

*Capt. Potter.* My Lord, I cannot be certain of that.

*Attorn. Gen.* That is receded from. But what do you know of *Mason's* coming over here?

*Capt. Potter.* I know nothing of *Mason*: I saw him but once; and at that time there past nothing between us of publick Concernment, as I remember.

*Attorn. Gen.* What was the Answer that was returned to that which *Mason* did bring?

*Captain Potter.* That I can speak nothing to of my own Knowledge: I heard he was come hither; and was here to see the Tempers of Men, and to see how Things were like to go.

*Attorn. Gen.* My Lord, ask him from whom he came.

*Capt. Potter.* It was said he came from my Lord *Piercy*. But these Things are so remote from me, that I can say nothing to them of my own Knowledge.

*Attorn. Gen.* My Lord, let him speak what he knows about reconciling the Presbyterian Parties.

*Capt. Potter.* I think others can speak more close to that; I can say nothing but by hear-say: I heard that *Mason* did endeavour here to find how the Affections of the People stood; and whether there was a Necessity that the King should comply with the *Scots*, or with the Cavaliering Party; and that he found a Necessity of complying with the *Scots*.

*Ld President.* What Assistance should he have from hence?

*Capt. Potter.* I know no more of *Mason* than this.

*Attorn. Gen.* My Lord, ask him if there were not some Letters returned by *Mason*, in answer to what he brought?

*Capt. Potter.* Not that I know of.

*Ld President.* Did you hear of it?

*Capt. Potter.* I think I did hear of it: But I cannot tell by whom; I think by *William Drake*.

*Attorn. Gen.* My Lord, ask him whether he knows of any Petition sent to the King of *Scots*.

*Capt. Potter.* I do not know of any; but have heard so.

*Ld President.* By whom did you hear so?

*Capt. Potter.* By *William Drake*.

*Ld President.* Who did *Drake* say did carry the Petition?

*Capt. Potter.* I cannot tell.

*Attorn. Gen.* Do you know of any Answer returned from *Piercy* and *Jermin*?

*Capt. Potter.* I know nothing at all of these Things.

*Ld President.* Were not you invited to the Meeting?

*Capt. Potter.* Yes, I was.

*Attorn. Gen.* What did he tell you?

*Capt. Potter.* Nothing at all: We had nothing but common Discourse there.

*Attorn. Gen.* Who was there?

*Capt. Potter.* There was *William Drake*, Major *Alford*; and I think *Mason* and *Titus* were there.

*Ld President.* Do you remember any more?

*Capt. Potter.* I do not remember; nor can I certainly say they were there.

*Ld President.* Were not you pressed or moved to go to *Jersey*?

*Capt. Potter.* Not that I know of.

*Ld President.* Did not *Titus* offer to go?

*Capt. Potter.* I cannot well tell: But at that time, or some other, he either was spoken to go, or offered to go.

*Ld President.* How long ago?

*Capt. Potter.* My Lord, I cannot speak this of my own knowledge; but I have heard say, I think, a month after the time.

*Ld President.* Had he any money to bear his Charges?

*Capt. Potter.* I know of none.

*Attorn. Gen.* Well, what Meetings afterwards was there in Mr. *Love's* Study?

*Capt. Potter.* I have been at Mr. *Love's* several times.

*Attorn. Gen.* My Lord, ask him whether he was not present in Mr. *Love's* Study, when a Letter was there read from *Titus*; and who was present there: and what were the Debates upon it; and what was the Contents of the Letter; and whether it was not for some to come to *Calais* to him.

*Capt. Potter.* The Letter I well remember: I cannot say it was Mr. *Love's* Study; nor can I say it was in his House: I do not know Mr. *Love* was present. The Letter, I have seen it, or heard of it: It did desire some to come to *Calais* about the Treaty: And I remember well that Major *Alford* told me he did go to him.

*Ld President.* What was the Contents of the Letter?

*Capt. Potter.* I cannot well remember that I have seen it: But I have either seen it or heard of it; I cannot tell which.

*Ld President.* You must be true to the State, and speak the Truth.

*Capt. Potter.* My Lord, I would be true to the State, and to the Gentleman at the Bar too. And, my Lord, I can say no more to it: I either saw it, or heard of it, I cannot tell which. I am upon my Oath, my Lord: The Letter did desire some body to come to *Calais* to him.

*Attorn. Gen.* Was not this Meeting in Mr. *Love's* Study?

*Capt. Potter.* I cannot say it was in his House: I rather think it was not.

