



An Alphabetical TABLE of the Principal Matters contained in all the Six Volumes.

N. B. The Numeral Letters denote the Volume; the Figures the Pages of each.

A.

ABDICATION.



THE Principles the Convention went upon, when they declared the Throne vacant at the Revolution V. 116

ABINGTON, Edward, Charles Tilney, Edward Jones, John Travers, John Charnock, Jerome Bellamy, and Robert Gage; their Trial for High Treason the 15th of September, 1586, 28 Eliz. I. 134

The five first indicted for a Conspiracy against the Queen's Life, and contriving to set the Queen of Scots at liberty; the two last for receiving and harbouring Traitors. ib.

The Court deny Abington a pair of Writing-Tables to take Notes; but allow him to speak to any Point as it was urged, before the whole Charge was gone through. 135

The Confession of Babington and others, who had been attainted of Treason, read against them. ib. & 136

Abington objects that he could not be convicted without two Witnesses brought Face to Face 137

The Court deny that two Witnesses are necessary on an Indictment for High Treason, on the 25th of Edward III. ib.

The Prisoners are convicted 140

Their Judgment, and Execution ib. & seqq.

The bare bearing of Treason, no Treason; and what shall be deemed an Assent to it 138

ACCESSARY.

Where the concealing an intended Felony shall make one an Accessary before the Fact I. 326

If all the Principals are acquitted, the Jury shall not enquire of the Accessaries: otherwise, if any of the Principals are convicted III. 470

ACCOMPLICE.

Accomplices in Treason, legal Witnesses till they are indicted I. 113. II. 339. III. 883. IV. 149, 572, 594.

What an Accomplice has said, no Evidence against those who are indicted with him III. 476

One indicted for Treason, and another for a Misdemeanor for the same Fact; the Record of the Conviction of the first for Treason shall not be read in Evidence against the other III. 834

ACCUSATION.

No Man bound to accuse himself I. 169.

II. 24. 463 IV. 606

Whether one accused may legally be committed without Oath made against him? II. 743

ACTION.

ACTION de Scandal. Magnat. III. 987

ACTION lies for charging a Man with a Crime after he has had his Clergy, or a Pardon V. 168

Where one arrests another without probable Cause of **ACTION**, he is liable to an **ACTION** by the Party grieved III. 1076

The pursuing malicious Methods to obtain a Right, subjects the Party who takes such Methods to an **ACTION** 1090

ADHERING. See Enemy.

ADJOURNMENT. See Parliament.

AIDING and ABETTING.

Whoever is privy and consenting to Treason, or procures another to commit Treason, is a Traitor; and the Procurer of Felony or Murder is a Felon I. 73

What shall be deemed an Assent to Treason, &c. I. 138. II. 594

The aiding a Traitor knowingly, Treason II. 151

The encouraging a Traitor, Treason II. 365, 594

Aiding and assisting a Pirate; 'tis no Excuse to say he was under the Pirate's Command V. 314

Yet those who were Servants on board, are directed to be acquitted ib.

One held to be aiding and assisting at a forcible Marriage, though not present at the Ceremony 478

AILESBURY, Thomas Earl of, IV. 606. See Freind, Sir John.

ALIEN.

Aliens are good Witnesses I. 113

Natives of Scotland, Denizens of England to all Intents II. 9

An Act naturalizing the Father, naturalizes his Issue born before the Act, without special Words. Not so in case of Denization 12

An Englishman having Issue of an Alien Woman out of the King's Dominions, such Issue are Denizens of England ib.

He who pleads he is an Alien, must make it appear 15

Aliens shall be tried by a Jury of half Foreigners and half Natives III. 468. V. 449

An Alien and a Natural-born Subject indicted differently V. 527

Whether a Juryman's being an Alien is sufficient Cause for arresting Judgment? 439

An Alien naturalized in Scotland shall not inherit Lands in England, as a Native of Scotland may V. 524

* A

An

An Alphabetical TABLE.

- An Interpreter sworn, to interpret the Evidence to the Aliens on a Party-Jury* III. 472
- A L L E G I A N C E.** See Oath.
- Ligeantiam naturalem nemo ejurare potest, nec patriam exuere* II. 9
- Allegiance cannot be circumscribed by Place, but is due to the Person of the King* V. 517
- The Difference to be observed in an Indictment for one who owes Local Allegiance, and him who owes Natural Allegiance* 527. VI. 87
- Spencer's Treason; That Allegiance was due to the King only in his Politick Capacity; and that the People might compel him by Dureſſe (or per Aſpertee) to yield to their Demands* II. 305
- A L L I E S.** See Enemy.
- A M B A S S A D O R.**
- A French Ambassador beheaded by the Duke of Milan, for treasonable Practices during his Embassy to him* I. 119
- An Ambassador may be tried for Treason* II. 8
- Earl of Castlemaine charged by the House of Commons with going Ambassador to Rome* IV. 397
- A Bill of Attainder against a Person for killing a Foreign Minister* V. 105
- A M E N D M E N T.** See Discontinuance, Pleading, Writ.
- A N D E R S O N,** *alias* M U N S O N, Lionel, William Ruffel, Charles Parris, *alias* Parry, Henry Starkey, James Corker, William Marshal, and Alexander Lumsden, *tried for High Treason the 17th of January, 1679, 31 Car. II.* II. 993
- Kemish indicted and arraigned, for remaining in England, having received Popish Orders* ib.
- But being sick he is remanded to Prison* ib.
- Anderson, &c. indicted also, for accepting Popish Orders* ib.
- Marshal and Corker object they had been already tried for High Treason and acquitted; but are told, that was for compassing the King's Death, &c. which is another Species of Treason* 994
- Anderson first tried* 995
- The King's Order for his staying in England does not avail him at his Trial* ib.
- Sir John Keyling opens the Evidence* ib.
- Whoever accepts Popish Orders, by Consequence disowns the King's Supremacy, and asserts the Pope's* ib.
- Dangerfield deposes, that he went to Confession to Anderson* 996
- And that he had an Indulgence from Anderson to be drunk as soon as he had received the Sacrament* ib.
- Oates's Evidence that the Prisoner performed the Function of a Priest; and the Court directs, that it is not necessary to prove his Ordination* 997
- Bedloe commits a Mistake in his Evidence against Anderson* 998
- The Prisoner urges in his Defence, that he wrote in behalf of the King's Power against the Pope's Supremacy* ib.
- And observes that the Judges had delivered their Opinion that this Law was made only in terrorem* 999
- The Chief Justice directs the Jury* 1000
- The Clerk absolves the Priest when he says Mass.* ib.
- Mr. Corker's Trial* ib.
- He is proved to be Titular Bishop of London* ib.
- A Convent in the Savoy suppressed* 1001
- Mr. Marshal's Trial* 1002
- His own Confession, that he was a Priest when tried for the Popish Plot, brought as Evidence against him* II. 1003
- Mr. Ruffel's Trial* 1006
- Oates and Bedloe complain that the Court is crowded with Papists* 1007
- Parris's Trial* ib.
- The Venetian Ambassador's Letter not admitted as Evidence for the Prisoner* 1010
- Starkey's Trial* ib.
- He says that Oates did not know what a Priest's Habit was* 1011
- Objects, that the Priest makes the Mass, and not the Mass the Priest* ib.
- Says that a Protestant had said Mass about Town* ib.
- Says he had spent 4000 l. and lost a Leg in the King's Service* ib.
- That he was banished in the Time of the Usurpation, for refusing to take the Engagement against the King* ib.
- Mr. Lumsden's Trial* ib.
- He appears to be a Scotchman, and Procurator for Scotland* 1012
- The six first convicted; but Lumsden being a Scotchman, it was found specially as to him, the Court doubting whether he was within the Statute* 1013
- The Recorder shews the Reasonableness of making this Statute, and the putting it in Force at this Time.* 1016
- Sentence passed on the first six* 1017
- A P P E A L.**
- In an Appeal, where one stands mute, he shall be hanged* I. 389
- Appeals in Parliament remain in the same State on the meeting of a new Parliament as they were in at the Dissolution of the old* II. 747
- In an Appeal, the Prisoner may have Counsel; and his Witnesses shall be sworn* 253
- A Conviction on an Indictment for Murder no Bar to an Appeal* ib.
- One acquitted for Murder shall give Security to answer any Appeal that may be brought* III. 501
- A P P L E T R E E,** Thomas, II. 585. See Messenger, & al.
- A R C H B I S H O P.** See Bishop.
- A R G Y L E,** Archibald Marquis of, *his Trial in Scotland for High Treason, 13 Car. II.* 1661. II. 417
- The Charge against him, wherein are enumerated several Acts of Hostility in the Reign of the late King* ib. 418
- The delivering the King's Person into the Hands of the English Rebels* ib.
- In taking the part of Oliver Cromwell when Protector, and opposing King Charles the Second's Restoration* 419 & seqq.
- The Marquis's Answer* 427
- He pleads the Act of Oblivion* ib.
- He denies most of the other Articles* 428
- His further Answer* 430
- His Speech at his Execution* 434
- A R G Y L E,** Archibald Earl of, *his Trial for High Treason, in November, &c, 1681, 33 Car. II.* III. 441
- November 3, 1681, the Earl takes the Scotch Test in Council, his Royal Highness the Duke of York, High Commissioner, being present* ib.
- The Privy Council's Explanation of the Test* ib.
- Novemb. 4. The Earl of Argyle being about to take the Test as a Commissioner of the Treasury, and offering the Explanation he had offered the Day before*

An Alphabetical TABLE.

- before, it was resolv'd he could not sit in Council, not having taken the Test according to the Meaning of the Act III. 442
- The Earl of Argyle's Explication of the Test ib.
- Novemb. 8. The Council send a Letter to his Majesty, to acquaint him they had committed the Earl to the Castle, and ordered him to be prosecuted for the scandalous Paper he gave in as his Explanation of the Test ib.
- Novemb. 15. The King sends an Answer approving their Proceedings 443
- The Indictment against him for Treason and Perjury, &c. ib.
- Abstract of the Acts of Parliament whereon the Indictment is founded 444
- The Earl's Petition that Sir George Lockhart may be assign'd of Counsel for him 446
- The Answer of the Council ib.
- A second Petition of the Earl's; with the Answer of the Council, that they allow Counsel to plead for him ib.
- The Earl causes Sir George Lockhart to be serv'd with the Order of Council allowing Counsel to plead for him 447
- The Earl is arraigned Decemb. 12. before the Lords of Justiciary 448
- His Speech, reciting his Services to the King at Worcester Fight, &c. ib.
- The King's Letter to the Earl, when he was Lord Lorn 449
- General Middleton's Orders to the Earl, and the Earl of Glencairn's Letter to him, read in Court ib.
- Sir George Lockhart's Argument and Plea for the Earl of Argyle 450
- The King's Advocate's Argument and Plea against the Earl 455
- Sir John Dalrymple's Reply to the King's Advocate 458
- Sir George Lockhart's Reply to the King's Advocate 460
- The King's Advocate's third Plea against the Earl 463
- The several Arguments enter'd by the Clerks in Court 464
- December 12. The Lords of Justiciary adjudge the Libel or Indictment to be well supported, as to the Treason; and refer the Proof of the Facts therein contain'd to the Assize (or Jury) consisting of fifteen Peers and Commoners ib.
- The Assize having chosen the Marquis of Montros their Chancellor (or Foreman) with one Voice find the Earl Guilty of Treason, Leasing-making and Leasing-telling; and, by Plurality of Voices, acquit him of the Perjury ib.
- The Council acquaint his Majesty with the Proceedings ib.
- The King, in his Answer, directs the Lords of Justiciary to proceed to pass Sentence; but to respite the Execution 465
- December 23, 1681. The Court pass Sentence of High Treason upon the Earl in his Absence, he having made his Escape 466
- ARMSTRONG, Sir Thomas, Proceedings on the Outlawry against him, Trin. 36 Car. II. 1684 III. 983
- He desires he may have the Benefit of a Trial, according to the Statute of Edw. VI. it being less than a Year since he was out-law'd. The Court answer, he did not surrender himself pursuant to that Statute; but was taken, and so could not have the Benefit of it ib.
- Remarks on this Proceeding III. 984
- Mrs. Matthews, the Prisoner's Daughter, exclaims against the Court for murdering her Father, and is committed ib.
- The Prisoner charg'd with being one of those who engag'd to kill the King 985
- He complains his Money was taken from him when he was made Prisoner ib.
- Execution awarded ib.
- His Behaviour at Execution ib.
- Substance of his Dying Speech 986
- Proceedings of the Commons upon this Attainder in 1689 ib.
- His Attainder revers'd, 6 W. III. ib.
- ARREST. See Action.
- ARUNDEL, Philip Howard Earl of, his Trial for High Treason, the 18th of April, 1589. 31 Eliz. before a Commission of Peers I. 164
- Indicted for corresponding with Dr. Allen, a Traitor, in promoting a foreign Invasion, and saying Mass for the Success of the Spanish Armada 165
- A Picture found in his Trunk given in Evidence against him 166
- Refus'd to have his Accusers brought Face to Face 167
- He objects to some of the Witnesses, that they were indicted or attainted; but is over-rul'd 168
- He is convicted; and Sentence pronounc'd upon him ib.
- He dies in Prison ib.
- ASHTON, John, his Trial for High Treason, the 19th of January, 1690. 2 W. and M. IV. 455
- The Indictment, see p. 410. in Lord Preston's Trial.
- The Prisoner is deny'd to have his Solicitor by him at the Trial ib.
- Mr. Serjeant Thompson's Speech before Evidence 456
- Billop's Evidence of his taking the Prisoners on board a Yatch, with the Papers; as in the Lord Preston's Trial 464
- Mr. Ashton's Defence 473
- He calls Witnesses to his Reputation 476
- Mr. Serj. Thompson sums up the Evidence 479
- The Chief Justice Holt directs the Jury 481
- Lord Chief Justice Pollexfen adds his Observations 484
- Mr. Ashton is convicted 485
- Lord Preston and Mr. Ashton call'd to hear Judgment 486
- Mr. Ashton desires a Sight of the Indictment; but is deny'd ib.
- Sentence pass'd on the Lord Preston and Mr. Ashton 487
- Mr. Ashton's Dying Speech ib.
- He reflects upon a particular Judge and Jurymen 488
- ASSASSINATION. See Plot.
- ASSIZE. See Jury.
- ASSOCIATION.
- Association enter'd into (for the Preservation of Queen Elizabeth) by private Persons, confirm'd by Parliament I. 143, 144
- The Draught of an Association to exclude the Duke of York, found in the Earl of Shaftesbury's Study III. 424
- ASTLIN, Joseph, III. 949. See Sacheverell, William.
- ATKINS, Samuel, his Trial for the Murder of Sir Edmondbury Godfrey, 1678. 31 Car. II. II. 792

An Alphabetical TABLE.

<i>His Indictment, as Accessary with Green, Berry, and Hill</i>	II. 792	<i>The Act to inflict Pains and Penalties on Francis Lord Bishop of Rochester</i>	VI. 475
<i>He pleads Not Guilty</i>	ib.	<i>The deprived and banished Bishop embarks for France</i>	VI. 476
<i>His Indictment, as Principal with Welch and Le Faire</i>	793	ATTAINDER.	
<i>He pleads Not Guilty</i>	794	<i>Bill of Attainder against the Earl of Strafford</i>	I. 758, 761
<i>The Jury sworn and charg'd with both Indictments</i>	ib.	<i>Bill of Attainder against Archbishop Laud</i>	I. 947, 948
<i>Sir William Jones, Attor. Gen. his Speech</i>	ib.	<i>Bill of Attainder against Sir John Fenwick</i>	V. 40
<i>Charles Atkins's Evidence of the Prisoner's expressing some Resentment against Sir Edmond-bury Godfrey</i>	795	<i>Bills of Attainder universally exploded, where the Party is forthcoming</i>	98
<i>And of his desiring to speak with one Child, who would afterwards have engaged him in the Murder of a Man</i>	796	<i>The first Bill of Attainder begun in the House of Commons</i>	125
<i>Bedlow's Evidence</i>	797	<i>Whether a Bill of Attainder against a Commoner can be brought in in the House of Peers</i>	127
<i>He avers he had formerly declared that the Prisoner was in the Room where Sir Edmond-bury Godfrey's Body lay, and spake to him; but now cannot be positive whether it was the Prisoner or not</i>	ib.	<i>Bill of Attainder against one for killing a foreign Minister, after a Trial in an inferior Court</i>	105
<i>Evidence that the Prisoner disappointed some Persons who expected his Company that Day</i>	798	AUDLEY, Mevin Lord, his Trial for a Rape upon his own Wife, and for Sodomy. Apr. 25. 1631. 7 Car. I.	I. 388
<i>The Prisoner proves, to the Satisfaction of the Court, that he was at Greenwich at the Time mention'd by Bedlow</i>	799	<i>Opinions of the Judges upon several Points mov'd to them by the Attorney-General before the Trial</i>	ib.
<i>He is acquitted</i>	800	<i>Lord Steward's Speech to the Prisoner</i>	390
ATKINS, William, his Trial at Stafford-Asizes for High Treason, the 13th of August, 1679. 31 Car. II.	II. 968	<i>His Charge to the Peers</i>	ib.
<i>The Indictment, for that, being a Subject of England, he accepted Popish Orders, and afterwards resided in England</i>	ib.	<i>The Countess's Examination read against the Earl</i>	392
<i>Evidence of the Prisoner's exercising his Function</i>	969	<i>Evidence that he held his Lady, while his Servant ravish'd her</i>	ib.
<i>He makes no Defence; and is convicted</i>	970	<i>Evidence of the Earl's committing Sodomy</i>	ib.
ATKINS, Sir Robert, his Remarks on Lord Russell's Trial	III. 755, 784	<i>That he solicited his Servants to lie with his Daughter at twelve Years old</i>	ib.
ATTERBURY, Dr. Francis, Bishop of Rochester, Proceedings in Parliament against him, John Plunket, and George Kelly, alias Johnson, upon Bills of Pains and Penalties for a treasonable Conspiracy, May 1723, 9 Geo. I.		<i>His Daughter, the young Lady Audley's Examination read against him</i>	ib.
<i>The Names of the Committee appointed by the House of Commons</i>	VI. 335	<i>The Earl objects to his Lady's Testimony, that she was a lewd Woman</i>	393
<i>The Report of the said Committee</i>	ib.	<i>The Earl is convicted, and sentenc'd to be hang'd; but is beheaded</i>	394
<i>The Resolutions of the House of Commons on the said Report</i>	382	<i>His Behaviour at Execution</i>	395
<i>The Names of the Committee of the House of Lords</i>	ib.	<i>Fitz-Patrick and Brodway, my Lord Audley's Servants, try'd and convicted; the one for Burgery, and the other for a Rape on the Lady Audley</i>	396
<i>The Report of the said Committee</i>	ib.	<i>The Person prostituting himself adjudg'd guilty of Felony as well as the Actor</i>	ib.
<i>The Resolutions of the House of Lords on the said Report</i>	390	<i>The Judges Letter to the Lord Keeper about their Case</i>	ib.
<i>The Lord Chancellor's Speech, returning the Thanks of the House to the Lords of the Committee</i>	ib.	<i>They are executed, and confess the Crime</i>	397
<i>The Act to inflict Pains and Penalties on John Plunket</i>	ib.	AVERMENT. See Pleading.	
<i>Mr. Kelly's Speech to the House of Lords</i>	391	AVERY. See Dawson, & al.	
<i>The Act to inflict Pains and Penalties on George Kelly, alias Johnson</i>	397	AXTEL, Daniel, III. 369. See Regicides.	
<i>Sir Constantine Phipps's Speech for the Bishop of Rochester</i>	398	B	
<i>Mr. Wynne's Speech for the Bishop</i>	406	BABINGTON, Anthony, Chidiock Titchburne, Thomas Salisbury, Robert Barnewell, John Savage, Henry Donn, and John Ballard, their Arraignment	I. 128
<i>Sir Connt. Phipps's Recapitulation of the Evidence</i>	429	<i>Indicted of High Treason, for conspiring the Queen's Death, and to set the Queen of Scots at Liberty</i>	129
<i>Mr. Wynne's Recapitulation</i>	430	<i>They all confess the Indictment</i>	129, & seqq.
<i>The Bishop's Speech in his own Defence</i>	435	<i>After they pleaded Guilty, their former Confessions are read in Court</i>	130, & seqq.
<i>Mr. Reeve's Reply</i>	445	<i>Being call'd to Judgment, they quarrel among one another who were the first Contrivers of the Plot</i>	133
<i>Mr. Wear's Reply</i>	453	<i>Their Behaviour, and cruel Execution</i>	140, 141
<i>The Bishop of Salisbury's Speech for the Bill</i>	458	BACON, Francis Lord, Proceedings against him, in Parliament, for Bribery and Corruption, 1620	I. 375
<i>The Duke of Wharton's Speech against the Bill</i>	465		Resert

An Alphabetical TABLE.

Report from the Committee of the House of Commons I. 375
A second Report of the said Committee 376
Debates in the House of Commons 377
The Report sent up to the Lords 378
A Conference between the two Houses 379
The Lords read a Letter from Lord Bacon 380
And send an Answer thereto 381
Receive a further Complaint from the Commons ib.
State an Account of the Briberies and Corruptions of the Lord Chancellor ib.
Who sends a general Confession and Submission 382
Which is objected to by the Lords 383
Afterwards he makes a particular Answer to each Head of Complaint ib.
And acknowledges it at the Lords Bar ib.
The Commons demand Judgment; which is pronounced by the Lord Chief Justice in his Absence, his Attendance being excus'd on account of Sickness 387
Reduc'd to great Want ib.
His Death, and Burial ib.

B A I L.

A Peer committed by the House of Peers cannot be bail'd by the Court of King's Bench II. 622, 754
Bail not to be taken (even in case of a Peer) in a Homine Replegiando, till the Party effoigned be produc'd III. 544
The Bail cannot be a Witness for the Principal 842
BAILLIE, Robert, of Jerviswood, his Trial for High Treason, before the Earl of Linlithgow, Lord Justice-General of the Kingdom of Scotland, and the other Lords of Justiciary, at Edinburgh, the 23d of December, 1684 III. 1095
The Indictment, for conspiring the Death of his Majesty, and endeavouring to excite an Insurrection and Rebellion ib.
The Prisoner can demand no time to prepare for his Trial in Scotland 1097
Two Noblemen and thirteen Commoners upon the Assize, or Jury ib.
An Accomplice, who had been indicted and confessed the Crime, admitted a Witness 1099
Earl of Tarras deposes, that the Prisoner went to London to concert Measures with the English; and that Argyle was to have 10,000 l. of the English to begin an Insurrection in Scotland ib.
Carstare's Evidence as to Lord Russel's being concern'd 1104
Mr. Sheppard privy to the Design 1105
Dr. Owen, and Mr. Mead of Stepney, concern'd in it 1106
Sheppard's Examination read concerning the Scots coming to London to settle Matters with the English ib.
Sir George Mackenzie, Lord Advocate, his Speech 1107
The Prisoner is convicted 1110
The Manner of pronouncing Judgment in Scotland. 1111
BALLARD, John, I. 128. See Babington & al.
BALMERINO, John Lord, his Trial, for libelling his Majesty and the Government, at Edinburgh, the 3d of December, 1634, 10 Car. I. before William Earl of Errol, Great Constable of Scotland, Lord Justice-General, and Sir Robert Spotiswood, Sir John Hay, and Sir James Learmouth, Assessors to the Lord Justice-General I. 429
The Indictment ib.

Concealing the Author, as well as composing the Libel, Capital I. 431
The Petition, or Libel 433
The Kirk is apprehensive of being new modell'd ib.
That the King favour'd Arminianism, and admitted Papists to sit in Parliament 434
Counsel assign'd the Prisoner 435
They have Liberty of perusing the Depositions against him ib.
His Counsel manage his Defence ib.
The King's Counsel reply 443
The Prisoner's Counsel answer; and the Counsel on both Sides debate 459, & seqq.
His Exceptions to the Indictment over-ruled 470
The Assize (or Jury) empannell'd, consisting of eight Lords and seven Commoners ib.
A Juror challeng'd, for that he had prejudg'd the Prisoner 471
The Libel and Depositions produc'd in Evidence against the Prisoner ib.
The Counsel for the Prisoner make their Observations on the Evidence 478
The Prisoner is convicted 480
Sentence pass'd; but he is pardon'd ib.
BANNANTYNE, John, V. 572. See Green, Thomas, & al.
BARKER, Humphrey, III. 949. See Sacheverell, William
BARNARDISTON, Sir Samuel, Bart. his Trial upon an Information for a Misdemeanour, the 14th of February, 1683, 36 Car. II. III. 933
Upon Oath made of his being sick, his Recognizance is respited, and he is admitted to plead by Attorney ib.
The Information open'd, for scandalizing the Government in several Letters, or Libels, written to his Correspondents, wherein he endeavours to persuade them, that the Plot against the King and the Duke, of which my Lord Russel, Sidney, &c. had been convicted, was a Sham. III. 934
Sir Thomas Jenner's Speech before Evidence ib.
Proved that he own'd the Letters before the Council 935
And that they were laid, among his other Letters, to go to the Post-house ib.
The Letters read 937
Mr. Williams's Speech for the Defendant 938
The Chief-Justice's Observations on the Evidence 940
Mentions in his Charge a contemptuous Expression the Defendant had us'd of him 941
The Defendant is convicted, and receives Sentence 942
BARNES, Henry, V. 576. See Green, Thomas, & al.
BARNWELL, Robert, I. 121. See Babington, & al.
BAROVERSE, Sir James, I. 15. See Brambre.
BASTWICK, Dr. John, try'd in the Star-Chamber, with Henry Burton and William Prynne, for several Libels, 13 Car. I. I. 481
Counsel refusing to sign their Answers, they desire they may be accepted sign'd by themselves; which is refus'd 482
They not answering, the Charge is taken pro confesso 483
The Titles of their Books ib.
They receive Sentence 486
Archbishop Laud's Speech ib.
* B
Their

An Alphabetical T A B L E.

- Their Crime declar'd to be finding Faults in the Common Prayer, and the Fasts appointed by Authority* I. 488
- Their Discourses to the People, and with one another, as they stand in the Pillory* 495
- Upon their Petitions to the Parliament, their Sentence is revers'd* 504
- BATEMAN, Charles, *his Trial the 9th of December, 1685, 1 Jac. II.* IV. 162
- He desires his Trial may be put off, having had no Notice; but is told he had Notice enough, being try'd upon an Indictment of the preceding Sessions; and that Notice was a Favour which the Prisoner could not claim.* ib.
- The Indictment for High Treason in conspiring the Death of the King, and promising to assist in seizing of the King's Person, the Tower, &c.* ib.
- A Witness is permitted to be examined after the Evidence sum'd up* 164
- The Prisoner convicted; Sentence pass'd on him, and executed* ib.
- BAYARD, Colonel Nicholas, *his Trial at New York for High Treason, 19 Feb. 1701-2, 14 W. III.* V. 419
- Matters introductory to his Trial* ib.
- The Attorney General's Opinion that he was not criminal* 420
- The Act upon which he was tried* 421
- Some of the Grand Jury dismiss'd, who were suspected of Tenderness to him* 422
- The Indictment found against him* ib.
- He objects by his Counsel, that twelve Jurors did not agree to find it* 423
- Which is over-rul'd* 424
- The Indictment* ib.
- The Prisoner desires two Clerks to take Minutes; but is deny'd* 425
- He pleads Not Guilty* ib.
- Objection made by the Prisoner's Counsel, that the Precept to summon the Petit Jury was not under the Hands and Seals of the Commissioners: whereupon the Court adjourn'd, and another Precept was awarded* 426
- His Trial begins* 427
- The Prisoner convicted* 435
- He moves in Arrest of Judgment* ib. 436
- Sentence pass'd on him as a Traitor* 440
- BAYNTON, Sarah. See Swendsen.
- BEASLEY, Richard. II. 585. See Messenger, & al.
- BEAUCHAMP, John, I. 15. See Brambre.
- BEDLE, Edward, II. 585. See Messenger, & al.
- BELKNAP, Sir Robert, I. 14. See Brambre.
- BELLAMY, Jerome, I. 139. See Abington, & al.
- BENNET, Ralph, III. 949. See Sacheverell, William.
- BERRY, Henry, II. 760. See Green, Robert, & al.
- BETHEL, Slingsby, Esq; *his Trial for Assault and Battery at an Election, 1681, 33 Car. II.* III. 413
- The Indictment* ib.
- Mr. Holt opens the Evidence* ib.
- Evidence of the Assault and Battery* 414
- Mr. Thompson's Speech for the Defendant* 415
- The Defendant's Evidence contradicts the King's Witnesses* ib.
- Mr. Thompson sums up for the Defendant* 417
- Mr. Holt for the King* ib.
- The Defendant convicted* ib.
- He is fined five Marks* 418
- BETHEL, Slingsby, Esq; III. 630. See Pilkington, & al.
- BIGAMY. See Marriage.
- BILLS of Attainder. See Attainder.
- BISHOP of London. See Compton, Dr. Henry.
- of Rochester. See Atterbury, Dr. Francis.
- ## B I S H O P S.
- Impugning their Authority, adjudg'd to be an impugning the Queen's Authority in Causes Ecclesiastical* I. 175
- Archbishop refusing to consecrate one elected Bishop, incurs a Præmunire* 850
- Bishops derive their Power in Temporals from the Prince; but in Matters purely Spiritual from Christ, though they may not exercise their Spiritual Power without Leave of the Prince* 883
- The Title of Holiness given to the Primitive Bishops* 871
- Episcopacy Jure Divino* 915
- A Schismatick may not be a Witness against his Bishop, by the Civil Law* 934
- The Bishops excluded from sitting in the House of Lords, by Act of Parliament* II. 337
- Bishops may vote in Matters previous to the Trial in Capital Cases* II. 742. III. 101
- BISHOPS, the Seven, *their Trial* IV. 304
- They are brought by Habeas Corpus from the Tower to the King's-Bench-Bar, the first Day of Trinity-Term, 1688* ib.
- The Return of the Habeas Corpus read, in which is recited the Warrant for their Commitment* ib.
- Mr. Attorney prays the Information may be read* 305
- The Bishops Counsel move they may be discharg'd before it be read; for that they were not legally committed* 306
- 1st, Because the Return says they were committed by the Lords of the Council, but not in Council; and that the Lords have no Power to commit but in Council* ib.
- 2dly, That a Peer cannot be committed for a Misdemeanour* 312
- Rul'd, that every Commitment shall be presum'd to be pursuant to the Power of the Person committing* 311
- If the Process, whereby one is brought into Court, be illegal, the Party cannot be charg'd with an Information* 312
- A Peer may be committed for Treason, Felony, or Breach of the Peace* IV. 315
- The making a seditious Libel deem'd an actual Breach of the Peace* 316
- Rul'd, that the Information should be read; and it was read in Latin* ib.
- The Declaration for Liberty of Conscience recited* 317
- Order of Council for the reading and distributing it* 319
- The Bishops Petition* 320
- Mr. Attorney prays the Bishops may plead to the Information* ib.
- The Bishops Counsel insist on an Impar lance* ib.
- Sir Samuel Astry testifies the Course of the Court to be, that where one appears upon a Summons, he shall have an Impar lance; but if he comes in Custody, or on a Recognizance, he shall plead presently* 324
- In Capital Cases, the Party accus'd must plead presently* 323
- Rul'd, that my Lords the Bishops plead immediately* 328
- They offer a Plea in Paper, being the Substance of what their Counsel had already insisted on* 329
- The*

An Alphabetical TABLE.

- The Plea is rejected as frivolous, and they are order'd to plead over; whereupon they plead Not Guilty* IV. 332
- The Court directs 48 to be return'd on the Jury, and the Jury to be struck in presence of the Attorneys on both sides* ib.
- The Archbishop enters into a Recognizance of 200 l. and the other Bishops in 100 l. each for their Appearance* 333
- The Trial comes on, Friday the 29th of June, 1688* ib.
- The Names of the Jury* ib.
- Mr. Attorney, Sir Thomas Powis, states the Case, and opens the Evidence for the King* 334
- The Declarations under the Broad Seal given in Evidence* 335
- Proof is insisted on, that they were the same with the printed Declaration* 336
- The Bishops Hands to the Petition attempted to be prov'd* 337
- Similitude of Hands, whether Proof of a Man's Hand-writing in Criminal Matters* 342
- And if it be, whether the Witness himself be Judge of the Likeness; or whether some of the Party's Writing ought to be produc'd in Court for the Jury to judge of it* ib.
- The Court divided about the Sufficiency of the Proof; and directed the King's Counsel to produce other Proof of the Bishops Hands* 345
- Mr. Blathwayt deposes, they acknowledg'd their Hands before the Council* 346
- The Bishops Counsel examine Mr. Blathwayt, if the King did not promise that their owning their Hands should be no Prejudice to them* 348
- He deposes that the King made no such Promise* ib.
- The Petition not prov'd to be fram'd in the County where the Offence was laid; and Matters of Crime being local, it was insisted, that the Defendants must be presum'd to be innocent* 349
- Held not necessary to insert the whole Petition in the Information* 352
- Putting a Libel into the Post, adjudg'd a Publication of it* 353
- The owning their Hands before the Council, did not amount to a Publication; but had the Witnesses been positive that the Bishops own'd that this was the Paper they deliver'd to the King, it was agreed that would have been a sufficient Proof of their publishing it; but the Witnesses not being positive in this, it was held they had fail'd as to their Proof of the Publishing it: Whereupon the People shouted* 361
- The Lord Sunderland depos'd, that the Bishops apply'd to him, to assist them in delivering their Petition to the King; whereupon the Court were of Opinion there was sufficient Proof of the Publishing* 366
- The Bishops Counsel enter upon their Defence, and insist that the Petition is no Libel* 367
- That it is the Subjects Right to petition* ib.
- They shew that the King cannot dispense with the Laws* 369
- And that the Bishops were under a Necessity of Petitioning, being commanded to distribute the Declarations* 370
- That it was allowable to say, the King was mistaken in the Law; and that this was daily practis'd in relation to his Grants* ib.
- The Defendants produce a Record, wherein it appears, that the Commons empower'd K. Rich. II. with the Consent of the Lords, to suspend the Statute of Provisors* 375
- The Journals of the Houses of the Lords and Commons produc'd in Evidence* 376
- Wherein are the Addresses of the Commons to King Charles II. against the Dispensing Power, and the King's Answers* ib, &c.
- King Charles cancels his Declaration for suspending the Penal Laws, and declares it shall never be drawn into Example* 381
- The Commons Address on K. James's claiming the same Power after Monmouth's Rebellion* 382
- The Case of Thomas and Sorrel, in relation to the Dispensing Power, cited by Mr. Somers* 384
- The Attorney-General replies, that the Instances they have produc'd are Evidences against them, being only of Matters transacted in Parliament* 385
- That it may be a Libel though the Facts are true* 386
- That the Bishops should have acquiesc'd under their Passive Obedience, till the meeting of a Parliament* ib.
- That the Law interprets the thing to be malicious and seditious, if it be illegal* ib.
- Mr. Solicitor denies that the Subject has a Right to petition out of Parliament concerning Matters of Government* 387
- He insists that Votes and Addresses are not Evidence, and cannot be stil'd Declarations in Parliament* 389
- That the King may make Constitutions in Matters Ecclesiastical* ib.
- And that the Bishops denying that Prerogative, was in Diminution of the Prerogative, as laid in the Information* 390
- The Chief Justice holds it lawful to petition, but not in that reflecting Manner as in the Petition* 391
- The Petition of the City of London for the sitting of a Parliament, adjudg'd a Libel* 392
- The Chief Justice directs the Jury, and is of Opinion with Mr. Justice Allybone, that it was a Libel* 393, 394
- Mr. Justice Holloway and Mr. Justice Powell declar'd their Opinion, it was not a Libel* 394, 395
- Mr. Justice Allybone cites a Case in the Time of King James I. where it was adjudg'd a Misdemeanour to petition the King to put the Penal Laws in Execution* 395
- But was answer'd, the Reason of that Judgment was, because the Puritans threatned, that, unless their Request was granted, many Thousands of the King's Subjects would be discontented* ib.
- The Court permit the Jury to send for Wine* 396
- The Jury are not allow'd to have any Papers with them, but what are under Seal* ib.
- They are kept together all Night, without Fire or Candle* ib.
- The Bishops are acquitted; whereupon the People shout; and a Gentleman is committed for it, but releas'd again* ib.
- BLAGUE**, Capt. William, his Trial for High Treason, the 13th Day of July, 1683. 35 Car. II. III. 731, 739
- There being but one Witness that swore the Treason positively against the Prisoner, the Chief Justice directed the Jury to acquit him; which they did* 744
- BLASPHEMY**. See Naylor James II. 265
- BLUNT**, Sir Christopher, try'd with Sir Charles Davers, Sir John Davis, Sir Gilly Merrick, and

An Alphabetical TABLE.

