Year aforesaid, before the Justices of the said Lord the King, of the same Goal-delivery, then and there held by Adjournment, of the County of *Middlesex* aforesaid, came the said *William Ireland*, *Thomas Pickering* and *John Grove*, under the Custody of *Sir Richard How* Knight, and *Sir John Chapman* Knight, Sheriff of the County of *Middlesex* aforesaid; into whose Custody, for the Cause aforesaid, they were before committed: Being brought to the Bar there, in their proper Persons, and presently being severally asked concerning the Premises above-charged upon them, how they would acquit themselves; the aforesaid *William Ireland*, *Thomas Pickering* and *John Grove* did severally say, *That they were not thereof guilty*; and for the same, for good and bad, they did severally put themselves upon the Country; and by a certain Jury of the Country, in that behalf duly impannell'd, sworn and charged then and there in the same Court, before the Justices of Goal-delivery aforesaid, were tried: And that upon that Trial, between our said late Lord the King, and the said *William Ireland*, *Thomas Pickering* and *John Grove* at *London* aforesaid; to wit, at the *Justice Hall* in the *Old-Bailey* aforesaid, in the Parish of *St. Sepulchre*, in the Ward of *Faringdon without*, *London*, aforesaid; the Defendant (*Titus Oates*) late of the Parish of *St. Sepulchre* aforesaid, in the Ward aforesaid, Clerk, was produced as a Witness, on the part of the said late Lord the King, upon the Trial aforesaid; and before the said Justices of Goal-delivery, in the Court aforesaid, then and there held, upon the *Holy Gospels of God*, was duly sworn to speak and testify the Truth, the whole Truth, and nothing but the Truth, of and in the Premises between our said Lord the King, and the said *William Ireland*, *Thomas Pickering* and *John Grove*. And that the said *Titus Oates* then and there, in the Court of Goal-delivery aforesaid, upon his Oath aforesaid, upon the Indictment aforesaid, at the Parish and Ward aforesaid, by his own proper Act and Consent of his most wicked Mind, falsely, voluntarily and corruptly, did say, depose, swear, and give in Evidence to the Jurors of the Jury aforesaid, then and there sworn and impannell'd to try the Issue aforesaid between our said late Lord the King, and the said *William Ireland*, *Thomas Pickering* and *John Grove*; That the said *William Ireland*, in the Indictment aforesaid mentioned, was in Town (within the Cities of *London* and *Westminster*, or the places adjacent to the said Cities, meaning) upon the 1st or 2d Day of *September*, in the Year 1678. Whereas in truth and in deed the said *William Ireland*, in the Indictment aforesaid mentioned, was not in Town, nor within the Cities of *London* or *Westminster*, or the places adjacent to the same Cities, or either of them, upon the 1st or 2d Day of *September*, in the Year 1678. And so the aforesaid *Titus Oates*, the aforesaid 17th Day of *December*, in the 30th Year aforesaid, at the *Justice-Hall* aforesaid, in the Court aforesaid, upon the Trial aforesaid, upon the Indictment aforesaid, between our late Lord the King, and the aforesaid *William Ireland*, *Thomas Pickering* and *John Grove*, so as aforesaid had, by his own Act and Consent, and of his most wicked Mind, falsely, voluntarily and corruptly, in Manner and Form aforesaid, did commit voluntary and corrupt Perjury.

And the Jurors aforesaid, last sworn to enquire for our said Lord the King, and the Body of the

City of *London* aforesaid, upon their Oaths aforesaid, do further present, That at another Session of our said late Lord the King, held for the County of *Middlesex*, at *Hicks's-Hall* in *St. Johns-street*, in the County aforesaid, on *Thursday* (to wit) the 12th Day of *June*, in the 31st Year of our said late Lord King *Charles II.* before *Sir Philip Matthews* Baronet, *Sir Thomas Orby* Knight and Baronet, *Sir William Pultney* Knight, *Sir William Bowles* Knight, *Thomas Robinson*, *Thomas Harriot*, Esquires, and others their Companions, by Letters Patents of our said late Lord the King, to the same Justices aforesaid, and others, and to any four or more of them, under the Great Seal of our said late Lord the King made, to enquire, by the Oaths of good and lawful Men of the County of *Middlesex* aforesaid, and by all other ways, manners and means, by which they might or could better know, as well within Liberties as without; by whom the Truth of the Matter might be best known and enquired, of all Treasons, Misprisions of Treasons, Insurrections, Rebellions, Counterfeitings, Clippings, Washings, False-making, and other Falsifyings of the Money of this Kingdom of *England*, and of other Kingdoms and Dominions whatsoever; and of all Murders, Felonies, Man-slaughters, Killings, Burglaries, Rapes, Meetings and unlawful Conventicles; Speakings of Words, Combinations, Misprisions, Confederacies, false Allegations, Trespases, Riots, Routs, Retainers, Escapes, Contempts, Oppressions; and of other Articles and Offences in the same Letters Patents of our said Lord the King, specified: As also, the Accessaries of the same, within the County aforesaid, as well within Liberties as without, by whomsoever and howsoever had, done, perpetrated or committed; and of other Articles and Circumstances concerning the Premises howsoever; and the same Treasons, and other the Premises, to hear and determine according to the Law and Custom of this Kingdom of *England*; being assigned by the Oaths of *Henry Asburst* Esq; *Edward Gavel*, *John Radford*, *John Warral*, *William Hanmar*, *Robert Pritchard*, *John Tredder*, *Gilbert Urewcyn*, *David Collix*, *Abraham Harrison*, *Charles Morgan*, *Philip Trebearn*, *John Collier*, *Robert Whiterod*, *William Webb*, *Thomas Edwards* and *Abraham Tillent*, honest and lawful Men in the County aforesaid, sworn and charged to enquire for our said Lord the King, and the Body of the County aforesaid; upon their Oaths it was presented, That *Thomas White*, late of the Parish of *St. Giles* in the *Fields*, in the County of *Middlesex*, Clerk, otherwise called *Thomas Whitebread*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Fenwick*, late of the Parish aforesaid, in the County aforesaid, Clerk; *William Harcourt*, late of the Parish aforesaid, in the County aforesaid, Clerk, otherwise called *William Harrison*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Gaven*, late of the Parish aforesaid, in the County aforesaid, Clerk; and *James Corker*, late of the Parish aforesaid, in the County aforesaid, Clerk; as false Traitors against the most Illustrious, most Serene and Excellent Prince, our late Sovereign Lord King *Charles II.* by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. their Supreme and Natural Lord; not having the Fear of God in their Hearts, nor weighing the Duty of their Allegiance; but being moved, and seduced by the Instigation of the Devil, the Cordial Love, the true, due, and natural Obedience, which true and faith-



ful Subjects of our said Lord the King, towards him our said Lord the King, should, and of right ought to bear; wholly withdrawing, and contriving, and with all their Might intending the Peace and common Tranquillity of this Kingdom of *England* to disturb; and the true *Worship of God* within this Kingdom of *England* used, and by Law established, to overthrow; and the Government of this Kingdom of *England* to subvert, and Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure; and the cordial Love, and true and due Obedience, which true and faithful Subjects of our Lord the King, towards him the said Lord the King, should, and of right ought to bear, utterly to withdraw, put out, and extinguish; and our said late Lord the King to Death and final Destruction to bring, and put; the 24<sup>th</sup> Day of *April*, in the 30<sup>th</sup> Year of the Reign of our said late Lord King *Charles II. &c.* at the Parish of *St. Giles in the Fields*, and the County of *Middlesex* aforesaid, with divers other false Traitors against our said late Lord the King, to the Jurors aforesaid unknown, falsely, subtilly, advisedly, maliciously and traitorously did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure, and a miserable Slaughter among the Subjects of our said Lord the King to procure, and cause; and our said late Lord the King, from the Regal State, Title, Power and Government of his Kingdom of *England*, utterly to deprive, depose, cast down, and disinherit; and him our said late Lord the King to Death, and final Destruction to bring, and put; and the Government of the same Kingdom, and the sincere Religion of God in the same Kingdom, rightly and by the Laws of the said Kingdom established, at their Will and Pleasure to change and alter; and the State of this whole Kingdom of *England*, through all its Parts well instituted and ordered, wholly to subvert, and destroy; and War against our late Lord the King, within this Kingdom of *England*, to levy: And to perfect and compleat the same, their most wicked Treasons and traitorous Imaginations, and Purposes, they the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, and *James Corker*, and other false Traitors to the Jurors aforesaid unknown, the aforesaid 24<sup>th</sup> Day of *April*, in the 30<sup>th</sup> Year aforesaid, with Force and Arms aforesaid, at the Parish of *St. Giles in the Fields* aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, subtilly, advisedly, devilishly and traitorously did assemble, unite and gather themselves together; and then and there falsely, maliciously, subtilly, advisedly, devilishly and traitorously did consult, consent and agree our said late Lord the King, to Death and final Destruction to bring and put, and the Religion within this Kingdom of *England*, rightly and by the Laws of the same Kingdom established to change and alter, to the Superstition of the Church of *Rome*, and the Government of this Kingdom of *England* to subvert; and that one *Thomas Pickering*, and one *John Grove*, him our said late Lord the King should kill and murder: And that they the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, *James Corker*, and other false Traitors against our said late Lord the King, to the Jurors unknown, a certain number of Masses, between them, then and there agreed upon, for the Health of the Soul of him the said *Thomas*

*Pickering*, therefore should say, celebrate and perform; and therefore should pay upon the said *John Grove*, a certain sum of Money, between them then and there agreed upon. And that the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *John Gaven*, *Anthony Turner*, *William Harcourt* otherwise *Harrison*, and other false Traitors against our said late Lord the King, to the Jurors unknown, in the further Prosecution of the Treasons and Traitorous Consultations and Agreements aforesaid, afterwards (to wit) the said 24<sup>th</sup> Day of *April*, in the 30<sup>th</sup> Year aforesaid, at the aforesaid Parish of *St. Giles in the Fields*, in the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devilishly, and traitorously, did severally give their Faith each to other; and upon the Sacrament, then and there traitorously did swear and promise to conceal, and not to divulge their said most wicked Treasons and traitorous Compassings, Consultations and Purposes aforesaid, so between them had, him the said late Lord the King traitorously to kill and murder, and to introduce the *Romish* Religion, to be used within this Kingdom of *England*; and the Religion within this Kingdom of *England*, rightly and by the Laws of this Kingdom established, to alter and change; and that the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, *James Corker*, and other false Traitors to the Jurors aforesaid unknown, in further Prosecution of the Treasons and traitorous Intentions and Agreements aforesaid, afterwards (to wit) the said 24<sup>th</sup> Day of *April*, in the 30<sup>th</sup> Year aforesaid, at the Parish aforesaid, in the County aforesaid, falsely, subtilly, advisedly, maliciously, devilishly and traitorously, did prepare, persuade, excite, abet, comfort and counsel four other Persons to the Jurors unknown, and Subjects of our said late Lord the King, him our said late Lord the King traitorously to kill and murder, against the Duty of their Allegiance, and against the Peace of our said late Lord the King, his Crown and Dignity; and against the Form of the Statute in that Case made and provided. Whereupon, it was commanded the Sheriff of the County aforesaid, that he should not omit, &c. but should take them to answer, &c.

Which Indictment the said Justices of our Lord the King, afterwards (to wit) at the Goal-delivery of our said Lord the King, of *Newgate*, holden by Adjournment for the County of *Middlesex*, at *Justice-Hall* in the *Old-Bailey*, in the Suburbs of the City of *London*, on *Friday* (to wit) the 13<sup>th</sup> Day of *June*, in the 31<sup>st</sup> Year aforesaid, before Sir *James Edwards* Knight, Mayor of the City of *London*; Sir *William Scroggs* Knight, Lord Chief Justice of his Majesty's Court of *Kings-Bench*; Sir *Francis North* Knight, Lord Chief Justice of his Majesty's Court of *Common-Pleas*; Sir *Thomas Allen* Knight and Baronet, one of the Aldermen of the said City of *London*; Sir *George Jefferies* Knight, Recorder of the said City of *London*; and other their Companions, Justices of our said Lord the King, assigned to deliver his Goal of *Newgate* of the Prisoners in the same being, by their own proper Hands did deliver there, in the Court of Record, in form of Law to be determined: And thereupon, at the said Goal-delivery of our Lord the King, of *Newgate*, holden by the Adjournment aforesaid, for the County aforesaid, at *Justice-Hall* aforesaid, the said *Friday* the 13<sup>th</sup> of *June*, in the 31<sup>st</sup> Year aforesaid, before the aforesaid Justices of our said late Lord the King last named, came the said *Thomas*

*White*



*White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, and *Anthony Turner*; under the Custody of *Sir Richard How*, Knight, and *Sir John Chapman* Knight, Sheriff of the County aforesaid; into whose Custody, for the Cause aforesaid, they were before that time committed; being brought to the Bar there, in their proper Persons; who were committed to the aforesaid Sheriff, &c. And immediately being severally demanded concerning the Premises aforesaid, in the Indictment aforesaid specified, charg'd upon them as above, how they would thereof acquit themselves; the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, did severally say, that they were *not* thereof Guilty: And thereupon, for good and bad, did severally put themselves upon the Country. And thereupon, upon the Indictment aforesaid last recited, at the Session of our Lord the King, at the *Justice-Hall* in the *Old-Bailey*, it was so far proceeded, that the Issue aforesaid between our said late Lord the King, and the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, afterwards (to wit) the aforesaid *Friday* the 13th Day of *June*, in the 31st Year aforesaid, at *Justice-Hall* aforesaid, by a certain Jury of the Country in that behalf duly impannell'd, sworn and charged, was tried; and that upon the Trial of the Issue aforesaid last mentioned, between our said late Lord the King, and the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, at *London* aforesaid, (to wit) at the *Justice-Hall* in the *Old-Bailey* aforesaid, in the Parish of *St. Sepulchre* in the Ward of *Faringdon* without *London*, aforesaid the said Defendant, *Titus Oates*, was also a Witness produced on behalf of our said late Lord the King, upon the Trial aforesaid, upon the Indictment last aforesaid: And he, the aforesaid *Titus Oates*, then and there at the Session last aforesaid, at the *Justice-Hall* aforesaid, in the Court of the same Session (to wit) at the Parish and Ward aforesaid, was duly sworn upon the *Holy Gospels of God*, to speak and testify the Truth, the whole Truth, and nothing but the Truth of, and in the Premises, in the Issue aforesaid last mentioned, so as aforesaid joined between our said late Lord the King, and the said *Thomas White* otherwise *Whitebread* *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*. And that the said *Titus Oates* then and there, at the Session aforesaid last mentioned, in the *Justice-Hall* aforesaid, in the Court of the same Session, upon his Oath aforesaid, upon the Indictment last aforesaid, by his own proper Act and Consent, of his most wicked Mind, falsely, voluntarily, and corruptly did say, depose, swear, and give in Evidence to the Jurors of the Jury aforesaid last mentioned, so as aforesaid sworn and impannell'd to try the Issue aforesaid between our said late Lord the King, and the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, and *Anthony Turner*; That *William Ireland* (one *William Ireland*, then before convicted and executed for High-Treason against our late Lord the King, meaning) took his leave of him the said *Titus Oates* and others, at the Chamber of the said *William Ireland*, then being in *Russel-street* (a certain Street called *Russel-street*, lying within the City of *Westminster*, in the County of *Middlesex*, meaning) between the 8th and 12th

Day of *August*, in the Year of our Lord 1678. Whereas, in truth and in deed, the said *William Ireland* did not take his Leave of the said *Titus Oates*, or any other Persons whatsoever, at the Chamber of the said *William Ireland*, then being in *Russel-street* aforesaid, between the said 8th and 12th Days of *August*, in the Year of our Lord 1678. And so the said *Titus Oates*, upon the said *Friday* the 13th Day of *June*, in the 31st Year aforesaid, at the Session last aforesaid, at the *Justice-Hall* aforesaid, in the Court of the same Session, upon the Indictment last aforesaid, so put in Issue, and tried as aforesaid, between our said late Lord the King, and the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, by his own proper Act and Consent, and of his most wicked Mind, falsely, voluntarily, and corruptly, in manner and form aforesaid, did commit voluntary and corrupt Perjury, to the great Displeasure of Almighty God, in manifest contempt of the Laws of this Kingdom of *England*, to the evil and pernicious Example of all others in the like Case offending, and against the Peace of our Sovereign Lord the King, his Crown and Dignity. Upon this Indictment he has been arraigned; and thereunto hath pleaded, *Not Guilty*: And for his Trial, hath put himself upon the Country, and his Majesty's *Attorney-General* likewise; which Country you are, Your Charge is, to enquire, whether the Defendant, *Titus Oates*, be Guilty of the Perjury he stands indicted, or *Not Guilty*. If you find him Guilty, you are to say so: If you find him *Not Guilty*, you are to say so, and no more: And hear your Evidence.

L. C. J. Look ye, Mr. *Attorney*, my Lord Chief Justice *Jones* has sent to know, whether you have any thing to do with him to-day, here?

Sir *George Jeffries*.

Mr. *At. Gen.* Not at all, that I know of.

Sir *Robert Sawyer*.

L. C. J. Mr. *Oates*, do you intend to make use of my Lord Chief Justice *Jones*, or any of the Judges of the *Common-Pleas*, as Witnesses?

*Oates*. Yesterday, my Lord, I did call for them, to have made use of them, as Witnesses?

L. C. J. But have you any thing to say to them to-day?

*Oates*. I cannot tell, as yet.

L. C. J. Then my Lord Chief Justice *Jones* must be told, that he does not know, whether he shall, or not. Go on, Sir *Samuel Astry*.

*Then Proclamation was made for Information, and Evidence was made in usual manner.*

Mr. *Phipps*. May it please your Lordship, and you, Gentlemen of the Jury, this is an Indictment against *Titus Oates*, Clerk, for Perjury: And this Indictment sets forth, that *William Ireland*, *Thomas Pickering*, and *John Grove*, in the 30th Year of the late King, were indicted of High-Treason, and tried at the *Old-Bailey*; and at that Trial, the Defendant, *Titus Oates*, was produced a Witness for the King; and being sworn to tell the Truth, the whole Truth, and nothing but the Truth, did falsely, voluntarily, and corruptly, depose, and swear, and give in Evidence to the Jury that did try that Cause, that the said *William Ireland* was in Town (within the Cities of *London* and *Westminster*, or the Places adjacent, meaning) upon



upon the first or second Day of *September*, in the Year 1678. Whereas, in truth, the said *William Ireland* was not in Town, nor within the Cities of *London* and *Westminster*, or the Places adjacent, upon the first or second Day of *September*, in the Year 1678. And so the said *Titus Oates* hath committed wilful and corrupt Perjury. And the Indictment further sets forth, that upon the 13th Day of *June*, in the 31st Year of the late King, *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, were indicted and tried at the *Old-Bailey* for Treason, and at that Trial, the said *Titus Oates* was a Witness produced on the part of the King: And being sworn to testify the Truth, the whole Truth, and nothing but the Truth, by his own Act and Consent, of his own most wicked Mind, falsely, voluntarily and corruptly did depose, and swear, and give in Evidence to the Jury, that *William Ireland* (one *William Ireland*, before that time convicted and executed for High-Treason, meaning) did take his leave of him the said *Titus Oates*, at his the said *William Ireland's* Chamber, then being in *Russel-street*, between the 8th and 12th Day of *August*, in the Year of our Lord 1678. Whereas, in truth, the said *William Ireland* did not take his leave of him the said *Titus Oates*, or of any other Persons whatsoever, at his the said *William Ireland's* Chamber, then being in *Russel-street* aforesaid, between the said 8th and 12th Day of *August*, in the Year of our Lord 1678. And so the said *Titus Oates* did then and there commit wilful and corrupt Perjury. And this is laid to be to the great Displeasure of *Almighty God*, in contempt of the Laws of this Land, to the evil and pernicious Example of all others in the like Case offending, and against the King's Peace, Crown and Dignity. To this he has pleaded, *Not Guilty*. If we prove it, we do not question, but you will find him *Guilty*.

Mr. *At. Gen.* May it please your Lordship, and you Gentlemen of the Jury; Mr. *Oates* stands indicted for having perjured himself: The Instances Gentlemen, that we charge him with, are these: First, what he swore at the Trial of *Ireland*; and we say, that at that Trial he did swear *Ireland* was in Town the 1st or 2d of *September*, 1678. The second Instance is, what he swore at the Trial of the five Jesuits; and there we say, he did swear, that *Ireland* was in Town between the 8th and 12th of *August*, and that he took his leave of him here in Town at his Chamber in *Russel-street*; and we do charge him by this Indictment, that he has forsworn himself in both Instances: And that *Ireland*, Gentlemen, was neither in Town between the 8th and 12th of *August*, nor the 1st or 2d of *September*. And we shall make it out very evidently: For, Gentlemen, as to the Proof in this Case, our Case stands thus: we say, that the 3d of *August*, 1678, *Ireland* went into *Hertsfordshire*, to a House of my Lord *Aston's*, and from thence went into *Staffordshire*. I will not stand to open the Particulars, where he was every Day; but we shall give you an Account, in a Method very easy to be remembered and observed, where he was till the 14th of *September*. But one remarkable Instance, Gentlemen, I desire to take particular notice of; and that is the Time of *Pancras-Fair*, which is upon the 2d of *September* always, a known Day, and a known Place in that Country. Now we have among the rest, many Witnesses to prove, that Mr. *Ireland* was there that Day, and not in Town. And when

we have proved this, as we shall by a whole Cloud of Witnesses, I believe, you Gentlemen of this Jury, will no more doubt, that Mr. *Oates* is forsworn in these Particulars, than the Jury yesterday did in that Particular; nor than, I believe, the whole Kingdom does by this time.

Mr. *Sol. Gen.* My Lord, we shall go to our Evidence; and first, we produce the Records of the two Trials of *Ireland*, and the five Jesuits. Swear Mr. *Swift*. [*Which was done*. Pray, Sir; put in the Records. Are those true Copies?

Mr. *Swift*. My Lord, I examined these Records with the Originals, and they are true Copies.

Mr. *At. Gen.* Mr. *Oates*, will you have them read? Or to save the time of the Court, will you agree them?

*Oates*. My Lord, I consent to save the time of the Court; if they shall be made use of for Evidence for me.

*L. C. J.* No doubt, they are Evidence for you as well as against you, when they are produced here.

Mr. *Sol. Gen.* If Mr. *Oates* does admit the Records, then shall we go on, and prove what he did swear at those Trials; and for the first part of the time, which is between the 8th and 12th of *August*, we desire that Mr. *Thomas Harriot*, and Mr. *Rainsford Waterhouse* may be sworn. [*Which was done*.