*Ld President.* Was he present?

*Capt. Potter.* I cannot say he was present; I think he was not present: I think Mr. *Alford* was sent to the Tavern.

[The Papers of Captain *Potter's* Examinations were here produced by the Attorney-General, and by the Clerk read to him.]

*Attorn. Gen.* My Lord, these were his Examinations.

*Capt. Potter.* I intreat this may be remember'd, (which I premised at first) I had a Latitude then, that I have not now: I am now upon my Oath, and desire to be true to my own Conscience, and to the State, and to this Gentleman. I have made (it is true) such a Confession as this is; and I believe the greatest Part of it to be true, according to the Latitude I spake it in: But now I am upon my Oath, and now I am to speak knowingly. The Substance of the Thing is true; I believe that he was sent, and sent upon such Things. So much I do verily believe to be true, upon my Oath; but of the Places I cannot speak.

*Attorn. Gen.* *Alford* did go to *Calais*, and return: And how many Days was it between his going

going and returning? And where did he give an Account of what he did receive from *Titus* at *Calais*?

*Capt. Potter.* It is a hard Matter for me to speak to the Time: I think about a Week. And for the Relation he made when he came back, as I take it, I met him at the *King's-Head* in *Wal-broke* upon his Landing; whether he made the Relation to me there, or afterwards at *Mr. Love's*; whether I heard of the Meeting, or whether I was at the Meeting, I cannot say. I am sure he himself made me the Relation; but whether there, or any other where, I cannot make out.

*Attorn. Gen.* Upon your Oath, did not *Major Alford* make return of the Answer in *Master Love's Study*?

*Capt. Potter.* I cannot say it; but I think it was there.

*Attorn. Gen.* Was *Master Love* present?

*Capt. Potter.* I think he was present; and I think it was in his House: I am sure *Major Alford* made me a particular Relation between him and I.

*Attorn. Gen.* Was *Sterks*, the *Scotch Agent* there, or no?

*Capt. Potter.* I cannot say he was.

*Ld President.* Was it read in *Master Love's Study*?

*Capt. Potter.* I cannot say I was there.

[His Examination was again read to him.]

*Attorn. Gen.* What was the Substance of the *King's Letter*?

*Capt. Potter.* It is so much out of my Memory, that I scarce remember there was a Letter; it is so much out of my Mind.

[More of his Examination was read to him.]

*Ld President.* What do you remember of this now? Is this true?

*Capt. Potter.* I remember I have heard as much; and I believe it is true.

*Ld President.* Have you not heard the Letter read?

*Capt. Potter.* I do not know there was a Letter sent; nor do I know there was a Letter read. I desire to speak the Truth: I had a Latitude then, that I have not now; I had then such an Information shewed me, and I spake to it so far as I thought it was true. These Papers you shew me, as my Examination, were not of my framing.

*The Clerk.* Look upon them: Is not this your Hand?

*Capt. Potter.* I know it is my Hand?

*Attorn. Gen.* My Lord, I did go to the *Tower* to him, and was with him, and did examine him. My Lord, here be those that will prove it, that himself did confess, and said it was true: And he took time himself to inform himself, and had (as he said) other Mens Examinations and Informations by; and he did add and amend, and gave it under his Hand. This is the Truth, after several Examinations. And he had Papers by him, and did correct them himself, and brought them under his own Hand written by himself, these very Things. And, my Lord, ask him whether he did not write these Things first with his own Hand, and bring them to the Committee of Examinations.

*Ld President.* Whether did you not bring in

your own Examinations, and what you could inform, written by your own Hand?

*Capt. Potter.* My Lord, that is my Hand; and what is there I must own as mine. But I hope you will let me distinguish between what I delivered then as I heard it and thought, and what I deliver positive'y. I do say it is true now, as I have heard.

*Ld President.* Why did you not say of *Hear-say* then, as well as now?

*Attorn. Gen.* Upon the Oath you have taken, whether do you not know this of your own Knowledge?

*Capt. Potter.* Upon the Oath I have taken (and I desire to speak it in God's Presence) I do not remember that I saw the Letter from the *King*, or heard the Letter read, or the Copy; nor can I say *Alford* told me so much, though I think he did, yet I do not know he did.

*Mr. Love.* I desire you would take notice whether this be fair, that *Mr. Attorney* should help the Witness, by putting things into his Mouth?

*Attorn. Gen.* My Lord, I can help the Witness by asking him Questions.