<p>and Henry Cuffe, for High Treason in the Earl of Essex's Plot, 1600 I. 209</p> <p>They plead Not Guilty; but upon their Trial confess the Facts ib. 210</p> <p>Sir Gilly Merrick, and Mr. Cuffe executed at Tyburn, and their Behaviour 210</p> <p>Sir Christopher Blunt and Sir Charles Davers beheaded upon Tower-Hill 211</p> <p>Sir Christopher Blunt's Speech at his Execution ib.</p> <p>BOLTON; John. See Crook, John</p> <p>BONNET, Major Stede, The Trial of him and thirty-three others, for Piracy in South-Carolina, 1718. 5 George I. VI. 156</p> <p>Nicholas Trott Esq; Judge of the Vice-Admiralty, his Charge to the Grand Inquest 157</p> <p>Five Pirates brought to their Trial 160</p> <p>The Indictment for taking The Francis, Peter Manwaring Commander 161</p> <p>Richard Allen Esq; Attorney-General, his Speech before Evidence ib.</p> <p>Mr. Hepworth's Speech 163</p> <p>Evidence for the King 164</p> <p>The Prisoners Defence 166</p> <p>Mr. Justice Trott's Charge 167</p> <p>The Prisoners convicted ib.</p> <p>Eight more tried for the same Fact 168</p> <p>Their Defence ib.</p> <p>They are all convicted 169</p> <p>Nine more tried for the same Fact ib.</p> <p>Eight found Guilty; and One acquitted 171</p> <p>Five more tried for the same ib.</p> <p>Four found Guilty; and One acquitted ib.</p> <p>Eight tried for taking The Fortune, Captain Read, Commander ib.</p> <p>Evidence for the King 172</p> <p>They are all convicted 173</p> <p>Nine more tried for the same 174</p> <p>Eight found Guilty; and One acquitted ib.</p> <p>Eight more tried for the same and convicted 175</p> <p>Five tried for taking The Francis 176</p> <p>Two convicted; and Three acquitted 179</p> <p>The same Prisoners tried for stealing The Fortune ib.</p> <p>One convicted; and four acquitted. 180</p> <p>Judge Trott's Speech before Sentence 181</p> <p>Sentence pass'd upon 29 Pirates 183</p> <p>Twenty-two executed ib.</p> <p>Major Bonnet's Trial, for taking The Francis ib.</p> <p>Evidence against him ib.</p> <p>His Defence 185</p> <p>He is convicted 186</p> <p>Judge Trott's Speech before Judgment ib.</p> <p>He is condemn'd, and executed 188</p> <p>BOOKS. See Libels.</p> <p>BOROSKI, George, Christopher Vratz, John Stern, and Charles-John Count Coningsmark, tried for the Murder of Thomas Thynn Esq; the first three as Principals, the last as Accessary before the Fact, Feb. 28. 1681. 34 Car. II. III. 466</p> <p>The Prisoners being Foreigners, an Interpreter sworn ib.</p> <p>Indicted as of the Parish of St. Martins, as well all the Principals as the Accessary, in one Indictment 467</p> <p>The Substance of the Indictment interpreted to the Prisoners in their own Language ib.</p> <p>The Court demand if they would be tried after the manner of the English; to which they assent, and plead Not Guilty 468</p>	<p>They demand a Jury of half Foreigners, and half English; which is granted III. 468</p> <p>Also that there be no Friends or Relations of the Deceased upon the Jury; which is granted ib.</p> <p>Coningsmark demands a Jury of Quality; agreed they should consist of considerable Merchants. ib.</p> <p>The Court deny to try him distinctly from the rest ib.</p> <p>He is denied further Time to prepare for his Trial 469</p> <p>A Copy of the Pannel deny'd him; but he is allow'd to look on the Pannel 465</p> <p>They desire that none of the Foreigners on the Jury be Roman Catholicks; granted ib.</p> <p>The Court direct that first an Englishman, and then a Foreigner, should be called and sworn ib.</p> <p>A Foreigner challenged for the King; and the Counsel insist they need not shew Cause, unless they want Jury-Men ib.</p> <p>The Court inform the Prisoners they may challenge all the rest, and so compel the King's Counsel to shew Cause ib.</p> <p>Prisoners desire that those that are challenged should not come near those that are sworn; it is granted 470</p> <p>Sir Francis Wythens's Speech before Evidence 471</p> <p>The Evidence interpreted to those Aliens upon the Jury, by Interpreters sworn for the Purpose 472</p> <p>The Coroner examined, that sat upon the Body 474</p> <p>The Justices who took the Examination of the Prisoners are not allowed to read the Examination as Evidence ib. & 476</p> <p>What any of the Prisoners said at their Examination, no Evidence against any but themselves 474</p> <p>The Examination of one of the Witnesses before the Privy Council shewn him to refresh his Memory at the Trial 478</p> <p>The Count's Defence 492 & seqq.</p> <p>The three first found Guilty 500</p> <p>Coningsmark being acquitted of being Accessary to the Murder, the Court order him to enter into a Recognizance, with three Sureties, to appear next Sessions, and answer any Appeal, if brought 501</p> <p>Sentence pronounced on Boroski, Vratz, and Stern 502</p> <p>BOTHWELL, James Earl, tried for the Murder of the King of Scots I. 78</p> <p>The Indictment against him 79</p> <p>No Prosecutor appearing, he is acquitted 81</p> <p>Is afterwards forced to fly the Kingdom, and turns Pirate 82</p> <p>BOUCHER, James, his Trial for High Treason, for going into France, and returning without Licence, Feb. 28. 1703 V. 506</p> <p>He confesses the Indictment, and receives Sentence 507</p> <p>BRADDON, Laurence, and Hugh Speke, tried for a Misdemeanour, Feb. 7. 1683. 36 Car. II. III. 855</p> <p>The Information for endeavouring to make People believe that the Earl of Essex was murdered by those to whose Custody he was committed; and for procuring false Witnesses to prove it ib.</p> <p>Sir Robert Sawyer, Attorney-General, his Speech before Evidence 856</p> <p>The Earl's Commitment, and the Coroner's Inquisition read 857</p> <p style="text-align: right;">Evans</p>
---	--

An Alphabetical TABLE.

<p>Evans and Edwards depose, that Mr. Braddon came to Edwards to enquire about a Razor said to be seen by young Edwards to be thrown out of the Window where the Earl of Essex lodged in the Tower III. 857, 861</p> <p>Edwards, the Son, deposes that the Story he had told of the Razor was all false 865</p> <p>Dr. Hawkins's Son swears the Story of the Razor to be all false 866</p> <p>The Information read which Mr. Braddon procured young Edwards to sign 868</p> <p>Evidence that Mr. Speke wrote a Letter into the Country, recommending Mr. Braddon as a Prosecutor of the Earl of Essex's Murder 870</p> <p>Evidence that a Girl had declar'd a Story of a Razor something like Edwards's 871, 880</p> <p>The Counsel for Mr. Braddon enter upon the Defence 872</p> <p>Where one has Counsel allowed, he ought not to speak himself 875</p> <p>Evidence of the Women of the Edwards's Family ib.</p> <p>None of the Witnesses can tell from whom they had the Report in the Country of my Lord Essex's Death, which they testified they had heard before he died 884</p> <p>Mr. Speke's Counsel make a Defence 880</p> <p>He speaks for himself ib.</p> <p>Bomency, who had been Gentleman to my Lord Essex six Years, and attended him in the Tower when he died, gives Evidence that my Lord of Essex cut his own Throat 888</p> <p>The Warder, the Centinel at the Door, and Captain Hawley, the Master of the House, depose to the same effect 889, 890</p> <p>The Chief Justice's Observations on the Evidence 891</p> <p>The Defendants are convicted 897</p> <p>Mr. Justice Wythens's Speech before Judgment 899</p> <p>Their respective Fines are set ib.</p> <p>BRADDON, Laurence, his Vindication of the Earl of Essex III. 900</p> <p>Copies of Informations taken before the Coroner 901</p> <p>Mr. Braddon committed to a Gaol in Wiltshire, and his Sufferings 905, 906</p> <p>His own Account of the Trial 908</p> <p>The Lords House, in 1688, appoint a Committee to enquire concerning the Death of the Earl of Essex 910</p> <p>The Depositions which were laid before them 911</p> <p>Evidence that several Persons were in the Earl's Room the Morning he aied 914</p> <p>Mr. Braddon's Remarks 917</p> <p>The Circumstance of the Razor consider'd 921</p> <p>The Proceedings upon the Coroner's Inquisition 924</p> <p>Evidence that my Lord was murder'd by one Holland 927, 928</p> <p>A summary Recapitulation of the whole Fact 929</p> <p>BRAMBRE, Nicholas, Proceedings in Parliament against him, the Archbishop of York, the Duke of Ireland, the Earl of Suffolk, and Lord Chief Justice Trefilian, for High Treason I. 1</p> <p>Articles against them 6</p> <p>None appearing but Brambre, the other four are attainted 12</p> <p>Brambre desires Trial by Combat; which is refus'd ib.</p> <p>He is condemn'd and executed 13</p>	<p><i>A remarkable Circumstance before his Execution</i> I. 13</p> <p>Belknap, Holt, Fulthorpe, W. Burgh, Carey, and Lockton tried 14</p> <p>They confess, and beg Mercy ib.</p> <p>Their Lives are sav'd; but transported ib.</p> <p>Blake and Uske condemn'd and executed ib.</p> <p>Trefilian takes Lodgings at Westminster in Disguise 12</p> <p>Is discover'd lying under a Table cover'd with Bays, and brought before the Lords ib.</p> <p>Is drawn to Execution 13</p> <p>Refuses to confess any thing ib.</p> <p>Will not climb the Ladder, till beaten with Staves ib.</p> <p>Is strip; the Names and Images of Devils found under his Clothes ib.</p> <p>Is hang'd ib.</p> <p>Afterwards his Throat cut ib.</p> <p>Buried at the Grey Friars ib.</p> <p>Bishop of Chichester tried; but his Judgment respited 15</p> <p>Simon de Burleigh, Beauchamp, Baroverse, and Salisbury tried and executed ib.</p> <p>BREWSTER, Thomas. II. 528. See Twyn, & al.</p> <p>BROADWAY, Giles I. 396. See Audley, Lord.</p> <p>BROMWICH, Andrew, his Trial at Stafford-Affizes for High Treason, August 13. 1679. 31 Car. II. II. 965</p> <p>Some of the Jurors discharged for being thought Popishly affected ib.</p> <p>The Indictment, for that, being a Subject of this Crown, he took Popish Orders, and resided in England 966</p> <p>Evidence of the Prisoner's administering the Sacrament after the Popish manner ib.</p> <p>The Chief Justice directs the Jury, that if they believe the Prisoner to be a Priest from the Circumstances, they might find him guilty, though there were not two Witnesses that swore it positively 968</p> <p>The Prisoner convicted, and condemn'd ib.</p> <p>BROOKS, Nathan II. 530. See Twyn, & al.</p> <p>BRUCKLIE, John V. 572. See Green, Thomas, & al.</p> <p>BUCKNER, William I. 396. See Prynne, & al.</p> <p style="text-align: center;">B U G G E R Y I. 388.</p> <p>The Person prostituting himself adjudg'd guilty of Felony I. 396</p> <p>Emission without Penetration in the Attempt, adjudg'd the Offence was complete; and so in a Rape 393</p> <p>BULLS, A Papal Bull I. 956</p> <p style="text-align: center;">B U R G L A R Y.</p> <p>Where one comes into a House by Day, the Doors being open, and opens the Door to get out at Night, 'tis Burglary. See Turner's Trial II. 524</p> <p>One who assists at Breaking a House, is not guilty of Burglary, unless he enters VI. 224, 225, 227</p> <p>BURGH, William de. See Brambre.</p> <p>BURN, James. See Green, Thomas, & al. V. 572</p> <p>BURTON, Henry, his Trial for several Libels. See Bastwicke.</p> <p>BUSBY, George; his Trial for High Treason, in accepting Popish Orders, at the Affizes for the County of Derby, July 25. 1681. 33 Car. II. III. 328</p> <p>His Arraignment ib.</p> <p>The Prisoner insists he has a Habeas Corpus to remove him to the King's Bench, and could not be tried in the Country ib.</p>
--	--

An Alphabetical TABLE.

- The Court rule, that the Grand Jury having found the Bill, he must be try'd here* III. 328
- The Indictment* ib.
- Mr. Combes's Speech before Evidence* 329
- Evidence of the Manner of his Apprehension* 330
- Bulby objects that he is an Alien, and so not within the Statute against taking Popish Orders* 332
- The Act for naturalizing the Children of Subjects born in Foreign Countries, during the late Rebellion, read* ib.
- Evidence of the Prisoner's officiating as a Priest* 333
- Mr. Baron Street directs the Jury* 338
- Tells them, that the officiating as a Priest is sufficient Evidence of his being in Orders* 339
- Bulby is convicted, and Sentence passed upon him* ib.
- BUTLER, alias Strickland, Mary; her Trial for Forgery at the Old Baily, the 12th of October, 1699.** 11 W. III. V. 232
- The Indictment* ib.
- Mr. Serjeant Wright and Mr. Northey open the Evidence* 233
- The Evidence against the Prisoner* 234
- The Bond produced and read* 235
- The Prisoner's Counsel enter upon her Defence* 236
- The Prisoner's Witnesses call'd* 237
- Lord Chief Justice Holt sums up the Evidence* ib.
- The Prisoner convicted; and Sentence passed* 238
- C.
- CAMBRIDGE University; Proceedings against them, 3 Jac. II. 1687** IV. 254
- The Substance of the King's Letter to them, to give Father Francis, a Monk, his Degree without administering the Oaths to him* ib.
- They refuse to admit him* ib.
- A second Letter to the University* ib.
- The University apply to the Duke of Albemarle, their Chancellor* 255
- The Vice-Chancellor and Senate summoned before the High Commission* ib.
- The Persons deputed by the Senate to attend* ib.
- They have Time allowed them to answer* 256
- Their Answer* ib.
- Their Hearing* 257
- The Court decree that the Vice-Chancellor shall be deprived; and that he should be suspended from his Mastership* 260
- The Senate are dismissed with a Reprimand* 261
- And ordered to send up Copies of their Statutes* ib.
- Balderson elected Vice-Chancellor* 258
- CAREW, John** I. 858. See Regicides.
- CAREY, Sir John** I. 14. See Brambre.
- CARNWARTH, Robert Earl of.** See Derwentwater, Earl of VI. 1
- CARR, Frances.** See Somerset, Countess of.
- CARR, Robert.** See Somerset, Earl of.
- CARR, Henry, his Trial for a Libel reflecting on the Justice of the Nation, at Guildhall, London, July 2, 1680.** 32 Car. II. III. 57
- The Substance of the Information* ib.
- A Tale pro defectu Juratorum* ib.
- N.R. Recorder's (Sir George Jefferies) Speech at the opening the Information* 58
- The Evidence* 58, 59
- The exceptionable Words read* 60
- Sir Francis Warrington, of Counsel for the Defendant, observes from the Evidence, that the individual Paper mention'd in the Information is not prov'd to be the Defendant's* III. 61
- 2dly, That admitting it be his, it is not prov'd to be done maliciously* ib.
- The Prisoner calls Witnesses to shew he was well affected to the Government* ib.
- The Recorder's Reply to the Defence made by the Prisoner's Counsel* 62
- The Lord Chief Justice, in his Direction to the Jury, shews his Resentment at the Noise and Humming the Party made in Court* 63
- He tells the Jury, they were not to expect such strict Proof in this as in common Matters* ib.
- That presumptive Evidence is often taken even in Capital Matters* ib.
- That it had been resolv'd and subscrib'd by all the Judges, when his Majesty demanded their Opinions concerning the Regulation of the Press, that to print or publish News-Books, or Pamphlets of News, was illegal, and discover'd a manifest Intent to the Breach of the Peace* 64
- That if there were no Scandal in it, the Author ought to be convicted for publishing such Books without Authority, that alone being illegal* ib.
- He censures the Folly of the Age in being so fond of such Papers* ib.
- Says, that it was ridiculous for the Author to hope a Court of Justice would not understand what he design'd all the rest of the World should understand* ib.
- That if the Jury found him guilty of the Fact, the Court would judge whether it imply'd Malice* ib.
- And the Jury were not to trouble themselves about that* ib.
- That the Jury, by finding the Defendant guilty, do not take it upon their Oaths absolutely that he was the Author, but that they believe him to be the Author* ib.
- The Jury withdrew, and after an Hour's Recess, bring the Prisoner in Guilty* ib.
- CASTLEMAINE, Roger Earl of, his Trial for High Treason, 32 Car. II. 1680** III. 36
- Indictment for High Treason, in conspiring the Death of the King, the Subversion of the Government, Religion, &c.* 37
- Sir Creswell Levinz, Attorney General, opens the Evidence* ib.
- Oates's Evidence of several Letters sent and receiv'd by my Lord Castlemaine about the Plot* 38
- Oates's Voyages to Spain and Flanders* 39
- Oates's Evidence of a Divorce between the Lord Castlemaine and Barbara Dutchess of Cleveland* 42
- Dangerfield call'd as a Witness for the King* 43
- Sixteen Records of Conviction against Dangerfield for a Cheat* 44
- Upon which the Prisoner objects to his being sworn* ib.
- The Matter debated between the King's and the Prisoner's Counsel* 45
- The Opinion of the Court of Common Pleas ask'd* 47
- Dangerfield admitted to be sworn* ib.
- He deposed that my Lord manag'd the St. Omers' Witnesses* ib.
- Mentions a Sham-Plot* ib.
- Deposes that my Lord was angry with him because he refus'd to kill the King* 48
- The Lord Castlemaine enters upon his Defence* ib.
- Produces*

An Alphabetical TABLE.

- Produces a Record, and calls Witnesses to impeach Oates's Credit* III. 49, 50
- Records of Dangerfield's being outlaw'd for Felony, and several times pillory'd for Cheating* 52
- Mrs. Cellier's Evidence of my Lord's ill Opinion of Dangerfield* 53
- The Attorney General sums up the Evidence* 55
- The Lord Chief Justice directs the Jury* ib.
- My Lord Castlemaine acquitted* 57
- CASTLEMAINE, Roger, Earl of, the Proceedings in the House of Commons against him, 1689, 1 W. and M.** IV. 397
- Charg'd with going Ambassador to Rome, and for sitting in Council not having taken the Oaths* ib.
- He answers, that there was no Law against going to Rome; and he might not disobey the King's Commands* ib.
- That he transacted nothing there concerning Religion; and shews how serviceable he was to the English Merchants while he resided at Rome* 398
- As to his sitting in Council, the Judges were of Opinion, the King might dispense with the Oaths* 399
- Complains he was illegally imprison'd at the Revolution* ib.
- He is committed to the Tower by Order of the House of Commons, and confin'd close Prisoner* 400
- He moves for a Habeas Corpus, and is admitted to Bail* ib.
- CAUSE.** See Action.
- CELLIER, Elizabeth, her Trial for High Treason, June 11, 1680, 32 Car. II.** III. 32
- The Indictment for conspiring the Death of the King, and endeavouring to throw the Plot upon other People* ib.
- Gadbury the Astrologer's Evidence* ib.
- Dangerfield call'd as a Witness* 35
- Briscoe's Evidence against Dangerfield* ib.
- His Pardon adjudg'd defective by the Court, as to the Outlawry of Felony* 36
- Mrs. Cellier is acquitted* ib.
- Dangerfield is taken into Custody* ib.
- CELLIER, Elizabeth, her Trial at the Old Bailey, September 11, 1680, 32 Car. II. for a Libel** III. 89
- The Indictment, for writing and publishing a Libel call'd, Malice defeated, reflecting on the King, the Protestant Religion, the Government, Magistrates, King's Evidence, and the Justice of the Nation* ib.
- Particularly it charges the Murder of King Charles I. on the Principles of the Protestant Religion; the Prosecutors of the Popish Plot as Enemies to the Crown; charges the Government with using Racks and Tortures to compel Prance and Corral to commit Perjury; says that it is dangerous to speak Truth, and meritorious and gainful to give false Evidence* 90
- Mr. Dormer's Speech before giving the Evidence* 91
- John Penny gives Evidence of his buying the Book of her, and her owning herself to be the Author* 92
- Downing the Printer's Evidence of his printing part of the Book to fol. 22. by Mrs. Cellier's Directions* 93
- Stephens's Evidence of her acknowledging herself the Author, and that she dictated the Words to an Amanuensis* 93
- Fowler deposes he bought two Books of her, and attests it was all false that was in the Libel concerning his being at Newgate with some great Lords, and the Threats and Promises that were us'd to Corral there* III. 94
- His Evidence that Corral said, he saw Sir Edmond Godfrey's Body in a Sedan, and they would have had him take the Body into his Coach* 94
- The Book and the Indictment compar'd in Court* 95
- Prance deposes he was never tortur'd, but was very well us'd in Newgate* 96
- Corral's Wife deposes, that she was not suffer'd to see her Husband in Newgate; that he had Holes in his Legs when he came out, and was in danger of being starv'd there* ib.
- Mrs. Cellier complains she had not Time to get her Witnesses; and urges in her Defence, that if she had offended, 'twas ignorantly, for that she apprehended it lawful to publish what others told her* 97
- To induce the Court to be merciful, she shews the Hazards she had run to serve his Majesty; and that she lost a Father and a Brother, both in one Day, in his Service* 98
- Mr. Baron Weston directs the Jury: he tells them, that to torture Criminals was illegal, and never us'd in England since Campion the Jesuit was put upon the Rack, in the 20th Year of the Reign of Queen Elizabeth* ib.
- The Jury desire to have the Book with them out of Court, but are told they could have no Papers out of Court, that were not under Seal, without the Prisoner's Consent; which she refus'd* 100
- The Jury, after a little Time, return'd, and brought the Prisoner in guilty* ib.
- Mrs. Cellier is committed, and carried Prisoner to Newgate* ib.
- Monday, September 13, 1680, Mrs. Cellier being brought into Court, Mr. Recorder, Sir George Jefferies, pronounc'd Judgment on her* 101
- ## C H A L L E N G E.
- No Challenge to a Peer* I. 388
- Juror challeng'd in Scotland for having prejudg'd the Cause* I. 471. at the Old Bailey IV. 748
- Where a Juror has a Possibility of an Interest in the Cause, good Cause of Challenge* I. 952
- None may assist the Prisoner in his Challenges* II. 41. IV. 668
- No peremptory Challenge but in Capital Cases* II. 808
- The King need not shew Cause, till the Pannel is gone through* III. 469
- Contra* IV. 423. V. 195
- Challenge to the Array* III. 631
- Challenge for want of Freehold in London, not allow'd* 135
- No Challenge can be to the Favour against the King* 825
- No Challenge without Cause, in case of a Misdemeanour* IV. 1
- The having been upon the Grand Jury held to be a good Cause of Challenge* 2
- That a Juror has given a Verdict against another in the same Indictment, no good Cause of Challenge* 704
- A Suit at Law between a Prisoner and a Jurymen no good Cause of Challenge, unless prov'd by a Record* VI. 59
- A Challenge for a Misdemeanour in the Pannel overrul'd* ib.
- The Prisoner oblig'd to declare whether he will accept or challenge a Jurymen before the King's Counsel take their Exception* 247
- Two peremptory Challenges allow'd* 248
- ## C H A N-

An Alphabetical TABLE.

C H A N C E L L O R.

The Sense of the Lord Chancellor's Oath disputed.
I. 2. VI. 503, 620, 704, 736, 747

CHARLES I. See King Charles.

CHARNELL, Nathaniel, III. 949. See Sacheverell, William.

CHARNOCK, John I. 126. See Abington, & al.

CHARNOCK, Robert III. 515. See Grey, Lord, & al.

CHARNOCK, Anne ib. See Grey, Lord, & al.

CHARNOCK, Robert, Edward King, and Thomas Keyes, *their Trial for High Treason, in conspiring to assassinate King William, March 11, 1695, 8 W. III.* IV. 562

Charnock insists on the Equity of being allow'd Counsel, a Copy of the Indictment, &c. according to the late Act, which was then to take place in a few Days; but is deny'd 563

The Indictment read in Latin twice 565

The Prisoners agree to join in their Challenges, that they may be try'd together 566

Sir Thomas Trevor, Attorney-General, his Speech before Evidence 567

The Prisoners desire one Witness may not bear what another deposes; granted 569

Porter's Evidence of the design'd Assassination ib.

Charnock objects against Porter's Evidence, that he owns himself an Accomplice 572

But is over-rul'd 573

De la Rue's Evidence 575

Pendergrafs's Evidence 580

Charnock's Defence, and Remarks upon the Evidence 583

Sir John Hawles, Solicitor-General, his Reply 589

Mr. Conyers and Mr. Cowper on the same Side 590

Lord Chief Justice sums up the Evidence 591

The Prisoners convicted 595

Charnock's Exceptions to the Frame of the Indictment ib. 596

Sentence pass'd on the Prisoners 597

Their Dying Speeches 598

CHICHESTER, Thomas, Bishop of I. 15. See Brambre.

C H U R C H.

The Church to determine what is true Doctrine, and not the Parliament I. 935

The Clergy had a Power heretofore of granting their own Subsidies 851

CLARENDON, Edward, Earl of, Proceedings against him in the House of Lords, 1663, 15 Car. II. II. 554

Articles exhibited against him by the Earl of Bristol ib.

The Judges Opinions that the Charge was not regularly brought in, nor contain'd Matter of Treason, if prov'd; with their Reasons 556, & seqq.

With which Resolutions the House of Lords concur 558

Proceedings against him on an Impeachment by the Commons, 1667, 19 Car. II. ib.

The Heads of the Commons Charge against the Earl of Clarendon 560

Resolv'd, that the House had sufficient Grounds to impeach the Earl 563

Resolv'd, to impeach him of High Treason on the 1st Article, for betraying his Majesty's Counsels to his Enemies 567

Mr. Edward Seymour carries up the Impeachment in general terms ib.

The Lords refuse to commit the Earl, because the Impeachment was for Treason in general II. 568

The Commons insist that a Peer ought to be committed on a general Impeachment 569

Conference between the two Houses upon that Point 570

The Lords insist upon their Refusal to commit him 573

Which the Commons resolve to be an Obstruction of publick Justice 577

A Message from the Lords, that the Earl was withdrawn ib.

The Earl's Petition to the House of Lords communicated to the Commons 578

He insinuates that his Estate was not so great as represented ib.

And that he was not the Author of those Counsels he was charg'd with ib.

His Petition voted scandalous and seditious 580

A Bill brought into the House of Lords for the Earl's Banishment 582

The Commons agree to the Bill for his Banishment 584

CLEMENT, Gregory. See Regicides.

C L E R G Y.

The Case of a Peer as to Benefit of Clergy, in a Case of Buggery and Rape I. 388

A Woman could not have the Benefit of Clergy II. 502

One convicted of Felony, and admitted to his Clergy, is restored to his Credit III. 45

A Peer who has his Clergy, not to be burnt in the Hand II. 655

Action lies for charging a Man with a Crime after he has had his Clergy, or a Pardon V. 168

The King might pardon the Burning in an Appeal 169

A Clergyman was not to be burnt in the Hand 170

The Original of Clergy, and how it came to be extended to Laymen 171

Burning, as well as Reading, was necessary to restore a Man to his Credit ib.

COKE, Arundel, Esq; his Trial at the Assizes for the County of Suffolk, with John Woodburne, for disfiguring Edward Crispe, Gent. 13 Mar. 1721, 8 Geo. I. VI. 212. See Woodburne, John.

COLE, John, his Trial for the Murder of Dr. Clenche, 2 Sept. 1692, 4 W. & M. IV. 506

The Indictment. See in the Trial of Harrison 488

The Witness deposes what her deceas'd Husband told her 507

Which is contradicted by another Witness ib.

Mr. Justice Dolben directs the Jury 509

The Prisoner is acquitted ib.

COLEMAN, Edward, his Trial for High Treason at the King's-Bench Bar, Nov. 27, 1678, 30 Car. II. II. 660

The Prisoner makes no Challenges to the Jurors ib.

Indictment for compassing the Death of the King, and conspiring to subvert the Established Religion and Government ib.

The Overt-Act, writing to Le Chaise to procure the French King's Assistance in it 661

Mr. Serjeant Maynard opens the Evidence in general 662

Sir William Jones, Attorney-General, his Speech before Evidence 663

The People greatly prejudic'd against the Papists at this Time 665

Oates

An Alphabetical TABLE.

<p>Oates deposes that he carry'd the Letters which Coleman wrote into France II. 666</p> <p>Oates's Evidence of the Consult at the White Horse Tavern 667</p> <p>The Design of murdering the King communicated to Mr. Coleman ib.</p> <p>The Irish in the Conspiracy 668</p> <p>Coleman privy to the Design of murdering the King at Windsor ib.</p> <p>To the Design of poisoning the King by Sir George Wakeman 669</p> <p>Coleman's Commission to be Secretary of State ib.</p> <p>Coleman objects, that Oates said before the Council, he did not know him; and now deposes he was very intimate with him 670</p> <p>Oates's Answer to that Objection ib.</p> <p>Bedloe deposes he had carried Letters from Coleman to Le Chaise 673</p> <p>Coleman's Letters and Papers proved 674</p> <p>Mr. Coleman's first long Letter to Le Chaise, of the State of Affairs in England 675</p> <p>Penal Laws, how they came to be put in Execution so severely in King Charles's Reign 678</p> <p>Le Chaise's Letter to Coleman, in answer to Coleman's long Letter 681</p> <p>Another Letter prepared by Coleman in the Name of the Duke 684</p> <p>Coleman tells Le Chaise, they have great Hopes of subduing the Northern Heresy 685</p> <p>Mr. Solicitor sums up the Evidence 687</p> <p>The Chief Justice's Directions to the Jury 689</p> <p>Coleman is convicted 692</p> <p>Receives Sentence the Day following ib.</p> <p>Before it is pronounc'd, the Chief Justice makes a Speech to the Prisoner 693</p> <p>Shews him, that he who brings in Popery, consequently brings in a foreign Authority; and that he who enters on an ill Action, is answerable for all the Consequences ib.</p> <p>Shews him, that there was no Hopes of Pardon, the Nation was so alarm'd 694</p> <p>Mr. Coleman makes a Speech in answer to the Chief Justice's ib.</p> <p>Denies any Design against the King's Life, or to subvert the Government 695</p> <p>His Behaviour at Execution ib.</p> <p>The Record of his Conviction in English at large III. 120</p>	<p>Colledge's Papers, which he had prepar'd for his Defence, taken from him as he was brought into Court III. 343</p> <p>The Court tell him they knew nothing of it, but that no body had any thing to do to give him Papers; and that no one can solicit for one accus'd of High Treason, unless he be assign'd by the Court 344</p> <p>He urges, that if he had his Papers, he should offer some Matter of Law as to the Sufficiency of the Indictment; and says the Keeper who took them from him, took them under a Pretence of bringing them to his Lordship 345</p> <p>A Person standing mute in High Treason, shall have Judgment as a Traitor ib.</p> <p>One indicted of High Treason, for soliciting for one who was accus'd of High Treason 347</p> <p>He objects, that he is indicted with the Addition of Carpenter, whereas in truth he is a Joyner; but 'twas pretended, the Law knows no Difference between a Carpenter and a Joyner ib.</p> <p>Having insisted strenuously for a long Time that he might have his Papers again, and the Court persisting in refusing them; at length he pleads, Not Guilty 348</p> <p>Having pleaded, he renews his Request for his Papers, and the Court command them to be brought into Court, that they might peruse them; and finding Directions in them from a third Hand for what he should insist on as to Matter of Law, and several Libels upon the Government, they order'd them to be lodg'd in the Hands of the Sheriff's Son; and that the Prisoner should have recourse to such of them as were necessary to his Defence, and might take Copies of them, but not of the Libels: and Aaron Smith, the Prisoner's Solicitor, who brought them to him, is made to give Security to attend the Court during the Trial, and to answer the Misdemeanour; and Starkey, his other Solicitor, is sent for into Court ib. 349</p> <p>The Court adjourn till the Afternoon 350</p> <p>Mr. North opens the Indictment, and Mr. Attorney the Evidence 351</p> <p>The King's Witnesses called 352</p> <p>They are ordered to be examined apart, at the Prisoner's Request ib.</p> <p>Dugdale's Evidence ib.</p> <p>Evidence of the Prisoner's affirming the King himself was concerned in the Popish Plot, and in Godfrey's Death ib. 353</p> <p>The Prisoner gave the King the Nickname of Rowley 353</p> <p>Ribbons wore by the Conspirators, with the Words No Popery, No Slavery, in them 354</p> <p>Several Ballads and Libels of the Prisoner's upon the Government produced in Evidence against him ib.</p> <p>Smith's Evidence of several warm Expressions used by the Prisoner 359</p> <p>Haynes's Evidence to the same purpose 360</p> <p>Turberville's Evidence that he said, if the King began, they had several at Oxford ready to secure him 363</p> <p>Mr. Masters and Sir William Jennings's Evidence 364, 365</p> <p>Colledge enters upon his Defence 365</p> <p>He objects, that the Witnesses prove Facts done in another County 366</p> <p>The Opinion of the Court thereupon ib.</p> <p>He calls his Witnesses 368</p> <p>To the Discredit of Haynes ib.</p>
--	---

An Alphabetical TABLE.