Mr. *At. Gen.* Mr. *Harriot*, pray do you remember at the Trial of the five Jesuits, was Mr. *Oates* produced and sworn as a Witness?

Mr. *Harriot*. Yes, he was, my Lord.

Mr. *At. Gen.* Do you remember what Testimony he gave about *Ireland's* being in Town, and when it was, he said, he was in Town?

Mr. *Harriot*. My Lord, he did positively swear, that Mr. *Ireland*, the late Jesuit, did take his leave of him the said *Oates* and others, at the said *Ireland's* Chamber in *Russel-street*, betwixt the 8th and 12th of *August*, 1678.

Mr. *Sol. Gen.* Were you of the Jury that tried the five Jesuits, Mr. *Harriot*?

Mr. *Harriot*. Yes, I was Foreman of that Jury.

Mr. *Sol. Gen.* What say you, Mr. *Waterhouse*? Were you present at that Trial?

Mr. *Waterhouse*. Yes, I was of the Jury too.

Mr. *Sol. Gen.* What did *Oates* swear at that Trial?

Mr. *Waterhouse*. He said, that Mr. *Ireland* took his leave of him the 12th of *August*. My Lord Chief Justice *Scroggs* then asked him, are you sure it was the 12th? And then he said, he would not be positive it was the 12th, but between the 8th and 12th it was, I am positive upon my Oath.

Mr. *At. Gen.* It is so in the Print too; but we will now go on.

*L. C. J.* But will the Defendant ask these Witnesses any Questions.

*Oates*. My Lord, if your Lordship please, I will ask Mr. *Harriot* a Question.

*L. C. J.* Ay, do ask him what you will.

*Oates*. Mr. *Harriot*, did I swear, that he took his leave of me, or I took my leave of him?

Mr. *Harriot*. You swore, that *Ireland* took his leave of you and others, between the 8th and 12th of *August*, 1678; between those two Days, and in that Year.

Mr. *Just Withins*. It is a nice Question, that of your's, Mr. *Oates*, upon my Word.

*Oates*. My Lord, I know what reason I have to ask that Question; I am sure in Perjury, the Court ought to keep up the Witnesses strictly to what is said in the Indictment.



L. C. J. Well, you have his Answer according to the Indictment.

Oates. Pray, my Lord, be pleased to ask Mr. Harriot this Question, whether he took Notes of the Trial?

Mr. Harriot. Yes, I did so, Sir.

Oates. My Lord I desire to know of Mr. Harriot whether he has those Notes by him?

Mr. Harriot. No, Sir, I have them not here; but I have had them by me this four or five Years, or more. It was my manner in all the Trials, wherein I was concerned as a Jury-Man, to read the Trials strictly over, when they were printed, especially where I happened to have any Notes, that I took at the Trial; and to compare the printed Trial with my Notes: and where I found any thing doubtful, I used to put a Query upon it. And this and many other things, I found to be in the printed Trial strictly according to my Notes.

Oates. My Lord, I desire to know, what Trial he was Foreman at?

Mr. Harriot. That of the five Jesuits, in June; the 13th of June, 1679.

L. C. J. Have you any thing to ask Mr. Waterhouse?

Oates. Yes, my Lord. Pray, Sir, let me ask you a Question.

Mr. Waterhouse. Ay, if you please, Sir.

Oates. Did you take Notes of that Trial you speak of, Sir?

Mr. Waterhouse. No, I did not.

Oates. How come you then to remember this, that I was so positive as to the time betwixt the 8th and 12th of August?

Mr. Waterhouse. Because I was one of the Jury; and because my Lord Chief Justice made a stop, when you said, 'twas the 12th of August, and bad you consider: And you consider'd, and consider'd it; and did affirm positively, that it was between the 8th and 12th of August.

L. C. J. He gives you a plain Reason for his Remembrance.

Oates. My Lord, I have done with him.

Mr. Sol. Gen. Then we desire Mr. Foster may be sworn. [Which was done.] Mr. Foster, Pray will you tell what you remember Mr. Oates swore at Mr. Ireland's Trial, about Ireland's being in Town?

Mr. Foster. I was one of the Jury at the Trial of Mr. Ireland, Mr. Pickering, and Mr. Grove; and I did see Mr. Oates sworn, as a Witness for the King, at that Trial; and so was Mr. Bedloe: And Bedloe there gave Evidence, that there was a Meeting at Harcourt's Chamber; and Ireland, Grove, and Pickering were there: And that this was the latter End of August. Mr. Ireland did make his Defence, as much as he could, to prove, that he was not in Town from the Beginning of August, to the Middle of September; and brought divers Witnesses. But upon his denying to be here the latter End of August, Mr. Oates did come and swear: *I am certain (says he) that the first or second of September, he was in Town; for then I had of him Twenty Shillings.*

Oates. Was I positive, that he was here in Town the 1st or 2d of September?

Mr. Foster. You were positive, Sir, to the 1st or 2d; I have it in my Notes in Writing.

L. C. J. He tells you, it is in his Notes: And therefore he's sure you said so.

Mr. At. Gen. In the printed Copy, if it be right, there is mention made of the Word *Positive*.

L. C. J. I think, that is in August, between the 8th or 12th he was positive.

Oates. Did I say these Words, *I was positive*?

Mr. Waterhouse. I say you affirmed that he was in Town the 1st or 2d of September.

L. C. J. It is not necessary, that you should use the Word *Positive*: The Question is, whether it was positively affirmed?

Mr. Just. Withins. Was not that true that you said? Did not you affirm a positive Truth?

Oates. My Lord, I'll tell you the Reason why I ask the Question, because I have forgot my self, whether I us'd the Word or no; and therefore I ask for my own Information now.

L. C. J. Well, ask for what Reason you will, you have receiv'd an Answer to your Question; and upon my Word he gives a notable Evidence: Says he, *Bedloe* had sworn a treasonable Practice by Ireland, in the latter end of August. Then Ireland comes, and make his Defence: Says he, *That cannot be; for I was out of Town at that time: I was not in London all August, nor the beginning of September.* Then come you in, to support the Testimony of *Bedloe*; and swear, that he was in Town the 1st or 2d of September; for then he gave you twenty Shillings. And so you come to rivet the Matter that was sworn before by *Bedloe*.

Oates. My Lord, what I swore was Truth.

L. C. J. That is now to be tried.

Mr. At. Gen. We have another of the Jury here, Mr. *John Byfield*: Pray, swear him.

[Which was done.]

Mr. Sol. Gen. Well, Sir, what did you hear Oates swear at that Trial?

Mr. Byfield. I heard the same that they have testified before.

L. C. J. But you must tell us what that was.

Mr. Sol. Gen. Were you a Jury-man at that Trial?

Mr. Byfield. Yes, I had a Summons to the *Old-Bailly*—

L. C. J. But what did Oates swear? That's the Question.

Mr. Byfield. Mr. Oates did positively assert, that Ireland was here in Town the 1st or 2d of September; and to confirm it, he said, he receiv'd of him twenty Shillings.

Mr. At. Gen. Now, my Lord, we shall go to our Evidence to prove, that all this is absolutely false: For Ireland went out of Town into *Staffordshire*, and did not return till after the 9th of September. And for this, we call *Anne Ireland*.

[Who was sworn.]

Mr. Sol. Gen. Mrs. Ireland, pray where did you take your leave of your Brother Mr. Ireland, who was executed, in Summer 1678, and when?

Mrs. A. Ireland. I took my leave of him the beginning of August.

Mr. Sol. Gen. What Day in August, do you remember?

Mrs. A. Ireland. The 3d of August.

Mr. Sol. Gen. Where was it?

Mrs. A. Ireland. In my own Lodging.

L. C. J. Where was your Lodging?

Mrs. A. Ireland. In *Russel-street, Covent-Garden*.

L. C. J. Now tell us again the time when it was?

Mrs. A. Ireland. It was on Saturday Morning, as I remember, the 3d of August, the Saturday after *St. Ignatius's Day*.

L. C. J. How come you to remember so particularly, that it was then?



Mrs. *A. Ireland*. Because upon *St. Ignatius's Day*, we were invited to Mr. *Gifford's* at *Hammersmith*; my Brother, my Mother, and I, were invited to stay all Night: But my Brother refused to stay, because—

*L. C. J.* Which Brother? What was his Name?

Mrs. *A. Ireland*. *William Ireland*.

*L. C. J.* Did they stay there?

Mrs. *A. Ireland*. No, my Lord, my Brother came home on foot, but we staid all Night.

Mr. *At. Gen.* Here is an Almanack of that Year: And the 3d of *August* was on a *Saturday*.

Mrs. *A. Ireland*. He said he could not stay, because he was to go into the Country upon *Saturday*. I ask'd him, *Why he would set out on Saturday?* And says he, *I'll go to Standen, there I shall meet with my Lord Aston, and his Family; and have an Opportunity to go with him into Staffordshire.*

*L. C. J.* She says, he went out of Town on *Saturday* after *St. Ignatius's Day*; which was *Saturday* the 3d of *August*. But there being a Discourse between her and her Brother, why he should make choice of a *Saturday*; which she thought, it seems, was an inconvenient Day to take a Journey on: And upon that, her Brother made answer again, That that Night he would only go to *Standen*, to my Lord *Aston's* House, where he should meet with Company to go along with him into *Staffordshire*.

Mr. *At. Gen.* What Day of the Week was *St. Ignatius's Day*?

Mrs. *A. Ireland*. *St. Ignatius's Day* was on *Wednesday*.

*L. C. J.* What Day of the Month is *St. Ignatius's Day*?

Mrs. *A. Ireland*. It is either the last Day of *July*, or the 1st of *August*.

*L. C. J.* Look on your Almanack, if you have any one of that Year, Mr. Attorney.

Mr. *At. Gen.* We have no such Saint in our Almanack.

Mrs. *A. Ireland*. It was, as near as I can remember, the 3d of *August*, that he went out of Town.

Mr. *Sol. Gen.* The 3d of *August*, at that time, was on a *Saturday*.

Lord *Petre*. *St. Ignatius's Day* is always the last Day of *July*, my Lord.

Mr. *At. Gen.* In this Almanack, another Saint has justled him out; and that is Bishop *German*.

*L. C. J.* And in my Almanack, a third has justled them both out: but my Lord *Petre* says, it is always the last of *July*; and that was on a *Wednesday* that Year.

Mrs. *A. Ireland*. I remember it was on a *Wednesday*.

*L. C. J.* And you are sure he went out of Town the *Saturday* after?

Mrs. *A. Ireland*. Yes, I am sure he went out of Town then; for I asked him, why he would go on a *Saturday*? And he told me, he would go but to *Standen* that Night.

Mr. *Sol. Gen.* And that does hold, according to the Computation, to be the 3d of *August*.

*Oates*. My Lord, she is not positive in this, that he went out of Town the 3d of *August*.

Mr. *At. Gen.* Yes, but she is; for she says, that she was the *Wednesday* before (which was *St. Ignatius's Day*) with him a little way out of Town.

*L. C. J.* And that it was *Saturday* after he went out of Town; and she gives the Reason, that she entered into a Discourse with him, why he would go

on *Saturday*? And he made that Answer which you hear.

Mr. *Just. Withins*. Mr. *Oates* knows what Day *St. Ignatius's Day* is upon, I presume.

*Oates*. It is the last Day of *July*, I think.

Mr. *Sol. Gen.* In our Protestant Almanacks, it seems, we give another Bishop place.

Mr. *At. Gen.* Mrs. *Ireland*, when did you see him again?

Mrs. *A. Ireland*. Just a Fortnight before *Michaelmas*, and not before.

*L. C. J.* You were his near Relation, I suppose?

Mrs. *A. Ireland*. Yes, my Lord, I was his Sister.

*L. C. J.* Pray, when he came to Town again, where did he lodge?

Mrs. *A. Ireland*. He used to lodge at the same place where we did always; and in the mean time, while he was absent, my Mother lent one Mrs. *Eagleston* his Lodging.

*L. C. J.* Is that Person, you lent his Chamber to in his Absence, here?

Mrs. *A. Ireland*. No, My Lord.

*L. C. J.* When did she enter upon his Lodging?

Mrs. *A. Ireland*. Truly, my Lord, I cannot tell; her Maid fell sick, and so she came down a pair of Stairs lower into his Lodging. It was in a short time after he went out of Town, my Lord, as I remember.

*L. C. J.* When did he come to Town again, do you say?

Mrs. *A. Ireland*. He came to Town again a Fortnight before *Michaelmas*; it was that Day Fortnight before *Michaelmas*; that *Michaelmas-day* fell on—

*L. C. J.* Have you any Questions to ask her Mr. *Oates*?

*Oates*. My Lord, I desire to know, why she did not give this Evidence before? Or whether ever she did give this Evidence at any of the Trials?

Mrs. *A. Ireland*. Yes, I was at my Brother's Trial; and there I gave the same Evidence.

*Oates*. Were you there at the Trial of the five *Jesuits*? And did you give the same Evidence then?

Mrs. *A. Ireland*. No, I was not call'd.

*L. C. J.* But were you there?

Mrs. *A. Ireland*. I was in the Court at the same time, but was not examin'd.

*Oates*. What Year is it you speak of, that he went out of Town the 3d of *August*?

Mrs. *A. Ireland*. The Year 78.

*Oates*. I desire, my Lord, to ask this Gentlewoman, what Religion she is of?

Mrs. *A. Ireland*. I am a *Roman Catholick*, my Lord.

*Oates*. I desire to know, whether her Name be *Ireland* or *Ironmonger*?

Mrs. *A. Ireland*. My right Name is *Ironmonger*; but because of his Profession, he went by the Name of *Ireland*; and for his sake we go by that Name too.

*Oates*. By what Name did you give Evidence at *Ireland's* Trial?

Mrs. *A. Ireland*. By that Name of *Ireland*.

*L. C. J.* Why, Mr. *Oates*, that is a good Name enough to be call'd by; you may remember, you were called *Titus Ambrosius*, and *Sampson Lucy*, at *St. Omers*.

Mr. *At. Gen.* Swear Mrs. *Eleanor Ireland*.

[Which was done.]

Mr. *At. Gen.* When did your Son go out of Town?

Mrs. *El. Ireland*. The 3d of *August*.



Mr. Sol. Gen. Are you sure it was the 3d of *August* ?

Mrs. El. Ireland. Yes, I am sure it was.

Mr. Sol. Gen. What Year was it ?

Mrs. El. Ireland. My Memory is not good enough for that ; I cannot tell what Year, my Daughter can.

Mr. Sol. Gen. Was it the same Year he was tried afterwards ?

Mrs. El. Ireland. Yes, it was the same Summer ; at *Michaelmas* after he was taken up.

Mr. Sol. Gen. What time did he return again out of the Country ?

Mrs. El. Ireland, The 14th of *September* after.

Oates. My Lord, I would ask her, Whether or no she gave this Evidence at her Son's Trial ?

Mrs. El. Ireland. Yes, I was a Witness there ; but they would not permit me to speak half so much ; they would hardly let me speak at all.

Oates. I desire to know, whether she was an Evidence at the five Jesuits Trials ?

Mrs. El. Ireland. No, I was not there then.

Mr. At. Gen. Pray swear Mrs. Duddle, and Mrs. Quino. *[Which was done.]*

Mr. Sol. Gen. Come, Mrs. Duddle, do you remember when Mr. Ireland went out of Town, in the Year 78 ?

Mrs. Duddle. To the best of my Remembrance, it was the 3d of *August*.

Mr. Sol. Gen. Why do you think it was the 3d of *August* ?

Mrs. Duddle. He went for a Recreation out of Town three Days before, which was upon an Holiday, *St. Ignatius's Day* ; and he went out of Town one Night then, and he came and staid but two Nights after ; and went out of Town upon the *Saturday*.

L. C. J. Did he stay out of Town one Night ?

Mrs. Duddle. Yes, he staid out of Town all Night.

L. C. J. Are you sure he staid all Night ?

Mrs. Duddle. I am sure he staid but one Night.

L. C. J. But what say you to that, Mr. Attorney ? this Witness contradicts the other.

Mr. Just. Withins. Ay, plainly.

Mrs. Duddle. Mrs. Ireland, and Mrs. Anne Ireland, and he went out upon a Recreation out of Town, it being Holiday ; and I remember well, that was of a *Wednesday* : and that *Saturday* he went away, and never came again till a Fortnight before *Michaelmas*.

L. C. J. But mind my Question, Woman.

Mrs. Duddle. Yes, my Lord.

L. C. J. Did he come home that Night he went on the Recreation ?

Mrs. Duddle. I do not know.

L. C. J. But just now, you swore he staid out all Night.

Mrs. Duddle. No, my Lord.

L. C. J. Yes, but you did though ; prithee mind what thou art about.

Mrs. Duddle. I do not say he, but I am sure his Sister and the Company staid out that Night. I remember very well, he went the third Day after, which was *Saturday*. And Mr. Jennison came to ask for him three Weeks after : and there was a Person of Quality with him in the Coach ; I think it was Sir Miles Wharton. And he asking for him, they gave him an account, that they had not heard from him since he went ; which was then three Weeks after he was gone. And I remember well, he did

not come to Town again till a Fortnight before *Michaelmas*.

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

Mrs. Duddle. My Lord, I can tell it very well : For I was almost every Night in the Room where he used to lie ; and there lay a Gentlewoman there, that I knew.

L. C. J. What was her Name ?

Mrs. Duddle. Mrs. Eagleston.

L. C. J. How come she to lie there ?

Mrs. Duddle. Her Maid fell sick, and she chang'd her own Chamber, and lay there all the time he was out of Town.

Oates. My Lord, is this good Evidence ?

L. C. J. Ay, why not ?

Oates. My Lord, I think she contradicts the other Witness : For she says he lay out two Nights.

L. C. J. No, there you are mistaken too. But I tell you what I did observe before. Mrs. Anne Ireland swore, that they did stay all night ; but Mr. Ireland refused to stay there, but would go home, because he was to go his Journey on *Saturday*. Then this Woman comes ? and she said at first, that he went out of Town on the *Wednesday*, and staid out all Night, and lay at home but two Nights, and then went away. But now when I put her in mind to take care what she said, she swears, she is sure the Sister lay out, but she is not sure of Ireland's lying out. But she is positive he went away on *Saturday* the 3d of *August*, and return'd not till a Fortnight before *Michaelmas*.

Oates. My Lord, I humbly conceive, she having once sworn false——

L. C. J. Ay, but she immediately recollected her self.

Oates. By what Token does she remember it to be the 3d of *August* ?

L. C. J. She said before, it was the *Saturday* after *St. Ignatius's Day*, which was on a *Wednesday*, the last Day of *July* ; and he went then out of Town. She call'd it by the Name of *Recreation*.

Oates. Was it the *Saturday* after *St. Ignatius's Day* ?

Mrs. Duddle. Yes, it was : And I had not remember'd it, but that it was upon that Holiday.

Oates. This is a *Roman Catholick*, I suppose, my Lord.

L. C. J. I cannot tell. What Religion are you of ?

Mrs. Duddle. I am a *Roman Catholick*, my Lord. Mr. Jennison knows what I say to be true.

Oates. Were you a Witness in any of the Trials at the *Old-Bailey* ?

Mrs. Duddle. I was in the Court, but was not call'd.

Mr. Sol. Gen. What say you, Mrs. Quino ? When did Mr. Ireland go out of Town ?

Mrs. Quino. I must say the same ; it was the 3d Day of *August*, on a *Saturday*.

L. C. J. How do you know that it was on a *Saturday* the 3d of *August* ?

Mrs. Quino. By the same Reason that she speaks, I mark'd that other Day he went out of Town ; and he came again, and his Mother staid there that Night : And he went on *Saturday* Morning out of Town. I know it very well ; for my Husband was his Taylor, and he had somewhat to alter in his Clothes ; and I brought it immediately after it was done.

L. C. J. Are you sure he went out of Town that Day ?

Mrs. Quino. He went out of the House, and as I take it, went out of Town ?



L. C. J. Did he say he was to go out of Town ?  
Mrs. Quino. He had his Boots on ; and took  
Horse at the *Bull-Imm* in *Drury-Lane*.

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

Mrs. Quino. Because his Servant that was there  
has testified it.

Mr. At. Gen. Now swear my Lord *Aston*. [*Which  
was done.*] We'll bring *Ireland* now upon the 3d  
of *August* at Night, to my Lord *Aston's* House at  
*Standen*.

Mr. Sol. Gen. Pray will your Lordship give my  
Lord and the Jury an account, when Mr. *Ireland*  
came to your House, and how far he travelled  
with you afterward ?

Lord *Aston*. My Lord, being in Town, I was  
spoke to, and desired, that Mr. *Ireland* might have  
the Opportunity of going in my Company down  
into *Staffordshire* ; which I consented to. I went  
out of Town, as I remember, the latter end of  
*July* 1678, and this same Mr. *Ireland* came to me  
at my House in *Hertfordshire* at *Standen*, upon the  
3d of *August* at Night.

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

Lord *Aston*. As I remember, it was *Saturday*,  
and in the Evening.

L. C. J. How long did he stay with your Lord-  
ship ?

Lord *Aston*. My Lord, I staid till *Monday* at  
*Standen* ; and upon *Monday* he went in my Com-  
pany to *St. Albans*, which was the 5th of *August*.

Mr. At. Gen. Whither then did you go, my  
Lord ?

Lord *Aston*. There I met with my Brother and  
Sister *Southcoat*.

L. C. J. Sir *John Southcoat* you mean, my Lord.

Lord *Aston*. Yes, my Lord. And thence, in  
four Days we went to my House at *Tixball*.

L. C. J. Did Mr. *Ireland* travel with you all the  
way ?

Lord *Aston*. I cannot charge my Memory, my  
Lord, that he did, so as particularly to swear it :  
But there he came into my Company sometimes at  
*Tixball* ; but I cannot tell the particular Days :  
Nor could I speak positively to those Things that I  
have spoke to now, but that I find in my Note-  
Book, that at that time he did come to my House  
at *Standen*, and did go with me to *St. Albans*.

Mr. At. Gen. Pray, my Lord, did he go that  
Journey to *Tixball* along with you ?

Lord *Aston*. I cannot say positively that, Mr.  
*Attorney* ; but I have a general Notion that he did.  
Nor could I testify this so positively, I say, but  
by Notes that I have of things at that time : Where  
I have only writ down these things concerning Mr.  
*Ireland*, and that he came the 3d of *August* to my  
House at *Standen* : That on *Monday* we went to-  
gether to *St. Albans* ; and there met us Sir *John  
Southcoat*, and my Sister his Wife ; and thence I  
went to *Tixball* ; and there I arriv'd the 8th of  
*August*, which was *Thursday*.