*Capt. Potter.* My Lord, no Man shall so far tamper with me, as to make me say an Untruth.

*Attorn. Gen.* My Lord, pray ask him whether he did not write these Papers, most of them, with his own Hand.

*Capt. Potter.* True; but to open to the Committee the ground of this Business: But I did not expect to swear to every one of these Particulars.

*Attorn. Gen.* My Lord, ask him whether after this Return was made there was not a Meeting, and Instructions made about the Commission to be sent to *Breda*.

*Capt. Potter.* My Lord, to that, I have heard so much; but I cannot speak it positively. I saw no Commission, nor Instructions: I heard there was both. I do not know by whom I have heard it; I think by *William Drake*.

*Ld President.* Were you not at *Mr. Love's House* when they were drawn up, and *Mr. Love* corrected them?

*Capt. Potter.* I never saw the Instructions.

*Mr. Love.* Nor I neither.

*Ld President.* Did you not hear so?

*Capt. Potter.* I did.

*Ld President.* To whom to be directed?

*Capt. Potter.* To *Captain Titus*.

*Ld President.* And to who else?

*Capt. Potter.* The Commissions and Instructions were to be directed to my Lord *Willoughby* of *Parham*, *Colonel Graves*, *Major-General Maffey*, *Captain Titus*, and *Alderman Bunce*.

*Attorn. Gen.* My Lord, ask him whether he hath not heard *Mr. Love* tell him so.

*Capt. Potter.* Never in my Life.

*Ld President.* Were you not then present at his House?

*Capt. Potter.* I know not that I was; nor can I remember.

[His Examination was again read.]

*Attorn. Gen.* Whether were you not at *Mr. Love's House*? And was there not a Letter agreed upon to *Maffey*, and *Bailey*, and *Titus*?

*Capt. Potter.* I have been several Times at *Mr. Love's House*.

*Ld President.* Whether were you not at Mr. *Love's* House with these Correspondents?

*Capt. Potter.* I have been several Times at his House with them; and I have been oftner there upon other Occasions.

*Ld President.* Name them.

*Capt. Potter.* I mean with Mr. *Love*, and Mr. *Jackson*, and Mr. *Robinson*, and Major *Alford*, and Mr. *Drake*, and Mr. *Gibbons*.

*Ld President.* What was then agreed upon about Letters when you were at Mr. *Love's* House?

*Capt. Potter.* I have a very bad Memory, I cannot speak to Time, and Places, and Persons; such Letters I have heard of were written, I profess I can speak no more knowingly. I never had a hand in any one Letter, but such Letters I have heard of.

*Ld President.* Upon what Account did you meet at Mr. *Love's* House?

*Capt. Potter.* I met there sometimes upon a friendly Account, sometimes upon a christian Account, and sometimes to hear News, and sometimes to tell News.

*Ld President.* Where did you meet with these Persons, *William Drake*, and these so often mentioned?

*Capt. Potter.* My Lord, there was a Correspondency in point of News.

*Ld President.* Between whom?

*Capt. Potter.* Between Captain *Titus* there, and *William Drake* here; and he would tell us many times News there.

*Ld President.* Do you know *Titus* was employed as an Agent hence?

*Capt. Potter.* I think he was.

*Ld President.* Had he Money collected?

*Capt. Potter.* I do not know of one Penny I lent him, and I never contributed to him.

*Attorn. Gen.* My Lord, ask him whether himself did not, upon an Occasion, contribute ten Pounds, and bring it into Mr. *Love's* Parlour?

*Capt. Potter.* I confess that.

*Attorn. Gen.* For a Table-book that was written in Sack, do you know of any such thing?

*Capt. Potter.* I do, my Lord; I went to *William Drake* in his Retirement, and he was writing out of his Papers some Letters in a Table-book, which he told me was in Sack, as I take it.

*Ld President.* Why did he write them in Sack?

*Capt. Potter.* I take it, because it should not be discovered.

*Ld President.* Do you not know to whom the Letters written in Sack were sent?

*Capt. Potter.* I know not; but he told me to *Bailey* and *Titus*.

*Ld President.* Where was *Bailey* and *Titus* then?

*Capt. Potter.* I know not where *Titus* was, but I think *Bailey* was in *Scotland*.

*Ld President.* After *Drake* was gone, where were your Meetings usually?

*Capt. Potter.* Many times at Mr. *Love's* House.

*Ld President.* When you did meet there, what did you meet upon? Was it not to receive Messages from *Titus*, and *Massej*, and *Bunce*, and *Bailey*, and to return Answers?

