

Was it ever (I speak to you, Gentlemen of the Jury, Citizens of *London*, who know its antient Constitution, and have too well experienced its late Convulsions) was it ever known, till Justice was designed to be corrupted, that there was any labouring to be Sheriffs? No, Endeavours were always used to be excused, and Fines paid to get off from that Office: And the reason is plain; for never was there a wise and wealthy Citizen, that had a mind, out of a principal Part of his Estate, to squander away so much as is necessary to defray the Charge of that Office: But it was the Design that those Rascals had upon the Government, that made them so greedy of those Places; and they thought they had now an Opportunity to effect their Design, upon these Fellows pretended Discovery. They believed, that because we were hurried into the Mischiefs of the late Times, by Pretences of *Popery*, the same Bait would be swallowed now: Therefore the Cry must be set up, *Popery was a coming in*. They concluded, if they could but make use of the same Engines, they should have the same Effect: Witness a Peer, that is now dead, one that was a main Instrument of our Confusion in the late Times, and thereby experienced in Villany, was made use of as the chief Tool in these late Contrivances.

But alas! when they found those Pretences and Projects would take no longer, then they fly to that, which was indeed the bottom of all; I mean, *The bloody Conspiracy*. When they found they could not overthrow the Government by Methods of Law, they betake themselves to downright Treason. For by this time the Eyes of the honest Citizens were opened; and they found what Interest was driving on: And it was time to have them open, when a Cause in *Guild-Hall* was always tried according to the Characters of the Client, and not the Merits of the Cause; when if a Man was blasted with the Name of a *Tory*, he was sure to lose it: But if a whining Rascal was sanctified with the Name of a *Whig*, he was sure to have it go on his side: Witness the famous Cause of *Mr. Loades*, about his *Lemons*.

But when Sheriffs came to be elected in due manner, such as were fit to be trusted with the City Business; what do they, but break out into a horrid Conspiracy, to take away the Life of that blessed King, that merciful Prince, so lately deceased, to the Grief and Sorrow of all his loving and loyal Subjects? And not only so, but to rob us of his sacred Majesty, our present most Gracious Sovereign; whom I pray GOD to preserve long to reign over us. [To which, the Auditory gave a great Acclamation, saying, Amen.]

Gentlemen, When these Things are thought upon, you must give me leave to observe (let others think what they please) that was the real Plot, the true Plot: For there is one thing observable, that attends this whole Affair, that every Man who suffered for the Plot, which the Witnesses truly call *Oates's Plot*, to a Man denied it, even to the last Gasps; and took it upon their Deaths and Salvations, that they were innocent: Nay, when they had not those Hopes *Bedloe* had of Life, (for I cannot believe, that he could have been so egregious a Villain, as to have attested such notorious Lyes, if he had not hoped to have recovered, and thereby increased his own Reputation) yet not a Man of the others, but disowned it with their dying Breath. Now, on the other side, there was not a Man, that was concerned in the Conspiracy, of which this, was

to be the Blind and the Colour, had the Confidence to deny it, when they came to suffer for it. All this ought to be put in the Balance, and duly weighed.

For, Gentlemen, because it is a Matter that is not only publick here, but all the World over, we must have the Justice of the Nation vindicated, and its Dis-reputation wiped off. And having taken notice of these Things, which I could not well omit upon this Occasion, I must now put you in mind, what is necessary for you to take into your Consideration, as to the particular Case before you. And,

First, You must observe, that this Indictment against *Oates*, is for committing wilful and corrupt Perjury; which is also said to be done maliciously. And if it were false, surely it was malicious; because by his false Oath, have innocent Men been convicted, condemned, and executed.

Secondly, You are to consider, how far the Thing goes, to make it material to the Issue: For if it were upon a Nicety only, or a Catch, or any of those fine Words, that he has been pleased to make use of; it were not fit to perjure him upon it. But it is certainly very material: For Time and Place are Matters substantial to discover Truth and Falshood by; as in the Case of *Susannab*, the Perjury of the *Elders*, as you may remember, was detected by those very Circumstances. But I shall shew you the Occasion of this Oath; and that will manifest it to be a material Part, in respect of the Time. For,

First, Here was a Consult held, as he testified, the 24th of *April*, 1678; and then he swears *Ireland* was in Town, and present at the Consult: But all that *Oates* swore, would not do the Feat, because that he was but one Witness. Then comes *Bedloe*, his worthy Yoke-fellow (a Brace of such Witnesses, as the Lord deliver all Mankind from) and he assigns another Fact upon *Mr. Ireland*, in the Month of *August*, the latter end of it, or the beginning of *September*; which is material, and makes two Witnesses against *Ireland*, which *Oates* knew well enough: For he is his Arts-Master; he knows all the Tricks, and can tell the very nick that will do. And therefore, when he finds *Mr. Ireland* so positively affirming, that he was then out of Town; and if so, *Bedloe* did not swear true: then does this *Oates* come in, (and thereby makes his Testimony material to the Point then in Issue,) says he, *The first of September, or (at least) the second, I will swear he was in Town; for he gave me twenty Shillings*. And that is given as a Token, why he does remember it. And thus he did prop up *Bedloe's* Testimony, against *Mr. Ireland's* Defence. This is proved to you by *Mr. Waterhouse*, who was one of the Jury. And the same thing does the next Gentleman swear, which is *Mr. Byfield*: They do both agree in that Circumstance punctually, that he swore he had then of him twenty Shillings.

As, (but says he for himself, because I would remove the Objections out of the way, as they occur to me) 'tis very hard, this being now some six or seven Years ago, that I should be called to question about such a thing; when they might have had a time to disprove it before.

Besides, Gentlemen, the Answer that has been truly given to you, concerning the Miserableness of the Times; when, the Truth of it is, there was no Justice to be had for Protestants, if we speak of the *Church-of-England Men* under that Name: For either they were Papists in Masquerade, or Popishly

Popishly affected; or the Names of *Tory* and *Tanti-vy*, and I know not what, was enough to do their work for them: And no body was reckon'd of the Sober, Virtuous, Godly Party, but those that were under *Associations* and *Covenants*; as tho' there was no Sanctity to be found in any but those who were bent to destroy all Virtue and Religion. I say besides that, there is another Answer, which I am sorry has so much weight in it: Could any Man have believed that *Oates* should dare so impudently to swear a Falshood, and that in a Cause where Life was concern'd; and the Man hang'd upon his Testimony? To what purpose then should his Relations interpose to disprove *Oates*, after his Death? That would not revive him. But you find there was an Inclination that way; and I wish to God, with all my heart, it had taken effect: For what says the old Gentlewoman? As soon as she heard what Mr. *Oates* had sworn, which she knew to be false, immediately she dispatch'd an Express to *London*; and sent a Petition to the King, *That either Ireland might have a new Trial, or his Execution might be repriev'd, till they brought up such Witnesses, as would have made it apparent, and as clear as the Light, that what this Fellow had testified, was notoriously false.* But such, such, I must say, was the Misfortune of the Time we were in, that stopp'd the Fountain of Mercy it self, from letting forth its wonted Streams; and even compell'd that compassionate Prince, rather than he would give any disturbance to his People, to permit that Execution against his own Inclination; because there was a Verdict, and Judgment in the Case. For as he was really the Fountain of Justice, so was he of Mercy too. And it is well known to those that had the happiness to be near his Person, how oft he expressed his Concern for having consented to this Execution. And this continued with him even to his dying Day, as the business of my Lord of *Strafford* did with his Royal Father.

And, Gentlemen, I chose to mention this Passage concerning his late Majesty, for this reason, That when we live in such tumultuous Times, when things are put so hard upon Princes, as to compel them to restrain their Mercy, where they think it due, rather than seem to stop the Current of Justice; this should not be remember'd with any Reflection upon them, but with Infamy to those that are the Causes and Grounds of it: When such prodigious Wretches, as *Oates* and *Bedloe*, for there appears no Evidence before you, but of those two profligate Villains, who came out of Goals, and after having been guilty of Villanies almost of all sorts that ever were committed, came to be sanctified by committing more; and were therefore call'd, *The Saviours of the Nation.*

Gentlemen, The next Objection that is made against the Evidence for the King, is, *That they are all Papists; who design nothing but to destroy the Government, and ruin the Protestant Religion.* And this must be taken to be the whole Design of all these Persons of Quality, and others, that they come to forswear themselves, and damn their Souls to all Eternity, on purpose only to destroy Innocent, Protestant Mr. *Oates*. Alack-a-day! When at the same time, I must tell you, if it were necessary, you have about seven or eight Protestant Witnesses of the Church of *England*, that confirm the Testimony of the rest: Not that we must think, or ought to have any such Conception among us, but that *Roman* Catholicks in point of Law, are good Witnesses; and are to be credited as much as any other

Witnesses whatsoever, unless there be some Objection made to them; which would be the same against a Protestant as a Papist: For there remains a Right in them, and they ought to have equal Credit given to their Testimony, with those of any other Persuasion, if a regular Objection be not started against them. And sure I am, that has been always the Law; and shall be my Practice, while I have any thing to do with the Administration of Justice. Let the Sober Party, as they call themselves, make what Reflections they please upon it, or trouble themselves as they will about it, I value them not, nor their Opinion: Let them send as many Penny-Post Letters and Libels as they have a mind to do; two of which I received last Night, about yesterday's Trial. This I am sure of, Lying is as much the Talent and Inclination of a Presbyterian, as ever it can be of a Papist: Nay, more; for it is as inseparably incident to a Presbyterian (and such sniveling, whining, canting Knaves) to lye, as to speak. They can no more forbear Lying than they can forbear Speaking; for generally, as often as they do the one, they do the other.

Besides, I must observe to you, with what Caution, Care, and Sobriety, both of Expression and Action, all these Gentlemen and Women have delivered their Testimony, with the greatest Tenderness and Care that possibly could be: And as well as they have given it with Caution, so I cannot but put it home to you, Gentlemen at the Bar, to give it its due Consideration.

For tho' the other Juries did believe *Oates*, and not them at that time; yet that is not to be your Measure, because you have not the same Reason to do it. Could any Person think, that there should be such Villains upon Earth, as impudently to swear downright Treason against their Fellow-Subjects, if there were no Truth in the Accusation? That was the thing that guided those Juries, who were all of them, no doubt, very honest Men; and that was it, which influenc'd the Parliament to do what they did in the matter. For it was morally impossible to be thought, any such Wickedness could be so publickly attempted.

But, God be thanked, the Eyes of all honest and understanding Men are opened. And we see the fault was in our Credulity; and that these were Fellows should not have been believed: And it concerns us, when the Truth has been so debauch'd, and our Credulity so imposed upon, to shew the World our just Resentment thereof.

And this I say to you, Gentlemen, with a purpose to vindicate those Persons who were concern'd as Jurors, in the Trials of all those Causes; because that is the thing much harp'd upon, and aim'd at: That because he was believ'd before, to disbelieve him now, would cast a Reflection upon the Juries; whereas, if that Opinion hold, never will there be any such thing as Perjury detected, so long as the Sun and Moon endure: For if a Verdict be obtain'd upon false Testimony, and it shall be enough for the Witness to say, I was believ'd at such a Trial, and therefore do not you offer to prosecute me for Perjury: That would be the finest Doctrine that could be taught, to give a Licence to destroy all Truths, Justice, and human Society.

Therefore I leave it home upon you: Upon your Consciences be it; for, in the presence of the Great God of Heaven and Earth, that sees all our Hearts, and will judge us for our inward Thoughts at the last Day, *Liberavi animam meam.* If you can find all these Persons (in number forty-seven) guilty of

wilful, downright, malicious, and corrupt Perjury, then you must acquit the Defendant.

For the Particulars of the Evidence, which abound in many material Circumstances in point of Time and Place, I shall run them over as short as I can, and remind you of them; not because I think it extraordinary necessary, as tho' there were the least doubt of the Fact, but for the Satisfaction of all Mankind, that are not under invincible Prejudice against the Truth. And I am sure, upon yesterday's Business there remain'd not any doubt with any that heard it, save one, who I know had a great share in the Design, that was at the bottom of it; and I doubt, was one of those Persons that set this Villain on work: his Name may be conceal'd for the present, but a few days will discover it here, or in some other place.

Gentlemen, what Mr Attorney, or Mr Solicitor-General, or any of the King's Counsel have said, or what the Defendant has said for himself, if not proved, and made plain by Evidence, is to be no Guidance at all to you, who are only to go according to the Testimony given to you; for that is pursuant to your Oath, which Oath is the Rule of your Enquiry.

The Witnesses that prove, that he did swear so in both the Points in the Indictment; I need not mention, they were so full: They tell you he swore, that *Ireland* was in Town from the 8th to the 12th of *August*: but because he fixed upon the 8th at first, there was Caution given him, *Be not so precise to a Day, consider with your self.* Then comes he to stab the Business to the quick, and to rivet it home: If I cannot be positive to the 8th, I will be positive between the 8th and 12th. And as to the other Point, I did observe before that, because *Bedloe* was at a stand, upon *Ireland's* denying his being in Town the latter end of *August*, or the beginning of *September*, therefore comes *Oates* up again, to fix it home; and, says he, I am sure he was in Town the 1st or 2d of *September*, because he gave me twenty Shillings. That he swore this, is testified by three Gentlemen who were Jury-men at those Trials.

Now, that this is notoriously false, false to a title; and, and as Mr. Solicitor does observe, not the least time left to give any sort of countenance to what he swore, is thus made out to you.

First, you are to take notice, that upon the 3d of *August*, being *Saturday*, it is sworn by three or four Witnesses, that he went out of Town; and this is not sworn as Mr. *Oates* gave his Evidence positively without Circumstances, but they give you an account how they remember it; because upon the *Wednesday* before, which was a publick Day of Note among them, and always kept as a Festival in memory of *St. Ignatius*, upon the last day of *July*, as both they and Mr. *Oates* himself do affirm, there went Mr. *Ireland*, Mrs. *Anne Ireland*, and their Mother out of Town to a Friend's House to dinner. Mrs. *Ireland* did desire him to stay there all night, as she did. No, says he, I cannot stay all night, because I must go out of Town on *Saturday*, and I must provide things necessary for my Journey: Nay, that is not all; for it goes yet further. Says his Sister unto him, Why do you begin your Journey on a *Saturday*? That is an improper Day. Oh! says he, I do it, because I am that Night to go to my Lord *Aston's* House in *Hertfordshire*; where I am to meet with Sir *John Southcoat*, and go down with them into the Country: This does the Mother swear, and the Sister. And then the Maid-Servant, and the Taylor's Wife, do

give you another Token, that it was *Saturday* the 3d of *August*, because he had something to be mended in his Clothes, and staid for them; and he was to go out of Town, for he had his Boots on.

There is yet this Circumstance further, wherein those four do all agree, That as he went out of Town the 3d of *August*, so he did not return till the 14th of *September*; for they say it was the *Saturday* Fortnight before *Michaelmas*, and the same Day of the Week that *Michaelmas-day* was of. So that you will find, that there is a constant Proof, and as plain a one as any possibly can be in the world, as to the time of his going out and coming home. And where he was in the mean time, proved directly by a great Company of Witnesses, except one Day. For you see, the 3d of *August* he went to my Lord *Aston's* at *Standen*: Several there are that saw him there the 4th, and dined with him there; particularly, Sir *Edward Southcoat*. And to shew that it is not a thing they are positive in, and swear it roundly without Consideration, they give you an account of the Reasons of their Knowledge. You are to consider also the Testimony given by my Lord *Aston*, a Person of great Honour and Quality: Says he, tho' I dare venture all I am worth in the World upon the Truth of it, that *Ireland* did go along with me all the Journey: yet, because I did not take such particular notice of the rest of the time as I did of those two Days, I will not take upon me to swear it. If Mr. *Oates* had had the fortieth part of that Caution in his Evidence, I dare say, you had not had the trouble of this Day's Trial.

The Fifth, you have a great many Witnesses who give you an account that he came on *Monday* night to *St. Albans* with my Lord *Aston*; there is Sir *Edward Southcoat*, Mr. *John Southcoat*, my Lord *Aston*, the Coachman, and all the Servants. Sir *Edward* tells you, that *Monday* was a hot Day, and my Lord *Aston* took him into his Coach; but he rode a horseback all the rest of the way, and had a fine going Horse, which Horse Mr. *John Southcoat* bought of him when the whole Journey was ended. They tell you likewise, upon the 6th and 7th Days, the very Inns they lodged at upon the Road; and particularly at *Northampton*, they lay at the *George*, which was Sir *William Farmer's* House, which was then let to an Inn-Keeper, because of the Fire in that Town. And, which is most material of all, for Mr. *Oates's* Satisfaction, you have for these times no less than four Witnesses, that are Protestants of the Church of *England*, who give you the same account. There are in all no less in number than fourteen to this Point; and whether you will believe those fourteen to be wilfully perjured, without Evidence to the contrary, is left to you; and if they do swear true, *Oates* that was yesterday found perjured, must be convicted of Perjury again to-day: For in short, the Question is, Whether you will believe Persons of Credit, that have no stain upon their Reputation, or *Oates*, that upon plain Evidence, as found guilty of Perjury yesterday.

When we come to *Tixhall*, we have no less number that testify where he was from day to day, and from night to night, to the 17th, and from the 17th to the 26th. You have fifteen Witnesses more, all as direct and positive, as can be in the World, swearing where he was from time to time. It seems he came to *Tixhall* on *Thursday* the 8th; there he staid till *Thursday* following, and then he went to *Holy-Well*: he lay the first Night at *Nantwich*; the next Night at *Holy-Well*, at the Sign of the *Star*, a notorious Inn there; he came to *Chester* on *Thursday*,

and some of the Company left him there, but others came back with him to *Tixball*; who say, he went away on *Saturday* Morning, which happens to be the 17th. And thus you have a full account of him, quite from the 3d to the 17th, beyond all controversy, plainly proved by Persons of undoubted Credit. And if he were, where they say he was, from the 3d to the 17th, how could *Oates* swear true, that he took his leave of him here in Town, between the 8th and 12th?

Now let us come from the 17th to the 26th, and you have no less than fifteen Witnesses, four whereof are Protestants; which I urge not as a necessary Qualification to be a Witness, but to answer *Oates's* Objection, as tho' this was a Popish Design to destroy him. They have given you an account where he was from time to time, by convincing Circumstances, which you have heard; particularly of one Day that he went to *Litchfield*; one of the Witnesses went with him, and a Protestant Witness too, that came back with him again, and supp'd with him at her Father's House. The Apothecary tells you, the Day that he saw him was a Wake-day, which is a remarkable Time in the Contry. You are told of the Funeral of one Woman's Mother, that made her stay away from *Monday* till *Thursday*: of another Man's Child. I mention them but shortly to you, because I know you have taken Notes of them, and they are only used as Instances to manifest the Integrity of the Witnesses, that this was not a thing contrived on purpose to make a Story of, but did really happen in the Order they tell it. And I must remember you of another Circumstance some of them do swear, that whereas *Oates* had a mind to evade their Testimony by that Question; whether this was the same *Ireland* that was tried? It was most certainly he; for that is made too evidently to appear, by their seeing him executed at *Tyburn*, I am sorry to say, innocently.

From the third of *August* to the twenty-sixth, there is not one Night, but you hear where he was: And from the twenty-sixth of *August* to the seventh of *September*, you hear where he was, at the Horse-match, upon the Bowling-green, at Mr. *Heveningham's*, Mr. *Lowe's*, Mr. *Gerrard's*, Mrs. *Crompton's*, Mr. *Pendrel's* Mr. *Gifford's*, and Mrs. *Harwell's*: And from the seventh to the fourteenth, save only one day, viz. the eighth, you have a particular Account too; and it does not appear by a rambling Evidence, but a faithful Account is given of all the Time, save that eighth day; which shews the Caution of the Witnesses. And it cannot but be easily presumed, he was either at *Tixball*, or thereabouts; because he was at *Wolverhampton* the seventh coming to *London* the ninth. How easy is it to imagine him there the eighth; and the rather, because where he was the eighth, is not material to the Point in question before you, but where he was the first and second?

And, Gentlemen, if in case you had a mind to imagine, he was the eighth at *London*, it must be by a strained Imagination: for you must take him to be at *Wolverhampton* the seventh, and make him ride post to *London* that Night, and return post from *London* the eighth to *Tixball*, to be ready there early in the Morning upon the ninth, or take four days Journey back again; or else you cannot give the least countenance to any other Imagination, but that he was about *Tixball* the eighth of *September*.

Well, at *Tixball* you have him the 9th of *September*; and from thence, you have it testified by

all the Persons that came along with him all the way, that he lay one Night at *Coventry*, another at *Banbury*, a third at *Agmondesham*: That he baited at *Uxbridge* the fourth, which was the 12th of *September*; and came to Sir *John Southcoat's* House that Night, being *Thursday*. He staid there *Thursday* Night, and *Friday*; and upon *Saturday* the 14th of *September*, Sir *John Southcoat's* Man went along with him to *London*, whither he rode upon the Horse he sold Mr. *Southcoat*: the Man saw him at his Lodging; and he says, they wondered when he came in, that he had staid so long.

And when we return to the four Witnesses they begun with at first, who make all this Testimony to stand well together; that he went away the 3d of *August*, and was never in Town till the 14th of *September*; and every day, but the 8th of *September*, which makes nothing to the business, is particularly spoke to: and he must be there that day too, except you will put him upon very hard Service, to ride post to *London* and back again, in twenty-four Hours; for no other reason, but only to commit a Treason, that none ever found out, but Mr. *Oates*. And, I am sure, if he did, he took a great deal of pains, to a very little purpose.

Gentlemen, I have taken up much of your Time, and detained you the longer in this matter, because I cannot but say, with grief of heart, our Nation was too long besotted; and of innocent Blood there has been too much spilt, 'tis high time to have some account of it. 'Tis a Mercy we ought to bless Almighty God for, that we are prevented from spilling more innocent Blood! God be blessed, our Eyes are opened; and let us have a care for the future, that we be not so suddenly imposed upon by such Prejudices and Jealousies, as we have reason to fear, such Villains have too much fill'd our heads with of late.

Gentlemen, 'tis incumbent upon you to try, according to the Evidence that has been given, whether the Defendant be Guilty, or Not Guilty. And 'tis incumbent upon us that sit here as Judges, to see the Law executed, as we will answer it at the Tribunal of the great Judge of Heaven and Earth; before whom we must appear, and receive our Trials at the Great Day. And God forbid, but we should use our utmost Endeavours, to inflict the greatest Vengeance, that the Justice of the Nation can permit us to inflict upon such Villains as these are; that have contracted so much Mischief and Reproach upon us, and so much Guilt upon themselves.

Gentlemen, I am sorry, I say, I have kept you so long. 'Tis a Case of such Importance, that I could not but say what I have done it in. There may be other Circumstances arising from the Evidence, which I may have omitted; but were very largely and fully spoken to by Mr. Solicitor. Whatsoever has been forgotten by him, or by me, I am sure, will be sufficiently supplied by your own Observations; for I know you to be Gentlemen of great Knowledge and Experience in Matters of this nature.

Then the Jury withdrew, to consider of their Verdict; and, after half an Hour's Recess, return'd to the Bar; and, answering to their Names, deliver'd in their Verdict, That the Defendant was guilty of the Perjury whereof he stood indicted: Which being recorded, the Lord Chief Justice spoke to the Gentlemen of the Jury to this effect.

L. C. J. Look ye, Gentlemen, because there has been some notice taken to-day, as there was yesterday,

day, concerning the Opinions of Judges, about Verdicts that have been given, I would say a word or two to you: not that I much admire the doing of it, at any time; nor would I do it now, for your sakes; because, I am sure, you act according to your Consciences, and affect not Commendation. But because it may be necessary, for the Satisfaction of some People, that they should know our Opinions also in this matter; I must tell you, you have given a Verdict, that becomes your Honesty, Integrity, and Loyalty. And I declare, in the presence of Almighty God, the Searcher of Hearts, that had I been of the Jury, I must have given the same Verdict. Gentlemen, 'tis an honest and just Verdict, that you have given; and by it, you have contributed, as much as in you lies, to vindicate the Nation from the Infamy it has so long lain under.

Mr. Just. *Withins*. For my part, I think, if you had given any other Verdict, you had found against plain Demonstration; the Evidence was so full and clear.

Mr. Just. *Holloway*. The Court is very well satisfied with the Verdict; and you have acquitted yourselves like worthy, honest Gentlemen.

Mr. Just. *Walcot*. There is nothing can be said to the Verdict, but that it is a just Verdict, and according to the Evidence.

[And then the Court arose.

Die Lunæ, 11 Maii, 1685.

THIS Day Mr. *Wallop* moved, that in regard the Court was pleas'd to give the Defendant time, till *Saturday* next, to move in Arrest of Judgment, upon the Conviction on *Friday* last; they would please to give to the same day, to move in Arrest of Judgment, upon the Conviction on *Saturday*: which the Court granted. But afterwards, upon the Motion of Mr. Attorney-General, they order'd, that a Note of the Exceptions to both Indictments, should be sent to the King's Counsel, some days before *Saturday*.

Die Sabbati, 16 Maii, 1685.

THIS Day being appointed for the Defendant to move what he could in Arrest of Judgment, upon the two Convictions of Perjury; he was brought by Rule from the Prison, to the King's-Bench Court.

L. C. J. Mr. Attorney-General, have you any thing to move?

Mr. *At. Gen.* My Lord, I pray your Judgment upon *Oates*, who is convicted upon two Indictments, for two notorious Perjuries.

L. C. J. Who is Counsel for *Oates*?

Mr. *At. Gen.* Mr. *Wallop* moved for him.

L. C. J. What is it that Mr. *Wallop* has to say.

Oates. My Lord, I desire I may speak one Word. It was *Thursday* Night before my Attorney could make an end of examining the Records; Sir *Samuel Astry* knows it very well: Then I sent the Rule to those Gentlemen that were assign'd to be my Counsel; and the Exceptions were deliver'd in but yesterday. I pray I may have a Day or two more, that my Counsel may be prepared to argue for me.

L. C. J. We cannot do that; we gave you beyond the ordinary Rules, in extending it till to-day.

Mr. *At. Gen.* My Lord, he talks of examining the Records; he had Copies of them all this long Vacation.

Oates. My Lord, my Attorney will be ready to make Oath, that he finish'd the examining but on *Thursday* Night.

L. C. J. We do all know they were pleaded to the last Term; and you have had all this Vacation, to consider of them: And we have indulg'd you beyond the ordinary Time.

Oates. My Lord, I desire but a day or two more.

L. C. J. No, we cannot do it; we have done more already than we ordinarily do. Persons that are convicted, use to have but four Days allow'd them to move in Arrest of Judgment; but you, instead of having but four Days after, had eight.

Oates. If your Lordship pleases to give me time till *Monday*.

L. C. J. I tell you, we cannot do it. If Mr. *Wallop* have any thing to say for you, we'll hear him.

Mr. *Wallop*. I have nothing to say.

Mr. *At. Gen.* Here are four Exceptions deliver'd to me last Night, as made by Mr. *Wallop*.

L. C. J. But he says he has nothing to say. We know not whose these Exceptions are.

Oates. I do deliver in those Exceptions, my Lord; pray let them be read.

L. C. J. Read them, Sir *Samuel Astry*.

Cl. of Cr. Reads. *Dominus Rex versus Oates*. The Defendant's Exceptions.

I. That a Witness sworn in the behalf of the King in a Process of High-Treason, cannot be punish'd for Perjury by the King.

II. That it does not appear, that the Indictments of *Ireland*, &c. found in *Middlesex*, were legally transmitted into *London*; and consequently, all the Proceedings thereupon were *coram non Judice*.

III. That the Perjuries assign'd, are in Matters foreign to the Issue.

IV. It is *Resolutio Signat'* in that part of the Indictment, that mentions what the Defendant swore; and in the Perjury assign'd, 'tis *Resolutio Signand'*; and it is no good Assignment of the Perjury.

Mr. Just. *Withins*. These are doughty Exceptions indeed.

L. C. J. Mr. Attorney, what say you unto them?

Mr. *At. Gen.* Truly, my Lord, I think I need not say much to them. The first Exception is a plain Mistake of the Indictment: For had Mr. *Oates* been indicted upon the Statute, it had been something; but at the Common Law, certainly he may be prosecuted by the King, tho' he was Witness for the King before. As to the second, that it does not appear *Ireland's* Indictment was well transmitted from *Middlesex* to *London*; that, sure, is well enough: For after it is recited, that they were so and so indicted, it does set forth, that the Trials were had upon Records there depending before the Commissioners of *Oyer* and *Terminer*, and Goal-delivery; and it shall be taken, that they were well brought before them. As to the third Exception, that the Perjuries assign'd are foreign to the Matter in Issue; that is not so: For it is apparent, one of the Indictments is in the express Point of the great Treason charg'd against them, that is, the Consult of the 24th of *April*. And as to the second Indictment it appear'd upon the Evidence, that there was at treasonable Meeting sworn in *August*; and he swore *Ireland* was here in Town in the beginning of *August*,

August, and in the beginning of *September*. And then for the fourth matter, that he swore he saw them sign it; and the Perjury assigned is, that he did not carry it to be signed; that receives a plain Answer: For we alledge, he falsely and corruptly swore that he was present, and that he carried the Resolution to be sign'd, and he saw them sign the Resolution. Now, in these two things we have laid the Perjury; 1. We say he was not there: And, 2. He carried no such Resolution to be sign'd. Indeed, we do not say that he did not see it sign'd, nor we need not; for if he were not there, nor did carry it, he could not see them sign it. There is nothing in the Exceptions, my Lord; and therefore, I pray your Judgment.

L. C. J. Is there any body of Counsel for Mr. *Oates*, that will say any thing to these Exceptions?

Oates. I pray, my Lord, that I may have liberty but till *Monday*, for my Counsel to prepare.

L. J. C. No, we cannot do it: Indeed, if there had been any colour, or weight in the Exceptions, it might have been something; tho' we have indulg'd in this case already, more than ever we used to do in Cases of this Nature; for it is known to every body, that knows any thing of the Course and Practice of the Court, that after Conviction, no more than four Days are allow'd, to move in Arrest of Judgment. And being the Practice of the Court, it is the Law of the Court; and I am sure, as little Favour ought to be shewn in a Case of Perjury, as in any Case whatsoever: But yet, however, because he should not think that the Extremity of the Law was aimed at by the Court in this Case, and he hinder'd in his legal Defence, the Court did indulge him more time than is usually granted in such Cases. Now, as for the Exceptions, certainly they are very frivolous.

For the *First*, It would be admirable Doctrine indeed, in case it should obtain, that if a Man be a Witness in any Case for the King, and forswear himself, he should not be prosecuted for Perjury at the King's Suit: For we know that no Man can be prosecuted for his Life, (except it be in Cases of Appeal) but at the Suit of the King; and to be sure, all Prosecutions for Treason must be at his Suit. If then Witnesses come and forswear themselves, to take away Men's Lives, and they should not be called in question for it, criminally, by the King; that were a fine Way to sanctify the greatest Villainy, and make the Process of Law to become an Instrument of the most infamous Cruelty in the World. I presume, no Gentleman at the Bar would think that an Exception fit to put his Hand to.

Then as to the *Second*, That the Perjury is not assigned in Points material to the Issue, that is plainly otherwise; for the time must needs be very material, because it was impossible that Mr. *Ireland* could be guilty of the Treason sworn against him, at his Chamber in *Russel-street*, between the 8th and 12th of *August*, if he were not in Town between the 8th and 12th of *August*: Nor could he be privy to the Treason sworn by *Bedloe* the latter end of *August*, or the beginning of *September*, in *Harcourt's* Chamber, if he were out of Town from the 3d of *August* till the 14th of *September*; and therefore both those Perjuries were in the very Points in Issue.

And then for the 24th of *April*, which is the main Perjury of all; it is not laid in this Indictment, that there was no Consult of the Jesuits upon that Day: nor is there any notice taken, that there was

no Consult at the *White-Horse* Tavern; but it says only, that *Oates* did swear, there was a Consult there, and that he was present at it; and that he saw the Resolution written down by *Mico*, if I do not misremember the Name: And that upon the 24th of *April*, he went with it from Chamber to Chamber, to have them sign it. And then comes the Indictment, and assigns the Perjury, *Ubi reverà* he was not at the *White-Horse* Tavern that Day; and I think it is pretty plain he was not, for he was then at *St. Omers*.

Then admitting all that Matter about the signing of the Resolution, to be out of Doors, a plain Perjury is assign'd and prov'd. For it was most proper for them to lay it as they did; and so it was in the other Point too, he swore he carried the Resolution from Chamber to Chamber, and saw it signed. Now, say they, he did not carry it from Chamber to Chamber, to be signed; and if so, then he could not see it signed; and it will all be well enough sure. And if any one part of the Oath he swore proves false, that is sufficient to maintain this Verdict; and 'tis notoriously plain, it was false throughout.

And of this Matter he now stands convicted, upon as full and plain an Evidence as ever was given in any Case in the World; and I am sorry to think that any Man, who is guilty of such an Offence, should continue so obstinate and hardened in Villany as he appears to be.

But I think it not amiss for me to say something upon this occasion, for the Satisfaction of some that hear me; and for an Example for the future. The Crime whereof this Man stands convicted, is certainly a very heinous one, attended with such dismal Consequences that ensued upon it, that I think no Man can have a true Christian Spirit in him, but he must begin to melt with the Consideration of the great Mischiefs his Perjury has brought upon himself and us: It has brought the Guilt of innocent Blood upon many; to be sure it hath up his own Head, and I pray God deliver all Men from having any hand in innocent Blood.

And as the Crime is great, so it is to be known, that a proportionable Punishment of that Crime can scarce by our Law, as it now stands, be inflicted upon him. But that you may see we have considered how to punish it, as such a Crime does deserve; we have consulted with all the Judges of *England*, that if the Law would allow it, he might have such a Judgment for this heinous Offence, as might be proper to terrify all others from committing the like again. For Punishment is not intended only for the sake of the Offender, to reward him according to his Deserts; but it has a Prospect also of Example and Terror to all others, that they should take care how they offend in any such manner, and that is as considerable a Part of the End of the Law as any other.

Gentlemen, it is known, that by the old Laws of *England* Perjury was punished with Death; it grew a little more moderate afterwards, not to make the Crime the less, but because of the Danger there might be of Malice of some revengeful Persons, by endeavouring by Perjury to convict others of Perjury. But the next Step was cutting out of the Tongue, to shew that the Law in all Ages had an Abhorrency of false Oaths, and punished that impious Crime of Perjury with the most terrible Punishments.

Since that time our Ancestors have yet been more moderate, and have not extended the Judgment to Life and Member; but by the unanimous Opinion

Opinion of all the Judges of *England*, whom we purposely consulted with upon this Occasion, it is conceived, that by the Law, Crimes of this nature are left to be punished according to the Discretion of this Court, so far as that the Judgment extend not to Life or Member.

And I tell you this, Gentlemen, the rather, because I observe our Law-Books are more silent here, in regard the Judgments for these Offences are not so solemnly and particularly entered up, as they are in Cases Capital: But they are left more discretionary; because that Crimes of this Nature may be attended with particular Circumstances either to aggravate, or lessen the Punishment: And therefore the Punishment might be distributed accordingly.