<p><i>To the Discredit of Turberville</i> III. 372</p> <p><i>Dr. Oates testifies against all the King's Witnesses</i> 374</p> <p><i>Which they all contradict upon their Oaths</i> 375</p> <p><i>Evidence against Smith</i> 376</p> <p><i>The Chief Justice tells him he must not call one Witness to disprove what another of his Witnesses had depos'd</i> 373</p> <p><i>Colledge demands of the Court if the King's Counsel may whisper among themselves</i> 390</p> <p><i>The King's Counsel call more Witnesses</i> ib.</p> <p><i>Colledge makes his Observations on the Evidence</i> 391</p> <p><i>The Court order him to keep to the Point, and not open Things he had no Evidence of</i> 393</p> <p><i>The Facts may be proved either before or after the Time laid in the Indictment</i> 394</p> <p><i>The Prisoner justifying the Rebellion of the Parliament, was told by the Court they were declared Rebels by Act of Parliament</i> 396</p> <p><i>The Prisoner's Design to assist in seizing the King at Oxford, proved by Dugdale and Turberville</i> 398</p> <p><i>Mr. Solicitor sums up the Evidence for the King</i> 399</p> <p><i>Mr. Serjeant Jefferies's Observations of the Evidence for the King</i> 403</p> <p><i>Evidence given of Facts out of the County where the Indictment is laid</i> ib.</p> <p><i>Oates produced as a Witness for the Prisoner to invalidate the Testimony of Dugdale, Turberville, and Smith, who were formerly brought to support his own Credit as to the Popish Plot</i> 404</p> <p><i>Mr. Serjeant Jefferies observes, that, notwithstanding the Cry of the Irish and Popish Evidence against the Prisoner, the King's Witnesses were all Protestants, and but one of them an Irishman</i> 405</p> <p><i>The Chief Justice directs the Jury</i> 406</p> <p><i>He tells them, that whoever imagines to depose the King, or to imprison him, are in Law guilty of imagining the King's Death</i> ib.</p> <p><i>That if one Witness gives Evidence of an Overt-Act of Treason in the County where the Criminal is indicted, and another Witness gives Evidence of another Overt-Act of the same Treason in another County, these are two Witnesses, as the Law requires, and sufficient to support the Indictment</i> 407</p> <p><i>Colledge complains that Mr. Attorney and Mr. Solicitor were an Hour and a half with the Grand Jury</i> 408</p> <p><i>The Jury have two Bottles of Sack at the Bar before they go out</i> ib.</p> <p><i>Colledge is convicted</i> ib.</p> <p><i>Lord Chief Justice's Speech before Sentence</i> ib.</p> <p><i>Judgment is pronounced on Colledge as a Traitor</i> 409</p> <p><i>He is executed a Fortnight after</i> ib.</p> <p><i>His Behaviour at Execution, and Dying Speech</i> ib. 410</p> <p style="text-align: center;">C O M M I T M E N T.</p> <p><i>A Peer impeached for Treason generally, the Lords refuse to commit him</i> II. 567, 735</p> <p><i>One committed by the House of Peers refus'd to be bailed by the King's-Bench</i> II. 622, 754</p> <p><i>The Cause of Commitment ought to appear</i> 618</p> <p><i>A Peer may be committed for Treason, Felony, or a Breach of the Peace</i> IV. 315</p> <p><i>Whether a Commitment to the Custody of a Messenger be legal. See Kendall</i> 557</p>	<p>COMMONS. See Parliament.</p> <p>COMPTON, Dr. Henry, Lord Bishop of London, his Trial before the High Commission Court, 1686, 2 Jac. II. IV. 247</p> <p><i>The Ecclesiastical Commission</i> ib.</p> <p><i>The King's Letter, enjoining him to suspend Dr. Sharp, for Disobedience to the King's Orders</i> 245</p> <p><i>The Bishop's Answer</i> ib.</p> <p><i>Dr. Sharp's Petition</i> ib.</p> <p><i>The Bishop appears before the Commissioners</i> 250</p> <p><i>Dr. Oldys's Speech, in behalf of the Bishop</i> 252</p> <p><i>Dr. Hodges on the same Side</i> ib.</p> <p><i>Dr. Price for the Bishop</i> ib.</p> <p><i>Dr. Newton on the same Side</i> 253</p> <p><i>The Bishop suspended</i> ib.</p> <p>CONFESSION. See Evidence.</p> <p>CONINGSMARK, Charles-John, Count III. 466. See Boroski.</p> <p>CONSTABLE, John V. 445. See Kirkby, & al.</p> <p>CONSULT. See Overt-Act.</p> <p>CONVICTION. See Trial.</p> <p>COOK, John II. 341. See Regicides.</p> <p>COOK, Peter, his Trial for High Treason, at the Old Bailey, May 9, 1696, 8 W. III. IV. 738</p> <p><i>The Indictment for compassing the King's Death, and adhering to the King's Enemies</i> 753</p> <p><i>The Overt-Acts, consulting and agreeing to promote an Invasion and Insurrection, and sending Charnock to invite over foreign Troops, and providing Arms, &c.</i> ib.</p> <p><i>Jurors examin'd whether they have a Freehold 738.—in London of ten Pounds a-year</i> 750</p> <p><i>The Trial put off for want of Jurors</i> 741</p> <p><i>The Prisoner's Counsel object, that there ought not to have been a new Pannel, but a Tales awarded</i> ib.</p> <p><i>Which is over-ruled</i> 745</p> <p><i>Exceptions taken to the Indictment</i> ib.</p> <p><i>He offers to ask every Man before he is sworn, whether he has said he believes him guilty</i> 748</p> <p><i>But upon Debate, the Question is refus'd</i> 749</p> <p><i>Sir Thomas Trevor, Attorney-General, opens the Evidence</i> 754</p> <p><i>Captain Porter's Evidence, that he met Sir John Fenwick and others at two Meetings, and agreed to invite King James over</i> 755, 756</p> <p><i>Goodman's Evidence to the same Purpose</i> 757</p> <p><i>Mr. Serjeant Darnel's Defence of the Prisoner</i> 758</p> <p><i>A Record of Conviction read against Goodman, for conspiring to poison the Dukes of Grafton and Northumberland</i> 759</p> <p><i>Evidence to prove that the Company was broke up, at one of the Meetings, before Goodman came in</i> 761</p> <p><i>The King's and Prisoner's Witnesses confronted</i> 766</p> <p><i>Sir Bartholomew Shower's Defence of the Prisoner</i> 767</p> <p><i>The Prisoner's own Defence</i> 769</p> <p><i>Sir John Hawles, Solicitor-General, his Reply for the King</i> 770</p> <p><i>Lord Chief Justice's Directions</i> 772</p> <p><i>The Prisoner convicted</i> 775</p> <p><i>Receives Sentence</i> 776</p> <p><i>Afterwards pardon'd upon Condition of transporting himself for Life</i> ib.</p> <p>CORKER, James II. 919. See Wakeman, & al. & 993. See Anderson, & al.</p> <p style="text-align: right;">CORNISH,</p>
---	---

An Alphabetical TABLE.

- CORNISH, Henry, Esq; III. 630. See Pilkington, & al.
- CORNISH, Henry, Esq; John Fernley, William Ring, and Elizabeth Gaunt, their Arraignment, the 19th of October, 1685. IV. 130
- John Fernley indicted for High Treason, in harbouring and concealing John Burton, a Traitor 131
- William Ring indicted for High Treason, in harbouring Joseph Kelloway and Henry Lawrence, Traitors and Rebels ib.
- Henry Cornish set to the Bar; he objected that he had not half a Day's Notice of Trial; but was told, he must plead, before he could offer any thing 132
- The Indictment read, being for High Treason, in promising to be aiding and assisting to the Duke of Monmouth, Lord Russel, and others attainted of Treason ib.
- Ring's Trial comes on 134
- A Copy of the Record of the Conviction of Kelloway and Lawrence, whom the Prisoner harboured, produced and sworn, and proved he received them between the Time of the Treason committed, and their Conviction ib.
- Ring's Examination before the Lord Mayor read against him 135
- Richardson proves that the Persons convicted were the same Persons that the Prisoner harboured ib. 136
- The Prisoner, in his Defence said, he did not know the Persons so harboured were Rebels ib.
- Fernley's Trial comes on 137
- The Record of Burton's Outlawry for High Treason, whom the Prisoner harboured, was produced ib.
- Burton himself an Evidence that Fernley the Prisoner harbour'd him ib.
- Burton's Pardon produced, to qualify him to be an Evidence 139
- He pleads, in his Defence, that he intended to discover Burton, and get the Reward ib.
- Elizabeth Gaunt arraigned 142
- She was indicted for High Treason, in concealing the said Burton, assisting him to escape, and giving him 5 l. in Money ib.
- Ring and Fernley convicted ib.
- Mr. Cornish moves to put off his Trial, having had but short Notice; and is told by the Court, that a Prisoner cannot insist upon any Notice 143
- Pen and Ink never allowed the Prisoner, but upon Petition ib.
- The Court tell him they cannot defer the Trial, without the King's Counsel consent ib.
- Mr. Cornish is set aside 144
- Mrs. Gaunt's Trial comes on ib.
- Burton's Account of his Concern in the Rye-House Plot, and of Mrs. Gaunt's assisting him to escape ib.
- Mrs. Gaunt's Defence 146
- She is convicted 147, 156
- Mr. Cornish's Trial comes on 147
- Sir Robert Sawyer, Attorney General, his Speech before Evidence ib.
- Rumsey deposes he saw the Prisoner at the Consult with the Duke of Monmouth, Lord Russel, &c. at Mr. Sheppard's; and that the Declaration was read to him, and he approved it, and said, that poor Interest he had he would join with it 148
- An Accomplice in Treason a good Witness, till he is indicted IV. 149
- Goodenough, who was outlawed and pardoned, allowed to be a Witness, though the Prisoner objected, nothing could restore him to his Credit but an Act of Parliament, unless the Outlawry were reversed ib.
- Goodenough deposes, that, talking of an Insurrection, and Seizing The Tower, the Prisoner said he would do what he could ib.
- Mr. Cornish's Defence 150
- He calls Witnesses to his Reputation 151
- A Trial printed by Authority not admitted as Evidence 153
- Sir Thomas Jones, Lord Chief Justice, his Charge to the Jury 154
- A Witness examined, after the Jury had withdrawn and returned 156
- Sheppard deposes the Prisoner was at his House but once when the Duke of Monmouth was there; and then no Paper was read to him, for they did not take him to be one of the Company 157
- And that he knew nothing of the Design ib.
- Rumsey swears on the contrary, that Mr. Sheppard held the Candle while the Declaration was read to him ib.
- Cornish convicted, and the Jury find 140 l. due to the Prisoner from Mr. Sheppard 159
- Eliz. Gaunt receives Sentence ib.
- Sir Thomas Jenner, Recorder, his Speech before Judgment 160
- Sentence pronounced upon Ring, Fernley, and Cornish ib.
- The Dying Speeches of Mr. Cornish and Mrs. Gaunt ib.
- CORNWALLIS, Charles Lord, his Trial for Murder, 30 Car. II. 1678 II. 725
- Earl of Nottingham, Lord High Steward, his Speech to the Prisoner ib.
- His Charge to the Peers 726
- The Fact stated by Sir William Jones, Attorney-General ib.
- Persons indicted for the same Offence and acquitted, good Witnesses 728
- My Lord's Defence ib.
- Sir Francis Winnington, Solicitor-General, his Speech ib.
- Mr. Serjeant Maynard's Speech 729
- The Counsel urge that my Lord, being present, and not shewing he either disapproved or endeavoured to prevent the Murder, ought to be deemed guilty of it ib.
- That where many are engaged in an unlawful Design, and one of them murder a Man, the rest are guilty, though at a Distance ib.
- Where any Question in point of Law arises, it ought to be put in the Prisoner's Presence. ib.
- Many Persons doing an unlawful Act, whereby a Man-slaughter ensues, all who are engaged in that unlawful Act are as guilty as the Person who kills the Man 730
- The Prisoner is acquitted ib.
- CORRUPTION of Blood. See Pardon
- COTTON, Edward II. 585. See Messenger, & al.
- COVENTRY-Act, two tried and convicted on it VI. 212
- C O U N S E L.
- One may not be of Counsel with a Criminal in Treason or Felony, till he is assigned. II. 826. IV. 416
- Counsel

An Alphabetical TABLE.

<p><i>Counsel assigned to a Peer impeached of High Treason, who are permitted to be in Court and bear the Evidence</i> III. 122</p> <p><i>Counsel not admitted to argue concerning the Law and Course of Parliaments</i> 208</p> <p><i>Counsel assigned a Prisoner cannot be discharged but by his Client's Consent</i> 233</p> <p><i>A Prisoner shall not have any Instruction from Counsel, in Writing, or otherwise, for the Management of his Defence in Capital Cases</i> 263</p> <p><i>One permitted to advise with Counsel, who is accused of High Treason</i> 706</p> <p><i>Where one is allowed Counsel, he ought not to speak himself</i> 875</p> <p><i>Counsel not to be assigned in Treason or Felony to argue a Point of Law, but where the Court is in Doubt</i> IV. 417, 601</p> <p><i>A Prisoner may not advise with Counsel in Capital Cases, unless he assign some Point of Law which the Court think fit to be argued</i> III. 1003. IV. 601</p> <p><i>Where the Prisoner may have Counsel, the Court will not be of Counsel with him</i> 705</p> <p><i>Counsel assigned a Pirate to advise with</i> V. 289</p> <p>COWARDICE. <i>Cases of Cowardice</i> I. 816</p> <p>COWPER, Spencer, Esq; John Marson, Ellis Stevens, and William Rogers; <i>their Trial for Murder at Hertford-Affizes, July 16, 1699.</i> 11 Will. III. before Mr. Baron Hatfell V. 194</p> <p><i>The Indictment for strangling and murdering Mrs. Sarah Stout</i> ib.</p> <p><i>The Prisoners agree to join in their Challenges, and are tried together</i> 195</p> <p><i>The Counsel for the King having challenged a Juror, and the Pannel being gone through, and there wanting Jurors, Mr. Cowper desired the Counsel for the King might shew their Cause of Challenge</i> ib.</p> <p><i>Mr. Baron Hatfell was of Opinion the King's Counsel ought to shew Cause; but Mr. Cowper not insisting on it, another was sworn</i> ib.</p> <p><i>Mr. Jones opens the Evidence</i> 196</p> <p><i>The Witnesses for the King call'd</i> 197</p> <p><i>Evidence that Mr. Cowper was last in the Deceased's Company</i> ib.</p> <p><i>Evidence of the Manner in which she was found</i> 199, 214</p> <p><i>The Physicians and Surgeons call'd, who inspected the Body of the Deceased</i> 203</p> <p><i>Evidence of Sailors about the floating of dead Bodies</i> 207</p> <p><i>Evidence against Marson, Stevens, and Rogers</i> 208</p> <p><i>The Examination of Marson (before the Lord Chief Justice Holt) read as Evidence against him</i> 210</p> <p><i>Mr. Cowper enters upon his Defence</i> 211</p> <p><i>He calls his Witnesses</i> 214</p> <p><i>Dr. Garth, Dr. Sloane, &c. examined as to the floating of a dead Body in the Water</i> 217</p> <p><i>Mr. William Cowper, the Anatomist, his Evidence and learned Observations in behalf of the Prisoner</i> 219</p> <p><i>Mr. Cowper the Prisoner's Attempts to prove by further Evidence that Mrs. Stout drowned herself</i> 221</p> <p><i>Mrs. Sarah Stout's Letter to Mr. Cowper the Prisoner (directed to Mr. Marshall)</i> 224</p> <p><i>Mr. William Cowper attests her Fondness for his Brother</i> 225</p> <p><i>Mr. Marson, Mr. Stevens, and Mr. Rogers enter upon their Defence</i> 228</p>	<p><i>Mr. Baron Hatfell directs the Jury</i> V. 231</p> <p><i>All the Prisoners were acquitted</i> 232</p> <p>CRANBURNE, Charles, <i>his Trial for High Treason, Tuesday April 21, 1696.</i> 8 Will. III. 698</p> <p><i>He was indicted together with Knightley, Lovick, and Rookwood, for the Assassination; but besides the Overt-Acts they were charged with, he was particularly charged with carrying a List of the Conspirators Names from one to another. See the Indictment</i> 661</p> <p><i>The Prisoner's Irons order'd to be taken off during the Trial</i> 698</p> <p><i>Exceptions taken to the Indictment after Plea pleaded</i> ib.</p> <p><i>Five Exceptions taken to the Indictment, and argued</i> ib.</p> <p><i>But over-ruled</i> 701</p> <p><i>Sir Thomas Trevor, Attorney-General, his Speech before Evidence</i> 706</p> <p><i>Captain Porter's Evidence of the Prisoner's carrying a List of the Conspirators from the one to the other</i> 707</p> <p><i>Pendergrafs's Evidence to the same Effect</i> 712</p> <p><i>The Defence made by the Prisoner's Counsel</i> 713</p> <p><i>Lord Chief Justice Holt sums up the Evidence</i> 716</p> <p><i>He is convicted</i> 717</p> <p>CROOK, John, <i>try'd at the Old Bailey, with Isaac Grey and John Bolton, for refusing to take the Oaths of Allegiance and Supremacy, June 25, 1662.</i> 14 Car. II. II. 463</p> <p><i>He is tender'd the Oaths the first Day of the Sessions</i> ib.</p> <p><i>He complains of his long Imprisonment, and will give no other Answer</i> ib.</p> <p><i>He is brought again to the Bar, and will not swear</i> 464</p> <p><i>He is indicted for Recusancy</i> 465</p> <p><i>He wrangles with the Court, and refuses to plead to his Indictment</i> 466</p> <p><i>He pleads Not Guilty</i> 467</p> <p><i>Isaac Grey and John Bolton being tender'd the Oaths, and refusing to swear, are also indicted</i> 468</p> <p><i>They plead Not Guilty</i> ib.</p> <p><i>They are brought to Trial</i> ib.</p> <p><i>After making a great Noise and Clamour in the Court, they are found Guilty</i> 470</p> <p><i>They receive Sentence of Premunire</i> ib.</p> <p>CUFFE, Henry, <i>his Trial</i> I. 209. See Sir Christopher Blunt.</p> <p>CURTIS, Mary, <i>her Trial for publishing a Libel against the Government, reflecting chiefly upon my Lord Chief Justice Scroggs, 32 Car. II. 1679</i> II. 1042</p> <p><i>She submits, and is convicted</i> ib.</p>
D.	
D A M A G E S.	
<p>DAmages directed to be given according to the Mischief intended, and not according to what the Plaintiff sustain'd III. 1094</p> <p>DANBY, Thomas Earl of, <i>Proceedings against him on an Impeachment for High Treason before the House of Lords, the 23d of December, 1678.</i> 30 Car. II. II. 731</p> <p><i>Two Letters of the Earl's</i> ib.</p> <p><i>The six Articles against him</i> ib.</p> <p><i>The Earl's Speech upon bringing up the Articles</i> 732</p> <p style="text-align: right;">Mr.</p>	

An Alphabetical TABLE.

<p>Mr. Powle's Speech and Motion that the Earl be committed II. 734</p> <p>A Message to remind their Lordships of the Earl's Impeachment, and that he might be committed 735</p> <p>A Message from the Lords that the Earl was withdrawn ib.</p> <p>Sir Francis Winnington's Speech on the Question, If a Pardon may be pleaded to an Impeachment? ib.</p> <p>Address for a Proclamation to apprehend him 736</p> <p>He pleads his Majesty's Pardon 737</p> <p>The Earl surrenders on a Bill brought in to compel him to appear, and is committed 739</p> <p>The Commons question if a Pardon can be pleaded in bar of an Impeachment ib.</p> <p>The Commons resolve, that no Commoner shall be of Counsel with the Earl to maintain his Pardon 740</p> <p>Reasons given by the Commons, at a Conference, why they could not proceed to the Trial of the Earl and the five Lords, at the times appointed by the House of Peers ib.</p> <p>The Commons deny a High Steward is necessary at a Trial upon an Impeachment ib.</p> <p>The Lords resolve that the Bishops may vote in Matters previous to Trials in Capital Cases 742</p> <p>The Earl's Argument at the King's-Bench Bar, why he ought to be admitted to Bail 743</p> <p>An Indictment against the Earl as Accessary to the Murder of Sir Edmondbury Godfrey ib.</p> <p>The Earl shews the Hardness of his Case 744</p> <p>Accused without Oath ib.</p> <p>No particular Treason specify'd ib.</p> <p>Counsel threaten'd, if they spoke to Matter of Law. ib.</p> <p>Urges that he has his Majesty's Pardon ib.</p> <p>And his Majesty's Declaration of his Innocence ib.</p> <p>Kept Prisoner forty Months without Prosecution ib.</p> <p>The King directs the Attorney-General to consent to his being bailed; and yet he is refus'd ib.</p> <p>Appeals, Writs of Error, and Impeachments, need not be begun de novo on calling of a new Parliament, but remain in the same State they were at the Dissolution of the old 747</p> <p>But inferior Courts may proceed to grant Execution, &c. on a Prorogation or Dissolution, notwithstanding 748</p> <p>And the House of Lords never proceed ex officio, without the Parties petition to revive the Cause. ib.</p> <p>Said that the King may impeach 749</p> <p>Whether an Order of Parliament is of any Force after a Prorogation, or Dissolution? ib.</p> <p>Persons accused of Capital Offences discharged from their Imprisonment, by the King's Writ to the King's-Bench declaring them innocent. 750</p> <p>On a defective Pardon, the Court order the Criminal to procure another, in regard to the King's Intentions ib.</p> <p>The Lord Chief Justice Pemberton delivers his Opinion: 752</p> <p>That though this Court could bail for Treason, yet the Earl being imprisoned by a higher Power, they could not meddle with it ib.</p> <p>Resolved by all the Judges, that the King could not permit the Earl to go to his Country-House with a Guard 753</p> <p>The Judges resolve, that the Popish Lords could not be bailed by the King's-Bench ib.</p> <p>Whether, if a Man pleads a defective Pardon, he may plead over? 754</p>	<p>Three of the Judges of Opinion the Earl could not be bailed II. 754</p> <p>The other doubted ib.</p> <p>The Earl is remanded to the Tower ib.</p> <p>He is brought to the King's-Bench Bar a second Time ib.</p> <p>His Speech ib.</p> <p>He is remanded 760</p> <p>But afterwards bailed ib.</p> <p>DANEGETT, the Tax so called I. 571, 584</p> <p>DAVERS, Sir Charles, and DAVIS, Sir John, their Trial I. 209. See Sir Christopher Blunt.</p> <p>DAWSON, Joseph, Edward Foreseith, William May, William Bishop, James Lewis, and John Sparkes; their Trials for Piracy at the Old Bailey, the 19th of October, 1690, 8 Will. III. V. 1</p> <p>The Indictment for piratically taking the Ship Gunsway in the East-Indies ib.</p> <p>Dawson pleads Guilty 2</p> <p>The rest are acquitted ib.</p> <p>Charge to the Grand Jury by Sir Charles Hedges, upon other Indictments prefer'd against the Prisoners ib.</p> <p>Probable Evidence sufficient to induce them to find a Bill 3</p> <p>The former Petty Jury occasionally reflected upon 3, 5, 6, 14</p> <p>A second Indictment found against the Prisoners for piratically taking The Charles the Second, Capt. Gibson Commander 4</p> <p>Dawson pleads Guilty 5</p> <p>Two other Indictments found against the Prisoners; one for taking a Moorish Ship, the other for taking two Danish Ships ib.</p> <p>Evidence of their abetting and assisting Captain Avery, in running away with The Charles the Second 6</p> <p>And of their running away with The James Boat ib.</p> <p>Want of Wages the Occasion of their turning Pirates 8</p> <p>Evidence of all the Piracies laid in the several Indictments to have been committed by the Prisoners ib. & seqq.</p> <p>They burn the Town of Meat in the Red Sea 9</p> <p>Five other English Pirates join them there, and they lie in wait for the Mocha Fleet, and surprize some of them, and share the Treasure ib.</p> <p>Negroes, who come to trade with them, robb'd of their Gold, and made Slaves 10</p> <p>The Prisoners enter upon their Defence 11</p> <p>Lord Chief Justice Holt directs the Jury, that those on board a Pirate-Ship are to be presumed to concur with him; unless they can make the contrary appear 14</p> <p>They are convicted; and the Jury commended 15</p> <p>The same Prisoners tried and convicted on the two other Indictments; for Piracy on the Moorish Ship, and the two Danish Ships, by the same Evidence as in the Trial for taking The Charles the Second ib.</p> <p>They all receive Sentence; and are executed 17</p> <p>DEAGLE, John III. 630. See Pilkington, & al.</p> <p>DEFENCE. See Trial.</p> <p>DELAMERE, Henry Lord, his Trial for High-Treason, 1 Jac. II. 1685. Lord Jefferies Lord High Steward IV. 210</p> <p>Lord High Steward's Speech to the Prisoner 211</p>
---	---

An Alphabetical TABLE.

<p><i>The Prisoner insists that a Peer need not hold up his Hand when he is arraigned</i> IV. 211</p> <p><i>Lord High Steward is Judge, and has no Vote among the Lords Triers, where the Trial is by Commission out of Parliament</i> ib.</p> <p><i>The Indictment for High Treason, in conspiring the Death of the King, raising a Rebellion, &c.</i> ib.</p> <p><i>The Prisoner delivers a Plea to the Jurisdiction of the Court, setting forth that he ought to be try'd by the whole Body of the Peers, the Parliament not being dissolved</i> 212</p> <p><i>And for that the House of Lords, were already possess'd of the Cause</i> ib.</p> <p><i>The King's Counsel insist, that, during a Prorogation, the Proceedings are always before the Lord High Steward by Commission</i> 213</p> <p><i>And that the House of Lords were not possess'd of the Cause, they having only petition'd his Majesty that the Prisoner might be brought to his Trial.</i> ib.</p> <p><i>Also that his Plea was in Paper, and in English, without Counsel's Hand, and therefore not necessary formally to demur to it</i> ib. 214</p> <p><i>The Prisoner desires Counsel, and Time to draw up his Plea</i> 214</p> <p><i>He is answered, that, in a Plea to the Jurisdiction, the Party ought to be ready to maintain it presently</i> ib.</p> <p><i>The Lord High Steward insists that he is sole Judge in this Court, and need not advise with the Peers about it</i> 215</p> <p><i>The Plea is over-ruled; and he pleads Not Guilty</i> ib.</p> <p><i>Lord High Steward's Charge to the Peers</i> ib.</p> <p><i>All Questions to be directed and propounded to the Lord High Steward, where the Trial is by Commission</i> 216</p> <p><i>Sir Robert Sawyer, Attorney-General, his Speech before Evidence</i> ib.</p> <p><i>Lord Howard gives a general Account of the Lord Shaftesbury's Plot</i> 218</p> <p><i>Lord Grey's Evidence of the same Plot, and the Duke of Monmouth's Progress into Cheshire</i> 221</p> <p><i>Lord Grey's Evidence concerning Monmouth's Rebellion, and the Dependance he had on the Prisoner's Assistance</i> ib.</p> <p><i>Evidence of some suspicious Circumstances against the Lord Delamere</i> 226 & seqq.</p> <p><i>Saxon's Evidence of the Prisoner's employing him to stir up the People, and sending him to the Duke of Monmouth in the West</i> 229</p> <p><i>The Prisoner moves the Court to adjourn till the next Morning, that he might review his Notes, and prepare for his Defence, it growing late</i> 230</p> <p><i>The Lord High Steward proposes it to the Judges, whether the Court can legally adjourn after Evidence given</i> 231</p> <p><i>The Lords withdraw, and the Judges likewise, to consider of it</i> ib.</p> <p><i>The Judges declare, there has been no Precedent of the Peers separating after the Evidence given</i> 232</p> <p><i>That a Jury, once charged, are not to be discharged, till they have given their Verdict</i> ib.</p> <p><i>That, indeed, at the Trial of a Peer in Parliament the House may, and often has adjourned; but there the Lords are Judges: in this Case, they are in the Nature of a Jury</i> 232</p> <p><i>The Lords Triers may consult the Judges in the</i></p>	<p><i>Prisoner's Absence; but they can ask no Questions of the Lord High Steward in his Absence, nor can he withdraw with them</i> IV. 232</p> <p><i>At a Trial in full Parliament it is otherwise</i> 233</p> <p><i>In full Parliament the Lord High Steward has a Vote; but, when he sits by Commission, he has none</i> ib.</p> <p><i>The Lord High Steward refuses to adjourn; and directs the Prisoner to proceed in his Defence</i> ib.</p> <p><i>The Prisoner permitted to charge the King's Evidence with particular Crimes</i> 234</p> <p><i>The Prisoner proves that Sir Robert Cotton, Mr. Offley, and himself, were none of them at his House, when the King's Evidence depos'd they were</i> 236 & seqq.</p> <p><i>Mr. Solicitor-General Finch sums up the Evidence</i> 243</p> <p><i>It is not usual for the High Steward to repeat, or observe upon, the Evidence</i> 246</p> <p><i>One Witness who swears directly to the Treason, and another to a Circumstance, affirm'd to be two Witnesses in Law</i> ib.</p> <p><i>The Prisoner is acquitted</i> ib.</p> <p>DEMURRER. See Pleading.</p> <p>DEPOSITIONS. See Evidence.</p> <p>DERWENTWATER, James Earl of, Proceedings on an Impeachment of High Treason against him, William Lord Widdrington, William Earl of Nithisdale, Robert Earl of Carnwarth, William Viscount Kenmure, and William Lord Nairn, 1715. 2 George I. VI. 1</p> <p><i>Mr. Lechmere's Speech in the House of Commons upon his Motion for the Impeachment</i> ib.</p> <p><i>They are impeached, with George Earl Wintoun, and Articles sent up</i> 5</p> <p><i>All plead Guilty, except the Earl of Wintoun</i> ib.</p> <p><i>The King's Commission, appointing William Lord Cowper Lord High Steward</i> ib.</p> <p><i>The Articles read</i> 6</p> <p><i>Earl of Derwentwater's Answer</i> 8</p> <p><i>Lord Widdrington's Answer</i> 9</p> <p><i>Earl of Nithisdale's Answer</i> 10</p> <p><i>Lord Nairn's Petition</i> 11</p> <p><i>Earl of Derwentwater's Speech</i> 12</p> <p><i>Lord Widdrington's Speech</i> ib.</p> <p><i>Earl of Nithisdale's Speech</i> 13</p> <p><i>Earl of Carnwarth's Speech</i> ib.</p> <p><i>Lord Kenmure's Speech</i> 14</p> <p><i>Lord Nairn's Speech</i> ib.</p> <p><i>Lord High Steward's Speech before Judgment</i> ib.</p> <p><i>Sentence pass'd upon them, as in Cases of High Treason</i> 16</p> <p><i>Earl of Derwentwater's Dying Speech</i> ib.</p> <p><i>He is beheaded, with the Lord Kenmure</i> 17</p> <p>DIGBY, Sir Everard I. 244. See Winter, Rob. & al.</p> <p>DISABILITY. See Witness.</p> <p style="text-align: center;">DISCONTINUANCE.</p> <p><i>The Distringas Teste'd the Day after the Return of the Venire, a Discontinuance</i> V. 547</p> <p><i>Whether this be amendable</i> 574</p> <p>DISPENSING Power. See Bishops, the Seven, their Trial IV. 304</p> <p>DISTRINGAS. See Writs.</p> <p>DIVORCE. See Howard, Lady Frances I. 315</p> <p>DONN, Henry I. 128. See Babington, & al.</p> <p>DOVER, Simon II. 529 See Twyn, & al.</p> <p>DOWNES, John II. 396. See Regicides.</p> <p>DUELS. See Murder.</p>
--	---

An Alphabetical TABLE.

E.

EARLES, John II. 585. See Messenger, & al.

EDMONDSTON, Patrick V. 634. See Stirling James, & al.

ELIZABETH, Queen, a noble Saying applauded by her, concerning disrespectful Words spoken of Princes I. 197

ELLIOT, Edmund IV. 410. See Preston.

ELWEYS, Sir Jervis, his Trial as Accessary, before the Fact, to the Murder of Sir Thomas Overbury, 16 Novemb. 1615, 13 Jac. I. I. 341

Sir Jervis's Defence 342

He urges, that, though he did suspect a Design of poisoning the Deceas'd, the concealing of such Suspicion would not make him Accessary before the Fact 343

Franklin's Confession read against him 344

He is convicted, and Sentence pass'd ib.

His Execution ib.

EMBASSADOR. See **AMBASSADOR.**

E N E M I E S.

Where the Subjects of a foreign Prince shall be deem'd Enemies, though the Prince himself be in Amity with this Crown I. 115. V. 34

Lawful for private Men to arm themselves to oppose a common Enemy II. 593

What shall be constru'd an adhering to the King's Enemies I. 733

ENQUEST. See Jury.

ESCAPE. See Prisoner.

ESSEX, Robert Earl of, and Henry Earl of Southampton, their Trial for High Treason in conspiring the Destruction of the Queen, and raising an Insurrection, Feb. 19, 1600. 43 Eliz. I. 197

No challenge to a Peer 198

Serjeant Yelverton's Speech ib.

Sir Edward Coke, Attorney-General, aggravates the Charge 199

Witherington's Deposition read as Evidence, and the Earl's Answer 200

Lord Keeper, Earl of Worcester, and Lord Chief Justice, their Declaration ib.

Sir Walter Raleigh's Evidence 201

Sir Ferdinando Gorge's Confession read 202

Evidence of the Prisoner's Design to surprize the Court, take the Tower, &c. ib.

Davens's and others Confession to the same effect ib. 203

Essex designs to call a Parliament ib.

And to have alter'd the Government ib.

Essex's Pretence that England was sold to the Spaniards ib.

Essex charges Sir Robert Cecil with saying, That none but the Infanta of Spain had a Right to the Crown of England; upon which ensues a severe Expostulation between them 205

The Earls conclude their Defence 206

The Terms Essex surrender'd upon 207

The Judges deliver their Opinion to the Peers after they were withdrawn ib.

The Prisoners are convicted ib.

Sentence pass'd 208

Earl of Essex's Execution ib.

ESSEX, Arthur Earl of, his Death in the Tower. See Braddon.

ESSEX, Robert Earl of, and his Wife, their Divorce. See Howard, Lady Frances I. 315

EVIDENCE.

Depositions of a Person absent read in Evidence, in a Capital Case I. 172

Circumstantial Evidence allow'd as good Proof against a Puritan Minister 183

Urg'd in like manner by Sir Edward Coke against Sir Walter Raleigh 220

Allow'd and urg'd by the Court against a Popish Priest II. 997

Verbal Confessions of Criminals may be offer'd as Evidence against them 1005

A Letter read in Evidence that was neither written to or by the Prisoner 714

A Popish Priest performing the Function of a Priest, Evidence of his being in Orders. 802, 962, 966

A solemn Resolution that, in a Case of Treason, there must be two Witnesses believ'd by the Jury III. 56

What was sworn against a Criminal at the Trial of another, ought not to be given in Evidence against him II. 863

Evidence given, that had no relation to the Prisoners in particular, but only to the Plot in general III. 109, 798

Letters, or Certificates, on a Prisoner's behalf cannot be read as Evidence II. 1010

Hearsay not to be admitted in Evidence 279

III. 841, 883

Admitted II. 251, 881. VI. 803

In case one Witness proves an Overt-Act in one County, and one in another, it is good Proof in either III. 366

Two Witnesses to every Overt-Act not necessary 419

The Hand-writing of a Criminal prov'd, by comparing it with other Writings of his; and by the Witnesses swearing they believ'd it to be the Prisoner's Hand III. 802. IV. 337, 447

Bail cannot be a Witness for his Principal III. 842

What the Defendant has said, no Evidence for him 843

In an Indictment for Forgery, another Forgery was not allow'd to be given in Evidence 844

A Trial printed by Authority no Evidence IV. 29, 153

Where the Prisoner would give in Evidence any thing that was said or done at another Trial, he ought to produce the Record IV. 41

A Narrative sworn in the House of Peers admitted in Evidence 46

The Journals of the Lords and Commons, Votes, and Addresses, given in Evidence 376, 388

All People shall be allow'd Copies of such Records as may be Evidence for them 417

Treasonable Papers found on a Person, the Jury may from the Circumstances judge of the Party's being privy to the Design, though there be no direct Evidence of it 481

Evidence may be given of Facts done before or after the time laid in the Indictment, so it be before the Indictment prefer'd 569

No Exception can be made to the Proof after Verdict 596

Evidence may be given of Treason committed in another County than that where the Indictment is found 639, 640

No Evidence ought to be given without first opening it 692

So the Evidence be probable, 'tis sufficient for the Grand-Jury to find the Bill III. 419. V. 3.

An Alphabetical TABLE.

F E L O N Y.