*Capt. Potter.* We had sometimes Letters read there, but from whom they came, or to whom, I believe few can tell, I cannot tell; something of News we have heard, of Affairs; that was the Occasion of my coming sometimes.

*Attorn. Gen.* Did Mr. *Love* never tell you the Occasions of those Meetings, and press you to lend Money to furnish *Massej* and *Titus*.

*Capt. Potter.* I can say nothing to that.

*Attorn. Gen.* What say you to the private Fasts?

*Capt. Potter.* There were private Fasts.

*Attorn. Gen.* What! for a Blessing upon the Treaty at *Breda*?

*Capt. Potter.* There were Fasts kept, but I never understood they were for any other End, but for the Sins of, and Judgments upon the Nations; and for the most part there have been hundreds of Men and Women there.

*Attorn. Gen.* Did Mr. *Love* often officiate there?

*Capt. Potter.* He hath preached and prayed.

*Ld President.* Did any pray for a Blessing upon the Treaty?

*Capt. Potter.* I cannot say so.

*Attorn. Gen.* What say you to those Letters that came hither after the Fight at *Dunbar*?

*Capt. Potter.* My Lord, after the Fight at *Dunbar*, there came Letters from *Bailey*, and *Titus*, and *Massej*.

*Ld President.* And where were these published?

*Capt. Potter.* My Lord, I can say no more; I have heard of these Letters too.

*Ld President.* Were not you present at Mr. *Love's* House when they were read, or made known there?

*Capt. Potter.* Possibly I was; I cannot say I heard the Letters read there. I did hear Letters by a private Hand occasionally afterwards.

*Attorn. Gen.* By the Oath you have taken, were you not present at Mr. *Love's* House, when those aforesaid Letters from *Titus*, and *Bailey*, and *Massej*, were published and read?

*Capt. Potter.* My Lord, I cannot say I was there, and I dare not say I was not; it is a Year ago: I believe I was there several Times when several Letters were read, and it may be when those were read.

*Ld President.* Whether was there not five Pounds given to a Messenger that brought them?

*Capt. Potter.* I have heard there was, but I do not know it?

*Ld President.* Did you contribute any thing towards it?

*Capt. Potter.* I think I did contribute ten Shillings.

*Ld President.* Who contributed besides yourself?

*Capt. Potter.* I know not.

*Attorn. Gen.* Was there not at Mr. *Love's* a Promise of Arms or Letters?

*Capt. Potter.* I cannot say so?

*Attorn. Gen.* What can you say?

*Capt. Potter.* I have heard there was.

*Attorn. Gen.* By whom have you heard it?

*Capt. Potter.* I cannot say by whom, or who told me so, either Mr. *Alford*, or *Adams*, or *Far*, or some of those Men that used to meet there; for it was common, when I was not there, for some or other to meet with me.

*Attorn. Gen.* Did Mr. *Love* contribute to the Messenger?

*Capt. Potter.* I cannot say he did.

*Attorn. Gen.* My Lord, I do not ask him one Question, but what himself hath confess'd.

*Capt. Potter.* I do remember such Letters I have heard did come, but never saw those Letters; I do likewise remember I heard there were five Pounds gathered for the Messenger, and I do believe I contributed ten Shillings towards it.

*Attorn. Gen.* Who else gave beside your self, and who received it?

*Capt. Potter.* I profess I know not.

*Attorn. Gen.* Whether was there not a Declaration to the Church of *Scotland* then published?

*Capt. Potter.* The Declaration, I know nothing of it; you remembered me of it at the Committee, when I was first examined, but I knew nothing of it.

*Attorn. Gen.* My Lord, ask him whether the State and Church did not write for Arms and Ammunition at that time after the Fight.

*Capt. Potter.* My Lord, I have heard so much, but cannot speak positively or particularly to it; I have heard of such Letters, but cannot tell by whom; I saw them not.

*Attorn. Gen.* To whom were they directed?

*Capt. Potter.* I never heard who wrote them, nor to whom they were directed.

*Attorn. Gen.* Was there not one Letter with *L.* upon it?