L. C. J. My Lord, I ask you this Question ;  
you say, you have a general Apprehension, that  
he did go with you to *Tixball* : Pray, did he come  
with you to *Standen* for that purpose, to go with  
you to *Tixball* ?

Lord *Aston*. I had no business with him at all ;  
but he desired the opportunity to go down in my  
Company into *Staffordshire*.

L. C. J. Pray, my Lord, do you remember  
you saw him within four or five Days after at *Tix-  
ball* ?

Lord *Aston*. To name particular Days, I cannot ;  
but that I saw him several Days at *Tixball*, I am  
sure.

Oates. My Lord, you say that Sir *John Southcoat*  
went with you to *Tixball*.

Lord *Aston*. Yes, he did so.

Oates. My Lord, I would ask this Nobleman,  
whether he was at the Trial of the five Jesuits ?  
or the Trial of *Ireland* ?

Lord *Aston*. No, my Lord, I was not.

Oates. Then I would ask my Lord, if he saw Mr.  
*Ireland* executed ?

Lord *Aston*. No, I did not.

Oates. Then I would ask him this Question ;  
whether the *Ireland* that was executed be the same  
*Ireland* he speaks of ?

Lord *Aston*. Amongst those that knew him well,  
I have been told it was the same.

Oates. That is but Hear-say, my Lord ; he does  
not speak of his own Knowledge.

L. C. J. For that matter, I suppose, you'll pro-  
duce some other *Ireland*, Mr. Oates, if it was not  
the same.

Mr. At. Gen. Was it this Mrs. *Ireland's* Brother,  
that was here a Witness now ?

Lord *Aston*. He was so reputed, and so looked  
upon.

L. C. J. That is all one. If any body should  
ask me, if you were the same Mr. Oates that was at  
*St. Omers* ; I should say, I heard so ; and it would  
be very good Evidence, unless some one else were  
produc'd.

Oates. My Lord, I submit ; I will be directed by  
the Court in any thing that is fair, and not injurious  
to my Defence.

L. C. J. We will not direct you in any thing  
that's foul, but pray keep to those Questions that  
are pertinent.

Oates. Are you sure *Ireland* went the whole Jour-  
ney with you, my Lord ?

Lord *Aston*. I did answer that ; I have but a  
general Notion of it, he came to me for that purpose.

Oates. Then my Lord is not positive he went  
with him into *Staffordshire*.

L. C. J. No, he is not ; but I would ask you  
this Question. My Lord *Aston*, do you believe he  
went with you *Tixball* ?

Lord *Aston*. I make no doubt of it, I would  
pawn all I have in the World upon it ; only I can-  
not swear it, because I have it not in my Notes, as  
I have those two other Days.

Mr. Just. *Withins*. Do you like him the worse,  
because he is cautious, Mr. Oates ?

Oates. No, Sir, I do not. But pray, my Lord,  
ask him, because it is a Question here about a  
point of Time ; whether he remembers, that within  
eight or ten Days, he saw *Ireland* at *Tixball* ?

Lord *Aston*. I cannot say any thing as to that.

Mr. At. Gen. Swear Sir *Edw. Southcoat*.

[*Which was done.*]

L. C. J. I thought you had called him Sir *John  
Southcoat*.

Mr. At. Gen. Sir *John* is sick, and cannot be  
here.

Oates. I suppose my Lord *Aston* is a *Roman Ca-  
tholick* ?

L. C. J. Ay, that all the World knows very  
well : but I tell you what, Mr. Oates, I observe,  
he is not so easy in giving his Oath ; nay, he is  
wonderful cautious in swearing : I speak it for his  
Commendation, not as his Fault, he is not very  
forward at swearing.



Mr. Just. *Withins*. Well, what do you ask this Gentleman, Mr. *Attorney*?

Mr. *At. Gen.* We desire Sir *Edward Southcoat* would give an account, whether he met Mr. *Ireland* at my Lord *Aston's*? And when?

Sir *Edw. Southcoat*. I was with my Lord *Aston* in his Company.

*L. C. J.* When was that, Sir?

Sir *Edw. Southcoat*. The 4th of *August* I saw Mr. *Ireland* at my Lord *Aston's*.

*L. C. J.* Was it the same *Ireland*, that was afterwards tried and executed?

Sir *Edw. Southcoat*. It was the same *Ireland* that was commonly reported; I did not see him executed.

Mr. *At. Gen.* Was it the same that was reputed to be this old Gentlewoman's Son?

Sir *Edw. Southcoat*. Yes, it was.

*L. C. J.* Pray, Sir, go on with your Evidence.

Sir *Edw. Southcoat*. Upon *Monday* we began our Journey to *Tixball*, and went that Night to *St. Albans*, where we met my Father and Mother, and thence we continued on our Journey the next Day.

*L. C. J.* Was he with you there that Day you went to *St. Albans*?

Sir *Edw. Southcoat*. He was with us, I remember very particularly. It was hot Weather, and my Lord *Aston* invited him into the Coach; for before he was riding by the Coach-side, and there I remember a particular Discourse that he and my Lord *Aston* had; from thence we went on to *Northampton*, and came there *Tuesday* Night.

*L. C. J.* Was *Ireland* with you there?

Sir *Edw. Southcoat*. *Ireland* was with us there.

*Oates*. My Lord, I did not well observe what this Gentleman said.

*L. C. J.* Pray mind your Business your self, he speaks plain enough; go on, Sir.

Sir *Edw. Southcoat*. Mr. *Ireland* was with us, I say my Lord, all the Journey; and I do remember it particularly by a pretty Horse Mr. *Ireland* rode upon; and I had a Dispute with my Cousin, who should buy him: I took particular notice every day of him, as he rode by the Coach, and conversed with him every Night in the Inn. We went, I say, from *St. Albans* to *Northampton* on the *Tuesday*; from *Northampton* we went to *Coventry* on the *Wednesday*, and from thence to my Lord *Aston's*, at *Tixball*, on the *Thursday*.

*L. C. J.* Come, let us go by degrees. Was Mr. *Ireland* with you, when you went from my Lord *Aston's* at *Standen* to *St. Albans*?

Sir *Edw. Southcoat*. Yes, he was.

*L. C. J.* You say it was a hot Day, when you set out; and my Lord *Aston* did invite him into the Coach.

Sir *Edw. Southcoat*. Yes, my Lord, he came into the Coach on *Monday*, which was the first Day we set out: and came that Night to *St. Albans*.

*L. C. J.* You lay there that Night?

Sir *Edw. Southcoat*. Yes, my Lord.

*L. C. J.* Where did you lie there?

Sir *Edw. Southcoat*. At the great Inn, at the *Bull*.

*L. C. J.* Ay, that is the great Inn.

Sir *Edw. Southcoat*. The next Night, my Lord, we came to *Northampton*.

*L. C. J.* Where did you lie there?

Sir *Edw. Southcoat*. We lay at the Sign of the *George*; it was Sir *William Farmer's* House, but made use of for an Inn, because the Town was burnt down.

*L. C. J.* Was Mr. *Ireland* with you all that day?

Sir *Edw. Southcoat*. He rode with us all the day.

*L. C. J.* And you took notice of it, because of his Horse, you say?

Sir *Edw. Southcoat*. Yes, he had a very pretty Horse, my Lord; and my Brother bought the Horse of him, after we came back again.

*L. C. J.* Whither went ye the next day?

Sir *Edw. Southcoat*. The next Night we lay at the *Bull* in *Coventry*, and from thence on *Thursday*, we arrived at my Lord *Aston's* at *Tixball*.

Mr. *At. Gen.* My Lord, the Jury desires to know what he says? For they have not heard it.

*L. C. J.* He says, Mr. *Ireland* went with my Lord *Aston* in the Coach, it being a hot Day, on *Monday* the 5th of *August*, from *Standen*, my Lord *Aston's* House in *Hertfordshire*, to *St. Albans*, and lay there at the *Bull* Inn that Night; that he went the next day, which was *Tuesday*, the 6th of *August*, with them to *Northampton*. That he rode upon a pretty Horse, which makes him remember it particularly; and that there was a Dispute on the Road, who should buy him; and when they came back, his Brother bought him. He says, they lay on *Tuesday* Night at *Northampton*, at the *George*, which was a Gentleman's House, which was turned into an Inn, because of the Fire: That he went with them the next day to *Coventry*, which was *Wednesday* the 7th of *August*, and lay with them that Night at the *Bull* in *Coventry*; and the next day, which was *Thursday* the 8th, they came, and *Ireland* with them, to my Lord *Aston's* House at *Tixball* in *Staffordshire*.

Mr. *At. Gen.* Pray Sir *Edward Southcoat*, how long did he stay with you at *Tixball*, at my Lord *Aston's*?

Sir *Edw. Southcoat*. He staid with us there till the *Tuesday* after; and then we began our Journey from my Lord *Aston's* House in *Tixball* into *Wales*, to *St. Winifred's Well*.

*L. C. J.* That is *Holy-Well*, you mean.

Sir *Edw. Southcoat*. Yes, my Lord.

*L. C. J.* You say he staid all *Friday*, *Saturday*, *Sunday*, *Monday*, and till *Tuesday* after you came to my Lord *Aston's* at *Tixball*?

Sir *Edw. Southcoat*. Yes, my Lord, he did so.

Mr. *At. Gen.* So then, my Lord, we are gotten to *Tuesday* the 13th of *August*, which is past the time of the Perjury, that is laid second in the Indictment; but in point of Time, is the first that happened, for he swore that *Ireland* took his leave of him, and others here in Town, between the 8th and 12th of *August*?

Mr. *Sol. Gen.* Where did you go on *Tuesday*, Sir?

Sir *Edw. Southcoat*. Towards *Wales*.

Mr. *Jones*. Was he at *Tixball* the 12th of *August*?

*L. C. J.* He says, he was till *Tuesday* the 13th. Pray let us not have the same Questions repeated over and over again.

Mr. *Sol. Gen.* Where did you go on *Tuesday* Night?

Sir *Edw. Southcoat*. We went to *Nantwich*, and lay at the *Holy-Lamb* there.

*L. C. J.* Where were you the next Night?

Sir *Edw. Southcoat*. The next Day we reached to *St. Winifred's Well*.

*L. C. J.* Where did you lie there?

Sir *Edw. Southcoat*. At the *Star*, which is the great Inn there.

*L. C. J.* It is so.



Mr. At. Gen. Was Mr. Ireland there with you?

Sir Edw. Southcoat. Yes, he was.

Mr. At. Gen. Whither did ye go then?

Sir Edw. Southcoat. We staid not but one Day at *Holy-Well*; for we arrived there pretty late at Night, and all the Morning we spent there, and went away in the Afternoon, and came that Evening to *Chester*, and lay there only one Night, and came the next Day to *Tixball* again.

Mr. At. Gen. Which was *Friday* the 16th of *August*.

Mr. Sol. Gen. Pray, my Lord, be pleased to ask him, whether this Gentleman, Mr. Ireland, was with them all the while, in this Journey to *Holy-Well*.

Sir Edw. Southcoat. Every Day particularly; I remember it very perfectly.

Mr. At. Gen. After he came to *Tixball* again, how long did he tarry there?

Sir Edw. Southcoat. That I cannot so well say. I do remember truly, but he was afterwards at my Lord *Aston's* at *Tixball*, I remember some scrambling Days; but I cannot fix upon only two.

L. C. J. Which are they?

Sir Edw. Southcoat. I cannot tell what Day of the Month it was, or what Day of the Week; but one Day that I remember him there, was Mr. *Cheerwind's* Race with Sir *Henry Gough*; and one other Day.

L. C. J. When was that Horse-Race?

Sir Edw. Southcoat. My Lord, I cannot tell what Day of the Month it was.

Mr. At. Gen. When was the other time you speak of?

Sir Edw. Southcoat. I remember him there one *Thursday* upon the *Bowling-Green* at *Tixball*, where there was a particular Company.

Mr. Sol. Gen. My Lord, we desire to know, when his Brother did buy the Horse of Mr. Ireland.

Sir Edw. Southcoat. When we came back; for he came home with us from my Lord *Aston's*, and we began our Journey, the 9th or 10th of *September*, from *Tixball* to *Kingston*; and when we arriv'd at my Father's House, my Brother bought the Horse of him.

L. C. J. Did you come home back again with Mr. Ireland, do you say?

Sir Edw. Southcoat. Yes, my Lord, we did.

L. C. J. When did you set out from *Tixball*?

Sir Edw. Southcoat. The ninth of *September*, my Lord, I think it was; I am sure, it was upon a *Monday*, the 9th or 10th.

L. C. J. When did you come home?

Sir Edw. Southcoat. We were four Days on our Journey.

L. C. J. And did you come straight to *London*?

Sir Edw. Southcoat. No, we went to my Father's House in *Surrey*.

L. C. J. Which way did you come?

Sir Edw. Southcoat. The first Night we came to the *Bull* in *Coventry*; and from thence, the next Night, we went to the *Altar-Stone* at *Banbury*; and from *Banbury*, we came the third Day to *Agmondesham* (I think, it is called) a little Town in *Buckinghamshire*: And from thence the fourth Day, to my Father's House, by *Kingston* in *Surrey*.

Mr. At. Gen. And ther. Ireland sold his Brother his Horse.

L. C. J. How long was he at your Father's House in *Surrey*, Sir Edward?

Sir Edw. Southcoat. My Lord, we came on the *Thursday*; and as I take it, he went on the *Satur-*

day to *London*. My Brother after he had bought his Horse, lent him the Horse to Town; and sent a Man with him, to bring it back again.

Mr. At. Gen. That *Saturday*, my Lord, makes it come just to the Fourteenth of *September*; and is the very Day Fortnight before *Michaelmas-day*.

Oates. My Lord, I desire to ask this Gentleman, whether he saw Ireland all *August*, and till the Fourteenth of *September* in *Staffordshire*, and elsewhere? And, how long in *Staffordshire*?

Sir Edw. Southcoat. I cannot say, as to any particular Days of the Months, after our coming from *Holy-Well*, till our coming from *Tixball* to *London*.

L. C. J. Marry, if he did, he would contradict what he had said before: For from the time of coming from *Holy-Well*, to the time of coming back to *London*, he could tell but of two Days, and those uncertain: For he remembers not by the Times, but by other particular Circumstances.

Oates. Pray, my Lord, be pleased to ask him this Question, When was the first Day he saw him in *September*?

Sir Edw. Southcoat. Truly, my Lord, I remember not any Day before we began our Journey home?

Mr. At. Gen. But, my Lord, this is his Testimony: He was in his Company till the sixteenth of *August*. It is true, there were other times that he saw him at *Tixball*; but he cannot particularly speak unto them: But by and by, we shall go on to every Day, and prove particularly where he was.

Oates. My Lord, I desire to know, Was Sir Edw. Southcoat at the Trial of Ireland a Witness, or no?

Sir Edw. Southcoat. No, I was not, my Lord.

Oates. Were you at *Whitebread's* Trial, Sir?

Sir Edw. Southcoat. Yes, I was, and gave the same Evidence I give now.

Mr. Sol. Gen. Then swear Mr. John Southcoat.

[Which was done.]

Mr. At. Gen. This is Sir Edward Southcoat's Brother, my Lord.

L. C. J. What, he that bought the Horse?

Mr. John Southcoat. Yes, my Lord, I bought the Horse of Mr. Ireland.

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

Mr. At. Gen. Pray, Sir, When did you meet Mr. Ireland in *August* 1678? And where?

Mr. John Southcoat. My Lord, I met with Mr. Ireland, upon *Monday* the Fifth of *August*, at the *Bull-Inn* in *St. Albans*, with my Lord *Aston*: I came thither that day with my Father and Mother. And the next Day we went to *Northampton*; and there we inn'd at the Sign of the *George*, Sir *William Farmer's* House; which is an House in the Road, us'd for an Inn since the Town was burnt: And I conversed with him every day, in our Journey. And from thence, the next day, we went to *Coventry*, to the *Bull-Inn* there; and from thence, to my Lord *Aston's* (on *Thursday* Night) at *Tixball*: There we staid all *Friday*, *Saturday*, *Sunday*, and *Monday*. Mr. Ireland was there; I was with him all the while. And then upon *Tuesday* we set out for *Holy-Well* in *Flintshire*; and went that Night to *Nantwich*, to the *Lamb* there. And the next day we went through *Chester* to *Holy-Well*: We staid that Night at *Holy-Well*; and the next day came back again towards Noon, to *Chester*; and there lay that Night: And then the next Night, which was *Friday*, we came back again to *Tixball*.



L. C. J. Was Mr. Ireland with you both those Journeys, all the while?

Mr. John Southcoat. Yes, my Lord, he was; I did see him, and rode with him every Day.

L. C. J. Pray, Sir, how long were you at *Tixball*, after you came from *Holy-Well*?

Mr. John Southcoat. We staid there till we came away for good and all.

L. C. J. Was Mr. Ireland with you all that time?

Mr. John Southcoat. No, he was not.

Mr. At. Gen. Do you remember, that Mr. Ireland came to *Tixball* the Ninth of *September*; and came along home with you, when you came?

Mr. John Southcoat. Yes, I do remember it very well.

L. C. J. What Day did you come home, Sir?

Mr. John Southcoat. We came home in four Days.

Mr. Sol. Gen. When did he leave you?

Mr. John Southcoat. We came home upon *Thursday*, and he went to *London* on *Saturday*.

L. C. J. Pray, Sir, can you recollect when you did first see him again at *Tixball*, after you came from *Holy-Well*?

Mr. John Southcoat. My Lord, I cannot tell particularly any Day, till the Day we came away.

L. C. J. Do you remember the Horse-Match between Mr. *Chetwind* and Sir *Henry Gough*?

Mr. John Southcoat. I was there, my Lord; but I do not remember Mr. Ireland was there.

L. C. J. How long did he stay at your Father's House in *Surrey*, Sir?

Mr. John Southcoat. Two Days, my Lord.

Mr. Sol. Gen. You lent him your Horse you bought of him, I think, Sir?

Mr. John Southcoat. Yes, up to *London*, I did; and I sent my Man with him, to bring him back again.

Mr. At. Gen. Has Mr. Oates any Questions to ask this Gentleman?

Oates. My Lord, I desire to ask Mr. Southcoat, whether or no he is sure, that Ireland was in his Company from the Fifth of *August* to the Sixteenth?

Mr. John Southcoat. Yes, every day, I am sure of it; I remember it very well.

Oates. Pray, my Lord, ask him, Whether or no he testified this that he now swears, at Ireland's Trial?

Mr. John Southcoat. My Lord, I was not at Ireland's Trial.

Oates. Then I desire to ask him, Whether or no he did testify this at the five Jesuits Trial?

Mr. John Southcoat. No; I was not sent for to any of the Trials.

L. C. J. I am sorry you were not, Sir: 'Twas pity you were not there. - It might have saved some innocent Blood.

Mr. At. Gen. Now swear *Harrison*.

[Which was done.

Mr. Sol. Gen. Pray, will you give an Account when you saw Ireland, and where?

Harrison. In the Year of our Lord 1678, my Master Sir John Southcoat, went with my Lady, on Monday the Fifth of *August*, to *St. Alban's*; and we came with a Coach and four Horses: For my Master had an old Servant, that had a Pair of Horses, which my Master made use of. And there we met my Lord *Aston*, in the Company of Mr. Ireland. And the next Morning, my Lord *Aston* went with my Master and Lady towards

*Tixball*: And I rode by, in Mr. Ireland's Company; and came acquainted with him that Day. That Night we came to *Northampton*; and there we inn'd at a Stone-House, that was used for the Inn, the Town being burnt before. The next Night we went to *Coventry*; and on *Thursday* we came to *Tixball*: There we staid till *Tuesday*. After we went to *Holy-Well*; and the *Tuesday* Night we lay at *Nantwich*: And thence we went to *Holy-Well*, and staid there on *Wednesday* Night: And on *Thursday* we came to *West-Chester*; and I parted with him upon the *Friday* at *West-Chester*.

Mr. At. Gen. Pray, did you know this Ireland? Was it he that was tried and executed?

Harrison. I was at Mr. Ireland's Trial.

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

Harrison. My Lord, I saw him at his Trial, the Hair of his Face was grown, and he was a little disordered; he did not look so well, because he was not so well drefs'd; but it was the same Man, my Lord.

Mr. Sol. Gen. Before this Man goes, we have more Questions to ask him: When did you see him again, after you left him in *Chester* you say?

Harrison. I saw him several times at *Tixball*; I saw him at the *Bowling-green* upon *Thursday*; and I saw him when the Horse-Race was between Mr. *Chetwind* and Sir *Henry Gough*: I cannot tell what Day it was; for I had no reason to keep an account of the particular Days at that time.

Mr. At. Gen. Did you come up with your Master again the 9th of *September*?

Harrison. My Lord, I did so; I have a Note wherein I set down the Charges at that time. It is in this bit of Paper, which I have kept in my Almanack ever since. My Lord *Aston* sent his Coach with us to *Banbury*, where my Master's Coach was to meet him; but came only to *Coventry* the first Night. The next Night, which was *Tuesday*, we came to the *Altar-Stone* at *Banbury*, and there we lay: From thence on *Wednesday*, we came to *Agmondesham*, where we were ill lodged. The next Day we baited at *Uxbridge*, and came to *Kingston*, and so to Sir John Southcoat's House, upon the *Thursday* Night. Upon the *Friday* Mr. Ireland sold his Horse to Mr. John Southcoat, my Master's Son. Upon the *Saturday* Morning, I came with him from my Master's House towards *London*; he did ride upon the Horse he had sold to Mr. Southcoat, and so we came up to Town, and took water; and I took a little Bag that belonged to Mr. Ireland upon my Arm, and we landed at *Somerset-House*, and I came with him to his Lodging in *Russel-street*; and when he came there, he went up stairs, where two Women met him, and welcom'd him home: Said they, *We are glad you are come, we thought we had lost you, because we had never heard from you all this while*. There I took my leave of him, and did not see him again till his Trial at the *Old-Bailey*; and this was *Saturday* the 14th of *September*.

L. C. J. Pray let me see your Paper you speak of.

[Which was delivered in, and the Court look'd upon it.

L. C. J. Did you write this in your Journey?

Harrison. Yes, my Lord, I did it at that time.

Mr. At. Gen. Are the particular Days inserted there, my Lord?

L. C. J. No, they are not, Mr. Attorney.

Har-



*Harrison.* I could not write well; it was only but *Memorandums* for myself.

*L. C. J.* What Day of the Month was the *Saturday* he came to Town?

*Harrison.* It was the 14th of *September*, my Lord.

*L. C. J.* That agrees with all that the Women said, that he came on *Saturday* a Fortnight before *Michaelmas*, being the same Day of the Week as *Michaelmas-day* was: Thus far it is as clear as the Sun at Noon-day.