And for that reason, Gentlemen, it is well known to us all, that that was the occasion of taking away the Court of *Star-Chamber*, as the Preamble of the Act for taking it away does manifest: That inasmuch as the Authority, for the Correction of all Offences whatsoever, was by the common Law of this Land originally fixed in the Court of *King's-Bench*; and the Proceeding by Information in the *Star-Chamber*, when it might be by Process in this Court, was look'd upon as a double Way of Vexation; therefore that Court is abolished, and the Authority of the *King's-Bench* Court left entire. And it is notoriously known, how Punishments, of all sorts and kinds, were inflicted by the Court of *Star-Chamber* for Perjury, and such like Offences, while that Court was up; and since that time, in *Fox's* Case and others that you have heard of, it has been according to the Discretion of this Court, punished, as severely as this Court thought fit, so as the Sentence did not extend to Life or Member.

Now I thought it proper for me, not only for the sake of the Case now before us; but also for your Learning sake, to tell you, this was the Resolution of all the Judges of *England*, upon Consideration of the Precedents, and of all the Rules of Law; which have been fully debated, and considered of: And this, I declare, is their unanimous Opinion.

If then this be so, and it is left to the Discretion of the Court to inflict such Punishment as they think fit; far be it from this Court at any time, as on the one side to inflict Punishment heavier than the Crimes deserve, (no, we would rather use Commiseration, than extraordinary and exorbitant Severity;) so, on the other side, to let go Crimes so notorious and heinous as these, without the severest Mark that can, by Law, be put upon them. When a Person shall be convicted of such a foul and malicious Perjury, as the Defendant here is, I think it is impossible for this Court, as the Law now stands, to put a Punishment upon him any way proportionable to the Offence, that has drawn after it so many horrid and dreadful Consequences: We do therefore think fit to inflict an exemplary Punishment upon this villainous perjurd Wretch, to terrify others for the future; which is not my part to pronounce: But what it is, my Brother will tell you.

Mr. *At. Gen.* My Lord, you will be pleased to remember there are two Judgments.

L. C. J. There are so, we know it very well, Mr. *Attorney*.

Mr. *At. Gen.* That which was tried first, was about the Consult about the 24th of *April*; we desire that some particular Mark may be set upon that Day.

Then the Judges consulted a little together, and Mr. Justice Withins pronounced the Sentence thus:

Mr. *Just. Withins.* *Titus Oates*, you are convicted upon two Indictments for Perjury; I say, for Perjury: I must repeat the Word twice, because you are doubly convicted. One of the greatest Offences, that our Law has cognizance of; 'tis so in its own Nature: But your Perjury has all the Aggravations that can be thought of to heighten it. If a Man kills another with his Sword, and there be forethought Malice in the Case, he is to be hang'd for it: But when a Man shall draw innocent Blood upon himself by a malicious, premeditated, false Oath, there is not only Blood in the Case, but likewise Perjury, corrupt, malicious Perjury: I know not how I can say, but that the Law is defective that such a one is not to be hang'd. For, if we consider those dreadful Effects which have followed upon your Perjury, we must conclude our Law defective; they are such, as no Christian's Heart can think of, without bleeding for that innocent Blood which was shed by your Oath; and every knowing Man believes, and every honest Man grieves for. God be thanked, our Eyes are now opened; and indeed we must have been incurably blind, if they had not been opened first by the Contradictions, Improbabilities, and Impossibilities in your own Testimony; but likewise by the positive, plain, direct, and full Proof of forty-seven Witnesses to one particular Point. Against whom you had not one Word to object, but they were Papists and *Roman* Catholicks; which is no Objection at all: tho' at the same time, it did appear, that nine or ten of them were Protestants of the Church of *England*. That was all you had to say; you had not one Word to justify your self from that great and heinous Perjury you were accused of. I hope, I have not been thought a Man of Ill-nature; and, I confess, nothing has been so great a Regret to me in my Place and Station, as to give Judgment, and pronounce the Sentence of Law against my Fellow-Subjects, my Fellow-Creatures: But as to you, Mr. *Oates*, I cannot say, my Fellow-Christian. Yet, in this Case, when I consider your Offence, and the dismal Effects that have follow'd upon it, I cannot say, I have any Remorse in giving Judgment upon you. And therefore having told you my Thoughts shortly about your Crime, and how readily I pronounce your Sentence; I shall now declare the Judgment of the Court upon you. And it is this:

First, *The Court does order for a Fine, That you pay a Thousand Marks upon each Indictment.*

Secondly, *That you be stript of all your Canonical Habits.*

Thirdly, *The Court does award, That you stand upon the Pillory, and in the Pillory, here before Westminster-Hall Gate, upon Monday next, for an Hour's Time, between the Hours of Ten and Twelve; with a Paper over your Head (which you must first walk with round about to all the Courts in Westminster-Hall) declaring your Crime. And that is upon the first Indictment.*

Fourthly, (On the second Indictment.) *Upon Tuesday, you shall stand upon, and in the Pillory, at the Royal Exchange in London, for the space of an Hour, between the Hours of Twelve and Two; with the same Inscription.*

You shall upon the next Wednesday be whipp'd from Aldgate to Newgate.

Upon Friday, you shall be whipp'd from Newgate to Tyburn, by the Hands of the Common Hangman.

But, Mr. Oates, we cannot but remember, there were several particular Times you swore false about: And therefore, as annual Commemorations, that it may be known to all People as long as you live, we have taken special care of you for an annual Punishment.

Upon the 24th of April every Year, as long as you live, you are to stand upon the Pillory, and in the Pillory, at Tyburn, just opposite to the Gallows, for the space of an Hour, between the Hours of Ten and Twelve.

You are to stand upon, and in the Pillory, here at Westminster-Hall Gate, every 9th of August, in every Year, so long as you live. And that it may be known what we mean by it, 'tis to remember, what he swore about Mr. Ireland's being in Town between the 8th and 12th of August.

You are to stand upon, and in the Pillory, at Charing-Cross, on the 10th of August, every Year, during your Life, for an Hour, between Ten and Twelve.

The like over-against the Temple Gate, upon the 11th.

And upon the second of September, (which is another notorious Time, which you cannot but be remember'd of) you are to stand upon, and in the Pillory, for the space of one Hour, between Twelve and Two, at the Royal-Exchange: And all this you are to do every Year, during your Life; and to be committed close Prisoner, as long as you live.

This I pronounce to be the Judgment of the Court upon you, for your Offences. And I must tell you plainly, if it had been in my power to have carried it further, I should not have been unwilling to have given Judgment of Death upon you; for, I am sure, you deserve it.

L. C. J. Mr. Attorney, we will take care, that the Clerk shall distinguish the Judgments in the Entries. [Then the Prisoner was taken away.]

This Sentence was afterwards executed with great Severity; but immediately after the Revolution, the House of Commons came to this Vote.

Tuesday the 11th of June, 1689.

Resolv'd, That the Prosecution of Titus Oates upon two Indictments for Perjury in the Court of King's-Bench, was a design to stifle the Popish Plot, and that the Verdicts given thereupon were corrupt, and the Judgments given thereupon were cruel and illegal.

There was an Attempt to get this Judgment revers'd, but still continuing his Disability as a Witness; but this Attempt did not succeed, only the House of Lords address'd the King to grant him a Pardon, which was accordingly done. See State Trials Vol. VIII. Pag. 455. and Vol. VII Pag. 476.



CXXXV. The Trial of the Lady ALICE LISLE*, at Winton, for High-Treason, August 27, 1685. 1 Jac. II.

Cl. of Ar.

ALICE Lisse, hold up thy Hand. [Which she did.] Thou standest here indicted by the Name of Alice Lisse, of the Parish of Ellingham, in the County of Southampton, Widow; for that thou, as a false Traitor against the most illustrious and most excellent Prince, James the Second, by the Grace of God, of England, Scotland, France, and Ireland King, thy supreme and natural Lord, the Fear of God in thy Heart not having, nor weighing the Duty of thy Allegiance; but being moved and seduced by the Instigation of the Devil, the Love and true, due and natural Obedience, with a true and faithful Subject of our said Lord the King, towards him our said Lord the King, should, and of right ought to bear, wholly withdrawing, and with all thy Might intending the Peace and common Tranquillity of this Kingdom of England to disturb, and War and Rebellion against our said Lord the King, within this Kingdom of England to stir up and move, and the Government of our said Lord the King, within this Kingdom of England to subvert,

and our said Lord the King from the Title, Honour, and Regal Name of the Imperial Crown of this his Kingdom of England to depose, cast down, and deprive, and our said Sovereign Lord the King to Death and final Destruction to bring and put, the 28th Day of July, in the first Year of the Reign of our said Sovereign Lord James the Second, by the Grace of God of England, Scotland, France, and Ireland King, Defender of the Faith, &c. at the Parish of Ellingham aforesaid, in the County aforesaid, well knowing one John Hicks, of Keinsham in the County of Somerset, Clerk, to be a false Traitor, and as a false Traitor traitorously to have conspired and imagined the Death and Destruction of our said Lord the King, and War, Rebellion and Insurrection against our said Lord the King, within this Kingdom of England traitorously to have levied and raised: Thou the said Alice Lisse afterwards, to wit, the same 28th Day of July in the first Year of the Reign of our said Sovereign Lord the King that now is, at the Parish of Ellingham aforesaid, in the County aforesaid, the said John Hicks in thy Dwelling-House, situate at the Parish aforesaid

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* Burn. Hist of his own Times, Vol. I. p. 649. She was the Widow of John Lisse, who was Lord President of the High Court of Justice, in the time of Oliver Cromwell, one of the Lords Commissioners for the Custody of the Great Seal, and had been one of King Charles the First's Judges; but his Lady was very averse to it. He was basely murdered at Lausanne some Years before, as he was going to Church, by three Irish Assassins, who fled immediately into France.

aforesaid in the County aforesaid, secretly, wickedly and traitorously didst entertain, conceal, comfort, uphold and maintain; and that thou the said *Alice Lisle* then and there, for the comforting, upholding and maintaining of the aforesaid *John Hicks*, Meat and Drink unto the said *John Hicks* then and there maliciously and traitorously didst give and deliver, and cause to be given and delivered, against the Duty of thy Allegiance, against the Peace of our Sovereign Lord the King that now is, his Crown and Dignity, and against the Form of the Statute in that Case made and provided. How sayest thou, *Alice Lisle*, art thou Guilty of the High-Treason contained in this Indictment, or not Guilty?

Lisle. Not Guilty.

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

Lisle. By God and my Country.

Cl. of Ar. God fend thee a good Deliverance.

Then Proclamation was made for the Jurors impannell'd to try the Issue between our Sovereign Lord the King, and the Prisoner at the Bar, to appear. And the Prisoner desiring, by reason of her Age and Infirmities (being thick of hearing) some Friends of her's might be allow'd to stand by her, and inform her of what pass'd in the Court; one Matthew Brown was named, and allow'd of by the Court to give her all Assistance that he could in that matter. Then the Names of the Jurors were call'd over, and the Appearance recorded: And it being a Cause of great Expectation and Moment, the Lord Chief Justice order'd the Sheriff to take care, that a very substantial Jury should be returned, of the best Quality in the County.

Then Proclamation for Information and Evidence was made in usual manner, and the Prisoner was bid to look to her Challenges, and the Jury was sworn in this Order.

Sworn.

Gabriel Whistler, Esq;
Henry Dawley, Esq;
Francis Morley, Esq;
Francis Pawlett, Esq;
Richard Godfrey, Esq;
Thomas Dowse, Esq;
Dutton Gifford, Esq;

Challenged.

Robert Barton,
Godson Penton,
William Taylor,
Thomas Wavell,
Anthony Yalden.

Sworn.

John Cager.

Challenged.

Robert Forder,
Thomas Lloyd,
Thomas _____
Philip Rudsby.

Sworn.

Matthew Webber.

Challenged.

George Prince,
Stephen Steele,
Thomas Merrot.

Sworn.

John Feilder.

So the Twelve Sworn were these:

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| <p><i>Gabriel Whistler,</i> <i>Henry Dawley,</i> <i>Francis Morley,</i> <i>Francis Pawlett,</i> <i>Richard Godfrey,</i> <i>Thomas Dowse,</i></p> | } | <p>Jur^s</p> | <p><i>Dutton Gifford,</i> <i>John Cager,</i> <i>Thomas Crop,</i> <i>Richard Suatt,</i> <i>Matthew Webber,</i> <i>John Feilder.</i></p> |
|--|---|------------------------|--|

Cl. of Ar. Alice Lisle, hold up thy Hand: You Gentlemen of the Jury that are sworn, look upon the Prisoner and hearken to her Charge: She Stands indicted by the Name of *Alice Lisle, &c.* Upon this Indictment she hath been arraigned, and upon that Arraignment she has pleaded thereunto, Not Guilty; and for her Trial has put her self upon God and the Country, which Country you are: Your Charge is to inquire, whether she be Guilty of the High-Treason whereof she is indicted in manner and form as she stands indicted, or Not Guilty: If you find her Guilty, you are to enquire what Goods or Chattels, Lands or Tenements, she had at the time of the High-Treason committed, or at any time since: If you find her not Guilty, you are to enquire whether she did fly for it; if you find that she did fly for it, you are to enquire what Goods or Chattels she had at the time of the Flight, as if you had found her Guilty. If you find her not Guilty, nor that she did fly for it, you are to say so, and no more, and hear your Evidence.

Mr. Mundy. May it please your Lordship, and you Gentlemen that are sworn, This is an Indictment of High-Treason against *Alice Lisle*, the Prisoner at the Bar; and the Indictment sets forth, that she, as a false Traitor against our Sovereign Lord King *James* the Second, her supreme and natural Lord, not having the Fear of God in her Heart, nor regarding the Duty of her Allegiance, but being moved and seduced by the Instigation of the Devil, and withdrawing the Love and true Obedience which she owed to him as her Sovereign, and intending, as well as in her lay, to disturb the Peace of the Kingdom, and to depose the King and put him to death, the 28th day of *July*, in the first Year of this King, well knowing one *John Hicks*,* late of *Keinsbam* in the County of *Somerset*, Clerk, to be a false Traitor, and to have raised War and Rebellion against the King, she did then at *Ellingham* in this County, in her Dwelling-House traitorously entertain, conceal, and comfort the said *John Hicks*, and for his maintenance and comfort then gave him Meat and Drink. This is laid to be against the Duty of her Allegiance, against the Peace of the King, his Crown and Dignity, and against the Form of the Statute in that Case made and provided: To this she has pleaded Not Guilty; if we prove this Fact, you must find her Guilty.

Mr. Pollexfen. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel in this Case for the King. The Prisoner that stands now at the Bar, *Alice Lisle*, is the Widow of one *Lisle*, who was in his Life-time sufficiently known: The Person mentioned in the Indictment to be entertained and concealed by her, *John Hicks*, is a Conventicle-Preacher, and one, that for bringing the traitorous Purposes intended in this late horrid Rebellion to effect, was one of the greatest and most active Instruments: for he was personally in this Rebellion, and did persuade and exhort some loyal Persons, that happened to have the Misfortune of being taken Prisoners by that rebellious Crew, to quit their Duty and Allegiance to the King their Sovereign Lord, and become Partakers with them and the rest of his traitorous Accomplices, in taking Arms under their false pretended Prince. This, my Lord, we shall prove to you by plain, evident, and undeniable Testimony of those very Persons whom this Seducer thus applied himself to. Gentlemen, after it pleased God, by his Blessing on the victorious Arms of the King, that the Rebels were defeated, their pretended Prince

* This Hicks was a Dissenting Minister, and hanged afterwards at *Glassenbury*.

and Head, with some of the Chief of his Accomplices, were taken Prisoners, and that in a place near the House where the Prisoner lived, when all the Country was full of hurry in pursuit after those wicked Rebels, thus, by God's Blessing and Providence, diffipated, and forc'd, like Vagabonds, to skulk up and down: then does this *Hicks*, having got from the Battle as far as *Warminster* in the next County, send a Messenger, one *Dunne*, to the Prisoner's House, to desire her and request her, that she would receive and harbour him and his Friend (who that was, will appear by and by). Mrs *Lisle* returns an Answer by the Messenger, that she would receive him, but does withal give particular Direction, that the time when they did come should be late in the Evening. Accordingly he comes in the beginning of the Night, at 10 of the Clock, booted and spurred, and brings with him another Arch-Rebel, one *Nelthorp*, that stands outlaw'd for a most black and horrid Treason. When they come to the Prisoner's House, they turn their Horses loose at the Gate; for the Danger was so great, and their Apprehensions of being taken so urgent upon them to conceal and shift for themselves, that they thought it convenient to let their Horses go where they would. When they came there, the Messenger, as we shall prove by himself, was convey'd away to a Chamber; but Mrs. *Lisle* causes Meat and Drink to be set before Mr. *Hicks* and *Nelthorp*, and they supped with her, and afterwards they were lodg'd by her particular Order and Direction. The next Morning Colonel *Penruddock*, who had some intimation, in his search after the Rebels, that some Persons lay conceal'd in Mrs. *Lisle's* House, comes thither, and tells her, after he had beset the House, *Madam, you have Rebels in your House, I come to seize them, pray deliver them up.* She denied that she had any in her House; but upon search *Hicks*, and *Nelthorp*, and that other Fellow, the Messenger, were all found there, and she thereupon secured with them. The Method wherein we shall give our Evidence, will be this; we shall first begin with this piece of Evidence, that we shall prove, that *Hicks* was actually in the Army, and in the Rebellion; and then we shall prove the several subsequent Facts as have been opened. We desire Mr. *Pope*, Mr. *Fitzberbert*, and Mr. *Taylor* may be sworn.

Lisle. My Lord, as for what is said concerning the Rebellion, I can assure you, I abhor'd that Rebellion as much as any Woman in the world—

Lord *Jesferies.* L. C. J. Look you, Mrs. *Lisle*, because we must observe the common and usual Methods of Trial in your Case, as well as others, I must interrupt you now: You shall be fully heard when it comes to your turn to make your Defence, but any thing you say now beforehand is altogether irregular and improper. You, it may be, are ignorant of the Forms of Law, therefore I would inform you: You are first to hear what your Accusation is; you shall ask any Questions of the Witnesses that you will, after the King's Counsel have examin'd them, as they go along; and when all their Testimony is delivered, you shall be heard to make your own Defence, and have full scope and liberty to enlarge upon it as long as you can: it is a business that concerns you in point of Life and Death; all that you have or can value in the World lies at stake, and God forbid that you should be hinder'd, either in time or any thing else, whereby you may defend yourself; but at present it is not your turn to speak, for the Forms of Law require

your Accusers first to be heard; and it is absolutely requisite, that the usual Forms and Methods of Law be inviolably observ'd, and be sure it does the Prisoner no injury that the Law is kept so strictly to; and we have that Charity, as well as Justice, that it becomes, and is not below all Courts to have for Persons in your Condition; and we are obliged to take care, that you suffer no Detriment or Injury by any illegal or irregular Proceedings. For tho' we sit here as Judges over you by Authority from the King, yet we are accountable, not only to him, but to the Kings of Kings, the great Judge of Heaven and Earth; and therefore are obliged, both by our Oaths, and upon our Consciences, to do you Justice, and by the Grace of God we shall do it, you may depend upon it. And as to what you say concerning your self, I pray God with all my heart you may be innocent. Pray call your Witnesses.

Mr. *Pollexfen.* Swear Mr. *Pope*, Mr. *Fitzberbert*, and Mr. *Taylor.* [Which was done.

L. C. J. Who do you begin with?

Mr. *Pollexfen.* Mr. *Pope*, pray will you tell my Lord and the Jury, what you know concerning this *Hicks*: Pray tell your whole Knowledge.

Mr. *Pope.* My Lord, I had the misfortune to be taken Prisoner by *Monmouth's* Army, going about some Business of my own; and after I had been taken some few days, we happened to be brought to *Keinsham*, and we were put into Sir *Thomas Bridges's* Stables, and kept under a Guard there. Whilst we were there, I did see that Gentleman that goes by the Name of Mr. *Hicks*, who is now in *Salisbury* Goal, and there I saw him yesterday; he came and asked for the Prisoners, which were about four or five in number, and he asked them how they did? They made him little reply. Then he desired to know how we were dealt with, whether he were kindly used, or no? I replied, no, for we had had but a piece of Bread these two Days. He made me answer, that he was sorry for that, for it was otherwise intended. And there was with him another Gentleman that was called the King's Chaplain, that is, the Duke of *Monmouth's*; and afterwards he pretended he would do us a Kindness in speaking to the King (as he called him) for us. He talked with us some little time, and by and by he began to ask us what was the reason that we were there? We told him we were taken Prisoners; upon which, saith he, this King (meaning, as I suppose, the late Duke of *Monmouth*) is a good King and a Protestant; and a great deal to that purpose, with some reflecting Words on the Government, and upon the Person of the King: and he told us, he wondered what we had to say for our selves, being Protestants, that we did what we did in serving a Popish Prince, and not obeying a Protestant one. This is the Substance of what I have to say upon this matter.

L. C. J. Tho' you were pleased to phrase it, Sir, in the beginning of your Testimony, a Misfortune that you were taken Prisoner by the Rebels; yet, I suppose, you could not be without the Consolation of a good Conscience, that you suffered in the way of doing your Duty.

Mr. *Pope.* My Lord, I am very well satisfied I did suffer in a good Cause.

L. C. J. There is one piece of happiness in it; that by that means you are able to give this Testimony this day, and do the King this piece of Service. But pray, Sir, let me ask you this Question:

Are you sure the Man you saw yesterday at *Salisbury* is the same Man that you spoke with at *Keinsbam*, that goes by the Name of *Hicks*?

Mr. *Pope*. Yes, my Lord; and when I was there yesterday with him, I asked him whether he knew me; and told him, said I, you may well remember you saw me at *Keinsbam*. Saith he, I do not remember that ever I saw your Face before. Said I, you remember Sir *Thomas Bridge's* Stables there? Said he, I remember I did see some Prisoners. Said I, was not it there you saw me, and had such a Discourse with me? He seemed to deny it, but I told him, a Man of your Coat should not tell Untruths, you cannot but remember you saw me there. Saith he, I will recollect my Memory if I can; and he afterwards sent to the *George* in *Salisbury* for me, and then he told me, he did recollect that he saw and talked with such a Person there.

Mr. *Rumsey*. Sir, I would ask you this one Question; did you see him in the Army about the time of the Fight?

Mr. *Pope*. I think I saw him about a day or two before.

L. C. J. Had he any Weapon on?

Mr. *Pope*. I think not, my Lord.

Mr. *Pollexfen*. Our next Witness is Mr. *Fitzberbert*. Pray, Sir, will you give an account to my Lord and the Jury, what you know of this *Hicks*.

Mr. *Fitzberbert*. My Lord, during the time that I was a Prisoner with this Gentleman at *Keinsbam*, the 25th of *June*, I saw this Man, *John Hicks*, who held a Discourse with Mr. *Pope* near an Hour's time, disparaging the Government and his Majesty, and extolling the Duke of *Monmouth*, what a brave Prince, and how good a Protestant he was.

L. C. J. Then he was among them, was he?

Mr. *Fitzberbert*. Yes, my Lord, he was, and I saw him yesterday at *Salisbury*.

L. C. J. Is that the same Man that you saw in *Monmouth's* Army?

Mr. *Fitzberbert*. Yes, he owns himself to be the same Man.

Mr. *Pollexfen*. How often did you see him there besides that time when he discoursed with Mr. *Pope*?

Mr. *Fitzberbert*. I saw him sometimes out of the Town, but I never discoursed him.

L. C. J. Did you see him there before or after that Discourse?

Mr. *Fitzberbert*. It was after.

L. C. J. Would the Prisoner ask this Witness, or the other, any Questions?

Lisle. No, my Lord.

Mr. *Pollexfen*. Then, Mr. *Taylor*, what say you to the matter?

Mr. *Taylor*. My Lord, I saw him at the same time that these Gentlemen speak of, at Sir *Thomas Bridge's* at *Keinsbam*.

Mr. *Pollexfen*. Were you a Prisoner there, Sir?

Mr. *Taylor*. Yes, I was.

Mr. *Pollexfen*. What Place was it you saw him in?

Mr. *Taylor*. It was in the Stables the first time that I saw him.

L. C. J. What Discourse had you with him? What did he say to you?

Mr. *Taylor*. He said, he wonder'd at us, that we should take up Arms against so good a Prince, and a Protestant, as the Duke of *Monmouth*, and against the Protestant Religion, and hold up with Popery: Saith he, *York* is but a Papist; and a great many such Words.

L. C. J. Did you see him afterwards?

Mr. *Taylor*. Yes, my Lord; but I cannot tell particularly the Time and Place; up and down the Army.

L. C. J. Did you see him at *Salisbury*?

Mr. *Taylor*. Yes.

L. C. J. Is that the same Man?

Mr. *Taylor*. Yes, it is.

Mr. *Pollexfen*. Next, my Lord, we come to prove the Message and Correspondence between this same *Hicks*, and the Prisoner Mrs. *Lisle*.

Mr. *Jennings*. Swear Mr. *James Dunne*.

[Which was done.

Mr. *Pollexfen*. If your Lordship please to observe, the Times will fall out to be very material in this Case: The Battle at *King's-Edgmore* was the 6th of *July*; three or four days after, was the taking of *Monmouth*, and my Lord *Grey* at *Ringwood*; upon the 26th of *July*, ten or twelve Days after the taking of *Monmouth*, was this Message sent by *Dunne* to Mrs. *Lisle*: so we call *Dunne* to prove what Message he carried upon the 26th, and what Answer was return'd; he will tell you, that *Tuesday* was the time appointed for them to come, in the Night, and all the other Circumstances. But withal, I must acquaint your Lordship, that this Fellow, *Dunne*, is a very unwilling Witness; and therefore, with submission to your Lordship, we do humbly desire your Lordship would please to examine him a little the more strictly.

L. C. J. You say well: Hark you, Friend, I would take notice of something to you by the way, and you would do well to mind what I say to you. According as the Counsel that are here for the King seem to insinuate, you were employ'd as a Messenger between these Persons, one whereof has already been proved a notorious Rebel, and the other is the Prisoner at the Bar, and your Errand was to procure a Reception at her House for him.

Dunne. My Lord, I did so.

L. C. J. Very well. Now mark what I say to you, Friend: I would not by any means in the world endeavour to fright you into any thing, or any ways tempt you to tell an Untruth, but provoke you to tell the Truth, and nothing but the Truth, that is the Business we come about here. Know, Friend, there is no Religion that any man can pretend to, can give a Countenance to Lying, or can dispense with telling the Truth: Thou hast a precious immortal Soul, and there is nothing in the World equal to it in value: There is no relation to thy Mistress, if she be so; no relation to thy Friend; nay, to thy Father or thy Child; nay, not all the temporal Relations in the world, can be equal to thy precious immortal Soul. Consider that the great God of Heaven and Earth, before whose Tribunal thou, and we, and all Persons are to stand at the last Day, will call thee to an account for thy rescinding his Truth, and take vengeance of thee for every Falshood thou tellest. I charge thee therefore, as thou will answer it to the great God, the Judge of all the Earth, that thou do not dare to waver one tittle from the Truth, upon any account, or pretence whatsoever: For tho' it were to save thy Life, yet the value of thy precious and immortal Soul is much greater, than that thou should'st forfeit it for the saving of any the most precious outward Blessing thou dost enjoy; for that God of Heaven may justly strike thee into eternal Flames, and make thee drop into the bottomless Lake of Fire and Brimstone, if thou offer to deviate the least from the Truth, and nothing but the Truth.

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According to the Command of that Oath that thou hast taken, tell us who employ'd you, when you were employ'd, and where; who caus'd you to go on this Message, and what the Message was. For I tell thee God is not to be mock'd, and thou can't not deceive him, tho' thou may'st us. But I assure you, if I catch you prevaricating in any the least tittle (and perhaps I know more than you think I do; no, none of your Saints can save your Soul, nor shall they save your Body neither) I will be sure to punish every variation from the Truth that you are guilty of. Now come and tell us how you came to be employ'd upon such a Message, what your Errand was, and what was the Issue and Result of it.

Dunne. My Lord, there came a Man to my House, and desired me to go of a Message to my Lady *Lisle's*.

L. C. J. Prithee tell me when it was, and what Hour of the Day?

Dunne. What, when the Man came to my House?

L. C. J. Yes.

Dunne. That I will, my Lord.

L. C. J. Be sure you do, and do not speak one word, but what is true, and let the Truth come out o' God's Name.

Dunne. It was *Friday Night*.

L. C. J. What Day of the Month was it?

Dunne. Truly, my Lord, I cannot exactly tell that.

L. C. J. Was it after the Fight at *Weston*, or before?

Dunne. It was after the Battle, my Lord.

L. C. J. How many Days after was it?

Dunne. I cannot exactly tell.

L. C. J. Was it the *Friday* Seven-night after the Fight?

Dunne. No, it was not.

L. C. J. What was desired of thee at that time?

Dunne. He desired me to go of a Message to my Lady *Lisle's*.

L. C. J. Dost thou know what Man it was that came to thee, and desired thee to go on this Message?

Dunne. My Lord, I can tell what manner of Man he was.

L. C. J. Give me a Description of the Man.

Dunne. He was a short black Man.

L. C. J. You say he was a short Man.

Dunne. Yes, he was so, my Lord.

L. C. J. Was he a swarthy, or a ruddy complexioned Man?

Dunne. He was not ruddy, but swarthy.

L. C. J. And what did he say to thee?

Dunne. He desired me to go to my Lady *Lisle's* for him, for one Mr. *Hicks*; and I went accordingly.

L. C. J. What were you to say when you came there?

Mr. Pollexfen. What Reward were you to have?

Dunne. That Man that came to me, promis'd me that I should be well rewarded for my pains.

L. C. J. Where do you live? (by the way.)

Dunne. In *Worminster* Parish.

L. C. J. How far is it from my Lady *Lisle's*?

Dunne. Six and twenty Miles, or thereabouts?

L. C. J. You did go, you say. When?

Dunne. Upon the *Saturday*.

L. C. J. Well, we are got thus far; you went to my Lady *Lisle's* upon the *Saturday*, and from one Mr. *Hicks*: What was your Errand?

Dunne. To know of my Lady *Lisle*, whether she would entertain Mr. *Hicks*.

L. C. J. Well, now go on.

Dunne. When I came to my Lady *Lisle's* House, I went to the Bailiff that belong'd to my Lady *Lisle*.

L. C. J. Ay, who was that Bailiff? Tell us his Name? I love to know Mens Names.

Dunne. His Name is *Carpenter*, I think.

L. C. J. Well, and what did you say to him?

Dunne. I ask'd him, whether my Lady would entertain one *Hicks*, or no: He told me he'd have nothing to do with it, but sent me to my Lady, and to my Lady I went; and when I came, I ask'd my Lady, whether she would entertain one Mr. *Hicks*, or no? She said, she did not know but she might.

L. C. J. Well, what then?

Dunne. My Lord, I'll tell you.

L. C. J. Ay, prithee take time to recollect thyself; but be sure thou speak nothing but the Truth. What said my Lady to thee?

Dunne. My Lady said, they might come to her House: And upon those Terms I went away home again, and return'd that Answer to the Messenger that came to me. I came home on the *Sunday* Night, and that Message I deliver'd unto him, and told him, that upon *Tuesday* Night they might come to my Lady's.

L. C. J. You told him, you say, they might come on *Tuesday*.

Dunne. Yes, my Lord, I did.

L. C. J. Therefore I would fain know from you, how you came to tell him, they might come upon *Tuesday*? For you said just now, my Lady's Answer was, that she did not know but she might entertain him. Had you any such Direction from *Carpenter*, or any one else, to tell him, that they might come on *Tuesday*?

Dunne. I had such Directions from my Lady.

L. C. J. Very well; then let us know what were the particular Directions she gave; tell us what further Directions you had from her?

Dunne. I will, my Lord, presently, when I have recollected my self.

L. C. J. Ay, prithee compose thy self, recollect thy self. [Then he paused for a good while.]

L. C. J. Come now, tell us, did she give you any Directions what time of the Day they might come thither; remember your self well, and tell us what she said to you?

Dunne. My Lord, I will, as near as I can, speak the Truth.

L. C. J. Ay, in God's Name let's have the Truth, whatsoever comes on it?

Dunne. I will, my Lord.

L. C. J. Come then, what time did she give Directions that they should come?

Dunne. On *Tuesday* in the Evening.

L. C. J. Upon your Oath, did she say *Tuesday* in the Evening?

Dunne. Yes, my Lord, she did.

L. C. J. What time in the Evening, early or late?

Dunne. She did not give any Directions at all about that, but only in the Evening.

L. C. J. What else did she say to you, tell us all the Discourse that passed between you?

Dunne. She said nothing else that I remember, my Lord,

L. C. J. Prithee, how did she say she would receive him, tell us what Words she used, for thou must

must needs imagine, we do suppose there must needs be some longer Discourse between you, than what you talk of.

Dunne. All that she said was, she would entertain him.

L. C. J. Him! Who?

Dunne. Mr. Hicks.

L. C. J. Just now you talked of them, and, they: Did you mention no body to her but Mr. Hicks?

Dunne. My Lord, I was sent to see whether she would receive Mr. Hicks.

L. C. J. Prithee, Friend, mind what thou hast said, and recollect thy self, I'll repeat it to thee, because thou shalt see that I remember it all very well. It seems that a Man, a short black Man came to your House in *Warminster* Parish to get you to go for a Message to Mrs. *Lisle's*, to know whether she would entertain one *Hicks*, and that you went upon the *Saturday*, and first you met with *Carpenter*, and ask'd him that Question, whether his Lady would entertain one Mr. *Hicks*, and he told you he would have nothing to do with it; and thereupon you went to Mrs. *Lisle* and asked her the Question, and she told you that you should tell the Man that they should come the *Tuesday* following, and come in the Evening, and she would entertain him: Is not this what you have said?

Dunne. Yes, my Lord, it is.

L. C. J. Well then, now let us know what other Discourse you had with her?

Dunne. My Lord, I do not remember any thing more.

Mr. Pollexfen. Pray Mr. *Dunne*, did she ask you any Questions whether you knew Mr. *Hicks* or no?

Dunne. Nothing at all of that, that I remember.

Mr. Coriton. Did she believe that you knew Mr. *Hicks*?

Dunne. I cannot tell, my Lord.

Mr. Coriton. Do you believe that she knew him before?

Dunne. I cannot tell truly.

L. C. J. Why, dost thou think she would entertain any one that she had no Knowledge of meerly upon thy Message? Mr. *Dunne*, Mr. *Dunne*, have a care, it may be more is known of this matter than you think for.

Dunne. My Lord, I tell you the Truth.

L. C. J. Ay, be sure you do, do not let me take you prevaricating?

Dunne. My Lord, I speak nothing but the Truth.

L. C. J. Well, I only bid you have a care, Truth never wants a Subterfuge, it always loves to appear naked, it needs no Enamel, nor any Covering; but Lying and Sniveling, and Canting, and Hicksing, always appear in Masquerade. Come, go on with your Evidence.

Dunne. My Lord, I say I went back again and returned my Answer to the same Man that brought the Message to me.

L. C. J. Pray let me ask you one Question; Were you got to your House before you found him, or was he waiting there for you?

Dunne. He came to my House after I came home.

L. C. J. It was the same Man, you say?

Dunne. Yes, it was.

L. C. J. Had he no Company with him neither time?

Dunne. No.

L. C. J. Well, and what Answer did you return him?

Dunne. I told him, my Lady said she would entertain Mr. *Hicks*; he asked when he might come up, I told him upon *Tuesday*, and upon *Tuesday* they came to my House.

L. C. J. What time did they come to your House?

Dunne. About seven of the Clock in the Morning.

L. C. J. What Day of the Month was it?

Dunne. Truly, my Lord, I cannot readily tell what Day of the Month it was?