<p><i>The Examination of a Witness withdrawn read in Evidence</i> V. 68</p> <p><i>No Evidence ought to be given in Capital Cases, but in the Prisoner's Presence</i> 85</p> <p><i>Whether there ought not to be as full Evidence on a Bill of Attainder as in other Cases?</i> 114, 124, 132</p> <p><i>Persons convicted on circumstantial Evidence</i> 115</p> <p><i>The same Evidence requir'd on Impeachments as in inferior Courts</i> 119</p> <p><i>No Evidence ought to be given of an Overt-Act not laid in the Indictment, unless it tend to prove some Overt-Act that is laid in the Indictment</i> IV. 691, 697. V. 22</p> <p><i>No Evidence ought to be given of the Contents of a Letter, unless the Letter be produc'd</i> V. 31</p> <p><i>The Examination of a Criminal before a Magistrate given in Evidence against him at his Trial</i> IV. 135</p> <p><i>The Grand Jury, may not send for other Evidence than is produc'd on the Part of the King</i> V. 423</p> <p><i>The Actions of another given in Evidence against the Defendant</i> 488</p> <p><i>Evidence given of Facts done after the Information exhibited</i> 492</p> <p><i>A printed Proclamation not to be admitted in Evidence</i> 510</p> <p><i>Extracts out of printed Books admitted to be given in Evidence</i> 728</p> <p><i>Examinations of Witnesses, who might have been produced viva voce, frequently given in Evidence against a Criminal anciently.</i> I. 95, 315 347</p> <p><i>Examinations taken in another Court where they shall be read in Evidence</i> II. 945. III. 152</p> <p><i>Examination of a Witness withdrawn read in Evidence against a Criminal</i> IV. 496</p> <p><i>Examination of a Witness before the Coroner read at the Trial against the Prisoner, though the Witness gave his Evidence viva voce in Court</i> 534</p> <p><i>In what Cases a Furor may be examin'd by the Prisoner</i> 748</p> <p><i>If an Examination in Writing be taken by a Justice of Peace, no Evidence can be given of what past at that Examination, unless the Writing be produc'd</i> VI. 203</p> <p><i>The Confession of a Prisoner can only affect himself, and not any Person join'd with him in the Accusation</i> 218</p> <p>EXAMINATION. See Evidence</p> <p style="text-align: center;">E X C E P T I O N S</p> <p><i>To an Indictment ought to be taken before Plea pleaded</i> II. 89. V. 18</p> <p><i>Exceptions taken to an Indictment after Plea pleaded</i> IV. 698</p> <p style="text-align: center;">E X E C U T I O N S</p> <p><i>Varying from the Judgment</i> I. 63, 394. III. 215 IV. 129</p> <p><i>Three Gentlemen try'd and fix'd for tampering with a Prisoner at the Place of Execution</i> I. 333</p>	<p><i>One convicted of Felony for impugning the Queen's Authority in Causes Ecclesiastical</i> I. 176</p> <p><i>The Person prostituting his Body in Sodomy, held guilty of Felony</i> 396</p> <p><i>If the King kills a Man, 'tis no Felony in him</i> 104</p> <p><i>Felony may be try'd in any County whither the Thief carries the stolen Goods</i> IV. 349. V. 524</p> <p><i>Marrying a Woman while she is under a Force, Felony, though the Person marrying her is not the Author of the Force</i> 477</p> <p>FENWICK, John II. 696. See Ireland, & al. and II. 829. See White, Whitebread, & al.</p> <p>FENWICK, Sir John, his Case on a Bill of Attainder brought into the House of Commons against him, Novemb. &c. 1696. 8 W. III. V. 40</p> <p><i>The Introduction, shewing how the Bill of Attainder came to be brought in</i> ib.</p> <p><i>The House put Sir John upon making a Discovery to them</i> ib.</p> <p><i>He insists that they should secure him, that his Confession should not be made use of against him; which they decline</i> ib.</p> <p><i>He desires Time to recollect himself, which they refuse him; and vote a Bill of Attainder</i> 41</p> <p><i>Fuller, the Impostor, offers to give Evidence against Sir John Fenwick</i> 42</p> <p><i>Counsel and Solicitor assigned Sir John</i> ib.</p> <p><i>Agreed that the Serjeant with the Mace should stand by the Prisoner at the Bar, during the Hearing</i> 43</p> <p><i>The Bill read</i> 44</p> <p><i>Mr. Serjeant Gould opens the Charge in the Indictment, and shews the Methods us'd by Sir John to protract his Trial</i> ib.</p> <p><i>Mr. Serjeant Lovel, Recorder, shews the Nature of their Evidence</i> 45</p> <p><i>Sir John's Counsel desire Time for their Defence</i> 46</p> <p><i>And are allow'd till the Monday following</i> 57</p> <p><i>Resolv'd, that the Counsel for the Bill may examine Witnesses as to the Treasons contain'd in the Indictment, as well as to the Allegations in the Bill</i> 56</p> <p><i>The Indictment against Sir John read</i> 58</p> <p><i>Porter produc'd, to prove the Facts laid</i> ib.</p> <p><i>Sir John's Counsel oppose Porter's being examin'd as to my Lady Fenwick's practising with him about his Evidence; for that what the Wife says or does can be no Evidence for or against her Husband</i> 59</p> <p><i>And for that there was no Suggestion in the Bill of Porter's being tamper'd with by Sir John himself</i> 60</p> <p><i>Resolv'd, that Porter should be examin'd as to his being tamper'd with</i> 62</p> <p><i>Roe examin'd as to his being dealt with, to discredit Goodman's Testimony</i> 63</p> <p><i>Sir John's Counsel oppose the reading of Goodman's Examination taken by Mr. Vernon, a Justice of Peace, as illegal Evidence</i> 64</p> <p><i>Admitted that, where a Witness could be produc'd, his Examination ought not to be read against a Prisoner</i> ib.</p> <p><i>Sir Thomas Trevor holds, that an Examination before a Justice may be read, where the Witnesses cannot be had</i> 68</p> <p><i>Resolv'd, that Goodman's Examination should be read</i> 71</p> <p style="text-align: right;">Sir</p>
--	--

An Alphabetical TABLE.

<p><i>Sir John's Counsel oppose the calling a Grand Juryman to give an Account of the Evidence Goodman gave, to induce them to find the Bill against Sir John</i> V. 72</p> <p><i>Which is over-ruled without Debate</i> ib.</p> <p><i>Sir John's Counsel oppose the reading the Record of Cook's Conviction</i> 73</p> <p><i>What is sworn against the Prisoner at the Trial of another, is no Evidence against him</i> ib.</p> <p><i>But a Prisoner may make use of what was sworn at another Trial in his Defence</i> 74</p> <p><i>Resolv'd, that the Record of Cook's Conviction be read</i> 75</p> <p><i>Sir John's Counsel oppose the calling a Juryman to depose what Evidence Goodman gave at Cook's Trial</i> ib.</p> <p><i>Resolv'd, that Witnesses might be examin'd to what Goodman said at the Trial of Cook</i> 78</p> <p><i>Likeness of Hands no Evidence of a Man's Hand-writing</i> 79</p> <p><i>Mov'd to take Mr. Dighton, Sir John's Solicitor, into Custody</i> 81</p> <p><i>Sir John's Counsel enter upon his Defence. Sir Thomas Powis's Argument; he shews the Hardship of making an Act to condemn a Man ex post facto</i> ib. 82</p> <p><i>Shews that even the Regicides were admitted to a Trial by a Jury</i> 82</p> <p><i>No Evidence can be given against a Man on a Trial for his Life, but in his Presence</i> 85</p> <p><i>Sir John Hawles's Opinion, that a Conspiracy to levy War was not an Overt-Act of compassing the King's Death</i> ib.</p> <p><i>Sir Bartholomew Shower's Arguments against the Bill</i> 86</p> <p><i>He urges, that the most that could be done in Justice, was to supply the Want of the absent Witnesses</i> 87</p> <p><i>That a Consult, in my Lord Russel's Case, was held to be no Overt-Act; and that was all that was pretended to be prov'd here</i> 88</p> <p><i>Mr. Serjeant Gould's Reply</i> 89</p> <p><i>One Witness sufficient in some Species of Treason</i> ib.</p> <p><i>Resolv'd by the Judges, that consulting to levy War was Treason</i> ib.</p> <p><i>Mr. Serjeant Lovel's Reply</i> ib.</p> <p><i>Mr. Vernon's Evidence of the Artifices us'd by Sir John to delay his Trial</i> 93</p> <p><i>Debates upon the second reading the Bill</i> 95</p> <p><i>Judges ought not to go according to their private Knowledge</i> 96</p> <p><i>The Lord Preston pardon'd on making a pretended Discovery, which he afterwards deny'd</i> ib.</p> <p><i>One boil'd alive for poisoning People</i> 97</p> <p><i>Lord Cromwel and Mortimer attainted without being heard</i> ib.</p> <p><i>A Judge ought to be a Witness for the Prisoner, if he knows any thing that may acquit him; & è contra</i> 98</p> <p><i>Bills of Attainder universally branded, where the Offender was forth-coming</i> ib.</p> <p><i>Suggested by the Court-Party, that they had no Design against Sir John's Life, but to bring him to a Confession</i> 100</p> <p><i>The Lord Delamere acquitted, because there was but one Witness against him</i> 104</p> <p><i>A Bill of Attainder against one for killing a foreign Minister, ten Years after the Fact, and after he had been try'd at Common Law</i> 105</p>	<p><i>The Senate of Venice executed Conspirators against the State, after they had promised them Pardon</i> V. 108</p> <p><i>Nothing but an absolute Necessity could justify the passing this Bill</i> 109</p> <p><i>The Parliament are to declare what's Treason only, when the Cause comes before them from inferior Court, by 25 Edw. III.</i> 110</p> <p><i>And the Judgment to be given in the House of Lords</i> 111</p> <p><i>Bills of Attainder us'd to begin by Impeachment; and then the Witnesses were upon Oath</i> ib.</p> <p><i>Whether it be just in the Parliament to take away a Man's Life on less Evidence than in inferior Courts</i> 114</p> <p><i>Persons convicted on presumptive Evidence in inferior Courts</i> 115</p> <p><i>Whether the Parliament acted according to Law in declaring the Throne vacant on the Abdication; or whether they went upon that Principle, that the People might constitute a new Government for their Preservation?</i> 116</p> <p><i>Whether the Law of God requires two Witnesses in Treason, as was asserted?</i> 117</p> <p><i>The Care of the Legislature, in providing there should be two Witnesses, to no purpose, if a Bill of Attainder may be brought in, when there is but one</i> 118</p> <p><i>Neither Depositions taken when the Party was not present to cross-examine the Witness; nor any thing that was sworn at another's Trial, ought to be produc'd in Evidence against a Criminal</i> ib.</p> <p><i>The Bill order'd a third Reading</i> ib.</p> <p><i>Debates on the third Reading</i> 119</p> <p><i>The same Evidence is requir'd to convict a Man on Impeachments as in inferior Courts</i> ib.</p> <p><i>No two Nations agree in their Manner of Proof</i> 120</p> <p><i>Lord Cutts presses the passing of the Bill, from the Danger the Government was in</i> 122</p> <p><i>Young's Plot against the Bishop of Rochester</i> 123</p> <p><i>It is affirm'd, that two Witnesses were requir'd in Treason by the Laws of God, and the Laws of all Nations</i> ib.</p> <p><i>Never any Man before taken out of the Hands of inferior Courts, after Plea pleaded and Issue join'd there, and cut off by an Act of Attainder</i> 124</p> <p><i>Instances of several Attainders revers'd, because they were against Law; which shews that the Law ought to be the Rule, even in Bills of Attainder</i> 125</p> <p><i>If they were to be guided by one Statute, as to the Nature of the Fact, why not by another, as to the Evidence requir'd to prove the Fact</i> ib.</p> <p><i>These Bills of Attainder observ'd to be fatal to the Promoters of them</i> ib.</p> <p><i>If it be a good Reason to reverse Attainders, because the Party had not the Benefit of the Laws, the same Reason holds against the Enacting them</i> ib.</p> <p><i>This the first Bill of Attainder began in the House of Commons, except the Duke of Monmouth's</i> ib.</p> <p><i>Objected, if they were to have two Witnesses in Treason, according to the Jewish Law, why not in Murder too</i> 126</p> <p><i>That if it were the eternal Law of God to have two</i></p>
--	---

An Alphabetical TABLE.

<p><i>two Witnesses, where was that Law before Edw. VI. and why was it otherwise in some Species of Treason still?</i> V. 127</p> <p><i>Admitted, that in Treason there ought to be two Witnesses</i> ib.</p> <p><i>Whether the Attainder of a Commoner can begin in the House of Peers?</i> ib.</p> <p><i>The Bill brought in, not because of any Danger the Government was in, but to vindicate a Person of Honour</i> 129</p> <p><i>The Danger of the Government but a Pretence</i> 130</p> <p><i>Though Sir John's prevaricating till a Witness was withdrawn, &c. were not a sufficient Reason to put him to Death, it was sufficient to justify their proceeding in this Manner against him</i> 133</p> <p><i>It is urg'd, that the Evidence given might be legal Evidence in Parliament, though not in the Courts below; as appear'd by the very Acts they insisted upon on the other Side</i> 134</p> <p><i>The Bill pass'd by the Commons</i> 136</p> <p><i>The Writ for his Execution</i> ib.</p> <p><i>His Dying Speech</i> ib.</p> <p>FERNLEY, John IV. 131. See Cornish.</p> <p>FIELDING, Robert, Esq; <i>his Trial for Bigamy, at the Old Bailey, Decemb. 4, 1706, 5 Ann.</i> V. 610</p> <p><i>The Indictment, for feloniously marrying Barbara Duchess of Cleveland, Mary Wadsworth, his first Wife, being then alive</i> ib.</p> <p><i>Mr. Raymond opens the Indictment</i> 611</p> <p><i>Sir James Montague opens the Evidence</i> ib.</p> <p><i>Mrs. Villars's Evidence of her imposing Mrs. Wadsworth on Mr. Fielding for Mrs. Deleau; and of their Marriage by a Popish Priest</i> 612</p> <p><i>Mr. Fielding admits his Marriage with the Duchess</i> 615</p> <p><i>Mrs. Deleau's Evidence of Mr. Fielding's coming to see her Garden</i> 616</p> <p><i>Three Letters from Mr. Fielding, directed To the Countess of Fielding, produc'd to prove he acknowledged his Marriage with a Person whom he took for Mrs. Deleau</i> 620</p> <p><i>Mr. Fielding enters upon his Defence</i> 621</p> <p><i>He endeavours to prove Mrs. Wadsworth married to another Man, before the Time she was said to be married to him</i> ib.</p> <p><i>Sir James Montague's Observations on the Evidence, and on Mr. Fielding's Defence</i> 624</p> <p><i>Another Letter of Mr. Fielding's produc'd in Evidence against him, directed To Anne Countess of Fielding</i> 625</p> <p><i>Evidence that Mrs. Wadsworth's pretended Marriage with another Person was a Sham</i> ib.</p> <p><i>Mr. Justice Powel directs the Jury</i> ib.</p> <p><i>He tells them, that though Mrs. Villars's Character was but indifferent, he thought her Evidence well supported; but however, if they thought Mrs. Wadsworth's Marriage with another Man before she married Mr. Fielding prov'd, they must acquit him</i> 628</p> <p><i>Mr. Fielding is convicted</i> ib.</p> <p><i>The Judges do not give Judgment till next Sessions; and accepted Bail for his Appearance then</i> ib.</p> <p><i>January 15, Judgment is given, and Mr. Fielding prays his Clergy, and produc'd the Queen's Warrant to suspend the burning in the Hand</i> ib.</p> <p><i>The Duchess institutes a Cause of Nullity of Marriage in the Court of Arches against Mr. Fielding, and obtains a Decree that she was free</i></p>	<p><i>from any Bond of Marriage with the said Robert Fielding, and was at liberty to marry with any other Person</i> V. 628</p> <p><i>Mr. Fielding renounces all Benefit of Appeal</i> 629</p> <p>FIENNES, Colonel Nathanael, <i>his Trial before a Council of War for Cowardice, Dec. 14, 1643, 19 Car. I.</i> I. 766</p> <p><i>William Prynne and Clement Walker his Prosecutors</i> ib.</p> <p><i>They insist strenuously, that the Trial may be publick and open</i> ib.</p> <p><i>Which is over-rul'd, after long Debate</i> 768</p> <p><i>Ten Articles exhibited against him, charging him with cowardly surrendering the City of Bristol</i> ib.</p> <p><i>His Answer</i> 770</p> <p><i>The Hearing on the three first Articles</i> 775</p> <p><i>The Hearing on the five following Articles</i> 779</p> <p><i>The Defendant's general Defence, and Prynne's Reply</i> 784</p> <p><i>The Peroration of the Defendant, and Mr. Prynne's Reply</i> 814</p> <p><i>The Defendant is condemn'd to die; but pardon'd afterwards</i> 815</p> <p><i>Cases at large, which were cited in the Trial</i> 816</p> <p>FITZ-HARRIS, Edward, <i>his Arraignment in the King's Bench for High Treason; with his Plea, and the Counsel's Argument thereon, in Easter Term, 1681, 33 Car. II.</i> III. 224</p> <p><i>Proceedings in Parliament relating to him</i> ib.</p> <p><i>The Grand Jury doubt whether one who is impeach'd for High Treason may be indicted for it</i> 227</p> <p><i>The Court resolve that he might be indicted, though the Commons had impeach'd him generally; and voted he should not be try'd by any inferior Court</i> 228</p> <p><i>The Indictment read</i> ib.</p> <p><i>Fitz-harris offers a Plea in Paper, that he is impeach'd for the same Treason</i> ib.</p> <p><i>The Court assign him Counsel, and give him Time to mend his Plea</i> 229</p> <p><i>A Rule made, that his Counsel and his Wife might come to him</i> 230</p> <p><i>He is examined concerning the Murder of Godfrey</i> ib.</p> <p><i>Fitz-harris puts in another Plea to the Jurisdiction of the Court</i> 234</p> <p><i>Mr. Attorney argues that the Plea was defective, both as to Matter and Form</i> ib.</p> <p><i>He shows there was no Precedent of the King's Counsel being put to demur in a Capital Case before</i> 235</p> <p><i>Mr. Attorney demurs to the Plea</i> 237</p> <p><i>The Prisoner joins in Demurrer</i> ib.</p> <p><i>Time is given the Prisoner's Counsel to maintain the Plea</i> 240</p> <p><i>A Copy of the Indictment deny'd</i> 241</p> <p><i>Mr. Williams's Argument for the Prisoner</i> ib.</p> <p><i>He compares an Impeachment to an Appeal</i> 242</p> <p><i>He doubts if the King can pardon one impeach'd</i> ib.</p> <p><i>Sir Francis Winnington for the Prisoner</i> 248</p> <p><i>Mr. Wallop's Argument for the Prisoner</i> 251</p> <p><i>Mr. Pollexfen's Argument for the Prisoner</i> 252</p> <p><i>Mr. Attorney answers the Arguments of the Prisoner's Counsel</i> 254</p> <p><i>The Indictments against the five Popish Lords remov'd by Certiorari into the House of Peers</i> 255</p> <p style="text-align: right;">Mr.</p>
--	--

An Alphabetical TABLE.

- Mr. Finch, Solicitor-General, his Reply for the King III. 255
- Mr. Serjeant Jefferies for the Crown 259
- Sir Francis Wythens on the same Side ib.
- The Court declare, they should not meddle to determine whether a Commoner might be impeach'd for Treason, or whether an Impeachment should stay the Proceedings of an inferior Court; but only consider the Sufficiency of the Plea to out them of their Jurisdiction 260
- The Chief Justice, Mr. Justice Jones, and Mr. Justice Raymond, of Opinion the Plea was insufficient; Mr. Justice Dolben doubted 261
- The Court award the Prisoner shall plead over ib.
- The Prisoner pleads Not Guilty ib.
- He has Time to prepare for his Trial till next Term 262
- Fitz-harris brought upon his Trial in Trinity-Term, June 9, 1681. 263
- The Court refuse to examine the Prisoner before his Trial, as to the Murder of Godfrey ib.
- The Indictment for a treasonable Libel call'd, The true Englishman speaking plain English 265
- Mr. Heath opens the Indictment 266
- Mr. Attorney opens the Evidence 267
- The King's Witnesses call'd ib.
- Evidence that Fitz-harris prompted Everard to write the Pamphlet 267
- Papers deliver'd to the Prisoner in Court; which the King's Counsel object to 269, 272
- Smith swears he over-heard Fitz-harris dictate to Everard 270
- Which is confirm'd by Sir William Waller 272
- The Prisoner calls his Witnesses 277
- Oates deposes, that Everard said this was a Design of the Court, and the Libel was to be convey'd into the Whigs Pockets ib.
- Evidence that Sir William Waller said, the King was in a great Passion with him, and said, he had broken all his Measures by discovering Fitz-harris 278
- A Petition of Mrs. Fitz-harris to his Majesty, and the King's Letter to the Duke of Ormonde concerning them, read in Court 280
- Lord Howard's Evidence ib.
- Hearsay Evidence refus'd 282
- The Duchess of Portsmouth subpoena'd by the Prisoner as a Witness; she is desir'd to stand up, while she gives her Evidence 283
- Mr. Fitz-harris enters upon his Defence, complains of his close Confinement, that he had not an Opportunity of preparing for his Defence; intimates, that his Witnesses conceal'd their Knowledge; and affirms that the Money he receiv'd of the Government was for secret Service, and not in Charity, as the Witnesses depos'd ib.
- Mr. Solicitor sums up the Evidence; he takes notice, that the Prisoner's Defence consisted in some Insinuations, that he compos'd this Libel by the King's Directions 284
- Mr. Serjeant Jefferies's Observations on the Evidence 286
- The Chief Justice's Directions to the Jury 287
- He shews the Improbability that the King should be in a Design to blacken his own Family, and incite a Rebellion against himself ib.
- The Jury doubt whether they may try this Matter, the Commons having voted that it should not be try'd by any inferior Court 288
- But the Court tell them, they are only to try the Fact. As to the Plea to the Jurisdiction, that is the Business of the Court, and they have determined that Matter already III. 288
- That if there was a Vote of the Commons, it could not alter the Law, any more than a Letter or Mandate from the Prince. The Judges were upon their Oaths, and must do Justice according to the Laws of the Land, notwithstanding 289
- Fitz-harris is convicted ib.
- Mr. Solicitor moves for Judgment; but the Court tell him, they will take Time for that ib.
- Sentence pass'd upon the Prisoner 290
- A Writ issued out of the King's Bench, June 22, directed to the Lieutenant of the Tower, to deliver the Body of Fitz-harris to the Sheriff of Middlesex the first of July, in order to his Execution ib.
- Another Writ, of the same Date, to the Sheriff of Middlesex, to receive Fitz-harris, and cause him to be executed according to the Sentence 291
- Fitz-harris executed accordingly, July 1. ib.
- His Behaviour at Execution; and his Dying Speech ib. 292
- FITZ-PATRICK, Laurence, I. 396. See Audley, Lord
- FLEETWOOD, George II. 302. See Regicides.
- FOGG, Christopher V. 445. See Kirkby, & al.
- FORD, William II. 585. See Messenger, & al.
- FORSEITH, Edward V. 1. See Dawson.
- F O R F E I T U R E.
- The Judgment in High Treason must be in the usual Form, to entitle the King to his Forfeitures III. 213
- Forfeitures on a Conviction for Manslaughter V. 170
- F O R G E R Y V. 232
- F O R E I G N E R S. See Alien.
- FOX, Somerset, his Trial, before the High Court of Justice, for High Treason against Oliver Cromwell, then Lord Protector, 30 June, 1654, 6 Car. II. II. 212
- Fox pleads Guilty ib.
- Prideaux, Attorney General for the Commonwealth, opens the Evidence 213
- Mr. Vowell desires to be try'd by a Jury, but is refus'd 212, 214
- John Wiseman's Evidence, that there was a Design to assassinate the Protector as he went to Hampton-Court; and that Gerhard and Vowell were privy to it 214
- Edward Hudson gives a soft Evidence; upon which his Examination is read against the Prisoners, though the Witness denied in Court some things he then confess'd 214, 215
- Charles Gerhard's Evidence against his Brother 215
- Other Witnesses to the Design in general 216
- Gerhard and Vowell deny the Fact ib.
- Are condemn'd 217
- Fox repriev'd; and the other two executed ib.
- FRANCIA, Francis, his Trial for High Treason, at the Old Bailey, 22 Jan. 1716. 3 George I. VI. 58
- The Indictment, for corresponding with the King's Enemies 60
- Sir Joseph Jekyll's Speech before Evidence 61
- Sir Edward Northey, Attorney-General, his Speech 62
- Evi-

An Alphabetical TABLE.

<i>Evidence of a Book and Papers found in the Prisoner's House on his Apprehension</i>	VI. 65	<i>Lord Chief Justice sums up the Evidence</i>	IV. 623
<i>Lord Townshend's Evidence</i>	68	<i>The Prisoner is convicted</i>	III. 626
<i>Mr. Secretary Stanhope's Evidence</i>	71	<i>See the Sentence and his Dying Speech, in the Trial of Sir William Parkyns</i>	659, 660
<i>The Prisoner's Examination read</i>	ib	FULLER, William, <i>his Trial for forging false and scandalous Libels, May 20, 1702.</i>	I Anne V. 441
<i>Mr. Harvey's Letter read</i>	72	<i>Fuller acknowledges the Books to be his</i>	443
<i>The Prisoner's Counsel object to the reading any Letters that are not particularly laid in the Indictment</i>	73	<i>Pretends he can make out the Truth of them</i>	ib.
<i>Adjudg'd that writing treasonable Letters is an Overt-Act of High-Treason, and that any Letters may be given in Evidence to prove it, though not particularly laid in the Indictment</i>	77	<i>He is convicted</i>	445
<i>Several Letters read out of his Copy-Book.</i>	78 & seqq.	FULTHORPE, Sir Roger	I. 14. See Brambre.
<i>Sir Joseph Jekyll's Remarks upon the Evidence</i>	86	G.	
<i>The Prisoner's Defence</i>	87	GAGE, Robert	I. 134. See Abington, & al.
<i>He proves himself a Native of France</i>	ib.	GARLAND, Augustine	II. 398. See Regicides.
<i>Mr. Ward's Speech for the Prisoner</i>	88	GARNET, Henry, <i>Superior of the Jesuits, his Trial for High Treason, in promoting the Gun-Powder-Plot, March 28, 1606.</i>	4 Jac. I. at Guild-Hall
<i>Mr. Hungerford on the same side</i>	89		I. 248
<i>Two Women call'd, to asperse Lord Townshend and Mr. Buckley</i>	90	<i>See the Indictment in Winter's Trial</i>	232
<i>The Evidence of those Women positively contradicted upon Oath</i>	91	<i>Sir John Croke opens the Charge</i>	248
<i>Evidence that none of the Letters in the Book were the Prisoner's Writing</i>	92	<i>Sir Edward Coke shows the Aggravations this Crime was attended with</i>	ib. 249
<i>Sir John Fortescue-Aland's Reply</i>	93	<i>Gives an Historical Relation of all the Popish Plots in Q. Elizabeth's Reign</i>	250, 251
<i>Mr. Spencer Cowper's Reply</i>	96	<i>And of the Gun-Powder Plot</i>	253
<i>Sir Thomas Bury, Lord Chief Baron, sums up the Evidence</i>	98	<i>Garnet formerly a Corrector of the Press</i>	255
<i>Directs the Jury, if they find him Guilty, to find specially that he is a Frenchman, and an Alien</i>	101	<i>His Defence as to their Doctrine of Equivocation; as to their deposing Doctrine; and absenting themselves from Church</i>	257
<i>The Prisoner acquitted</i>	ib.	<i>He owns he knew of the Powder Plot; but denies he consented to it</i>	258
FRANKLIN, James, <i>his Trial as Accessary, before the Fact, to the Murder and Poisoning of Sir Thomas Overbury, 27 Nov. 1616.</i>	13 Jac. I. 346	<i>Sir Edward Coke's Reply to Garnet's Defence</i>	260
<i>His own Confession read in Evidence against him, that he sold the Poison, and knew for what</i>	ib.	<i>Earl of Northampton's Speech</i>	261
<i>Whereupon he is convicted, and Sentence passed upon him</i>	347	<i>The Prisoner says that if a Man in Sacramental Confession owns he has a Design to commit Murder, the Priest is bound to conceal it</i>	264
FREEHOLD. See Jury.		<i>The Prisoner is convicted</i>	266
FREEMAN, Richard	III. 630. See Pilkington, & al.	<i>Earl of Northampton's second Speech, from p. 266 to p. 308.</i>	
FREIND, Sir John, <i>his Trial for High Treason, in conspiring the Death of the King, and promoting an Invasion and Rebellion, March 23. 1695.</i>	8 W. III. IV. 599	<i>Garnet receives Sentence</i>	308
<i>The King's Counsel will have none but Freeholders upon the Jury</i>	602	<i>His Execution</i>	309
	606	GASCOIGNE, Sir Thomas, Bart. <i>his Trial for High Treason, the 11th of February, 1679.</i>	32 Car. II. III. 1
<i>The Attorney-General, Sir Thomas Trevor's Speech before Evidence</i>	604	<i>Sir Thomas arraigned</i>	ib.
<i>Sir John desires to ask the Witnesses whether they be Papists; which is refus'd</i>	605, 606	<i>The Indictment for conspiring the Death of the King, and the Subversion of the Established Religion and Government</i>	ib.
<i>Porter's Evidence, that the Prisoner was at two Meetings, and agreed to invite King James over</i>	606	<i>Sir Thomas is brought upon his Trial</i>	3
<i>Blair's Evidence, that he was to be an Officer under the Prisoner</i>	607	<i>Mr. Serj. Maynard and Mr. Attorney-General (Sir Creswell Levinz) open the Evidence</i>	4
<i>Bertram's Evidence, that Blair told him he was to raise a Regiment</i>	612	<i>Bolron's Evidence of the Prisoner's making a Collusive Conveyance of his Estate to prevent a Forfeiture</i>	ib.
<i>Courtney's Evidence against Blair</i>	613	<i>Of Sir Thomas's Design to erect a Nunnery in Yorkshire</i>	6
<i>Witnesses to Sir John's Reputation</i>	616	<i>The Jesuits hold it Damnation to take the Oath of Allegiance</i>	7
<i>The Prisoner insists that a Conspiracy to levy War is not Treason</i>	619	<i>Bolron swears the Prisoner offered him 1000 l. to kill the King</i>	8
<i>The Solicitor-General, Sir John Hawles's Reply</i>	620	<i>Bolron's Evidence repeated, particularly to Sir Thomas, he being very thick of hearing, and his several Answers</i>	10
<i>Mr. Cowper's Reply</i>	622	<i>Mowbray's Evidence of Sir Thomas's Concern in the Plot</i>	11

An Alphabetical TABLE.

<p>Mowbray's Evidence repeated to Sir Thomas in the same Manner as Bolron's III. 12</p> <p>Sir Thomas's Almanack given in Evidence 13</p> <p>A Letter directed to Sir Thomas, and found among his Papers, produced as Evidence 15</p> <p>Forty Papists convicted at once of not taking the Oath of Allegiance in Yorkshire ib.</p> <p>The Prisoner calls Witnesses to shew Bolron's Malice against him 17</p> <p>Further Evidence of Bolron and Mowbray's Malice against the Prisoner 19</p> <p>Evidence of Bolron's swearing falsely against others 20</p> <p>Bolron's Character 21</p> <p>Bolron calls his Wife and Grandmother to give him a good Character 26</p> <p>Mr. Serjeant Maynard and Sir Francis Winnington, Solicitor-General, sum up the Evidence 27</p> <p>Mr. Justice Jones directs the Jury, and tells them, that Improbability is not of Weight against Positive Evidence 28</p> <p>Sir Thomas Gascoigne acquitted 31</p> <p>GAUNT, Elizabeth IV. 142. See Cornish.</p> <p>GAVAN, John II. 829. See White <i>al.</i> Whitebread, & <i>al.</i></p> <p>GERHARD, John II. 212. See Fox, Somerset.</p> <p>GERMAN PRINCESS, Mary Moders, <i>alias</i> Stedman, her Trial for Bigamy at the Old Bailey, June 4, 1663. 15 Car. II. II. 498</p> <p>The Indictment for Felony, in marrying John Carlton, Thomas Stedman her first Husband being then alive ib.</p> <p>The Witnesses for the King to the first Marriage are called 499</p> <p>No Entry of the first Marriage in the Register-Book 500</p> <p>She owns her second Marriage ib.</p> <p>The Prisoner's Defence ib.</p> <p>She calls her Witnesses 501</p> <p>Mr. Just. Mowel directs the Jury, and tells them that if they found her Guilty, she must die by Law; for that a Woman could not have the Benefit of Clergy; but he intimates to them, that he thought the Proof of the first Marriage very defective ib. 502</p> <p>The Prisoner is acquitted 498</p> <p>GIBBONS, John, his Trial for High Treason for being concern'd in Love's Plot, before the High Court of Justice in Westminster-Hall, July 18, 1651. 3 Car. II. II. 183</p> <p>Impeachment for High Treason and other Crimes, preferr'd by Prideaux Attorney-General of the State 184</p> <p>The Prisoner insists on his being try'd by a Jury, according to the ancient Constitution ib.</p> <p>The Evidence ib.</p> <p>He alledges, that the Notes taken for him at his Trial, were taken away from him; which prevented his making a Defence 186</p> <p>He objects to the Incompetency of the Witnesses: 187</p> <p>And that there was but one Witness to any one Fact ib.</p> <p>Sentence passed upon the Prisoner 191</p> <p>His Behaviour at Execution ib.</p> <p>GIBBS, Nathaniel II. 478. See Tonge, & <i>al.</i></p> <p>GILBERT, Jeffery, Lord Chief Baron of the Exchequer in Ireland, Proceedings against him, John Pocklington, Esq; and Sir John St. Le-</p>	<p>ger, two of the Barons of that Court, in the House of Lords in Ireland, for a Contempt of that House, 5 George I. 1719 VI. 188</p> <p>The High Sheriff of Kildare's Petition to the House of Lords, complaining that he had been fin'd in the Exchequer for obeying the Lords Order ib.</p> <p>Report of the Committee 189</p> <p>Orders of the Lords in England relating to the Cause ib. & 191, 192</p> <p>Oath of a Baron of the Exchequer 193</p> <p>The Lords censure the Barons; And commit them into Custody 194</p> <p>GILES, John, his Trial for an Assault on John Arnold Esq; 32 Car. II. 1680 III. 65</p> <p>The Indictment ib.</p> <p>Mr. Holt, of Counsel for the King, opens the Evidence ib.</p> <p>And is seconded by Mr. Thompson 66</p> <p>Mr. Arnold's Evidence of his being assaulted 67</p> <p>Several corroborating Circumstances given in Evidence. 69</p> <p>Giles's Defence, by Mr. Darnell 71</p> <p>Witnesses to prove the Prisoner was at another Place when the Fact was committed 73</p> <p>Sir George Jefferies's Observations on the Evidence 75</p> <p>Giles is convicted 78</p> <p>The Judgment 79</p> <p>Proceedings against Mr. Herbert for taking his part ib.</p> <p>GLEN, George V. 572. See Green, Thomas, & <i>al.</i></p> <p>GOODENOUGH, Richard III. 630. See Pilkington, & <i>al.</i></p> <p>GOODERE, Samuel, Esq; Matthew Mahony, and Charles White, their Trials for Murder, at the Sessions of Peace, held in the City of Bristol, begun the 17th of March 1740, and continued by Adjournment to the 26th of the same Month, 1741. 14 & 15 Geo. II. VI. 795, 829</p> <p>The Indictment of Mahony, for choaking, strangling, and murdering of Sir John Dineley Goodere (Brother to the said Samuel Goodere) on board the Ruby Man of War; and of Samuel Goodere for abetting him in it ib.</p> <p>They plead Not Guilty to this Indictment; and to that on the Coroner's Inquest ib. 796</p> <p>Mr. Goodere's Counsel moves for an Adjournment of the Trial, and appeals to Dr. Middleton (a Physician) whether the Prisoner's ill State of Health will admit of it now 796</p> <p>The Doctor is sworn, and declares it will not: the Trial is, therefore, put off for a Week ib.</p> <p>Both Prisoners complain of the Loss of Hearing; and are allowed to be brought nearer the Witnesses ib.</p> <p>The Jury is sworn 797</p> <p>Mr. Vernon opens the Evidence ib.</p> <p>The Witnesses for the King called 801</p> <p>Mr. Smith's Evidence, that, at Mr. Goodere's Request, he made a seeming Reconciliation between him and Sir John; that they met at this Witness's House, kissed, and drank To Love and Friendship ib.</p> <p>That Sir John went away; and Mr. Goodere hastened after him, and was joined by some Sailors from the White Hart Alehouse 802</p> <p>Hear-say Evidence admitted 803</p>
---	--

An Alphabetical TABLE.