*Oates.* My Lord, there was a time when this was not believed.

*L. C. J.* Ay, Mr. *Oates*, we know there was a time, when there were *Ignoramus* Juries, and things were believed, and not believed, as the Humour went. What can you, Mr. *Oates*, say to it? I must needs tell you, *prima facie* 'tis so strong an Evidence, that if you have any Sense in the World, you must be concern'd at it.

*Oates.* Not at all, my Lord; I know who they are, and what is the end of it all.

*L. C. J.* Upon my Faith, I have so much Charity for you, as my Fellow-Creature, as to be concerned for you.

*Oates.* 'Tis not two Straws matter, whether you be or no; I know my own Innocency.

*L. C. J.* Thou art the most obstinately hardened Wretch that ever I saw.

*Oates.* Pray, my Lord, ask him, whether he did not appear at Mr. *Ireland's* Trial? And let it be remember'd what Credit he had then for all this Story he tells now. These People come here to serve a Turn only, and care not what they swear against me.

*L. C. J.* You must hold your tongue.

*Oates.* My Lord, I must speak the Truth, and I will speak the Truth.

*L. C. J.* I think there is scarce a Word of Truth comes out of thy Mouth.

*Oates.* You may think what you will, my Lord; but these Popish Traitors, I am sure, will swear any thing, and suborn Witnesses upon Witnesses against me to overthrow the Plot.

Mr. *Just. Withins* If you cannot behave yourself better than you do, we must send you elsewhere; we must not suffer this Behaviour: And therefore either be quiet, or get you gone.

*L. C. J.* Let him keep himself in order, and we'll hear him. If he thinks by boisterous Impudency to outface Justice, we will not suffer it. Go on, Mr. Attorney.

Mr. *At. Gen.* Swear Mr. *George Hobson*.

[Which was done.

Mr. *Sol. Gen.* Were you in the Journey to *Tixball* with Mr. *Ireland*, and my Lord *Aston* in 78?

Mr. *Hobson.* Yes, I was so, my Lord.

Mr. *Sol. Gen.* Pray tell all your Knowledge of that matter.

Mr. *Hobson.* From the 3d of *August* till the 16th at Night, I was present with him every Day.

*L. C. J.* How do you know you were?

Mr. *Hobson.* That is to say, the 3d of *August* he came to my Lord's House at *Standen* in *Hertfordshire* in the Evening, and there he remained till *Monday* the 5th of *August*; and that Day in the Morning, he went, together with other Company, to *St. Albans*, where we met Sir *John Southcoat* and his Lady towards the Evening; and we all lodged there, because that was the appointed Place to meet at: We lodged the 6th of *August* at Night at *Northampton*; upon the 7th at

*Coventry*; upon the 8th at *Tixball*, my Lord's House, where Mr. *Ireland* remained till *Tuesday* the 13th in the Morning. And upon the 13th in the Morning we set forth with my Lady *Aston*, my Lord's Mother, Sir *John Southcoat*, and Mr. *Ireland*, and the other Company, towards a Place called *Holy-Well* in *Flintshire*. That Night, being *Tuesday* the 13th of *August*, we lodged at *Nantwich* in *Cheeshire*; the *Wednesday* Night we lodged at *Holy-Well*, where Mr. *Ireland* was with the rest of the Company; and on *Thursday* Night we returned back again to *Chester*, and lay there. Upon *Friday* we came back again to my Lord's House at *Tixball*. After that I did not see Mr. *Ireland* till *Monday* the 26th of *August*, when he came back again to our House: Where he went in the mean time, I cannot tell.

*L. C. J.* Whose House is it that this Man means by our House?

Mr. *Hobson.* I mean my Lord *Aston's* House at *Tixball*.

*L. C. J.* You knew him very well, did not you?

Mr. *Hobson.* Yes, my Lord, I knew him very well.

*L. C. J.* You say, he came back the 26th of *August* to *Tixball*?

Mr. *Hobson.* Yes, as I remember, he did so.

Mr. *At. Gen.* How long after the 26th of *August* was it, that you saw him at *Tixball*?

Mr. *Hobson.* When he went away for *London*.

Mr. *At. Gen.* When was that?

Mr. *Hobson.* The 9th of *September*.

*L. C. J.* Did you come along with him to *London*?

Mr. *Hobson.* No, my Lord; I saw him go; he was not in the Coach, but he was in the Company.

*Oates.* My Lord, I would fain ask him a Question, when he was first acquainted with Mr. *Ireland*, that he speaks of?

Mr. *Hobson.* I never saw him till he came to my Lord *Aston's* at *Standen*.

*Oates.* Were you at the Trial of Mr. *Ireland* Sir?

Mr. *Hobson.* No, my Lord, I was not; I was then in *Staffordshire*.

*Oates.* Then it is material, my Lord, for me to ask him this Question, it relating to a particular Person; whether *Ireland* that was executed, was the *Ireland* he says he was with?

*L. C. J.* I will ask him, if you will. Was that the same Man that was afterwards tried and executed?

Mr. *Hobson.* I believe it was, my Lord.

*Oates.* I insist not so much upon the Question, but only in reference to the Witness, his Acquaintance being so short with him.

*L. C. J.* Truly, I think it is not so very short; for he swears he was with him from the 3d of *August* till the 16th every Day.

Mr. *Just. Withins.* I have no great Acquaintance with you; but I know you, Mr. *Oates*, because I have seen you so often.

*L. C. J.* Is it the same *Ireland* that was at the Trial? You, *Harrison*, you saw him then?

*Harrison.* The very same, and no other.

Mr. *Just. Withins.* Certainly no body doubts that.

*L. C. J.* 'Tis fit he should have his Question answer'd, if the Witness can. Pray, go on, Mr. Attorney.



Mr. At. Gen. Swear *George North*. [*Which was done.*] Pray, will you give an account where you met Mr. *Ireland*, and whether you was with him in his Journey?

*North*. My Lord, I saw him the 4th of *August*, which was *Sunday*, at *Standen*, my Lord *Aston's* House in *Hertfordshire*: Upon the 5th, he went with my Lord to *St. Albans*; where my Lord met with Sir *John Southcoat* and his Lady; and I was with them. And from thence we went on *Tuesday* to the *George* at *Northampton*: And from thence, on *Wednesday* the 7th, to the *Bull* at *Coventry*: And upon the 8th, we came to *Tixball*, which was *Thursday*. And from *Thursday* the 8th, to *Tuesday* the 13th, I did see him every day at my Lord's House at *Tixball*.

L. C. J. Whither went he then?

*North*. He went with my old Lady, and some other Company to go to *Holy-Well*.

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

*North*. I did see him several times after that at *Tixball*: But I took no particular notice of him again till he went away for *London*.

L. C. J. When was that?

*North*. I did see him the 9th of *September*. He came to go with Sir *John Southcoat* to *London*: Mr. *John Southcoat*, and he. I took my leave of him.

Oates. What Religion are you of, Sir?

*North*. I am a Catholick, my Lord.

Oates. I desire to know, how he comes to remember this so well?

*North*. I waited at the Table; and he was every day at Dinner with my Lord.

Oates. Were you at the Trial of *Ireland* a Witness?

*North*. No indeed, my Lord, I was not.

Mr. At. Gen. Swear *Richard Ingletrap*,  
[*Which was done.*]

Mr. Sol. Gen. Pray, will you give an account, whether you knew Mr. *Ireland*, and where you saw him?

*Ingletrap*. The 1st of *August*, my Lord, I was ordered to be at *Standen* in *Hertfordshire*, to wait upon my Lord *Aston*, to go with him to *Tixball*. And the 3d of *August* I saw Mr. *Ireland* there at *Standen* Lodge at my Lord's House. The 4th Day he rested there, being *Sabbath-day*.

Mr. At. Gen. What are you, an Hackney-Coachman?

*Ingletrap*. Yes, my Lord, I am so. And upon the 5th, which was *Monday*, he went with my Lord *Aston* to *St. Albans*; upon the 6th to *Northampton*; on the 7th, to *Coventry*; and the 8th Day, to *Tixball* Lodge. He was in the Company and went all the way with him; and I was there too.

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

*Ingletrap*. Till *Tuesday* the 13th.

L. C. J. Did you see him there till *Tuesday*?

*Ingletrap*. I do not say, that I did see him every Day.

L. C. J. Did you go with them on *Tuesday* to *Holy-Well*?

*Ingletrap*. No, I did not.

Mr. At. Gen. But, my Lord, you observe, that is past one of the Times that he swore *Ireland* was here in Town; that is, between the 8th and 12th of *August*.

L. C. J. It is so.

Mr. At. Gen. Pray, what Religion are you of, Mr. *Ingletrap*?

*Ingletrap*. I am a Protestant, my Lord.

Oates. Were you at the Trial of the five Jesuits, or that of *Ireland*?

*Ingletrap*. No, I was not.

Oates. My Lord, I desire you would ask him, he being a Protestant, how he came to be acquainted with *Ireland*, that was a Priest?

L. C. J. Why, Mr. Oates, is there no Conversation to be between Papists and Protestants?

Oates. Truly, very little, my Lord: But that is not to the Point now. I desire to have an Answer to my Question.

*Ingletrap*. There was no great Acquaintance between us, my Lord; for I never saw him before that time.

Mr. At. Gen. Swear *Andrew Wetton*. [*Which was done.*] Did you go that Journey with my Lord *Aston* to *Tixball*?

*Wetton*. No; I went from *Tixball* to *Holy-Well*.

Mr. At. Gen. What day did you set out from *Tixball*?

*Wetton*. Upon *Tuesday* the 13th of *August*.

Mr. Sol. Gen. Where did you lie that Night?

*Wetton*. At *Nantwich* at the *Holy-Lamb*. And the next Day we baited at *Chester*; and from thence we came the next Night to *Holy-Well*: There we staid all Night, and till next day at Noon. We din'd at *Holy-Well*, and came that Night back to *Chester*: And from thence, the next day, we came home to *Tixball*.

L. C. J. Was Mr. *Ireland* there all the while?

*Wetton*. Mr. *Ireland* was there, I look'd after his Horse.

L. C. J. When did he come first to *Tixball*?

*Wetton*. He came upon the 8th, and staid till the 13th; and then went to *Holy-Well*.

Mr. Sol. Gen. Pray, what Religion are you of?

*Wetton*. I am a Protestant, Sir.

Mr. At. Gen. And the 9th of *September* he came away from *Tixball* to *London*, you say?

*Wetton*. Yes; I saw them take Coach; and he did ride on horseback.

L. C. J. Did you see him often at *Tixball*, between the time he came from *Holy-Well* and the time he went to *London*?

*Wetton*. Yes, he was there several times; but I cannot tell the particular Days: But, my Lord, if you please, I can tell you the very Money he gave me, which was a Shilling and two Six-pences, when we came back from *Holy-Well*.

L. C. J. And the 16th, you say, he came back from *Holy-Well*?

*Wetton*. Yes, it was the 16th, upon *Friday*, that he came from *Holy-Well*.

L. C. J. And he says, the 9th of *September* he came back again from *Tixball* to *London*; and that he saw him several times, in the mean time, at my Lord *Aston's* House.

Mr. Sol. Gen. So, my Lord, we are past one of the times; and have fix'd him at *Tixball* upon the 16th.

Mr. At. Gen. We have a couple of Witnesses more upon this Point, and then we shall go on to the 17th; and so all along to the 9th of *September*.

Mr. At. Gen. Swear *Thomas Sawyer*. [*Which was done.*] When came Mr. *Ireland* to *Tixball*? can you tell?

Mr. *Sawyer*. He came the 8th of *August* to *Tixball*, and continued there till the 13th: And then he



he went away; but whither he went, I cannot tell: But, as I was told, it was to *Holy-Well*.

Mr. *At. Gen.* When did he come to *Tixball* again?

Mr. *Sawyer.* When my old Lady *Aston* came home, which was *Friday* the 16th.

Mr. *Sol. Gen.* Do you know when he left *Tixball* for good and all?

Mr. *Sawyer.* The 9th of *September*; my Lord, he went with Sir *John Southcoat* to go to *London*.

L. C. J. Can you remember he was there at any time between the 16th of *August*, and the 9th of *September*?

Mr. *Sawyer.* He was once or twice there; but I cannot tell the particular Days.

Mr. *Sol. Gen.* What Persuasion are you of, as to Religion, Sir?

Mr. *Sawyer.* I am one of the Church of *England*, my Lord.

L. C. J. Truth is the same in all Persuasions.

Mr. *Sol. Gen.* But we would obviate Mr. *Oates's* Objection, that they are all Papists.

Mr. *At. Gen.* Swear *Frances Allen*. [Which was done.] Pray, will you give an account, when you saw Mr. *Ireland* in *Staffordshire*?

Mrs. *Allen.* He came the 8th Day of *August* to *Tixball*, and continued there the 9th, 10th, 11th, 12th, and to the 13th in the Morning, and then he did go to *Holy-Well*.

Mr. *At. Gen.* She will tell you one particular Circumstance, how she remembers him about that time.

Mrs. *Allen.* The 10th of *August* was *Saturday*; and that which causeth me to remember it, is this: There was a Woman, one *Sarah Paine*, I think her Name was, which testified at the Trial, that he was in Town at that time; but he was not: For he was at *Tixball* upon the 10th, which was *Saturday*; and the 11th, which was *Sabbath-day*: And I saw him in the Chamber those Days.

Mr. *At. Gen.* How came you to know him so well?

Mrs. *Allen.* I was a Servant to my Lord *Aston*, and look'd to Mr. *Ireland's* Chamber, and wash'd his Linnen; and those Days I saw him in his Chamber.

Mr. *At. Gen.* When he went from *Tixball* to *Holy-Well* the 13th, when did he come back again?

Mrs. *Allen.* The 16th Day, which was *Friday*.

Mr. *At. Gen.* Did he come afterwards to *Tixball* at any time?

Mrs. *Allen.* He went away the 17th, and I can tell you by a good Token, that he did so: For the 17th I carried his Clothes into his Chamber, that he was to take with him.

Mr. *At. Gen.* When did he come again to *Tixball*?

Mrs. *Allen.* He came several times, but truly I cannot tell what Days particularly.

Mr. *Sol. Gen.* Pray, when did he go away for good and all?

Mrs. *Allen.* I remember his going away with Sir *John Southcoat*, but I cannot tell the time.

Mr. *At. Gen.* Pray what Religion are you of?

Mrs. *Allen.* I am a Protestant of the Church of *England*; so I was christened, so I have lived, and so I hope to die before you all.

L. C. J. Upon my word, she is very kind, she has a mind to die before us: 'Tis a sign she lives a good Life, she's so ready to die.

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Mr. *At. Gen.* So, my Lord, you see that the 17th of *August* he departed from my Lord *Aston's*. Now we shall call Mrs. *Harwell* to give you an account, whither he went on the 17th. Swear Mrs. *Jane Harwell*. [Which was done.]

Mr. *Sol. Gen.* Where do you live, Mrs. *Harwell*?

Mrs. *Harwell.* I live now in Town, my Lord.

Mr. *Sol. Gen.* Where did you live in the Year 78?

Mrs. *Harwell.* At *Wolverhampton*.

Mr. *Sol. Gen.* Did you know Mr. *Ireland*, he that was executed?

Mrs. *Harwell.* Very well, my Lord.

Mr. *Sol. Gen.* What time did he come to your House at *Wolverhampton*?

Mrs. *Harwell.* The 17th of *August*, 1678.

Mr. *Sol. Gen.* What Day of the Week was it?

Mrs. *Harwell.* Upon *Saturday*.

Mr. *Sol. Gen.* From whence did he say he came at that time?

Mrs. *Harwell.* I do verily believe it was from *Tixball* that he came; I cannot positively say.

Mr. *Sol. Gen.* How long staid he there?

Mrs. *Harwell.* He came to my House the 17th of *August* 1678. He supped there that Night; and I think he lay in my House every Night till the 26th of the same Month. Upon the 19th Day, after Dinner, I went with him a good part of the Town of *Wolverhampton*; and upon *Friday* following, which was the 23d, he went a little way out of Town, to a Fair hard by, and return'd the same day, and staid at my House the next day, being *Bartholomew-day*. The next day being the 25th, being *Sunday*, he was at my House; and he staid, as I said, every Night, and lay at my House; and went away on *Monday* the 26th of *August*. It was, to the best of my remembrance, in the Morning.

Mr. *Sol. Gen.* Whither he did say he was going, when he went from your House on the 26th?

Mrs. *Harwell.* I think to *Tixball*, he said.

Mr. *Sol. Gen.* When did you see him again after that?

Mrs. *Harwell.* He returned to me again the 4th of *September* following. That Night he supped at my House, and lay there; and he staid at my House *Thursday* the 5th of *September*, *Friday* the 6th, and he went away on the 7th from me for good and all.

Mr. *At. Gen.* Whither did it go then?

Mrs. *Harwell.* To *Tixball*, I think, I cannot tell.

Mr. *At. Gen.* Whence did he say he came, when he came last to your House; which was *Wednesday* the 4th of *September*?

Mrs. *Harwell.* Then he said, he came from *Boscobel* and *Black-Ladies*, and that way.

Mr. *Sol. Gen.* Can you tell any thing that makes you remember he was at *Boscobel*?

Mrs. *Harwell.* I have some Circumstances that make me believe and remember it.

L. C. J. Ay, tell us what they are.

Mrs. *Harwell.* My Lord, upon *Monday* the 2d of *September*, I heard Mr. *Ireland* would be at *Boscobel*, and I said to my Friend that told me so, Sure Mr. *Ireland* will not be there that Night, and I so near him; Yes, said she, he will. Then, said I, I will write to him; and so I did. And I tell you the 4th of *September*, which was *Wednesday*, he came to my House, and staid that

M

Night,



Night, and the two next Days with me, and went away upon the *Saturday* after.

*L. C. J.* You say, you did write to him upon the 2d of *September*?

*Mrs. Harwell.* Yes, I did so.

*L. C. J.* What was the occasion of your writing to him at that time?

*Mrs. Harwell.* One *Madam Dormer* was then in those Parts, and he being gone a visiting his Friends at *Black-Ladies*, I writ to him, and desired him to give her a Visit, for I knew she would be glad to see him.

*L. C. J.* He came back to you the 4th of *September*, you say?

*Mrs. Harwell.* Yes, he did so, my Lord.

*L. C. J.* Did he own upon the fourth of *September*, that he had received your Letter?

*Mrs. Harwell.* He said he had been at the Place, my Lord, but I know not whether he had received my Letter or no; but I am sure he waited upon my Lady, for she told me so afterwards.

*Oates.* I desire to know, whether this Gentlewoman was at *Ireland's* Trial?

*Mrs. Harwell.* No, my Lord; but I heard that upon the 17th of *December* following, *Mr. Ireland* was tried at the *Old-Bailey* for High-Treason. Upon the 19th, I was informed by the Post what was sworn against him; and particularly as to this time, which I knew to be false: And upon my own Cost and Charges I sent an Express away to Town here to a Friend that I knew, upon reading the Letter that was written to me, that *Mr. Ireland* was falsely accused; and by that Express, also I sent a Petition, humbly beseeching his late Majesty, that we might bring in Witnesses to prove, that *Mr. Ireland* was in *Staffordshire*, when *Mr. Oates* swore he was in Town; and upon that the King staid the execution about five Weeks. We did hope for a second Trial, but we could not obtain it; and he was executed. I did it at my own Cost and Charges: For I thought it my Duty, if I could, to save his Life, knowing that to be false which was sworn against him.

*L. C. J.* She speaks gravely and soberly, upon my Word.

*Mr. Just. Withins.* So she does indeed.

*Mr. At. Gen.* We have abundance of them, my Lord. Swear *Mr. William Rushton*.

[Which was done.]

*Mr. Sol. Gen.* Tell my Lord what you know of *Mr. Ireland's* being at *Mrs. Harwell's* in *August* 1678, at *Wolverhampton*.

*Mr. Rushton.* My Lord, in the Month of *August* 1678, I did see *Mr. William Ireland* at *Wolverhampton* in the County of *Stafford*; and it was upon the 18th of *August*, and I saw him there, from the 18th to the 25th, every one of the days but one, and that I cannot be positive in. He went that day to *Litchfield*, which was upon the 23d, as I take it, but I cannot be positive; but all the rest of the days I did see him there once, if not twice or thrice a day.

*Mr. At. Gen.* Where did he lodge then?

*Mr. Rushton.* At *Mr. Jyfford's*, or *Mrs. Harwell's*.

*Oates.* Were you at any of the Trials of *Ireland*, or the five Jesuits, Sir?

*Mr. Rushton.* No, I was never at one till now.

*Oates.* Pray, my Lord, what Religion is this Gentleman of, I desire to know?

*Mr. Rushton.* Not of your Worship's Religion, *Dr. Oates*.

*L. C. J.* But answer his Question.

*Mr. Rushton.* I am a Catholick.

*Oates.* A *Roman* Catholick he means, I suppose,

*Mr. Rushton.* Yes; I am a *Roman* Catholick, and a loyal Subject.

*Mr. Sol. Gen.* Swear *Mrs. Katherine Winford*.

[Which was done.]

*Mr. At. Gen.* *Mrs. Winford*, pray did you see *Mr. Ireland* at *Mrs. Harwell's*, in the Year 1678?

*Mrs. Winford.* Yes, I did, Sir.

*Mr. At. Gen.* Pray tell the Court what you do know of that matter.

*Mrs. Winford.* I did hear at *Wolverhampton*, that *Mr. Ireland* came to Town the 17th of *August*, and I did see him there the 18th, and I did see him there the 19th, and I did see him there the 20th; and I saw him there upon the 22d, 23d, 24th, and 25th, and that was the last time I saw him there.

*L. C. J.* At *Mrs. Harwell's* was it that you saw him?

*Mrs. Winford.* Sometimes at *Mrs. Harwell's*, and sometimes at my Father's House, who lived in that Town.

*Oates.* My Lord, I desire to know how she comes to remember those Days so particularly?

*Mrs. Winford.* I remember them, because *St. Bartholomew's* Day was the 24th of *August*, and that was the *Saturday* after he came to Town; and the first day I saw him was the *Sunday* before, and so I reckon it to be on those days I saw him.

*L. C. J.* Have you any other Questions to ask her, *Mr. Oates*?

*Oates.* No, my Lord, I have not: She was a Witness before at *Whitebread's* Trial, and was not believed there.

*L. C. J.* Well, make your Remarks by and by, and let them now go on with their Evidence.

*Mr. Sol. Gen.* Then swear *Mr. William Stanley*.

[Which was done.]

*Mr. At. Gen.* Pray, did you see *Mr. Ireland* at *Wolverhampton*, and when?