L. C. J. Was it one or two that came to thy House?

Dunne. My Lord, there were three in all.

L. C. J. Who were those three, prithee?

Dunne. My Lord, there was the little black Man that brought the Message, and two other People.

L. C. J. Prithee describe what two other People these were?

Dunne. One was a full fat black Man, and the other was a thin black Man.

L. C. J. Who was that thin black Man?

Dunne. My Lord, I did not know him.

L. C. J. Did you not fancy which was *Hicks*?

Dunne. My Lord, I never knew any of their Names.

L. C. J. How long did they stay at your House?

Dunne. About three Hours.

L. C. J. When did you go away from thence?

Dunne. About eleven of the Clock.

L. C. J. Which way did you go then?

Dunne. We went through *Deverel*, and from *Deverel* to *Chilmark*, and from *Chilmark* to *Sutton*, and from *Sutton* to the Plain, and then one *Barter* met me; I knew the Way no further, and he was to shew me the Way from thence.

L. C. J. Prithee hold, before thou goest any further, I desire to be satisfied about a Question or two: Dost thou say thou didst not know the Way?

Dunne. No, my Lord, after I came to the Plain.

L. C. J. How didst thou find the way when thou wentest on thy Message first?

Dunne. My Lord, after I came to *Salisbury-Plain*, I met with one *Barter*, and he shewed me the way.

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

Mr. Pollexfen. My Lord, we have him here; we shall examine him by and by, there he stands.

[*Being a very lusty Man.*]

L. C. J. Sure that was not the little Man thou spokest of?

Dunne. No, my Lord.

L. C. J. Prithee let me understand thee then, if I can. Thou didst say at first there was only a little Man with a black Beard, that was concerned with thee about that Message; now thou talkest of some Guide that thou hadst, prithee who did guide thee, let us know?

Dunne. My Lord, I say I went so far as *Fovant*, and so to *Chalk*, but when I came upon the Plain, I did not know my way to my Lady *Lisle's* House at *Moyle's Court*; I asked twenty People in the Street which was my way, but no body would tell me; at last I spoke to one *John Barter* to go with me to my Lady *Lisle's*, and he and I did agree to go together, and he shewed me the way and carried me to the House.

L. C. J. Thou should have told us this before, Man, that we might have understood it. Where did you lie upon the *Saturday* Night?

Dunne.

Dunne. At *Fovant*.

L. C. J. I thought you had said, you had come to Mrs. *Lisle's* on *Saturday*?

Dunne. Yes, my Lord, I did so, and came back to *Fovant* that Night.

L. C. J. And where did you lie on *Sunday* Night?

Dunne. I lay at my own House on *Sunday* Night.

L. C. J. And *Barter* came along with you when you came on *Tuesday*?

Dunne. Yes, my Lord.

L. C. J. And did you go the same way upon the *Tuesday* that you went upon the *Saturday*?

Dunne. Do you mean, my Lord, the same way I came at first?

L. C. J. Ay.

Dunne. No, my Lord, we came to *Sutton*, not to *Fovant*.

L. C. J. Why did not you go the same way upon the *Tuesday* that you went upon the *Saturday*?

Dunne. Because I had appointed to meet him at such a Place.

L. C. J. Come, prithee answer me freely, and according to Truth: Who did desire thee, or order thee to go another way than that thou went'st at first? How came it to pass? Let us know the Truth?

Dunne. My Lord, I did count that to be the nearer way, and therefore I went that way.

L. C. J. That cannot be the Reason, for thou wouldst have gone the nearest way at first, I believe; come, tell us truly?

Dunne. My, Lord, I know no other Reason.

L. C. J. Come, tell us what Towns and Villages you did go through then upon *Saturday*.

Dunne. My Lord, I went through several, *Chilmark* and *Fovant*.

L. C. J. And what Villages did you go through upon the *Tuesday*?

Dunne. I went through most of the same Towns.

L. C. J. What, and at Noon-day too?

Dunne. Yes.

L. C. J. And how chanc'd when you went that way, that you appointed *Barter* to meet you in another Place at *Fovant*?

Dunne. Because I did not know the way afterwards.

L. C. J. Then let me ask you another Question: Did you go the same way from *Fovant* to my Lady *Lisle's* as you went before?

Dunne. No, we did not.

L. C. J. How came that to pass?

Dunne. I would have went the same way, but they would not.

L. C. J. Which way did you go then?

Dunne. We went through *Chalke*, and so thro' *Rocksborne*, and from *Rocksborne* to *Fording-Bridge*, and so to *Moyle's Court*.

L. C. J. How far is this about now?

Dunne. Truly, my Lord, I cannot readily tell.

L. C. J. How many Miles is it from *Fovant* to my Lady *Lisle's*?

Dunne. My Lord, it is about fourteen or fifteen.

L. C. J. How many Miles was it the way that you went upon the *Tuesday*?

Dunne. It might be twenty, my Lord, for ought I know.

L. C. J. What was the Reason that *Barter* went that way.

Dunne. Truly, my Lord, I cannot tell.

L. C. J. Pray let me ask you another Question then; what Discourse had your with *Barter*? Or

what Bargain did you make with him for shewing you the way? For you would not ask him to go with you without promising him some Reward.

Dunne. My Lord, I asked him to shew me the way to my Lady *Lisle's* House, and told him I was going for one *Hicks*; and so he took his Horse and went with me.

L. C. J. What Reward did you promise him?

Dunne. Half a Crown, my Lord, and half a Crown I gave him.

L. C. J. Well, that was the first time; and what did you promise him the second time?

Dunne. The second time one of the two Men gave him five Shillings.

L. C. J. What Man was it?

Dunne. It was the black Man.

L. C. J. What was his Name? It was not the little black Man that came first to desire you to go on the Message, was it?

Dunne. No, my Lord, it was not he that spoke to me first.

L. C. J. Did not that little Man that spoke to you first, promise you a Reward for your Pains?

Dunne. No, my Lord, that Man never promised me any thing.

L. C. J. Did he go along with you?

Dunne. No, my Lord, he did not.

L. C. J. Who were the two Men that went with you?

Dunne. *Hicks* and *Nelthorp*.

L. C. J. Which of them two was it that gave *Barter* five Shillings?

Dunne. It was *Nelthorp* that gave him five Shillings.

L. C. J. How do you know his Name was *Nelthorp*?

Dunne. At my Lady *Lisle's*, after he was taken I knew his Name to be *Nelthorp*.

L. C. J. What Name did he go by before?

Dunne. Were I to die presently, my Lord, I cannot tell it.

L. C. J. Well, you went so much about: What time did you get to my Lady *Lisle's* upon the *Tuesday*?

Dunne. About nine or ten of the Clock at Night, my Lord.

L. C. J. Let us consider a little; you say you went from your House about eleven a Clock: What time did you get to *Fovant*?

Dunne. About two or three of the Clock, my Lord.

L. C. J. Where did you stay by the way?

Dunne. No where, my Lord.

L. C. J. Did you ride on still?

Dunne. Yes, my Lord.

L. C. J. Was it before nine, or after nine that you came to my Lady *Lisle's*?

Dunne. I believe it was rather after nine, my Lord.

L. C. J. Who came first to my Lady *Lisle's*, prithee tell us frankly?

Dunne. My Lord, we came all three together to the Gate.

L. C. J. Who knocked at the Gate, you or *Barter*, or who else?

Dunne. *Barter*, my Lord, was discharg'd before we came near the House, about eight Miles from it.

L. C. J. Say'st thou so; How came you then to know the way without him?

Dunne. My Lord, I'll tell you; they lost their way, and they sent me down to *Marston*, and there

I went

I went to a Man, my Lord, and told him one *Hicks* desired to speak with him.

L. C. J. Thou say'st well, now must I know that Man's Name.

Dunne. The Man's Name that I went to at *Marion*, my Lord?

L. C. J. Yes, and look to it, you tell me right, for it may be I know the Man already, and can tell at what end of the Town the Man lives too.

Dunne. My Lord, I cannot tell his Name presently.

L. C. J. Oh! pray now, do not say so, you must tell us, indeed you must think of his Name a little.

Dunne. My Lord, if I can mind it I will.

L. C. J. Prithee do.

Dunne. His Name, truly, my Lord, I cannot rightly tell for the present.

L. C. J. Prithee recollect thy self; indeed thou canst tell us if thou wilt.

Dunne. My Lord, I can go to the House again if I were at liberty.

L. C. J. I believe it, and so could I; but really neither you nor I can be spared at present, therefore prithee do us the kindness now to tell us his Name?

Dunne. Truly, my Lord, I cannot mind his Name at present.

L. C. J. Alack-a-day, we must needs have it; come, refresh your Memory a little.

Dunne. My Lord, I think his Name was *Fane*.

L. C. J. Thou say'st right, his Name was *Fane* truly, thou seemst I know something of the matter: Well, what didst thou say to him?

Dunne. I told him I came from one Mr. *Hicks*.

L. C. J. And what didst thou desire of him?

Dunne. I told him that one Mr. *Hicks* desired to speak with him; and when he came out to Mr. *Hicks*, Mr. *Hicks* did desire him to shew him the way to Mrs. *Lisle's*.

L. C. J. Now tell us what kind of Man that was, that did desire this of Mr. *Fane*?

Dunne. My Lord, it was the full fat black Man.

L. C. J. Now we have got him out, now we know which was *Hicks*: Now go on.

Dunne. My Lord, this Man went and rid along with them as far as the new House that is built there, within a Mile of that House *Fane* went along with us; and afterwards, whether *Hicks* or *Nelthorpe*, or who knew the way, I cannot tell, but to my Lady *Lisle's* we went.

L. C. J. Who directed you the way when *Fane* left you?

Dunne. My Lord, I cannot tell, for my part I did not know the way.

L. C. J. Who went with you?

Dunne. None but *Hicks* and *Nelthorpe*.

L. C. J. How far from my Lady's House was that place where *Fane* left you?

Dunne. My Lord, I cannot directly tell.

L. C. J. Then *Hicks* knew the way, it seems, from thence?

Dunne. So he might, my Lord, for ought I know, for I did not.

L. C. J. Thou art strangely stiff; but now we are come thus far with you, tell me what Entertainment you had at my Lady *Lisle's*, and look to it that you be sure to tell me Truth, for I know it to a tittle, I can assure you that.

Dunne. They went in before me, my Lord.

L. C. J. Who went in before you?

Dunne. *Hicks* and *Nelthorpe*.

L. C. J. But the Door was shut when you came, was it not?

Dunne. My Lord, I cannot tell truly.

L. C. J. Then tell me what Entertainment you had there?

Dunne. For my own part, my Lord, I carry'd a bit of Cake and Cheese from my own House, and that I eat.

L. C. J. What became of your Companions *Hicks* and *Nelthorpe*, I pray you?

Dunne. I never saw them again till after they were taken.

L. C. J. How is that, prithee recollect thy self?

Dunne. Sure, my Lord, I did not see them till then.

L. C. J. Who came to the Door to you?

Dunne. A young Girl, my Lord, I knew not who nor what she was.

L. C. J. Did they go directly into the House?

Dunne. It was dark, my Lord, I did not see what they did.

L. C. J. Was there never a Candle there?

Dunne. No, my Lord.

L. C. J. It was dark, very dark, was it not?

Dunne. Yes, my Lord, it was so.

L. C. J. Was my Lady stirring then?

Dunne. I did not see her.

L. C. J. And this is as much as you know of the Business?

Dunne. Yes, my Lord, this is all that I remember.

L. C. J. Well; and what hadst thou for all thy pains?

Dunne. Nothing but a Month's Imprisonment, my Lord.

L. C. J. Thou seemest to be a Man of a great deal of Kindness and Good-nature; for by this Story, there was a Man that thou never sawest before, (for I would fain have all People observe what Leather some Mens Consciences are made of) and because he only had a black Beard, and came to thy House, that black Beard of his should persuade thee to go 26 Miles, and give a Man half a Crown out of thy Pocket to shew thee thy way, and all to carry a Message from a Man thou never knewest in thy Life, to a Woman whom thou never sawest in thy Life neither; that thou should'st lie out by the way two Nights, and upon the *Sunday* get home, and there meet with this same black-bearded little Gentleman, and appoint these People to come to thy House upon the *Tuesday*; and when they came, entertain them three or four Hours at thy own House, and go back again so many Miles with them, and have no Entertainment but a piece of Cake and Cheese that thou broughtest thy self from home, and have no Reward, nor so much as know any of the Persons thou didst all this for, is very strange.

Dunne. My Lord, the Man that came to desire me to go on this Message, said that *Hicks* should reward me, and pay me for my pains.

L. C. J. But why wouldst thou take the word of a Man thou didst not know?

Dunne. I was forced to take his word at that time, my Lord.

L. C. J. There was no necessity for that neither; no body could force thee to do it. Alack-a-day! Thou seemest to be a Man of some consideration: I mightily wonder thou should'st be so kind to People thou didst not know, without any prospect of Recompence whatsoever.

Dunne.

Dunne. All the Reason that induced me to it was, they said they were Men in Debt, and desired to be concealed for a while.

L. C. J. Dost thou believe that any one here believes thee: Prithee what Trade art thou?

Dunne. My Lord, I am a Baker by Trade.

L. C. J. And wilt thou bake thy Bread at such easy Rates? Upon my Word then, thou art very kind: Prithee tell me, I believe thou dost use to bake on *Sundays*, dost thou not?

Dunne. No, my Lord, I do not.

L. C. J. Alack-a-day, thou art precise in that; but thou canst travel on *Sundays* to lead Rogues into Lurking-holes: It seemeth thou hast a particular Kindness for a black Beard, that's all thy Reason for undertaking all this Trouble. Thou hast told me all the Truth, hast thou?

Dunne. I have, my Lord.

L. C. J. But I assure thee, thy Bread is very light Weight, it will scarce pass the Ballance here.

Dunne. I tell the Truth, and nothing but the Truth.

L. C. J. No Doubt of that; but prithee tell me, whose Horse didst thou ride when thou wentest first?

Dunne. The Man's Horse that came to me to desire me to go on the Message.

L. C. J. How came he to trust thee with his Horse?

Dunne. The Lord knows, my Lord.

L. C. J. Thou say'st right, the Lord only knows, for by the little I know of thee, I would not trust thee with Two-pence: Whose Horse did thou ride the second time?

Dunne. My own, my Lord.

L. C. J. And where didst thou put thy Horse when thou camest to my Lady *Lisle's*?

Dunne. In the Stable, my Lord.

L. C. J. Where did they put their Horses?

Dunne. They left them without the Gate, I think, my Lord; I did not see them take them in.

L. C. J. No, thou said'st it was so dark thou could'st not see any thing: Pray were you with the two Men when they did alight;

Dunne. We did all three come together.

L. C. J. What did you give *Fane* for his Pains in shewing you the way?

Dunne. He had nothing that I know of.

L. C. J. Well, you are the best-natur'd and kindest-hearted People that ever I knew: Whereabouts do you live?

Dunne. At *Warminster*, near my Lord *Weymouth's*.

Mr. Pollexfen. Pray, *Mr. Dunne*, will you answer me one Question: Was not there searching at that time up and down the Country for Rebels that were fled from the Battle?

Dunne. I did hear there was, some were taken.

Mr. Pollexfen. But did you hear there was searching at that time for other of the Rebels?

Dunne. I did not hear of any near me, but there were in other Places.

L. C. J. Then it being such a suspicious Time, when that little Man with the black Beard came to thee, didst thou not ask what that *Hicks* was?

Dunne. No, my Lord, I did not.

L. C. J. And when *Mr. Hicks* and the other Man that is call'd by the Name of *Mr. Nelthorp* came to thy House, didst not thou ask their Names?

Dunne. No, my Lord.

L. C. J. Nor didst not thou ask upon what Occasion they were to be conducted to my Lady *Lisle's*?

Dunne. No, my Lord: *Hicks*, the fat Man, told me they were in Debt.

VOL. IV.

L. C. J. Did not the Man that first came to you, and employ'd you to go on this Message; did not he know *Hicks*?

Dunne. I cannot tell, my Lord.

L. C. J. Did not he tell you, *Hicks* desired you to go, and that he was in Debt, and therefore desired to be concealed?

Dunne. Yes, my Lord, he did.

L. C. J. How came you to be so impudent then, as to tell me such a Lye?

Dunne. I beg your Pardon, my Lord.

L. C. J. You beg my Pardon! That is not because you told me a Lye, but because I have found you in a Lye. Come *Sirrah*, tell me the Truth; What did *Hicks* and *Nelthorp* with their Horses, when they came to my Lady *Lisle's*?

Dunne. My Lord, I cannot tell.

L. C. J. Why you impudent Rascal, did not you tell me just now that they left them at the Door?

Dunne. My Lord, I said I believ'd they might, but cannot directly tell what they did with them; I know not but one or other might have them away, but I did not see it.

Mr. Pollexfen. Prithee, Friend, tell the Truth; what did become of the Horses?

Dunne. I cannot tell truly, my Lord; if any body had them away, I did not see them.

L. C. J. Where didst thou lie that Night?

Dunne. In one of the Chambers.

L. C. J. Who shewed thee the Way to thy Lodging?

Dunne. The Girl.

L. C. J. Who else didst thou see in the House?

Dunne. I saw no body at all.

L. C. J. Then who shewed thee the Way to the Stable, and help'd thee with Horse-meat?

Dunne. No body help'd me to Horse-meat.

L. C. J. Why, thy Horse did not feed on thy Cake and Cheese, did he?

Dunne. There was Hay in the Rack, my Lord.

L. C. J. Was the Stable-Door lock'd or open?

Dunne. The Stable-Door was latch'd, and I pluck'd up the Latch.

L. C. J. How came you to know the Way to the Stable then?

Dunne. Because I had been there before, my Lord.

L. C. J. Thou had'st need to know it very well, for it seems thou wentest without a Candle or any thing in the World, and put in thy Horse. Did'st thou see that Man *Carpenter* the Bailiff that thou spokest of?

Dunne. *Mr. Carpenter* gave my Horse Hay.

L. C. J. Was there any Light in the Stable?

Dunne. Not when I put in my Horse first.

L. C. J. Who brought the Light thither?

Dunne. Goodman *Carpenter*.

L. C. J. Did not he give thy Horse Hay?

Dunne. Yes, he did.

L. C. J. And did he not give him Oats too?

Dunne. No, my Lord, he did not.

L. C. J. Did not he conduct you into the House?

Dunne. Who, my Lord?

L. C. J. That same Goodman *Carpenter*.

Dunne. No, my Lord.

L. C. J. Did you see any body else but that Girl you speak of?

Dunne. My Lord, I did see the Girl there.

L. C. J. But, you Blockhead, I ask you whether you did see any body else?

Dunne. I do not know but I might see Goodman *Carpenter*.

L. C. J. Why, thou said'st he brought the Light, and gave thy Horse Hay; but I see thou art set upon nothing but Prevarication: Sirrah, tell me plainly, did you see no body else?

Dunne. No, my Lord.

L. C. J. Not any body?

Dunne. No, my Lord, not any one.

L. C. J. Did you not drink in the House?

Dunne. No, my Lord, not a Drop.

L. C. J. Did not you call for Drink?

Dunne. No, my Lord, I did not, I had nothing but my Cake and Cheese that I brought thither my self.

L. C. J. Who went up to the Chamber with you?

Dunne. The Girl, my Lord.

L. C. J. And no body else?

Dunne. No, my Lord.

L. C. J. Was the Bed made?

Dunne. Yes, my Lord, it was.

L. C. J. You eat nothing in the House, you say?

Dunne. Nothing but my own Cake and Cheese, my Lord.

L. C. J. But you did not drink in the House at all?

Dunne. No, my Lord, I did not.

L. C. J. Did you drink at *Marion*, where you did call upon *Fane*?

Dunne. Yes, I did, but not afterwards.

L. C. J. Did you see any body there the next Morning before they were taken?

Dunne. No, my Lord; but after the House was beset, I saw my Lady and Mr. *Hicks*, and I think I saw Goodman *Carpenter*.

L. C. J. They and you were taken there together, were not you?

Dunne. Yes.

L. C. J. Did you see *Carpenter's* Wife, upon your Oath, that Night?

Dunne. My Lord, I did not.

L. C. J. Nor no Woman-kind besides the Girl you speak of?

Dunne. No, my Lord.

L. C. J. Nor no Man besides *Carpenter*?

Dunne. No, my Lord.

L. C. J. You are sure of this?

Dunne. I am so, my Lord.

L. C. J. You are sure you did not drink there?

Dunne. I am, my Lord.

L. C. J. And you say he brought the Light into the Stable, and gave your Horse Hay?

Dunne. He did, my Lord.

L. C. J. Now prithee tell me truly, where came *Carpenter* unto you? I must know the Truth of that; remember that I gave you fair Warning, do not tell me a Lye, for I will be sure to treasure up every Lye that thou tellest me, and thou may'st be certain it will not be for thy Advantage: I would not terrify thee to make thee say any thing but the Truth; but assure thyself, I never met with a lying, sneaking, canting Fellow, but I always treasur'd up Vengeance for him: and therefore look to it, that thou dost not prevaricate with me, for to be sure thou wilt come to the worst of it in the End.

Dunne. My Lord, I will tell the Truth as near as I can.

L. C. J. Then tell me where *Carpenter* met thee?

Dunne. In the Court, my Lord.

L. C. J. Before you came to the Gate, or after?

Dunne. It was after we came to the Gate, in the Court.

L. C. J. Then tell me, and I charge you tell me true, who was with you when *Carpenter* met you?

Dunne. *Hicks* and *Nelthorp*.

L. C. J. Was there any body else besides them two in the Court?

Dunne. There was no body but *Hicks* and *Nelthorp*, and I and Mr. *Carpenter*.

L. C. J. You are sure of that?

Dunne. Yes, my Lord.

L. C. J. Consider of it, are you sure there was no body else?

Dunne. Truly, my Lord, I did not mind that there was any body else.

L. C. J. Recollect your self, and consider well of it.

Dunne. Truly, my Lord, I do not know of any body else.

L. C. J. Now upon your Oath tell me truly, who it was that opened the Stable-door, was it *Carpenter* or you?

Dunne. It was *Carpenter*, my Lord.

L. C. J. Why, thou vile Wretch, didst not thou tell me just now, that thou pluck'd up the Latch? Dost thou take the God of Heaven not to be a God of Truth, and that he is not a Witness of all thou say'st? Dost thou think because thou prevaricatest with the Court here, thou can'st do so with God above, who knows thy Thoughts; and it is infinite Mercy, that, for those Falshoods of thine, he does not immediately strike thee into Hell? Jesus God! there is no sort of Conversation nor human Society to be kept with such People as these are, who have no other Religion but only in Pretence, and no way to uphold themselves but by countenancing Lying and Villainy: Did not you tell me that you opened the Latch your self, and that you saw no body else but a Girl? How durst you offer to tell such horrid Lyes in the Presence of God and of a Court of Justice? Answer me one Question more: Did he pull down the Hay, or you?

Dunne. I did not pull down any Hay at all.

L. C. J. Was there any Hay pull'd down before the Candle was brought?

Dunne. No, there was not.

L. C. J. Who brought the Candle?

Dunne. Mr. *Carpenter* brought the Candle and Lanthorn.

L. C. J. It seems the Saints have a certain Charter for Lying; they may lye and cant, and deceive, and rebel, and think God Almighty takes no Notice of it, nor will reckon with them for it: You see, Gentlemen, what a precious Fellow this is, a very pretty Tool to be employ'd upon such an Errand, a Knave that no body would trust for half a Crown between Man and Man, but he is the fitter to be employ'd about such Works; what Pains is a Man at to get the Truth out of these Fellows! and it is with a great deal of Labour, that we can squeeze one Drop out of them? A Turk has more Title to an Eternity of Bliss than these Pretenders to Christianity, for he has more Morality and Honesty in him. Sirrah, I charge you in the Presence of God, tell me true, What other Persons did you see that Night?

Dunne. My Lord, I did not see any than what I have told you already.

L. C. J. Then they went out and brought Word that thou wert come, and so he came out to meet thee. Very well: I would have every body that has but the least Tang of Saintship to observe the Carriage of this Fellow, and see how they can cant and snivel, and lye, and forswear themselves, and all for the

the Good Old Cause: They will stick at nothing, if they think they can but preserve a Brother or Sister Saint forsooth; they can do any thing in the world but speak Truth, and do their Duty to God and their Governors: I ask you again, Did not *Carpenter* meet you before you left *Hicks* and *Nelthorp*?

Dunne. No, he did not.

L. C. J. Then I ask you again once more, did not *Carpenter* ask you to drink?

Dunne. No, he did not.

L. C. J. Did not he light you with a Lanthorn and Candle into the House?

Dunne. I went into the House.

L. C. J. Dost thou believe we think any body thrust thee in: Did he light thee in, I ask thee?

Dunne. I went in along with Mr. *Carpenter*.

L. C. J. What Room did he carry you into?

Dunne. My Lord, he carried me into no Room; the young Woman shew'd me into a Room.

L. C. J. What Room was it?

Dunne. Into the Chamber.

L. C. J. Was not thou in the Hall or Kitchen?

Dunne. No, my Lord,

L. C. J. It is hard thou hadst not one Cup of Drink to thy Cake and Cheese.

Dunne. My Lord, I had never a Drop.

L. C. J. No, nor did nobody ask you to eat or drink?

Dunne. No, my Lord.

L. C. J. Thou art the best-natur'd Fellow that ever I met with, but the worst rewarded. Come, I will ask thee another Question: When was the first time thou heard'st *Nelthorp's* Name?

Dunne. Not till he was taken.

L. C. J. What Name did the Fellow with the black Beard tell thee he had?

Dunne. My Lord, he never told me any Name?

L. C. J. Didst thou never ask him his Name?

Dunne. No, my Lord, that Man that was afterwards found to be *Nelthorp*, I did not know to be *Nelthorp* till he was taken, nor what his Name was, nor any Name he had.

L. C. J. No, prithee tell the Truth, did not *Nelthorp* go by the Name of *Crofts*?

Dunne. He did, my Lord.

L. C. J. Then prithee, when did he first go by that Name in thy Hearing?

Dunne. My Lord, I only heard *Hicks* say he went by the Name of *Crofts*.

L. C. J. When was that?

Dunne. When they were taken.

L. C. J. Did you not hear him call'd by that Name any time of the Journey?

Dunne. I cannot recollect, my Lord, that I ever did.

L. C. J. Thou can'st recollect nothing of Truth: Is this as much as you can say?

Dunne. It is, my Lord.

Mr. Jennings. You say *Carpenter* met you very civilly, and took care of your Horse: Did he make no Provision for *Hicks* and *Nelthorp's* Horses? What became of them?

Dunne. I cannot tell, my Lord.

Mr. Rumsey. Did you see their Horses afterwards?

Dunne. No, my Lord, I did not.

Mr. Rumsey. When they alighted from them, were they ty'd fast to the Gate, or how?

Dunne. They were not ty'd at all, as I know of.

Mr. Jennings. Did you tell *Carpenter* that their Horses were there?

Dunne. I did not tell him any such thing.

L. C. J. Thou art a strange prevaricating, shuffling, sniveling, lying Rascal.

VOL. IV.

Mr. Pollexfen. We will set him by for the present; and call *Barter*, that is the other Fellow.

L. C. J. Will the Prisoner ask this Person any Questions?

Lisse. No.

L. C. J. Perhaps her Questions might endanger the coming out of all the Truth, and it may be she is well enough pleased to have him swear as he does; but it carries a very foul Face, upon my Word.

[Then *Barter* was sworn.

L. C. J. Is this *Barter*?

Mr. Pollexfen. Yes, my Lord, for his part we have his Examination before two Justices of Peace; but we hope he is an honest Fellow, and will tell the Truth.

L. C. J. That is all one whether you have his Examination or not; I expect he should tell me the Truth, and the whole Truth here. Friend, you know your Soul is at pawn for the Truth of what you testify to us; the other Fellow thou seest has been prevaricating with us all this while, and swearing off and on, and scarce told one Word of Truth, I know very well: Now I know as much of thee as I do of him, therefore look to thy self, and let the Truth, and nothing but the Truth come out.

Barter. May it please your Honour, my Lord, this Man *Dunne* came to my House upon the *Saturday*, and spoke to me to ride along with him to *Moyle's-Court*, where my Lady *Lisse* liv'd; and I having no other Business at that time, did go along with him: He had a Letter in his Pocket, and I saw him produce the Letter to my Lady's Baliff, Mr. *Carpenter*, but he would not meddle with it, so I suppose he went in with it to my Lady; and while I was in the Kitchen, my Lady came thither, and asked me, saith she, What Countryman art thou? Said I, Madam, I am a *Wiltshire* Man. Saith she, Do'st thou make Bricks? No, said I, Madam, I cannot, I can help in Husbandry-work. Saith she, If thou could'st make Bricks, I will give the ten Acres of Ground in such a Place. I told her no, I could not: And then she goes to this Man *Dunne*, and there she was laughing with him, and look'd upon me; and afterwards when we were going along, I asked him what she laugh'd at?

L. C. J. Ay, and now tell me what he said to thee about it?

Barter. He told me, my Lord, my Lady asked whether I knew any thing of the Concern, and that he answered her, no; this the Fellow told me was that she laugh'd at. After this, I could not eat, nor drink, nor sleep for trouble of mind, till I had discovered this to some Justice of the Peace; and I resolved at last to go to Colonel *Penruddock*, and consult him about it, so I went over and told him of it.

L. C. J. What did you tell Colonel *Penruddock*, let us hear?

Barter. Where I had been the *Saturday* before, and where I should meet them again upon *Salisbury-Plain* upon the *Tuesday*, for I did expect to meet them there according to appointment, and we did agree he should come and take them there; but afterwards missing them there, or for some other reason, I do not know what, his Mind altered, and he came to take them in the House: So when I met them, we rode on about ten Miles, and they would have had me to have led them a private way over the fording Bridge towards *Moyle's-Court*, but I told them, in case they intended to have me for their Guide, they must go the way that I could tell; but they would go that private way, and so lose their way;

way; then they sent back this *Dunne* to *Marton* to one *Fane*, that was the fat Man that sent him: but finding that I was of no more value then, rode away from them, and having a Relation that liv'd on that side of the Country, I went to let Colonel *Penruddock* know that they were at the House. But before I went away from them, *Nelthorp* gave me five Shilling, half a Crown, and two Shillings and a Six-pence.

L. C. J. Now thou say'st *Nelthorp* did: Didst thou hear his Name named?

Barter. I never could find any of their Names till they were taken.

Mr. Pollexfen. Pray, *Barter*, what Discourse had you with *Dunne* the first time you were going to and from my Lady *Lisle's*, concerning the Men that he was to bring thither, and what Estates they had?

Barter. My Lord, he said they had half a Score of Thousands of Pounds a Year a-piece.

Mr. Pollexfen. Did he tell you they were to come to my Lady's.

Barter. Yes, he told me they were to come upon the *Tuesday*, and they were to come such a Way, and were to come to my Lady's in the Evening.

L. C. J. What wer't thou to have for thy pains?

Barter. I made no Bargain, my Lord.

L. C. J. You are all very free, kind-hearted People, I say that for you.

Mr. Pollexfen. What did *Dunne* say about his Gains?

Barter. He told me he had a very fine Booty for his part, and that he should never want Money again, and that I should be very well paid, and gave me half a Crown.

L. C. J. Then let my honest Man, *Mr. Dunne*, stand forward a little. Come, Friend, you have had some time to recollect your self; let us see whether we can have the Truth out of you now: You talked of carrying a Message from *Hicks* to my Lady *Lisle*; Did not you carry a Letter?

Dunne. No, my Lord, I did not.

L. C. J. Did not you shew a Letter to the Bailiff, *Carpenter*?

Dunne. No, my Lord, I did not.

L. C. J. What say you, *Barter*, to that?

Barter. My Lord, I did see him produce the Letter to the Bailiff,

L. C. J. Then I will ask you another Question: Did you not tell *Barter* that you should be at *Salisbury-Plain*, with two People, upon the *Tuesday*?

Dunne. No, my Lord, I said between *Compton* and *Fovant*.

L. C. J. Did not you tell him, that they were brave Fellows, and had God knows how many Thousand Pounds a year a-piece?

Dunne. No, my Lord, I did not.

L. C. J. Then one thing more: Did not you tell him, that you told my Lady, when she asked whether he was acquainted with the Concern, that he knew nothing of the Business?

Dunne. My Lord, I did tell him so.

L. C. J. Did you so? Then you and I must have a little further Discourse: Come now, and tell us, what Business was that? and tell it us so, that a Man may understand and believe that thou dost speak Truth.

Dunne. Does your Lordship ask what that Business was?

L. C. J. Yes, it is a plain Question; What was that Business that my Lady asked thee, whether the other Man knew; and then you answered her, that he did know nothing of it?

[Then he paused a while.

L. C. J. Remember, Friend, thou art upon thy Oath; and remember withal, that it is not thy Life, but thy Soul that now in danger: therefore I require from thee a plain Answer to a very plain Question; What was that Business my Lady enquired after, whether the other Fellow knew, and thou told'st her, he did not?

[Dunne made no Answer, but stood musing a while.

L. C. J. He is studying and musing how he shall prevaricate; but thou had'st better tell the Truth, Friend: remember what thou hast said already; thou hast said, That thou didst tell that Man, that the Lady asked you, whether he knew any thing of the Business, and thou told'st her, he did not. Now I would know what that Business was.

Still he made no Answer, but seemed to muse.

L. C. J. Look thee, if thou canst not comprehend what I mean, I will repeat it to thee again; for thou shalt see what Countryman I am, by my telling my Story over twice: Therefore I ask thee once again. Thou said'st thy Lady asked thee, whether he knew of the Business; and thou told'st her, he did not. Now let us know what that Business was.

Dunne. I cannot mind it, my Lord, what it was.

L. C. J. But mind me prithee: Thou didst tell that honest Man there, that my Lady *Lisle* asked thee, whether he knew any thing of the Business, and thou said'st, no. What was that Business?

Dunne. That Business that *Barter* did not know of?

L. C. J. Yes, that is the Business; be ingenuous, tell the Truth: Oh! how hard the Truth is to come out of a lying Presbyterian Knave. Prithee, Friend, consider the Oath that thou hast taken, and that thou art in the presence of a God that cannot endure a Lye, nor whose Holiness will not admit him to dispense with a Lye: Consider that that God is an infinite being of Purity, Holiness, and Truth; and it would be inconsistent with his Being to dispense with the least Untruth; and thou hast called him to witness, that thou would'st testify the Truth, the whole Truth, and nothing but the Truth. I charge thee, therefore, as thou wilt answer it to that God of Truth, and that thou may'st be called to do, for ought I know, the very next Minute, and there thou wilt not be able to palliate the Truth; what was that Business you and my Lady spoke of?

[Then he paused for half a quarter of an Hour, and at last said:

Dunne. I cannot give an Account of it, my Lord.

L. C. J. Oh blessed God! Was there ever such a Villain upon the Face of the Earth; to what Times are we reserved? Dost thou believe that there is a God?

Dunne. Yes, my Lord, I do.

L. C. J. Dost thou believe, that that God can endure a Lye?

Dunne. No, my Lord, I know he cannot.

L. C. J. And dost thou believe then, that he is a God of Truth?

Dunne. Yes, my Lord, I do.

L. C. J. Dost thou think, that that God of Truth may immediately sink thee into Hell-Fire if thou tellest a Lye?

Dunne. I do, my Lord.

L. C. J. Dost thou believe, that he does observe every thing that thou thinkest, sayest, or doest; knows the Secrets of thy Heart, and knows whether thou tellest a Lye or not; tho' perhaps it may be hid from us, and knows whether thou dost prevaricate or not?