- It is moved in behalf of the Prisoner, that he may have Counsel to put his Questions to the Court, and that the Court put them for him to the Witnesses: but refused* VI. 803
- Mr. Smith's Evidence, after the Murder* ib.
- Baronettage, how derived, and its Institution* ib. 804
- Arguments upon Omission of the Title in the Indictment* 804
- A Person may have divers Surnames; yet a Purchase by either of them is sufficient* ib.
- Lord Preston's Case cited* ib.
- Hobbs, the Landlord of the White Hart Ale-house, his Evidence of the Prisoners meeting there with ten Men, for Consultation; and of Sir John's passing by, and the Men's rushing out after him* 805
- Several Witnesses of the seizing Sir John, and ill Treatment of him in the Barge* 806
- Circumstantial Evidences of the Murder of him, on board The Ruby* 809
- Positive Evidences of it* 812
- Goodere orders Mahony and White to be put on Shore* 813
- The Examination of Mahony read* 817
- Mr. Recorder tells the Jury, that this Confession is Evidence only against Mahony; and not against Goodere* 818
- The Place, where The Ruby lay, proved to be within the Liberty of the City of Bristol* ib.
- Goodere, in his Defence, calls Witnesses to prove that his Brother was a Lunatick; and that he was doing his best to take care of him* 819
- Brings other Evidence that he did not send Mahony and White away* ib.
- Insists that he was not present at the Death of Sir John Dineley* 820
- Is answered by Mr. Recorder; and by Mr. Vernon* 821, 823
- Calls Witnesses to his Character* 821
- Some of them contradict his Charge of Lunacy upon his Brother* ib. 822
- A Person engaged in a Design of Murder, and posted so as to give any assistance to those that actually commit it, is, in the Eye of the Law, present at the Fact, though not upon the very Spot, where the Murder is committed, nor even in sight or hearing of it* 822, 828
- The Case of Lord Dacre* 822
- And of Berry, in the Murder of Sir Edmondbury Godfrey* 823
- Mr. Recorder sums up the Evidence* ib.
- Matthew Mahony and Samuel Goodere convicted of Wilful Murder* 829
- The Trial of Charles White for the said Murder* ib.
- The Jury sworn, and charged with the Prisoner* ib.
- Mr. Vernon opens the Charge* ib.
- The Witnesses for the King called* 830
- Evidence that after Mahony and White had murdered Sir John, they rifled his Pockets of his Watch and Money* ib.
- The Examination of White read* 831
- He retracts his former Confession; says he was in Liquor, and out of his Senses, when he made it; and that he never laid a Hand near the Deceased* 832
- Call: Witnesses to his Character* ib.
- Mr. Recorder directs the Jury* ib.
- Charles White is convicted of Wilful Murder* VI. 833
- Mr. Recorder's Speech to all the Prisoners* ib.
- They are condemned; and executed* 834
- The Body of Mahony hung in Chains* ib.
- Charles Bryan, Edward M'Daniel, and William Hammon were indicted, tried, and convicted, at the same Court, for a Misdemeanor, in forcibly seizing Sir John, and carrying him on board the Ruby-Barge: fined and imprisoned* ib.
- GOVERNMENT, See Libels.
- GRAHME, Sir Richard. See Preston, Viscount.
- G R A N D J U R Y.
- Twelve of the Grand Jury must find the Bill* V. 423
- Grand Jury Men may not send for other Evidence than is produced on the part of the King* 449
- Probable Evidence sufficient for them to find a Bill upon* II. 806. III. 419. V. 3
- The King's Counsel may manage the Evidence before the Grand Jury* III. 418
- Evidence may be given the Grand Jury in open Court* 421
- The Grand Jury are not to examine to the Credit of the King's Witnesses* 433
- Grand Jury Man admitted to give Evidence of what a Witness, who was withdrawn, had sworn before them* V. 72
- GRANT, John I. 232. See Winter, Robert, & al.
- G R E A T S E A L.
- Taking it from one Writing, and putting it to another; adjudg'd to be High Treason* I. 74
- That Judgment reprov'd* ib.
- GREAVES, John III. 949. See Sacheverell, William
- GREAVES, William. See ib.
- GREEN, Robert. See ib.
- GREEN, William II. 585. See Messenger, & al.
- GREEN, Robert, Henry Berry, and Laurence Hill, their Trial at the King's Bench Bar, for the Murder of Sir Edmondbury Godfrey, Feb. 10, 1678. 31 Car. II. II. 760
- Arraigned the 5th of February* ib.
- The Indictment* ib.
- Sir William Jones, Attorney-General, gives the Evidence* 762
- Oates's Evidence, of the Danger Sir Edmondbury Godfrey thought himself in from the Papists* 764
- Prothonotary Robinson to the same effect* 765
- Prance's Evidence, of his own part in the Murder* ib.
- Richardson's Evidence, of Prance's denying what he had sworn, and then affirming it again* 769
- Bedloe's Evidence, of his being solicited by the Priests to murder a Gentleman* 770
- Brown's Evidence, how the Corps was found* 772
- The Surgeon's Evidence, who view'd the Corps* ib.
- Evidence of Green's enquiring for Sir Ed. Godfrey the Day before he was missing, and Hill the same Day* 773
- Evidence of their meeting at the Plough-Alehouse* 774
- Sir Robert Southwell's Evidence, of Prance's shewing the Committee of Council the Places where the Body was laid* 775
- Berry, the Porter, says, he had Orders to let no body into Somerset-House, the twelfth, thirteenth, or fourteenth Days of October* 776
- The*

An Alphabetical TABLE.

<i>The Prisoner's Defence</i>	II. 777	GREGORY, George, <i>Esq</i> ; III. 949. See Sacheverell, William.
<i>Evidence of Hill's being within always at Eight o' clock at Night</i>	ib.	GREY, Ford Lord III. 630. See Pilkington, & al.
<i>Hill shews that the Corps could not be in his Chamber, and the rest of the Family be ignorant of it.</i>	778	GREY, Ford Lord, Robert Charnock, Ann Charnock, David Jones, Frances Jones, and Rebecca Jones, <i>their Trial on an Information by the Attorney-General, for a Misdemeanour, in seducing and carrying away the Lady Henrietta Berkeley, from her Father the Earl of Berkeley, being under 18 Years of Age, and under his Government, and soliciting her to commit Adultery with the said Lord Grey,</i> 34 Car. II. 1682. III. 519
<i>The Court intimate that the Prisoner's Witnesses were privy to it</i>	779	Sir Robert Sawyer, <i>Attorney-General, and Mr. Finch, Solicitor-General, open the Evidence.</i> 520, 521
<i>Hill urges it as an Argument of his Innocence, that he did not go out of the way, when he was told he was suspected</i>	781	<i>Evidence of Lady Arabella Berkeley</i> 522
<i>The Corporal and Centinels depose that no Sedan went out of Somerset-House that Night the King's Evidence say Sir Edmondbury Godfrey was carried out</i>	783	<i>And of the Countess of Berkeley</i> 523
<i>Mr. Attorney's Observations on the Evidence</i>	784	<i>Evidence of Lady Harriett's being mov'd from Place to Place.</i> 527
<i>The Chief Justice directs the Jury against the Prisoners</i>	785	<i>Mr. Williams's Speech for the Defendants</i> 533
<i>The Prisoners are convicted</i>	789	<i>Lord Grey's own Account of the Affair</i> 535
<i>And receive Sentence the next Day, though they were tried at Bar</i>	ib.	<i>My Lord Grey committed till he produced the Lady Henrietta</i> ib.
<i>The Tipstaff demands their Clothes as his Fee</i>	ib.	<i>The Lady Henrietta admitted to be sworn as a Witness in this Cause, though it was strongly oppos'd by the King's Counsel, her Evidence tending to excuse her unlawful Love, &c.</i> 539
<i>But not allowed</i>	ib.	<i>She denies upon her Oath that ever my Lord Grey advis'd her to, or had any Hand in her Escape, or knew any thing of it</i> ib.
<i>They make Protestations of their Innocence</i>	790	<i>Lady Henrietta being ask'd who assisted her to make her Escape, it is rul'd by the Court, that if he was no Party to the Information, she was not bound to discover him; for though one is sworn to speak the whole Truth, that is to be understood only in relation to the Point in Issue</i> 540
<i>Denied Priests to come to them</i>	791	<i>And rul'd, That if the Court will ask her no Questions, she is not to tell a Story of herself</i> ib.
<i>They are executed</i> ib. See Samuel Atkins	792	<i>The Chief Justice, in summing up the Evidence, tells the Jury, the Charge was double. (1.) The soliciting the Lady to unlawful Love. (2.) The carrying her away from her Father, under whose Tuition she was</i> 541
GREEN, Capt. Thomas, and his Crew, <i>their Trial before the High Court of Admiralty in Scotland, for Piracy, Robbery, and Murder, March 5, &c. 1705. 4 Annæ V.</i>	572	<i>There having been a Writ de Homine Replegiando issued against my Lord Grey for the Lady Henrietta, she is examin'd in Court, whether she is under any Restraint</i> 543
<i>Some of them pardoned, to be made Witnesses against the rest</i>	ib.	<i>To which she answering, She was not, the Lord Chief Justice orders her to be deliver'd to her Father the Lord Berkeley</i> ib.
<i>Two Indictments</i> 573, 574, 575, 576		<i>Whereupon she affirm'd she was married to one Turner; and Judge Dolben held, they could not dispose of another Man's Wife</i> 544
<i>Exceptions to the Indictments</i> 578		<i>My Lord Grey's Counsel insists on his being discharged from his Imprisonment, the Lady being produced; to which the Court agreed. Per Cur. no Judgment could be given that Term, there being not four Days left</i> ib.
<i>The Exceptions are over-ruled by the Court</i> 594		<i>Mr. Justice Dolben questions whether the Court had Power to commit my Lord Grey on the Homine replegiando, he being a Peer</i> ib.
<i>A Jury of 15 sworn</i> 595		<i>The Person essoign'd is properly the Plaintiff in a Homine replegiando; and the Court directed my Lord Grey should give Security to answer the Lady's Suit upon that Writ</i> ib.
<i>Ferdinando's Evidence of taking a Ship, and destroying the Men</i> ib.		<i>Which he did, and is admitted to Bail</i> ib.
<i>May the Surgeon's Evidence of The Worcester's taking a Ship</i> 596		<i>The Lord Berkeley demands his Daughter again; and there being a Scuffle about her in the Hall,</i> the
<i>Francisco, the Captain's Servant's Evidence of the taking a Ship</i> 597		
<i>Evidence of some Words that Haines, one of The Worcester's Crew, had let fall since their coming to Scotland</i> 598		
<i>Evidence that the Bale-Goods on board The Worcester were not mark'd</i> 599		
<i>Evidence of Madder's having the Seals of the Scotch African and East-India Company in his possession</i> 600		
<i>The Instructions given to the Captain by the English East-India Company, to use an extraordinary Caution and Privacy in the Letter they sent home, used as an Argument that the English East-India Company fitted out this Ship on purpose to destroy the Scotch Ships</i> 602		
<i>Sir David Dalrymple shews the Nature of the Crime, and makes his Observations on the Evidence</i> 600		
<i>The Jury withdraw, and chuse their Foreman and Clerk</i> 604		
<i>The Verdict is given in writing, and sign'd by the Foreman and Clerk</i> ib.		
<i>Most Votes determine the Fact</i> ib.		
<i>They are all convicted, but Reynolds</i> ib.		
<i>Judgment pronounced by an Officer appointed for the purpose</i> 605		
<i>Linstead recommended to the Queen's Mercy</i> 606		
<i>The Confessions of some of the Prisoners</i> ib.		
<i>Appendix</i> 609		

An Alphabetical T A B L E.

- the Chief Justice order'd a Tipstaff to carry her, and Turner, her pretended Husband, to the King's-Bench: but the last Day of the Term the Court order'd her to be discharg'd* III. 544
- The Jury find all the Defendants guilty, but Rebecca Jones: but the Matter being compromis'd in the Vacation, the Attorney-General enter'd a Noli Prosequi before the next Hilary-Term* ib.
- GREY, Isaac. See Crook, John.
- GRINDALL, Archbishop, his Character and Conduct V. 689
- The Queen's Letter to the Bishops, and his to the Council* 762
- Remarks on them* 810
- GROVE, John II. 696. See Ireland.
- GUNPOWDER-PLOT I. 232
- The Quality of the Conspirators* 237
- The Principles of the Jesuits* ib.
- An exact and particular Account of the Plot by Sir Edward Coke* 235, 249
- Their Defence as to their Doctrine of Equivocation; the deposing Doctrine; and absenting themselves from our Churches* 257
- H.
- H A B E A S C O R P U S.
- T**HE Return of a Habeas Corpus, not sign'd by the Keeper, void II. 204
- An Alias Habeas Corpus in the Name of Oliver the Pretor* ib.
- The Return thereof* 205
- An Escape, to bring a Prisoner in Execution out of the Rules of the Prison without a Habeas Corpus, though to be a Witness, and by Order of the Court* III. 97. IV. 2, 599
- Remarks of an Omission in the Habeas Corpus-Act* III. 906
- The Arguments on the Return of the Habeas Corpus, in which the Bishops were brought from the Tower to the King's-Bench Bar* IV. 304
- A Prisoner brought into the King's-Bench by Habeas Corpus, may be remanded to the County-Jail where he was indicted, or sent to any Prison in the County where the King's-Bench sits* III. 1000. Vid. Roswell.
- No Habeas Corpus, or Distringas, issues in Capital Cases, unless the Trial be in the King's-Bench* IV. 667
- HACKER, Francis II. 382. See Regicides.
- HAINES, George V. 572. See Green, Thomas, & al.
- HALIFAX, Charles Lord V. 339. See Portland, Earl of.
- HAMILTON, James Duke, and Earl of Cambridge, his Trial for High Treason, before the High Court of Justice, the 9th of February, 1648 II. 1
- The Charge, for levying War, in behalf of the King, against the Kingdom and People of England* ib.
- The Duke's Plea* ib.
- Moves for Time to send for his Witnesses; but is denied* ib.
- Counsel assign'd him* 2
- Evidence of the Duke's surrendering upon Articles; one of which was, That his Life should be secured* ib.
- The Commissioners who treated with him, depose, they intended only to secure his Life from the Soldiers, and not from the Civil Power* ib.
- The Governor of Windsor-Castle deposes, that the Duke made his Escape, though he had given him his Honour he would not attempt it* II. 3
- The Duke's Defence* ib.
- He insists upon the Articles* ib.
- The Duke's Counsel speak to Matter of Law* 5
- They urge, that the two Kingdoms were independent; and the Duke, being a Native of Scotland, could not be a Traitor to England* ib.
- Mr. Steel's Argument for the Common-Wealth* 7
- The Earl born after King James's Accession* 8
- All who are born in Scotland since King James's Accession, deem'd as Natives of England to all Intents. Calvin's Case* 9
- So the Natives of Gascoigne deem'd Denizens of England, when it was under the Dominion of the King of England* ib.
- Ligeantiam naturalem nemo ejurare potest, nec patriam exuere* ib.
- Object. That the Nations were again divided at this Invasion* ib.
- Answ. That the Acts of Union stood unrepeal'd* ib.
- That Allegiance was due to the King in his Politick Capacity, and consequently to the Kingdom* ib.
- The Oath of Allegiance permitted to be taken therefore to the King till his Death* ib.
- Authorities cited for charging the Duke as Earl of Cambridge, and not as Duke* 10
- Scots tried for Treason here before the Union, on account of the Homage that Kingdom owed to this* ib. 11
- The Duke a Traitor by the local Allegiance he owed* ib.
- That the Act for naturalizing the Father, extended to his Issue born before the Act, without special Words* 12
- Not so in the Case of Denization* ib.
- A Native of England may travel without a Licence* ib.
- The Earl's sitting in a judicial Capacity in the English Parliament, made another Argument of his Denization* ib.
- Treason for the Earl to join English Rebels, while the Nations were in Amity* 13
- It was not material, whether the English Rebels fought under his Standard, or be under theirs* ib.
- Articles enter'd into by Military Officers, could not pardon Treason committed against the Civil Power; for that the Power of Pardoning is incommunicable* 14
- The Intention of the Parties in all Compacts was to be considered; nor could the Commissioners have bound the Civil Power, if they had stipulated to do it* 15
- That the Duke had lost the Benefit of his Surrender, by making his Escape* ib.
- That the Duke had received some Benefit by his Articles, by being allowed a fair Trial, and not being put to the Sword immediately* ib.
- The Duke's Plea rejected, and he found guilty* 16
- Sentence passed* ib.
- Put to the Vote, if the Duke should be reprieved* ib.
- His Behaviour at Execution* ib.
- HAMPDEN, John, Esq; the Trial between the King and him in the Case of Ship-Money, 13 Car. I. I. 505
- Lord Keeper Coventry's Charge to the Judges* ib.
- His*

An Alphabetical TABLE.

<p><i>His second Charge</i> I. 507</p> <p><i>The King's Letter, State of the Case of Ship-Money, and the Judges Opinion</i> 509</p> <p><i>The whole Record in English</i> 510</p> <p><i>Mr. St. John's Argument for Mr. Hampden</i> 515</p> <p><i>His second Day's Argument</i> 537</p> <p><i>Sir Edward Littleton, Solicitor-General, his Argument</i> 544</p> <p><i>His second Day's Argument</i> 550</p> <p><i>His third Day's Argument</i> 558</p> <p><i>Mr. Holborne's Argument</i> 562</p> <p><i>He makes an Apology for arguing against the King's Power; but is directed by the Court to proceed</i> 565</p> <p><i>Writ of Mandamus Rogantes, the Nature of it</i> 568</p> <p><i>Mr. Holborne's second Day's Argument</i> <i>ib.</i></p> <p><i>Danegelt, the Tax so called, the Nature of it</i> 571, 580</p> <p><i>Mr. Holborne's third Day's Argument</i> 574</p> <p><i>His fourth Day's Argument</i> 580</p> <p><i>His Answer to the Arguments of the King's Counsel</i> 585</p> <p><i>Sir John Banks, Attorney-General, his Argument</i> 586</p> <p><i>His second Day's Argument</i> 594</p> <p><i>His third Day's Argument, wherein he answers the Objections of the Defendant's Counsel</i> 603</p> <p><i>The Opinion of Mr. Baron Weston for the King; with his Reasons</i> 609</p> <p><i>The Opinion of Mr. Justice Crawley, for the King; with his Reasons</i> 615</p> <p><i>The Argument and Opinion of Mr. Justice Berkeley, for the King</i> 619</p> <p><i>The Opinion of Mr. Justice Vernon, for the King</i> 637</p> <p><i>The Opinion and Reasons of Mr. Baron Trevor, for the King</i> <i>ib.</i></p> <p><i>Mr. Justice Crooke gives his Opinion and Reasons, for the Defendant</i> 638</p> <p><i>His Reasons, as they were presented to the King</i> 644</p> <p><i>All the Records that had been produc'd, stated</i> 656, & seqq.</p> <p><i>Mr. Justice Jones's Argument</i> 663</p> <p><i>His Opinion that the Defendant should be charg'd, with this Limitation, that none of the Money should come to the King's Purse: if it does, he is against it</i> 667</p> <p><i>Mr. Justice Hutton's Argument and Opinion, for the Defendant</i> <i>ib.</i></p> <p><i>Mr. Baron Denham's Opinion, for the Defendant</i> 672</p> <p><i>Chief Baron Davenport's Argument and Opinion, for the King</i> <i>ib.</i></p> <p><i>Lord Chief Justice Finch's Argument and Opinion, for the King</i> 679</p> <p><i>Lord Chief Justice Bramilton's Argument and Opinion, for the King</i> 691</p> <p><i>The Order, and Judgment</i> 695</p> <p><i>Mr. Waller's Speech in the House of Commons</i> 696</p> <p><i>Lord Falkland's Speech</i> 698</p> <p><i>Mr. St. John's Speech at a Conference</i> 699</p> <p><i>Mr. Hide's Speech</i> 709</p> <p><i>Articles of Impeachment against Justice Berkley.</i> <i>ib.</i></p> <p><i>Mr. Pierpoint's Speech</i> 713</p> <p><i>Mr. Hollis's Speech, for a Reward to Justice Crew</i> 715</p>	<p><i>The Judgment censur'd by the House of Lords</i> I. 716</p> <p><i>Mr. Waller's Speech against Justice Crawley</i> 717</p> <p>HAMPDEN, John, Esq; <i>his Trial for a Misdemeanour, 6 Feb. 1683. 36 Car. II. III. 824</i></p> <p><i>The Indictment, for combining and confederating with others of the King's Subjects to raise a Rebellion</i> <i>ib.</i></p> <p><i>The having an Employment under the King no Cause of Challenge</i> 825</p> <p><i>Sir Robert Sawyer, Attorney-General, his Speech before Evidence</i> 827</p> <p><i>The Reason why the Court wou'd prosecuting the Prisoner for Treason</i> <i>ib.</i></p> <p><i>The Duke of Monmouth called, for a Witness; but did not appear</i> <i>ib.</i> 728</p> <p><i>The Lord Howard's Evidence of my Lord Shaftesbury's Plot</i> 828</p> <p><i>His Evidence concerning the Cabal, or Council of Six, of which the Prisoner and himself were Members</i> 830</p> <p><i>The Scotch invited into the Conspiracy</i> <i>ib.</i></p> <p><i>Aaron Smith sent into Scotland</i> 831</p> <p><i>Sir Andrew Foster deposes, That the Scotch Agents came to London; and, to disguise their Design, pretended to come about making a Purchase in Carolina</i> 833</p> <p><i>My Lord Russel wrote the Letter to invite them hither</i> 834</p> <p><i>The Defence made by Mr. Hampden's Counsel</i> <i>ib.</i></p> <p><i>They endeavour chiefly to invalidate my Lord Howard's Testimony</i> 837</p> <p><i>And shew that Mr. Hampden is not of a seditious turbulent Disposition, as laid in the Indictment</i> 841</p> <p><i>The Bail cannot be Witness for the Defendant; but the King's Counsel admitted it in this Case</i> 842</p> <p><i>What the Defendant has said can be no Evidence for him; but the Court admitted such Evidence to be given</i> 843</p> <p><i>One, who would have depos'd that my Lord Howard, the King's Witness, had been guilty of some Atheistical Expressions, not permitted to be examin'd</i> 845</p> <p><i>The Counsel on both Sides leave it to the Court to sum up and make Observations on the Evidence</i> <i>ib.</i></p> <p><i>The Defendant is convicted</i> 854</p> <p><i>Salvo Contentemento in Magna Charta, said to be meant only of Amerciaments, and not of Fines, for great Offences</i> <i>ib.</i></p> <p><i>A Fine of 40,000 l. set upon the Defendant</i> 855</p> <p>HAMPDEN, John, Esq; <i>his Trial for High Treason, 30 Decemb. 1685. 1 Jac. II. IV. 207</i></p> <p><i>The Indictment, for conspiring the Death of the late King Charles II. and consulting and agreeing to raise an Insurrection in order thereto</i> 208</p> <p><i>The Prisoner objects, he had been tried before, and fin'd for the same Fact</i> <i>ib.</i></p> <p><i>Pleas Guilty, and throws himself on the King's Mercy</i> <i>ib.</i></p> <p><i>Receives Sentence</i> 209</p> <p><i>He procur'd a Pardon; but afterwards laid violent Hands upon himself</i> <i>ib.</i></p> <p style="text-align: center;">H A N D - W R I T I N G.</p> <p><i>What is sufficient Proof of a Man's Writing, and what not, argued at large</i> IV. 337</p> <p>HARBOURING Traitors. See Treason.</p>
---	--

An Alphabetical T A B L E.

- Two tried thereupon I. 139, 140. IV. 131, 132
Whether the Record of the Conviction of the Traitor harboured, be not necessary to be produced, to convict the Person charged with harbouring of him? IV. 122, 135, 137
The Person harboured made an Evidence against the Person harbouring him 137
Ruled by the Court, that a Person harbouring a Rebel may be convicted of Treason, though the Rebel himself be not convicted 127
In order to convict one of harbouring a Traitor, Evidence must be given, that the Party harbouring knew him to be such ib.
HARCOURT, William II. 829. See White, *al.* Whitebread, & *al.*
HARRIS, Benjamin, his Trial for a Libel, 32 Car. II. 1679 II. 1037
The Libel entitled, An Appeal from the Country to the City, &c. ib.
Evidence of the Defendant's publishing it 1038
The Pamphlet proposes the setting up the Duke of Monmouth for King, after the Death of King Charles 1039
The Chief Justice's Directions 1038
The Jury not permitted to have the Book out with them 1039
Harris is convicted ib.
And committed to the King's Bench ib.
His Sentence ib.
HARRISON, Henry, his Trial for the Murder of Andrew Clenche, M. D. April 6, 1692, 4 W. & M. IV. 488
The Indictment ib.
Mr. Darnell's Speech before Evidence 489
Witnesses for the King called, to prove that the Prisoner bore Malice against the Deceased 491
Proof of the Prisoner's often changing his Lodgings, and pretending he came out of the Country 493
The Coachman's Evidence of the murdering Dr. Clenche in his Coach 494
Ashbolt's Evidence, that she saw Harrison in the Coach with Dr. Clenche 496
The Evidence before the Coroner, of a Boy who was withdrawn, read in Court, to prove that the Prisoner was in the Coach ib.
Harrison's Defence 497
The Prisoner calls Witnesses, who depose he was at another Place when the Fact was committed ib.
Other Witnesses examined for the King 499
The Prisoner's Witnesses proved to be People of no Credit 500
Lord Chief Justice Holt's Charge to the Jury 502
The Prisoner is convicted, and Sentence passed 505
His Examination before the Lord Chief Justice Holt ib.
HARRISON, Thomas, Clerk, his Trial at the King's Bench, for a Misdemeanour, in speaking reflecting Words of Mr. Justice Hutton of the Common Pleas, 14 Car. I. 1638 I. 720
The Indictment, for saying, I accuse Mr. Justice Hutton of High Treason ib.
Mr. Serjeant Heath's Speech 721
The Defendant's Examination read, wherein he owns and justifies the Words ib.
Sir John Banks, Attorney-General, his Speech ib.
The Defendant convicted; and censur'd 722
HARRISON, Thomas II. 314. See Regicides.
HARTWELL, John V. 469. See Swendsen.
HARVEY, Edmond II. 390. See Regicides.
HATHAWAY, Richard, his Trial, for being an Impostor, pretending he was bewitched by Sarah Morduck, at Surry-Affizes, March 24, 1702, 2 Annæ V. 482
The Information ib.
Mr. Conyers's, and Mr. Broderick's Speech before Evidence 483
Mr. Phipps on the same Side 485
Where the Actions of another may be given in Evidence against the Defendant 488
He is detected as to his Pretence of vomiting Pins 489
He is detected as to his Pretence of Fasting 491, 492
Evidence admitted to be given of what was done after the Information exhibited 492
Mr. Serjeant Jenner's Speech for the Defendant 494
Witnesses examin'd to prove that he was really bewitch'd 495
Sir Thomas Lane's Evidence 500
Whether the Devil can enable a Man to fast beyond the Time that Nature allows? 501
Lord Chief Justice Holt directs the Jury ib.
He is convicted 503
HATHAWAY, Welling and Willoughby, their Trial for a Riot, and Assault upon Sarah Morduck, who, they pretended, had bewitch'd Hathaway, March 26, 1702, 2 Annæ 504
All the Defendants are convicted 505
HAVERSHAM, John Lord V. 339. See Portland, *Earl of.*
HAWKINS, Robert, Clerk, his Trial for Felony, at the Affizes at Ailesbury, 20 Car. II. 1668 II. 595
The Indictment ib.
Larimore the Prosecutor, one of his Parishioners, deposes he saw him rife a Box in his House, and steal his Money, &c. 596
The Prosecutor's Endeavour to prove Felonies not laid in the Indictment 601
Mr. Hawkins's Defence 602
The Chief Baron observes, that the Warrant the Prosecutor had procured to search for his Goods, was dated the Day before he pretended the Robbery was committed 605
Evidence of a Conspiracy by Sir John Croke the Prosecutor, and others, to lay Felony to the Prisoner's Charge, because he sued them for his Tithes 606
The Chief Baron directs the Jury 608
Mr. Hawkins is acquitted 610
The Jury commended by the Court for their Verdict ib.
HAWLES, Sir John, his Remarks IV. 165
On Fitz-harris's Trial ib.
On Colledge's Trial 173
On the Earl of Shaftesbury's Grand Jury 183
On Mr. Wilmer's Homine Replegiando 186
On the Lord Ruffel's Trial 187
On Colonel Sidney's Trial 196
On the Award of Execution against Sir Thomas Armstrong 198
On the Trial of Count Coningsmark, and others 199
On Mr. Cornish's Trial 200
On Mr. Bateman's Trial 204
HAYES, Joseph, his Trial for High Treason at the King's-Bench Bar at Westminster, 36 Car. II. 1684 III. 1067

An Alphabetical TABLE.

- His Indictment for corresponding with Sir Thomas Armstrong, an Outlaw for High Treason* III. 1067
- Evidence against him, that a Bill drawn by him for 161 l. 15 s. was found about Sir Thomas Armstrong* 1068
- His Defence* 1070
- He is acquitted* 1071
- HEARSAY. See Evidence.
- HERESY, and HERETICKS.
- Heresy anciently tried before the Archbishop I. 16, 37
- Deemed Heresy anciently, to hold that the Sacrament of the Altar, after Consecration, was material Bread* 20
- Or that Images ought not to be worshipped* ib.
- Or that Men ought not to go on Pilgrimages* 'ib.
- Or to deny the Necessity of Penance and Confession* 41
- Or to deny the Authority of the Church* ib.
- Or to read the Bible* 49
- Hereticks anciently excluded the Benefit of Sanctuary by Act of Parliament* ib.
- HEVENINGHAM, William II. 302. See Regicides.
- HEWET, John, D. D. *his Trial for High Treason, before the High Court of Justice, in Westminster-Hall, June 1, 1658, 10 Car. II.* II. 281
- Impeached of High Treason against the Lord Protector, and the State* ib.
- The Doctor sits covered before the Court* ib.
- He says he is not to own every Man for his Judge who would assume that Office; and demands of the Court that he might hear their Commission read* 282
- The Doctor questions if the Commons had Power to erect that Court; especially since 150 of their Members were excluded* 285
- The Doctor's Refusal to plead is recorded* 286
- The Plea and Demurrer drawn up by the Doctor, with Intention to present it to the Court* ib.
- His Judgment of Death* 299
- He is beheaded* 300
- His Speech, and Behaviour at Execution* ib.
- HICKFORD, Robert, *Servant to the Duke of Norfolk, his Arraignment and Confession the 9th of February, 1571* I. 117
- The Chief Justice's Speech before Judgment* 118
- The Duke of Milan beheads a French Ambassador for plotting against him during his Embassy* 119
- HICKMAN, Robert V. 337. See Kidd & al.
- HIGH STEWARD. See Trial.
- HILL, Lawrence II. 760. See Green, Robert, & al.
- HIND, James. See Tonge, & al.
- HOE, John III. 949. See Sacheverell, William.
- HOLLIS, Sir John, *Proceedings against him, Sir John Wentworth, and Mr. Lumfden, in the Star-Chamber, for traducing the Publick Justice, 13 Jac. I. 1615.* I. 333
- Sir Francis Bacon, Attorney-General, his Speech* ib.
- An Account of the Conversation they had with Weston at his Execution* 335
- Mr. Lumfden's Defence* 336
- Sir John Wentworth's Defence* ib.
- Sir John Hollis's Defence* 337
- Sir Edward Coke's Speech before Sentence* ib.
- Their Sentence* 338
- HOLLOWAY, James, *Proceedings on an Outlawry against him for High Treason, 36 Car. II. 1684.* III. 943
- The Court make the Prisoner an Offer of a Trial, though he stood outlaw'd for High Treason* ib.
- The Prisoner replies, he has confessed the Crime, and therefore to no Purpose to offer at a Defence* 944
- His Petition for a Pardon* ib.
- His Behaviour at Execution* 945
- His Paper deliver'd to the Sheriffs* 947
- HOLT, Sir John I. 14. See Brambre.
- HOMI-IDE. See Murder.
- HOMINE REPLEGIANDO III. 544. IV. 186
- HONE, William, *his Trial, July 12. 1683. 35 Car. II.* III. 702
- Indicted for a Design to assassinate the King, and preparing Arms for that Purpose* ib.
- Confesses the Conspiracy; but denies the preparing Arms* 703
- He is told he cannot plead Guilty to Part, and Not Guilty to the rest* ib.
- Evidence against him of another Conspiracy to kill the King with Cross-Bows* 705
- He is convicted* 706
- Receives Sentence with Walcot and Rouse* 745
- His Behaviour at Execution* ib.
- HOSTILITY. See Enemies.
- HOUGH, Dr. John. See Magdalen-College.
- HOWARD, Lady Frances, *Proceedings in the Divorce between her and Robert Earl of Essex, before the Court of Delegates, 11 Jac. I. 1613.* I. 315
- The Allegations of the Lady Frances, in order to obtain a Divorce* ib.
- The Answer of the Earl of Essex* ib.
- The Archbishop's Reasons against the Divorce* 319
- King James answers them* 321
- Sentence given for the Divorce* 323
- Five of the Delegates dissent from the Sentence* 324
- HOWARD, Philip. See Arundel, Earl of.
- HOWE, James V. 287. See Kidd, & al.
- HURLY, Patrick, *his Trial at the King's-Bench in Ireland, for Perjury, and for a Conspiracy to cheat the Popish Inhabitants of the County of Clare, &c. 31 May 1701. 13 Will. III.* V. 384
- His Indictment, for swearing he was robb'd to a considerable Value; when in truth he was not* ib.
- The King's Counsel open the Evidence* ib.
- His Affidavit read* 385
- Evidence of his own Servants of the whole Contrivance* 386
- Evidence that he was very necessitous, at the Time he pretended to be robb'd to so great a Value* 392
- His own Letters read to that Purpose* 393
- Provd that the Guineas he pretended to be robb'd of, were only Counters* 395
- The Prisoner's Defence by his Counsel* 400
- Some of his Servants call'd to prove it a real Robbery* 402
- Endeavours to prove Subornation in the Prosecutors* 405
- Which is denied upon Oath* 407
- And their Testimony confirm'd by the Bench* 408
- The*

An Alphabetical TABLE.

The Defendant's Witnesses prov'd guilty of Perjury V. 410
Mr. Justice Coote's Charge to the Jury 412
The Prisoner found Guilty on both Indictments 417
His Sentence 418
 HUTCHINSON, Charles, Esq; III. 949. See Sacheverell, William.

J.

JAMES, John, his Trial for High Treason at the King's-Bench Bar, Novemb. 19, 1662. 14 Car. II. II. 470
The Indictment, for treasonable Words delivered in a Sermon at a Meeting ib.
The Jury sworn, and charg'd with the Prisoner; the King's Counsel open the Indictment, and the Evidence 471
The Witnesses call'd 472
The Evidence for the Prisoner 473
The Prisoner's Defence ib.
Reply of the King's Counsel 474
He is convicted 475
Application made for his Life to the King ib.
Judgment of High Treason pass'd upon him 476
His Behaviour at the Place of Execution ib.

JEKYLL, John III. 630. See Pilkington, & al.

JENKINS, William V. 287. See Kidd, & al.

JENKS, Francis III. 630. See Pilkington, & al.

JESUIT. See Plot, Popish.

IMAGINATION. See Treason.

IMPEACHMENT.

Impeachments preferr'd by the Attorney-General during the Rebellion II. 83, 183, 277, 281, 292

The same Certainty not requisite in an Impeachment as is required in an Indictment II. 160

VI. 56

A Peer impeached of High Treason generally shall not be committed II. 567

Whether a Pardon may be pleaded to an Impeachment 739

Bishops may vote in Impeachments in Capital Cases in all Matters previous to the Trial 742

Impeachments remain in the same State at the meeting of a new Parliament they were in at the Dissolution of the old Parliament II. 747

III. 204

The King may impeach II. 749

Members of either House may be Witnesses on an Impeachment III. 183, 189

One impeached for High Treason indicted and tried in the King's-Bench for the same Fact 261

An Impeachment properly the King's Suit, and not the Commons 253

A Peer, impeached of High Crimes, shall not stand without the Bar at his Trial V. 364

The same Evidence requir'd on Impeachments as in other Trials 118, 127

The Commons insist, that where several are impeach'd, they may proceed to the Trial of which they please first 357

The Lords insist of their Right of appointing the Day of Trial, without any previous Intimation from the Commons of their being ready 361

The Proclamation made in the King's Name on a Trial by Impeachment 376

A Lord, impeached for High Crimes cannot be precluded from voting in the Trial of another V. 364

IMPLICATION. See Treason.