*Mr. Stanley.* Upon the 18th of *August* 78. It was *Sunday*, I saw *Mr. Ireland* in *Wolverhampton* in the Morning, and in the Afternoon he was in my own House. Upon *Monday* the 19th I saw him twice that day at my own House; I positively speak that, and I verily believe I did see him on *Tuesday* the 20th, and *Wednesday* the 21st; but *Thursday* and *Friday* I cannot say I did see him those two Days: For he went upon one of them to *Litchfield*. But upon *Saturday* and *Sunday* I am sure I saw him, and two or three times some days.

*Oates.* Pray, *Mr. Stanley*, did you know him before?

*Mr. Stanley.* No, I did not, Sir.

*Oates.* Was you at his Trial?

*Mr. Stanley.* No, I was not.

*Oates.* Were you at the five Jesuits Trial?

*Mr. Stanley.* No, I was not in *London* since, till the last Term.

*Oates.* What Religion are you of, Sir?

*Mr. Stanley.* What Religion are you of, *Mr. Oates*?

*L. C. J.* Nay, do not ask Questions, but answer the Questions he asks.

*Mr. Stanley.* I am a *Roman* Catholick.

Mr.



Mr. At. Gen. Mr. Stanley, pray can you recollect any Circumstance how you came to remember that it was such and such Days that you saw him ?

Mr. Stanley. Yes, my Lord, I can.

L. C. J. What are they, tell them us ?

Mr. Stanley. I buried a Child that Morning, being Sunday the 18th of August, and he came to my House in the Afternoon, and I entertained him with those things that I had provided for to entertain my Friends at the Funeral. On Monday was a Wake, and the young People went all to the Wake, and left Madam Harwell alone ; and so she came with him to my House, and I entertained him with the same kind of Entertainment that I did the Day before.

L. C. J. That is a remarkable Circumstance indeed.

Mr. At. Gen. Swear Mrs. Dorothy Purcell. [Which was done.] What say you Mrs. Purcell, when did you see Mr. Ireland at Wolverhampton ?

Mrs. Purcell. I saw him the 18th, 19th, 20th, 21st, 22d, and 23d Days of August, 1678.

Mr. At. Gen. Where did you see him ?

Mrs. Purcell. At a Friend's House in Wolverhampton.

L. C. J. How come you to remember those Days of the Month ?

Mrs. Purcell. I remember them by particular Circumstances.

L. C. J. What are those particular Circumstances ? Let us hear them, how come you to name those very Days, the 18th, 19th, and so on ?

Mrs. Purcell. I can remember it as well as any thing in the World.

Oates. I desire, my Lord, that she may tell how she does remember it.

Mrs. Purcell. That's enough, and as much as need to be said, I remember very well.

Oates. But I desire to know how you come to remember it ?

Mrs. Purcell. I remember it, I tell you, very well ; and I do affirm I saw him there.

Oates. But you do not tell what Circumstances you remember it by.

Mrs. Purcell. No, there is no need of it, I am sure I saw him there then.

Mr. At. Gen. Tell him some Circumstances.

Mrs. Purcell. Those were the Days before Bartholomew Eve.

Oates. My Lord, is this any thing of Evidence ?

L. C. J. The Jury heard it, and they will consider of it.

Oates. What Religion are you of, Mistress ?

Mrs. Purcell. Must I tell what Religion I am of ?

L. C. J. Yes, answer his Question.

Oates. I dare say, she is a Papist ; she need not trouble her head to answer it.

Mr. At. Gen. Swear Mr. Scott. [Which was done.] Were you at Wolverhampton when Mr. Ireland was there ?

Scott. Yes, I was.

Mr. At. Gen. Did you do any service for him there ?

Scott. I look'd to his Horse.

Mr. At. Gen. When did he come thither, do you remember ?

Scott. I cannot tell just the time that he came in.

Mr. At. Gen. What Day of the Week was it that he came thither ?

Scott. It was of a Saturday.

Mr. At. Gen. What Month was it ?

Scott. It was of a Saturday.

Mr. At. Gen. What Month was it ?

Scott. It was of a Saturday.

Scott. I cannot tell very well what Month it was ; it was in August I think.

Mr. At. Gen. How long did he continue there ?

Scott. The space of a Fortnight off and on.

Oates. Is that Evidence, my Lord, that he has delivered ?

L. C. J. It is but very small Evidence. It is only circumstantial to confirm the other Testimony.

Mr. At. Gen. How long was it before Ireland was tried and executed, can you tell that ?

Scott. No, I know nothing of it.

Mr. At. Gen. Then swear Mr. John Stamford.

[Which was done.]

Mr. Sol. Gen. Did you see Mr. Ireland at Wolverhampton, and when was it, I pray you ?

Mr. Stamford. My Lord, in the Year 1675, I was sent beyond Sea to St. Omers, to fetch over two young Gentlemen that were Students there ; and there I became acquainted with Mr. Ireland, who was then Procurator of the Jesuits at St. Omers. And in August 78, I did see him in Wolverhampton, upon the Sunday after the Assumption of our Lady ; which was the 15th of August, he came to see me, and I saw him there that Day.

L. C. J. What Day of the Month is the Assumption of our Lady ?

Mr. Stamford. That is always the 15th of August, my Lord.

Mr. At. Gen. How often did you see him there ?

Mr. Stamford. I saw him Sunday and Monday, and till that Day seven-night ; I saw him every Day in that Week but one, when he went to Litchfield.

Oates. My Lord, I desire to know how he comes to remember that it was at that time ?

L. C. J. He tells you a Reason for it, because it fell out to be upon the Sunday after the Assumption of our Lady, which is always the 15th of August.

Oates. My Lord, he says he came acquainted with Mr. Ireland at St. Omers.

L. C. J. Yes, he says, that was in the Year 1675.

Oates. I desire to know, my Lord, what business he had there ?

L. C. J. He tells you, he went to fetch over two young Men that were Students there.

Oates. Pray, my Lord, I desire to know what Religion he is of.

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

Mr. Stamford. I am a Roman Catholick.

Oates. I desire to know what is his Profession ?

Mr. Stamford. I am a younger Brother of a good and loyal Family as any of the County of Stafford, and that suffered as much as any for the late King.

Oates. I believe if it were look'd into, he is somewhat else besides a younger Brother.

Mr. At. Gen. Yes, he says he is of a loyal Family.

L. C. J. I am sure there is such a Family in that County that were great Sufferers for King Charles I. and the late King ; and were very instrumental in Services for the late King, at his escape from Worcester : but whether he be of that Family or no, I cannot tell.

Mr. Stamford. The Doctor thinks I am a Jesuit, but I'll assure him I have a Wife and Children.

Mr. At. Gen. Mr. Oates was about to have made him a Priest, but it seems he hath a Wife and Children, and so is out of Danger.

Mr. Sol. Gen. Pray, Swear Mrs. Katherine Fowler.

[Which was done.]

Mr. At. Gen. Did you see Mr. Ireland, Mrs. Fowler, at Wolverhampton in 1678 ?

M 2

Mrs.



Mrs. *Fowler*. Yes, I did.

Mr. *At. Gen.* When was it ?

Mrs. *Fowler*. I did see him on *Saturday* the 17th of *August* at *Wolverhampton*; he came that day to my Mother's House, where I was.

Mr. *At. Gen.* How long did he stay there ?

Mrs. *Fowler*. Till the 27th, which was *Monday* was Seven-night after: I was in his Company every day in that time unless it were *Friday*, which day they say he went to *Litchfield* to the Fair.

L. C. J. Is Mrs. *Harwell* your Mother ?

Mrs. *Fowler*. Yes, my Lord, she is, and I lived at that time with my Mother.

L. C. J. How do you remember this? Have you any Tokens that you can give us, why you remember it was then ?

Mrs. *Fowler*. My Lord, I recollected my self after Mr. *Ireland's* Trial, in which Mr. *Oates* swore that he was here in Town between the 8th and 12th of *August*, that that was the very Month that Mr. *Ireland* was in *Wolverhampton*, and thereupon I concluded that Mr. *Oates* had not sworn true, by that Recollection when it was fresh in my Memory, being within half a Year after.

*Oates*. Madam, are you Mrs. *Harwell's* Daughter ?

Mrs. *Fowler*. Yes, I am so, Sir.

*Oates*. Did you not know one Mr. *Jennison* ?

Mrs. *Fowler*. Which *Jennison* ?

*Oates*. Mr. *Robert Jennison*.

Mrs. *Fowler*. Yes, I do know him.

*Oates*. Are you not a-kin to him ?

Mrs. *Fowler*. Yes, but I am sorry to own I have such a Relation.

Mr. *At. Gen.* Swear Mrs. *Gifford*.

[Which was done.

Mr. *Sol. Gen.* Did you see Mr. *Ireland* in *Staffordshire*, and when I pray you ?

Mr. *Gifford*. I saw him there at *Wolverhampton* the 17th of *August* 1678, and he continued there till the 26th; I saw him there every day.

*Oates*. Pray, my Lord, be pleased to ask this Gentleman, whether he were at the Trial of *Ireland* ?

Mr. *Gifford*. No, I was not in Court, nor examined as a Witness.

*Oates*. Were you at the Trial of the five Jesuits, Sir ?

Mr. *Gifford*. I was there, but was not examined.

L. C. J. Was it every day, say you, that you saw him at *Wolverhampton* ?

Mr. *Gifford*. Every day.

L. C. J. They say, he was one day out of Town at *Litchfield*.

Mr. *Gifford*. He was out of Town that day, but I saw him.

Mr. *At. Gen.* Swear Mrs. *Elizabeth Gifford*.

[Which was done.

Mr. *Sol. Gen.* You hear the Question, did you see Mr. *Ireland* in *Staffordshire* in 78, and when ?

Mrs. *E. Gifford*. Mr. *Ireland* came to *Wolverhampton* the 17th of *August*, and continued there till the 26th.

Mr. *At. Gen.* How do you remember it ?

Mrs. *Gifford*. By a Wake that was just hard by, that was at that time: and he came to my Uncle's House upon the *Sunday* following the Assumption of our *Lady*.

Mr. *At. Gen.* Did you see him every day till the 26th ?

Mrs. *Gifford*. I remember I did see him every day but two days that I was abroad at the Wake.

*Oates*. My Lord, I desire to know, whether she was examined at any of the former Trials ?

Mrs. *Gifford*. Yes, at the five Jesuits Trial, I was.

*Oates*. Were you not at *Ireland's* Trial ?

Mrs. *Gifford*. No, I was not.

*Oates*. There was one *Gifford* examined there.

Mr. *At. Gen.* Swear Mrs. *Elizabeth Keeling*.

[Which was done.

Mr. *Sol. Gen.* Did you see Mr. *Ireland* at *Wolverhampton*, and when ?

*Keeling*. Yes, my Lord, I did see Mr. *Ireland* at *Wolverhampton*.

Mr. *Sol. Gen.* Pray tell when it was.

*Keeling*. It was the 17th of *August* he came to my Mistress's House.

Mr. *Sol. Gen.* What *August* ?

*Keeling*. *August* before the Plot.

L. C. J. Who was your Mistress ?

*Keeling*. Mrs. *Harwell*, my Lord.

Mr. *Sol. Gen.* How long did he continue there ?

*Keeling*. He came on the *Saturday*, and I saw him there till the *Monday*. When I was sent for to my Mother's Burying, I left him and Madam *Dormer* at Dinner, and came back on the *Thursday*. And in his Chamber I heard him discourse, but I did not see him. Upon the *Friday* he went abroad, and returned again that Night. Upon the *Saturday* I saw him, and he continued there till *Monday* Morning, and then he went away, and returned on *Wednesday* the 4th of *September*, and staid till *Saturday* the 7th; and then went away from *Wolverhampton*.

*Oates*. I desire to know what Religion this Woman is of ?

*Keeling*. I am a *Roman* Catholick, God be thanked.

Mr. *At. Gen.* Mrs. *Keeling*, when did Mr. *Ireland* return again, do you say, after he went first to *Wolverhampton* ?

*Keeling*. It was the *Wednesday* seven-night after, Sir.

Mr. *At. Gen.* That was the 4th of *September*.

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

*Keeling*. Till *Saturday* in the Forenoon.

Mr. *At. Gen.* Whither did he say he was going then ?

*Keeling*. He said he went to *Bellamour* to Dinner.

L. C. J. Did you see him at any time after ?

*Keeling*. No, my Lord, I saw him no more.

Mr. *At. Gen.* Then swear Mr. *Richardson*.

[Which was done.

Mr. *Sol. Gen.* Pray, Sir, will you give an account when you saw Mr. *Ireland*, and where, in the Year 78 ?

Mr. *Richardson*. My Lord, I saw a Gentleman that I was informed was Mr. *Ireland* at *Wolverhampton*, at a Wake; which was *Monday* the 19th of *August*.

Mr. *At. Gen.* Where did he lodge ?

Mr. *Richardson*. At Mrs. *Harwell's*.

Mr. *At. Gen.* What are you, a Tradesman ?

Mr. *Richardson*. Yes, an Apothecary in *Wolverhampton*.

L. C. J. How many Days did you see him at *Wolverhampton* ?

Mr. *Richardson*. I saw him only one Day in the Market-place.

L. C. J. You did not know Mr. *Ireland* before ?

Mr. *Richardson*. But I was informed that was he.

L. C. J. What become of that *Ireland* that you were informed was at *Wolverhampton* then ?

Mr.



Mr. *Richardson*. I heard presently after that, upon Mr. *Oates's* Plot, he was secured and executed.

Mr. *At. Gen.* What Religion are you of, pray, Sir?

Mr. *Richardson*. I am of the Church of *England*.

*Oates*. Pray, Sir, I would ask you this Question.

Mr. *Richardson*. As many Questions as you please, Mr. *Oates*.

*Oates*. Who told you it was Mr. *Ireland*?

Mr. *Richardson*. Mrs. *Harwell*.

*Oates*. When was it she told you it was *Ireland*?

Mr. *Richardson*. To the best of my remembrance, it was before he was apprehended as a Traitor.

*Oates*. He is uncertain when he was told so.

L. C. J. Well, make what advantage you can of it by and by.

Mr. *At. Gen.* Swear Mrs. *Eleanor Graves*.

[Which was done.]

Mr. *Sol. Gen.* Pray, Mistress, did you see Mr. *Ireland* at *Wolverhampton* at any time?

Mrs. *Graves*. Yes, I did, my Lord.

Mr. *Sol. Gen.* When was it?

Mrs. *Graves*. The first time was six Years ago in *August*, it is now going on seven Years since.

Mr. *At. Gen.* What time in *August* was it?

Mrs. *Graves*. The first Day was the 20th or 21st, I am sure I saw him upon the 22d; for I dined with him, and was with him all the Afternoon, and suppd with him. Upon the 23d we went to *Litchfield* together, which was *Bartholomew Eve*. And I saw him the 25th, which was *Sunday* after.

L. C. J. Are you sure it is the *Ireland* we are now speaking of?

Mrs. *Graves*. They said it was the same Mr. *Ireland* that was executed. They call'd him so.

L. C. J. Nay, there is no great doubt, but only for Mr. *Oates's* Satisfaction.

Mr. *At. Gen.* At whose House did he lie at *Wolverhampton*?

Mrs. *Graves*. At Mrs. *Harwell's*

Mr. *At. Gen.* Where was it you suppd with him, I pray you?

Mrs. *Graves*. He dined and suppd at a Relation's House of mine.

L. C. J. Who was that? name him.

Mrs. *Graves*. It was at my Uncle *Winford's*.

L. C. J. Did you go along with him to *Litchfield*, do you say, on the 23d?

Mrs. *Graves*. Yes, and so did my Uncle; and at Night we came back together.

Mr. *Sol. Gen.* What Religion are you of, Mistress?

Mrs. *Graves*. I am of the Church of *England*.

*Oates*. My Lord, I desire to ask her, how did she know it was the same *Ireland* that was try'd?

Mrs. *Graves*. It was the same *Ireland* that they said was afterwards executed. I know no more.

Mr. *Sol. Gen.* Did you go back with him to Mrs. *Harwell's* from *Litchfield*?

Mrs. *Graves*. I did, to my Uncle *Winford's* House.

Mr. *At. Gen.* Now we come, my Lord, to another Period of Time, which is from the 26th of *August* to the 29th; and for that, we first call Sir *Thomas Whitegrave*, who is a Justice of the Peace, and a worthy Gentleman; a Member of the Church of *England* in that County. Swear him.

[Which was done.]

Mr. *Sol. Gen.* Pray, Sir *Thomas*, will you be pleas'd to give the Court an account, whether you saw Mr. *Ireland* in *Staffordshire* 1678, and what time it was?

Sir *Thomas Whitegrave*. I saw Mr. *Ireland* upon the 29th of *August* before the Popish Plot; it was upon a *Thursday* in the Afternoon upon *Tixhall* Bowling-green; and I discoursed with him: he told me he was to go home that Night with Sir *James Simmons* and Mr. *Heveningham*. They told me afterwards he went on *Saturday* to *Hilderham*, and went thence on *Monday* following towards *Boscobel*: some time after that, a Rumour came down that Mr. *Ireland* was accused with others, of being in a Plot of the Papists; and myself, and some others that were in Commission for the Peace in that County, did reflect upon the time that *Ireland* was in the Country; and we were a little disturbed, because he had been at particular Places among our Neighbours, whom we knew to be Catholics.

Mr. *At. Gen.* Can you remember no Day but that one, Sir *Thomas*?

Sir *Thomas Whitegrave*. Only the 29th I saw him there, and discoursed with him; and afterwards there was word sent to me, to desire me that I would come up to *London* at his Trial.

L. C. J. And did you come up, Sir *Thomas*?

Sir *Thomas Whitegrave*. No, I did not; I had no *Subpœna*; and being a Justice of the Peace, I did not think fit to leave the Country at that time without a *Subpœna*.

*Oates*. My Lord, I desire to know of this Gentleman, how long he had been acquainted with Mr. *Ireland*.

Sir *Thomas Whitegrave*. I never saw him before, nor since.

L. C. J. He goes no further than the 29th.

Mr. *At. Gen.* No, my Lord, he does not. Then swear Mr. *William Fowler*. [Which was done.]

Mr. *Sol. Gen.* Pray, will you give an account when you saw Mr. *Ireland*, and where?

Mr. *Fowler*. I saw Mr. *Ireland* upon the 27th of *August* 78, in *Staffordshire*, at a Horse-Race at *Etching-hill*. The Race was run between Sir *Henry Gough*, and Captain *Chetwind*.

Mr. *Sol. Gen.* Did you see him any other Day in that Month?

Mr. *Fowler*. Yes, the 19th of *August* I saw him at *Tixhall* Bowling-green.

Mr. *Sol. Gen.* When else did you see him?

Mr. *Fowler*. I saw him the 10th of *August* before.

Mr. *Sol. Gen.* Where, at *Tixhall*, at my Lord *Aston's* House?

Mr. *At. Gen.* Do you remember Sir *Thomas Whitegrave* was upon the Bowling-green the 27th of *August*?

Mr. *Fowler*. Yes, he was, and did discourse with Mr. *Ireland* there.

L. C. J. What became of Mr. *Ireland* afterwards?

Mr. *Fowler*. He went about the Country for some time, my Lord.

L. C. J. Was it the same *Ireland* that was executed?

Mr. *Fowler*. Yes, it was the same.

L. C. J. You say you saw him the 29th at *Tixhall* Bowling-green.

Mr. *Fowler*. Yes, I did so.

L. C. J. When you heard he was taken up for the Plot, what did they say whither he went at that time?

Mr. *Fowler*. I think he went to Mr. *Heveningham's*; or thereabouts.

*Oates*. I would fain know this Gentleman's Religion.

Mr. *Fowler*. I am a *Roman* Catholic.

L. C. J.



L. C. J. We ask it only because Mr. Oates desires to be satisfy'd in that Point.

Mr. At. Gen. Pray swear Mr. Howard.

[Which was done.

Mr. Sol. Gen. What time in August 78, did you see Mr. Ireland in Staffordshire, and where?

Mr. Howard. I came out of Shropshire upon the 27th of August, to the Horse-race at Etching-hill; and there I saw this Mr. Ireland upon the 28th. I dined at one Mr. Herbert Aston's House at Bellamore, and there I saw him again.

Mr. At. Gen. What other time did you see him?

Mr. Howard. Never any other time?

Oates. How does he know it was the same Mr. Ireland?

Mr. Howard. I came up to Town soon after, and they told me that knew him, that it was the same Ireland that suffer'd.

Mr. At. Gen. Swear Mr. Drayton.

[Which was done.

Mr. Sol. Gen. Where did you see Mr. Ireland?

Mr. Drayton. At Etching-hill Race,

Mr. At. Gen. What Day was that?

Mr. Drayton. That was the 27th of August 1678.

Mr. At. Gen. When did you see him after?

Mr. Drayton. The next Day following I did not see him; but the Thursday following I saw him at Tixball, and he went home with Mr. Heveningham to Aston; and I saw him on Friday, he was with us there, and went a fishing, and we catch'd a great Pike of a Yard long, which was not ordinary with us. Upon the 31st, which was Saturday, my Master went to kill a Buck in the Park, and Mr. Ireland went along with him; and they went to a little Village hard by, and there I parted with him, and did see him no more that day. Mr. Gerrard of Hildersham was to meet my Master a hunting, but he was sick, and did not: Then upon Sunday the 1st of September, I was sent to see Mr. Gerrard of Hildersham, and there I saw Mr. Ireland.

L. C. J. Who was your Master, pray you?

Mr. Drayton. This Lord Gerrard of Bromley's Father.

Mr. At. Gen. He was accused by Dugdale of the Plot, and died afterwards in Newgate.

Oates. Pray ask Mr. Drayton what Religion he is of?

Mr. Drayton. I am a Roman Catholick.

Mr. At. Gen. Swear Sir James Simmons.

[Which was done.

Mr. Sol. Gen. When did you see Mr. Ireland, Sir James?

Sir J. Simmons. Upon Tuesday the 27th of August 78, I remember very well I saw Mr. Ireland at the Horse-race at Etching-hill, between Sir Henry Gough and Mr. Chetwind; and I remember particularly, that Sir Henry Gough's Horse distanc'd him. I did not see him before he came to the Inn; but there we met, and drank together. And Thursday the 29th of August, being at Tixball Bowling-green, Mr. Ireland was there, and came home with my Father Heveningham and me, and some Gentlemen in the Country; and came to Aston, and staid there that Night. I remember the next Day was Pancrass Fair, and I went to the Fair, and did not come home.

Mr. At. Gen. What Day of the Month is that Fair usually kept?

Sir J. Simmons. It is an unconstant Time; now and then in September, now and then in August; and that Year we had a Subscription to get it regulated to a certain Day.