Dunne. I know, the Lord does know all things.

L. C. J. Dost thou believe, that he knows the Business that you and my Lady the Prisoner were talking of, as well as you do; that he hath an almighty Power over all his Creatures, an all-piercing Eye, that looks into the Hearts of every one of them, and from which nothing can be concealed? Dost thou believe it possible to conceal that very Discourse of your's from the knowledge of that infinite Being?

Dunne. My Lord, I do believe that there is a God above.

L. C. J. I ask thee then again; dost thou believe, that that God above, who is a God of Truth himself, is omniscient, omnipresent, to whom all Truth is naked and open, that he knows every thing that is either thought, said, or done by any of his Creatures, sees and knows the Hearts of all Men; Dost thou believe all this?

[He stood silent for a good while.]

L. C. J. Friend, deceive not thy self; the great God does observe and know the secret workings of thy Thoughts now, and how Truth struggles to get out, but Baseness and Villany keep it in: All the private Imaginations of thy Heart are not only known to him, but registred by him, and thy Conscience will bear witness to thy Accusation when thou art called to answer for them, and answer for them thou must; for the Scripture, that is the Word of God, tells us, *That every vain Thought we must account for.* Dost thou then believe, that any Discourse between you, tho' never so private, is private from the Almighty, All-knowing God?

Dunne. My Lord, I know it is not, nor can be.

L. C. J. I therefore once more adjure thee, as thou wilt answer it to that God, that is the Searcher of the Hearts and Trier of the Reins, to whom all Hearts are open, and from whom no Secrets are hid, that thou make me a plain Answer to my Question; and as thou hast called God to bear Witness to the Truth of the Evidence thou givest here in this Court, so I charge thee, in his Name, to declare the Truth, and nothing but the Truth. Now tell us what was the Business you spoke of?

But he made no Answer.

William Montague Esq; *L. C. Baron.* Friend, mind what my Lord says to you, and consider, how easy a thing it is for a Man to speak Truth, and give a plain Answer to a plain Question. You cannot but understand what my Lord asks of you; you said even now, that you did tell the other Witness, *Barter*, that my Lady ask'd you, whether he knew any thing of the Business; and you told her, he did not. Now my Lord would have you tell us, what that Business was?

[He seemed to turn his Head on one side, but return'd no Answer.]

L. C. J. He is going to ask that Man there, whether he shall tell the Truth.

Dunne. No, my Lord, I ask no Man any such Question.

L. C. J. Prithee tell us the Truth then now: Thou art to know, that thou standest in the Presence of the God of Truth, and hast called him to witness, that thou would'st tell the Truth.

Dunne. My Lord, I do tell the Truth, as far as I can remember.

L. C. J. Then what was that you told my Lady *Lisle*, *Barter* did not know?

Dunne. What *Barter* did not know, my Lord?

L. C. J. Ay, is not that a plain Question? Of all the Witnesses that ever I met with, I never saw thy fellow.

[He stood a good while, and made no Answer.]

L. C. J. I hope, Gentlemen of the Jury, you take notice of the strange and horrible Carriage of this Fellow; and withal, you cannot but observe the Spirit of that sort of People, what a villanous and devilish one it is: Good God! that ever the thing called Religion (a Word that People have so much abused) should ever wind up Persons to such a height of Impiety, that it should make them lose the Belief that there is a God of Truth in Heaven; that sees and knows, observes and registers, and will punish and take vengeance of Falshood and Perjury. It may well make the rest of Mankind, that have any sort of Faith in a Deity and a future Life; to abhor and detest both the Men and their Religion, if such abominable Principles may be called so. A *Turk* is a Saint to such a Fellow as this; nay a *Pagan* would be ashamed to be thought to have no more Truth in him. O blessed *Jesus!* What an Age do we live in, and what a Generation of Vipers do we live among? Sirs, is this that you call the *Protestant Religion*? Shall so glorious a Name be applied to so much Villany and Hypocrisy? Is this the Persuasion you hope to live, and die, and find Salvation in? Will any of you all, Gentlemen, be contented to die with a Lye in your Mouth? Do not you all expect, according to the Orthodox Doctrine of the true Church of *England*, that eternal Damnation will be the Portion of Lyars? And thou wicked Wretch; how durst thou appear to give Testimony before even an earthly Tribunal with so much Impudence and Falshood, when every Lye will cost thee so dear, except a sincere and hearty Repentance, and the infinite Mercy of the great God interpose? I charge you once more, as you will answer it at the Bar of the great Judge of all the World, that you tell me what that Business was, you and the Prisoner talked about: do you consider what a Condition thou bringest thy self into by all this Shuffling and Prevarication, even as to any thing of Mercy in this Life; for indeed it is not fit thou should'st have the least Hopes of Mercy on this side Eternity, and truly there is no Man can imagine less than infinite Mercy can pardon so flagitious a Sin, one that so impudently tells and stands in a Lye.

[Still he would make no Answer.]

L. C. J. *Jesus God!* Was there ever such a Fellow in the World as thou art? Prithee let me ask thee once again, Dost thou believe that there is a God, that this God is spotless Truth and Purity it self? Dost thou believe thou hast a precious and immortal Soul, that is to live in everlasting Bliss or eternal Misery after this Life accordingly as thou carriest it here; if thou dost believe it, ought not the Concerns of that precious and immortal Soul of thine to be much dearer to thee than ten thousand Worlds? Does not the

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blest Word of Truth tell thee, *What will it profit a Man to gain the whole World, and lose his own Soul? or what shall a Man give in exchange for his Soul?* Is not this the Voice of Scripture itself? And wilt thou hazard so dear and precious a thing for a Lye, and an unprofitable Lye too? Thou Wretch! all the Mountains and Hills in the World heaped upon one another, will not cover thee from the Vengeance of the great God for this Transgression of false Witness-bearing: What hopes can there be for so profligate a Villain as thou art, that so impudently stands in open defiance of the Omnipresence, Omniscience, and Justice of God, by persisting in so palpable a Lye? I therefore require it of you, in his Name, to tell me the Truth.

Dunne. I cannot tell what to say, my Lord.

L. C. J. Good God! Was there ever such an impudent Rascal? Well, I will try once more, and tell thee what I mean; you said you told that honest Man (for truly he seems so to be) that my Lady asked you whether he knew of the Business, and you told her, he did not: Prithee be so free as to tell us what that Business was.

[*Dunne paused but would make no Answer.*]

L. C. J. Prithee what didst thou mean, or thy Lady mean, by that Business?

[*He paused again, but would make no Answer.*]

L. C. J. Why, prithee dost thou think thou dost her a Kindness by this way of proceeding? Sure thou canst not think so; for such a sort of Carriage were enough to convict her, if there were nothing else.

Dunne. Truly, my Lord, I do not think to do her any Kindness at all.

L. C. J. Then prithee let me persuade thee to have some kindness for thyself; look to thy own Soul that is in great peril of everlasting Ruin and Destruction by these means; dost thou call this Religion? It is a prodigious piece of Religion: Come, pray tell me what Business it was you talked of: You should not have asked me a Question so often, but I would have given you a plain Answer, though I were not under the Obligation of an Oath, as you are.

Dunne. My Lord, pray ask the Question over again once more, and I will tell you.

L. C. J. I will so, and I will ask it you with all the Calmness, and Seriousness, and Candour, that I can; if I know my own Heart, it is not in my Nature to desire the Hurt of any body, much less to delight in their eternal Perdition; no, it is out of tender compassion to you that I use all these Words: I would have thee to have some regard to thy precious and immortal Soul, which is more valuable than the whole World; reflect upon that Scripture again which I mention'd before, which must be true, because it is the Words of him that is Truth itself: *What shall it profit a Man to gain the whole World, and lose his own Soul? or what shall a Man give in exchange for his Soul?* If that Soul of thine be taken away, what is the Body fit for, but, like a putrid Carcase, to be thrust into and covered with the Dust with which it was made: Therefore I ask you, with a great Desire that thou mayst free thyself from so great a Load of Falshood and Perjury, tell me what the Business was you told the Prisoner, the other Man *Barker* did not know?

Dunne. My Lord, I told her, he knew nothing of our coming there.

L. C. J. Nay, nay, that can never be it, for he came along with thee.

Dunne. He did not know any thing of my coming there till I met him on the way.

L. C. J. Prithee mind my Question; sure enough thou hadst told him whither thou wert going, or else he could not have been thy Guide; so that he must needs know of thy coming there: but what was the Business that thou toldst her, he did not know.

Dunne. She asked me, whether I did not know that *Hicks* was a Nonconformist.

L. C. J. Did my Lady *Lisle* ask you that Question?

Dunne. Yes, my Lord, I told her I did not.

L. C. J. But that is not my Question: What was that Business that he did not know?

Dunne. It was the same thing; whether Mr. *Hicks* was a Nonconformist.

L. C. J. That cannot be all; there must be something more in it.

Dunne. Yes, my Lord, it is all; I know nothing more.

L. C. J. What did she say to you when you told her, he did not know it?

Dunne. She did not say any thing, my Lord.

L. C. J. Why dost thou think, that after all this pains that I have been at to get an Answer to my Question, that thou canst banter me with such sham Stuff as this? Hold the Candle to his Face, that we may see his brazen Face.

Dunne. My Lord, I tell you the Truth.

L. C. J. Did she ask thee whether that Man knew any thing of a Question she had asked thee, and that was only of being a Nonconformist.

Dunne. Yes, my Lord, that was all.

L. C. J. That is all Nonsense; dost thou imagine that any Man hereabouts is so weak as to believe thee?

Dunne. My Lord, I am so baulked, I do not know what I say my self; tell me what you would have me to say, for I am clutter'd out of my Senses.

L. C. J. Why, prithee Man, there's no body baulks thee but thy own self; thou art asked Questions that are as plain as any thing in the World can be: it is only thy own depraved naughty Heart that baulks both thy Honesty and Understanding, if thou hast any; it is thy studying how to prevaricate, that puzzles and confounds thy Intellect: but I see all the pains in the World, and all Compassion and Charity is lost upon thee, and therefore I will say no more to thee.

Mr. Pollexfen. My Lord, because he pretends to Ignorance what *Hicks* was, I desire to ask *Barter* one Question: Pray, what did he tell you concerning his Carriage towards these People?

Barter. My Lord, he told me that he had concealed them in his House ten Days before.

Dunne. That I never did in my Life.

Barter. I know not whether you did or no, but you told me so; and I made answer to him again, my Lord, I wonder how he were able to keep them without being discovered, there being such search; and he answered, He did keep them in a Chamber all day, and then they walked out at night; for the Searches of the Houses were usually at night.

Dunne. My Lord, I can bring testimony to the contrary.

L. C. J. But really I believe it will be no strange thing for me to say, I do believe him rather than thee; I would I had half as much reason to believe thee, as I have to believe him: I would fain have thee

thee speak truth, if I could. What say you to the Question I asked you?

Dunne. I cannot tell what to say, my Lord.

L. C. J. Say the Truth, Man.

Dunne. I do, as I hope for mercy, my Lord.

L. C. J. Do'st thou hope for mercy? Thou hast very little reason for it, I assure thee. Well, I will try thee with another Question: Didst thou tell that Man, that it was the best Jobb thou ever hadst in thy Life?

Dunne. No, my Lord, I did not.

L. C. J. Nor nothing to that purpose?

Dunne. No, my Lord.

L. C. J. What say you, *Barter*, did not he tell you so?

Barter. Yes, my Lord, he did; and that he should never lack Money again as long as he liv'd.

L. C. J. Then I ask you one Question more, *Barter*; did you tell this to Col. *Penruddock*?

Barter. Yes, I did, my Lord.

L. C. J. Then that will fortify his Testimony; therefore swear him, because I would make these concealed Wretches (for in my conscience I know there are some such in the bottom of this Business) know, that the Truth will out one way or other. And as for this Fellow, I expect it from all you Gentlemen of the King's Counsel, and others that are concerned, that you take notice and remember what has passed here, and that an Information of Perjury be preferred against this Fellow.

[Then Col. *Penruddock* was sworn.

L. C. J. Col. *Penruddock*, upon the Oath you have taken, did that Man, *Barter*, come to you; and what did he say to you?

Col. *Penruddock.* My Lord, that Man, *Barter*, came to my House in the Morning, upon *Monday*, and told me, he had been with one *Dunne*, upon a Journey to Mrs. *Lisle's* House, to get Entertainment for some People; and that they had appointed to meet him the *Tuesday* following, between nine and eleven, upon *Salisbury-Plain*, and there, if I pleased, I might take them. I ordered him to go according to the Appointment, and withal, I sent a Servant of my own to watch when they came by; but it happen'd, I suppose, by their taking another way, that he missed of them: but *Barter* left word, that in case he did not find them there, we must conclude, that he was gone with them to my Lady *Lisle's* House; and he told me withal, says he, I believe they are Rebels, because he that desired me to be their Guide, said the same to me. So early the next Morning I took some Soldiers with me, and beset my Lady *Lisle's* House; it was a pretty while before I could get any body in the House to hear: at length that Man that they say was the Baliff, *Carpenter*, came out; and I said to him, Friend, you had best be free and ingenuous, and discover who are in your Lady's House, for I am sure there were some Strangers came hither last Night; let me know who they are, and shew me what part of the House they are in. He did confess to me there were Strangers in the House, and pointed to such part of the House; but pray, says he, do not tell my Mistress of it. Accordingly we went in, and immediately we took Mr. *Hicks* and this same *Dunne* in the Malt-house.

L. C. J. Was *Dunne* taken in the Malt-house?

Col. *Penruddock.* Yes, he had covered himself with some sort of Stuff there.

L. C. J. Well, what did you do then?

Col. *Penruddock.* My Lady afterwards coming to us, I told her, Madam, you have done very ill in

harbouring Rebels, and giving Entertainment to the King's Enemies. Saith she, I know nothing of them; I am a Stranger to it. Pray, said I, Madam, be so free and ingenuous with me, and so kind to yourself, as if there be any other Person that is concealed in any part of your House, (for I am sure there is some body else) as to deliver him up, and you shall come to no further trouble. She denied it, and said, I know nothing of them: But we went on, and searched, and at last discovered the other Man *Nellborp*, hid in a Hole by the Chimney.

L. C. J. *Dunne*, how came you to hide yourself in the Malt-house?

Dunne. When I heard the stir and bustle, I went thro' the Chamber where I lay, and came into that Room where I was taken.

L. C. J. When thou heard'st a stir and a bustle, why wert thou afraid of any thing.

Dunne. My Lord, I was frighted at the noise.

L. C. J. Prithee, what need'st thou be afraid, for thou did'st not know *Hicks*, nor *Nellborp*; and my Lady only asked thee, whether *Hicks* were a Non-conformist Parson: Thou art a very innocent Soul, and surely needest no occasion to be afraid. I doubt there was something of that *Business* in the Case that we were talking of before, if we could but get out of thee what it was.

Dunne. My Lord, I heard a great noise in the House, and I did not know what it meant; and so I went and hid myself.

L. C. J. Alack-a-day! That is very strange, that thou should'st hide thyself for a little noise, when thou knewest nothing of the Business, nor wert acquainted with any thing of the matter at all. But Col. *Penruddock*, I would ask you one Question more: did that honest Man tell you, that *Dunne* had told him, that it was the best Jobb that ever he had in his life, and that he should want no Money?

Col. *Penruddock.* I cannot tell that truly, my Lord; I do not remember that: but he said, he apprehended them to be Rebels, and that *Dunne* told him as much.

L. C. J. What do you say to that, *Dunne*? It seems you told *Barter*, that you apprehended them to be Rebels?

Dunne. I apprehend them for Rebels, my Lord!

L. C. J. No, no, you did not apprehend them for Rebels, but you hid them for Rebels. But did you say to *Barter*, that you took them to be Rebels?

Dunne. I take them to be Rebels!

L. C. J. You Blockhead, I ask you, did you tell him so?

Dunne. I tell *Barter* so!

L. C. J. Ay, is not that a plain Question?

Dunne. I am quite cluttered out of my senses; I do not know what I say.

A Candle being still held nearer his Nose.

L. C. J. But to tell the Truth, would rob thee of none of thy Senses, if ever thou had'st any; but it should seem that neither thou, nor thy Mistress the Prisoner had any, for she knew nothing of it neither, though she had sent for them thither.

Mr. *Pollexfen.* Pray, Col. *Penruddock*, did you tell her you came to search for Rebels?

Col. *Penruddock.* Yes, Sir, I told her as soon as I saw her; but we had a good while beset the House before any body answered us; at length, there were some Ladies, or Gentlewomen, I imagined them to be her Daughters, that upon our noise looked out at the Window; and I told them there were Rebels in the House, and I required them in the King's Name

Name to be deliver'd to me ; but I saw not my Lady till after I had brought out *Hicks* and *Dunne*.

L. C. J. What said she to you ?

Col. Penruddock. She said, she knew nothing of their being in the House ; but I told her there was some body else besides, and she would do well to deliver him without trouble : but she denying of it, we search further, and found *Nelthorp*, as I told you.

L. C. J. But she denied it at first, it seems ?

Lisle. My Lord, I hope I shall not be condemned without being heard.

L. C. J. No, God forbid, *Mrs. Lisle* ; that was a sort of practice in your Husband's time ; you know very well what I mean : But God be thanked, it is not so now ; the King's Courts of Law never condemn without hearing. *Col. Penruddock,* have you any more to say ?

Col. Penruddock. No, my Lord ; but here is one *Mr. Dowding*, that was with me when I searched the House.

L. C. J. Swear him. *[Which was done.]*

Mr. Pollexfen. *Mr. Dowding*, pray did you go with *Col. Penruddock* to *Mrs. Lisle's* House ?

Mr. Dowding. Yes, my Lord : We came to the House, and beset the House round, some to the back Gate, and some to the fore Gate ; we called almost half an hour before we got in ; and had found two, and we came to my Lady ; she said, she knew nothing of any body being in the House—

Lisle. My Lord, this Fellow that now speaks against me, broke open my Trunk, and stole away a great part of my best Linnen ; and sure, my Lord, those Persons that rob me, are not fit to be Evidences against me, because it behoves them that I be convicted, to prevent their being indicted for Felony.

L. C. J. Look you, Friend, you say you went with *Col. Penruddock* to search the House, did you find any body there ?

Dowding. Yes, my Lord, I found this same *Dunne* in a little hole in the Malt-house.

L. C. J. Was he covered, or not ?

Dowding. He had taken some stuff or other to cover him.

L. C. J. Did you find *Hicks* there ?

Dowding. Yes, my Lord, we did find one that said his Name was *Hicks*.

L. C. J. Is that the same *Hicks* that is in *Salisbury* Goal ?

Dowding. Yes, my Lord, it is ; I saw him yesterday at the *George* in *Salisbury*, when he had that Discourse with those other Gentlemen.

Mr. Pollexfen. Swear *Carpenter* and his Wife.

[Which was done.]

Dowding. My Lord, *Hicks* acknowledged before me, that he was at *Keinsbam*, in the Duke of *Monmouth's* Army.

Mr. Pollexfen. Come, *Mrs. Carpenter*, tell my Lord and the Jury, did you know the Time when these Men came to your Lady's House ?

L. C. J. Is this the Bailiff's Wife ?

Mr. Pollexfen. Yes, my Lord, it is.

L. C. J. Well then, what say you to the Question : Do you know the Time when they came ?

Mrs. Carpenter. Yes, my Lord, they came at night.

L. C. J. Did you see them there ?

Mrs. Carpenter. Yes.

L. C. J. Were they lodged there ?

Mrs. Carpenter. Yes ; but I never made the Bed.

L. C. J. Who did ?

Mrs. Carpenter. My Lord, I cannot tell.

L. C. J. Had they any Supper or Victuals there ?

Mrs. Carpenter. Yes, they had.

L. C. J. Who dress'd it ?

Mrs. Carpenter. I did.

L. C. J. By whose Order did you dress it ?

Mrs. Carpenter. By my Lady's Order.

L. C. J. Prithee where did they eat their Meat ?

Mrs. Carpenter. In the Chamber, my Lord, where they lay.

L. C. J. Who was with them ?

Mrs. Carpenter. My Lord, I cannot tell, for I did not stay in the Room.

L. C. J. Didst thou see them when they came into the Room ?

Mrs. Carpenter. My Lord, I dress'd the Meat, and carried it within the Door, and my Husband set it upon the Table.

L. C. J. Prithee tell me who was with them : Was thy Lady there ?

Mrs. Carpenter. My Lady was in presence there then.

L. C. J. How long did they stay below stairs before they went up ?

Mrs. Carpenter. Truly, my Lord, I cannot tell.

L. C. J. Did your Lady use to sup below stairs or above ?

Mrs. Carpenter. She used to sup below, my Lord.

Mr. Pollexfen. My Lord, if your Lordship please, this Woman and her Husband are both unwilling Witnesses ; but we will examine the Husband, and see what we can get out of him. Hark you, *Carpenter*, did you meet with this Fellow, *Dunne*, at his first coming to your Lady's House ?

Mr. Carpenter. Yes, my Lord, I did see him there on the *Saturday*.

L. C. J. Well then, let me ask you a Question ; and before you tell me the Truth, for it may be I know it already ; did he offer you a Letter to be deliver'd to your Lady ?

Mr. Carpenter. No, my Lord.

L. C. J. What do you say, *Barter* ?

Barter. I saw him produce it to *Mr. Carpenter*, but he refused to meddle with it.

Mr. Carpenter. My Lord, he asked me, if my Lady would give Entertainment to one *Hicks*, and another Person, but he did not know who that Person was.

L. C. J. Did he speak of another Person ?

Mr. Carpenter. Yes, he did.

L. C. J. Who was that other Person ?

Mr. Carpenter. I did ask his Name, but he said, he did not know him.

L. C. J. Well then, when they came there on the *Tuesday*-night, how did you receive them ?

Mr. Carpenter. I did not receive them.

L. C. J. Did not you light the Candle, and bring it in a Lanthorn, to light him into the Stable ?

Mr. Carpenter. My Lord, that was afterwards.

L. C. J. Did not you bring the Men into the House ?

Mr. Carpenter. No, my Lord, indeed I did not.

L. C. J. Did not you see them all night ?

Mr. Carpenter. Yes, my Lord.

L. C. J. Then where did you see them first ?

Mr. Carpenter. In the Room where they supp'd and lay.

L. C. J. Did not you meet them in the Court-yard ?

Mr. Carpenter. No, my Lord.

L. C. J. Who gave you Directions to light *Dunne* into the Stable?

Mr. Carpenter. They told me his Horse was out in the Yard.

L. C. J. Who told you so?

Mr. Carpenter. The Men did.

L. C. J. Where did they sup?

Mr. Carpenter. In the Room above stairs.

L. C. J. Who supp'd along with them?

Mr. Carpenter. I cannot say any body supp'd with them.

L. C. J. Was not my Lady there?

Mr. Carpenter. She was in the Room, but I did not see her eat any thing.

L. C. J. What time of the night did they come?

Mr. Carpenter. About Ten of the Clock.

L. C. J. And where did they lie?

Mr. Carpenter. In the Room where they supped.

L. C. J. Who lay there?

Mr. Carpenter. *Hicks* and *Nelthorp* lay there.

L. C. J. Was *Nelthorp* named there?

Mr. Carpenter. No, I never heard of his Name till after he was taken.

L. C. J. What kind of Man was he?

Mr. Carpenter. A tall, thin, black Man.

L. C. J. Well, what can you say more?

Mr. Carpenter. My Lord, this Person has sworn, that a Letter was offered me, but I refused it: but I assure your Lordship I never saw any Letter.

Barter. I am sure he met you, and, as I remember, there was a Letter produced.

L. C. J. Thou should'st not be angry with him, for he spoke very kindly of thee, that thou refused'st to meddle in it, and thereupon *Dunne* went in to thy Lady, and deliver'd his Message to her.

Mr. Carpenter. That, my Lord, I acknowledge.

L. C. J. Then, prithee let me ask thee another Question: Did you carry any Beer up into the Room?

Mr. Carpenter. My Lady gave order for the Provision.

L. C. J. Did you make *Dunne* drink?

Mr. Carpenter. No, I did not.

L. C. J. Did you offer him any Drink?

Mr. Carpenter. My Lord, I did not see him drink at all.

L. C. J. What say you, good Woman; Did not your Lady sup there?

Mr. Carpenter. My Lord, my Wife was little there at all.

Mr. Rumsey. Now, my Lord, *Dunne* says he will tell all, whether it make for him or against him.

L. C. J. Let him but tell the Truth, and I am satisfied.

Dunne. Sure, my Lord, I never entertained these Men a night in my House in my Life; but this *Hicks* sent that Man to me, to go to my Lady *Lisle's*, to know whether she would please to entertain him: And when I came, my Lady asked me, whether he had been in the Army or no? I told her, I could not tell, I did not know that he was. She then ask'd me, if he had no body else with him? I told her, I believed there was: This is the very Truth of it, my Lord. I asked her, might the Men be entertain'd? She said they might. So when we came to my Lady *Lisle's*, on the *Tuesday* night, somebody took the two Horses, I cannot tell who, if I were to die; the two went in; and after I had set up my Horse, I went in along with *Carpenter* up into the Chamber to my Lady, and to this *Hicks* and *Nel-*

thorp; and when I came there, I heard my Lady bid them welcome to her House; and *Mr. Carpenter*, or the Maid, I cannot tell which, brought in the Supper, and set it on the Table.

L. C. J. And did'st thou eat or drink with them in the Room, or not?

Dunne. My Lord, I will tell every thing that I know; I confess I did both eat and drink there in the Room.

L. C. J. I pity thee with all my Soul, and pray to God Almighty for thee to forgive thee, and to the blessed Jesus to mediate for thee; and I pray for thee with as much earnestness, as I would for my own Soul; and I beg of thee once more, as thou regardest thy own eternal Welfare, to tell all the Truth.

Dunne. My Lord, I did never know these Men were in the Army when I carried the Message to my Lady *Lisle's*, nor never did entertain them in my House in my life-time, so much as one Night.

L. C. J. Prithee, I do not ask thee what thou did'st not, but what thou did'st?

Dunne. My Lord, I will tell all I know.

L. C. J. What Discourse had you that Night at the Table in the Room?

Dunne. I cannot tell what Discourse truly, my Lord, there was.

L. C. J. Was there nothing of coming from beyond Seas, who came from thence, and how they came? Come, I would have it rather the Effect of thy own Ingenuity, than lead thee by any Questions that I can propound; come, tell us what was the Discourse.

Dunne. I do not remember all the Discourse.

L. C. J. Prithee, let me ask thee one Question, and answer me it fairly; Did'st thou hear *Nelthorp's* Name named in the Room?

Dunne. My Lord, I cannot tell whether he were called *Nelthorp*, but it was either *Crofts* or *Nelthorp*, I am sure one of them.

L. C. J. Prithee be ingenuous, and let's have the Truth on't?

Dunne. My Lord, I am ingenuous, and will be so.

L. C. J. I will assure you, *Nelthorp* told me all the Story before I came out of Town?

Dunne. I think my Lord, he was called *Nelthorp* in the Room, and there was some Discourse about him.

L. C. J. Ay, there was unquestionably, and I know thou wert by, and that made me the more concern'd to press upon thee the Danger of forswearing thy self.

Dunne. My Lady ask'd *Hicks* who that Gentleman was, and he said it was *Nelthorp*, as I remember.

L. C. J. Very well, and upon that Discourse with *Nelthorp*, which I had in Town, did I give particular Direction, that the Outlawry of *Nelthorp* should be brought down hither, for he told me particularly of all the Passages and Discourses of his being beyond Sea, and coming from beyond Sea*: I would not mention any such thing as any piece of Evidence to influence this case, but I could not but tremble to think, after what I knew, that any one should dare so much to prevaricate with God and Man, as to tell such horrid Lyes in the Face of a Court.

Dunne. What does your Lordship ask me?

L. C. J. Come I will ask thee a plain Question; Was there no Discourse there about the Battle, and of their being the Army?

Dunne. There was some such Discourse, my Lord.

* This was very unfair dealing, to sit as Judge and yet to give Evidence himself against the Prisoner, for so in truth it was, and would have the same Influence, tho' in Words he disclaimed it.

L. C. J. Ay, prithee now tell us what that Discourse was?

Dunne. My Lord, I will tell you when I have recollected it, if you will give me time till to-morrow Morning.

L. C. J. Nay, but we cannot stay so long, our Business must be dispatched now; but I would have all People consider what a Reason there is, that they should be pressed to join with me in hearty Prayers to Almighty God, that this Sin of Lying and Perjury may never be laid at thy door. What say'st thou? Prithee tell us what the Discourse was?

Dunne. My Lord, they did talk of Fighting, but I cannot exactly tell what the Discourse was?

L. C. J. And thou said'st thou did'st eat and drink with them in the same Room?

Dunne. I did so my Lord, I confess it.

L. C. J. And it was not a little Girl that lighted thee to Bed, or conducted thee in?

Dunne. It was not a little Girl.

L. C. J. Who was it then?

Dunne. It was Mr. *Carpenter*, my Lord.

L. C. J. And why did'st thou tell so many Lyes then? Jesu God! that we should live to see any such Creatures among Mankind, nay, and among us too, to the Shame and Reproach be it spoken of our Nation and Religion: Is this that that is called the Protestant Religion, a thing so much boasted of, and pretended to? We have heard a great deal of Clamour against Popery and Dispensations, what Dispensations pray does the Protestant Religion give for such Practices as these? I pity thee with all my Soul, and pray for thee, but it cannot but make all Mankind to tremble and be filled with Horror, that such a wretched Creature should live upon the Earth: Prithee be free, and tell us what Discourse there was?

Dunne. My Lord, they did talk of Fighting, but I cannot remember what it was.

L. C. J. Did you lie with them?

Dunne. No, my Lord, I did not.

L. C. J. Well, I see thou wilt answer nothing ingenuously, therefore I will trouble my self no more with thee: Go on with your Evidence, Gentlemen.

Mr. Jennings. My Lord, we have done, we have no more Witnessess.

L. C. J. Then you that are for the Prisoner at the Bar, now is your time to make your Defence; you hear what is charged upon you, and you what a kind of Shuffling here has been to stifle the Truth, and I am sorry to find the Occasion to speak it, that under the Figure and Form of Religion such Practices should be carried on. What have you to say for your self?

Lisle. My Lord, that which I have to say to it, is this: I knew of no body's coming to my House but Mr. *Hicks*, and for him I was inform'd that he did abscond, by reason of Warrants that were out against him for preaching in private Meetings, but I never heard that he was in the Army, nor that *Nelthorpe* was to come with him; and for that Reason it was, that I sent to him to come by night: but for the other Man *Nelthorpe*, I never knew it was *Nelthorpe*, I could die upon it, nor did not know what Name he had, till after he came into my House; but as for Mr. *Hicks*, I did not in the least suspect him to have been in the Army, being a Presbyterian Minister, that used to preach, and not to fight.

L. C. J. But I will tell you, there is not one of those lying, sniveling, canting, Presbyterian Rascals, but one way or other had a hand in the late

horrid Conspiracy and Rebellion; upon my Conscience I believe it, and would have been as deep in the actual Rebellion, had it had any little Success, as that other Fellow *Hicks*; their Principles carry them to it; Presbytery has all manner of Villany in it, nothing but Presbytery could lead that Fellow *Dunne* to tell so many Lyes as he has here told; for shew me a Presbyterian, and I will engage to shew a lying Knave.

Lisle. My Lord, I abhorred both the Principles and Practices of the late Rebellion.

L. C. J. I am sure you had great reason for it.

Lisle. Besides, my Lord, I should have been the most ungrateful Person living, should I have been disloyal, or acted any thing against the present King, considering how much I was obliged to him for my Estate.

L. C. J. Oh then! Ungrateful, ungrateful adds to the Load which was between Man and Man, and is the basest Crime that any one can be guilty of.

Lisle. My Lord, had I been try'd in *London*, I could have had my Lady *Abergavenny*, and several other Persons of Quality, that could have testified how much I was against this Rebellion, and with what Detestation I spoke against it, during the time of it; for I was all that time at *London*, and staid there till after the Duke of *Monmouth* was beheaded; and if I had certainly known the time of my Trial in the Country, I could have had the Testimony of those Persons of Honour for me. But, my Lord, I am told, and so I thought it would have been, that I should not have been try'd as a Traitor for harbouring him, till he was Convict for a Traitor. My Lord, I would take my Death of it, that I never knew of *Nelthorpe's* coming, nor any thing of his being *Nelthorpe*; I never ask'd his Name, and if he had told it me, I had then remember'd the Proclamation. I do assure you, my Lord, for my own part, I did abhor those that were in that horrid Plot and Conspiracy against the King's Life; I know my Duty to my King better, and have always exercised it, I defy any body in the world that ever knew the contrary, to come and give Testimony.

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

Lisle. As to what they say of my denying *Nelthorpe* to be in my House, I was in great Consternation and Fear of the Soldiers, who were very rude and violent, and could not be restrained by their Officers from Robbery, and plundering my House. And I beseech your Lordship to make that Construction of it; and I humbly beg of your Lordship not to harbour an ill Opinion of me, because of those false Reports that go about of me, relating to my Carriage towards the old King, that I was any ways consenting to the Death of King *Charles I.* for, my Lord, that is as false as God is true; my Lord, I was not out of my Chamber all the day, in which that King was beheaded, and I believe I shed more Tears for him, then any Woman then living did; and this the late Countess of *Monmouth*, and my Lady *Marlborough*, and my Lord Chancellor *Hyde*, if they were alive, and twenty Persons of the most eminent Quality, could bear witness for me. And I do repeat it my Lord, as I hope to attain Salvation, I never did know *Nelthorpe*, nor never did see him before in my Life, nor did I know of any body's coming, but Mr. *Hicks*, and him I did know to be a Nonconformist Minister; and there being, as is well known, Warrants out to apprehend all Nonconformist Ministers, I was willing to give him shelter from these Warrants. I

was come down but that Week into the Country, when this Man came to me from Mr. *Hicks*, to know if he might be receiv'd at my House; and I told him, if Mr. *Hicks* pleas'd, he might come upon *Tuesday* in the Evening, and should be welcome; but withal I told him, I must go away the *Monday* following from that place, but while I staid I would entertain him. And I beseech your Lordship to believe, I had no intention to harbour him but as a Non-conformist, and that I knew was no Treason: It cannot be imagined, that I would venture the hazard of my own Life, and the Ruin both of myself and Children, to conceal one that I never knew in my Life, as I did not know Mr. *Nelthorpe*, but had heard of him in the Proclamation. And for that white-headed Man that speaks of my denying them, as I said before, he was one of them that rifled and plunder'd my House, and tore open my Trunk; and if I should not be convicted, he and the rest of them may be call'd to an account for what they did, for they ought not to have meddled with my Goods: Besides, my Lord, I have a Witness that can testify what Mr. *Nelthorpe* said, when he was examined before——

L. C. J. Look you, Mrs. *Lisle*, that will signify little; but if you have any Witnesses, call them, we will hear what they say: Who is that Man you speak of?

Lisle. *George Creed* his Name is; there he is.

L. C. J. Well, what do you know?

Creed. I heard *Nelthorpe* say, that my Lady *Lisle* did not know of his coming, nor did not know his Name; nor had he ever told his Name, till he named himself to Col. *Penruddock* when he was taken.

L. C. J. Well, this is nothing; she is not indicted for harbouring *Nelthorpe*, but *Hicks*: Have you any more Witnesses?