IMPOSTOR

V. 441, 482, 504

IMPRISONMENT. See Prisoner.

INCAPACITY. See Witness.

INDIA-COMPANY. See Piracy.

INDICTMENT.

If any one Overt-Act laid in the Indictment be prov'd, it maintains the Indictment II. 314. IV. 722

One cannot be convicted of Treason where the Treason is not formally laid in the Indictment, though the Crimes therein specified amount to Treason II. 808

Overt-Acts, committed in other Counties than that where the Indictment is found, may be given in Evidence 873

Indictment for a Misdemeanour in defaming the King's Witnesses; held, if any one of the Facts laid in the Indictment was prov'd, the Defendants might be found guilty generally 991

One impeached for High Treason indicted for the same Fact III. 263

An Indictment for Treason or Felony generally, without specifying the Overt-Acts, is not good 234. V. 21

If one be acquitted on a faulty Indictment, he may be indicted and tried again for the same Fact III. 255

Auter Foitz arraign'd, no Bar to an Indictment for the same Fact 252, 289

One may be indicted and try'd here for Treason committed in Ireland 293

Facts may be proved to be done either before or after the Time laid in the Indictment 394

The Indictment interpreted to alien Prisoners in their own Language 467

Where the Prisoner apprehends the Indictment to be vicious, he must either plead specially, or demur to it before he pleads the general Issue 795, 796

Words permitted to be prov'd that were not laid in the Indictment 1010

If a Man commit Treason in several Counties, he may be indicted in any of them; and the Facts committed in every County may be given in Evidence IV. 640

The Grand Jury need not find according to the Bill presented them; but may present the bare Matter of Fact to the Court, who will put it into Form: and there needs no Billa Vera to be indors'd; for that signifies no more than owning what the Court has drawn up 670

If one pleads to an Indictment, whereof he has a Copy given him, according to the late Act, he admits it to be a true Copy 668

No Exceptions can be taken to an Indictment after a Jury sworn, by virtue of the late Act 677

The Omission of the Words, Contra supremum naturalem Ligeum Dominum suum, in an Indictment against a Native, adjudg'd not sufficient to vitiate the Indictment 700

An Alien and a Native to be indicted in a different Form V. 527

Exceptions must be taken to the Indictment before Plea pleaded 18

The particular Words, on which a Criminal is prosecuted, must be laid in the Indictment; not so in an Impeachment 828

Though

An Alphabetical TABLE.

<p><i>Though the Prisoner by the Act to regulate Trials for High Treason, has a Right to a Copy of his Indictment, he cannot demand to inspect the rest of the Record, or to have it read to him</i> VI. 324</p> <p>INFORMATION. See Indictment.</p> <p style="text-align: center;">I N N U E N D O ' S.</p> <p><i>The Doctrine of Innuendo's learnedly debated, and at large</i> III. 1053, & seqq.</p> <p>INSURRECTION. See Treason.</p> <p>INTENDMENTS. See Treason.</p> <p>INTERPRETER. See Trial.</p> <p>JOHNSON, alias Kelly, George VI. 335. See Atterbury, Bp.</p> <p>JONES, David III. 52. See Grey, Lord, & al.</p> <p>JONES, Edward I. 116. See Abington, & al.</p> <p>JONES, Francis III. 52</p> <p>JONES, John II. 339. See Regicides.</p> <p>JONES, Rebecca. III. 52</p> <p>IRELAND, William, Thomas Pickering, John Grove, Thomas White, alias Whitebread, and John Fenwick, their Trial for High Treason, 30 Car. II. 1678. II. 696</p> <p><i>The Indictment, for being concern'd in the Popish Plot</i> 697</p> <p><i>Mr. Serj. Baldwyn's Speech before Evidence</i> 699</p> <p><i>Mr. Finch's Speech before Evidence</i> 700</p> <p><i>Oates's Evidence of the Popish Plot</i> 701</p> <p><i>The Conspiracy carried on in Scotland</i> 703</p> <p><i>Oates swears he took the Sacrament, and an Oath of Secrecy to conceal the Plot</i> 705</p> <p><i>Southwark fir'd by Grove</i> 707</p> <p><i>Oates order'd some Refreshment by the Court</i> 708</p> <p><i>Bedloe's Evidence of the Popish Plot</i> ib.</p> <p><i>Some Noblemen to be assassinated as well as the King</i> 711</p> <p><i>Oates gives further Evidence of the Conspiracy in Ireland</i> ib.</p> <p><i>James Bedloe's Evidence of his Brother's being employed by the Jesuits</i> 712</p> <p><i>A Letter read in Evidence that was not written either by or to any of the Prisoners</i> 714</p> <p><i>The Jury are told, it was read as Evidence only of the Plot in general, and not against any of the Prisoners in particular</i> ib.</p> <p><i>The Letter is a Summons to appear at the Consult</i> ib.</p> <p><i>The Jury are discharg'd of Fenwick and Whitebread, there not being sufficient Evidence against them</i> 715</p> <p><i>This Proceeding censur'd</i> IV. 673</p> <p><i>Ireland's Defence</i> II. 715</p> <p><i>Sarah Paine's Evidence that Ireland was in London in August</i> ib.</p> <p><i>Ireland calls his Witnesses to prove he was out of Town in August</i> 716</p> <p><i>Sir John Southcot's Coachman deposes that Ireland went down into Staffordshire, the 5th of August, with his Master</i> 717</p> <p><i>Ireland complains he was not allow'd to send for his Witnesses</i> ib.</p> <p><i>Mr. Gifford deposes he saw Ireland at Wolverhampton the latter end of August, or beginning of September</i> ib.</p> <p><i>Sir Denny Ashburnham deposes that Oates had an ill Character for Lying, in his Youth</i> 718</p> <p><i>Ireland offers to prove he had more Witnesses, but 'twas not admitted</i> ib.</p> <p><i>Pickering and Grove deny the whole, and complain they had not Time to send for their Witnesses</i> 719</p>	<p><i>The Prisoners offer to prove that their Relations had suffer'd much in the King's Service</i> II. 719</p> <p><i>The Chief Justice directs the Jury</i> ib.</p> <p><i>He inveighs against the Jesuits Principles</i> 721</p> <p><i>The Prisoners are convicted</i> 722</p> <p><i>Sir George Jefferies, Recorder, his Speech before Judgment</i> 723</p> <p><i>Sentence pass'd</i> 724</p> <p><i>They are executed</i> ib. 725</p> <p>IRELAND. See Trial.</p> <p>IRONS. See Prisoner.</p> <p style="text-align: center;">J U D G E S.</p> <p><i>Judges ought not to go according to their private Knowledge</i> V. 96</p> <p style="text-align: center;">J U D G M E N T.</p> <p><i>Judgment pronounc'd on the Lord Bacon by the House of Lords in his Absence, upon his Representation that he was sick, and not able to attend</i> I. 387</p> <p><i>No Judgment given the same Term the Trial was, because there were not four Days of the Term remaining</i> III. 544</p> <p><i>No Judgment to be pronounc'd after an Outlawry for High Treason; but only a Rule for Execution</i> 944.</p> <p><i>A Week's time given a Defendant convicted of Perjury to move in Arrest of Judgment</i> IV. 94</p> <p><i>'Tis in the Discretion of the Court to pass what Judgment they please on one convicted of Perjury, saving Life and Member</i> 104.</p> <p><i>Where an Indictment is remov'd into the King's Bench, Judgment out not to be given till four Days after Conviction; if there be so many Days remaining in the Term</i> IV. 779</p> <p><i>The contrary Proceeding, in Stayley's Case, censur'd</i> ib.</p> <p style="text-align: center;">J U R I S D I C T I O N.</p> <p><i>A Plea to the Jurisdiction, the Party ought to be ready to maintain it presently</i> IV. 214</p> <p><i>Whoever executes the Judgment of a Court in a Cause where the Court has no Jurisdiction, is punishable</i> II. 328</p> <p><i>The Courts of Westminster may judge of Privilege of Parliament, where it is incident to a Suit the Court is possess'd of; but not of a Matter arising originally in Parliament</i> II. 620</p> <p><i>A Court cannot bail, where they have not Jurisdiction of the Cause</i> ib.</p> <p>J U R O R S, and J U R Y. See Grand Jury.</p> <p><i>A Jury imprison'd and fin'd for giving a Verdict contrary to the Opinion of the Court</i> I. 78</p> <p><i>Twenty four only return'd upon a Pannel to try a Case of High Treason</i> 182</p> <p><i>By a general Verdict a Jury take upon them the matter of Law as well as matter of Fact.</i> II. 69</p> <p><i>A Printer try'd for High Treason in printing, is allow'd to have half his Jury of Booksellers or Printers</i> 530</p> <p><i>The same Jury sworn and charg'd with the Prisoners again</i> 537</p> <p><i>A Juryman suffer'd to whisper the Judge in open Court</i> 553</p> <p><i>A Juryman threated, for saying he could not in Conscience find the Prisoner Guilty</i> ib.</p> <p><i>Jurors fin'd for going contrary to Evidence, and sent to Newgate</i> 616</p> <p><i>This Proceeding afterwards adjudg'd illegal</i> ib.</p> <p><i>Jurors discharg'd of Prisoners after the Evidence given for the King, without giving a Verdict</i> 715</p> <p><i>This Proceeding condemn'd</i> IV. 673</p>
--	---

An Alphabetical TABLE.

- Juryman, who knows any thing of the Cause, shall give his Evidence in Court* II. 809
- Jury can take no Papers out of Court with them that have been produc'd in Evidence, but what are under Seal* II. 828. III. 100. IV. 396. V. 517
- One accus'd of Felony and pardon'd, cannot be of a Jury* III. 44
- When one may be a Witness, who cannot be of a Jury* 45
- In Capital Offences, a Jury shall not be struck, as in Civil Causes* 262
- If one superannuated appears on a Jury, when he is sworn'd he must serve; but he might have had a Writ of Privilege to discharge him* III. 264
- A Juror challeng'd for the King, because he gave his Dogs the Names of the King's Witnesses, Oates and Beeloe* III. 317
- The Jury allow'd Refreshment before they gave their Verdict in a Capital Case* III. 408
- In a Criminal Case* IV. 65, 396
- Refreshment refus'd the Jury* II. 80
- The Evidence interpreted to the Aliens on a Party Jury* III. 472
- Juror set aside for Want of Freehold* III. 519 IV. 423, 602, 741
- Challenge to a Juror for Want of Freehold in the City, disallow'd in a Capital Case* III. 711, 820
- No Challenge to the Favour against the King; as to say, the Juror is a Servant or Dependant of the King's* III. 825
- A Jury (whether of Peers or Commons) ought not to be discharge'd in a Capital Case, till they have given their Verdict* IV. 232
- Jurors discharge'd in a Capital Case for want of Freehold* 423
- Copy of the Pannel a Favour, and not the Prisoner's Right* 556
- Six Days between the Precept for Summoning the Petit Jury and the Return* 662
- If the Prisoner hath a Copy of the Pannel before it be return'd, the Intent of the late Act is satisfied* 667
- What Questions a Juror shall answer* 748
- The Pannel call'd over, in Presence of the Prisoner, before they are brought to the Book* VI. 246
- Two Persons challeng'd for Cause* 248
- JUSTICES.**
- Justices of the Peace, whether they may examine the King's Evidence after the Coroner* IV. 530
- K.**
- KEACH, Benjamin, his Trial at the Assizes at Ailesbury in Com' Bucks, the 8th and 9th of October, 1664.** 16 Car. II. before the Lord Chief Justice Hyde II. 550
- The Indictment, for writing and publishing a seditious and scandalous Book, entitled, The Child's Instructor, against Infant-Baptism, &c.* ib.
- The Witnesses for the King call'd* 551
- The Prisoner's Examination before the Justice read as Evidence against him* 552
- His Opinion compar'd with the Book of Common Prayer* ib.
- One of his Jury permitted to whisper with the Judge in Court* 553
- Another menac'd, in case he did not agree with the rest* ib.
- He is convicted of all the Paragraphs, laid in the Indictment, but one, which was wrong recited* II. 533
- Sentenc'd to stand in the Pillory three several Days; and fin'd 20 l.* ib.
- KEIGLE, Henry** V. 872. See Green, Thomas, & al.
- KELLY, alias Johnson, George** VI. 335. See Atterbury, Bp.
- KENDALL, Thomas, and Richard Roe, Proceedings in the King's-Bench, on a Habeas Corpus upon a Commitment for High Treason,** 7 Gul. III. 1695 IV. 554
- The Warrant of Commitment for being assisting to the Escape of Sir James Montgomery out of the Custody of a Messenger* ib.
- Sir Bartholomew Shower moves, that the Prisoners may be bailed* ib.
- Holds that a Commitment by a Secretary of State is illegal, and was never practis'd in England till 1678.* 555, 557
- That the Fact charg'd in the Warrant is not High Treason* 555
- That a Messenger is not empower'd by Law to detain a Man in Custody* 556, 560
- And therefore it is no Crime to escape from him* 556
- The King's Counsel desire Time to reply* 557
- Sir Bartholomew Shower's second Argument* ib.
- The Opinion of the Court* 561
- KENMURE, William Lord Viscount.** See Derwentwater, James Earl of VI. 1
- KENN, Dr. Thomas, Bishop of Bath and Wells, his Trial, for publishing a Libel** IV. 304
- KERNE, Charles, his Trial for High Treason at Hereford Assizes the 4th of August 1679.** 31 Car. II. II. 961
- The Indictment, for High Treason in taking Popish Orders, and coming into England, being a Subject of this Crown* ib.
- Evidence that the Prisoner administer'd the Sacrament after the Manner of the Papists* 962
- The Witnesses being confronted, contradict one another* 963
- The Prisoner calls his Witnesses* ib.
- A Priest saying Mass, Evidence of his being in Orders* 964
- The Chief Justice directs the Jury* ib.
- The Prisoner is acquitted* 965
- KEY, Robert** III. 630. See Pilkington, & al.
- KEYES, Robert.** See Winter, Robert, & al. I. 232
- KEYES, Thomas** IV. 562. See Charnock, Robert.
- KIDD, Captain William, his Trial for Murder and Piracy, upon six several Indictments: as also the Trial of Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, for Piracy, at the Admiralty-Sessions held at the Old Bailey, London, the 8th and 9th of May, 1701.** 13 Will. III. V. 287
- The first Indictment against William Kidd, for the Murder of William Moore, his Gunner* 289
- Counsel assign'd Captain Kidd* ib.
- The Court order him part of his Money and Effects for his Subsistence, &c.* 290
- Kidd's Trial for the Murder comes on* ib.
- The Witnesses for the King call'd to prove the Murder* ib.
- Kidd's

An Alphabetical T A B L E.

Kidd's Defence	V. 292	<i>There being a new Jury, the Court direct the King's Counsel to open the Evidence again</i>	V. 318
Kidd calls several of his Accomplices in Piracy, who are admitted to be Witnesses for him in this Case	ib.	<i>The King's Witnesses call'd</i>	319
<i>The Lord Chief Baron Ward directs the Jury, and intimates, that the Provocation given by the Deceas'd was too slight to extenuate the Crime, and reduce it to Manslaughter</i>	294	<i>The Prisoner's Defence, as to these two Indictments</i>	325
Kidd is convicted of Murder	296	<i>Mr. Justice Turton directs the Jury</i>	327
Kidd, and the other Prisoners, the Indictment of them for Piracy, in taking the <i>Quedah-Merchant</i> in the Indian Seas	297	<i>He tells them, that Lamley, Jenkins, and Barlicorn being Servants, ought to be distinguish'd from the rest; for though they had their Shares of the Spoil, yet it was to be presum'd they were to be accomptable to their Masters on board</i>	328
<i>Their Trial comes on</i>	ib.	<i>Lamley, Jenkins, and Barlicorn acquitted; the others convicted</i>	330
Churchill and some of the Prisoners desire the Benefit of the King's Proclamation, on which they surrender'd	ib.	<i>The Trial of the Prisoners on the two last Indictments</i>	ib.
<i>They are told that they did not surrender to the Persons the Proclamation directed; and therefore the Trial must proceed</i>	298	<i>Churchill, Howe, and Owens retract their Plea, and plead Guilty</i>	331
<i>The King's Counsel, Dr. Newton, opens the Indictment and the Evidence</i>	299	<i>The other seven put themselves upon their Trial</i>	330
<i>The King's Witnesses call'd to prove this Piracy</i>	300	<i>The King's Witnesses call'd</i>	ib.
Kidd's Commission to make Reprisals on the French, read	307	<i>Mr. Justice Turton directs the Jury</i>	335
Kidd's Commission for cruising against the Pirates	308	<i>Lamley, Jenkins, and Barlicorn (the Servants) are acquitted</i>	337
Kidd's Defence	309	<i>Kidd and the other three are convicted on the last Indictment</i>	ib.
Col. Bass, Governor of West-Jersey, deposes, that Nicholas Churchill and James Howe, two of the Prisoners, surrender'd to him the 4th of June, 1699	310	<i>Robert Culliford, Nicholas Churchill, Darby Mullins, and John Eldridge, arraigned for piratically taking The Royal Merchant in the Indian Seas, having pleaded Not Guilty, (all but Eldridge) afterwards retract their Plea, and plead Guilty</i>	ib.
Lamley and Jenkins in their Defence say, they were Servants on board Kidd's Ship	ib.	<i>Eldridge convicted</i>	ib.
Lohie in his Defence says, he was under Kidd's Command	311	<i>Sentence pass'd on Kidd, Churchill, Howe, Loffe, Parrot, Owens, Mullins, Hickman, and Eldridge</i>	338
Parrot's Defence	ib.	K I N G.	
Barlicorn's Defence	ib.	<i>He is King to all Intents before his Coronation, on the Demise of his Predecessor; and one may be attainted of Treason committed against such a King</i>	I. 214
Mullin's Defence	ib.	<i>The People collectively or representatively have no coercive Power over the Person of the King</i>	II. 305
Kidd calls Witnesses to his Reputation	312	<i>One convicted of Treason against a King out of Possession of the Throne, and out of the Realm</i>	II. 450, 453
<i>The Lord Chief Baron Ward directs the Jury as to these three Prisoners who appear to be Servants, he tells the Jury there must be a Freedom of Choice to determine one a Pirate or a Felon: but if a Servant go voluntarily with a Pirate, and accepts his Share of the Booty, he was to be accounted a Pirate</i>	314	<i>The King cannot dispense with the Laws</i>	IV. 369
<i>That as to these who surrender'd on the Proclamation, they had not made out that they surrender'd on the Terms the Proclamation requir'd</i>	315	KING Charles I. his Trial in January, the 24th of his Reign, Ann. Dom. 1648	I. 986
<i>As to their Pretence, who would justify themselves as being under Captain Kidd's Command, that was no Excuse for assisting him in such Enterprises as they knew to be unlawful; especially having been Partakers of the Spoil</i>	ib.	<i>The Act for erecting the High Court of Justice</i>	1009
Kidd, Churchill, Howe, Loffe, Parrot, Owens, and Mullins, convicted; Lamley, Jenkins, and Barlicorn acquitted	ib.	<i>The first meeting of the Commissioners</i>	1010
<i>A second Indictment against Kidd and the other nine Prisoners, for piratically robbing a Moorish Ship in the Indian Seas</i>	316	<i>Proclamation made, by Sound of Trumpet, of the holding the Court, in order to the King's Trial</i>	1011
<i>A third Indictment against them all, for piratically taking a Moorish Ketch in the Indian Seas</i>	ib.	<i>Counsel appointed for the Commonwealth</i>	ib.
<i>A fourth Indictment against them all, for piratically taking another Moorish Ship</i>	ib.	<i>Bradshaw chosen President</i>	ib.
<i>The fifth Indictment, for piratically robbing a Portuguese Ship in the Indian Seas</i>	317	<i>Order'd to be styl'd Lord President</i>	1012
<i>The Trial of all the Prisoners upon the second and third Indictment begins</i>	318	<i>Some Matters order'd, preparatory to the Trial</i>	ib.
		<i>A Search made under the Painted Chamber, to prevent their being blown up</i>	1013
		<i>Order'd, that the King be at Sir Robert Cotton's House during the Trial</i>	1014
		<i>A Table appointed for the King, and another for the President</i>	ib.
		<i>The Sword of State carried before the President</i>	1016
		<i>Assistants to the President</i>	ib.
		<i>The Court sit, in order to the Trial</i>	ib.
		<i>The</i>	

An Alphabetical TABLE.

<i>The King is brought to the Bar</i>	I. 1017	<i>Some Dissenting Ministers ordered to attend the King in his last Moments; but he refuses to be troubled with them</i>	I. 1042
<i>The Charge read</i>	1018	<i>His Dying Speech</i>	ib.
<i>The King demands by what Authority he was brought thither; and refuses to acknowledge their Jurisdiction</i>	1019	<i>And Behaviour on the Scaffold</i>	1043
<i>He is remanded into Custody</i>	ib.	<i>The King is beheaded</i>	1044
<i>The King brought to the Bar again, and offers to give Reasons against their Jurisdiction</i>	1022	<i>The Account of this Trial, publish'd by the Authority of that Time</i>	986
<i>Which they refuse to hear</i>	ib.	<i>The President's Speech to the King.</i>	ib.
<i>What he design'd to have spoke, if he had been permitted</i>	1023	<i>The King questions their Authority</i>	987
<i>He is interrupted</i>	ib.	<i>The President's Answer</i>	ib.
<i>The King a third Time brought to the Bar</i>	1024	<i>The second Day's Proceedings</i>	ib.
<i>Refuses to own their Authority</i>	1026	<i>The President insists upon the Authority of the Commons of England</i>	988
<i>His Contempt recorded a third Time</i>	1027	<i>The third Day's Proceedings</i>	989
<i>The Witnesses examined by a Committee</i>	ib.	<i>The fourth Day</i>	991
<i>The Dean of Westminster's House furnished for the President</i>	1028	<i>The King desires to be heard before the Lords and Commons</i>	992
<i>The Witnesses attend their Depositions in Court</i>	ib.	<i>Upon which the Court withdraw</i>	ib.
<i>The Evidence against the King</i>	ib.	<i>And over-rule his Motion</i>	ib.
<i>Hostilities begun between the King and Parliament</i>	1029	<i>The President's Speech before Sentence</i>	ib.
<i>The King's Standard set up at Nottingham</i>	ib.	<i>Mr. Solicitor Cook's Speech, which he intended to have deliver'd at the Trial, if the King had pleaded</i>	997
<i>War proclaim'd against the Parliament, and the Earl of Essex and Lord Brook proclaim'd Traitors</i>	ib.	<i>He insists that England is a limited Monarchy, where the King can take nothing from the Subject, without his Consent</i>	ib.
<i>Evidence of the King's being at Edge-Hill</i>	ib.	<i>That the King can only employ his Power for the Good of the People</i>	998
<i>Evidence of the King's drawing up his Army himself</i>	ib.	<i>That all just Power is deriv'd from the People</i>	ib.
<i>Of the Manner of erecting the King's Standard at Nottingham</i>	ib.	<i>Conquest and a long Descent can give no Title</i>	ib.
<i>The Standard taken, and retaken, at Edge-Hill</i>	ib.	<i>That the Oaths of Allegiance and Supremacy are not unconditionally binding to the Subject</i>	ib.
<i>Evidence of the King's rallying his Forces, and making them stand, after they were routed</i>	ib.	<i>Absolute Monarchs permitted by Providence, as the Plague; but 'twas lawful for their Subjects to break their Yoke</i>	ib.
<i>The King rides from Regiment to Regiment, at the Fight at Newbury</i>	1031	<i>Charges the King, as an Accomplice with the Duke of Buckingham, in poisoning his Father, King James</i>	999
<i>Evidence of some Transactions between the King and some of his pretended Friends, during the Treaty in the Isle of Wight</i>	1032	<i>With levying Ship-money, under a Pretence of Necessity</i>	ib.
<i>The Independents betray the King's Offers to them</i>	1033	<i>He holds that the King is answerable, as well as his Ministers, for Mal-administration</i>	1000
<i>Letters produc'd in Evidence; but not publish'd in the Trial</i>	ib.	<i>Charges the King, as the Author of the Scotch War</i>	ib.
<i>Some Resolutions previous to the Sentence</i>	ib.	<i>And the Massacre in Ireland</i>	ib.
<i>The King brought to the Bar again, to receive Sentence</i>	1035, 1037	<i>And of a Civil War in England</i>	ib.
<i>The President's Speech before the Sentence: He is interrupted by a Lady</i>	1038	<i>Holds, that the King has no Right to command the Militia</i>	1001
<i>The King permitted to speak before the Sentence</i>	ib.	<i>Or to dissolve Parliaments; or to refuse his Assent to Bills</i>	ib.
<i>Desires to be heard before the Lords and Commons</i>	ib.	<i>Denies that he has a Power of making new Lords, or new Corporations</i>	ib.
<i>Downes, one of the Members of the Court, expresses some Reluctance</i>	1039	<i>Or a Power of pardoning Offenders, or suspending Executions</i>	ib.
<i>The King is denied a Hearing before the Lords and Commons</i>	ib.	<i>Or a Power of raising or lowering the Coin</i>	ib.
<i>Conjures them to consider of his Request once again; which they refuse</i>	1040	<i>Or of avoiding his Grants</i>	ib.
<i>The President advises his Majesty to be penitent, and prays for his Soul</i>	ib.	<i>And says, that, if the King has these Prerogatives, he is an absolute Tyrant; and this the worst Tyranny, as being establish'd by a Law</i>	1002
<i>The Sentence</i>	ib.	<i>But that indeed his Prerogatives did not extend much beyond the Privileges of the meanest Subject</i>	ib.
<i>The whole Court rise up to express their Assent</i>	ib.	<i>He holds that Possession gives no Title; Right can never die</i>	ib.
<i>They refuse to hear him speak after Sentence</i>	1041	<i>Two Supreme Powers, or two co-ordinate Powers, cannot be in one Nation</i>	ib.
<i>Some Indignity offered to his Majesty by the Soldiers</i>	ib.	<i>The People may take Measures for their Defence without the King, if he refuses to concur with them;</i>	
<i>He is permitted to see his Children</i>	ib.		
<i>And Bishop Juxon, who preaches before him</i>	ib.		
<i>The Warrant for the King's Execution</i>	ib.		

An Alphabetical TABLE.

- them; and they are Judges what tends to their Advantage or Destruction* I. 1001
That it was agreeable to the Fundamental Constitution of all Kingdoms, that, where the King becomes a Tyrant, he should die for it 1003
The People his Majesty's Liege Lords ib.
Treason, to set up his Standard against his Dread Sovereign the People ib.
The King charg'd with betraying Rochel, and the French Protestants 1006
The King of great Learning and Dexterity in State Affairs, and to be seduc'd by evil Counsel 1007
Says, the innocent Blood of three Kingdoms demanded Justice against him ib.
He is troubled for the King's eternal Condition; and prays for the poor Wretch 1008
Is concern'd that the Cavaliers behave themselves so bravely at their Execution ib.
Says, God had afforded him great Assistance in the Management of this Prosecution against his Majesty ib.
That the Vices of all Tyrants center'd in his Majesty ib.
And therefore he demands their Justice ib.
That other Kings might bear, and fear, &c. 1009
 KING, Edward IV. 562. See Charnock, & al.
 KIRKBY, Colonel Richard, John Constable, Cooper Wade, Samuel Vincent, and Christopher Fogg, Sea-Captains, their Trial for Cowardice, at a Court-Martial held on board the Bredah in Port-Royal Harbour in Jamaica, in America, the 8, 9, 10, and 12 Days of October, 1702, 1 Annæ V. 445
The Charge and Evidence against Kirkby ib.
He is convicted, and sentenc'd to be shot 447
Captain Constable convicted of Breach of Orders, &c. and sentenc'd to be cashier'd ib. 448
Captain Wade convicted of Cowardice; and sentenc'd to be shot 448
Capt. Vincent and Capt. Fogg try'd for signing a Paper against fighting; and sentenc'd to be suspended ib.
 KITCHEN, George V. 572. See Green, Thomas, & al.
 KNIGHTLEY, Alexander, his Trial for High Treason, 30th of April, 1696, 8 Will. III. IV. 777
The Indictment remov'd by Certiorari into the King's-Bench ib.
The Overt-Acts laid in the Indictment, the consulting and agreeing to assassinate his Majesty, and providing Arms, &c. for that Purpose 778
And going to view the Ground where the Assassination was intended ib.
A Venire issued for the Jury, as in Civil Causes; and fifteen Days between the Teste and Return ib.
The Prisoner retracts his Plea of Not Guilty, and pleads Guilty 779
Mr. Attorney-General demands Judgment the same Day ib.
Which is denied by the Court, as irregular ib.
A Censure of Stayley's Case ib.
Lord Chief Justice Holt's Speech before Judgment ib.
The Prisoner receives Sentence the last Day of the Term 780
 KNOX, Thomas, and John Lane, their Trial for a Misdemeanour, at the King's Bench Bar, the 25th of November, 1679, 31 Car. II. II. 970
The Indictment, for endeavouring to defame Oates and Bedloe, the King's Witnesses; and thereby to stifle and obstruct the Discovery of the Popish Plot II. 970
Evidence that Lane said he was seduc'd by Knox to betray his Master Titus Oates 975
Evidence that the Lady Powis supported Knox with Money 985
Knox's Information read against him 986
The Defence made by Mr. Knox's Counsel 987
That Knox was not in the Contrivance; but that the Information was brought him by Lane and Osborne ib.
The Defence made by Mr. Holt, of Counsel with Lane 990
The Defendants convicted 992
Their Sentence ib.

L.

LAKE, Dr. John, Bishop of Chichester, tried for publishing a Libel IV. 304
 Lamley, Robert V. 287. See Kidd, & al.
 Lane, John II. 970. See Knox.
 LANGHORNE, Richard, Esq; his Trial at the Old Bailey for High Treason, June 14, 1679 31 Car. II. II. 878
The Indictment ib.
The Overt-acts, writing Letters to solicit Aid from the Pope, &c. and sending them 879
Receiving Commissions for civil and military Officers from Rome, and distributing them ib.
Consenting to the Jesuits Conspiracy to kill the King, and procuring 6000l. of the Benedictine Monks for that purpose ib.
And abetting Coleman's Conspiracy ib.
Evidence of the Plot in general 881
Hear-say Evidence admitted ib.
Oates's Evidence of some Letters Mr. Langhorne sent to St. Omers 882
Of his acquainting him with what pass'd at the Consult, and his praying for the Success of it ib.
Of the Commissions receiv'd from Rome 883
Bedloe complains that a Papist took Notes in Court 887
Oates deposes, 800,000 Crowns were rais'd at Rome for carrying on the Popish Plot, and Mr. Langhorne had Notice of its being paid at Paris 890
Mr. Langhorne objects, that an Approver being pardon'd, could not be a Witness against the Appellee; and the same Reason holds as to another Accomplice in the Crime 891
The Court over-rule the Objection; and add, that the Witnesses being maintain'd by the Government is no Objection to their Testimony ib.
Oates complains to the Court, that Papists came into Court with their Swords on 892
The Prisoner produces many Witnesses to prove Oates was at St. Omers when he pretended to be here at the Consult ib.
The Prisoner is not admitted to prove what the Witnesses swore against him at another Trial 899
The Witnesses who appear for the Prisoner, abus'd by the Mob ib.
The Chief Justice admits that a Witness may be confronted by another, to prove what the Witness swore at another Trial, relating to the Prisoner, was false 900

K
Oates

An Alphabetical TABLE.

<i>Oates acknowledges he conceals Part of his Evidence, though sworn to speak the whole Truth</i>	II. 901	<i>His Grace is charg'd with advising the King to use extraordinary Ways for a Supply</i>	I. 846
<i>Bedloe takes the Liberty of concealing Part of his Evidence too</i>	902	<i>And saying the King might use his Power</i>	ib.
<i>The King's Counsel call Witnesses to prove Oates in London at the Consult</i>	ib.	<i>And asserting the Legality of Ship-Money, &c.</i>	847
<i>The Prisoner calls other Witnesses to contradict them</i>	905	<i>Asserting Proclamations to be of equal Force with a Statute</i>	848
<i>Mr. Langhorne's Observations on the Evidence</i>	906	<i>Advancing the Prerogative above the Law</i>	849
<i>The Chief Justice's Directions to the Jury</i>	ib.	<i>Charg'd with saying, he hop'd to see the Causes and the King's Prerogative equal to an Act of Parliament</i>	ib.
<i>He tells them that Papists were not to be believ'd in their common Cause</i>	907	<i>The Ordinaries Power over School-Masters</i>	ib.
<i>Charges them with most pernicious Principles, and inveighs against them</i>	ib.	<i>Where a Canon will not be of force against a Custom</i>	ib.
<i>His Lordship has strong Apprehensions of the Plot</i>	908	<i>Charg'd with preferring Dr. Manwaring</i>	850
<i>Speaks of a Letter that was found, which, he says, was an undeniable Evidence of the Plot</i>	909	<i>Refusing to consecrate one elected Bishop, a Prelate</i>	ib.
<i>The Prisoner shews that was no Evidence at all of it</i>	ib.	<i>Charged with granting Subsidies in the Convocation</i>	851
<i>The Prisoner convicted; and the Recorder commends the Verdict</i>	910	<i>The Clergy had a Power of granting their own Subsidies</i>	ib.
<i>The five Jesuits are brought to the Bar again; and Mr. Recorder makes a Speech</i>	ib.	<i>Laud charg'd with pulling down the Houses about St. Paul's, to repair the Church</i>	852
<i>He pronounces Sentence on Mr. Langhorne and the five Jesuits</i>	911	<i>Whether it be lawful to build on consecrated Ground?</i>	853
<i>The Dying Speeches of Langhorne, Whitebread, Harcourt, Fenwick, Gavan, and Turner</i>	912, & seqq.	<i>Charg'd with compelling the Goldsmiths to inhabit either in Cheapside or Lombard-street</i>	ib.
LATIMER, Richard II. 585. See Messenger, & al.		<i>The Oath ex officio us'd in the High-Commission-Court</i>	855
LAUD, William, Lord Archbishop of Canterbury, his Trial, March 12, 1643, 19 Car. I. 1.824		<i>Charg'd with being the Cause of the Censure of Burton, Prynne, and Bastwick</i>	856
<i>Mr. Harbottle Grimston's Speech against him in the House of Commons</i>	ib.	<i>With administering the Sacrament at the Rails</i>	860
<i>His Grace impeached of High Treason generally</i>	825	<i>Charge about placing the Communion-Table</i>	861
<i>He is committed to the Black Rod</i>	ib.	<i>Charg'd with prosecuting Bagshaw of the Temple, for saying Bishops ought not to meddle in Civil Affairs</i>	864
<i>Mr. Pym's Speech at delivering the Articles</i>	826	<i>With countenancing Wakes, &c.</i>	ib.
<i>His Grace's Speech upon bringing up the Articles</i>	828	<i>With threatening those who brought Prohibitions</i>	865
<i>Fourteen general Articles exhibited against his Grace</i>	ib.	<i>With accepting Bribes</i>	867
<i>He is committed to the Tower</i>	830	<i>His Grace brought to the House, and remanded without any thing done; complains of the Charge he is put to</i>	870
<i>Two Ordinances, depriving him, before his Trial, of the Power of disposing of Preferments</i>	ib.	<i>Charg'd with making Canons, after the Dissolution of the Parliament</i>	ib.
<i>Ten additional Articles exhibited against him, three Years after his Commitment</i>	831	<i>The Convocation sit, after the Dissolution of the Parliament</i>	ib.
<i>Counsel and a Solicitor allow'd his Grace</i>	833	<i>The Lords did not permit his Grace to shew that the Canons were agreeable to Law</i>	871
<i>He petitions, that they would distinguish between what was Treason and what was Misdemeanour</i>	834	<i>Charg'd with assuming Papal Power</i>	ib.
<i>But to no Effect</i>	ib.	<i>The Titles given him by the University of Oxford</i>	ib.
<i>His Grace's Answer</i>	835	<i>The Title of Holiness given to Primitive Bishops</i>	ib.
<i>The Trial appointed the 16th Day of January</i>	836	<i>Charg'd that he would exempt the Clergy from the Civil Power</i>	872
<i>No Answer being put in to the first Articles, the Trial is put off</i>	ib.	<i>Charg'd with making Ecclesiastical Persons Justices of Peace, &c.</i>	873
<i>Mr. Maynard's Speech on that Occasion</i>	ib.	<i>Whether a Clergyman shall be tax'd to contribute, in case of a Robbery?</i>	874
<i>His Grace's Answer to the first and further Articles</i>	837	<i>Justices of Peace call'd before the High Commission for holding their Sessions in the Church-yard</i>	875
<i>He receives Notice of Trial again</i>	838	<i>Charg'd with a Design of restoring Improvements to the Church</i>	877
<i>The Names of the Managers for the House of Commons</i>	ib.	<i>With adding several exorbitant Clauses to the High Commission</i>	878
<i>The Method observ'd at the Trial</i>	ib.	<i>His Grace petitions for an Allowance out of his Estate; but is denied</i>	879
<i>The Trial begins</i>	839	<i>Charg'd with altering the Statutes of the University of Oxford</i>	880
<i>Serjeant Wilde's Speech at opening the Charge</i>	840	<i>With censuring Bastwick for writing against Bishops</i>	882
<i>His Grace replies to Serjeant Wilde</i>	842		Bishops

An Alphabetical TABLE.