L. C. J. Did you see him after?

Sir J. Simmons. My Lord, I cannot swear to the Saturday, because I cannot so well tell whether I came back from the Fair on Friday Night; I think I did not.

Mr. At. Gen. Swear Mr. Green. [Which was done.

Mr. Sol. Gen. Did you know Mr. Ireland?

Mr. Green. Yes, my Lord, I did.

Mr. Sol. Gen. When did you see him in 78?

Mr. Green. The first time was Etching-hill Race the 27th of August.

Mr. Sol. Gen. What other Days do you remember?

Mr. Green. Thursday the 29th I saw him; I belong to Sir James Simmons, and Mr. Ireland came home with him, and some other Gentlemen, to Mr. Heveningham's at Aston, and was a setting with him on Friday the 30th in the Afternoon. And Saturday the 31st he was a hunting with Mr. Gerrard. Nay, more than that, I saw him drawn on the Sledge, but not executed; and that was the same Man that was there at that time.

Oates. What Religion is this Gentleman of?

Mr. Green. I was ever a Roman Catholick.

L. C. J. Pray, were they a fishing that Day?

Mr. Green. In the Morning he was, and they got a great Pike; I saw the Pike, and did eat part of it.

Mr. At. Gen. Swear Mr. Fallas. [Which was done.

Mr. Sol. Gen. When did you see Mr. Ireland, Sir?

Fallas. Upon the Thursday after Sir Henry Gough's Race, which was Thursday the 29th of August, Mr. Ireland came to Mr. Heveningham's, and I look'd to his Horse there. Upon Friday Morning they went a fishing, and got a great Pike; and I did see them go out a setting after Dinner, he and Mr. Green, with my Lady and the Keeper; and I saw him come in again: and I saw him drink a Glas of Table-Beer in the Hall. Upon Saturday Morning, which was the 31st of August, they went a hunting in Mr. Gerrard's Park, and kill'd a Buck; and afterwards my Master ask'd him to go home with him again, but he would not; for he said he must go to Mr. Lowe's at Four, and we parted at Three. And I came here, and saw him executed; but while he was at my Master's House, his Horse was never out of the Stable, but I brought it to him.

Mr. At. Gen. When did you see him executed?

Fallas. It was the 24th of January afterwards, I think.

Oates. What Religion are you of?

Fallas. I am for the Church of England, a Protestant; I always was so.

Oates. Pray, my Lord, ask him when he was acquainted with Mr. Ireland?

Fallas. The first time was the 29th of August, when he came to my Master's House.

Oates. That does not come to my time, my Lord.

Mr. At. Gen. But it comes very close to it; it reaches to the 31st of August.

L. C. J. It is within a Day of you, upon my word.

Mr. Sol. Gen. And I'll tell your Lordship what is yet more considerable; this Place is an hundred and twenty Miles from London: but we shall not leave him there.

Oates. I desire to know whose Servant he is?

Fallas. I am a Servant to Mr. Heveningham, and I serve the King; I come to testify the Truth. I was here before, but then we must not be heard; all



all the Cry was against us, that we were Rogues, and must be knock'd on the head.

L. C. J. Were you here at any of the Trials?

Fallas. I was at the Council-Table, and there I was in great danger of being knock'd on the head.

Oates. Would they have knock'd him on the head at the Council-Table, does he say?

Fallas. I have been in the Room by the Council-Table, where they have cried, knock them down, hang them Rogues; do they come to be Witnesses against the Saviour of the World? And they came about me there, and asked me if I knew any of them, or was of their Company? And I was glad to say I came thither about a Suit of Law I had with a Brother of mine; and then they pitied me.

Mr. Sol. Gen. Now we have brought him, my Lord, every Night where he lodged from the 3d of August to the 31st.

Mr. At. Gen. And then we shall prove that he went to Mr. Gerrard's at Hildersham that they speak of; there he was the 31st and 32d—

L. C. J. How, Mr. Attorney, the 32d! I doubt you will hardly be able to tell us where he was then.

Mr. At. Gen. The 1st of September I mean, my Lord.

L. C. J. Ay, we understand you very well.

Mr. At. Gen. Swear Mr. John Proctor.

[Which was done.]

Mr. Sol. Gen. When did you see Mr. Ireland in 78?

Proctor. I saw him the 31st of August 78.

Mr. Sol. Gen. Where?

Proctor. At Fulford.

Mr. Sol. Gen. At whose House?

Proctor. At Mr. Lowe's.

Mr. Sol. Gen. That was the Place the other Witness said Ireland told him he was to be at four of the Clock, and therefore went away at three.

Mr. At. Gen. When did you see him afterwards?

Proctor. I saw him the next day, the 1st of September.

Mr. At. Gen. Where?

Proctor. At Esquire Gerrard's.

Mr. At. Gen. How far is that from Mr. Lowe's?

Proctor. It is a Mile and an half.

Mr. Sol. Gen. Did you see him afterwards?

Proctor. Not there, I did not.

Mr. At. Gen. What Religion are you of?

Proctor. I am a Protestant.

L. C. J. What did you hear became of that Ireland afterwards?

Proctor. I saw him executed at Tyburn afterwards, and it was the same Man.

L. C. J. Where did you live then?

Proctor. I lived at Fulford then.

L. C. J. What, with Mr. Lowe?

Proctor. Yes, my Lord.

Oates. It seems he was a Servant to a Papist.

L. C. J. What then, what of that?

Oates. My Lord, I desire you would ask him, whether he ever saw Ireland before the 31st of August which he speaks of?

Proctor. No, I did not.

L. C. J. But you are sure it was the same Man you saw executed?

Proctor. Yes, I am sure of it.

Mr. Sol. Gen. What Circumstance can you tell that he was the 1st of September at Mr. Gerrard's?

Proctor. I went to Dinner thither that Day: I rode before Madam Brooke.

L. C. J. What Day of the Week was that 1st of September?

Proctor. It was upon a Sunday, my Lord.

Mr. At. Gen. Was that about Pancrass Fair-time?

Proctor. Yes, my Lord, it was.

Mr. Sol. Gen. He can tell you another Circumstance how he comes to remember him at Mr. Lowe's the 31st of August.

L. C. J. Ay, by what Token do you remember that he was there the 31st of August?

Proctor. I went that day to . . . . . pay some Money, and came home again in the Afternoon; and just as I came in, he came thither.

Oates. How does he say he knows him to be the same Man?

L. C. J. He has told you twice, he saw him executed.

Oates. What Religion is he of, does he say?

L. C. J. He is a Protestant.

Mr. At. Gen. Then swear Mr. John King.

[Which was done.]

Mr. Sol. Gen. Pray, do you acquaint the Court and the Jury where you saw Mr. Ireland, and when.

Mr. King. I saw Mr. Ireland at Mr. Gerrard's of Hildersham the 1st of September, that Year that the Plot broke out, which was in the Year 78. There I saw him on Sunday; and there he staid all Night, and so did I; and on Monday Morning I went to Mrs. Crompton's where I liv'd, and he came thither to Millage as soon as I, which is within a Mile of Hildersham, and dined there the same day.

L. C. J. How far is that from London, pray you?

Mr. King. An hundred and ten Miles.

L. C. J. And he was there at Dinner, you say?

Mr. King. Yes, he was.

L. C. J. How long was it before Dinner was done?

Mr. King. I believe he might go thence about two of the Clock.

L. C. J. Where did he say he designed to go then?

Mr. King. He designed to go to Boscobel that Night.

L. C. J. Do you remember any body else was at Mr. Gerrard's then when you saw him?

Mr. King. Yes, Mr. Ferman Drayton was at Hildersham at that time.

Oates. Pray, what Religion is this Gentleman of?

Mr. King. I am a Roman Catholick, Mr. Oates.

Mr. At. Gen. Pray swear Mr. Francis Lee.

[Which was done.]

Mr. Sol. Gen. Pray, tell my Lord and the Jury where you saw Mr. Ireland, and when.

Lee. I was a Servant to Mr. Gerrard, and Mr. Ireland upon Saturday Night came to my Master's House, and staid all Night and all Day on Sunday, and went away on Monday to Millage.

L. C. J. What time and what Year was it?

Lee. It was in 78; but I am not certain of the Day of the Month: It was on a Saturday he came, and I have Witnesses to prove I was there at that time.

L. C. J. What Month was it?

Lee. It was in August, as I think, the last Day; but I am not certain. And he went on Monday



to *Millage*, and there dined at Mrs. *Crompton's*; and from thence he went to *Pancrass*, and thence he did go to *Boscobel*, and staid all Night there.

Mr. *At. Gen.* That was the 2d of *September*.

L. C. J. How do you know he went to these Places?

Lee. I was told so.

Oates. My Lord, I desire to know how long this Man was acquainted with *Ireland* before?

Lee. I never saw him but at that time.

Oates. How does he know it is the same Man then?

Mr. *King.* Here is a Man that saw me with him, and was present at *Ireland's* Execution.

L. C. J. Who is that, *Proctor*?

Mr. *King.* Yes, my Lord.

L. C. J. Then call *Proctor* again. [*Who came in again.*] Who went along with you to Dinner on *Monday*?

Lee. My Lord, he did see me at *Hildersham* at Mr. *Gerrard's*.

L. C. J. What say you, *Proctor*, was this Gentleman there at that time?

*Proctor.* Yes, my Lord, I did see him there.

L. C. J. Was that the same Man that was executed, which you saw at Mr. *Gerrard's*.

*Proctor.* Yes, it was.

L. C. J. Did you dine with Mr. *Ireland* on *Monday* at Mrs. *Crompton's*?

Lee. Yes, my Lord, I did, and went afterwards with him to *Pancrass*, and staid there two Hours, and then he went to *Boscobel*.

Mr. *Sol. Gen.* There are the two Days gone which Mr. *Oates* swore to, and in which he was so positive that it was either the 1st or 2d of *September*.

Mr. *At. Gen.* Then swear Mr. *Biddolph*.

[*Which was done.*]

Mr. *Sol. Gen.* Pray, Sir, when did you see Mr. *Ireland*, and where?

Mr. *Biddolph.* My Lord, I was in *Staffordshire* the latter end of *August* and the beginning of *September*, and I was at Mrs. *Crompton's* House, which is my Aunt, the 2d of *September* being *Monday*, where I saw Mr. *Ireland*, and dined with him that day; and after Dinner he went with Mr. *Gerrard's* Son, who was to go to School to *Boscobel*. And I will give your Lordship a particular Circumstance that may satisfy you that I am not mistaken in the time: As I came thorough *Northamptonshire* that Summer, I was at my Lord *Cullen's*, and he desired me to be at a Horse-Race at *Newton-Slade*, where there is a Plate always run for upon the first *Thursday* in *September*, and that Year it was the 5th of *September*. Now when I dined at my Aunt *Crompton's*, she would have had me staid all Night at her House, but I excused my self, and told her I had promised to come to my Lord *Cullen's* to be at the Race, and I must needs be there before, to be as good as my Word to my Lord; and therefore I went away to *Pancrass*, and so on my Journey, otherwise I had staid with my Aunt all Night: And I am sure this was *Monday* before this Horse-Race.

Oates. My Lord, this Gentleman speaks to no Year particularly.

Mr. *Biddolph.* It was in 1678, the Year before Mr. *Oates's* Plot broke out.

Mr. *At. Gen.* Now we will call Mrs. *Crompton*: Swear her.

[*Which was done.*]

Mr. *Sol. Gen.* Pray, when did you see Mr. *Ireland*, Mrs. *Crompton*?

Mrs. *Crompton.* He was at my House at *Millage* in *Staffordshire* at Dinner, the same Day that my Nephew *Biddolph* did dine there: As for the Day of the Month, I cannot so well tell it, because when my Friends dine with me, I don't use to note down the Day particularly; but it was, I remember, a pretty remarkable time, for it was about *Pancrass-Fair*. Mr. *Gerrard* of *Hildersham* came with him, and Mr. *Ireland* being a Stranger, I asked who he was, and they told me it was Mr. *Ireland*: He never was at my House before nor after; he was a meer Stranger to me.

L. C. J. What Day was it, say you?

Mrs. *Crompton.* It was the same Day my Nephew *Biddolph* dined there.

L. C. J. Was it *Monday* the 2d of *September*, do you remember?

Mr. *At. Gen.* He says he was at her House at *Millage* that Day, and she says it was the same Day he dined there.

Mrs. *Crompton.* But I never note down the particular Days when my Friends dine with me, except I had particular occasion to do it, as I had none at this time.

Oates. My Lord, I desire to know what Religion this old Gentlewoman is of?

Mrs. *Crompton.* I am a *Roman* Catholick, my Lord.

Mr. *At. Gen.* Swear Mrs. *Palmer*.

[*Which was done.*]

Mr. *Sol. Gen.* Mrs. *Palmer*, where did you see Mr. *Ireland*?

Mr. *Palmer.* I was at Dinner at Mrs. *Crompton's* at *Millage*, where there was a Gentleman called Mr. *Ireland* that did dine there.

L. C. J. When was it?

Mr. *Palmer.* I cannot tell truly what Day it was.

L. C. J. Who was there besides you at Dinner that Day?

Mrs. *Palmer.* 'Tis so long since, I cannot remember.

L. C. J. Was Mr. *Biddolph* there?

Mrs. *Palmer.* Not that I remember, my Lord.

L. C. J. What do you bring her for, Mr. *Attorney*?

Mr. *At. Gen.* She dined there that Day it seems; but if she cannot remember it, I cannot help it.

L. C. J. But these kind of Witnesses do but slack your Proof.

Mr. *Sol. Gen.* My Lord, I think we do over-do our Business indeed.

Mr. *At. Gen.* We have one more Witness to this Point, and that is Mrs. *Mary Holmes*; swear her. [*Which was done.*] Where did you see Mr. *Ireland* in the Year 78?

Mrs. *Holmes.* I saw him at *Millage*, my Lord.

L. C. J. When?

Mrs. *Holmes.* The first, or the beginning of *September*, I am sure.

Mr. *Sol. Gen.* What Day of the Week was it?

Mrs. *Holmes.* *Monday*.

L. C. J. You have Proof enough of this, Mr. *Attorney-General*.

Mr. *At. Gen.* Truly, I think so, my Lord.

Mr. *Sol. Gen.* Pray swear Mrs. *Esther Gifford*. [*Which was done.*] Mrs. *Gifford*, when did you see Mr. *Ireland*?

Mrs. *Gifford.* Upon the 2d of *September* 78, I saw Mr. *Ireland*, above a hundred Miles from this Place.

Mr. *Sol. Gen.* Where?



Mrs. Gifford. At *Pancrass*.

Mr. Sol. Gen. What time of the Day was it?

Mrs. Gifford. In the Afternoon about four or five a-clock.

Mr. Sol. Gen. Did he stay there all Night?

Mrs. Gifford. I cannot tell indeed.

Mr. At. Gen. Swear Mr. Pendrel.

[Which was done.

Mr. Sol. Gen. Now, my Lord, we are come to the 2d of *September* in the Evening; we shall prove where he was that Night and the 3d, and then we shall return to the 4th of *September*, when Mrs. *Harwell* swears he came back to *Wolverhampton*.

Mr. Hanses. When did you see Mr. *Ireland*, Mr. *Pendrel*?

Mr. *Pendrel*. I saw him upon the 2d of *September*.

Mr. At. Gen. Where did you see him?

Mr. *Pendrel*. At *Boscobel* at my House, there he lodg'd with me that Night.

Mr. Sol. Gen. In what Year was it?

Mr. *Pendrel*. In the Year 1678.

Mr. At. Gen. Was it the *September* before the Plot, and before Mr. *Ireland* was executed?

Mr. *Pendrel*. Yes, my Lord, it was.

L. C. J. Did you know him before?

Mr. *Pendrel*. No, I did never see him before, as I know of.

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

Mr. *Pendrel*. He staid that Night and the next Day all day, and went away the 4th of *September* to *Black-Ladies*.

Mr. Sol. Gen. Whose House is that?

Mr. *Pendrel*. It is Mr. *John Gifford's*.

L. C. J. You say you live at *Boscobel*; did you hear any thing of a Letter came to your House for Mr. *Ireland*?

Mr. *Pendrel*. Not that I know of, my Lord, there was not any that I remember.

Mr. At. Gen. Then swear Mrs. *Pendrel*.

[Which was done.

Mr. Sol. Gen. Pray, Mistress, will you give an account where you saw Mr. *Ireland*.

Mrs. *Pendrel*. I saw him at *Boscobel*, at the Royal Oak; he came there the 2d Day of *September*.

Mr. Sol. Gen. Can you tell what Year it was?

Mrs. *Pendrel*. It was the first beginning of the Plot.

Mr. Sol. Gen. How long did he stay there?

Mrs. *Pendrel*. He staid *Tuesday*, and *Wednesday* he went to *Black-Ladies*, and so away to *Wolverhampton*.

Mr. Sol. Gen. We have but one Witness more, my Lord, for *Wednesday* the 4th of *September*, and then we have done. Swear Mr. *Charles Gifford*.

[Which was done.] When did you see Mr. *Ireland*?

Mr. C. Gifford. May it please your Lordship, I saw Mr. *Ireland* at my Father's House at *Black-Ladies*—

*Oates*. My Lord, I would ask Mrs. *Pendrel* a Question before she goes: Whether she was not a Witness at the five Jesuits Trial?

Mrs. *Pendrel*. I was in Court, but they would not suffer me to swear.

*Oates*. Did she not give Evidence there?

L. C. J. She was examin'd, but she could not be sworn, because she came to testify against the King in a Capital Cause.

Mr. At. Gen. Pray, what say you, Mr. *Charles Gifford*?

Mr. C. Gifford. My Lord, I say I saw Mr. *Ireland* at my Father's House at *Black-Ladies*, and he staid there an hour and an half, and went through

*Chillington*, and said he would go to *Wolverhampton*.

Mr. At. Gen. What Day of the Month was it?

Mr. C. Gifford. I am morally certain, it was the 4th of *September*, and so he went to *Wolverhampton*, as I am informed. He came to our House to see a Lady that was there.

L. C. J. What Lady was it?

Mr. C. Gifford. It was one Madam *Wells*.

Mr. At. Gen. Thus, my Lord, we have lodged him the 4th of *September* at *Wolverhampton*, when Mrs. *Harwell* says, he return'd to her; and so, my Lord, we have given an Account where he was from the 3d of *August* to the 14th of *September*.

Mr. Sol. Gen. We have prov'd where he was every Day in that time, but only the 8th of *September*, and for that we must leave it to the Jury. We have proved that he came away from Mrs. *Harwell's* the 7th, and he said he was to go to *Tixhall*; and the 9th he did go from *Tixhall* in Sir *John Southcoat's* Company, and came to *London* the 14th.

L. C. J. Well, what say you to it, Mr. *Oates*?

*Oates*. Has Mr. Attorney done his Evidence, my Lord?

Mr. At. Gen. We shall call no more Witnesses, unless you go about to support your own Credit, and then we have other Witnesses to call.

*Oates*. I do not value any Witnesses you can bring against my Credit.

Mr. At. Gen. Well, for the present, we do not design to call any more Witnesses.

L. C. J. Then let us hear what you say to it.

*Oates*. My Lord, here is an Indictment exhibited against me, which sets forth, that I should swear at Mr. *Ireland's* Trial, that Mr. *Ireland* was in Town the 1st and 2d of *September*; and it sets forth, that in truth he was not in Town: And likewise it sets forth, that I swore at the Trial of the five Jesuits, that Mr. *Ireland* took his leave of me and cthers here in Town at his Lodging in *Russel-street*, between the 8th and 12th of *August*: whereas the Perjury there assigned, is this, That he did not take his Leave of me, or any other Person, betwixt the 8th and 12th of *August*, at his Lodging in *Russel-street*. Now, my Lord, I was not the only Witness of Mr. *Ireland's* being in Town in the Month of *August*, nor the only Witness of his being in Town about that time in *September*. My Lord, my Prosecutors have endeavoured to maintain this Charge against me thus: The first thing they have gone upon, as far as I can remember in the Indictment, is as to the 1st or 2d of *September*, or rather, they have endeavoured to prove both under one. Now in answer to all this Evidence, my Lord, the first thing I shall offer to your Lordship's Consideration, and the Consideration of the Jury, is the great Hardship I lie under, after six Years time, to be put to disprove what the Counsel here have now offered against me. My Lord, I observe first, that this Indictment, which is now upon Trial, is founded upon the Trial of *Ireland*, which was the 17th of *December* 1678, at the *Old-Bailey*, and it is now six Years after that Evidence of mine was delivered. A second thing is, that the Indictment is found by special Commission, as appears by the Indictment itself. Now I must recommend to the Consideration of your Lordship and this Jury, why the Prosecution of this pretended Perjury has been delay'd so long, when it appears by the Evidence which has been produced, that the Witnesses to prove it were known six Years since, as much as they are now; and there is no colour of Evidence offered,



offered, that any new Fact has been lately discovered which was not then known. There is no Reason, my Lord, that is assigned or can be assigned for this Delay, but only that the Hardship might be the greater upon me: For now it is difficult, if not impossible for me to maintain the Evidence I then gave, so many Persons being since dead, or gone beyond the Seas, and many things that were fresh then, are now grown out of Memory; and I beg your Favour to insist upon this, and I think it cannot be denied me. If such a Practice as this be admitted, no Witness is safe in giving his Testimony against any Conspirators whatsoever. For, my Lord, I must desire leave to offer another thing to your Consideration, before I speak to the particular Evidence, and that is this; That here is nothing but a bare Point of Time upon which this Perjury is assigned; when the Substance of the Testimony that I gave at the Trials of Mr. Ireland and the rest about the Popish Plot, is not assigned as any Perjury at all; it is only a Circumstance of Time and Place. And, my Lord, I shall offer this to your further Consideration, that Ireland was convicted for a treasonable Resolution to murder the late King, and not for being in Town in August or September 78, or elsewhere; and he was not convicted for his being in his Chamber in *Russel-street*, and taking his leave there in August, which is one matter of the Perjury now assigned. Next, my Lord, 'tis hard and unreasonable to tie up Witnesses that come to discover Plots and Conspiracies, to speak positively as to Circumstance of Time and Place, and every little Punctilio in their Evidence, to bind them up to such Niceties in the delivery of their Testimonies, as to Time and Place. It is usual to speak with latitude, as to such kind of things, and 'tis probably my Evidence which is now in question, was not that Ireland was the 1st or 2d of September positively here in Town; but, my Lord, I did (I believe) give myself a latitude, and would not confine myself to either the 1st or 2d, 5th, 6th, 7th, or 8th; but, my Lord, that he was in September there, I am positive. I must therefore beg your Lordship's and the Court's Opinion, whether that Mr. Foster did prove that I was positive and precise to the Days of the 1st and 2d of September 78?