Lisle. No, my Lord.

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

Lisle. My Lord, I came but five days before this into the Country——

L. C. J. Nay, I cannot tell when you came into the Country, nor I do not care; it seems you came time enough to harbour Rebels.

Lisle. I staid in *London* till all the Rebellion was past and over; and I never uttered a good Word for the Rebels, nor ever harbour'd so much as a good Wish for them in my Mind: I know the King is my Sovereign, and I know my Duty to him, and if I would have ventured my Life for any thing, it should have been to serve him, I know it is his due, and I owed all I had in the World to him: But tho' I could not fight for him my self, my Son did; he was actually in Arms on the King's side in this Business; I instructed him always in Loyalty, and sent him thither; it was I that bred him up to fight for the King.

L. C. J. Well, have you done?

Lisle. Yes, my Lord.

L. C. J. Have you a mind to say any thing more?

Lisle. No, my Lord.

L. C. J. Then command Silence.

[Which was done by Proclamation.

Lisle. My Lord, may I speak one word more? My Lord, I beseech you afford me your Patience and your Advice; *Keinsbam*, where Mr. *Hicks* is said to be in Arms, does not lie in this County.

L. C. J. That is nothing: But the Treason you committed was in this County.

Lisle. But I assure your Lordship I never knew

he was in the Army; and for any Talk or Discourse in private about his or *Nelthorpe's* being there, I never heard any: indeed one of them asked me, whether the Duke of *Monmouth* was beheaded; and I told them, yes, for so he was before I came out of Town: And that is all the Discourse that I can remember, wherein he is concerned.

L. C. J. Well, have you any more to say now?

Lisle. No, my Lord.

L. C. J. Then Gentlemen of the Jury: * This is a Case of very great Example, and withal, of very great Weight and Moment; wherein the Interest of the Publick, and the Life of a Person of Quality and Fortune are put into your Hands. And the great Business which has detained both us and you so long, has been an endeavour (if it were possible) to find out the Truth; which indeed is the Business of all Enquiries of this nature: We sit not here, nor are you there upon any other Errand; nor is any thing desired by the Court, or required of you, but that the Truth may be made manifest. 'Tis that you are bound to, by the Oaths you have taken in this Service; and in that Inquiry you are to be guided by the Evidence that has here been given forth unto you; for your Oath is, *That you shall well and truly try, and true deliverance make, between our Sovereign Lord the King and the Prisoner at the Bar, according to your Evidence, as you shall answer it to God.* So that, Gentlemen, this Oath of yours being your Direction what is your Duty, and you being all Persons of Quality and Reputation in your Country, Men of great Understanding and known Integrity, it is to be hoped, that not any thing can move you, either to Compassion of the Prisoner on the one hand, or her Allegations and Protestations of Innocence; nor on the other hand, to be influenced by any thing that comes from the Court, or is insinuated by the learned Counsel at the Bar: but that you will entirely consider what Evidence has been given to you, and being guided by that Evidence alone, you that are Judges of the Fact, will let us know the Truth of that Fact by a sincere and upright Verdict.

And inasmuch, Gentlemen, as the Evidence has been long in giving (tho' the substantial part of it, perhaps, be in a narrow compass) I will repeat it to you, as near as I can, with all Faithfulness and Integrity, as I shall answer it to the great Judge of Heaven and Earth, before whom you, and we, and all must stand to be judged; without any Aggravation or Alteration on the one side, and without any Omission on the other: And I shall do it, purely to help your Memories who are to determine the Fact; and I do pray and adjure, that you would do equally, according to the Trust reposed in you, and according to the Oath that you have taken. And I would repeat it once more, that you are not to be led by any Insinuations of the Prisoner, nor by any Allegations from the Learned Counsel, whose Business it is to open the Fact; but that Fact so opened is no further to guide you in your Enquiry, than as it is proved.

Gentlemen, before I come to the particular Evidence of this Fact, I must crave leave to say something of a Matter in general that is very well known. It was very well observed by that Learned Gentleman that opened the Cause at the beginning, that we are all of us here unspeakably oblig'd to bless the great God of Heaven, the Father of Mercies, and praised for ever be his holy Name,

* The Lady *Lisle*, who was then past Seventy, was so little moved, that she slept during great part of this Charge.

for his infinite Goodness in preserving and protecting us from the imminent Ruin which the late horrid and detestable Rebellion would (had it succeeded) have inevitably brought upon us; had not he of his own infinite Mercy and gracious Goodness protected and delivered us from our Enemies, they had undoubtedly swallowed us up quick: But as the Attempts of our Enemies were very malicious, so the Preservation and Deliverance of our good God was very great and signal.

And we have reason to bless that great God for many Deliverances he has been pleased to give us; we are by no means to forget his Mercy towards our late Sovereign of blessed Memory, and with him towards us, when he brought him out of Exile and Bondage, and us out of that State of Confusion and Misery, which our Country had for many Years groaned under: When all Religion as well as Sovereignty, and all Obedience, Duty and Deference to Superiors were quite lost, God of his infinite Mercy, and of his own most gracious bountiful Disposition brought our blessed Sovereign (now in Heaven) and his gracious Majesty that now reigns, and all the Royal Family after a long and tedious Rebellion, into a quiet and peaceable Possession of their undoubted Rights and Inheritances, and with him restored to us our Religion, the best of Religions, the true Protestant Reformed Religion, the Religion established by Law, which now is, and I hope will ever remain established among us, as now professed and practised in the Church of *England*: and when we reflect on that Deliverance, we are to this Circumstance to heighten both our Admiration and our Gratitude, that it was brought about without the least drop of Blood shed, by a miraculous Providence, and by the Strength of an Almighty Arm.

Besides, Gentlemen, we cannot be sufficiently thankful to our God, for the Mercies we enjoy'd under that blessed King; for we are to consider we liv'd in all the Affluence of Peace and Plenty, we safely and uninterruptedly enjoy'd our Religion, the greatest Blessing on this side Immortality, our Lives, Liberties, and Properties inviolably were secured; every Man safe under the Shadow of his own Vine, and eat the Fruit of his own Labour; and while our Neighbours suffered the Calamities of War, we were surrounded with all the Blessings of Peace, and slept securely under the Government of a gracious and merciful King: Every one of us had even what our own Hearts could desire, and if we wanted any thing, it could be only thankful and dutiful Hearts to our God and our Prince, during whose Life we continued in a happy State and Condition.

But it having pleased God, the King of Kings, the great Ruler both of Heaven and Earth, to take that blessed Prince to himself, what Thanks ought we to pay him for his gracious Goodness, in leaving so great and so glorious a Successor as his Royal Brother, our present Sovereign, whom I pray Almighty God may long live and happily reign among us! This gracious Prince, as soon as ever he came to the Possession of his undoubted Right and Inheritance, upon his Brother's Death, in the Imperial Crown of this Realm, to entitle himself to the good Opinion of his People, and to engage them to the Expression of that Duty which the Christian Religion, and I am sure particularly the Religion of the true Church of *England* does oblige all its Followers to; what does he? Even before he was ask'd, in the very first Minutes of his Reign, he begins with Bounty to his Subjects, and

declares his Resolution to preserve them safe in their dearest and most precious Enjoyments, in their Religion; and not only in that, but in the Laws, Liberties, Rights and Properties, with the most inviolable Security to their Lives, and all that is dear unto them: And this gracious Declaration came from his Royal Mouth without any Solicitation or any Inducement, save only the generous and gracious Inclination of his own Royal Heart; and to give it the greater Edge, to the Honour of the Church of *England's* Religion be it spoken, he was pleas'd to tell what Opinion he had of our Religion and its true Professors, that they were the true Friends and faithful Supporters of the Government; an Opinion which I hope every honest Church-of-*England*-Man will endeavour to cherish by a suitable Practice of what is certainly the Doctrine of that Religion, Loyalty and Obedience.

But alas! without Horror and Confusion, we cannot but remember, that instead of making good Returns of Respect and Duty to so gracious a Sovereign for his great Bounty, Faction and Sedition, Hypocrisy and Malice had besotted and bewitched a great Part of his Subjects, and corrupted, blinded, and bigotted them to such an height of Impiety, that a Rebellion must begin his Reign, and all the poisonous Arts of Disobedience are made use of to instigate the King's Subjects, with all the Rancour and Vengeance in the world to rise against him.

Blessed God! What is the way that this Devil of Sedition comes to bewitch People to such a height, when Almighty God had so lately delivered us from the Misery and Confusion of a Civil War? It is that way surely, we find it but too plain, which he had always found very successful, the Presence of Saintship, Conscience, and that glorious Name, Religion. What Religion can it be? The Christian Religion had this Form of its great Ruler; *Render to Cæsar the things that are Cæsar's, and to God the things that are God's.* But these Men act as though that were not Scripture, when yet pronounced by our blessed Lord himself, and both joined in one Sentence as indispensable Duties; and they will hardly be brought to believe that Rebellion is the Sin of Witchcraft, though the Scriptures have directly given it that Character. Good God! that we should live to such an Age; when Men can call God to assist and protect them in a Rebellion: for not to reflect upon what was done in former times, it is late enough for us to remember, but not without Horror, that Men have been ty'd by all the Bonds and Contracts Hell could invent, in a Combination and Confederacy to murder both the late King and his present Majesty, and all this while this must be sanctified with the Name of Religion. So that a Man that is a Murderer by the Law of God, and an Offender against the first Precept that God Almighty enjoined, not to shed innocent Blood, shall yet be a Saint for an Assassination upon the account of Religion, and this shall be accounted a pious Cause to obtain Heaven.

Who did these Miscreants, that were justly by Law condemned for that barbarous Conspiracy, when they came to die, invoke? The great God, to testify for them, that they died for the sake of Religion. When they come to suffer for Treason, they can bless God Almighty for the Honour he does them in dying in his Cause, and call themselves Martyrs for it.

Nay, is it not yet more strange and horrid, that some Men who call themselves Ministers of the Gospel, shall come to be Bell-wethers of Rebellion, and

cry out, they are fighting the Lord's Battle, when they are attempting to kill the Lord's Anointed?

Jesus God! that ever we should have such a Generation of Vipers among us, that can plunge themselves into the most horrid Impieties, and yet think to escape Confusion here, and purchase a Crown of Glory hereafter!

When we consider, Gentlemen, the Ring-leader of this late Rebellion, the Center of all our Trouble, the Arch-Rebel and Traitor, *Monmouth* I mean, should arrive to such a Height of Impudence and Villany, as to bless God that he could with Satisfaction reflect upon a two Years Life very regularly spent; but how? In manifest Adultery and Uncleaness, nor can it be spoke or thought of without inexpressible Horror.

Alack! Gentlemen, when we find Religion made use of as a Subterfuge and Cloak for such impious Practices, it gives too much occasion for our Enemies to think us Atheists: the very *Turks* will hate us, and *Pagans* detest us, as the most irreligious prophane People in the World; when we, who profess Love and Duty to Jesus Christ as our Holy and Blessed Redeemer, do these things, and even boast of them, whom they that deny him blush at the very thoughts of, and never so much as name, much less act without Horror and Confusion.

Gentlemen, I do not speak this for the sake of speaking, but I would fain deliver my own Soul and yours from having any hand in such horrible Impieties, and that, by testifying our Abhorrence of them, by publickly declaring our selves to be Enemies to those Hypocrites the Nonconformist Parsons; I mean, that pretend indeed pure Religion to be their great Aim and End, and through a Scrupulosity of Conscience, cannot conform to that Decency and Duty which is required of them in the Church; but yet, without remorse, can kill, or be the occasion of the Death of ten thousand People, as in the Consequence of this late Rebellion perhaps it may prove. For do but consider how many Families by this means are utterly ruined, how many innocent Babes starved, or exposed to the utmost Penury and Want; how many Widows left in a distressed desolate Condition, destitute of all manner of Provision and Maintenance; and all this by the Instigation of these Villains that have preached and prayed them into it, gilding the Bait that has drawn them into it, by the specious Pretence of Religion and Conscience?

Consider, Gentlemen, this is that which has brought this poor unfortunate Gentlewoman, the Prisoner at the Bar, into this deplorable Condition: What could prevail upon her to run such a hazard as this, but only her Affection and deluded Zeal for that Wretch, that had nothing but the name of Religion, for his Soul is blacker in the Eyes of God, and the Thoughts of all honest Men, than ever his Coat was? You see by the Proofs what an impudent un sanctified Villain he was; for when these Gentlemen that have given Evidence, were in the Custody, and under the Power of the Rebels, he must tempt and provoke them to leave off and forsake their Duty to their natural Lord and lawful Sovereign the King, whom God had set over them, and submit to an Usurper, a King of their own making; and such a King too, that I dare boldly affirm, the meanest Subject within the Kingdom that is legitimate, has a better Title to the Crown, than he had; and this all under the pretence of Religion, and the Protestant Religion too: and that same Prince of theirs must have the Title of a

Protestant Prince; and an excellent Protestant he lived and died, living in the open Violation of the Law of God, and in manifest Rebellion against his lawful Sovereign: and he died without any Remorse for either, boasting of his own Wickedness beyond the bounds of common Modesty and Humanity.

Gentlemen, Let us all join in hearty Prayers to our God, the God of infinite Mercy, that as he has yet once more delivered our Sovereign, and us with him, out of the Jaws of these Lions and ravenous Wolves; so he would still please to preserve him and us from the hands of all our Enemies: and I pray God it may have that good effect upon all of us, as to make us more careful and conscientious in our Duty to him, and his Vicegerent the King. To him alone must all the Glory be ascribed; it was not our Hand, or Arms, of the King, that could have saved or protected us, had not the special Interposition of the Divine Power and Goodness wrought this Deliverance for us.

But now, Gentlemen, to come to the particular Case here before you; and the Fact, upon the Evidence, stands thus: It is very notorious this Fellow *Hicks* was actually in this Rebellion; you have it sworn by three several Persons that saw him, and they particularized to you such Tokens of their Knowledge and Remembrance, that sure, if any thing can, must make him blush at the Repetition of them; for they tell you, when they were in Prison he would have corrupted them from their Duty; and yesterday they saw him in Prison, and upon discourse of some Circumstances, he could not deny but he was there.

This Person, Mrs. *Lisse* the Prisoner at the Bar, she is accused for receiving and harbouring this Person: And, Gentlemen, I must tell you for Law, of which we are the Judges, and not you, That if any Person be in actual Rebellion against the King, and another Person (who really and actually was not in Rebellion) does receive, harbour, comfort, and conceal him that was such, a Receiver is as much a Traitor, as he who indeed bore Arms: We are bound by our Oaths and Consciences, to deliver and declare to you what is Law; and you are bound, by your Oaths and Consciences, to deliver and declare to us, by your Verdict, the Truth of the Fact.

Gentlemen, that he was there in Rebellion, is undeniably and unquestionably proved: That there are sufficient Testimonies to satisfy you, that this Woman did receive and harbour him, is that which is left to your Consideration; and for that, the Proofs lie thus: And truly I am sorry to have occasion for repeating the Circumstances of the Proof; I mean, the great Art that has been used to conceal it: how difficult a thing it was to come at it; what time has been spent in endeavouring to find out Truth in a Fellow, that in defiance of all Admonition, Threats and Persuasion, would prevaricate and shuffle to conceal that Truth; nay, lye and forswear himself to contradict it. But out of true christian Charity, as I told him, so I tell you, I do heartily pray (and all good Christians I hope will join with me in it) to the God of infinite Mercy that he would have mercy upon his Soul, upon which he hath contracted so great a Guilt by the Impudence of his Behaviour, and pertinacious Obstinacy in those Falshoods which he hath made use of in this Case.

Gentlemen, I would willingly forget all his Prevarications, but I must take notice of them in short, to come to the Truth. First, he says, he came upon an Errand from a Man he knows not whom,

to my Lady Lisle's House; and thither he is brought by one *Barter*; and when he comes there, he tells her, he comes in the Name of one *Hicks*, who desired to be entertained there. Then she asks the Question, whether *Hicks* had been in the Army; and he told her he did not know; and he swears now he did not: But at last it came out, that it was to entertain *Hicks* and another Person; but it should seem that other Person was not named; and *Barter* tells you, that *Hicks* and another Person (who afterwards proved to be *Nelthorp*) are promised to be entertained, and ordered to come in the Evening. But not to go backward and forward, as he has done in his Evidence, denying what he afterwards acknowledged, that he saw any body besides a little Girl; that he pulled down the Hay out of the Rack for his Horse; that he eat any thing but Cake and Cheese that he brought with him from home; that he was ever made to drink, or to eat or drink in the House, or ever meddled or made with any body in the House: At last we are told that *Carpenter* met with him, and came out with a Lanthorn and Candle, took care of his Horse, carried him into the Room where *Hicks* and *Nelthorp* were, and the Prisoner at the Bar Mrs. Lisle; there they all sup'd together; there they fell into Discourse; there *Nelthorp's* Name was named, and they talked of being in the Army, and of the Fight: and so it is all come out, and makes a full and positive Evidence.

But then, suppose there was no more than the other Evidence, and that the Fellow remain in an hard-hearted Obstinacy, then you are to consider the Circumstances even from his first Evidence, that this was after the Rebellion was all over; for it seems during the Rebellion she was in *London*, and it was notoriously known the King's Forces were in pursuit of the Rebels, and this without any positive Proof would be in itself a sufficient Testimony to convince any considerate Person, that she was to conceal those she ought not to conceal; because she directed the particular time wherein they should come, and that was at Night; and no prudent Person would receive Strangers in the Night, and give such Directions in such a Season, without some extraordinary ground for it. When they came there, she provided a Supper for them; and you see what care is taken, that the Woman only is permitted to bring that Supper to the Door, and the Husband must set it on the Table; no body is permitted to attend there but he. Works of Darknes always desire to be in the Dark: Works of Rebellion and such like are never done in the Light.

But then comes that honest Fellow *Barter* (I call him so, because he appears so to be, and he ought to be remembered with a great Remark for his Honesty) he tells you, he conducted him to the House, and what Discourse pass'd there in his hearing: The Prisoner asked him, what Countryman he was, and whether he was a Brick-maker, and promised him so many Acres of Land in *Carolina*. The Fellow, upon Observation and Consideration, found himself under a great Load, could not sleep nor eat quietly, as Men that have honest Minds are uneasy under such things; Falshood, and Treason, and Hypocrisy are a heavy Load; and, blessed be God, things were by this means discovered: for he goes and tells Col. *Penruddock*; and withal, *Dunne* swears to *Barter*, it was the bravest Job that ever

he had in his Life; whereas in the beginning of his Story, he would have told you a strange Story of a black Beard, and I do not know what, and that he got not one Groat by it; that he gave the Man Half a Crown out of his own Pocket, and was so industrious, as when he knew the Way no farther, then he would hire one himself to shew him the Way, and all for nothing, but only for the kindness he had for a black Beard.

Besides, Gentlemen, I am sorry to remember something that dropped even from the Gentlewoman herself, she pretends to Religion and Loyalty very much, how greatly she wept at the Death of King *Charles* the Martyr, and owns her great Obligations to the late King and his Royal Brother; that she had not had a Being, nor any thing to maintain it for twenty Years last past but from their Bounty, and yet no sooner is one in the Grave, but she forgets all Gratitude, and entertains those that were Rebels against his Royal Successor. I will not say what Hand her Husband had in the Death of that blessed Martyr*, she has enough to answer for of her own Guilt; and I must confess it ought not one way or other to make any Ingredient into this Case what she was in former Times: And I told a Relation of her's, Mr. *Tipping* by Name, that came to me last Night to desire that she might not lie under some Imputations that were gone abroad of her, that she rejoic'd at the Death of King *Charles* I. nor that any false Report of that Nature might influence the Court or Jury against her, that it should not: Be the thing true or false, it is to be of no weight one way or other in the Trial of this Case, nor is she to be accountable for it.

But I must remember you of one Particular, that is plain upon this Evidence, and is of very great moment in this Case; That after all these private Messages and Directions given to come by Night, and the kind Reception they met with when they came, and after all this Care to lodge them and feed them, when Colonel *Penruddock*, after the Discovery made by *Barter*, came to search her House, then she had no body in it truly, which is an Aggravation of the Offence testify'd by Colonel *Penruddock* himself, whose Father likewise was a Martyr, and died for his Fidelity to the Crown; and who was the Judge of that Father, we all very well know. God Almighty is a just God, and it may be worth considering (especially by her) how God has been pleased to make use of him as the Instrument in this Business; and she would likewise do well to consider the Finger of God in working upon the Heart of that Man *Barter*, who was employ'd in all this Affair, and that all the Truth has been told by *Nelthorp*, that blackest of Villains *Nelthorp*, that would have murdered the late King and his royal Brother; that he that was one of those barbarous, malicious Assassins in that black Conspiracy, and outlaw'd, should be harbour'd by one that pretends a Love for the Royal Family, and entertained and discoursed with at Night about being in the Army; yet that he and that other Villain *Hicks*, who pretends to Religion and to be a Preacher of the Gospel, but is found in Rebellion and in the Company of Traitors, should be deny'd the next Morning.

I hope they themselves are all by this time satisfy'd Truth will come out, and I hope you will not be deceived by any specious Pretences. Our
Fore-

* This was an unjust Insinuation, only to prejudice the Jury, being, as the Chief Justice own'd, nothing to the Purpose; for which Reason it should have been let alone, and tho' he said, it ought not to influence the Case, yet he knew it was very likely to do so.

Fore-fathers have been deluded, but the Deception, I hope, is now at an End; and I must needs say, if all these Witnesses that have freely discovered their Knowledge, joined to that Truth which is at length drawn from that *Dunne*, be worthy of any Credit, it is as plain a Proof as can be given, and as evident as the Sun at Noon-day.

Gentlemen, upon your Consciences be it: The Preservation of the Government, the Life of the King, the Safety and Honour of our Religion, and the Discharge of our Consciences as loyal Men, good Christians, and faithful Subjects, are at stake; neither her Age nor her Sex are to move you, who have nothing else to consider but the Evidence of the Fact you are to try. I charge you therefore, as you will answer it at the Bar of the last Judgment, were you and we must all appear, deliver your Verdict according to Conscience and Truth. With that great God, the impartial Judge, there is no such thing as Respect of Persons, and in our Discharge of our Duty in Courts of Justice, he has enjoined us his Creatures, that we must have no such thing as a Friend in the Administration of Justice, all our Friendship must be to Truth, and our Care to preserve that inviolate.

Lisle. My Lord, if your Lordship please—

L. C. J. Mistress, you have had your Turn, you cannot now be heard any more after the Jury is charged.

Lisle. My Lord, I did not know *Nelthorp*, I declare it, before he was taken.

L. C. J. You are not indicted for *Nelthorp*, but we are not to enter into Dialogues now, the Jury must consider of it.

Jury-man. Pray, my Lord, some of us desire to know of your Lordship, in point of Law, whether it be the same thing, and equally Treason, in receiving him before he was convicted of Treason, as if it had been after.

L. C. J. It is all the same, that certainly can be no Doubt; for, if in case this *Hicks* had been wounded in the Rebels Army, and had come to her House and there been entertained, but had died there of his Wounds, and so could never have been convicted, she had been nevertheless a Traitor.

*Then the Jury withdrew, and staying out a while, the Lord Jefferies expressed a great deal of Impatience, and said, he wonder'd that in so plain a Case they would go from the Bar, and would have sent for them with an Intimation, that if they did not come quickly, he would adjourn, and let them lie by it all Night; but after about half an Hour's stay the Jury returned, and the Foreman addressed himself to the Court thus:**

Foreman. My Lord, we have one thing to beg of your Lordship some Directions in, before we can give our Verdict in this Case: We have some Doubt upon us, whether there be sufficient Proof that she knew *Hicks* to have been in the Army.

L. C. J. There is as full Proof as Proof can be; but you are Judges of the Proof, for my part I thought there was no Difficulty in it.

Foreman. My Lord, we are in some doubt of it.

L. C. J. I cannot help your Doubts: Was there not proved a Discourse of the Battle and of the Army at Supper-time?

Foreman. But, my Lord, we are not satisfy'd that she had Notice that *Hicks* was in the Army.

L. C. J. I cannot tell what would satisfy you; Did she not enquire of *Dunne*, whether *Hicks* had been in the Army? And when he told her he did not know, she did not say she would refuse him if he had been there, but order'd him to come by Night, by which it is evident she suspected it; and when he and *Nelthorp* came, discoursed with them about the Battle and the Army. Come, come, Gentlemen, it is a plain Proof.

Foreman. My Lord, we do not remember that it was proved that she did ask any such Question when they were there.

L. C. J. Sure you do not remember any thing that has passed? Did not *Dunne* tell you there was such Discourse, and she was by, and *Nelthorp's* Name was named? But if there were no such Proof, the Circumstances and Management of the Thing is as full a Proof as can be, I wonder what it is you doubt of?

Lisle. My Lord, I hope—

L. C. J. You must not speak now.

Then the Jury laid their Heads together for near a Quarter of an Hour, and at length agreed; and being call'd over, deliver'd in this Verdict by the Foreman.

Cl. of Arraignments. *Alice Lisle*, Hold up thy Hand. Gentlemen of the Jury, look upon the Prisoner: How say ye? Is she guilty of the Treason whereof she stands indicted, or not Guilty?

Foreman. Guilty.

Cl. of Ar. What Goods or Chattels, Lands, or Tenements had she?

Foreman. None that we know of.

Cl. of Ar. Look to her Jaylor, she is found guilty of High Treason; and prepare your self to die.

Then the Verdict was recorded.

L. C. J. Gentlemen, I did not think I should have had any Occasion to speak after your Verdict, but finding some Hesitancy and Doubt among you, I cannot but say, I wonder it should come about; for I think in my Conscience, the Evidence was as full and plain as could be, and if I had been among you, and she had been my own Mother, I should have found her Guilty.

Then the Court adjourn'd till the next Morning.

Dies Veneris 28 Augusti, 1685.

THIS Day *Alice Lisle* was brought to the Bar, and being asked what she had to say for herself, why Judgment of Death should not pass upon her, being convicted of High-Treason; but offering nothing, she was, with the rest of the Prisoners that were to receive the Sentence of Death, condemn'd by the Lord *Jefferies*, who passed Sentence thus:

L. C. J. *Alice Lisle*, and you the several Prisoners now at the Bar, you have been severally Indicted, Arraigned, and now stand severally Convicted of Crimes that by the Laws of the Land are to be punished with Death; you stand convicted by your Equals, by a Jury of your Country, against whom you might have had, and were allow'd to make (and one of you did make) what Challenges

* *Bishop Burnet says, the Jury at first brought her in Not Guilty. Hist. of his Own Times, p. 650. The Truth was, she knew not Nelthorp at all, only Hicks whom she entertained without knowing of his having been in the Army; but Hicks telling where he had been, she immediately left the Room, and order'd her Servant to send Information to the next Justice, and in the mean time to let them escape, but was prevented by a Party of Soldiers investing the House.*

lenges you could: but upon full Evidence; by that Jury of your own Country-men, you have been found guilty of those Crimes for which you are to die; and there remains now no more with the Court but to perform their Duty, which is to pronounce that Sentence, that dismal Sentence of Death, which the Law has provided for such Offenders.

And sure I am, it cannot but be thought uneasy, and far from pleasant, not only to me, but to every body else that sees such a lamentable Object, such a Number of Persons that might have acquired to themselves an honest Livelihood by Diligence in their lawful Callings, being dutiful to God, and obedient to their Sovereign and the Laws of the Land, who yet in defiance of all these have brought themselves to a shameful untimely End by their own wicked Courses.

Particularly, I cannot but lament the deplorable Condition of you, Mrs. *Lisle*, a Gentlewoman of Quality and of Fortune, so far stricken in Years, therefore ought to have had more Discretion: One, who all your Life-time have been a great Pretender to, and Professor of, Religion, and of that Religion which bears a very good Name, the Protestant Religion; but that Name has been perverted to very ill Purposes by some People, who have had nothing but the Name to protect themselves under.

There is no Religion whatsoever (except that hypocritical Profession of theirs which deserves not the Name of Religion, I mean the canting, whining, Presbyterian, Phanatical Profession) that gives the least Countenance to Rebellion or Faction; and I cannot but lament to find you involved in that Herd.

And I cannot but deplore it withal, as a most sad and dismal thing, that in this little Case so many Perjuries should be added to the Crime of Treason, such, as for my part I cannot but tremble to remember; Perjuries in defiance of all the Instruction and Admonition that true christian Charity could express, and in defiance of the Omniscience and Justice of the All-seeing God of Truth: You ought to reflect upon whose Account those Perjuries were committed, and to lay them seriously to Heart, for e'er long, in a few Hours (deceive not your self) you are to give an Account at a greater Bar for all your Thoughts, Words, and Actions.

You would likewise do well to bethink your self with all Seriousness and Remorse, of your own false Affeuerations and Protestations, that you upon your Salvation should pretend Ignorance in the Business, when since that Time, even since the last Night, there has been but too much discover'd how far you were concern'd; no, 'tis not unknown who were sent for upon the *Monday* Night, in order to have that rebellious, seditious Fellow to preach to them, what Directions were given to come thro' the Orchard the back and private Way, what Orders were given for Provision, and how the Horses were appointed to be disposed of. I only speak this, that you should bethink your self in this short time that you have left here upon Earth, to get these Sins of your's duly repented of, and truly pardoned; and not only so, but consider you have it now in your Power to make some Recompence to the publick Justice of the Nation, by discovering the Truth in this Matter, and all Religion enjoins you to do what you can: For without the infinite Mercy

of the great God you are in a deplorable Condition, and without true Contrition and Repentance, of which all the Recompence you can make, both for publick and private Injuries, is a part, you can never hope for the Mercy of that God to be extended to you.

Sirs; It is not in my Province to advise you in your Preparation for that Eternity you are all suddenly to enter into: but out of pure Charity, and hearty Compassion to you, and the miserable Condition you have brought yourselves into, and out of a tender Regard to your precious immortal Souls, I cannot but assure you of my own, and recommend you to the earnest and fervent Prayers of all good Christians, to the God of infinite Mercy, that he would be merciful unto you all.

And the great God of his gracious Goodness grant, that all we that are here may learn such Lessons, as are proper from such Examples: From that Woman the sad and dismal Effects of Disloyalty and Treason; and from all the rest, the deplorable Mischiefs that attend Licentiousness and Debauchery: For by the Course of Nature, most of these might have lived a much longer Time, and that with Comfort to themselves and their Relations; but now, to the Anguish of their own Hearts, and the unspeakable Grief of all their Friends, they have shortened their own Days, and brought a dismal Sentence upon themselves.

And I recommend them not only to my self and others, but chiefly and especially to the Pious, Orthodox and Learned Ministry, to give the best Assistance they can, during the short Remainder of their Time; for their Abode here upon Earth is but short, and God grant they may meet with a blessed Immortality.

There remains no more for me to do, I say, but to pronounce the Sentence of the Law, which is this; and the Court does award,

That you, Mrs. Lisle, be conveyed from hence to the Place from whence you came, and from thence you are to be drawn on a Hurdle to the Place of Execution, where your Body is to be burnt alive till you be dead. And the Lord have Mercy upon your Soul.

The rest of the Prisoners had the usual Judgment as in Cases of Felony.

L. C. J. Look you, Mrs. *Lisle*, when I left his Majesty, he was pleased to remit the Time of all Executions to me; that where-ever I found any Obstinacy or Impenitence, I might Order the Executions with what speed I should think best: Therefore, Mr. Sheriff, take notice, you are to prepare for the Execution of this Gentlewoman this Afternoon. But withal, I give you, the Prisoner, this Intimation: We that are the Judges, shall stay in Town an Hour or two; you shall have Pen, Ink, and Paper brought you, and if in the mean time you employ that Pen, Ink, and Paper, and this Hour or two well, (you understand what I mean) it may be you may hear further from us, in a deferring the Execution.

Then the Prisoner was taken away.

But afterwards, upon the Intercession of some Divines of the Church of Winchester, she was reprieved till Wednesday the Second of September.

On Sunday the Thirtieth of August, the following Letter was sent to the Right Honourable the Earl of Clarendon, Lord Privy-Seal, at Windsor; [which the Earl did then read to the King] who answered, That he would do nothing in it, having left all to the Lord Chief Justice*.

My Lord,

“ U N D E R S T A N D I N G that Mrs. Lisle is condemned,
 “ and that many false things are reported
 “ of her, that may hinder the King from shewing
 “ her Mercy; particularly, that she was an Enemy
 “ to the King’s Friends in the time of the late
 “ Wars: As to that, we can assure your Lordship,
 “ that she was a Favourer of them in their greatest
 “ Extremities; and particularly of us, and of some
 “ others that are since dead: And for these late
 “ Years we have often been in her Company, and
 “ never heard her say any thing but what became
 “ a loyal Subject. This we desire your Lordship
 “ would be pleased to represent to the King, and
 “ to interceed for her Reprieve; which will be a
 “ great Obligation to your Lordship’s humble Ser-
 “ vants,

M. St. John.
 E. Abergavenny.

On Monday the Thirty-First of August the following Petition was presented to the King.

To the King’s most Excellent Majesty,

The Humble Petition of Alicia Lisle;

Humbly Sheweth,

“ T H A T your Petitioner lieth under a Sen-
 “ tence of Death for harbouring one John
 “ Hicks; and is sentenced to be burnt on Wednesday
 “ next.

“ That she is the Daughter of Sir White Becon-
 “ saw, descended of an antient and honourable Fa-
 “ mily, and related to several of the best Families
 “ of the Nobility of this Kingdom.

“ Wherefore your Petitioner humbly begs your
 “ Majesty, that Execution may be altered from
 “ Burning to Beheading, and may be respited for
 “ four Days:

And your Petitioner shall ever pray, &c.

To which his Majesty answered: That he would not reprieve her one Day; but for altering the Sentence, he would do it, if there were any Precedents for it.

Thereupon the following Precedents, for the altering of the Sentence, were offered to the King.

That Execution may vary from the Judgment, see the Register, Fol. 165. in Felony, Parl. 8. E. 3. where the Judgment always is *Suspensatur per collum*; yet the Party may be beheaded, which is no part of the Sentence. So was the Duke of Somerset in the Time of Edw. VI. for Felony: So was the Lord Audley, 7 Car. I. for Felony (Rape).

Queen Katherine Howard for Treason, Hen. VIII. and Jane Gray, primo Mariae. The Countess of Salisbury, being attainted for Treason, Anno 1541.

* The Earl of Feversham having been offered a thousand Pounds to obtain her Pardon, solicited the King to grant it; but the King told him, he had promised the Chief Justice that he would not pardon her.

was beheaded 32 Hen. VIII. See 3 Co. Inst. p. 211, 212.

Whereupon his Majesty was pleased to sign the following Warrant.

JAMES R.

“ W H E R E A S we are informed that Alicia Lisle has received Sentence of Death for High Treason at the Sessions of Oyer and Terminer, and Goal-Delivery, held at our City of Winchester, for harbouring of John Hicks a Rebel, and that the Sentence is to be executed upon her the second of September next, by burning her alive: And whereas the said Alicia Lisle has humbly petitioned Us to alter the Manner of the said Execution, by causing her Head to be sever’d from her Body: We being graciously pleased to condescend to her Request, have thought fit hereby to signify Our Will and Pleasure accordingly. And our further Will and Pleasure is, that you deliver the Head and Body to her Relations to be privately and decently interred: And for so doing, this shall be your Warrant.

Given at our Court at Windsor, the Thirty-First Day of August, 1685. in the first Year of our Reign.

SUNDERLAND.

To our Trusty and Well-beloved the High-Sheriff of our County of Hants, and to all others whom it may concern.