*Capt. Potter.* My Lord, about the Letter *L.* I did receive those Letters my self, there was an *L.* written upon them: My Lord, these Letters came from *Bamfield* out of *Scotland*. There was in these Letters a large Narrative of the Affairs of *Scotland*, from *Dunbar-Fight* to the time of the Date of them, which I think was about *Christmas*: This is a thing I know better than (I am afraid I give offence by saying, I think, and I heard, and that I cannot speak positively; but of this I can speak positively) *Bamfield* gave an Account therein of a Narrative of two Sheets of Paper, and I and another or two opened them; and I carried these Letters to Mr. *Love's*; there was one or two more with me, Mr. *Jaguel*, and I think Mr. *Drake*, I cannot well tell. There was a Narrative of the *Scotch* Affairs and a Letter from nameless Persons, which we suppose to be from Mr. *Bailey* and from my Lords of *Argyle*, and *Lowdon*, and *Lothian*, and others, whose Names I do not remember. These Letters wrote for ten thousand Pounds for buying of Arms, and hiring of Shipping. These Letters we disliked, and we dissented from them, and agreed to give a negative Answer; but we thought fit, for our own Safety, to raise some Money for the Messenger and *Bamfield*, to which I contributed ten Pounds. I carried all these Letters to Mr. *Love's*; one or two were opened, I think we opened them; the Narrative and my Lord of *Argyle's* Letter I opened, before I understood what they were.

*Attorn. Gen.* Why did you carry them to Mr. *Love's*?

*Capt. Potter.* There was a great deal of News in them: there was a Letter *L.* and I did in my Examination say, I conceived it was to Mr. *Love*; but now upon my Oath, I do not remember very well, and I do not think it was to Mr. *Love*. I do confess I carried these Letters to Mr. *Love's*, I and Mr. *Jaguel*; these Letters were opened, but whether Mr. *Love* opened them, or I, or the other, I cannot tell.

*Attorn. Gen.* With whom did you leave them?

*Capt. Potter.* I brought them away, all of them.

*Attorn. Gen.* Were they not read?

*Capt. Potter.* They were all read.

*Attorn. Gen.* He confesseth further, he paid ten Pounds: To whom were the Letters directed?

*Capt. Potter.* The Letters had no Direction at all upon them, I believe.

*Attorn. Gen.* My Lord, ask him, whether there was not a Sum of four or five hundred Pounds agreed to be raised.

*Capt. Potter.* The Advice that was given to that, was, That we should do nothing in it, and we did nothing in it more than I tell you; I carried those Letters to them, and had Discourse of them, and resolved to do nothing in them.

*Attorn. Gen.* Why did you carry them to Mr. *Love's*?

*Capt. Potter.* I went for Advice what I should do with them.

*Attorn. Gen.* My Lord, pray ask him concerning the four or five hundred Pounds, and for what; and whether this Discourse was at Mr. *Love's* House. Whether there was not a Proposition for raising four or five hundred Pounds, and for whom this was to be raised, and where to be raised, and by what Means.

*Capt. Potter.* I heard there was, I do not know the Place where; to this I contributed ten Pounds, I brought it one Evening to Mr. *Love's* House, and there I left it.

*Attorn. Gen.* Where was this Money agreed to be raised?

*Capt. Potter.* I cannot speak to that.

*Attorn. Gen.* Who took the Subscriptions?

*Capt. Potter.* I cannot speak to that neither.

*Attorn. Gen.* Did Mr. *Love* contribute?

*Capt. Potter.* I cannot say he did.

*Attorn. Gen.* Was it in his House?

*Capt. Potter.* I do not know that I subscribed at all, I do not think there were any Subscriptions; I am sure I never subscribed my Name.

*Attorn. Gen.* When you came into Mr. *Love's* Parlour, and left the ten Pounds, did you not give him a twitch by the Hand?

*Capt. Potter.* I cannot say so. [His Examination was again read.]

*Ld. President.* Is this true?

*Capt. Potter.* The Substance of it is true.

*Ld. President.* Of your own knowledge?

*Capt. Potter.* Of my own knowledge that I left so much Money.

[The Clerk reads more of his Examination.]

*Capt. Potter.* This is a Section I never worded, or phrased my self; I have heard as much as this comes to, but cannot speak it knowingly.

*Attorn. Gen.* Did you not write this your self?

*Capt. Potter.* I believe not, I cannot positively say that Mr. *Love* either drew up the Letter, or received the Letter.

*Attorn. Gen.* You say he received the Letter from your own Hands.

*Capt. Potter.* But not the Letter from *Titus* and *Bailey*.

*Attorn. Gen.* Do you know of a way of Correspondency laid at *Kendal*, or no?

*Capt. Potter.* I heard there was such a Correspondency.

*Attorn. Gen.* By whom?