*L. C. J.* In my Opinion it is a plain Evidence that you did swear positively to those two Days; and you spoke to a Circumstance very material in your Evidence, that either the 1st or 2d of September you had twenty Shillings of him in Town here: Now that Circumstance of his Kindness to you, was not a Circumstance either of Time or Place.

*Oates.* Then, my Lord, I shall begin with my Proofs: but, my Lord, I desire I may have free Liberty to mind my Business; for here is a Gentleman behind me that will not let me be at quiet, but is either meddling with me or my Papers.

*L. C. J.* Who is it? Let me know him, and I will take care to make him quiet, or set him farther off. You, Gentlemen that are at the Bar should know better, one would think: He must have liberty to make his own Defence; and if he complains and lets me know who meddles with him, they had better do somewhat else.

*Oates.* My Lord, the first thing that I offer, is, that Ireland was convicted of Treason, and for that you have the Record.

*L. C. J.* It is allowed of all sides, that Ireland was convicted and attainted of Treason.

*Oates.* Then, my Lord, the principal Defence

which, as near as I can remember, Mr. Ireland made at his Trial, was an Endeavour to prove that he was not in Town between the 8th and 12th of August, nor the 1st and 2d Days of September, which are the Points now in Issue; and he then produced one Mr. Gifford, and his Sister and Mother; and fifteen or sixteen Witnesses were produced at Mr. Whitebread's Trial, of which there is another Record, that being six Months after Mr. Ireland was tried: There Mr. Whitebread produces several Witnesses, Mr. Gifford, I say, and several others, I think to the number of sixteen, which were to prove Ireland's being out of Town in these times that these Witnesses speak of. Now, my Lord, all those several Witnesses being produced to prove Ireland then out of Town, the very Point that is now in Issue, was then so; and notwithstanding all those Witnesses, the Jurors who tried Mr. Ireland, and the Jurors who tried Mr. Whitebread and the other four Jesuits, found them guilty; tho' they endeavour'd with all their force imaginable to oppose my Testimony, and it was left to the Consideration of the Jury what their Witnesses had said. If your Lordship pleases to remember, my Lord Chief Justice Scroggs did observe to the Jury, that the Evidence of the Prisoner at the Bar did consist only in Punctilio's of Time; which, as near as I can remember what he said, he called a Nicety of Time; and in Whitebread's Trial he was pleased to call it catching in Point of Time. And it was observ'd at Ireland's Trial, that his Defence was so weak, that my Lord Chief Justice Scroggs, upon the Integrity of Bedloe's Evidence and mine, uses these Words to the Jury, (tho' he then endeavour'd to do what these Witnesses do now:) It is most plain the Plot is discovered, and that by these Men, and that it is a Plot, and a villanous one. Which shews not only the Fullness and Satisfactoriness of our Proof that we gave, but does also take notice of the little Shifts and catching Tricks he made use of to prove himself out of Town; which would not weigh with the Court. Therefore I observe, it is but the same Objection that then was made, and is not a new one now. And my Lord Chief Justice that then was, speaking of that Proof he brought (which the Court heard with patience, but could easily see thro' the Vanity of it) said, What Arts they have of evading this, I know not; for as they have turn'd their Learning into Subtilty, so they have their Religion too. All this is well remembered by those that were by, and heard that Trial: And tho' Ireland laboured to disprove me in that Circumstance of Time, yet still the Court did justify the Evidence that Mr. Bedloe and myself had given. And the same Chief Justice said, I leave it to you to consider, whether you have not as much Evidence from these two Men as can be expected in a Case of this nature; and whether Mr. Oates be not rather justified by the Testimony offer'd against him than discredited. This was after his Plea was debated and considered: and I must further observe to your Lordship, that tho' Mr. Ireland by his false Witnesses pressed this matter as far as he could then, and urg'd the Court to believe it; yet when the Jury brought in their Verdict and found him guilty, the Chief Justice expressed the Satisfaction of the Court in these Words: You have done, Gentlemen, like very good Subjects and very good Christians; that is to say, like very good Protestants: and now much good may their 30000 Masses do them. This, my Lord, was the Case of Mr. Ireland, at his Trial; and



and the same Point of his being out of Town was again managed before a second Jury at the Trial of the five Jesuits; but the Court saw the Design of the Popish Party to blemish the Evidence given of the Plot: but yet they look'd upon it only as a Trick. And my Lord Chief Justice *Scroggs*, in summing up the Evidence at that Trial, says, They fall foul upon Mr. *Oates*, meaning myself; he appears to have been their Agent, and whilst so, bad enough: But if he had not had a mind to become a good Man, he would not have done us that good he has done, in the Discovery of the Design they had engaged him in. And if your Lordship please to remember, that at that Trial of the five Jesuits, when all Arts were used to prove *Ireland* out of Town, and me at *St. Omers*, in the same Charge to the Jury, my Lord *Scroggs* did take notice that the Jesuits were very exact at catching in a Point of Time; but now says, that is a thing that no Man can precisely charge his Memory withal; and therefore he does there persuade the Jury, that that should not be too strictly the Measure of their Judgments about Truth and Falshood, by the Mistake of seven or eight Days: For, said he to the Jury, 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 therefore you are not to lay too great a Weight upon the Point of Time. Now, if too great Weight, my Lord, be not to be laid upon a point of Time, then this Charge that is now brought against me is not of weight at all. And besides, my Lord, this ought to be considered, if this were the great Objection then, and then answered, it ceases to be an Objection now. And, as the Court did observe at the summing up of the Evidence, that they made their Defence about the Uncertainty of a Point of Time, which was no Defence at all; so that, my Lord, the whole Course of my Plea is this: 'Tis a hard case for a Man, after six Years, to be indicted for a Circumstance of Time. I will first offer the Testimony of one Witness that is dead, and that is Mr. *Bedloe*, who at his Death confirmed all that he had sworn of the Popish Plot to be true, and affirmed that he had rather spoken less than the Truth, than more; and for that I desire that my Lord Keeper may be called, who took his dying Examination.

*L. C. J.* As for that, Mr. *Oates*, it is a thing very well known to the World, and particularly to a worthy Gentleman that sits by you, [*Pointing to Mr. North*] that Mr. *Bedloe*, when he was sick, did make some such Protestation.

*Oates*. Then, my Lord, I desire that Mr. *Blaney* may be sworn, to give an account what Mr. *Bedloe* testified at *Ireland's* Trial.

*Then Mr. Blaney was sworn.*

*Oates*. Mr. *Blaney*, pray will you see in your Notes of *Ireland's* Trial, whether Mr. *Bedloe* did not swear that Mr. *Ireland* was in Town, the latter end of *August* 78, or the beginning of *September*?

Mr. *Blaney*. Whereabouts in the Trial is it, Sir?

*Oates*. It is in the printed Trial, *folio* 41.

Mr. *Blaney*. My Lord, I do find these Words in my Notes, that Mr. *Bedloe* should say, about the latter end of *August*, or the beginning of

*September*, but I believe it was the latter end of *August*, Mr. *Ireland* was at *Harcourt's* Chamber, and being asked the Question by my Lord Chief Justice *Scroggs*, Whether he said positively, it was the latter end of *August*; he said it was in *August*, he would not be positive to a Day, but he thought the latter end.

*L. C. J.* 'Tis very well known too, that *Bedloe* did swear *Ireland* was in Town the latter end of *August*, or beginning of *September*; and to confirm it upon Mr. *Ireland's* denial, you swore he was in Town the 1st or 2d of *September*; and gave you twenty Shillings, that was the Occasion of your Oath.

*Oates*. Then, my Lord, I desire to call some Witnesses to testify to the Deposition that was taken of Mr. *Jennison*, about *Ireland's* being then in Town.

*L. C. J.* When was that Deposition taken, and before whom?

*Oates*. It was taken in the Year 79, by Sir *Edmund Warcup*.

*L. C. J.* But we cannot admit that in Evidence, unless the King's Counsel will consent.

*Oates*. My Lord, I will then produce what he swore at another Trial.

*L. C. J.* Why, where is he, is he dead?

*Oates*. My Lord, it has cost a great deal of Money to search him out; but I cannot any where meet with him, and that makes my Case so much the harder; that I cannot, when I have done all that Man can do, to get my Witnesses together. I sent in the depth of Winter for him, when I thought my Trial would have come on before; but I could never hear of him.

*L. C. J.* We cannot help that.

*Oates*. Will what he said at any other Trial be Evidence here?

*L. C. J.* Look you, though in strictness, unless the Party be dead, we do not use to admit of any such Evidence; yet if you can prove any thing he swore at any other Trial, we will indulge you so far.

*Oates*. Have you the Record of Sir *George Wakeman's* Trial there, Sir *Samuel Astry*?

Mr. *At. Gen.* Here it is; if Mr. *Oates* have any use for it, we will lend it to him.

*L. C. J.* Put it in; and now prove what you can, what *Jennison* swore at that Trial.

*Oates*. Mr. *Blaney*, have you your Notes of Sir *George Wakeman's* Trial here?

Mr. *Blaney*. No, Sir, the Ticket of your *Sub-pena* did only mention *Ireland*, *Whitebread*, and *Langhorn's* Trials. But I did formerly upon another Occasion look for the Trial of Sir *George Wakeman*, but could not find it among all my Notes.

*Oates*. Sir, can you remember then what *Jennison* swore at that Trial, about *Ireland's* being here in Town?

Mr. *Blaney*. Truly, my Lord, I can never trust my Memory at all when I take Notes; and it is now so long since that Trial, that I dare not undertake to say I remember any Particulars of it.

*L. C. J.* He says it is so long since, that he cannot remember any thing. But there is Sir *Edmund Warcup* now; is he sworn?

*Cryer*. Yes, my Lord.

*L. C. J.* What do you ask him then?

*Oates*. I would desire to examine Sir *Edmund Warcup*, my Lord, about the Deposition of *Jennison* that he took.



*L. C. J.* But we tell you that cannot be admitted as Evidence, without they will consent to it on the other side.

*Oates.* My Lord, he proves *Mr. Ireland* here the 19th of *August*, and that contradicts these Witnesses.

*L. C. J.* If they will admit it, well and good; else we cannot do it.

*Mr. At. Gen.* My Lord, we will be so fair with *Mr. Oates*, if he will admit *Mr. Jennison's* Letter, that is under his hand, wherein he does own that he was mistaken in his whole Evidence about that matter, we will consent his Deposition be read.

*Mr. Just. Withins.* If he will not consent to that, there's no reason you should consent to the other, *Mr. Attorney*.

*L. C. J.* Look you, *Mr. Oates*, *Mr. Attorney* makes you this Offer; you desire to have *Mr. Jennison's* Depositions read, which cannot be done without their Consent; they tell you they will consent, if you will let them prove what he has own'd since about that Business.

*Oates.* My Lord, I will consent with all my heart; let them read any Letter under his hand.

*L. C. J.* Well, do it on both sides by consent; and now, *Mr. Oates*, do you produce his Examination.

*Oates.* Pray, *Sir Edmund Warcup*, will you please to give the Court an account, what Deposition *Mr. Jennison* made before you, about *Ireland's* being in Town in *August 78*?

*Sir Edmund Warcup.* If my Lord commands me, I will.

*L. C. J.* Ay, you must answer his Question.

*Sir Edmund Warcup.* This *Mr. Jennison* did make one Information before me, and according to the Duty that was incumbent upon me, I deliver'd it in to the King and Council, and there it has lain ever since; for me to remember the Particulars of it, is impossible.

*L. C. J.* Have you his Examination here, *Mr. Oates*? If you have, shew it him.

*Sir Edmund Warcup.* If I see my Hand to it, attesting it was sworn before me, I can say somewhat to it.

*Oates.* My Lord, he says he deliver'd it in to the Council; but it is printed.

*L. C. J.* That is no Evidence, Man.

*Sir Edmund Warcup.* I can say nothing to it, unless I saw it under my own hand.

*Oates.* That is impossible for me to have, my Lord.

*L. C. J.* I cannot tell how to help it.

*Sir Edmund Warcup.* You have no more to say to me, *Sir*, have you?

*Oates.* No, *Sir*, I have not. Pray call *Sarah Batten*.

*Mr. At. Gen.* Is that the same that was *Sarah Paine*?

*Oates.* I think so, *Sir*; I am not sure it is she, till she come hither.

*Cryer.* Here is *Sarah Batten*.

*Oates.* Pray swear her, and call *Sir Thomas Doleman*. [*Which was done.*] But *Sir Thomas Doleman* did not appear.

*Oates.* Pray was not your Name *Sarah Paine*?

*Batten.* My Lord, I desire my Charges before I speak.

*L. C. J.* What is your Name, good Woman?

*Batten.* My Name is *Sarah Batty*.

*Oates.* Was not your Name *Sarah Paine*, once?

*Batty.* No, my Maiden-Name was *Sarah Edmunds*.

*Oates.* Was not you a Witness at the Trial of *Mr. Ireland*?

*Batty.* No, *Sir*.

*Oates.* Did not you live with my Lord *Arlington*?

*Batty.* No, *Sir*.

*Oates.* Then I have been at all this Charge for nothing. Are you sure your Name was not *Sarah Paine*?

*Batty.* No, indeed, *Sir*.

*Oates.* They told me that she liv'd at *Uxbridge*, and thither I sent.

*Batty.* I do live at *Uxbridge*, *Sir*.

*Oates.* Upon your Oath, were you a Witness at any of the Trials, or no?

*Batty.* No, my Lord, I was not.

*Oates.* Then I have nothing to say to her.

*L. C. J.* What other Witnesses have you to call?

*Oates.* We have laboured all we could to find her out, and searched for her with all the care imaginable; and here we thought we had had her, but it seems it is not she.

*L. C. J.* We cannot help it.

*Batty.* I hope, my Lord, you will consider my Charges in coming up hither.

*Oates.* I will take care of thee, Sweet-heart.

*L. C. J.* Who do you call next?

*Oates.* Pray call *Mr. Charles Clare*.

*Cryer.* He is not here.

*Oates.* Pray call *Mr. Percival*. My Lord, I desire *Mr. Blaney* may give an account what she swore about *Ireland's* being in Town, seeing I cannot have her here.

*L. C. J.* That we cannot do neither, without *Mr. Attorney* will consent: For this, as well as the other, is an extraordinary thing.

*Oates.* You see by my bringing this Witness, my Lord, that I have done what I could to find her out.

*L. C. J.* What say you, *Mr. Attorney*, will you consent?

*Mr. At. Gen.* No, my Lord, it is so irregular, that we cannot consent to it.

*Oates.* Pray call *Mr. Percival* and *Mr. Vaughan*.

*Cryer.* They do neither of them appear.

*Oates.* Then I must lose the benefit of her Testimony.

*L. C. J.* Have you done?

*Oates.* No, my Lord, I will have done immediately.

*L. C. J.* Take your own Time.

*Oates.* I desire *Sir Michael Wharton* may be call'd.

*Cryer.* He is not here.

*Oates.* Pray call *Mr. Charles Chetwind*.

*Cryer.* He is not here.

*Oates.* Pray call *Mr. Robert Bowes*.

*Cryer.* He is not here.

*Oates.* Pray call *Mr. John Savile*.

*Cryer.* He is not here.

*Oates.* My Lord, I have served all these with *Subpœna's*; and if they will not come, I cannot help it.

*L. C. J.* Nor we neither.

*Oates.* *Mr. Jennison* was used as a Witness in the Trial of *Sir George Wakeman*, and so was *Mr. Bowes*, and *Mr. Burnet*, who was produced to prove the Circumstance of *Mr. Jennison's* Evidence: But, my Lord, since I cannot have the benefit of his Evidence, nor of *Sarah Paine's*, I must only sum up all I have to say in two or three Words. My Lord, besides that what I did deliver in Evidence at those



those Trials, I gave in upon Oath; you have Mr. *Bedloe's* Evidence at the Trial of *Ireland*, testified by Mr. *Blaney*: and the Testimony of him as a dying Man, given in to my now Lord Keeper, wherein he averr'd, that what he had spoken of the Plot, was all true. And you hear that he swore, Mr. *Ireland* was here in Town in *August*, and so did *Sarah Paine* too; and I think upon myself as very hardly used, to have such a part of my Testimony brought in question, after Witnesses are dead, or gone out of the way. As for Mr. *Fennison*, his Evidence was formerly made use of; and his Evidence was approv'd of too, as is well known to those that sat Judges upon the late Viscount *Stafford*. But this is that, my Lord, I must needs say for myself, that as I hope to see the Day of Salvation in another World, whatever I have sworn about Mr. *Ireland's* being here in Town betwixt the eighth and twelfth of *August* 78, and in the beginning of *September*, is true, as I shall answer it before God another day. And, my Lord, as to the Evidence this day brought against me, I desire you would but observe, though that there are many of those Witnesses, yet a great part of them do not come up to the eighth or twelfth of *August*: And I hope your Lordship will remember, and remark to the Jury, what little credit those of them had that came to testify in the behalf of Mr. *Ireland* at his Trial, and at the five Jesuits Trials, of which there are two Records before you; and they do first justify this, that *Ireland* and the rest of them were guilty of what they were accused of; and then, that these Witnesses did not testify the Truth.

Besides these two Trials, my Lord, you have a third Verdict, and that is at the Trial of Mr. *Langhorn*: Now the whole Popish Plot almost was laid forth in those three Trials; and, my Lord, I believe verily I am the first Precedent in all *England*, of any one's being indicted for Perjury, that was a Witness for the King in such a case as this, after six Years time elapsed; after Verdict upon Verdict, and Judgment and Execution upon these Verdicts; and when no new Objection is now offer'd, but what was then started; and no new Circumstance occurs now, but was as forcible then, except it be the Change of the Season. And I desire it may be consider'd, when all the Judges of *England* were Commissioners of Oyer and Terminer at those Trials, these Matters were fully discuss'd and debated; and then they did look upon all the Objections as fully answer'd and confuted.

My Lord, I am confident if I had been a Witness in any other Cause, than of a Conspiracy of the Papists, I might have had fairer quarter than I have now: And I do verily believe, that at this rate, it is more safe for Papists to be Traitors, than for any Protestant to discover a Popish Plot.

My Lord, and Gentlemen of the Jury, I beseech you to take my Case in your serious Consideration, as to the Hardship of it; and since all my Witnesses are in Places unknown, or they are such as, considering the Times, dare not appear, some of them being Lawyers, and under fear they shall fare the worse in their Practice; and others being Persons that depend upon the Law, and think they shall be look'd ill upon, as I am now look'd upon with a hard Eye by the Popish Party and their Adherents: yet I hope, you that are sworn to do Justice, will not let me be ruined by a number of false Witnesses, by the Evidence of Papists that are Parties. For if your Lordship please to consider that Vote of the Lords House, which is a Court of

Record, wherein they do declare, that they are fully satisfied by the Proofs they have heard, that there then was, and for divers Years last past had been, a Horrid and Treasonable Plot and Conspiracy, contrived and carried on by those of the Popish Religion, for the murdering of his Majesty's Sacred Person, and for subverting the Protestant Religion, and the ancient and establish'd Government of this Kingdom: which Vote of Parliament, my Lord, does make the Papists to be all Parties in this Case; and where they are Parties, I hope they shall not be admitted as Evidence, or at least not be believed; because there is a turn to be serv'd by them against me, and a Revenge they are resolv'd to take upon me: for they have hopes now of bringing in their Religion, and are to welcome that in with my Ruin; and this is the Cause of this Prosecution. Their Eyes do see now what their Hearts so long desired, that is, the Death of a great Man, who died but lately, and against whose Life they had conspired so often, and so long. My Lord, if this had been the first Conspiracy that ever the Papists were guilty of, there might have been some more Scruple and Objection in the case: But if you cast your Eyes upon *Campian*, and others in Queen *Elizabeth's* Time; of *Garnet*, and the Powder-Jesuits in King *James's* Time; and the Designs of the Popish Party in the Time of the late King *Charles* the First, discovered to the Archbishop of *Canterbury*: If these things do pass for Truth, and there is no Averment against so many Records as we have of their Conspiracies, then my Discovery is no such improbable a thing; and I hope then the Gentlemen of the Jury will take it into their Considerations, who they are that are Witnesses in this Case; Men whose very Religion is Rebellion, and whose Principles and Practices are pernicious to the Government, and thereby they are to be look'd upon as dangerous Persons in Church and State. But, my Lord, if the Letters of *Coleman* be well consider'd, they will justify me; that he corresponded with *le Chaise* the French King's Confessor, for the promoting of Popery in *England*, is notorious to all Mankind, that have either read or heard that Trial: Your Lordship was of Counsel for the King in that case, and heard how it was opened, and plainly proved upon him. And when his Letters have been made so publick, and proved under his own hand, nay, and confessed by himself; I think no Man will doubt but that must be a plain Proof of the Plot, and will be enough to vindicate me.

My Lord, I have one Word more, and then I have done, and leave it to your Lordship and the Jury. My Lord as they would now sling the Popish Plot upon me, so there is an evident Design to sling the Murder of *Godfrey* upon a Protestant Peer; and because an Indictment was, upon the Testimony of the Traitor *Fitzbarris*, against that noble Lord, they have resolv'd to have profligate Villains to take his Life for that Murder: that is apparent; and so they will go on step by step, if they be let alone; and think at length to wipe their Mouths with *Solomon's* Whore, and say, they have done no mischief. My Lord, I leave these things to the Consideration of the Court and Jury; I will not detain you any longer. I have called what Witnesses I could get, but the distance of Time has made it impossible for me to have those here now, that did give Evidence in this matter before.

My Lord, I have one Favour to beg of the Court; I had but a bad Night last Night, and am now in



great pain; I desire that you would grant me one Request, that I may have Counsel assign'd me, to argue the Errors in yesterday's Indictment: My Lord, I am but a poor Man, and cannot be at the Charge of seeing Counsel.

*L. C. J.* We did assign you Counsel before, you may have who you will for Counsel.

*Oates.* Will your Lordship be pleas'd to do me the Favour to let me have some time to prepare and instruct Counsel.

*L. C. J.* Ay, what Time would you have?

*Oates.* A Week's time, if your Lordship please.

*L. C. J.* Give him till this Day seven-night, there may be no hurt in that.

*Oates.* Till Monday come seven-night, if your Lordship please, let me have.

*L. C. J.* No, no, we cannot do that; we give you a Week's time, which is more than ordinary: for by the Rules of the Court there are but four Days allow'd, and those would be out Monday or Tuesday.

*Oates.* I thank your Lordship for that Time you have given me; but I hope you will be pleas'd to take the Particulars I have mention'd into your Consideration; and I desire I may have liberty to go home, because I am not well.