Which Warrant being delivered to the Sheriff, she was, on Wednesday the second of September, in the Afternoon, brought to execution; which was perform’d upon a Scaffold erected in the Marketplace of the City of Winchester, where she behaved herself with a great deal of Christian Resolution. She then deliver’d a Paper to the Sheriff, a Copy of which follows; and after some little time was executed, having her Head sever’d from her Body.

A Copy of the Paper deliver’d to the Sheriff.

Gentlemen, Friends, and Neighbours,

“ I T may be expected that I should say some-
 “ thing at my Death, my Birth and Education
 “ being near this Place. My Parents instructed
 “ me in the Fear of God, and I now die of the Re-
 “ formed Religion, always being instructed in that
 “ Belief, That if Popery should return into this
 “ Nation, it would be a great Judgment. I die in
 “ the Expectation of Pardon of my Sins, and Ac-
 “ ceptation with the Father, by the imputed Righ-
 “ teousness of Jesus Christ, he being the End of the
 “ Law for Righteousness to every one that believes.
 “ I thank God, through Jesus Christ, I depart un-
 “ der the Blood of Sprinkling, which speaketh better
 “ things than the Blood of Abel, God having made
 “ this Chastisement an Ordinance to my Soul.

“ I did as little expect to come to this Place on
 “ this Occasion as any Person in this Nation; there-
 “ fore let us learn not to be high-minded, but fear
 “ the Lord: The Lord is a Sovereign, and will
 “ take what way he sees best to glorify himself by
 “ his poor Creatures; therefore do humbly desire
 “ to submit to his Will, praying him, that in pa-
 “ tience I may possess my Soul.

“ My Crime was entertaining a Nonconformist
 “ Minister, who is since sworn to have been in the

late Duke of *Monmouth's* Army. I am told, if I had not denied them, it would not have affected me. *I have no Excuse but Surprize and Fear*; which I believe my Jury must make use of to excuse their Verdict to the World.

I have been told, the Court ought to be Counsel, for the Prisoner, instead of which, there was Evidence given from thence; which, though it were but Hear-say, might possibly affect my Jury. My Defence was such as might be expected from a weak Woman; but such as it was, I did not bear it repeated again to the Jury. But I forgive all Persons that have done me wrong, and I desire that God will do so likewise.

I forgive Col. Penruddock, though he told me he could have taken those Men before they came to my House.

As to what may be objected, that I gave it under my Hand that I had discoursed with *Nelthorp*, that could be no Evidence to the Court, or Jury, it being after my Conviction and Sentence.

I acknowledge his Majesty's Favour in altering my Sentence; and I pray God to preserve him, that he may long reign in peace, and the true Religion flourish under him.

Two things I have omitted to say, which is, that I forgive him that desired to be taken from the Grand Jury to the Petty Jury, that he might be the more nearly concerned in my Death.

Also I return humble Thanks to Almighty God, and the Reverend Clergy that assisted me in my Imprisonment.

Sept. 2. 1685.

ALICE LISLE.

Her Attainder was afterwards reversed 1st of William and Mary.

Primo Gulielmi & Mariæ, Anno 1689.

An ACT for annulling and making void the Attainder of *Alicia Lisle*, Widow.

Whereas *Alicia Lisle*, Widow, in the Month of August, in the first Year of the Reign of the late King James the Second,

at a Sessions of Oyer and Terminer, and Goal-Delivery, holden for the County of Southampton, at the City of Winchester in the said County, by an irregular and undue Prosecution, was indicted for entertaining, concealing and comforting *John Hicks*, Clerk, a false Traitor knowing him to be such; Though the said *John Hicks* was not, at the Trial of the said *Alicia Lisle*, Attainted or Convicted of any such Crime: And, by a Verdict injuriously extorted and procured by the Menaces and Violences, and other illegal Practices of *George Lord Jefferies*, Baron of Wem, then Lord Chief Justice of the King's Bench, and Chief Commissioner of Oyer and Terminer and Goal-Delivery, within the said County, was convicted, attainted, and executed for High-Treason: May it therefore please your most excellent Majesties, at the humble Petition of *Triphena Lloyd* and *Bridget Usher*, Daughters of the said *Alicia Lisle*, That it be declared and enacted by the Authority of this present Parliament: And be it Enacted by the King and Queen's most excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said Conviction, Judgment and Attainder of the said *Alicia Lisle* be, and are hereby repealed, reversed, made and declared null and void to all Intents, Constructions and Purposes whatsoever, as if no such Conviction, Judgment or Attainder had ever been had or made; And that no Corruption of Blood, or other Penalty or Forfeiture of Honours, Dignities, Lands, Goods or Chattels, be by the said Conviction or Attainder incurred: any Law, Usage or Custom to the contrary notwithstanding.

Ex^r

Job. Brown, Cleric^r
Parliamentor^r.



CXXXVI. *Trials of John Fernley, William Ring, Elizabeth Gaunt**, and *Henry Cornish † Esq;* at the Old-Bailey, for High-Treason, October 19, 1685. 1 Jac. II.

MONDAY, Octob. 19th, 1685. at the Sessions-House in the Old-Bailey, London, the Court being met, and Proclamation made for Attendance, the Proceedings were as follow

Clerk. Set *John Fernley* to the Bar. [Which was done.]

Cryer. O Yes, All manner of Persons are commanded to keep Silence, upon pain of Imprisonment.

Clerk. *John Fernley*, hold up thy Hand. [Which he did.]

Thou standest indicted by the Name of *John Fernley*.

* Burn. Hist. Owen Times. Vol. 1. p. 649.

† Ibid. 651.

Middlesex. THE Jurors for our Sovereign Lord the King upon their Oaths do present, That *John Fernley*, of the Parish of *St. Mary Matfellow*, otherwise *White-Chapel*, in the County of *Middlesex*, Barber, as a false Rebel and Traitor against the most illustrious and most excellent Prince King *James* the Second, by the Grace of God of *England, Scotland, France* and *Ireland*, King, and his natural Lord, not having the Fear of God in his Heart, nor his due Obedience any wise regarding, but being mov'd and seduced by the Intigation of the Devil; and his faithful Duty and natural Obedience which a true and loyal Subject ought to have towards his said Lord the King, and by Law ought to observe, utterly withdrawing; and intending with all his Endeavours the Peace and Tranquillity of this Kingdom of *England* to disturb, and War and Rebellion against our said Lord the King to incite and move, and the Government of our said Lord the King in this Kingdom of *England* to subvert, and our said Lord the King from his Title, Honour, and regal and imperial Crown of this his Kingdom of *England* to depose and deprive, and our said Lord the King to Death and utter Destruction to bring; the 20th Day of *August* in the Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. the first, and divers other Days as well before as after, at the Parish of *St. Mary Matfellow*, otherwise called *White-Chapel*, in the County of *Middlesex*, falsely, maliciously, devilishly, and traitorously, with divers Rebels and Traitors to the Jurors aforesaid unknown, did conspire, imagine and intend, our said Sovereign Lord the King, now his supreme and natural Lord, not only of his royal State, Title, Power, and Government of this his Kingdom of *England* to deprive and depose, but also the same Lord the King to kill and murder, and the ancient Government of this Kingdom of *England* to change, alter, and totally subvert, and a miserable Slaughter amongst the Subjects of our Lord the King throughout all this his Kingdom of *England* to cause and procure; and an Insurrection and Rebellion against our Lord the King to procure, promote, and assist: And the same his most wicked, most inhuman, and most devilish Treasons and Conspiracies, Purposes and traitorous Imaginations to fulfil and to effect, he the said *John Fernley*, as a false Traitor, then and there, viz. on the said 20th Day of *August*, in the Year of the Reign of our said Lord the King, the first as aforesaid, at the Parish aforesaid, in the County aforesaid, well knowing one *James Burton* to be a false Traitor, and as a false Traitor traitorously to have conspired and imagined the Death and utter Destruction of our said Lord the King, and War and Rebellion against our said Lord the King within this Kingdom of *England* traitorously (with divers other Rebels to the Jury unknown) to have levied and stir'd up; he the said *John Fernley* afterwards, viz. on the said 20th Day of *August*, in the Year of the Reign of our said Lord the King, now the first aforesaid, at the Parish aforesaid, in the County aforesaid, the said *James Burton* in the Mansion-House of him the said *John Fernley*, situate in the Parish and County aforesaid, knowingly, secretly, wickedly, devilishly, and traitorously, did harbour, conceal, comfort, sustain, and keep; and then and there, for the Comforting, Sustainment, and Maintenance of the said *James Burton*, the said *John Fernley* Meat

and Drink to the said *James Burton*, maliciously and traitorously did give and deliver, and did cause to be given and delivered, against the Duty of his Allegiance, against the Peace of our said Lord the King, his Crown and Dignity, and also against the Form of the Statute in the like Case made and provided, &c.

Clerk. How sayest thou *John Fernley*, art thou guilty of the High-Treason whereof thou standest indicted, or not guilty?

Fernley. Not guilty.

Clerk. Culprit, how wilt thou be tried?

Fernley. By God and my Country.

Clerk. God send thee a good Deliverance.

Set *William Ring* to the Bar. [Which was done.

William Ring, hold up thy Hand. [Which he did.

Thou standest indicted by the Name of *William Ring*, of the Parish of *St. Clement's Danes*, in the County of *Middlesex*, Taylor.

Middlesex. THE Jurors for our Sovereign Lord the King do present upon their Oaths, That *William Ring*, late of the Parish of *St. Clement's Danes*, in the County of *Middlesex*, Taylor, as a false Traitor against the most illustrious and excellent Prince *James* the Second, by the Grace of God of *England, Scotland, France, and Ireland* King, and his natural Lord, not having the Fear of God in his Heart, nor the Duty of his Allegiance any ways weighing, but being mov'd and seduced by the Intigation of the Devil, and the true, due, and natural Obedience which true and faithful Subjects of our said Lord the King towards our said Lord the King should and of right ought to bear, wholly withdrawing; and with his whole Strength intending the Peace and common Tranquillity of this Kingdom of *England* to disquiet, molest, and disturb, and War and Rebellion against our said Lord the King within this his Kingdom of *England* to incite and stir up, and the Government of our said Lord the King in this his Kingdom of *England* to subvert, and our said Lord the King from his Title, Honour, and regal Name of his Imperial Crown of this his Kingdom of *England* to depose and deprive, and our said Lord the King to Death and final Destruction to bring and put; the 20th Day of *July*, in the first Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God of *England, Scotland, France and Ireland* King, Defender of the Faith, and divers other days and times, as well before as after, at the Parish of *St. Clement's-Danes* in the County of *Middlesex*, falsely and maliciously, devilishly and traitorously, with divers other Rebels and Traitors to the Jurors unknown, did conspire, imagine, and intend, our said Lord the King, our supreme and natural Lord, not only from his State, Title, Power, and Government of his Kingdom of *England* to deprive and depose, but also our said Lord the King to kill and put to death, and the ancient Government of this Kingdom of *England* to change and alter, and wholly to subvert; and a miserable Slaughter amongst the Subjects of our said Lord the King throughout this whole Kingdom of *England* to cause and procure; and Insurrection and Rebellion against our said Lord the King to procure, move, and assist: And his said most wicked and devilish Treasons and traitorous Conspiracies, Compassings, Imaginations and Purposes aforesaid to fulfil, effect, and perfect, he the said *William Ring*, as a false Traitor, then and there, to wit, the said 20th day of *July*, in the said first Year of the Reign of our said Lord the King that now is, aforesaid, at the Parish and County aforesaid, well knowing *Joseph Kelloway*

and *Henry Lawrence* to be false Traitors, and as false Traitors traitorously to have conspired and imagined the Death and final Destruction of our said Lord the King, and War and Rebellion against our said Lord the King within this his Kingdom of *England*, traitorously, with divers other Traitors to the Jurors unknown, to have levied, and raised, and stirred up. And he the said *William Ring* afterwards (to wit) the said 20th Day of *July*, in the first Year of the Reign of our said Sovereign Lord the King aforesaid, at the Parish aforesaid, the said *Joseph Kelloway*; and *Henry Lawrence*, in the Dwelling-House of him the said *William Ring* situated in the Parish and County aforesaid, knowingly, secretly, wickedly, devilishly, and traitorously, did harbour, conceal, comfort, sustain, and maintain; and then and there, for the comforting, sustaining, and maintaining of the said *Joseph Kelloway* and *Henry Lawrence*, he the said *William Ring* Meat and Drink to the said *Joseph Kelloway* and *Henry Lawrence* maliciously and traitorously did give and deliver, and did cause to be given and delivered, against the Duty of his Allegiance, against the Peace of our said Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in this Case made and provided, &c.

How sayest thou *William Ring*, art thou guilty of the High-Treason whereof thou standest indicted, or not guilty?

Ring. Not guilty.

Clerk. Culprit, how wilt thou be tried?

Ring. By God and my Country.

Clerk. God send thee a good Deliverance.

Set *Henry Cornish* to the Bar.

Henry Cornish, hold up thy Hand.

Mr. Cornish. My Lord, I have been confined without any notice given me until *Saturday* about Noon of my Trial. My Lord, I do hope, seeing I appear before your Lordships and this honourable Bench who have known something of my Conversation, that you will please to consider me, and grant me what is customary, and commonly done to Persons in my Circumstances.

Mr. Jones. *Mr. Cornish*, if you please you shall have your time of speaking hereafter, but now you are only to plead without any more ado.

Mr. Cornish. My Lord, I beseech you hear me a little; I have been so confined——

Lord Mayor. *Mr. Cornish*, you must observe the Rules of the Court.

Mr. Cornish. My Lord, I hope I shall be allowed what is customary in such Cases.

Lord Mayor. What is it you would have?

Mr. Cornish. My Lord, I do desire, if your Lordship will please to consider me——

Mr. Jones. Wou'd you not be arraigned, *Mr. Cornish*? After you are arraigned and have pleaded, you may speak.

Mr. Cornish. Let me tell your Lordship what my Case is: Is it reasonable not to have above half a day's time for Preparation for my Trial, and no Counsel allowed me?

Mr. Recorder. Nor ought, without Leave of the Court, or by Majesty's special Appointment.

Mr. Cornish. I have not had a Friend to come to me, but in the presence of Major *Richardson*.

Mr. Recorder. None have in your Circumstances.

Mr. Cornish. My Lord, ought not I to have a Copy of the Pannel? It is a thing never denied.

Recorder. It hath been denied very often*.

Mr. Cornish. My Lord, it is a matter wherein my Life is concern'd; and therefore I hope your Lordship will hear me.

Mr. Jones. After you are arraign'd you may speak, and put off your Trial if you can.

Mr. Cornish. My Lord I cannot go from this before I possess your Lordship with a right Understanding of it; it is beyond Precedent: no such Precedent, that any Man should be kept with that Strictness I have been.

Recorder. *Mr. Cornish*, I wonder you will say so: I tell you there is no Man accused of your Crime but is so kept.

Mr. Cornish. If your Lordship pleases to allow me a little time, I do not question but I can very well satisfy your Lordship, and this honourable Court, that I am a very innocent Person.

Mr. Recorder. You will have your proper time for that, but now you must plead, that you may hear the Particulars of your Charge, and have an Opportunity to make out your Innocence; for we must keep the same Method with you we do with all other Persons in your Circumstances; and therefore you must plead as other Persons do.

Mr. Jones. Will you, or will you not, Sir, without any more ado? The Law gives you Advantage, you may challenge any body; there are fourscore returned, honest Men, and you may challenge who you please.

Mr. Cornish. Alas! my Lord, what can I do?

Counsel. He disputes out of time; he is to be arraign'd.

Recorder. Come, *Mr. Cornish*, you must plead.

Mr. Cornish. I did understand last Night his Majesty was graciously pleased to refer these matters, as to my Trial, to my Lords the Judges; and my Lord, I do hope that the Judges, when they hear this matter, that I shall have some time allow'd.

Recorder. Pray, *Mr. Cornish*, take the Rule of the Court, your Business is now to plead; when you have pleaded, what you have to offer for the putting off your Trial may be heard then.

Clerk. *Henry Cornish*, hold up thy Hand.

Mr. Cornish. My Lord, I would do nothing that should be a dishonour to your Lordship and the Court.

Sir James Smith. You know the way of the Court, *Mr. Cornish*; you must plead.

Mr. Jones. If you will not plead, I will move the Court to record your standing mute.

Mr. Cornish. I have known that this Court hath heard what the Prisoner hath to say at the Bar; and I have more to say, perhaps, than any Man that ever stood at this Bar.

Recorder. *Mr. Cornish*, when you have pleaded, you have time to speak for your self.

Clerk. *Henry Cornish*, hold up thy Hand.

[Which he did.

Thou standest indicted by the Name of *Henry Cornish*.

THAT *Henry Cornish*, late of the Parish of *St. Michael Bassishaw*, *London*, Merchant, as a false Traitor against the most illustrious Prince *Charles* the Second, late King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, then his natural Lord, not having the Fear of God in his Heart, not weighing the Duty of his Allegiance, but moved and seduced by the Instigation of the Devil, and the cordial Love, and true, due and natural Obedience, which a true and faithful Subject of our late Sovereign Lord the King towards our late Sovereign Lord the King should and of right ought

* It was indeed denied to *Stephen Colledge*, but it was allow'd *Lord Ruffel*.

ought to bear, altogether withdrawing; and mind-
ing, and with all his Strength intending, the Peace
and common Tranquillity of this Kingdom of *Eng-
land* to disquiet, molest, and disturb, and War and
Rebellion against our late Sovereign Lord the King,
within this Kingdom of *England* to stir up, move,
and procure; and the Government of our said late
Sovereign Lord the King of this Kingdom of *Eng-
land* to subvert, change, and alter, and our said
late Sovereign Lord the King from the Title, Ho-
nour, and kingly Name of the Crown Imperial of
this Kingdom of *England* to depose and deprive;
and our said late Sovereign Lord the King to Death,
and final Destruction to bring and put: the 30th
Day of *May*, in the 35th Year of the Reign of our
said Sovereign Lord the King, and divers other Days
and Times, as well before as after, at the Parish of
St. Michael Bassishaw, London, falsely, maliciously,
devilishly, and traitorously, with divers false Trai-
tors to the Jurors unknown, did conspire, compass,
imagine, and intend, our said late Sovereign Lord
the King, his supreme and natural Lord, not only
of his kingly State, Title, Power and Government
of this Kingdom of *England* to deprive and throw
down; but also the said late King to kill and put
to death, and the ancient Government of this his
Kingdom of *England* to change, alter, and altoge-
ther subvert, and a miserable Slaughter amongst
the Subjects of our late Lord the King thorough
this Kingdom of *England* to cause and procure,
and Insurrection and Rebellion against our said late
Lord the King to procure, promote, and assist:
And the same most wicked and devilish Treasons
and traitorous Compassings, Imaginations, and Pur-
poses aforesaid to fulfil, perfect, and bring to effect,
he the said *Henry Cornish*, as a false Traitor, then
and there, to wit, the said 30th Day of *May*, in
the Year aforesaid, at the Parish and Ward afore-
said, falsely, maliciously, and traitorously, knowing
James the late Duke of *Monmouth*, *William Ruffel*,
Esquire, and *Thomas Armstrong*, Knight, and divers
other Rebels and Traitors, then lately before in the
Parish and Ward aforesaid within the said City of
London, falsely, unlawfully, devilishly, and traito-
rously, to have conspired the Death and final De-
struction of our said late Sovereign Lord the King;
he the said *Henry Cornish*, as a false Traitor, then
and there, to wit, the said 30th Day of *May* in the
Year aforesaid, within the Parish and Ward in the
said City of *London*, falsely, unlawfully, wickedly
and traitorously, did promise to the said divers false
Traitors and Rebels, then and there present, That
he the said *Henry Cornish* would be aiding and as-
sisting in the Treasons aforesaid, to be done, per-
fected, and brought to effect, against the Duty of
his Allegiance, against the Peace, and against the
Form of the Statute, &c.

Clerk. How sayest thou, *Henry Cornish*, art thou
guilty of this High-Treason whereof thou standest
indicted, or not guilty?

Mr. Cornish. This is an heinous Charge.

Counsel. Answer; you know you must answer.

Mr. Cornish. I am perfectly innocent.

Council. Are you guilty or not guilty? You must
take the Words.

Mr. Cornish. Not Guilty.

Clerk. Culprit, how wilt thou be try'd?

Mr. Cornish. By the Great God of Heaven, and
my Country.

Clerk. God send thee a good Deliverance.

L. C. J. Jones. I don't know in what State things
are here in the Court; I can't tell whether there be
a Jury return'd or not.

Clerk. He is arraign'd.

L. C. J. Jones. Why don't you go on with the
Jury?

Mr. Cornish. My Lord, I humbly pray your
Lordship: I have some ground for it—

L. C. J. Jones. You shall be heard in good time,
Sir.

Mr. Cornish. My poor Children last Night pre-
fer'd a Petition to his Majesty, and he was pleased
to refer it most graciously to my Lords the Judges;
and I now make my Application to your Lordships.

L. C. J. Jones. Have you any Answer to the
Petition, from the King?

Mr. Cornish. It was referr'd to your Lordships
the Judges, to consider my Case.

L. C. J. Jones. We may hear more of your Bu-
siness anon, when Mr. Attorney and Mr. Solicitor
do come: we will stay here till they come, to know
whether there be any Order from the King to them
concerning you.

Mr. Cornish. My Lord, I hope it will not be
offensive if I should acquaint your Lordships what
Usage I have met with since I have been under
Confinement. I have been under very close Confine-
ment, I had no notice of my Trial till about
twelve a-clock on *Saturday*; no Friend came
to me till eight a clock at Night; and I had no
time for Preparation for my Trial. My Lord,
these are hard things; but tho' I am denied Coun-
sel, I trust in God I shall not need Counsel, for I
hope, if your Lordship pleases to allow me time,
to clear my self of all Matters; and I hope with
such Satisfaction to your Lordships, that you will
acquiesce in whatsoever I shall lay before your Lord-
ships. I do not come to make an Harangue and
Talk; my Case was such, that I had neither Pen,
Ink, nor Paper.

Mr. Just. Withins. Mr. *Cornish*, Mr. Attorney
and Mr. Solicitor will come, we must hear them.

L. C. J. Jones. You shall be heard in your pro-
per time; it is a strange thing you won't be satis-
fied; you shall be heard, I tell you, in your proper
time.

Mr. North. We have arraigned one *Fernley*, if
you please to try him, who (with *Ring*) was brought
to the Bar.

Clerk. You the Prisoners at the Bar, those Per-
sons you shall hear call'd, and appear, are to pass
between our Sovereign Lord the King and you,
upon your several Lives and Deaths: if you will
challenge them or any of them, your time is to
challenge them when they come to the Book to
be sworn, before they be sworn.

Cryer. O-Yes! All manner of Persons are com-
manded to keep silence upon pain of Imprison-
ment.

The Middlesex Jury.

| | |
|-------------------------|------------------------------|
| <i>Nehemiah Arnold,</i> | <i>William Thompson,</i> |
| <i>Francis Stevens,</i> | <i>William Read,</i> |
| <i>Richard Fisher,</i> | <i>Samuel Peacock,</i> |
| <i>John Howlet,</i> | <i>Richard Fitz-gerrard,</i> |
| <i>John Figures,</i> | <i>Richard Bromfield,</i> |
| <i>Samuel Birch,</i> | <i>John Haynes.</i> |

Cryer. O-Yes! If any one can inform my Lords
the King's Justices, the King's Serjeant, or the
King's Attorney, before this Inquest be taken be-
tween our Sovereign Lord the King and *John Fern-
ley* and *William Ring*, the Prisoners at the Bar, let
them come forth, and they shall be heard; for now
the Prisoners stand at the Bar upon their Delive-
rance:

rance: and all Persons that are bound by Recognizance to give Evidence against either of the Prisoners at the Bar, let them come forth and give their Evidence, or else they forfeit their Recognizance, and all Jury-men of *Middlesex* that have appear'd and are not sworn, let them depart.

Clerk. Set *William Ring* to the Bar, and set by the other.

William Ring, hold up thy Hand. You that are sworn, look upon the Prisoner, and hearken to his Charge; he stands indicted by the Name of *William Ring*, &c. (*prout ante.*) Your Charge is, to enquire whether he be guilty of the Treason whereof he stands indicted, or not guilty, &c.

Mr. Phipps. You, the Gentlemen that are sworn, the Prisoner at the Bar is indicted for that knowing one *Joseph Kelloway*, and one *Henry Lawrence*, to be false Traitors, and to have levied War against the King; on the 20th of *July* did harbour, conceal, and relieve those Traitors, against the Duty, &c. Upon this he hath pleaded, Not Guilty, &c.

Mr. At. Gen. Gentlemen of the Jury, the Course of our Evidence will be thus: *Kelloway* and *Lawrence* were in the late Rebellion in the West, in the late Duke of *Monmouth's* Army; and after that Battle when they were overthrown, they came up to *London*, and the Prisoner at the Bar receiv'd and comerted them, and not only provided a Lodging, and Meat and Drink for them, but afterwards provides another Lodging for them: and this he knew, for they were very merry, telling the whole Story of the Fight; and notwithstanding this he entertains them. We will first shew you the Record of the Conviction of *Kelloway* and *Lawrence*, and then call Witnesses to prove the other things upon the Prisoner. (The Record produced) *Mr. Harcourt* sworn.

L. C. J. Jones. Is that a true Copy of the Record?

Mr. Harcourt answered yes: whereupon the Clerk reads;

Joseph Kelloway stands indicted by the Name of *Joseph Kelloway* of *Trenton*, in the County of *Somerset*, Yeoman; and *Henry Lawrence* of the same Parish and County, Yeoman; with a great many others.

L. C. J. Jones. See what they have done.

Clerk. They are indicted of Treason for levying War against the King, and they have confessed the Indictment upon their Arraignment; and the Judgment upon the Indictment, is, *That the said Kelloway, and the rest of them there, should be led to the Prison from whence they came, and from thence to be drawn to the Place of Execution, and upon the Gallows there to be hang'd, every one of them in the said Indictment, and living to be cut down, and their Entrails to be taken out of their Bodies, their Heads to be taken off from their Bodies, and their Bodies divided into four Quarters.*

Mr. At. Gen. This shews they were Traitors. Now we will shew you, that in the mean time between their Treason and Conviction, this Prisoner did receive them. Call *Mr. Barrington*.

[*Who was sworn.*

Mr. Jones. *Mr. Barrington*, what do you know concerning *Mr. Ring*?

Mr. Barrington. If it please you, my Lord, on the 11th of *July* last I was abroad about my Master's Business, and in the mean time when I was absent, as I was inform'd, there came *Mr. Ring*, who lives in *Wyck-street* at the Sign of the Bible; and when I return'd, I was told, that *Mr. Ring* was at

our House to speak with me, and that there was one *Mr. Lawrence* there at *Mr. Ring's* at the Bible in *Wyck-street*; and when I came there, there was *Mr. Lawrence* at *Mr. Ring's* House; and when I came to the House on the right hand, there was his Wife, as I take it: I asked for *Mr. Lawrence*, and she was a little at a Stand. Said I, I understand *Mr. Ring* was in such a Place to inform me *Mr. Lawrence* desired to speak with me. Upon that he shew'd me where he was: I went up to him, and he was lying upon the Bed very weary and tired; and when I had been there a while, there came in one *Kelloway*, and they said they came both out of the West Country, and came on *Friday* Night, and I saw them on *Saturday*. If it please your Lordship, I called there after, and knocked at *Mr. Ring's* Door, and there came a Woman and made answer, That they were gone from thence both of them, and that they were to go on Ship-board to see some Friends; and I called there on *Wednesday* the 15th Day at Night, to see *Mr. Lawrence* at *Mr. Ring's* House, and *Mr. Lawrence* told me he was going from thence to the Pewter-Platter in *St. Johns's*; and when *Mr. Common Serjeant* came to examine me about these Men, I made a true Confession, that they were at *Mr. Ring's*, and removed to the Pewter-Platter: and when we came to search at the Pewter-Platter, at first they did not know any such Men, till we described them. Then they confessed there were such Men there on *Tuesday* and *Wednesday* Night, but not the Night before, which was *Thursday* Night. From thence we went without *Temple-Bar* to *Mr. Ring's*, where they were at first; and *Mr. Crisp* and I went together to enquire for these Men, and there was a Woman, which I think is *Mr. Ring's* Wife, I can't tell. I enquired for these Men, and she made answer, That they were not there at present, and said she could not tell at present, but that they lay there the last Night, which was *Thursday* Night; that was *Ring's* Wife, I take it, should say they were there the Night before, so after that she had owned they lay there on the *Thursday* Night, she asked me what this Gentleman was; so I told her, a Friend of mine. So afterwards we were at the Castle-Tavern without *Temple-Bar* by *St. Clement's* Church, and *Mr. Common Serjeant* was pleased to send for *Mr. Ring* to examine him about these Men, what Lodgers he had in his House on *Friday* Night, *Saturday* Night, *Sunday* Night, and *Monday* Night. *Mr. Ring* knew nothing of any Men that came out of the Country; so upon that, he denying it, *Mr. Common Serjeant* order'd his House to be search'd, and in searching, they found a Paper upon the Chamber-Window, that was brought to the Castle-Tavern, where *Mr. Ring* was, and the Paper was produced, and *Mr. Ring* would confess nothing till such time as they found that Paper.

L. C. J. Jones. See, is that the Paper you speak of?

Mr. Barrington. That is all I have to say, if it please your Lordship.

L. C. J. Jones. Did you see them in the Company of *Ring*?

Mr. Barrington. I did not see him when I was at the House.

Mr. Sol. Gen. You say *Mr. Ring* would confess nothing till such time as the Paper was found; what did he say after the Paper was found? *Mr. Finch.*

Mr. Jones. *Ring* was by, what did he say upon producing that Paper?

L. C. J. Jones. Was the Paper shew'd to him?

Mr. *Barrington*. I think not ; he would have seen it.

Mr. *Just. Witbins*. You say he would confess nothing till that Paper was produced.

Mr. *Barrington*. Truly, I can say no more of it.

Mr. *Jones*. When the Paper was produced at the *Castle-Tavern*, what did he say then?

Mr. *Just. Witbins*. What did *Ring* say at the *Castle-Tavern*?

Mr. *Barrington*. I can't remember, but that he denied every thing.

Clerk. Call Mr. *Barrow*. [Who was sworn.]

Mr. *Barrow*. Sir, I heard *Ring* confess to my Lord Mayor in *July* last, that he lodg'd *Lawrence* and *Kelloway*, and that *Lawrence* and *Kelloway* did tell him, that they had been both in the late *Western Rebellion* in *Monmouth's Army*; and that after that, he had lodg'd them two or three Nights, this I heard him confess.

Counsel. Pray speak it again.

Mr. *Barrow*. That *Lawrence* and *Kelloway* had told Mr. *Ring*, they had been in the late *Western Rebellion* in *Monmouth's Army*, and that he had lodg'd them two or three Nights in his own House.

Mr. *Common Serjeant*. What did you hear him say concerning Mr. *Herle*?

Mr. *Barrow*. There was some talk concerning Mr. *Herle* or *Hurle*.

L. C. J. *Jones*. Did he say he lodg'd them, after they had told him that?

Mr. *Barrow*. After that. That is all I can say.

Clerk. Call Mr. *Crisp*. [Who was sworn.]

Counsel. Give my Lord and the Jury an Account of what you know concerning Mr. *Ring*.

Mr. *Crisp*. I went to search Mr. *Ring's* House, my Lord, and in the Window there was that Letter under Mr. *Lawrence's* own Hand, sealed up and directed to *Newberry* for a Horse which he had stole from his Master, and left at *Newberry*, which Letter I brought to the Tavern; and when we came to the Tavern, we examin'd him, and he denied every thing; but at last we shew'd him the Letter, and he own'd he had such a Cousin, and another that he did not know, but that he did not lodge there then. And when he came to the Sessions-House, *Lawrence* and *Kelloway* were produced before him, and were examined what Account they had given to him, when they came to his House; they told him after the Duke of *Monmouth* was beaten, they ran away to *London*, and *Kelloway* being his Cousin, brought *Lawrence* with him; they told him the Duke was beaten, and lay there *Friday Night*, *Saturday Night*, *Sunday Night*, and *Monday Night*.

Mr. *Jones*. He own'd he knew Mr. *Kelloway*.

Mr. *Crisp*. Yes.

L. C. J. And that *Kelloway* had been in the Duke's Army, and that he was beaten.

Mr. *Crisp*. Yes.

L. C. J. What did *Ring* say upon it?

Mr. *Crisp*. *Ring* said nothing there to it; he confess'd he lodg'd them two or three Nights.

Counsel. Swear Mr. *Hardisty*. [Which was done.]

Mr. *At. Gen.* Mr. *Hardisty*, pray will you give my Lord and the Jury an Account of his Examination?

Mr. *Hardisty*. I was directed to attend my Lord Mayor at the Examination of Mr. *Ring*, the Prisoner at the Bar, above here in the Room, and did accordingly; and upon Examination, my Lord, he did make this Confession. This is the Examination, and it is as he gave it in himself, and signed by himself.

L. C. J. *Jones*. And read to him?

Mr. *Hardisty*. Yes, half a dozen times; I believe.

Mr. *Common Serjeant*. My Lord, upon the appearing of *Lawrence* and *Kelloway* before him then, he confess'd all.

The Examination of William Ring, of the Parish of St. Clement Danes in the County of Middlesex, Taylor, taken before the Right Honourable Sir James Smith, Knight, Lord Mayor of the City of London, this 18th Day of July, 1685. who being examined, saith as followeth,

THAT *Joseph Kelloway*, and one *Henry Lawrence*, the said *Kelloway's* Acquaintance, came to this Examinant's House on *Friday* or *Saturday* last; that this Examinant did ask of *Kelloway* (being this Examinant's Kinsman) what did drive them to Town? That they told this Examinant, that they went to *Monmouth*, that he was routed, and that brought them to Town, or to that purpose: that they were in *Monmouth's Army*. That the Night they came, he this Examinant told them, he was unwilling to lodge them; that he this Examinant did lodge them after this Discourse, *Saturday*, *Sunday*, and *Monday* Nights, and they dined twice with this Examinant; that they were at his House on *Friday* Morning; but where they lay on *Wednesday* and *Thursday*, saith he knows not. Saith, that *Lawrence* sent this Examinant to a Glover in *St. Bartholomew's Close*, who was a Journeyman in the House, as this Examinant supposeth, and told the Master of the House, that there was a Kinsman of his Journey-man's would speak with his Journey-man. Saith, *Kelloway* and his Acquaintance told this Examinant, that they left their Horses at *Newberry*. That a Note being produced, directed to this Examinant, to deliver several Goods therein mentioned, and being examined upon the said Note, this Examinant saith, that he this Examinant was sent for to the *Castle-Tavern* near *Shoe-lane* in *Fleet-street*, and one *Bond* brought this Examinant the Note above-mentioned, and now produced to him; believes the Note to be the hand-writing of *James Hooper*. That this Examinant was there to enquire of one *Hearne*, but expected to meet *James Hooper*, who formerly told this Examinant that he went by the Name of *Hearne*. That being in Discourse with *James Hooper* about the time of the late Duke of *Monmouth's* Landing, *James Hooper* told this Examinant, that his the said *Hooper's* Brother was with the Duke of *Monmouth*, and that he the said *James Hooper* would go to him the said Duke; or to that purpose. Further, this Examinant saith, that about a Fortnight ago he carried, according to a Note from *Hooper* to that purpose, to a Joiner's House in *Ivy-lane*, *London*, a Cravat and a Pair of Cuffs, and then enquired for *Hooper* of a Woman of the said House; and saith, that then he this Examinant did speak with *James Hooper* who lay private there, because, as this Examinant believes, the said *Hooper* was concerned in the Rebellion. Saith, he hath not seen him the said *Hooper* this Fortnight, nor heard from him otherwise than by the Note now produced. Will. Ring.