<i>Bishops derive their Power in Temporals from the Prince, but in Matters purely Spiritual from Christ</i>	I. 883	<i>That he relieved Priests</i>	I. 924
<i>But may not exercise their Spiritual Power without Leave of the Prince</i>	ib.	<i>Would not give the Papists ill Language</i>	926
<i>Charg'd with altering the Communion-Table, and putting up painted Glass in his Chapel</i>	ib.	<i>Popish Books</i>	ib.
<i>Bowing towards the Altar</i>	884	<i>Charg'd with endeavouring to subvert the Rights of Parliament</i>	927
<i>Organs, Candlesticks, &c.</i>	ib.	<i>Hopes and Fears concerning a Parliament</i>	929
<i>Consecrating the Communion-Plate</i>	885	<i>Answer to the Remonstrance</i>	930
<i>His Bible with the five Wounds of our Saviour</i>	ib.	<i>Earl of Strafford procures the House of Commons in Ireland to be chosen half Papists and half Protestants</i>	931
<i>Prayers at Canonical Hours</i>	ib.	<i>His Grace finds his Picture fallen on the Face</i>	932
<i>Pictures in his Gallery</i>	ib.	<i>His pretended Dream</i>	ib.
<i>A piece of Tapestry, with a Crucifix wrought in it, hung up for an Altar-piece</i>	886	<i>Is allow'd the Benefit of the Act of Oblivion, as to the Scotch Affairs</i>	933
<i>His Grace is allow'd 200l. out of his Rents</i>	887	<i>His Grace's Diary printed in Folio, and given to each Lord</i>	ib.
<i>The Pictures in the Windows of Lambeth-Chapel</i>	ib.	<i>His Recapitulation</i>	ib.
<i>The Ceremonies at the Coronation charg'd with Superstition</i>	ib.	<i>The Papers he had prepar'd for his Defence taken from him, and all Things necessary for his Defence denied him</i>	ib.
<i>Charg'd with altering the Coronation-Oath</i>	ib.	<i>The happy State of the Kingdom while his Grace was concern'd in the Administration</i>	934
<i>The Virgin Mary's Picture at St. Mary's at Oxford</i>	890	<i>His best Actions made the Foundation of a Charge of High Treason</i>	ib.
<i>Dr. Brown's kneeling before the Altar</i>	893	<i>Charg'd with the Acts of the respective Courts wherein he sat</i>	ib.
<i>The States and the King of Sweden pray'd for before his Majesty</i>	895	<i>The Church is to determine what is true Doctrine, and not the Parliament</i>	935
<i>Sherfield censured for defacing a Church-Window</i>	ib.	<i>If the Actions themselves are not Treason, the Result of them cannot be Treason</i>	937
<i>A Bible printed with Pictures</i>	ib.	<i>Mr. Browne sums up the Evidence, and makes his Observations on it for the Commons</i>	ib.
<i>His Grace is charg'd with expunging Passages against Popery, out of Books</i>	896	<i>His Grace's Counsel shew that nothing charg'd in the Articles amount to High Treason</i>	938
<i>Charg'd with consecrating Churches</i>	897	<i>The Uncertainty what was Treason at Common Law</i>	ib.
<i>With publishing the Book of Sports</i>	899	<i>The Statute of 25 Edw. III. to be taken strictly</i>	939
<i>The People allow'd their Recreations at Geneva on Sundays</i>	ib.	<i>The Uncertainty of the Word Endeavour</i>	940
<i>Ministers punish'd for not reading the Book of Sports</i>	ib.	<i>The Words to go about, or attempt to do a Thing, adjudg'd void in a Conveyance for the Uncertainty</i>	ib.
<i>Charg'd with introducing Arbitrary Power</i>	901	<i>Cardinal Wolsey adjudg'd guilty only of a Præmunire, for endeavouring to subvert the Laws</i>	941
<i>Causing Ministers to leave their Cures, and fly beyond Sea, &c.</i>	ib.	<i>His Grace's Counsel shew that none of the Particulars contain'd in the Articles are Treason</i>	ib.
<i>Stopping Books at the Press, and expunging Passages out of them</i>	902	<i>The Number of Misdemeanours cannot alter their Nature</i>	942
<i>Charg'd with altering Prayers on the 5th of November</i>	906	<i>The Mob petition the Parliament for Justice upon his Grace, at the Instigation of their Preachers</i>	ib.
<i>Lectures</i>	ib.	<i>The House of Commons command his Grace to be brought before them</i>	ib.
<i>Charg'd with maintaining Transubstantiation</i>	908	<i>Mr. Browne delivers a Summary of the Charge against him there</i>	943
<i>With licensing Popish and Arminian Books</i>	909	<i>His Grace is admitted to hear it</i>	ib.
<i>That his Chaplains preach'd Arminian Doctrine</i>	910	<i>His Grace seems to object to his Accusers becoming his Judges, and that without hearing the Evidence against him</i>	ib.
<i>A Bible with a Popish Table</i>	ib.	<i>Mr. Browne replies</i>	947
<i>His Grace's Books given to Hugh Peters</i>	ib.	<i>The House of Commons pass his Attainder</i>	ib.
<i>Charg'd with preferring only such as were popishly affected</i>	ib.	<i>The Commons threaten the Lords, to induce them to pass the Ordinance for his Attainder</i>	ib.
<i>That he hinder'd the buying in Improvements</i>	913	<i>The Lords agree as to the Fact; but the Judges declare there was no Treason in the Articles</i>	ib.
<i>Endeavouring to create a Division between the Church of England and the Reform'd Churches</i>	914	<i>The Lords of Opinion there was no Treason in them</i>	ib.
<i>His Grace receives abusive Language at his Trial</i>	915	<i>Christmas-day enjoyn'd to be kept as a Fast</i>	ib.
<i>Episcopacy Jure Divino</i>	ib.	<i>The Lords pass the Ordinance of Attainder</i>	948
<i>Charg'd with projecting to reconcile the Church of England to the Church of Rome</i>	916	He	
<i>And conversing with Jesuits, and harbouring them</i>	ib.		
<i>Praying for the Queen and Prince</i>	918, 919		
<i>A Cardinal's Cap offered him</i>	921		
<i>That he denied the Pope to be Antichrist</i>	922		
<i>And said Rome was a true Church, &c.</i>	ib.		
<i>The Homilies don't make the Pope to be Antichrist</i>	ib.		

An Alphabetical TABLE.

<i>He has a Pardon from the King; which is re- jected</i>	I. 948	<i>Receipts for Money, under the Pretender's Hand, read</i>	VI. 282
<i>Allow'd but one Chaplain to attend him; and he in the Presence of a Presbyterian Teacher</i>	ib.	<i>Evidence of his being examin'd before the Lords of the Council</i>	283
<i>His Dying Speech on the Scaffold</i>	ib.	<i>Several other Letters and Papers read</i>	284, & seqq.
<i>His Discourse with the Standers-by</i>	949	<i>Evidence offer'd to prove the Prisoner's corre- sponding with the Pretender</i>	286
<i>He is beheaded</i>	ib.	<i>Which is objected to by his Counsel, as being a Species of Treason not laid in the Indictment</i>	ib.
LAYER, Christopher, Esq; <i>his Trial at the King's Bench Bar for High Treason, 21 Nov. 1722.</i>	VI. 229	<i>Held, that it may be given to corroborate the Evi- dence already given; but not to prove a new Overt-Act</i>	287
<i>9 Geor. I.</i>	VI. 229	<i>Objected for the Prisoner, that the Examination ought to be produc'd, and not Parole-Evidence given of it</i>	ib.
<i>The Indictment, for conspiring the Death of the King, and to raise a Rebellion in the County of Essex</i>	ib.	<i>Which is over-rul'd</i>	288
<i>His Counsel move that his Fetters be taken off du- ring his Arraignment, and alledge Cranburne's Case</i>	231	<i>Mr. Stanyan gives an Account of what he said before the Council</i>	ib.
<i>Which is refus'd by the Court</i>	232	<i>That the Prisoner own'd he had two Conferences with the Pretender</i>	287, 289
<i>Four Exceptions to the Indictment</i>	ib.	<i>Mr. Delafaye's Evidence to the same Purpose</i>	290
<i>All over-rul'd</i>	237	<i>Evidence of Arms being found in the Prisoner's House</i>	ib.
<i>His Plea of Misnomer in Abatement</i>	ib.	<i>Of his escaping from the Messenger's Custody</i>	291
<i>Mr. Attorney-General demurs to it</i>	238	<i>The Prisoner's Defence by his Counsel</i>	292
<i>The Prisoner's Counsel pray Time to consider of it</i>	ib.	<i>The Prisoner's Counsel argue, that the Proof in Essex does not amount to an Overt-Act of Trea- son</i>	ib.
<i>Which being over-rul'd, after a long Debate, he withdraws his Plea, and pleads Not Guilty</i>	242	<i>Are directed to make all their Defence at once</i>	295
<i>The Trial begins</i>	244	<i>Mr. Hungerford's Speech for the Prisoner</i>	ib.
<i>The Pannel call'd over in the Presence of the Pri- soner</i>	246	<i>Mr. Ketelbey's Speech on the same Side</i>	296
<i>Mov'd, that Mr. Attorney might challenge first; but over-rul'd</i>	247	<i>Witnesses called to impeach Lynch's Credit</i>	297
<i>Mr. Weary opens the Indictment</i>	249	<i>Witnesses against Plunkett</i>	300
<i>Mr. Serjeant Pengelly the Evidence</i>	ib.	<i>Against Mason</i>	302
<i>Is seconded by Sir Robert Raymond, Attorney- General</i>	254	<i>The Prisoner calls Witnesses to give an Account how the Arms came to be found in his House</i>	304
<i>Mr. Lynch call'd</i>	257	<i>And to prove that the Scheme was not of his Hand- writing</i>	ib.
<i>The Prisoner's Counsel move to examine him on a Voyer dire, whether he has a Pardon, or other Reward, for giving his Evidence</i>	ib.	<i>He concludes his Defence</i>	305
<i>Which is denied by the Court, it not being suffi- cient to take off his Testimony, but only to lessen his Credit</i>	259	<i>Sir Philip York, Solicitor-General, his Reply</i>	306
<i>The Question ask'd him after he had given his Evi- dence, and denied by him</i>	265	<i>He maintains the Proof of an Overt-Act in Essex</i>	314
<i>His Evidence that the Prisoner engaged him in the Design of the Insurrection</i>	260	<i>Witnesses call'd for the King to Mr. Lynch's Cre- dit</i>	317
<i>And gave him Money to encourage him</i>	262	<i>Lord Chief Justice Pratt's Directions to the Jury</i>	318
<i>That he carried him to view Lord Cadogan's House, in order to contrive how to seize him</i>	ib.	<i>The Prisoner convicted</i>	322
<i>That he rode with him into Essex, and there read to him a Declaration, exciting the Nation to revolt</i>	263	<i>He is call'd to Sentence</i>	323
<i>The Witness cross-examin'd</i>	265	<i>His Counsel move that the Venire be read</i>	ib.
<i>Matthew Plunkett's Evidence</i>	266	<i>Which is over-rul'd</i>	325
<i>He swears that the Prisoner acquainted him with the Design, and engag'd him to corrupt the Ser- jeants and common Soldiers</i>	267	<i>Objected as an Error, that the Venire was made returnable the 19th, and the Trial was not till the 21st of November</i>	ib.
<i>And gave him Money, to encourage him</i>	268	<i>Which is rul'd to be according to the Course of the Court</i>	328
<i>He is cross-examin'd by the Prisoner and his Coun- sel</i>	269	<i>Objected as a Fault in the Indictment, that the Words of the Declaration were not set forth</i>	ib.
<i>Evidence of two Messengers, of the finding Pa- pers in Mrs. Mason's Lodging</i>	270	<i>Mr. Hungerford reprimanded</i>	329
<i>Of Mrs. Mason, that they were delivered to her by the Prisoner</i>	272	<i>Adjudg'd by the Court, that if one Overt-Act holds, the Indictment is good</i>	ib.
<i>Evidence that the Scheme was written in the Pri- soner's Hand</i>	275	<i>The Resolution of all the Judges in Dr. Sacheve- rell's Case, offer'd by the Prisoner's Counsel to maintain their Objection</i>	330
<i>And own'd by him before the Council</i>	276	<i>This Resolution censur'd as erroneous and against Law</i>	331
<i>The Prisoner's Counsel object to its being read</i>	ib.	<i>And the Prisoner's Objection over-rul'd</i>	ib.
<i>The Scheme order'd to be read; and read accord- ingly</i>	280	<i>The Prisoner receives Sentence</i>	332
			His

An Alphabetical TABLE.

- His Execution* VI. 332
LEEDS, Thomas, Duke of. See *Danby Earl of*
 & V. 356, 383
LEWIS, David, his Trial for High Treason, the
23th and 29th of March, 1679. 31 Car. II.
at Monmouth-Affizes II. 801
The Indictment, for accepting Popish Orders ib.
Evidence of the Prisoner's saying Mass, and per-
forming the other Functions of a Priest ib.
Popish Utensils taken upon him 802
The Prisoner objects the Facts laid in the Indict-
ment were not proved ib.
The Court answer, it was sufficient to shew he ex-
ercis'd the Office of a Priest; and that it was
not necessary to shew how he was ordain'd ib.
The Prisoner is convicted 804
Sentence pass'd ib.
His Speech at Execution ib.
LEWIS, James V. 1. See *Dawson.*
- L I B E L.
- One indicted, and convicted of Felony, for libelling*
and impugning the Queen's Authority in Causes
Ecclesiastical I. 168
Information in the Star-Chamber for libelling the
King and Court, &c. 418
One indicted of High Treason, and three of a Mis-
demeanour, in libelling the Government II. 528
Indictment for publishing a Libel against Infant-
Baptism, &c. 550
Libelling the Government, or private Persons, pu-
nishable 1035
Writing false News, though it be neither seditious
nor scandalous, punishable II. 1040. III. 57,
 46
Publishing any News-Books without Licence, pu-
nishable; selling a Libel, a Publication of it
 III. 92
The publishing any thing reflecting on the Govern-
ment, or a private Person, though it be true,
is a Libel; and the Writer, or Publisher, shall
be punish'd for it 96
One attainted of High Treason for a treasonable
Libel 287
Indictment for a Misdemeanour, in Writing and
Publishing a Libel reflecting on the Justice of the
Nation 505
Indictment for a treasonable Libel 794
Reflections on the Government, sent in a Letter by
the Post to a private Friend, adjudg'd to be a
framing and publishing a Libel 934
Where an Act is unlawful, it implies Malice 939
What shall be deem'd a Libel or a Publication of
it. See the Seven Bishops Trial IV. 304, &c.
The Petition of the City of London against dis-
solving the Parliament, adjudg'd to be a Libel
 392
One cannot be adjudg'd guilty of writing a Libel, un-
less it can be prov'd where he wrote it; but
wherever he directs it to be printed, that is a
Publication in that County V. 538
Transcribing a Libel makes one guilty of the Li-
bel 539
It may be a Libel, though no Person in particular
is reflected on 540
- L I C E N C E.
- A Subject of England may travel without Licence*
 II. 12
Going to France, and returning without Licence,
made High Treason V. 506
LIGEANCE. See *Allegiance.*
LILBURNE, Lieutenant-Colonel John, his Trial
for High Treason, by an extraordinary Commis-
 sion of Oyer and Terminer at Guild-Hall, Lon-
 don, 24th, 25th, and 26th of October, 1649
 II. 19
Lilburne shews he was taken at Brentford, and
has been arraign'd before the Lord Chief Justice
Heath at Oxford, for High Treason against the
King 20
He objects, that extraordinary Commissions of Oyer
and Terminer are illegal 21
That it was illegal to keep him in Prison seven
Months, and not bring him to Trial 23
That he was apprehended by Soldiers, and car-
ried to Paul's, their Main-Guard; whereas he
ought to have been put into the Hands of the
Civil Magistrate, if he had offended the State ib.
That he was committed for refusing to accuse him-
self, which they themselves had censur'd as il-
legal Practice in the Star-Chamber ib.
That his Estate of the Value of almost 3000 l.
was taken from him without legal Process 24
He demands of the Court a Sight of their Com-
mission; which is refus'd 25
The Court tell him that the Supreme Authority was
now in the Commons, as they said it was also in
the Times of the Romans and Saxons 26, 27
He refuses to hold up his Hand, till the Court tell
him what is meant 27, 28
Desires a Copy of his Indictment, and Counsel;
but to no effect 31
Urges that he had Counsel assign'd him by the
Judges who try'd him at Oxford before he
pleaded 32
Pleads Not Guilty 30
Has Time till the next Day to prepare for his
Defence 39
Insists on a Precedent of Counsel being assign'd to
Major Rolfe ib.
That Case debated 40
The Names of the Jury 42
The Indictment for High-Treason, in printing and
publishing several treasonable Books against the
Common-wealth, and stirring up the Soldiers to
Mutiny ib.
He excepts against the Court and King's Counsel
whispering together 43
Evidence of the Printer concerning The Appren-
tices Outcry 47
Evidence of his distributing The Outcry to the
Soldiers 48
And inciting them to Mutiny ib.
His publishing the Salva Libertate prov'd 50
The Book entitled An Impeachment, &c. prov'd
to be publish'd by him 51
He objects against the Evidence of Col. Purefoy,
he being a Member of Parliament ib.
Evidence concerning the Preparative to the Hue
and Cry after Sir Arthur Haslerig 52
That he own'd them at the Attorney-General's Cham-
bers ib.
Several Passages read out of his Books 53
And two Ordinances of the House of Commons, de-
claring what Offences shall be adjudged High-
Treason 54, 55
The Attorney-General applies the Evidence, to
prove him guilty of High-Treason 56 & seqq.
He tells them most of the present Council of State
must go to Tyburn or Tower-Hill 57
Says that Misery and Poverty never were so ex-
treme under the worst of our Kings ib.
That the power of Thieves and Robbers was as
lawful as the Authority which erected the High
Court of Justice ib.

An Alphabetical T A B L E.

<i>The King never acted so tyrannically at St. Oliver</i>	II. 58	<i>Mov'd in Arrest of Judgment, that the Prisoner was not shewn to be a Subject when the Act was made</i>	V. 525, 526
<i>Lilburne urges, that none of his Expressions are Treason, by the ancient Laws of England</i>	63	<i>That one who owes Local Allegiance ought not to be indicted in the same manner with him who owes Natural Allegiance</i>	V. 527
<i>He repeats his request for Counsel, and more Time; but is refus'd</i>	66	<i>The Chief Justice shews the Reasonableness of the Statute on which the Prisoner was indicted; and pronounces Sentence</i>	ib.
<i>The Prisoner desires to withdraw and peruse his Notes; which being denied, he sends for a Chamber-pot into the Court</i>	68	LINSTEED, Thomas	V. 572. See Green, Thomas, & al.
<i>Asserts the Jury are Judges of Law, as well as of Fact</i>	69	LISLE, Lady Alice, her Trial by a Commission of Oyer and Terminer at Winchester the 27th of August, 1685. 1 Jac. II.	IV. 105
<i>He quotes several Law-Books to prove it</i>	ib.	<i>The Indictment for harbouring Hicks, who was in Monmouth's Rebellion</i>	ib.
<i>Lilburne's Defence as to the Facts prov'd against him.</i>	70	<i>The Prisoner, being thick of hearing, has one to assist her at her Trial</i>	106
<i>He observes, that one of the Books he is charg'd with, was publish'd before the Acts were made whereupon he is indicted</i>	73	<i>Mr. Pollexfen's Speech before Evidence</i>	ib.
<i>He urges his Services to the Common-wealth</i>	74	<i>Evidence that Hicks was in the Rebellion</i>	107
<i>Says that the Judges are but Cyphers, and Norman Intruders; and that the Jury only are to determine his Case, both in Law and in Fact</i>	76	<i>Evidence of the Message Hicks sent to the Prisoner, to desire Entertainment at her House, &c.</i>	108
<i>Mr. Prideaux makes his Observations on the Evidence for the Common-wealth</i>	ib.	<i>Barter deposes, that he shew'd Dunne the way to Moyle's-Court, and gave Col. Penruddock Notice of it</i>	115
<i>Lilburne interrupts him several Times, and takes notice that Prideaux was one who voted the Army Traitors</i>	78	<i>Dunne and Barter confronted</i>	116
<i>Mr. Keble directs the Jury</i>	ib.	<i>Dunne refuses to answer the Court, and discover his knowledge of the Matter</i>	ib.
<i>Says that one Witness, with concurring Circumstances, is sufficient in Treason</i>	ib.	<i>Col. Penruddock's Evidence of his taking Hicks and Nelthorpe in the Lady Lisle's House</i>	119
<i>The Jury desire some Wine before they withdraw; but are told they could have no Refreshment in Capital Cases</i>	80	<i>The Prisoner's Husband a Member of the High Court of Justice</i>	120
<i>Lilburne is acquitted</i>	ib.	<i>Carpenter and his Wife's Evidence of their Lady's entertaining Hicks and Nelthorpe</i>	ib.
<i>At which the People shout: And make Bonfires for Joy</i>	ib.	<i>Dunne confesses he supp'd with Hicks and Nelthorpe, at my Lady Lisle's, the Night before they were taken</i>	121
<i>He is discharg'd out of the Tower about a Fort-night after</i>	ib.	<i>The Prisoner enters upon her Defence</i>	122
<i>The Jury brought before the Council to give their Reasons; but refuse to give any</i>	81, 82	<i>Objects, that the Traitor ought to be convicted, before she could be try'd for harbouring him</i>	ib.
LILBURNE, Robert II. 394. See Regicides.		<i>She calls a Witness</i>	123
LIMERICK, Thomas II. 585. See Messenger, & al.		<i>She says her Son was actually in Arms against Monmouth by her Direction</i>	ib.
LINDSAY, David, his Arraignment for High Treason, in returning from France without Licence, April 19. 1704. 4 Annæ	V. 508	<i>The Chief Justice directs the Jury</i>	ib.
<i>He confesses the Fact; but says he is a Native of Scotland, and had the Benefit of the Queen's Pardon there</i>	510	<i>The Prisoner's Husband one of those who condemn'd Col. Penruddock's Father to die, 126. See Penruddock's Trial</i>	II. 261
<i>The Proclamation of Indemnity in Scotland read</i>	ib.	<i>The Jury doubt whether the Prisoner knew Hicks had been in the Army</i>	127
<i>The Prisoner proves himself a Scotchman born</i>	511	<i>The Chief Justice tells them the Proof is plain</i>	ib.
<i>That he surrender'd to the Government in Scotland, and was discharg'd there</i>	512	<i>She is convicted</i>	ib.
<i>Mr. Williams's Defence for the Prisoner</i>	ib.	<i>The Chief Justice's Speech before the Sentence</i>	ib.
<i>That the Pardon in Scotland amounted to a Licence to come hither</i>	513	<i>Other Proof of her Guilt after the Trial</i>	128
<i>Insists that his Trial ought to have been in the first County he came into</i>	516	<i>Sentence to be burnt alive; and her Execution directed to be that Afternoon</i>	ib.
<i>Mr. Raymond's Speech on the same side</i>	ib.	<i>But repriev'd</i>	ib.
<i>Sir Thomas Powys's Reply</i>	519	<i>A Letter to the King in her behalf; but to no Effect</i>	ib.
<i>Sir Edward Northey, Attorney-General, his Speech</i>	521	<i>She petitions to be beheaded; which is granted</i>	129
<i>Sir Simon Harcourt, Solicitor General, his Speech</i>	523	<i>She is executed</i>	ib.
<i>Lord Chief Justice Holt of Opinion against the Prisoner</i>	ib.	<i>Her Dying Speech</i>	ib.
<i>To which the Court agree</i>	524	<i>Her Attainder revers'd the 1 W. and M.</i>	130
<i>His Charge to the Jury</i>	525	LLOYD, Dr. William, Bishop of St. Asaph, his Trial, for publishing a Libel	IV. 304
<i>The Prisoner is convicted</i>	ib.	LOCKTON, John, Serjeant at Law I. 14. See Brambre.	
		LOFFE, Gabriel V. 287, 297. See Kidd, & al.	
		LONDON, Bishop of. See Compton.	
		LONDON, City of, Proceedings against it upon a Quo	

An Alphabetical TABLE.

<p>Quo Warranto in the King's Bench, Hil. 35 Car. II. III. 545</p> <p>The Information, that for a Month past the Mayor, &c. have without lawful Warrant used certain Liberties and Privileges ib.</p> <p>The Plea of the Mayor, &c. wherein they plead Prescription and Royal Authority for the Exercise of their Privileges ib.</p> <p>Mr. Attorney's Reply, that they did forfeit their Privileges by taking unreasonable Toll in their Markets, and by presenting and publishing a libellous Petition 546</p> <p>The City's Rejoinder, justifying both those Acts ib.</p> <p>Mr. Attorney's Sur-rejoinder and Demurrer 548</p> <p>The City's Rebutter and Joinder in Demurrer ib.</p> <p>Mr. Solicitor-General Finch's Argument for the King ib.</p> <p>1. That a Corporation may be forfeited ib.</p> <p>Cases quoted to this Purpose 549</p> <p>2. That the City of London is in the same Case with other Corporations in this respect 550</p> <p>Cases where the Franchises of the City have been seized ib. 551</p> <p>3. That an Act of the Common-Council is a Corporate Act, and may make a Forfeiture of the whole 552</p> <p>4. That the Offences set forth in the Replication are Forfeitures ib.</p> <p>Of the Right to take Toll in their Markets ib.</p> <p>Of the City's Petition 553</p> <p>Lord Chief Justice Hale's Opinion quoted, that it is unlawful to print any Man's private Case, while it is depending in a Court of Judicature ib.</p> <p>Sir George Treby, Recorder, his Argument for the City 554</p> <p>1. That a Corporation cannot be forfeited 555</p> <p>Authorities cited, that a Corporation can never die ib.</p> <p>He argues that Common Law may be antiquated, though Statute Law cannot 556</p> <p>That if Henry VIII. had thought this Proceeding by way of Quo Warranto feasible, he would have used it against the Religious Houses ib.</p> <p>2. That the Quo Warranto should have been brought against the Defendants by Name, and not in their Corporate Capacity 560</p> <p>3. He defends their taking Toll in the Markets 563</p> <p>Argues, that the Privileges of London have been upheld, even against the general Words of an Act of Parliament 564</p> <p>That the City of Dublin laid a Tax of a like kind; which was held good ib.</p> <p>4. That an unreasonable By-Law is not sufficient to forfeit a Corporation 565</p> <p>His Defence as to the Petition 567</p> <p>Endeavours to excuse it from being seditious 568</p> <p>And to justify the publishing it 569</p> <p>5. Argues, that a Corporation cannot possibly commit a Crime against the Peace 570</p> <p>6. That an Act of the Common Council is not an Act of the Corporation 572</p> <p>The Common Council chosen by the Unfreemen as well as Freemen ib.</p> <p>The Chief Justice's Remarks 574</p> <p>Sir Robert Sawyer, Attorney-General, his Reply 575</p> <p>To the Question, Whether the Defendants should</p>	<p>have been prosecuted in their Private or Corporate Capacity? III. 576</p> <p>Authorities cited ib. 577</p> <p>Whether the City Liberties can be forfeited? 578</p> <p>The End of erecting Corporations 579</p> <p>He denies the Position, that a Corporation can never die 581</p> <p>Distinguishes between Seizures and Forfeitures 582</p> <p>An Election of a Mayor is void, if the old Mayor be absent 585</p> <p>Two Reasons, why Corporations may be forfeited ib.</p> <p>A Resolution, that an Alderman might be remov'd for being a Drunkard and Haunter of Taverns 587</p> <p>An Instance of the Franchises of Sandwich being seized for a notorious Riot committed there 589</p> <p>Another of the Town of Cambridge 590</p> <p>Other Instances and Cases ib. & seqq.</p> <p>Reasons why an Act of the Common-Council is an Act of the Corporation 592</p> <p>He justifies the Charge about the Markets 596</p> <p>And about the Petition 600</p> <p>Cases of slanderous Words spoken against the King's Justices 603</p> <p>Mr. Pollexsen's Speech for the City 604</p> <p>He insists upon the Impropriety of prosecuting them in their Corporate Capacity 605</p> <p>Answers Mr. Attorney's Authorities ib.</p> <p>He objects to the Pleading as singular and unprecedented 608</p> <p>He argues that they could not forfeit twice; for by the first Forfeiture the Corporation would cease 609</p> <p>Considers the Question about the Markets 610</p> <p>Insists upon Three Acts of Parliament for confirming the City-Customs 611</p> <p>What were anciently the Forms of Acts of Parliament 612</p> <p>His Defence of the Petition 613</p> <p>Denies that it was an Act of the Corporation 614</p> <p>Says if it were, yet is not so great a Crime as to forfeit the Charter 616</p> <p>He answers three Reasons brought to prove the Charter forfeited 617</p> <p>And the Authorities produced 619</p> <p>The Meaning of the Words forfeiting and seizing stated 621</p> <p>The Miscchiefs of too rigidly expounding the Doctrine of forfeiting and surrendring 624</p> <p>Several Authorities quoted, as to the Nature of Corporations 625</p> <p>A brief Recapitulation of the whole Argument 626</p> <p>The Judgment of the Court for the King 627</p> <p>A general View of the whole Matter in Debate 628</p> <p>LORD Mayor arrested. See Action.</p> <p>LOVE, Christopher, his Trial for High Treason, in corresponding with, and conspiring to bring in, King Charles II. and treating with the Scots to that Purpose, before the High Court of Justice in Westminster-Hall, 20 June 1651. 3 Car. II. II. 83</p> <p>An Impeachment for High Treason and other Crimes, preferr'd by Prideaux, Attorney of the State ib.</p> <p>The Prisoner desires Counsel as to Matter of Law; and demands why he is not try'd by a Jury 85, 86</p> <p style="text-align: right;">He</p>
--	---

An Alphabetical TABLE.

<i>He urges a Vote of Parliament, that they would preserve the ancient Fundamental Laws and Manner of Trial</i>	II. 86	<i>Love acknowledges the Meetings at his House, the reading the Letters and Commissions, and his debating Matters concerning them</i>	II. 135
<i>They refuse to assign him Counsel, till he has pleaded, and the Evidence given</i>	88	<i>But says, he disapproved the Design, and so is Guilty only of Misprison</i>	ib.
<i>He objects, that the Crimes in the Charge were to be prosecuted within a Year; and they charged him with Things done several Years past</i>	ib.	<i>He shews how zealous he was in the Cause of the Parliament against the King</i>	136
<i>He cites Coke's Institutes, that he may except to Errors in the Charge, in order to quash the Indictment, before he pleads</i>	89	<i>Says, he was one of the first at Oxford that refus'd Conformity; for which he was expell'd, &c.</i>	ib.
<i>He is told, he must either plead generally or specially, before Counsel can be assign'd him</i>	91	<i>That he was the first that was apprehended for preaching against the King</i>	ib.
<i>He desires he may have Counsel to put his Plea into Form; but is denied</i>	92	<i>And laments his suffering by their Hands for whom he had done so much</i>	137
<i>He pleads Not Guilty</i>	ib.	<i>The Prisoner confesses his being privy to, and concealing the Consults; which he apprehended to be but Misprison</i>	138
<i>Mr. Attorney joins Issue with him</i>	ib.	<i>Mr. Attorney's Reply to the Prisoner's Defence</i>	139
<i>The Solicitor-General opens the Evidence</i>	ib.	<i>The President makes a Speech to the Prisoner</i>	141
<i>The Court exhort Mr. Love to make a free Confession</i>	96	<i>Tells him, the Laws of England were the Laws of God</i>	ib.
<i>He solemnly professes his Innocence</i>	ib.	<i>That there was not any Treason, or notorious Villany, but a Priest had a Hand in it</i>	ib.
<i>He excepts to the Testimony of a Witness who had confess'd himself Guilty; but is over-rul'd</i>	97	<i>The Fourth Day's Proceedings</i>	ib.
<i>Captain Potter's Evidence of the Presbyterians treating with the King</i>	98	<i>Mr. Hall's Reply</i>	ib.
<i>Potter's Examination read</i>	ib.	<i>A brief Account of the Conspiracy</i>	142
<i>Major Alford's Evidence of the Plot</i>	103	<i>Sir T. Witherington's Reply to the Prisoner</i>	143
<i>Testifies several Consultations at Mr. Love's House</i>	ib.	<i>He observes that their Consults went under the Name of Fasting and Prayer, &c.</i>	144
<i>The Presbyterians depute Commissioners to treat with the King, and the Scotch Commissioners, at Breda</i>	ib.	<i>Mr. Attorney's farther Reply</i>	145
<i>Major Huntington's Evidence</i>	107	<i>He discovers the Evasions in Love's solemn appeals to God of his Innocence</i>	152
<i>Evidence of Love's Consent to depute Commissioners to treat</i>	108	<i>Shews the Ingratitude of conspiring to subvert a State that had been so indulgent to him</i>	153
<i>Lieutenant-Colonel Bains's Evidence</i>	ib.	<i>Some Passages in the Prisoner's Sermon, at the Treaty at Uxbridge, rise in Judgment against him</i>	154
<i>Says nothing against the Prisoner</i>	109	<i>Mr. Love gives in his Exceptions to the Charge</i>	156
<i>Major Adams's Evidence</i>	ib.	<i>The Fifth Day's Proceedings</i>	157
<i>The Scots banish'd</i>	111	<i>Mr. Love's Exceptions</i>	ib.
<i>A Witness (Adams) threaten'd to be hanged, if he would not be ingenuous in his Examination</i>	113	<i>Mr. Archer, and Mr. Waller, the Prisoner's Counsel, rejected for refusing the Engagement; but Mr. Hale is permitted to argue his Exceptions</i>	159
<i>Major Cobbet examined as to his tampering with Adams; which he denies</i>	114	<i>Several Exceptions to the Charge, made through Mistake for want of a Sight of it</i>	161
<i>The Second Day's Proceedings</i>	ib.	<i>Debates between the Counsel, whether the Fact be High Treason or Misprison</i>	171
<i>Jaquel is sworn on his Buttons instead of a Bible</i>	ib.	<i>The Prisoner's Exceptions, as to the Incompetency of the Witnesses, over-ruled</i>	ib.
<i>The whole Scotch Nation unite in the King's Cause</i>	116	<i>Mr. Hale argues, that two Witnesses were necessary to one Overt-Act in Treason</i>	173
<i>Colonel Barton's Evidence</i>	118	<i>Mr. Love moves for more Time, and Leave to examine more Witnesses; but is denied</i>	176
<i>Capt. Far's Evidence</i>	119	<i>The Sixth Day's Proceedings</i>	177
<i>Fasts kept by the Presbyterians, for a Blessing on their Treaty with the King</i>	116	<i>Mr. Attorney moves for Judgment against him</i>	ib.
<i>Love acknowledges he knew of the Commission to treat with his Majesty, and debated concerning it</i>	121	<i>The Sentence of Beheading pass'd</i>	ib.
<i>Jackson, a Presbyterian Minister, refuses to swear against Mr. Love</i>	123	<i>Mr. Love's Behaviour at Execution</i>	ib.
<i>The Court set a Fine of 500 l. upon him, and commit him to Prison during Pleasure</i>	124	<i>His Speech on the Scaffold, from 177 to 183.</i>	
<i>Mr. Love moves for Time and Counsel; and has till Wednesday to prepare for his Defence</i>	ib.	<i>LOVE, unlawful. See Grey, Lord.</i>	
<i>The Court tell the Prisoner, Counsel may come to him if they will; but make no Order in it</i>	ib.	<i>LOWICK, Major Robert, his Trial for High Treason, 22 April, 1696. 8 W. III. IV. 718</i>	
<i>The Third Day's Proceedings</i>	125	<i>Indicted with Rookwood and other Conspirators in the Assassination-Plot</i>	661
<i>Mr. Love enters upon his Defence</i>	ib.	<i>Exceptions taken to the Indictment, for that Time and Place are not ascertained in every Part that is laid</i>	718
<i>He objects, that there has been but one Witness to any particular Fact</i>	126	<i>The Indictment</i>	721, 724
<i>Some particular Observations of the Prisoner on the Evidence</i>	128		Sir

An Alphabetical TABLE.