*L. C. J.* Ay, you may go, if you will.

*Mr. Sol. Gen.* May it please your Lordship, and you, Gentlemen of the Jury, the Question that you are to try, is a Perjury, which is charg'd on the Defendant *Titus Oates*, for swearing that *William Ireland* was in Town upon the first or second of September 78. And likewise, for swearing, that he took his leave of him at his Chamber in *Russel-street*, between the eighth and twelfth of August 78. And we do assign the Perjury in both those Points, that he is forsworn in both; and the Evidence of that Perjury is, that it is impossible to be true what *Oates* did swear, because *Mr. Ireland* was not in Town between the eighth and twelfth of August, nor the first or second of September.

Gentlemen, you have heard the Evidence that has been given, and there has been no less than between forty and fifty Witnesses produced, to shew that it is really impossible what *Oates* did swear should be true: He tells you that this Matter is in a Circumstance of Time, wherein it is difficult for a Man to be positive to a Day, and a Man may be allow'd some Latitude in such a Case; nay, it is usual with Witnesses in Points of Time, to swear with a Latitude. But, my Lord, to shew that, if we should grant that false Doctrine to be true (and false most certain it is, and of mischievous consequence it would be, if, when things are charged upon Men, that depend upon Circumstance of Time and Place, the Witnesses should not be strictly kept to those Circumstances) yet, I say, granting that Position, it is impossible it should do him any service in the Case before you: For between the beginning of August, and the 14th of September (which includes both the Times he swears to, and the Latitude of above twenty Days to boot) there is not any one Moment of Time, wherein his Oath could be true.

Gentlemen, you observe what the Witnesses have said, how they have given you an account of every particular Day of both Months, from the 3d of August, when he first left London, to the 14th of September, when he return'd back again: We did ask the Witnesses, that it might appear to be plainly true, what they swear, if they had any particular Circumstances that made them to remember it; and

they have given a great many, and now it lies upon us to shew you that it is Demonstration, that what they have said and testified must be true; and that those Days they speak of, he was in the Places they named

For take the Periods of Time, and you will find you have him from the 3d of August to the 16th, with my Lord *Aston*, going from London to *Tixball*; upon the 17th they give you an account of him at *Mrs. Harwell's* to the 26th; from the 26th to the 4th of September, there are others that give you a particular account, by remarkable Circumstances, where he was every day in *Staffordshire*; from the 4th to the 7th you find him at *Wolverhampton*. For the 8th indeed we do give no particular account where he was that Day; but we prove that upon the 9th he was at *Tixball*, and from thence he came away with *Sir John Southcoat* towards London; and there you have a particular account where he was, every Day till the 14th, when he return'd to his Lodging.

And now, Gentlemen, I shall shew you, that, if you believe these Witnesses saw him in these Months; that certainly it was upon those Days they speak of, that they did see him.

First, that he went out of Town in August, you have these Witnesses, *Anne Ireland*, *Eleanor Ireland*, *Mrs Duddle*, *Mrs. Quino*, and my Lord *Aston*. Well, how come they to remember it was upon the 3d of August? Why the four Women remember it by this particular Remark; three Days before there was a Holiday, which they keep in memory of *Ignatius*; and upon that Day they remember *Mr. Ireland* went abroad to take a Recreation, and came home again that Night, tho' the rest of the Company staid there; because he was to go out of Town upon the third Day after, which must be the 3d of August; for *Ignatius's* Day, you hear, is always the last Day of July. And they do positively swear, that upon the 3d of August, he took his leave of *Anne Ireland* and *Eleanor Ireland*. *Mrs. Duddle* remembers that he went out that Day. *Mrs. Quino*, whose Husband was his Taylor, says, he did stay a little to have somewhat in his Clothes mended; and she saw him in his Boots, and he said he was to go out of Town. *Mrs Anne Ireland* says, they took the liberty to lodge a Gentlewoman in his Chamber, and saw him not again till a Fortnight before *Michaelmas*: And that he did go out of Town upon the 3d of August, is further prov'd by my Lord *Aston*, who noted it down in his Book at that time, that *Ireland* came to his House at *Standen* in *Hertfordshire*; so that here is as strong an Evidence as can be, that he did go on the 3d of August, and that they remember it to have so been, by all the Circumstances that can be imagin'd.

Well, the 3d of August he went out of Town. The 4th of August we give an account where he was: he staid that Day with my Lord *Aston* at *Standen*. The 5th of August he set out with my Lord *Aston's* Company, and went to *St. Albans*. The 6th he went to *Northampton*. The 7th, to *Coventry*. The 8th to *Tixball*; and the Company that went with him proves it, which was *Sir Edw. Southcoat*, and *Mr. John Southcoat*; and *Harrison* and *Hobson*, who saw him go in the Company; and *Mr. North*, who says he saw him every day; and *Ingletrap*, the Coachman that drove the Coach: all these remember it positively, and some of them speak of a remarkable pretty Horse, which he rid upon.

Now when he comes from *Tixball*, (for we have brought him hither by manifest Proof, by Men that



that could not forget, by Men that saw him in the Company) there he remain'd (as they all testify) till the 13th of *August*, and that was the *Tuesday* after his Arrival at *Tixball*; and from thence he went that Day a Journey into *Flintshire*, to *Holy-Well*; and that is proved by the Witnesses, that were in his Company in that Journey. They tell you, the 13th he lay at *Nantwich*. The 14th at *Holy-Well*. The 15th, at *Chester*. And the 16th he came back again to *Tixball*. And so here you have abundance of Witnesses, that give you a particular account where he was, in what Company they saw him, from the 3d of *August* to the 16th. If he were then in this Company from the 3d to the 16th, he could not be in his Chamber in *Russel-street*, between the 8th and the 12th.

Then we came to the 17th, and then we find him to be at *Wolverhampton*, where he continued to the 26th; and that it must be between the 17th and the 26th, is plain: For after that time which Mrs. *Harwell* speaks of, the other Witnesses give such Circumstances, that it cannot be otherwise. You find him on the 27th at a Horse-race, which is a remarkable Circumstance; and these are things, that Men do very well remember what days of the Month they happen upon. We then give you an account of the 29th; that at *Tixball* he was seen in company upon the Bowling-green, with Persons of Quality; Sir *Thomas Whitegrave*, and others: so we give you an account where he lodged. The 28th he was at *Bellamore*. The 29th he went to Mr. *Heveningham's*, there he lodg'd till the 1st of *September*; and this is remember'd by particular Circumstances, that he went a fishing, and a setting, and a hunting. Then the next day, which is the 1st of *September*; and the next day after, the 2d of *September*, they saw him at Mr. *Gerrard's*; he din'd upon the 2d at Mrs. *Crompton's*, and lay at *Boscobel*; there he continued the 3d, and the 4th he came to *Wolverhampton* again.

So that this shews, that what Mrs. *Harwell* did speak of, was true; for if Mrs. *Harwell* did see him, as 'tis not at all doubted but she did, it must be in that Interval of Time between the 16th and the 27th; where we give you an account of him by other undeniable Circumstances, that he lodged at other Places, and could not lodge at her House at *Wolverhampton*.

Besides, Gentlemen, the particular Circumstances that they do remember him by, proves it to be on those Days. Mrs. *Harwell* gives her positive Oath, that he did come there the 17th, and lay there every Night to the 26th, which was on the *Monday* Seven-night after; and that he came again the 4th of *September* after, and lay there till the 7th.

Then there is *Rushton*, another Witness, that saw him at her House, the 18th, 19th, 20th, 21st, 22d, and 25th. And, I say, it must be those Days, because we have given an account, by other Witnesses, of all the other Days. And it must be that very time that *Oates* speaks of; for it was the Summer before *Ireland* was apprehended and executed for the Plot, which was *Michaelmas* 1678.

Mr. *Winford*, she remembers him at *Wolverhampton*, the 18th, 19th, 22d, and 24th.

*Stanley* remembers the 18th and 19th; and if you ask him how he remembers it, he tells you, by a Circumstance that most Men would remember; he buried his Child that day, and entertain'd *Ireland* with the Provision for the Funeral. Now Men usually remark such Accidents as these; for that is a thing a Man cannot forget, that has any Concern

in the World for those that are so nearly related to him; and therefore such Circumstances must of necessity evince the Truth of what he speaks, because it is brought to his mind, by an Accident that cannot be forgotten.

Mrs. *Purcell*, which is the next Witness; and she remembers to have seen him the 18th, 19th, 20th, 21st, 22d, and 23d; for she remembers the last of them was the day before *Bartholomew-day*, which was a remarkable day.

Then there is another Man, that look'd to his Horse whilst he was there, but his memory will not serve him to speak to any particular Time; he only evidences, that he was there; and the other Witnesses speak to the Time.

Mr. *Stamford*, he remembers it to be at that time, because he saw him on the *Sunday* after the Assumption of our Lady, which is always the 15th of *August*; and the like says Mrs. *Gifford*. These Circumstances verify her Testimony.

And Mr. *Gifford* remembers, he came on the 17th Day; and he saw him every day, till the 26th Day.

And Mrs. *Fowler*, who is Mrs. *Harwell's* Daughter, she remembers he came the 17th day; and she was in his Company every day, till the 26th; except one day, when he went to *Litchfield*; that was the day before *Bartholomew-day*, which was *Friday*.

Mrs. *Keeling*, she swears, that upon the 17th day he came there, which was *Saturday*. She saw him on the *Sunday*, and on the *Monday*; and went on the *Monday* in the Afternoon, to the Funeral of her Mother, which is another Circumstance, that she must needs remember; and by that, has the Remembrance of the Day of the Month when he was there: And she return'd back again on *Thursday*, and heard him that day, but did not see him. But she saw him every day after, till he went away; and she remembers his going away was upon the 27th. And she remembers likewise that he return'd the 4th of *September* after.

Mr. *Richardson*, he proves, that he saw him upon the 19th Day of *August* at *Wolverhampton*; as he was told, it was he: And being ask'd, when he was told so? He says, Mrs. *Harwell* told him so, some time before he was apprehended; so that she could not tell it him then, to serve a Turn. And he is a Protestant too.

So is likewise *Eleanor Graves*; who gives you an account that she saw him there on the 20th, 21st, and 22d; and on the 23d, she went to *Litchfield* with him; and upon the 25th, she supp'd with him at Mr. *Winford's*.

Now, Gentlemen, you have a full account of it, even to a Demonstration, that he must be in these Places at this time, if you will believe one thing, that is, that these Witnesses saw him at all. And sure none can doubt, but these Witnesses did, upon the Circumstances they have testified, see him in *August* and *September*; and then it must be those particular Times, that they speak of.

At *Wolverhampton* then you have him to the 26th: The 27th day, you have an account of him at the Horse-race at *Etching-hill*. The 28th, Mr. *Howard* gives you an account, he dined at *Bellamore*, at Mr. *Aston's*. The 29th you find him at the Bowling-green at *Tixball*; and from thence to Mr. *Heveningham's*, where he lodg'd that Night, and staid there the 30th; which is prov'd by the Circumstances of fishing in the Morning, and setting in the Afternoon. And the next day, which



was *Saturday* the 31st, you hear he was at the killing of a *Buck*; where *Mr. Gerrard* was expected, but Sickness prevented his coming. And you have him the 1st of *September*, which was *Sunday*, at *Mr. Gerrard's House*, where several of the Witnesses did see him.

And besides, one *Proctor* tells you, he saw him the 31st of *August*, at *Iulford*, at *Mr. Lowe's*. And he very well remembers that to be the Time, by a remarkable Circumstance: *For* (says he) *the last Day of August I went to pay some Money*, (which is a thing Men are generally very punctual in) *and when I came home again, I found him there*. And he swears he saw him at *Mr. Gerrard's House*, the 1st of *September*, the Day after.

*Mr. King* remembers he saw him at *Mr. Gerrard's* of *Hildersham*, the first of *September*; and that he dined at *Mrs. Crompton's*, the second of *September*; and staid there till two of the clock in the Afternoon; and went from thence, with an intent to go to *Boscobel*.

*Lee* says, he saw him at *Mr. Gerrard's House* and at *Mrs. Crompton's*: that he dined there, and went from thence to *Pancrass*, and from thence to *Boscobel*.

*Mr. Biddolph* remembers, he dined with him on the second of *September*, at his Aunt's; and that by this Circumstance, he was desired by my Lord *Cullen*, to see an Horse-Race in *Northamptonshire*; and promised my Lord *Cullen* to come: Which Horse-Race is always on a certain Day, the first *Thursday* in *September*; and that Year it happen'd to be the fifth of *September*: And it was the *Monday* before, that he dined at his Aunt's; and because of his Promise to my Lord *Cullen*, he would not stay all Night. And so it must be the second Day of *September*, that he saw him there.

*Mrs. Crompton* says, it was the same Day, that her Nephew, *Mr. Biddolph*, dined there: For he was a Stranger, and she never saw him before, nor after.

And there is another Gentlewoman, *Mrs. Palmer*, that swears, he dined at *Mrs. Crompton's*; but she cannot tell the particular time when.

*Mrs. Gifford* saw him at *Pancrass*, between the Hours of four and five in the Afternoon, upon the second of *September*: and *Lee* went along with him to *Pancrass*; and from thence he went to *Boscobel*.

*Mr. Pendrel* says, he saw him the second of *September* at Night; for he came to his House. Which agrees with all that the other Witnesses say, which was, that he intended to go to *Boscobel* that Night. He and his Wife both testify, that there he lodged upon the second of *September*, and staid there the third of *September*; and went from thence the fourth, to *Black-Ladies*: where *Mr. Gifford* tells you, he dined.

And we have given you an Account before, where he was the Fourth at Night: For then he was returned to *Wolverhampton*; and there he lodged to the seventh of *September*. And after the seventh of *September*, though we do not give you a positive Evidence, That upon the seventh of *September*, at Night, or upon the eighth, he was at my Lord *Ashton's*; yet we have given you that which amounts almost to a Demonstration, that he must be there upon the eighth of *September*. For he went from thence with *Sir John Southcoat*, to go towards *London*, on the ninth. And our Evidence is the more credible, because they swear cautiously all of them: Unless they remember some remarkable Circumstance, they will not take upon them to fix upon a particular time.

Then, *Gentlemen*, we give you an account, by the Persons that were in his Company where he was every Day, all along from the time he left *Tixball*; down to the time he came to *Sir John Southcoat's House* in *Surrey*. And this Journey took up the ninth, tenth, eleventh and twelfth of *September*: There are four Days; and he staid there one Day. Then he sold *Mr. Southcoat* his Horse. *Mr. Southcoat* lent him his Horse to come to Town; and the next day he did come to Town; And so we have brought him to *Saturday* the Fourteenth of *September*.

And now, let all the World be judge, if there be any possible room left, that any one word *Mr. Oates* has said, can be true; even giving him the Latitude of Time, he himself desires, and says all Witnesses must be allowed. No, there is not one Minute for him, wherein he can be verified in any one Tittle of his Evidence, as to *Ireland's* being in Town. And this is that which I call (and sure, well I may so call it) a *Demonstrative Proof*, that what *Oates* did swear is utterly false.

*Gentlemen*, the Jury had not this Evidence at the Trial of *Ireland*: Some there were, that went out of the Town with him; and some, one or two of *Wolverhampton*, were at the five *Jesuits Trials*; but not above five or six in all of these forty odd, that now appear. True indeed it is, all these were not there; and *Ireland* upon that, unfortunately suffered; for so I may take leave to say, it was *Unfortunately*.

*Mr. Oates* has said one thing unto you, which he lays much stress upon: He would have you look upon it as a great Hardship, that this Prosecution comes so late; and that it is strange, after six Years time spent, this should now be set on foot.

But, *Gentlemen*, I cannot but with much Sorrow remember to you, and I know you all remember it too well; That there was a time, when the City of *London* was so far corrupted, that it was become a Refuge and a Sanctuary for High-Treason; when there was no Justice to be had for the King there; when Men lodged themselves within those Walls, as a Protection for their Conspiracies: we all remember the Time, when Indictments were preferred, and a plain Evidence given to a Grand-Jury, even to the publick Satisfaction of all that heard it; and yet they have refused to find the Bill: And not only so, but were so abetted by the Rabble, that it was scarce safe for the Judges to sit upon the Bench. These are things none of us can forget, but must be perpetually remembered, to the shame of the Authors and Contrivers of them: And therefore it is no wonder an Indictment was not preferred against *Mr. Oates*, at that Time, when the plainest Proof against Criminals could not be admitted. And this will give every Man Satisfaction, why it has been delayed; and I hope at the same time give every Man a Caution, how they fall into the like Circumstances again.

But, *Gentlemen*, you have heard the Evidence that is now offered, to prove this Matter of Fact; and it is a plain Demonstration, if you will believe that *Mr. Ireland* was seen by these Men at all, he was seen at those very times they have particularly declared: For upon Consideration of the Circumstances, it is impossible it should be at any other times; and so I leave it to you to judge upon the whole, whether the Defendant be perjured or no.

*L. C. J.* *Gentlemen* of the Jury, this Case has taken up a great deal of Time; but it is a Case of that moment and consequence, that sure no time ought to be thought too long, that is employed for



for the discovering of the Truth, so necessary to be discovered, as the Matter now in question. For as I said at the beginning upon this Occasion, and I cannot but say it again now; I confess, I cannot without Horror and Trembling, reflect upon the many Mischiefs and Inconveniencies we have been run into, if the Testimony given this Day in this Cause against *Oates* prove true, as I cannot in the least imagine, where there should remain the least Objection against the Truth of it; I cannot, I say, but bewail, that so many innocent Persons (to the Reproach of our Nation be it spoken) have suffered Death upon this account.

God deliver me, from having the least stain of *innocent Blood* imputed to me; and it is more to be lamented, when we see that Impudence, which has brought that Infamy upon our Land, continues with a brazen Face, defying all Shame to this day. But by this we may be informed, how some Men's Consciences are seared, and that there are some People that do indeed live without the Fear of God in the World. For if that Man, who has assumed to himself the Habit and Character of one that should preach to others, Religion, Virtue, and the Things that become true Christians, shall become such a Monster of Impiety and Impudence, in defiance of Heaven and Earth; what greater and more manifest Proof can there be of a seared Conscience?

I cannot but lament likewise the Wickedness of our Age, when I reflect upon the Testimony of that other Wretch, (indeed I cannot use Terms severe enough for him) that when he was going into another World, should persist in such gross Falsities; I mean *Bedloe*, infamous *Bedloe*; and let his Name be for ever infamous to all Mankind, that have any regard, or deference for the Truth; that he should with his latest Breath dare to affirm, that every Word he had said of the *Popish Plot*, was true: when it is as clear as the Sun, by the Testimony of this Day, that every Word he swore about *Ireland*, was utterly false. *Good God of Heaven! What an Age have we lived in, to see Innocence suffer Punishment, and impudent Falsity reign so long!*

Gentlemen, I hope all Eyes are opened, (I wish they had been so long since;) let us lay the Burden, the Infamy and Reproach of these Things, upon them that deserve it; for we cannot but know, we are reckoned as a By-word to all our Neighbours, and shall remain Monuments of Ignominy to all succeeding Ages and Times, if we do not endeavour to discharge our selves and our Religion, and the Justice of our Nation from these Scandals.

Gentlemen, I think I am obliged, in the first place to take Notice of what Mr. *Solicitor General* has mentioned, concerning the Insolency of those Times, wherein the Faction was grown to that extravagant Height, that, in truth, a Man durst not appear, with safety of his own Life and Fortune, to testify the Truth. And, is it not a shame, that it should be remembered, what one of the Witnesses this day testifieth? That when he came to appear at the Council-Table, to attest a Matter of Fact, before this innocent Blood was spilt, (for so I must call it, if that which has been sworn this Day is true) the Rabble should be so boisterous, as to cry out, *Where is that Villain, that dares come to give Evidence against OATES, the SAVIOUR of the NATION?* Oh, horrid Blasphemy, that no less an Epithet should be given to such a profligate Wretch as *Oates*, than that which is only proper to our Blessed LORD! As though *Oates* had merited more than all Mankind; and so indeed he has, if

we take it in a true Sense: He has deserved much more Punishment, than the Laws of this Land can inflict.

And I must needs say, Gentlemen, That this is an Instance, why there seems not to have been Punishment enough ordain'd in Law for Perjury, because our Law-makers did not foresee, that there could ever be such Villains, such Miscreants, as these.

We have indeed another Instance in the Law, of a Crime for which there is no adequate Punishment; and that is in the Case; where a Child kills his Father: Parricide has no peculiar Judgment assigned for it; but we are forced; because these Things have been sometimes practis'd, by a Construction in Law, to make that Child as a Servant to his Father, and so punish him with the Judgment of Petty-Treason: but take him immediately as he is a Child, and not as a Servant, and I say there is no particular Provision in Law, to punish such an Offence: And, what is the reason of it? Because it is so unnatural, and against the Imaginations of Mankind to believe, there ever could be such a wicked Child in the World.

If that be not to be imagined, how could it be imagin'd, that there should be such horrid Villains, as should attempt the Destruction of the Government of three Kingdoms? Good Lord! What times do we live in? Surely, 'tis such an Age, as was never known, from the Creation of the World to this day.

And to this must be added, what aggravates the Mischief that all this is done under the Umbrage; Countenance, and Pretence of Law; the Proceedings of Law, the usual Methods of Justice, are made the Instruments of the most horrid Injustice. The Murder of our late blessed Sovereign, King *CHARLES* the Martyr, of ever-happy Memory, though a Crime as high in it self, as the Law knows of; yet I may say, it was aggravated very much, that that unfortunate, but glorious King, should be brought to the Block, by a Pretext of Law, and cut off by a colourable Method of Justice; 'tis that which makes that Murder ten times more base and infamous. So, Gentlemen, the Destruction of poor innocent Persons, by false Accusations, by the pernicious Evidence of perjured Witnesses, in a Court of Justice, makes their Crime infinitely more odious, than common Murder.

Gentlemen, I cannot but speak with warmth in a Case of this nature; and I the rather speak so, because, at the time when those things were done, we all know, the Nation was in a hurry, and a sort of ill-minded Men had crept in among us, who had blown us up to such an height, that nothing but what comply'd with their malicious and devilish Designs, was to be believed; when the King could not get common Justice done against real Traitors; but the very Streams of Justice were all corrupted, though the Fountain (God be thanked) was preserved pure:

When the Faction (by Cabals and Intrigues) had got Sheriffs of their own Party, and laboured to get all other Officers of their own wicked Principles, then came all those Mischiefs we so long labour'd under. When those Fellows, that had so great a share in the late Rebellion, were the only fit Men to be trusted with the Government; and all the while were designing to destroy it, and to bring us into the same miserable Condition we formerly were in.