Taken before me Sir James Smith, Lord-Mayor.

Mr. *At. Gen.* Call Mr. *Richardson*, to prove that these were the same Men that were carried down. [Who was sworn.] Mr. *Richardson*, pray give an Account, whether these were the Men you carried down into the *West*.

Mr. *Richardson*. My Lord, those two Persons, that is, *Joseph Kelloway* and *Henry Lawrence*, that were committed for being in the late Rebellion, I carried them both down into the West, where they were both convicted; one is executed, and the other has a Reprieve.

Mr. *Just. Withins*. *Henry Lawrence* was Captain *Hunt's* Man.

Mr. *Richardson*. The same, he ran away with his Horse and Arms.

L. C. J. Jones. Can you tell these were the same Men that were present at his Examination?

Mr. *Richardson*. The very same Men; they were committed at the same time; he was examined before them, for they were all committed at the same time together.

L. C. J. Jones. What do you say, Sir; you the Prisoner at the Bar, what do you say for yourself?

Mr. *Ring*. I did not understand what they were.

L. C. J. You knew the Prisoners, one of them was your Kinsman?

Mr. *Ring*. I did know him, but the other I did not know; I did not know what Design they had been upon.

L. C. J. Jones. Your own Examination says, you did.

Mr. *Ring*. Then my Examination is wrong.

L. C. J. Jones. Hear, hear again: You did receive them, and then they told you that they were in *Monmouth's* Army, and that *Monmouth* was beaten; and afterwards you continued to harbour them in your House three Nights.

Mr. *Just. Withins*. And dined twice with them.

Mr. *Ring*. My Lord, I never heard of it.

L. C. Baron. That Gentleman heard you say, they had told you they had been in *Monmouth's* Army, and you lodged them after.

Mr. *Crisp*. Yes, my Lord; and when we were there, the Woman would not own them.

L. C. J. Jones. Why did you hide them in your House, and not confess it?

Mr. *Ring*. At first I did deny it.

Counsel. Yes, and did deny it, till *Lawrence* and the other Man were brought before you.

Mr. *Ring*. My Lord, what I did was ignorantly done.

L. C. J. Jones. Did you hear your Examination now read?

Mr. *Ring*. I heard most of it, I believe.

L. C. J. Jones. Pray let it be read again.

Counsel. It was read over and over four or five times.

Mr. *Hardisty*. He was upon it, I believe, an hour together: it was taken first in parts, and as he recollected himself it was compared, and afterwards my Lord-Mayor desired him to consider with himself: and then the Examination was written fair over, and he signed it, and it was read several times, six or seven times.

Mr. *Ring*. My Lord, I do acknowledge I did lodge them, but I did not understand what Design they had been upon.

L. C. J. Jones. But you see here you have acknowledged they said they were in the Army, and you did lodge them afterwards; they were of *Monmouth's* Party, they had told you so. Read that part again.

Mr. *Hardisty*. *Joseph Kelloway*, and one *Lawrence* the said *Kelloway's* Acquaintance, came to this Examinant's House on *Friday* or *Saturday* last; that this Examinant did ask *Kelloway*, being this Examinant's Kinsman, what did drive them to Town?

That they told this Examinant, that they went to *Monmouth*, that he was routed, and that that brought them to Town.

Mr. *Ring*. I never said that Word.

Mr. *Just. Withins*. It is under your Hand.

Mr. *Ring*. If it be under my Hand, I never said it.

Mr. *Sol. Gen.* Was that part read to him?

Mr. *Hardisty*. Yes.

L. C. J. Jones. Read on.

Mr. *Hardisty*. That they were in *Monmouth's* Army; that the Night they came, this Examinant told them, he was unwilling to lodge them, and that this Examinant did lodge them after this Discovery, *Saturday*, *Sunday*, and *Monday* Night, and they dined twice at this Examinant's House.

L. C. J. Jones. What do you say now to this? Can there be any thing more plain?

Mr. *Ring*. I do acknowledge, my Lord, I did lodge them, but I was not sensible what the Issue of this Business would be.

L. C. J. Jones. You did not know, that to harbour known Traitors was High-Treason.

Mr. *Ring*. My Lord, I don't know whether they came from *Monmouth* or no.

L. C. J. Jones. It is no great matter whether you do or no; they told you so.

Mr. *Ring*. I never heard such a Word from them.

L. C. J. Jones. How came it to be put in your Examination?

Mr. *Ring*. I don't know, my Lord, when it was taken I was in amaze. I think the Parish knew well enough, that I never kept any such Company, nor had any such Design.

Mr. *Just. Withins*. He confesses it over Night, causes it to be writ down next Day, and sets his Hand to it too: Nothing can be more plain.

L. C. J. That is a great Argument you were not in such surprize, that you had not the use of your Understanding; for you confessed the same thing over Night, and you had time to consider of it all Night, and you came the next Morning, and then confessed as now it is written, and put your Hand to it.

Mr. *Ring*. I was ordered to put my Hand to it.

L. C. J. Jones. That is, if you acknowledged it to be true.

Mr. *Ring*. I did not know what was put down.

Mr. *Just. Levinz*. The matter is so plain, that nothing can be more. When they came to you, they inform'd you where they had been, and afterwards you were unwilling to lodge them; you knew therefore they had been in the Rebels Army, and so the matter is plain: and for ought I can hear, this is not the first time you have harbour'd such Men.

L. C. J. Jones. There is another thing touching one *Hurle*; but you are not charged with it in the Indictment, and so we don't trouble the Jury with any Evidence concerning that. Have you any more to say?

Mr. *Ring*. I do acknowledge, my Lord, that I lodg'd them; but I did not understand any thing else.

L. C. J. Jones. Why! did not you confess it?

Mr. *Ring*. I did not confess it.

Mr. *Just. Withins*. And you shifted Lodging for them after they were known to you.

Mr. *Ring*. I did not,

L. C. J. Jones. Gentlemen of the Jury, the Prisoner stands indicted of High-Treason for receiving *Joseph Kelloway* and *Henry Lawrence*, who were Traitors, and known to him to be Traitors,

and

and harbouring them in his House, and giving them Entertainment and Comfort: This, Gentlemen, is clearly High-Treason by Law; and tho' this Man himself were not in actual Rebellion, yet if he do receive any that he knows to have been so, he is equally guilty; he is a principal Traitor by the Judgment of the Law, and however he would now pretend his Ignorance, that he did not know that they were in the Army, or, if he did know they were in the Army, that he had incur'd so great a Danger as the Forfeiture of his Life, which now he stands as well as he can to defend; yet it does appear plainly to you, not only by his own Confession taken upon his Examination but likewise by the Testimony of the Witnesses, who were present at the time when he did confess that these Men had discoursed with him, and acknowledged that they were in *Monmouth's* Army, and that he was routed, and that yet he did entertain and receive them. The first Witness indeed does not say the very thing, but it is very much inducing to the Evidence that is given more expressly by the other Witnesses: for he says that he was at his House, and he enquir'd for them there, tho' he did not see him at all, but his People; and they not only did confess that they had lodged there, but that there was a Lodging provided for them elsewhere: But however, if that were quite laid aside, and not taken at all into Consideration, yet what is testified by the other Witnesses, and upon his own Examination, makes it as clear and plain as can be, that he did receive these Persons into his House, and comfort them, and entertain them, knowing them to have been guilty of High-Treason, that is, to have been in the Army of *Monmouth*, of that Party, and that they came to *London*, and went away from the *West* because he was beaten; and there is an Expression in the Examination to that purpose: so that I take the Indictment to be very full and clearly prov'd upon him; and it is not his Ignorance of the Law that will excuse him, that is, his Ignorance of the Danger that he hath incur'd by entertaining these People; altho' you cannot but take notice, that he was in some dread and fear that it was an Offence to do so: for at first he says by his Examination, that he did refuse to entertain them, which shews that he had some Consideration of the Danger that he might incur by receiving them: and yet after this plain Discourse of theirs, that they were in the Army, he entertains them. That they were the same Men that were in the Army, appears plainly: for though at first he did deny it, and did stand in it, before he was confronted by the Men, they being present; yet afterwards he did confess, that they were the Men that were entertain'd by him; and that they were the same Men, doth appear by the Testimony of Captain *Richardson*, who saw them, and afterwards caused them to be brought down to the *West*, where one of them was executed for Treason. So I must leave it to you, Gentlemen. I think it is a very plain Case.

Mr. Ring. Here is abundance of these things that I know nothing of.

Counsel. Set *John Fernley* to the Bar.

[Which was done.

Clerk. *John Fernley*, hold up thy Hand. You that are sworn, look upon the Prisoner, and hearken to his Charge: He stands indicted by the Name of *John Fernley*, &c. (*prout ante.*)

Mr. Phipps. This is an Indictment of High-Treason against *John Fernley*, the Prisoner at the Bar: It sets forth, that the said *John Fernley* know-

ing one *James Burton* to be a Traitor; and to have conspir'd against the Life of the King; did traitorously conceal the said *Burton* two Days and two Nights, and gave him Meat and Drink against the Duty, &c.

Mr. Sol. Gen. May it please your Lordship, and you Gentlemen of the Jury, this Prisoner stands indicted of Treason for receiving and harbouring one *James Burton* who was guilty of Treason, he knowing him to have been guilty of Treason. And the course of our Evidence will be this: We will prove that this *James Burton* stood outlawed for Treason before he committed a new Treason, when he went into the *West*, and was there with *Monmouth* in the late Rebellion; and tho', Gentlemen, the very Outlawry against the said *Burton* is enough to satisfy any Man, that this Man could not be ignorant that he was a Traitor, for no Man can imagine, when a Man stands out a Process till he become outlawed for High-Treason, that any should be ignorant that he is guilty of Treason, and that it would be very dangerous to receive a Man after that, without any more Evidence: But this *Burton*, after he was outlawed and fled, came again, and was in Arms with *Monmouth* in the Rebellion; and after their Defeat he came up to Town: And *Fernley* knowing he had been then in the *West* with *Monmouth*, he received him, and harboured him; and this we will prove by Witnesses. First, we will shew the Record of the Outlawry.

Clerk.—An Indictment preferr'd against *James Burton*, and divers others for High-Treason, for which the said *Burton* and divers others stand outlawed, by the Return of *Samuel Dashwood Esq;* and *Sir Peter Daniel*, Sheriffs. This is the Record it self, my Lord.

Counsel. Swear Mr. Ward. [Which was done.

Mr. Just. *Withins*. Look upon it, Mr. Ward; is that the Record?

Mr. Ward. Yes, it is, my Lord.

Mr. Just. *Withins*. Pray see when the Outlawry was.

Mr. *Hardisty*. Upon Monday next after the Feast of *St. Martin*, Bishop, the said *Richard Rumbold*, *Richard Goodenough*, *Francis Goodenough*: [Here are the Names of a great many Men.]

Mr. Just. *Withins*. Is *James Burton* among them?

Mr. *Hardisty*. On Monday next after the Feast of *St. Michael*, the said *Richard Rumbold*, *James Burton*, *Richard Nelthorp*, are outlawed, and every one of them is outlawed—It is November was Twelve-month.

Call *James Burton*.

[Who was sworn.

Mr. North. *James Burton*, stand up there: Do you give my Lord and the Jury an account concerning your being in the *West*, and your being entertain'd here at Mr. *Fernley's* House, with all the Circumstances.

Mr. *Burton*. I came out of the *West* into *London*, on Wednesday Night from *Monmouth's* Army.

L. C. J. *Jones*. What Wednesday Night?

Mr. *Burton*. Truly I have forgot the Day of the Month, but it was about three Weeks after the Rout, and I came home to my Wife and staid two Nights, and she was not satisfied I should be there, and went to endeavour to get a Lodging for me for two or three Nights, and she went to get leave at Mr. *Fernley's* for me to be there two or three Nights; and I went thither on Friday Night, and on Sabbath-day in the Evening I was taken there.

Mr. Sol. Gen. Speak aloud, say that again.

Mr. Burton. On *Wednesday* Night I came out of the Country, after I had been in the Army; I came home to my Wife, and staid till *Friday* Night, and on *Friday* Night she got me a Lodging at *Mr. Fernley's*; there I went about ten a-clock at Night, and staid there till *Sunday* Night, and I was taken.

Mr. Just. Withins. Did you see *Mr. Fernley*?

Mr. Burton. I saw him at Dinner on *Sunday*, and not before.

L. C. J. Jones. What Acquaintance had you before? He does not keep a publick House, does he?

Mr. Burton. I had been gone two Years, or very nigh.

L. C. J. Jones. What was the Occasion of your going?

Mr. Burton. My Wife was acquainted there.

L. C. J. Jones. What was the Occasion of your going away, and your Absence for two Years?

Mr. Burton. The Occasion of my going then, was, I was in the Proclamation for being with *Rumbold* at the *Mitre-Tavern* within *Aldgate*.

Mr. Just. Levinz. *Fernley* knew you before, did not he?

Mr. Burton. He knew me by Sight.

Mr. Just. Levinz. Had you any Acquaintance with him?

Mr. Burton. I lived pretty near to him for a while.

Mr. Just. Levinz. How near?

Mr. Burton. I lived within two or three Doors of him.

Mr. Just. Levinz. Did he know you?

Mr. Burton. Yes, yes, he did know me.

Mr. Just. Levinz. You came to lodge at his House on *Friday* Night?

Mr. Burton. Yes, an't please you.

Mr. Just. Levinz. Had you no Discourse till *Sunday* you dined together?

Mr. Burton. No, not till *Sunday* at Dinner.

Mr. Just. Withins. Tell your Discourse at Dinner.

Mr. Burton. My Lord, I have forgot what altogether the Discourse was; I had some Discourse of the Army; he knew I was in the Army.

L. C. J. Jones. I would have you speak the Sense, so far as you remember of the Discourse at that Time with him.

Mr. Burton. The Sense, as far as I remember, was, that the Army was routed.

L. C. J. Jones. And that you were there?

Mr. Burton. He knew I was there.

L. C. J. Jones. How came he to know you were there?

Mr. Burton. I believe I told him so my self.

Mr. Just. — Upon your Oath, did he know you fled upon the Account of the Proclamation before?

Mr. Burton. It is like he might know it by others, but not by me.

L. C. J. Jones. When were you taken; What Day?

Mr. Burton. I was taken on *Sunday* in the Evening: I had been four Days in *London*; two Days at Home, and two Days at his House.

L. C. J. Jones. Did you not see him before *Sunday* at Dinner?

Mr. Burton. My Lord, he was in the Shop all *Saturday*; he is a Barber.

Mr. Just. Withins. You lay privately at his House all *Saturday*?

Mr. Burton. Yes, my Lord, privately.

Counsel. Call *Mary Burton*.

[Who was sworn.]

Mr. North. How came this Man to lodge at *Mr. Fernley's* House, can you give an Account? and why it was?

Mrs. Burton. Because I thought he was not safe at home; and having Acquaintance with *Mrs. Fernley*, lodging pretty near, and she being a young Woman, and having Children, I had Acquaintance, going to and fro; and we having a close House and no Yard, I had the Privilege of going to dry Linnen there, so that we had Acquaintance, and a little Familiarity; and being acquainted, I thought I might have Entertainment there; that is all I can say.

L. C. J. Jones. Were you at Dinner upon *Sunday*?

Mrs. Burton. Yes, I was at Dinner.

L. C. J. Jones. What Discourse had they at Dinner?

Mrs. Burton. Indeed I can't say they had any Discourse, I was very ill and laid me down upon the Bed, and fell asleep.

L. C. J. Jones. You are upon your Oath.

Mrs. Burton. I know I am, Sir.

L. C. J. Jones. What Discourse was at Dinner?

Mrs. Burton. Whilst I was eating, I did not mind.

Mr. Just. Levinz. You liv'd close by, why did you ask for a Lodging there?

Mrs. Burton. We do not live close by now, I live with my Daughter, I have no House now.

Mr. Just. Levinz. She knew he was your Husband, why should you lodge your Husband at another House, than where you lodged your self?

Mrs. Burton. What was it you said, My Lord?

Mr. Just. Levinz. Sure you would give the Woman some Account, why you lodged your Husband at another House than where you lodged your self.

Mrs. Burton. She was not altogether a Stranger, and upon the Account of the Proclamation there were none of them Strangers.

L. C. J. Jones. For whom did you ask a Lodging?

Mrs. Burton. For my Husband.

Mr. North. Did you speak with *Mr. Fernley* himself?

Mrs. Burton. I did not speak with *Mr. Fernley* himself.

Mr. North. On *Sunday* you saw him at Dinner?

Mrs. Burton. Yes, I saw him at Dinner.

Mr. Just. Levinz. Had you any Discourse with them about the Proclamation?

Mr. At. Gen. About your Husband's going away upon that Proclamation;

Mrs. Burton. An't please you, my Lord, my Distress was so great, that I was hardly in my Senses to discourse with any body; but, I thank God, I am now in my Senses between whiles.

Mr. At. Gen. Had you any Discourse with your Neighbours about that Proclamation your Husband went away upon?

Mrs. Burton. I had not, indeed.

Then *Mr. Reynolds* was sworn.

Mr. North. *Mr. Reynolds*, what do you know concerning *Mr. Burton's* being lodged at *Mr. Fernley's* House?

Mr. Reynolds. Towards the Beginning of *August* last, hearing that there were several that were in the *West* lurk'd about *Wapping*, I took the Lieutenant of

of the *Tower's* Warrant, and we had some Intimation, that a suspected Person lay at Mr. *Fernley's* House; I went on *Sunday* about eight a-clock at Night, and took Mr. *Burton* in Mr. *Fernley's* House.

Mr. Just. *Withins*. You took him there, did you; Mr. *Reynolds*. I took him there, my Lord.

Mr. *At. Gen.* Did you speak with *Fernley* before you took *Burton*?

Mr. *Reynolds*. I took *Burton*; and Mr. *Fernley* being Master of the House, I wished the Constable to secure him for harbouring him.

Mr. *At. Gen.* What did *Fernley* say?

Mr. *Reynolds*. Says I, Mr. *Fernley*, how come you to harbour Mr. *Burton* that is in the King's Proclamation; he is a Traitor, you know. Says he, I did not know it was Mr. *Burton*, but my Wife desired me to lie out of the Chamber where I lay before, that a Friend of her's might lie there for two or three Days.

Mr. *At. Gen.* Where did you find him?

Mr. *Reynolds*. He was in a Room up one pair of Stairs, up the Chimney; and while we were there, he fell down the Chimney, with all the Soot about him: Mr. *Fernley* was then one pair of Stairs higher; and I desired the Constable to go up to see for him.

Mr. *At. Gen.* Had you no Discourse with him about the Business of being in the Army? With *Fernley*, I mean.

Mr. *Reynolds*. No, my Lord.

L. C. J. Did you hear no Discourse between *Burton* and him?

Mr. *Reynolds*. No, my Lord.

Mr. Just. *Withins*. He was very friendly, to lie out of his own Chamber for him.

Mr. *Reynolds*. They were put in two separate Chambers, by the King's Direction, till they were sent to *Newgate*.

Mr. *At. Gen.* Did he tell you on *Sunday* Night that he did not know it was *Burton*?

Mr. *Reynolds*. To the best of my Remembrance, he did so, when I brought him to the *Tower*.

Mr. *At. Gen.* And yet he dined with him on *Sunday*.

Mr. *Reynolds*. I looked upon it as an Excuse.

Mr. *North*. What Day was *Burton* taken?

Mr. *Reynolds*. It was *Sunday*.

Mr. *North*. What time on *Sunday*?

Mr. *Reynolds*. *Sunday* about eight a-clock at Night. He had been in Bed, my Lord, I believe; and before we could get open the Door, I believe he got out of Bed, and went to get up the Chimney.

Mr. *Sol. Gen.* Gentlemen, you observe in the course of the Evidence, that the first Evidence we produce is *James Burton*; now *James Burton* stood outlawed for Treason, and as he stands outlawed he is not a competent Witness: but now to take off that Objection which the Prisoner ought to make, but we make it for him, we shew you here a Pardon whereby that Outlawry is discharg'd, so that he stands now a very legal Witness.

Mr. Just. *Withins*. You understand, Gentlemen, what Mr. *Sollicitor* mentions.

[The Pardon produced and read.]

L. C. J. *Jones*. What say you?

Mr. *Fernley*. My Lord, I am charged for entertaining *Burton*. My Lord, I knew nothing of him when he came into my House till Sabbath-day at Dinner. I asked my Wife what time *Burton* came in; she told me he came on *Friday* Night. *Saturday* was a busy Day with me, my Lord; on *Sunday* Morning I got up and went to Church; when I came from Church, I went up to Dinner; and when

I came in and saw him, I asked him, what in the Name of God brought him there? It hath pleased God, said he, to preserve me hitherto; and my Wife interceded so far, as to procure me a Night's Lodging, which I hope may be no Detriment to you. I wish it may not, said I; and at Dinner I asked him, how he made his Escape, and he told me how he did escape. Says I, what do you mean to do? Says he, some Friends will procure me a Passage beyond Sea. Upon this I considered with my self, and discours'd with him about the *West*, and his Escape out of it; and about half an hour after we had dined, one knocked at the Door.

Mr. Just. *Levinz*. What Day was this?

Mr. *Fernley*. Sabbath-day at Noon, some body knocked at the Door, and they told me there was one would speak with me, and I came down, and there was one *Gaunt* in the Shop; says he, is Mr. *Burton* within? May I speak with him? Yes, said I: up I went, and *Gaunt* with me; and when we came into the Room they embraced one another, and were very glad to see one another, and *Burton* gave Mr. *Gaunt* Thanks for a Guinea he had sent him. Says *Gaunt*, Mr. *Burton*, I am glad to see you; I hope in a little Time I shall have a Passage for you beyond Sea: says he, if you had been here a while sooner, you might have gone; there are some Gentlemen went away a while ago. Says I to Mr. *Gaunt*, who were they? He told me it was Major—and his Son, and another: says I to Mr. *Gaunt*, do you hear of *Ferguson*? No, says he, I hear nothing of him as yet, but in a little Time I may hear from him; and *Burton* asked, when he thought he might be going? In a Day or two's time, said he. Says *Burton*, I have no Money nor no Clothes; says he, take no care for that, so he named some Gentlemen that were to go: he told him of Colonel *Danvers* and Major *Wildman*. Upon this Discourse, within my self I did consider what way I might do his Majesty a Piece of Service: I thought it better to forbear, and not to seize him presently, till I had acquainted some Magistrate; and I did think in the Morning to have gone to a Justice of Peace, and have had him apprehended: *Burton*, my Lord, I knew was secure, for he could not escape my Hands. I had no Design of concealing him; I have several eminent Gentlemen to testify for my Loyalty. I thank God, I never had an ill Thought against his Majesty in my Life, only this Misfortune hath befallen me upon the Account of my Wife. I am as innocent as a Child unborn, as to any Thing against the King.

L. C. J. *Jones*. But he plainly told you, he came from the Army.

Mr. *Fernley*. He did acquaint me, my Lord, he did so; as soon as I saw him, I was startled; I did look upon it as a Thing sent from God Almighty; for I knew, my Lord, that there was 100*l.* for him; I knew there was a Proclamation out against him; but as for the Outlawry, I knew nothing of that: a Proclamation I knew there was against him, and being a poor Man, there was no Obligation upon me to conceal him, and ruin my self and Family.

L. C. J. *Jones*. What was the Reason, you were so kind as to part with your own Lodging to entertain him?

Mr. *Fernley*. My Lord, I had quitted my Chamber before he came to the House.

Mr. Just. *Withins*. It is proved you did it upon his Account.

Mr. *Fernley*. My Lord, no body will offer to say that.

L. C. J. Jones. That you quitted your Lodging; and that he came into the same Lodging, is clearly proved.

Mr. Fernley. My Lord, my Chamber was fitted above a Week before he came, not knowing of him, for I had no Thoughts of him.

L. C. J. Jones. Pray what Servants have you?

Mr. Fernley. Only a Boy, my Lord.

L. C. J. Jones. Could not you have sent out your Boy when he had discoursed thus treasonably with you, but keep him in your House seven or eight Hours after you had entertain'd him at Dinner?

Counsel. Are you a Constable?

Mr. Fernley. I am a Constable my self, and upon the Account of my Office I was the more secure. I was certain he could not escape my Hands, and I thought to do his Majesty more Service.

L. C. J. Jones. How could you do his Majesty more Service?

Mr. Fernley. *Gaunt* told him, he would come again to him.

L. C. J. Jones. When did he come to you?

Mr. Fernley. About half an Hour after Dinner.

L. C. J. Jones. But you should have seized him immediately after Dinner. How came this Man to take so much Freedom before you that were an Officer, as to talk High-Treason?

Mr. Fernley. My Lord, I thank God, if I were to die this Minute, I never harbour'd a Thought against the King.

*L. C. * Baron.* If you had had a loyal Heart, you should have kept *Gaunt*, if you had any Thoughts to have done it.

Mr. Fernley. My Lord, I will tell you why I let *Gaunt* go, because he promised to come again the next Day.

L. C. J. Jones. Would you, being a Constable, let a Man go upon his Word, that had confessed himself guilty of Treason?

Mr. Fernley. My Lord, if I did any Thing, it was ignorantly. My Lord, as for *Gaunt*, when I knew there was a Proclamation out against *Danvers* and *Wildman*, I hearing *Gaunt* discoursing about their Design, I thought (promising to come the next Day) to know how they were to go.

Mr. Just. Levinz. For God's sake, would you trust all this to your own Breast! If you had had an honest Intention, you would have gone to some Officers, and acquainted them with it; some of the King's Justices of the Peace, or some of the Privy-Council, that such Persons would be at your House the next Day.

L. C. Baron. By your own Discourse, after you had heard all this Discourse, and after *Burton* had told you this, you could let him go quietly to his own Chamber: If you had such a Design as you say, you should have first seized *Burton*.

Mr. Fernley. Another Chamber; no, he dined in his Chamber, my Lord.

Mr. Just. Withins. You went into another Chamber from him. Have you any Witnesses?

Mr. Just. Levinz. They had a Confidence in you, otherwise *Burton* and *Gaunt* would not have talk'd so freely before you.

L. C. J. Jones. There was a great Confidence in lodging him in your House, being a Constable; no body would search a Constable's House. Have you any Witnesses to call?

Mr. Fernley. *Mr. William Rusb*, Captain *Haddock*.
[Who were call'd.]

L. C. J. Jones. Did *Burton's* Wife dine with you and him?

Mr. Fernley. Yes, my Lord.

L. C. J. Jones. Where did you dine?

Mr. Fernley. In the Chamber, my Lord.

L. C. J. Jones. And was this Discourse concerning *Monmouth's* being beaten in the *West*, at the time of Dinner?

Mr. Fernley. The Discourse of it? Yes, my Lord, what Discourse was, was at Dinner.

Mr. Just. — Was *Burton's* Wife at Dinner, or was she upon the Bed?

Mr. Fernley. She din'd at the Table, my Lord. My Lord, she went to sleep when *Gaunt* came in.

Mr. Just. Levinz. Where did she go to sleep, in the same Room?

Mr. Fernley. Yes, my Lord.

L. C. J. Jones. Where do you use to dine at other times?

Mr. Fernley. In the Kitchen, my Lord. My Lord, when I came from Church, the Dinner was sent up thither.

L. C. J. Jones. Woman, you are upon your Oath, remember that you are oblig'd by your Oath to confess the Truth, let it concern whom it will: The Discourse between your Husband and this Man, you could not but be privy to; there was only you three at Dinner, your Husband, you, and *Fernley*, the Prisoner at the Bar: All this Discourse was at Dinner-time, how is it possible that you should not hear it?

Mr. Just. Levinz. *Fernley* himself owns he did discourse with your Husband at Dinner, that he came from the Rebels in the *West*.

Mrs. Burton. An't please you, my Lord, I did not hear. As I said before, I must say again, I did not hear.

Mr. Just. Withins. Nothing about *Monmouth*?

Mrs. Burton. No, not one Word, if I were to die as I stand here.

Mr. Just. ——— You were at Dinner?

Mrs. Burton. Yes, my Lord.

Mr. Just. ——— And this Discourse was at Dinner-time?

Mrs. Burton. I did not hear it.

Mr. Just. Withins. What would you ask him, Sir?

Mr. Fernley. What Account can he give of my Life and Conversation, how I have behaved my self, and carried my self.

L. C. J. Jones. What are you, Sir? What is your Quality?

Mr. Rusb. I am a Distiller, Sir.

Mr. Just. Levinz. Where do you dwell?

Mr. Rusb. I did dwell two Years ago in *Wapping*, but not now: I live now at *Waltham-Stow*.

Officer. He is a very great *Whig*.

Mr. Just. Withins. If he be a *Whig*, he can't be a little one.

L. C. J. Jones. How long have you liv'd at *Waltham-Stow*?

Mr. Rusb. Two Years and upwards, Sir.

L. C. J. Jones. That is long before any Thing that this Man is charged withal.

Mr. Rusb. I formerly knew the Man, he was a Barber, and us'd to trim me: I always looked upon him to be a good sober Man.

Mr. Just. Withins. A *Wapping*-Man, a sober *Wapping*-Man!

Mr. Rusb. I hope there is a great many there.

L. C. J. Jones. That is all you say for him.

Mr. Rusb. I have nothing to say to his Fact: He demeaned himself always well among his Neighbours; I know nothing of the Fact for which he is here.

Mr. *At. Gen.* Did you know *Burton*?

Mr. *Rush.* Yes, Sir,

Mr. *At. Gen.* What was *Burton*? was he reputed an honest Man?

Mr. *Rush.* I never knew him otherwise; I never was in his Company; I know he dwelt close by where I liv'd.

L. C. J. Jones. And you took him to be a very honest Man?

Mr. *Rush.* Before this: He has not been so lately, it seems. He is a Person I never had any Company or Conversation with in my Life.

Cryer. Captain *Haddock.*

Officer. He won't come in, my Lord.

L. C. J. Jones. Well, well, let him stay there.

Cryer. Mr. *Dove.*

Officer. He won't come in, I can't make him come in.

L. C. J. Jones. Here are none that give any Testimony for you, at least will——What are you?

Mr. *Whittal.* I dwell in *Wapping*, Sir.

Mr. *Just. Levinz.* What Trade are you?

Mr. *Whittal.* A Plumber.

Mr. *Just. Levinz.* Who knows you?

Mr. *Whittal.* I am well known there, Sir.

Mr. *Just. Levinz.* Do you go to Church?

Mr. *Whittal.* Here's Mr. *Tanner* knows me, the Clerk of the Peace.

Mr. *Tanner.* Yes, Sir, I know him.

Mr. *Just. Levinz.* Do you go to Church?

Mr. *Whittal.* Always went to Church.

Mr. *Just. Withins.* There were a Parcel of them that went constantly to Church *trimmingly*.

L. C. J. Jones. Prisoner, what would you ask him?

Mr. *Fernley.* Only to give an Account how I behaved my self.

Mr. *Just. Withins.* Well, Sir, what do you say?

Mr. *Whittal.* All I know is, he behav'd himself very well, and went to Church as other Neighbours did; and I never heard him speak against the Government.

Mr. *Just. Withins.* Did you know *Burton*?

Mr. *Whittal.* No, Sir; he was gone before I came to live there.

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

Mr. *Fernley.* This, my Lord, may give some Account, that I had no Design against the Government. I am a poor Man, my Lord, and upon that Account I owe a great deal of Money: I knew there was 100 *l.* for securing *Burton*, there was no Gain by concealing him; he was not a Person could requite me, that I should harbour him, and lose 100 *l.* which was certain for taking him; which, my Lord, shews I had no Design.

L. C. J. Jones. No, this argues you to be a stronger Confederate; and that you were so firm to your Party, you would not gain 100 *l.* though you might have it for doing your Duty.

Mr. *Fernley.* My Lord, I look'd upon it as sure as if I had it in my Pocket. I knew nothing of him till *Sabbath-day* at Noon, and I did not design to conceal him afterwards, any farther than to serve the King.

L. C. J. Jones. You tell us a Story of your self, it is to no Purpose to try any Prisoner, if his Saying must be taken for Evidence: We will hear what Witnesses you have to produce, or if you can object to the Evidence that's against you.

Mr. *Fernley.* My Lord, I own it to be true, I have declared more than the Witnesses have said

against me; but, my Lord, I am innocent in it, God knows my Heart, I had no Design in it. It was but six hours I knew of him.

Mr. *Just. Withins.* You lay out of your Bed before?

Mr. *Fernley.* My Lord, not upon his account; I was a Week before out of that Bed, to prepare it for my Wife to lie-in.

L. C. J. Jones. Is your Wife delivered?

Mr. *Fernley.* No.

L. C. J. Jones. You made great haste.

Mr. *Fernley.* It was my Wife's Fault.

L. C. J. Jones. Gentlemen of the Jury, this Prisoner stands indicted for harbouring and relieving one *James Burton*, knowing him to have committed Treason. Gentlemen, you are to be acquainted, that this *James Burton* was not only guilty of the late Rebellion in the *West*, but he was likewise charg'd by Process with being guilty of the Plot at the *Rye-house*, and thereupon there were such Proceedings by Law, that he was outlawed, the Record of which Outlawry hath been produced to you: so that if there were no more, if you be persuaded that he is the Person guilty, whether he were in the Rebellion in the *West* or no, that may induce you to find this Indictment, for the Prisoner receiving him after the Rebellion in the *West*, and knowing him to have committed Treason, whereupon he was outlawed, it equally makes him liable to the Offence wherewith he is charg'd. But, Gentlemen, that is not all; you have express Testimony from *Burton* himself, who it seems was acquainted with him, and who had fled from his Neighbourhood, by the space of two Years almost, and yet he receives this *Burton* into his House: I will not say, at the first time that he came into his House, it doth appear by any Evidence, that he knew him to have been in the Rebellion in the *West*; but when he came thither upon *Friday*, he was so kind to him as to leave his own Chamber, and to let him have that for his Lodging, although now he gives you another Excuse plainly frivolous and false, that is, a Pretence of making way for his Wife to lie-in, who yet is not delivered. He lies there upon *Saturday* Night, and dines with him upon *Sunday*. *Saturday* perhaps might be a busy Day, and there is no Testimony at all given by any Evidence of any Discourse that was between them upon that Day; but upon *Sunday*, when they dined together, *Burton* swears, that he did tell him that he had been in the *West* in the Rebellion there, and he came thither for Shelter. This Man being acquainted with this, allowed him to dine with him, and harboured him in his House for the space of seven or eight Hours more, without bringing him before any Justice of Peace, or any Magistrate who had Authority to commit him, although he had a particular Authority of his own (as he was Constable) for the Conservation of the Peace, yet he forgets his Oath as well as his Duty and Allegiance, and suffers him still to remain there. It is true, the Wife of *Burton* dined with them, as *Burton* himself says, and the Woman confesses; but she was so busy at her Victuals, that she can remember nothing, she did not hear that there was any Discourse concerning *Monmouth*. But lest you should want another Witness, for *Burton* is but one Witness to that particular, you have him plainly confessing it himself, which is above thousand Witnesses; you have him confessing that *Burton* did acknowledge he had been in the *West*, and that *Monmouth* was routed; and yet he continues him in his House; nay more, this

this Man doth appear to be a Person in whom there was that great Confidence, that another Person, *Gaunt* came, and he bids him come into his House, and there he discours'd of some Traitors, and the means of conveying away *Burton*, though he had confessed it himself. Gentlemen, what he tells you, is, that he did mean to discover; when did he intend to discover? He did not discover to any body, before the Man was apprehended by an Officer: he lets *Gaunt*, who plainly appears to be as errant a Traitor as could be in the world, to go away meerly upon his own Parole, without taking any course to apprehend him. He pretends he is a poor Man, and he might have gain'd 100 *l.* if he had discover'd him, and surely he would have discover'd him, to gain 100 *l.* But this is a strong Argument, that he was deep in the Rebellion himself, and one in great Esteem with them, that being a poor Man, he would not do his Duty, for which he might have had a Reward of 100 *l.* but suffers him to escape. This is the Case, Gentlemen, that is before you; if you believe he did knowingly, as he himself upon the matter doth confess, give any comfort or relief to *Burton*, knowing him to be a Rebel, you ought to find him guilty.