<i>Sir Thomas Trevor, Attorney-General, opens the Evidence</i>	IV. 725
<i>Harris's Evidence of his being sent over by King James, to assist in the Assassination</i>	726
<i>Bertram's Evidence</i>	727
<i>His Counsel plead that the Proof is insufficient</i>	731
<i>Call Witnesses to his Character</i>	732
<i>Mr. Attorney-General's Reply</i>	733
<i>Lord Chief Justice's Charge</i>	734
<i>The Prisoner is convicted</i>	736
<i>He receives Sentence, together with Rookwood and Cranburne</i>	737
<i>Their Friends permitted to be with them after Condemnation; but not in the Absence of the Keeper</i>	ib.
<i>Their Dying Speeches</i>	ib.
LUMSDEN, Mr. I. 333. See Sir John Hollis.	
LUMSDEN, Alexander II. 1011. See Anderson, & al.	

M.

M ACCLESFIELD, Thomas Earl of, his Trial on an Impeachment for high Crimes and Misdemeanors before the House of Lords, 6 May, 1725. 11 George I.	VI. 477
<i>The Articles of Impeachment (21 in Number)</i>	ib.
<i>The Earl's Answer</i>	484
<i>The Replication of the Commons</i>	492
<i>Sir George Oxenden opens the Charge in general</i>	ib.
<i>Is seconded by Sir Clement Wearg, Solicitor-General</i>	497
<i>The Earl's general Defence, open'd by Mr. Serjeant Probyn</i>	618
<i>Who is seconded by Dr. Sayer</i>	629
<i>Sir William Strickland's Speech upon the 5th, 6th, 7th, 8th and 9th Articles, as to selling Places, in Chancery</i>	498
<i>Mr. Doddington's Speech</i>	500
<i>The Statute read at the Nomination of Sheriffs in the Exchequer</i>	503
<i>A Debate whether the Privy-Counsellors, &c. take an Oath at that time</i>	ib. 620, 704, 736, 747
<i>See Pole, Mich.</i>	
<i>Oath of a Master in Chancery</i>	504
<i>Commissions granted to Masters, appointing them to hear Causes</i>	505
<i>Further Evidence to support these Articles</i>	506
<i>The Earl's Defence on these Articles</i>	635
<i>Mr. Lingard, Common Serjeant of London, of Counsel with the Earl, his Speech</i>	ib.
<i>The Evidence in behalf of the Earl</i>	640
<i>Evidence that former Lord Chancellors took Money for the Masters Places</i>	650
<i>That the Price of Places has since been considerably raised</i>	654
<i>Evidence, as to the Manner of paying Money into Chancery</i>	656
<i>The Earl's own Observations on the Evidence given upon these Articles</i>	714
<i>Mr. Serjeant Pengelly's Reply</i>	742
<i>Mr. Onslow's Speech on the Eleventh Article, about appointing insufficient Men to be Masters</i>	534
<i>Mr. Palmer's Speech on the 12th Article, for conniving at the Masters paying for their Places out of the Suitors Money</i>	535
<i>Evidence of the Insufficiency of the Masters</i>	536, 540

<i>Evidence of a Declaration made by my Lord in Court</i>	VI. 539
<i>Mr. Thomas Bennet's Evidence upon the Twelfth Article</i>	542
<i>Mr. Robins's Speech in the Earl's Defence, on the Eleventh and Twelfth Articles</i>	658
<i>Mr. Serjeant Probyn, and the Common Serjeant, on the same Side</i>	663, 664
<i>The Earl's Evidence on these Articles</i>	664, & seqq.
<i>The Earl's Observations</i>	716
<i>Mr. Serjeant Pengelly's Reply</i>	744
<i>Mr. Gybbon's Speech upon the Thirteenth Article, for concealing Mr. Dormer's Deficiency, and for compounding a Debt owing from Mr. Wilson to Mr. Dormer</i>	547
<i>Mr. Hedges on the same Articles</i>	549
<i>Evidence of Mr. Dormer's Deficiency</i>	551
<i>And of the compounding Wilson's Debt</i>	553
<i>Mr. Strange's Argument for the Earl on these Articles</i>	669
<i>Evidence of the Care taken by the Earl to secure Mr. Dormer's Effects</i>	670
<i>Evidence to justify the Composition with Wilson</i>	676
<i>The Earl's Observations</i>	719
<i>Mr. Lutwyche's Reply</i>	748
<i>Sir John Rushout's Speech on the 15th, 16th, and 17th Articles</i>	562
<i>The 15th, for calling for the Masters Accounts in order to persuade them to contribute to Mr. Dormer's Deficiency, and excusing those who contributed from giving in their Accounts</i>	ib.
<i>The 16th, for paying 1000 l. to a Suitor, with a View to prevent a Parliamentary Enquiry</i>	563
<i>The 17th, for ordering Mr. Dormer's Money to be paid out, without regard to Proportion</i>	564
<i>Mr. Sandys's Speech on the same side</i>	565
<i>Mr. Thompson's Speech on the same side</i>	567
<i>Evidence of the Masters Contribution</i>	568
<i>Of several Conversations between the Earl and the Masters on this Occasion</i>	569
<i>Mr. Lockman's Evidence of the Earl's paying him the 1000 l.</i>	577
<i>Orders of the Earl for paying several Sums out of Mr. Dormer's Effects</i>	580
<i>Mr. Strange's Defence of the Earl upon these Articles</i>	678
<i>Evidence of the Earl's calling for the Master's Accounts</i>	680
<i>Evidence that Mr. Lockman's Money was paid to him in Compassion</i>	683
<i>Mr. Serjeant Probyn and Mr. Common Serjeant, their Arguments upon the Eighteenth Article</i>	685, 686
<i>The Earl's Observations</i>	722
<i>Mr. Lutwyche's Reply</i>	750
<i>Mr. Plummer's Speech upon the Eighteenth Article, for permitting and encouraging the Masters to traffick with the Suitors Money</i>	583
<i>Mr. Cary's Speech on the same side</i>	585
<i>Mr. Lightboun's Evidence</i>	586
<i>Mr. Holford's Evidence</i>	592
<i>Mr. Common Serjeant's Defence on this Article</i>	686
<i>The Earl's own Defence</i>	725
<i>Mr. Lutwyche's Reply</i>	752
<i>Ld. Morpeth's Speech on the Nineteenth Article, for advising and persuading the Masters to make false Representations of their Circumstances</i>	594

An Alphabetical TABLE.

<p><i>Mr. Snell's Speech on the same Side</i> VI. 597 <i>Evidence of Mr. Thomas Bennet</i> 599 <i>of Mr. Kynaston</i> 601 <i>of Mr. Lightboun</i> 602 <i>of Mr. John Bennet</i> 603 <i>of Mr. Lovibond</i> ib. <i>of Mr. Edwards</i> 604 <i>of Mr. Conway</i> 605 <i>Mr. Robins's Speech in the Earl's Defence to this Article</i> 688 <i>The Earl's Remarks</i> 730 <i>Mr. Lutwyche's Reply</i> 752 <i>An Account of the Deficiencies</i> 607 <i>Mr. West sums up the Evidence for the Commons</i> 609 <i>Witnesses to Mr. Cottingham's Reputation</i> 691 <i>Account of many Charities done by the Earl</i> 692 <i>Mr. Common Serjeant's Observations upon the whole</i> 695 <i>Mr. Robins's to the same Purpose</i> 697 <i>The Earl of Macclesfield's own Defence</i> 702 <i>Mr. Serjeant Pengelly's Reply</i> 733 <i>Two Witnesses examined against the Earl</i> 753 <i>Who are confronted with another Witness</i> 755 <i>The Statute 11 Hen. IV. read</i> 759 <i>The Earl's Remarks on it</i> 760 <i>The Managers Reply</i> ib. <i>The Earl is convicted</i> 761 <i>And fin'd 30,000 l.</i> 763</p> <p>MACGUIRE, Connor, Lord his Trial for High Treason at the King's Bench Bar, the 10th of February, 1644. 20 Car. I. I. 949 <i>The Indictment, for inciting a Rebellion and Massacre in Ireland</i> ib. <i>The Prisoner pleads he is a Peer of Ireland</i> 950 <i>His Plea is over-ruled</i> ib. <i>He pleads over Not Guilty</i> ib. <i>The Prisoner challenges all the Jurors that appear</i> 951 <i>A Distringas and Tales made returnable the next Day</i> 952 <i>Each Person return'd on the Pannel examin'd whether they had purchased any Share of the Rebels Lands in Ireland</i> ib. <i>The Trial begins</i> 953 <i>The Witnesses called</i> ib. <i>The Examination of a Witness read, who might have been produced viva voce</i> 954 <i>Evidence of my Lord Macguire's being taken in Dublin with Arms, &c. the very Morning the Massacre began in the other Parts of Ireland</i> ib. <i>Macguire's own Confession of his being concern'd in the Conspiracy</i> ib. <i>His Examination in the Tower read against him</i> 955 <i>Denies they had any Messages from England to incite them to this Rebellion and Massacre</i> ib. <i>Evidence of the Discovery of the Conspiracy</i> ib. <i>Evidence of O Neite's landing in Ireland</i> 956 <i>Charlemont surpriz'd by the Irish Papists, and the Lord Calhield murder'd</i> ib. <i>Evidence of 104,000 murder'd</i> ib. <i>The Conspirators set up a new Form of Government</i> ib. <i>A Copy of the Pope's Bull granted to the Irish Papists</i> ib. <i>He thereby grants them full Remission of their Sins</i> 957 <i>The Lord Macguire in his Defence denies he made any such Confessions as were produced against him</i> 958 <i>The Counsel reply to him</i> ib.</p>	<p><i>The Lord Macguire is convicted</i> I. 958 <i>Demands by what Authority the Court sat</i> 959 <i>Sentence pass'd</i> ib. <i>Petitions to be beheaded; but is executed as a common Traitor</i> 960 <i>His Behaviour at Execution</i> ib. MADDER, John, V. 572. See Green, Thomas, & al. MAGDALEN-College in Oxon, Proceedings against them, 3 Jac. II. 1687 IV. 262 <i>Doctor Clark the President of Magdalen dies</i> ib. <i>They elect Dr. Hough</i> 263 <i>The King's Mandate to elect Mr. Farmer</i> ib. <i>The College petition his Majesty not to insist on it</i> 264 <i>They apply to the Duke of Ormonde and Bishop of Winchester</i> ib. 261 <i>Are cited before the High-Commission, to answer why they did not elect Mr. Farmer</i> ib. <i>Their Answer</i> ib. <i>They shew Mr. Farmer was incapable</i> 266 <i>Testimonials against him of several Irregularities</i> 267 <i>The Court decree Dr. Hough's Election void</i> 268 <i>And suspend the Vice-President</i> ib. <i>The King's Mandate to the College; to admit the Bishop of Oxford President</i> 269 <i>The King goes down to Oxford, and threatens the College for their Contempt</i> 269 <i>Commands them immediately to elect the Bishop of Oxford</i> ib. <i>They refuse</i> 270 <i>The College's Petition and Address to the King</i> ib. <i>A Letter to the College, with some Queries concerning their Proceedings, and their Answer</i> ib. & seqq. <i>A Deputation from the High Commission goes down to the College to visit them</i> 273 <i>The Bishop of Chester's Speech to the College</i> ib. <i>Their Hearing</i> ib. <i>The Decree for making Dr. Hough's Election void, read</i> 274 <i>He refuses to submit to the Decree</i> ib. <i>Is charg'd with Contumacy</i> 275 <i>Protests against the Proceedings of the Court, and is bound over</i> 276 <i>Dr. Fairfax and the Fellows refuse to install the Bishop of Oxford</i> ib. and 277 <i>The Bishop of Chester installs the Bishop of Oxon by Proxy, and breaks open the President's Lodging</i> 277 <i>Dr. Fairfax and the Fellows refuse to obey the Bishop of Oxford</i> 278 <i>The Bishop of Chester inveighs against the Behaviour of the College in a second Speech</i> 280 <i>Dr. Aldworth the Vice-President, and the rest of the Fellows who refused to submit to the Bishop of Oxford, expell'd the College</i> 282 <i>Their Protest</i> ib. <i>The Sentence of Expulsion</i> ib. <i>They are decreed incapable of any Preferment</i> ib. MAGISTRACY and Government of England vindicated, as to the Proceedings in the Lord Russell's Trial, by Sir Barth. Shower III. 765 MAHONY, Matthew, his Trial. See Goodere, Samuel.</p>
---	---

An Alphabetical T A B L E.

M A L I C E.

Malice express, and implied, defined II. 643
Where the Law implies Malice III. 62. IV. 386
The pursuing malicious Methods to obtain a Right, makes the Party doing it liable to an Action III. 1090

MANDATE. See Cambridge, and Magdalen College.

MANSLAUGHTER. See Murder.

MANSFIELD, Richard Esq; III. 949. See Sacheverell, William.

M A R R I A G E.

If a Woman be taken away by Force and afterwards married, though by her Consent, the Person taking her is guilty of Felony V. 464

Marrying a Woman under a Force is Felony, though the Party marrying her was not Author of the Force 473

One may be guilty of Felony in aiding and assisting a Person in a forcible Marriage, though not present at the Ceremony 478

The Marriage is null and void ab initio, where either of the Parties are pre-contracted 628

Marrying a second Wife, the first being alive, Felony by the Statute 627

MARSHAL, William II. 917. See Wakeman, & al. II. 993. See Anderson, & al.

MARSON, John V. 194. See Cowper, & al.

MARTEN, Henry II. 309, 392. See Regicides.

MARY, Queen of Scots. See Scots.

MASS II. 801. See Plot, Popish.

MAY, William V. 1. See Dawson.

MEAD, William II. 610. See Penn.

MEDIETAS Linguae. See Alien.

MERRICK, Sir Gilly, his Trial I. 209. See Blunt, Sir Christopher.

MERVIN, Lord Audley. See Audley.

M E S S E N G E R.

Whether it be lawful to commit State-Prisoners to the Custody of Messengers IV. 556, 557

MESSINGER, Peter, Richard Beasley, William Green, Thomas Appletree, Edward Cotton, John Earles, William Wilks, Richard Farrel, William Ford, Edward Bedle, Richard Latimer, Thomas Limerick, Richard Woodward, John Richardson, and John Sharples, their Trial for High Treason, 20 Car. II. 1668 II. 585

Four Indictments for levying War against the King ib.

Evidence on the Trial of Messenger, Beasley, Green, and Appletree, for assembling under Pretence of pulling down Bawdy-houses, and actually pulling down several Houses 586

The Evidence on the Trial of Bedle and Latimer 588

The Evidence against Cotton, Earles, Wilks, Farrel, and Ford, for assembling under Pretence of breaking open Prisons 589

Evidence on the Trial of Richardson, Limerick, and Woodward 590

The Jury find a Special Verdict 591

The Special Verdict at large ib.

The Chief Baron Hale is of Opinion these Facts did not amount to High Treason 593

All the rest of the Judges resolve that these Offences were High Treason ib.

Rising to pull down Bawdy-Houses in general, or break open Prisons in general, and putting such Design in Execution, is High Treason ib.

Lawful for private Persons to arm themselves to oppose Riots, Rebellions, or common Enemies II. 593

The Matter found against Messenger, Beasley, Cotton, and Limerick, resolved to be High Treason; and they are executed 594

But as to Appletree and Latimer, the Judges being divided in their Opinions, they were recommended to the King's Mercy ib.

As to Green and Bedle, they being only found to be present, and not found that any Act of Force was committed by them, or that they were aiding or assisting, they were discharged ib.

MEYNE, Simon II. 399. See Regicides.

MILLINGTON, Gilbert II. 399. See ib.

MISPRISION. See Treason.

MIS-SPELLING, in an Act of Parliament, offer'd in behalf of a Prisoner; but over-ruled II. 310

MITCHELL, James, his Trial for attempting the Murder of the Archbishop of St. Andrews, and wounding the Bishop of Orkney, 30 Car. II. 1678 623

His Examination before a Committee of Council ib.

He is put to the Torture 625

His Examination, whilst under it 626

The Libel against the Prisoner 627

Warrant from the Privy Council for prosecuting him 628

Counsel assign'd the Prisoner ib.

They insist that an Endeavour, or Attempt, to commit Murder ought not to be punish'd as Murder ib.

That Mutilation was not Capital by their Laws; though dismembring was 629

As to the assaulting a Privy-Counsellor, it ought to have been laid to have been done in the Execution of his Office, to make it Capital ib.

The Prisoner's Confession out of Court shall not convict him ib.

Alledged, that the Prisoner, and other of his Followers, held it lawful to kill a Bishop 630

An Endeavour to assassinate, punishable with Death by the Civil Law; unless the Offender can shew some Provocation: and it is not necessary to shew the Offender took Money, to denominate him an Assassin ib.

An Attempt to rob or ravish, punishable with Death in Scotland ib.

A Promise of Pardon by a Magistrate who cannot grant it, of no avail ib.

The Party's Confession the strongest Evidence against him 631

The Court of Opinion that it appear'd, the Prisoner made the Attempt on his Grace for doing his Majesty's Service 637

That his Confession before the Council could not be retracted; but, if it were prov'd to be on Promise of Life, the Prisoner should have the Benefit of it ib.

The Prisoner's Confession, and the Witnesses produc'd against him ib.

The Lord Chancellor deposes, no Promises of Life were made the Prisoner on his Confession 638

An Act of Council concerning his Confession 639

The Verdict 640

The Court passes Sentence of Death on the Prisoner ib.

His last Speech ib.

MODERS,

An Alphabetical TABLE.

<p>MODERS, Mary. See German Princess II. 498</p> <p>MOHUN, Charles Lord, his Trial before the House of Peers, for the Murder of William Mountford, Jan. 31, 1692, 4 W. & M. IV. 510</p> <p>The Lords sit in Westminster-Hall ib.</p> <p>The Certiorari and Return, &c. read 511</p> <p>The Prisoner brought to the Bar 512</p> <p>The Marquis of Carmarthen, Lord High Steward ib.</p> <p>His Speech to the Prisoner ib.</p> <p>Admitted that a Peer need not hold up his Hand ib.</p> <p>The Indictment 513</p> <p>Sir John Somers, Attorney-General, his Speech before Evidence ib.</p> <p>The Evidence against the Prisoner 516</p> <p>Evidence of the Declaration of the Deceas'd, after he was wounded ib.</p> <p>That Lord Mohun promis'd to assist Mr. Hill in his Design to carry off Mrs. Bracegirdle; and said he would stand by his Friend 517</p> <p>That they accordingly made an Attempt together; but were disappointed 518</p> <p>Evidence that Hill ran the Deceas'd through before he could draw his Sword 520</p> <p>Evidence of my Lord Mohun's Sword being drawn, just before the Murder ib.</p> <p>My Lord Mohun caresses Mountford at the Time he was wounded 521, 524</p> <p>Evidence of the Watch meeting my Lord Mohun and Mr. Hill with their Swords drawn, before Mrs. Bracegirdle's Lodging 524</p> <p>Evidence of the Terror my Lord Mohun was in when he was taken 523</p> <p>Evidence that Mountford was run through before his Sword was drawn, and while my Lord Mohun was by him ib.</p> <p>The two Surgeons Evidence 525</p> <p>Lord Mohun's Witnesses 526</p> <p>The Evidence of Hill's Boy ib.</p> <p>He swears that my Lord stood upon the flat Stones, whilst Hill and Mountford fought in the middle of the Street 527</p> <p>Other Witnesses to the same Purpose 528</p> <p>A Deposition of Hill's Boy before the Coroner read against the Prisoner, though the Witness was examin'd in Court viva voce 534</p> <p>Sir Thomas Trevor, Solicitor-General, sums up the Evidence 535</p> <p>The Lords debate the Points of Law in their House above 537</p> <p>Their Lordships require the Judges Opinions in a Point of Law 538</p> <p>The Prisoner's Counsel permitted to argue the Point, before the Judges gave their Opinions ib.</p> <p>The King's Counsel refuse to reply, unless their Lordships would admit that the Case put was my Lord Mohun's Case 540</p> <p>The Judges Resolutions 541</p> <p>Second Question, with the Judges Resolutions 542</p> <p>Third Question 544</p> <p>Fourth Question 545</p> <p>Fifth Question 547</p> <p>Sixth Question 549</p> <p>The Prisoner's Counsel not suffer'd to reply, after the Judges had given their Opinions in any Point ib.</p> <p>Seventh Question 550</p>	<p>Lord Mohun is acquitted IV. 553</p> <p>MOHUN, Charles Lord, his Trial for the Murder of Richard Coote, Esq; 29 March, 1699, 11 W. III. V. 180</p> <p>Lord High Steward, Lord Somers, his Speech to the Prisoner ib.</p> <p>The Indictment 181</p> <p>Sir Thomas Trevor, Attorney-General, his Speech 182</p> <p>The Evidence given by the Drawer of the Grey-Hound-Tavern ib.</p> <p>The Chairman's Evidence 183</p> <p>The Surgeon, who view'd Captain Coote's Body, his Evidence 189</p> <p>The Lord Mohun calls a Witness ib.</p> <p>Lord Mohun's Observations on the Evidence 190</p> <p>Mr. Solicitor's Observations for the King 191</p> <p>My Lord Mohun is acquitted 193</p> <p>He promises to avoid all Quarrels for the future ib.</p> <p>The Court dissolv'd 194</p> <p>MONSON, Sir Thomas, arraign'd for the Murder of Sir Thomas Overbury; but not tried I. 347</p> <p>MORDANT, John Esq; his Trial before the High Court of Justice for High Treason, the 1st of June, 1658 II. 292</p> <p>Impeach'd of High Treason against the Protector and State ib.</p> <p>He is refus'd a Trial by Jury 293</p> <p>Pleads Not Guilty 294</p> <p>Evidence of his making an Interest to bring in King Charles 295</p> <p>A Witness withdrawing himself, the Justice who took his Examination permitted to give in Evidence what the Witness depos'd before him 296</p> <p>The President (Lisle's) Speech to Sir H. Slingsby, Dr. Hewet, and Mr. Mordant, before Judgment 298</p> <p>Tells them, God had done as miraculously for the Cause, as he did of old for the Israelites against the Egyptians ib.</p> <p>That they ow'd Natural Allegiance to the Protector ib.</p> <p>Mr. Mordant acquitted 299, 300</p> <p>MORE, Sir Thomas, try'd for High Treason in denying the King's Sepremacy, 26 Hen. VIII. 1535 I. 59</p> <p>Barton Eliz. and several others, attainted of High Treason by Act of Parliament ib.</p> <p>Names of his Judges ib.</p> <p>The Solicitor General comes to him, to pump him ib.</p> <p>They debate the Points of Succession and Supremacy ib.</p> <p>His Reason for being against the King's second Marriage 60</p> <p>The Solicitor swears several things against him that pass'd at his Examination; which Sir Thomas denies ib.</p> <p>His refusing the Oath of Succession, his principal Crime ib.</p> <p>Complains he had been imprison'd fifteen Months, and his Estate confiscated before his Trial ib.</p> <p>Puts the Lord Chancellor in mind, that before Sentence it ought to be demanded of the Prisoner, what he has to say why Judgment should not be pronounced against him 61</p> <p>And then he asserts, that the Act of Parliament concerning the Supremacy was repugnant to the Law of God 62</p> <p style="text-align: right;">That</p>
---	---

An Alphabetical TABLE.

That no Temporal Prince may presume to take upon him the Supreme Government of the Church I. 62
That this Kingdom was but Part of the Catholick Church; and that the Act was contrary to several Statutes in Force, and particularly Magna Charta, and contrary to the King's Coronation-Oath ib.
He has Judgment as a Traitor ib.
But is beheaded 63
MULLINS, Darby V. 287, 297. See Kidd, & al.

MURDER.

The Procurers of Murder guilty of Murder I. 348, &c.
Where the Concealment of an intended Murder shall bring one within the Guilt of Murder 343
Poisoning made High Treason by a Statute, and the Person guilty to be boil'd to death 324
Murder of Sir Edmondbury Godfrey II. 760
Where one present at a Murder shall be deem'd guilty of Murder, and where not 728
One engag'd in a Design of Murder, and posted so as to give any Assistance to those that actually do it, is, in the Eye of the Law, present, though not upon the Spot where the Murder was committed, nor even in sight or hearing of it VI. 822, 828
Murder made High Treason in Ireland IV. 403
One convicted of Murder on circumstantial Evidence 488
Where one present at a Murder shall be guilty of Manslaughter 541
Where one who knows of the Malice between the Parties, and is present accidentally at a Murder, is not guilty of any Offence 543
A Person not consenting or contributing to the Murder, is not guilty of any Offence, though present 544
The bare knowing his Friend's Design to lie in wait to commit Murder, does not bring one within the Guilt of Murder, if he did not consent to it 546
One knowing of his Friend's Design to commit Murder, and accompanying him in it, is guilty, if the Person be kill'd 549
One having promis'd to stand by his Friend to assault another, and is designedly present when he is kill'd, guilty of Murder 550
But where one happens to be kill'd after the unlawful Action they agreed on is over, 'tis otherwise 552
Murder of Mrs. Stout, four Persons try'd for it V. 194
Words not such a Provocation in Law as will reduce the Offence of killing a Man to Manslaughter 296

MUTE. See Trial.

N.

N**AIRN, William Lord** VI. 1. See Derwentwater, Earl of.

NATURALIZATION.

The Natives of Scotland, and formerly of Gascoigne, &c. when united to the Crown of England, were Denizens of England, and needed not to be naturaliz'd here II. 9, 11
An Act naturalizing the Father, naturalizes his Children born before the Act 12

VOL. VI.

NAYLOR, James, his Trial before a Committee of the House of Commons for Blasphemy; II. 265
1656
Report of the Committee ib.
James Naylor's Account of himself ib.
Charg'd with personating our Blessed Saviour ib.
A Paper containing the Description of our Saviour, as it was given to the Senate of Rome by Pub. Lentulus, found upon him 266
His Person not unlike that Description ib.
He assumes the Titles due only to our Saviour 267, & seqq.
The Committee resolv'd, that he is guilty of the Charge 269
His Followers, who were in Custody with him, give him Divine Worship 270
As did many Quakers, who came to see him ib.
The House agree with the Committee ib.
Sentenc'd to be bored through the Tongue, whip'd, &c. 272
Lord Commissioner Whitlock's Speech in the House of Commons 273
NEVIL, Alexander, Archbishop of York. See Brambre.
NITHISDALE, William Earl of VI. 1. See Derwentwater, Earl of.
NORFOLK, Thomas Howard, Duke of, his Trial by Commission, the 16th of January, 1671; I. 82
14 Eliz.
Names of his Peers 83
The Indictment charges him with a Design of marrying the Queen of Scots; with aiding the Earl of Northumberland and other Rebels; with adbering to the Queen's Enemies, corresponding with the Pope and King of Spain, and promoting a foreign Invasion 83, 84
He is deny'd Counsel, though he cites a Precedent for it 86
Is requir'd by the Court to answer directly, whether he knew of the Queen of Scots making Pretensions to the Crown of England 89
The Bishop of Rosse's Examination read 90
Earl of Murray's Letter read 92
Bishop of Rosse's Letter to the Queen of Scots read 94
A Letter from the Duke to the Earl of Murray read 95
The Duke's own Examinations and Letters read 96, 97
An old Prophecy given in Evidence 100
The Court denied to let the Witnesses be examined viva voce 95, 98
The Duke in his Defence objects to the Bishop of Rosse's Evidence, as being a Foreigner, &c. particularly as he was a Scot, and might be made a Prisoner in time of Peace 102
A Title deriv'd to the Queen of Scots above the Conquest 106
The Pope's deposing Power ib.
Foreigners, Bondmen, and Persons confessing themselves guilty of Treason, may be Witnesses, if they do not stand indicted, outlaw'd, or attainted 113
Where the Subjects of a foreign Prince may be deem'd Enemies, though the Prince be in Amity with us 115
The Crown entering into a War with any other Nation, a sufficient Declaration of their being Enemies, without a Proclamation ib.
The Duke is convicted ib.
Judgment is pronounc'd on him as a Traitor 116

* N

His

An Alphabetical TABLE.

<p><i>His Behaviour at Execution</i> ib.</p> <p>NORFOLK, Henry Howard, Duke of, <i>Proceedings in Parliament upon the Bill of Divorce between him and his Duchefs</i>, 1699, 12 W. III. V. 239</p> <p><i>The Bill of Divorce</i> ib.</p> <p><i>Complaint made to the House, that the Duke cannot get his Witnesses to attend</i> 241</p> <p><i>The Depositions of Eleanor Vanels for the Duke</i> 243</p> <p><i>Depositions of Nicholas Hofier</i> 246</p> <p><i>Of William Bayly</i> 251</p> <p><i>Depositions of Thomas Hawksworth for the Duchefs</i> 253</p> <p><i>Depositions of John Peacock</i> 254</p> <p style="padding-left: 2em;"><i>of Frances Knight</i> 256</p> <p style="padding-left: 2em;"><i>of William White</i> 258</p> <p style="padding-left: 2em;"><i>of Matthew Macdonald, and others</i> 260</p> <p><i>The Bill past the Lords, and sent down to the Commons</i> 265</p> <p><i>The Duchefs's Petition</i> 266</p> <p><i>The Duke's Case</i> ib.</p> <p><i>Bishop Cofin's Argument, whether Adultery is a just Cause of Divorce</i> 268</p> <p><i>The Duchefs's Case</i> 271</p> <p><i>The Bill read a second Time by the Commons</i> 274</p> <p><i>Sir Thomas Powis's Speech for the Duchefs</i> ib.</p> <p><i>Mr. Dodd's Speech</i> 277</p> <p><i>Dr. Pinfold's Speech on the same Side</i> 278</p> <p><i>Mr. Serjeant Wright's Speech for the Duke</i> 279</p> <p><i>Mr. Northey on the same Side</i> 281</p> <p><i>Mr. Oldys's Speech for the Duke</i> 282</p> <p><i>The Duchefs's Counsel reply</i> ib.</p> <p><i>Mr. Northey opens the Evidence</i> 283</p> <p><i>The Witnesses examin'd</i> 284</p> <p><i>The Duchefs's Counsel desire to read the Depositions taken before the Lords, in order to prove that the Witnesses contradict themselves</i> 285</p> <p><i>Which being refus'd, they decline making any further Defence</i> ib.</p> <p><i>The Bill is pass'd</i> 286</p> <p>NOTTINGHAM, a Riot at an Election there tried III. 949. See Sacheverell, William, Esq;</p> <p><i>The Case of that Corporation in 1684, stated by the late William Sacke, Esq;</i> 978</p>	<p>OATES, Titus, <i>his Trial at the King's Bench Bar, in Easter Term, the 8th of May, 1685, 1 Jac. II. upon an Indictment of Perjury IV. 1</i></p> <p><i>The Defendant permitted to sit within the Bar</i> ib.</p> <p><i>The having been on the Grand Jury, a good Cause of Challenge</i> 2</p> <p><i>The Court deny to bring up the Prisoner's Witnesses who were in Execution for Debt, in the King's Bench, either by Habeas Corpus or Rule of Court; alledging it would be an Escape</i> ib.</p> <p><i>The Indictment</i> ib.</p> <p><i>The Defendant's Exceptions to it</i> 5</p> <p><i>He is told he moves them out of Time</i> ib.</p> <p><i>Sir Robert Sawyer, Attorney-General, his Speech before Evidence</i> ib.</p> <p><i>Evidence of his former Testimony</i> 7</p> <p><i>Lord Gerrard's Evidence of Oates's being at St. Omers, when he swore he was in London</i> 21</p> <p><i>A Clergyman of the Church of England, and about twenty other Witnesses depose to the same Effect</i> 22</p> <p><i>Oates says he is prosecuted to serve a Turn, the Court resent it</i> 24</p> <p><i>Mr. Oates's Defence</i> 27</p> <p><i>He insists his Evidence ought not to be question'd or impeach'd, while the Records of Conviction remain'd in Force, and unrevers'd against the Parties who were convicted on his Evidence</i> ib.</p> <p><i>Complains of being prosecuted so long after the suppos'd Crime; especially when the Parliament and Courts of Justice had express'd their Satisfaction of the Truth of what he had depos'd</i> ib.</p> <p><i>The Defendant's Witnesses, to prove he was in London in April 1678</i> 30</p> <p><i>Earl of Devonshire call'd as a Witness for Mr. Oates</i> 38</p> <p><i>Earl of Clare also examin'd by him</i> 39</p> <p><i>Earl of Huntingdon call'd as a Witness by him, who says, though the Defendant was believ'd once in the House of Lords, they had now alter'd their Opinions of him</i> 40</p> <p><i>Oates shews he had the Thanks of the House of Lords for discovering the Plot</i> 41</p> <p><i>Several of the Judges examin'd</i> 40, 41</p> <p><i>Mr. Attorney-General replies to Mr. Oates</i> 42</p> <p><i>Oates's Evidence against the Queen and Sir George Wakeman, of a Conspiracy to poison the King</i> 43</p> <p><i>His Evidence against the Earl of Castlemaine</i> 44</p> <p><i>Oates objects, that those who had been indicted on his Evidence, and acquitted, ought not to be admitted Witnesses against him</i> ib.</p> <p><i>Insinuates, that the Design of prosecuting him was, to smother the Popish Plot</i> ib.</p> <p><i>Oates's Narrative, sworn to in the House of Lords, produced as Evidence against him</i> 47</p> <p><i>The Court refuse the Testimony of a Person who came to swear he had forsworn himself at a former Trial</i> ib.</p> <p><i>The King's Counsel insist, that this Evidence was always admitted to prove a Subornation</i> ib.</p> <p><i>Evidence of Oates's suborning and tampering with the Witnesses at the Trial of the five Jesuits</i> 48</p> <p><i>Hearsay Evidence admitted to confirm another's Testimony</i> ib.</p> <p><i>Oates objects to the Testimony of Papists, as being Parties in this Cause</i> 50</p> <p style="text-align: right;"><i>He</i></p>
---	--

O.

<p>OATES, Titus, <i>Proceedings on the Writ of Enquiry, between His Royal Highness James Duke of York, and the said Oates, June 18, 1684, 36 Car. II.</i> III. 987</p> <p><i>The High Sheriff present in Court, and sits cover'd during the executing the Writ. Fifteen sworn on the Jury</i> ib.</p> <p><i>The Writ at large in English</i> 988</p> <p><i>The Duke had declar'd on the Statute de Scandal. Magnat. the Words laid to have been spoken were, That the Duke of York was a Traitor</i> ib.</p> <p><i>The Words prov'd to be spoken at the Bishop of Ely's Table</i> 990</p> <p><i>Other Words prov'd to be spoken; as that the Duke fir'd the City; that he was a Son of a Whore, and should never succeed to the Crown, &c.</i> ib. 991</p> <p><i>The Chief Justice Jefferies's Observations on the Evidence</i> 993</p> <p><i>Damages given by the Jury, 100,000 l.</i> 996</p>	
---	--