Then the Jury withdrew to consider the Evidence.

Clerk. Set *Elizabeth Gaunt* to the Bar, [*which was done.*] *Elizabeth Gaunt*, hold up thy Hand, [*which she did.*]

THou standest indicted by the Name of *Elizabeth Gaunt*, Wife of *William Gaunt*, of the Parish of *St. Mary White-Chappel*, in the County of *Middlesex*, Yeoman; as a false Traitor against our late Serene Lord *Charles* the Second, by the Grace of God her then natural Lord; not having the Fear of God in her Heart, nor weighing the Duty of her Allegiance, but moved and seduced by the Instigation of the Devil, and the true and natural Obedience which a true and faithful Subject of our said Sovereign Lord the King towards our said late Lord the King of right ought to bear withdrawing, and with all her Strength intending the Peace and common Tranquillity of this Kingdom of *England* to disquiet, molest, and disturb, and War and Rebellion against our said late Sovereign Lord the King, within this Kingdom of *England* to stir up and move, and the Government of our said late Sovereign Lord the King in this his Kingdom of *England* to subvert, and our said late Sovereign Lord the King from the Title, Honour, and Kingly Name of the Crown Imperial of this Kingdom of *England* to depose and deprive, and our said late Sovereign Lord the King to Death and final Destruction to bring and put: The 24th Day of *September*, in the 36th Year of the Reign of our said late Sovereign Lord *Charles* the Second, and divers other Days and Times as well before as after, within the Parish, &c. falsely, maliciously, devilishly, and traitorously, with divers Rebels and Traitors, to the Jurors unknown, she did conspire, imagine, and intend our said late Sovereign Lord the King, her then supreme and natural Lord, not only from his Kingly State, Title, Power, and Government of this Kingdom of *England* to deprive and throw down; but also our said late Sovereign Lord the King to kill and put to death, and the ancient Government of this Kingdom of *England* to alter and wholly subvert, and a miserable Slaughter amongst the Subjects of our said late Sovereign Lord the King throughout this Kingdom of *England* to cause

and procure, and Insurrection and Rebellion against our said late Sovereign Lord the King to procure and assist. And the said most wicked and devilish Treasons and traitorous Compassings, Imaginations, and Purposes aforesaid, to fulfil, perfect, and bring to pass, the said *Elizabeth Gaunt*, as a false Traitor, then and there, to wit, the said 24th Day of *September*, in the Year aforesaid, at the Parish and Ward aforesaid, well knowing one *James Burton* to be a false Traitor, and as a false Traitor traitorously to have compassed and imagined the Death and Destruction of our said late Sovereign Lord the King, and War and Rebellion against our said late Sovereign Lord the King within this Kingdom of *England*, together with other Traitors (to the Jurors unknown) to have intended to be raised; she the said *Elizabeth Gaunt* afterwards, to wit, the said 24th Day of *September*, in the Year aforesaid, within the City of *London* aforesaid, the said *James Burton*, in a certain House of a Person to the Jurors unknown, knowingly, secretly, wickedly, devilishly, and traitorously, did entertain, conceal, comfort, sustain, and maintain, and then and there, for the comforting, sustenance, and maintenance of him the said *James Burton*, Meat, Drink, and 5 *l.* in Money for the maintenance and sustenance of him the said *James Burton*, unto the said *James Burton*, maliciously, and traitorously, she did give and deliver, and cause to be given and delivered, against the Duty of her Allegiance, and against the Peace, &c. and against the Form of the Statute, &c.

Clerk. How say'st thou, art thou guilty or not guilty?

Mrs. Gaunt. I desire to have more time to consider of it.

L. C. J. Jones. You know whether you be guilty of this Offence; what need you have any time of Consideration for that?

Mrs. Gaunt. I don't know, Sir; I am ignorant in the Law, and in things of that nature.

L. C. J. Jones. But this is not Matter of Law; it is, whether you did receive these Traitors or no knowingly; this *James Burton*, knowing him to have committed Treason: Can't you tell whether you did or no?

Mrs. Gaunt. Not guilty.

Clerk. How wilt thou be try'd?

Mrs. Gaunt. By God and my Country.

Clerk. God send thee a good Deliverance.

Then the *Middlesex Jury* returning, *Mrs. Gaunt* was set aside, and *Ring* and *Fernley* brought to the Bar, who were both brought in guilty by the Jury.

Clerk. Set *Henry Cornish* to the Bar, and *Elizabeth Gaunt*, [*Which was done.*]—You the Prisoners at the Bar, these Men that have been now called, and here appear, are to pass between our Sovereign Lord the King and you, upon your several Lives or Deaths: If you challenge any of them, you must speak as they come to the Book to be sworn, before they are sworn.

Mr. Cornish. My Lord, I must humbly beg leave of your Lordship and this honourable Court, that I may renew my Request. The time of notice given me for my Trial being so short, it hath no Precedent, I think: I humbly pray your Lordship I may have time allowed for my Trial; I have had no Counsel, no Pannel, no Help in the world; I had not Pen, Ink, nor Paper, my Lord, these are very hard things. My Lord, his Majesty was petition'd last Night by my Children, and he was graciously

ciously pleased to say, that he would refer it to my Lords the Judges. I only pray your Lordships, that you would be pleased to allow me Time: Though here is a grievous Indictment brought against me, yet I doubt not but to clear my self of what is alledged against me, if I have but Time to prepare my self for it: therefore I humbly pray I may have Time allotted.

L. C. J. Jones. You told us so before, that you had exhibited a Petition to the King, and that the King did refer it to the Judges; you shew us nothing of that.

Mr. Cornish. My Lord, I can but only signify to your Lordship what I hear; my Children were with me, and told me they had petitioned the King, and his Majesty was pleased graciously to receive it.

Mr. At. Gen. The King left you to the Course of the Law.

Mr. Cornish. It is very hard Measure; I have no Preparation at all, no more than at the first Moment; but I bless God, I hope I shall in time satisfy you of my Innocency.

L. C. J. Jones. You were apprehended and seized upon *Tuesday* last, this is almost a Week; you knew what you were charged withal.

Mr. Cornish. My Lord, I did not know what I was charged withal, I had no Liberty of Friends to come to me; my Wife at length obtained Leave, but it was in the Presence of Major *Richardson*; I had no Friend with my Wife, no Pen, Ink, nor Paper.

L. C. J. Jones. Was Pen, Ink, and Paper deny'd you? Did you ask it?

Mr. At. Gen. As soon as he petition'd for it, he had it.

Capt. Richardson. He had Pen, Ink, and Paper.

L. C. J. Jones. When was that?

Capt. Richardson. On *Saturday*.

Mr. Cornish. My Lord, it was eight a-clock at night.

Mr. Just. Levinz. *Mr. Cornish*, I would not have you think you are used otherwise than other Men are; for I must tell you, it is not usual to have Pen, Ink, and Paper, without Leave.

Mr. Cornish. I know it hath been allowed in the like Case.

Mr. Just. Withins. Ay, upon Petition, never else.

Mr. Just. Levinz. There are many Men, and of as good Quality as you, tried for killing Men: does any body give them Notice? Is there any more Necessity of Notice in Point of Treason, than in Point of Murder?

Mr. Just. Withins. I told you what your Offence was, when you were committed.

Mr. Cornish. My Lord, I remember in my Lord *Ruffel's* Case, he had at least seven or eight Days allotted him.

Mr. Just. Levinz. It may be so; but it is not necessary. Prisoners that are tried here generally have no Notice at all; if one Man hath a singular Favour, another Man cannot claim it.

Mr. Cornish. My Lord, I have a material Witness above a hundred and forty Miles off.

L. C. J. Jones. My Lord's Trial, I think, was put off but till the Afternoon.

Mr. Cornish. With Submission to your Lordship, I think he had eight Days assign'd him. But my Lord, I humbly conceive I have a Witness that is very material in my Case, that is 140 Miles out of Town, in *Lancashire*; I humbly pray I may have Time allotted me to send for him.

L. C. J. Jones. Why did you not set forth that in your Petition to the King?

Mr. Cornish. My Lord, I did not understand the Case.

L. C. J. Jones. Were not you committed for High-Treason?

Mr. Just. Withins. I told you so my self: I shew'd you the Commitment; therefore you can't pretend you were ignorant of it.

Mr. Cornish. My Lord, it did not mention this King or the last: And I am not a Lawyer, I am not skill'd in these Things; I am very ignorant, and hope your Lordship will consider me; my Innocence will appear as bright as any Man's that ever stood at this Bar.

L. C. J. Jones. I don't believe you want that Evidence a hundred and forty Miles off. Is he the only Man that can make your Innocence appear?

Mr. Cornish. My Lord, by what I apprehend he will be the most material Witness I have. My Lord, I shall desire nothing but with Submission to your Lordship and the Bench; but I humbly conceive it is very reasonable I should have Time, I humbly pray your Lordship to consider it.

L. C. J. Jones. *Mr. Attorney*, have you any Directions?

Mr. At. Gen. No, my Lord.

Mr. Cornish. I do not doubt, if I might have a little Time, to make my Defence.

Mr. Just. Withins. You should have applied your self to the King, it does not lie in our Power.

Mr. Cornish. My Lord, I humbly pray you to consider my Case.

Mr. Just. Withins. *Mr. Bridgman* here on the Bench says, there was a Petition before the King, for putting it off; and the King absolutely refused it.

Mr. Just. Levinz. We have nothing to do, Sir; we are here by Commission to try you.

Mr. Cornish. My Lord, I have been denied a Copy of the Pannel; I hope that is reasonable, I must desire a Copy of the Pannel.

Mr. At. Gen. That is none of your Right, *Mr. Cornish*.

Mr. Cornish. *Mr. Attorney*, with Submission, I hope I ought to have it.

Mr. At. Gen. No, you ought not to have it; you have your peremptory Challenges, you may challenge thirty-five without Cause.

L. C. J. Jones. You shall have a Copy of the Pannel here.

Mr. At. Gen. Yes, here he may.

Mr. Cornish. It is a very hard Case, when I have a material Witness so far out of Town, that I can't have a little Time allotted.

L. C. J. Jones. Can't every Man that comes here to be tried say the very same Thing, that he hath a material Witness in *France*, *Spain*, or any where else, and that when that Witness comes, his Innocence will be as clear as the Sun?

Mr. Cornish. My Lord, my Witness is in *Lancashire*, I cannot help it; I beseech your Lordship to consider me: I am apt to believe that he would so much vindicate my Reputation in this Matter, that it would be a very great Satisfaction to your Lordships; and I am sure you are not for oppressing any Man.

L. C. J. Jones. No, Sir, that we are not.

Mr. Cornish. I am sure you are for the just Vindication of the Government, for executing of Justice, and I will desire no other than that.

L. C. J. Jones. Mr. Attorney, if you pray he may be tried, we can't deny it.

Mr. At. Gen. Mr. Cornish, I cannot defer it, I have no Authority; and why you should be in another Condition than other Prisoners, I don't know; you have not deserved so well of the Government.

Mr. Cornish. I have not the Names of the Wards where these Men live, and their Trades.

Mr. North. He hath a Copy of the Pannel, and that is sufficient.

L. C. J. Jones. You may ask them where they live.

Mr. Cornish. I hope I may have Pen and Ink, my Lord.

L. C. J. Jones. Ay, ay.

Then the Jury were called, and after Mr. Cornish had challenged thirty five of them, the Jury sworn were as followeth:

| | |
|--------------------------|---------------------------|
| <i>Thomas Rawlinson,</i> | <i>William Clowdesly,</i> |
| <i>Thomas Langham,</i> | <i>Richard Holford,</i> |
| <i>Ambrose Isted,</i> | <i>William Longboat,</i> |
| <i>Thomas Pendleton,</i> | <i>Stephen Coleman,</i> |
| <i>John Grice,</i> | <i>Robert Clavel,</i> |
| <i>Thomas Oneby,</i> | <i>William Long.</i> |

Proclamation being made, *If any one can inform, &c.* Mr. Cornish was set aside, and *Elizabeth Gaunt* at the Bar.

Clerk. *Elizabeth Gaunt*, hold up thy Hand. [*Which she did.*] — You of the Jury, look upon the Prisoner, and hearken to her Cause: She stands indicted by the Name of, &c. (*as before in the Indictment*) Upon this Indictment she hath been arraigned, and thereunto pleaded not guilty, and for her Trial hath put her self upon her Country, which Country you are. Your Charge is to enquire, whether she be guilty of this High-Treason whereof she stands indicted, or not guilty. If you find her guilty, &c.

Mr. Phipps. May it please your Lordship, and you Gentlemen that are sworn, *Elizabeth Gaunt* the Prisoner at the Bar stands indicted, for that she knowing *James Burton*, together with other Traitors, traitorously to have conspired the Death of the late King, and to raise Rebellion in this Kingdom, did harbour the said *James Burton*, and gave him Five Pounds in Money.

Mr. At. Gen. May it please your Lordship, and you Gentlemen that are sworn, the Prisoner stands indicted for harbouring of *Burton*, who was a great Traitor, and for procuring a Way for his Escape beyond Sea, and also for giving him 5 *l.* to bear his Charges. In the former Trial you had an Account of her Husband, and in this you will hear she and her Husband were the great Brokers for carrying over such Traitors, as my Lord *Shaftesbury* and others; these have taken Care to convey them over at all times. We will produce our Witnesses. Call *Burton* and his Wife. [*Mr. Burton sworn.*]

Mr. At. Gen. Do you know Mrs. *Gaunt*?

Mr. Burton. Yes, Sir.

Mr. At. Gen. Pray give my Lord and the Jury an Account how she harbour'd you, and all the Passages that pass between you and Mrs. *Gaunt*. Pray tell first whether you were engag'd in the Matter of the *Rye*?

Mr. Burton. How I came concerned I will tell you, if it please you.

Mr. At. Gen. Speak.

Mr. Burton. The first Time I knew any thing of it, Mr. *Keeling* came to me one *Saturday* Morning

and asked me if I was to go to *London*. I said, Yes, I was to go to the *Exchange*; and he desir'd me to meet him at the *Mitre-Tavern* within *Aldgate*, and ask for *Number Five*. I came at the Time, and no body being there, I was going away, and met with a Country-man, with a Stick in his Hand, that had but one Eye; he came and ask'd for the same Number: So the Gentleman sent his Boy after me, and told me one stay'd for me. When I came, he ask'd me, if I ask'd for *Number Five*? and I said, Yes. *By whose Appointment?* By *Josiah Keeling's*, said I. So he ask'd the Man of the House to shew a Room: He shew'd a Box, but he would have a Room, and went up Stairs, and call'd for Pipes and a Candle, and a Pint of Wine. In a little while *Keeling* came in, and brought *Barber* and *Thompson*, and no body spake almost any thing but *Rumbold*, (that was *Rumbold* with one Eye, for *Keeling* when he came in call'd him Captain *Rumbold*) and *Rumbold* talk'd about Privileges and such Things at first, and he said his House was a convenient House, and there they might do the Business: but before they had done, I found they design'd to kill the King, but nothing troubled him but killing the Postillion, *to kill a Man in cold Blood*. But then says we, *If you are for killing, we have done*, and so broke up; that was the End of that. A while after Mr. *Keeling* went in, and made a Discovery: I never came among them afterwards. So after Mr. *Keeling* had discovered, I was in the Proclamation for being there at that Meeting, and absconded my self, and lay hid. A Matter of two Months after, Mrs. *Gaunt* came to enquire of my Wife where I was, to speak with me; she brought her to me. She told me, there were some Persons about to make an Escape, and would have me go along with them. I told her, with all my Heart: So I ask'd her which Way and how they intended to go. She told me, they had provided Horses to ride down to *Rochford-Hundred*, and there was a Vessel to carry them over; and, says she, *be ready by such an Evening, and I will call for you*. Accordingly she did, and had me into *Bishopsgate-Street*, and in *Half-moon-Alley* in a little Brew-house, up stairs in a Chamber, there were both the *Rumbolds*; one of them did not go, and the other and I lay there all Night: and in the Morning a Man came and called us away, and we went to *White-Chapel* to take Horse, to ride down to *Rochford-Hundred*, and stay'd for the Vessel two Days; and when we met the Vessel, it was a small Vessel, and bad Weather, and the Master of the Vessel had but one Hand and two Boys, one a very little one; and we went down the Creek, and I asked the Man where he did intend to land us; and he told us, at *Ostend*. Said I, I understood we were to go for *Holland* to the *Brill*. Says he, my Vessel is only able to go to *Ostend* or *Dunkirk*, either of them. Says *Rumbold*, I don't understand the Sea. Says I, this is a very small Vessel and leaky, and the Man not able to manage it. Says I, I will go back again to *London*. Says he, I will do as you do; and we both parted at *London*, and I never saw him afterwards till I saw him at *Amsterdam*. I lay by a great many Months after; then Mrs. *Gaunt* came to me again, and told me there was two other Persons going, and I might have a Passage if I would go: So she bid me be ready by such an Evening, and I was ready; and a Boat being ready at the Water-side, carried me to *Gravesend*, where I went in a Vessel to *Amsterdam*.

Mr. At. Gen. Where were you?

Mr.

Mr. *Burton*. I was with my Wife at my Daughter's: I had a Daughter married, her Husband was drown'd.

Mr. *At. Gen.* How came Mrs. *Gaunt* to take so much care of you? Give the Court an account.

Mr. *Burton*. She might think I knew something of her Husband, if I should be taken; I suppose that might be the chief thing.

Mr. *At. Gen.* What had her Husband done?

Mr. *Burton*. Her Husband, I suppose, knew something of the Business.

Mr. *At. Gen.* What Business?

Mr. *Burton*. About seizing the *Tower*: He came to me, and would have had me gone with him with Capt. *Walcot* to the *Tower*, to see what Force there was of Soldiers; and Capt. *Walcot* said he had a design to take an House over-against the *Tower*, to put in some Men there to break in upon the *Tower*; and *Gaunt* was with him.

L. C. J. *Jones*. What discourse had you with her about the Plot?

Mr. *Burton*. Nothing with her.

Mr. *At. Gen.* What was it she would help you away for?

Mr. *Burton*. I suppose this was the reason, because she knew I knew her Husband was concern'd.

Mr. *North*. Did she assist you with any Money?

Mr. *Burton*. Yes.

Mr. *North*. How much?

Mr. *Burton*. She gave me a parcel of Money just as I was going away; I put it among other Money.

Mr. *North*. How much? 30 or 40 s?

Mr. *Burton*. More than that.

Mr. *Sol. Gen.* Were you gone from your own House when this Woman came to you?

Mr. *Burton*. My own House was broke up a great while before.

Mr. *Sol. Gen.* Did you appear publickly when she came to you?

Mr. *Burton*. No, an't please you.

L. C. J. *Jones*. Had there been any search for you before?

Mr. *Burton*. Yes.

Mr. *North*. You were in the Proclamation at this time?

Mr. *Burton*. Yes, an't please ye, Sir.

Mr. *At. Gen.* Did she carry you to *Rumbold*?

Mr. *Burton*. Yes.

Mr. *At. Gen.* Was there any discourse between *Rumbold* and her?

Mr. *Burton*. No; there was an elderly Man in the House, I did not know him, carried me up to *Rumbold*, there was both of them.

Mr. *At. Gen.* What Money had you of her.

Mr. *Burton*. I believe about 5*l*. I told her I had lain a great while, and Money was very bare with me; and she told me she would get me a little.

Mr. *At. Gen.* Did she know what you were conceal'd for?

Mr. *Burton*. Every body knew that, because I was in the Proclamation.

Mr. *North*. What Directions did she give you, how you should behave yourself when she went with you to *Bishopsgate-street*? how did she say you must carry yourself?

Mr. *Burton*. Nothing there, she gave no order about that.

L. C. J. *Jones*. Did she tell you you were concern'd in the Plot with her Husband?

Mr. *Burton*. She did not tell me so, Sir.

L. C. J. *Jones*. Did you tell her you were concern'd in the Plot with her Husband?

Mr. *Burton*. I did not tell her so.

Mr. *At. Gen.* Who were the two Men that were prepared to go with you that time?

Mr. *Burton*. One *Patchil*.

Mr. *At. Gen.* He was kill'd in the Fight. Was *Patchil* in the Fight?

Mr. *Burton*. Yes, an't please you, he was kill'd.

Mr. *At. Gen.* And who was the other?

Mr. *Burton*. T'other was a Man liv'd in *Southwark*; I never saw him before.

Mr. *Com. Serj.* What Directions did she give you about your own Name, or any others when you went into the Boat?

Mr. *Burton*. If I knew any body, that I should not take notice I knew them.

L. C. J. *Jones*. You were not to take any Acquaintance of any body in the Boat?

Mr. *Just. Withins*. Heark you, Sir, you looked upon all those to be engaged in the Plot. All that she endeavour'd to save, were of the same Level.

Mr. *Burton*. *Rumbold* was; *Rumbold* was in the Proclamation.

L. C. J. *Jones*. Did she tell you, that you were in the Proclamation?

Mr. *Burton*. No, an't please your Lordship, she did not tell me so.

Mr. *North*. Did she never discourse of your being in the Proclamation?

Mr. *Burton*. No, not as I remember; it was a general thing.

Mr. *Just. Withins*. But why should she come to you to transport you, if it were not for such a thing?

Mr. *Burton*. Her Husband was with me about going to the *Tower*.

Mr. *At. Gen.* *Burton*, pray thus; when you came from the *West*, what Overtures were to help you here from her, or her Husband?

Mr. *Burton*. Her Husband was with me at *Fernley's* House, and he told me there were two or three Persons to go in two or three Days, and I should go with them.

Mr. *At. Gen.* You named your Daughter, what is her Name?

Mr. *Burton*. *Mary Gilbert*.

[Then *Mary Gilbert* was called and sworn.

Mr. *At. Gen.* Do you know Mrs. *Gaunt*?

Mary Gilbert. Yes, Sir, I know her, she was our Neighbour.

Mr. *At. Gen.* Then give an account of her coming to you about your Father.

Mary Gilbert. She came to our House that Night my Father went away. I never heard a word of the Discourse that past, for I always went out of the way.

Mr. *Just. Withins*. Why did you go out of the way?

Mary Gilbert. Because they were not willing I should hear the Discourse.

Mr. *Com. Serj.* You are upon your Oath, Mistress, you must tell the truth.

Mary Gilbert. I do, Sir; I will tell no more.

Mr. *Sol. Gen.* Did you see your Father go away? Who did he go with, in what Company?

Mary Gilbert. I can't tell.

Mr. *At. Gen.* Did Mrs. *Gaunt* go with him?

Mary Gilbert. I met my Father and Mrs. *Gaunt* in *Houndsditch*, my Mother and I were to meet them in *Bishopsgate-street*.

Mr. Com. Serj. Well, what was the reason why you did not meet?

Mary Gilbert. We were to meet at seven a-clock, and we went to the House, and they were not come; and we were coming home, and met them in *Houndsditch*, and my Father had Mrs. Gaunt under the Arm, and went back to a House without *Bishopsgate*.

Mr. Sol. Gen. Did Mrs. Gaunt carry him thither?

L. C. J. Jones. Do you know why your Father was to go away?

Mary Gilbert. He went upon the account of the Proclamation?

L. C. J. Jones. Then you knew of the Proclamation?

Mary Gilbert. Yes, Sir, I knew of the Proclamation.

Mr. Com. Serj. Whose Acquaintance was the Man in *Bishopsgate-street*?

Mary Gilbert. He was none of mine.

Counsel. When your Father went up stairs into a Room, did you see any body with him?

Mary Gilbert. Yes, Sir, it was a Man that had but one Eye, a full-set Man, full of Pock-holes; but I never saw him before, nor after.

Counsel. How came you to see him?

Mary Gilbert. By going up stairs to see my Father.

[Mary Burton sworn.

Mr. At. Gen. Do you know Mrs. Gaunt there?

Mrs. Burton. Yes, Sir.

Mr. At. Gen. Pray will you tell the Court, how she came to enquire after your Husband?

Mrs. Burton. Yes, Sir, at my Daughter's House.

Mr. At. Gen. What discourse happened between you?

Mrs. Burton. No discourse; but she said if I was willing, my Husband should go away, and she would take care.

Mr. Sol. Gen. But why should he go away?

Mrs. Burton. I don't know why, but only upon the Proclamation.

Counsel. Woman, did she take notice your Husband was gone from home, and had left his House?

Mrs. Burton. I knew myself, my Lord.

Mr. Just. Levinz. Where did you go?

Mrs. Burton. My Husband went out of doors by his own self, by Appointment, and we were to meet, my Child and I together without *Bishopsgate*, by the *Catherine-wheel*.

Mr. Com. Serj. Who made that Appointment?

Mrs. Burton. Mrs. Gaunt.

Mr. Com. Serj. Upon what account did she come to you to secure your Husband?

Mrs. Burton. Upon the account he was in the Proclamation, and I thought within myself, for fear my Husband should know any thing against her Husband; but I never said so, for I was glad my Husband should be helped away, willing to save his Life, for I knew it was Death.

Mr. Just. Levinz. And you took that to be the meaning of it in reference to the Proclamation?

Mr. Sol. Gen. How far did you live from her.

Mrs. Burton. Formerly we dwelt pretty near one another, when Mrs. Gaunt kept a Tallow-Chandler's Shop.

L. C. J. Jones. Woman, do you verily believe she knew your Husband was in the Proclamation?

Mr. Just. — Did you never see the Prisoner at the Bar at any time in *Holland*?

Mrs. Burton. No.

Mr. At. Gen. Nor her Husband?

Mrs. Burton. Nor her Husband.

Mr. At. Gen. I ask you at this time when your Husband went away, and his House was search'd, how far did she live from you then?

Mrs. Burton. She had but Lodgings, I don't know where her Dwelling-house was.

Mr. At. Gen. Where were her Lodgings?

Mrs. Burton. At the upper end of *Old Gravel-Lane*, and my Daughter in the middle of *Gravel-Lane*, in *Worcester-street*, as far as it may be to *Newgate*, thereabouts.

Mr. At. Gen. Was it taken notice of all over the Street that the House was searched, and your Husband gone? Was that taken notice of in the Neighbourhood?

Mrs. Burton. Yes, yes.

Counsel. Between the time your Husband went first away, and the time she came to take care of him, had you no discourse about the reason of his going away, nor of the Proclamation?

Mrs. Burton. No.

L. C. J. Jones. What say you Woman to this Evidence, several Witnesses say you were very busy in contriving the Escape of *Burton*; what was the reason why you would send him away?

Mrs. Gaunt. I did not contrive to send him away.

L. C. J. Jones. The Woman says so, *Burton* says so, the Daughter says the same.

Mrs. Gaunt. Where, Sir?

L. C. J. Jones. At *Bishopsgate* or *Houndsditch*.

Mrs. Gaunt. I deny it.

L. C. J. Jones. And you gave him Money afterwards.

Mrs. Gaunt. Who saw me give it him?

L. C. J. Jones. He swears it.

Mrs. Gaunt. He was the more beholden to me.

L. C. J. Jones. Did you, or did you not?

Captain *Richardson*. She says she is not come here to tell your Lordship what she did.

L. C. J. Jones. Woman, did not you hear that *Burton's* Name was in the Proclamation about *Rumbold's* Plot?

Mrs. Gaunt. It is like I might.

L. C. J. Jones. You might hear it!

Mrs. Gaunt. Yes.

L. C. J. Jones. And yet you would by all means help him to escape?

Mrs. Gaunt. I can say nothing against it, if they swear it.

L. C. J. Jones. Do you know what you are charg'd withal? You are accused for relieving and comforting *Burton*, whom you knew to have committed Treason.

Mrs. Gaunt. My Lord, he says so.

L. C. J. Jones. And for helping him to escape, and giving him Money in order to it.

Mrs. Gaunt. He says so.

L. C. J. Jones. He swears so; what do you say?

Mrs. Gaunt. Is that sufficient?

Mr. Just. — Ay, and another swears it, that is sufficient.

Mrs. Gaunt. I have not heard any body else swear it.

Mr. Just. — Yes, his Wife.

Mrs. Gaunt. Not about the Money.

Mr. Just. — You came and solicited him to go several times.

Mrs. Gaunt. It is very untrue, my Lord.

L. C. J. Jones. Did you know his House had been search'd to find him?

Mrs. Gaunt. I did not know it a great while since, I might know.

[Here *Burton's* Pardon was produced again.
Mr.

Mr. Just. *Withins*. It is a Pardon for *Burton*, now he is a good Witness*, Gentlemen.

L. C. J. Jones. Have you any more, Woman, to say for yourself? If you can tell us any other Cause than that he was guilty of Treason, wherein your Husband was concern'd.

Mrs. Gaunt. No, I deny that, that I knew my Husband was concern'd in any thing of that kind.

L. C. J. Jones. Wherefore then would you take so much care to send him away?

Mrs. Gaunt. I don't tell you, my Lord.

L. C. J. Jones. You don't tell us, but the Witnesses have sworn it.

Mrs. Gaunt. I must leave it to them.

L. C. J. Jones. Gentlemen of the Jury, this Woman stands indicted for High-Treason, for concealing, comforting, and relieving one *James Burton*, a Person that had committed High-Treason; and for endeavouring that he might make his escape, and giving him 5*l.* in Money. Gentlemen, the Evidence that is given is by *Burton*, his Wife, and his Daughter. *Burton* says, that this Woman was very solicitous several times to help to send him beyond Sea. He does tell you, that when there was a Plot against the Life of the King, wherein *Rumbold* was concern'd, and one of the chief Actors, that he himself was present at one of the Consultations concerning it, and that afterwards he did withdraw himself from the Company, as he says; but he says, that this Woman's Husband being likewise concern'd in the Plot, and this Woman, as he believes, knowing that he was able to make some Discovery concerning her Husband, and knowing also his danger in respect of his own Guilt, she endeavours to send him away first to *Rochford*, and so to go beyond Sea. And afterwards, in another place in *Houndsditch*, and from thence he was to be conveyed beyond Sea. It is true, there is no direct Proof that there was any particular mention that *Burton* was in the Proclamation for that Treason; but the Woman says, and *Burton* himself says, that they do both verily believe, that the Prisoner at the Bar did know he was in the Proclamation, and therefore there was no particular discourse concerning it; and she herself being examined, says, she might hear that his Name was in the Proclamation, and she might hear that his House was searched, and that he could not be found; and yet notwithstanding all this, she endeavours to conceal him. What can be the meaning of all this in this Woman, but that she was very zealous to maintain the Conspiracy, and was a great Assistant to all Persons that were concern'd in it? She will not tell you any other Cause wherefore she should be concern'd to convey this Man beyond Sea, and therefore in all reason you ought to conceive it was for this; it was a known Cause, made known to all People by the King's Proclamation. If you believe she did know or believe *Burton* to have been guilty of that Treason, and that she did help to convey him away, as the Witnesses have proved that she did, by giving him Money, and soliciting him several times to be gone, then you ought to find her guilty.

Then the Jury desiring to ask a Question, Burton was called again; but being gone out of Court, was sent for, and Mr. Cornish was set to the Bar.

Clerk. *Henry Cornish*, hold up thy Hand; you of the Jury, look upon the Prisoner and hearken to his Cause; he stands indicted by the Name of *Henry*

Cornish, late of the Parish of *St. Michael Bassishaw*, in the Ward of *Bassishaw*, *London*, Merchant, &c. as before in the Indictment. Upon this Indictment he hath been arraign'd, and thereunto pleaded Not Guilty, &c.

M. Phipps. May it please your Lordship, and you Gentlemen that are sworn, *Henry Cornish*, the Prisoner at the Bar, stands indicted, for that he knowing that the late Duke of *Monmouth*, *William Russel* Esq; the late Lord *Grey*, and other Traitors, had conspired the Death of the late King, and to raise Rebellion in this Kingdom, did promise to aid and assist them in compassing this wicked Imagination, against the Duty of his Allegiance, &c. To this he hath pleaded Not Guilty, &c.

Mr. Cornish. I am innocent of the whole matter. *Officer*. *Burton* is come.

L. C. J. Jones. Let us make an end of that first. In the Evidence that you gave against *Elizabeth Gaunt*, you said that you did receive Money from her, 5*l.* or some such Sum.

Mr. Burton. Yes, an't please your Lordship.

L. C. J. Jones. Did she owe you any Money?

Mr. Burton. No, my Lord.

L. C. J. Jones. Upon what account was it you receiv'd that Money?

Mr. Burton. She gave it me.

L. C. J. Jones. Upon what account was it? To assist you in your Escape?

Mr. Burton. She knew I was bare of Money, and gave it me of her free Will.

L. C. J. Jones. And it was at that time you went away?

Mr. Burton. Yes.

Mr. Just. Withins. It was to assist you in your Escape?

Mr. Burton. Yes, I believe so.

Mr. Com. Serj. Who paid your Boat-hire?

Mr. Burton. I paid none, I don't know, the Waterman can tell.

Mr. At. Gen. May it please your Lordship, and you Gentlemen of the Jury, *Mr. Cornish*, the Prisoner at the Bar, stands indicted for contriving the Death of the late King, and for raising Rebellion in the Kingdom, and is charged that he did consent to be assisting to that Rebellion that was then designed. It is not unknown to you, Gentlemen, for there have been several Trials of that Conspiracy, that there was a great Rebellion design'd in *England* by the late Duke of *Monmouth*, the Lord *Russel*, and Sir *Thomas Armstrong*; and particularly Gentlemen, there was a Meeting (which already hath appeared in publick,) at *Mr. Sheppard's* House, where the Lord *Russel*, the late Duke of *Monmouth*, Sir *Thomas Armstrong*, *Mr. Rumsey*, and the late Lord *Grey*, met to consider and adjust matters. At that Meeting *Mr. Cornish* indeed came in very late, (for he was invited and knew their Design then) he came in late, and so was not at the whole Discourse; but there was a Declaration framed to be put out when they should rise, and they did acquaint *Mr. Cornish* with it, and they read it to *Mr. Cornish*, and *Mr. Cornish* did like it very well, and promised he would be assisting, as we will prove to you, Gentlemen. Another Instance of *Mr. Cornish's* Rebellion, for I need not tell you what part he acted when he was Sheriff, and maintain'd that which was the Ground-work of the Rebellion, setting the Commonalty against the Government of the City: Another Instance we will give you is, his Under-Sheriff

* Tho' it might make him a good Witness, yet unless he had been attainted, it was not legal to try any for receiving or comforting him, for had he been convict, yet if he had had his Clergy, the other, who is in nature of an Accessary, is discharged thereby. *Hale's Hist. P. C. p. 222.*