*Capt. Potter.* I cannot say by whom,

*Attorn.*

*Attorn. Gen.* Do you know that *Groves* was sent to look for Letters there?

*Capt. Potter.* Yes.

*Ld President.* Did Mr. *Love* know of it?

*Capt. Potter.* I cannot say he did.

*Attorn. Gen.* What had *Groves* for his pains for going?

*Capt. Potter.* Ten Pounds.

*Attorn. Gen.* From whom?

*Capt. Potter.* I paid it.

*Attorn. Gen.* Did you receive any of it again?

*Capt. Potter.* I did receive some of it, I received two 10s. by several Persons.

*Attorn. Gen.* From whom?

*Capt. Potter.* From *Gibbons*, and *Alford*, and *Far*.

*Attorn. Gen.* Not from Mr. *Love*?

*Capt. Potter.* I do not know I ever had a Farthing from him in my Life.

*Attorn. Gen.* My Lord, ask him whether there were not Letters returned to *Bamfield* again, and by whom?

*Capt. Potter.* My Lord, I did receive a Letter that I suppose was to *Bamfield*.

*Ld President.* From whom did you receive it?

*Capt. Potter.* It was left in my Shop.

*Ld President.* By whom?

*Capt. Potter.* I cannot say by whom.

*Ld President.* Whom do you conceive it came from?

*Capt. Potter.* I think from Mr. *Love* or Dr. *Drake*.

*Attorn. Gen.* Do you conceive so? My Lord, ask him whether Mr. *Love* or Dr. *Drake* was not appointed to draw the Letter.

*Capt. Potter.* When we were together, there was a negative Answer resolved upon; and this Answer, to the best of my Remembrance, was agreed to be drawn up by Mr. *Love* and Dr. *Drake*: but I received this Letter.

*Attorn. Gen.* And who received the thirty Pounds?

*Capt. Potter.* I cannot tell.

*Attorn. Gen.* But you sent the Letter?

*Capt. Potter.* I did.

*Attorn. Gen.* Ask him whether he did not send for Mr. *Love*, and what Discourse pass'd between them, since he was in Prison.

*Capt. Potter.* I did send for Mr. *Love*, and he did come to me; and I desired his Counsel, as a Minister, and I told him upon what score I was questioned; then I was questioned upon Mr. *Cook* only, and he gave me Encouragement only as a Friend and Minister of the Gospel ought to do.

*Attorn. Gen.* What was that?

*Capt. Potter.* He wish'd me to make a christian Use of my Afflictions, and gave me some other Instructions; we had an Hour's Discourse, and it was all to this purpose: He wish'd me to make a christian Use of my Restraint, and to labour to get christian Wisdom and Fortitude.

*Ld President.* What did he say more to you?

*Capt. Potter.* My Lord, no more pass'd between us; and I gave him an Account of what Questions I was examined upon in *Cook's* Business.

*Ld President.* Did you give him an Account?

*Capt. Potter.* I have said so, and he did advise me to Prudence, and Fortitude, and Courage.

*Attorn. Gen.* Did he never advise you to be courageous, and that unless you discover'd one another, you were safe enough?

*Capt. Potter.* My Lord, my Keeper was with me, and we had no such Discourse.

*Attorn. Gen.* Did he not wish you to be silent?

*Capt. Potter.* Either then or since he did tell me there was a Letter came from Mr. *Drake*, that told him, *Titus's* Man had taken some Letters from *Titus*; but he could not conceive how it could concern me.

*Attorn. Gen.* But did he discover nothing, and wish you to be prudent for yourself, and them?

*Capt. Potter.* He did not then?

*Attorn. Gen.* When then?

*Capt. Potter.* I saw him once since; and he told me of *Bamfield's* Man.

*Attorn. Gen.* How came it about Mr. *Love* spake with you?

*Capt. Potter.* I did prevail with my Keeper to go with me to Dinner, and to take a Glass of Wine, and then I provided for Mr. *Love's* coming to me?

*Attorn. Gen.* What hath Mrs. *Love* said unto you?

*Capt. Potter.* I saw her ever and anon.

*Attorn. Gen.* What hath she said to you?

*Capt. Potter.* She hath wished me, with Tears, to have a care of her Husband, and not to discover any thing; I think she hath.

*Attorn. Gen.* Did not Mr. *Love* say then, That he had been at a Fast, where you were remembered?

*Capt. Potter.* He did so.

*Attorn. Gen.* My Lord, I confess I was with this Man in the Tower, as I am bound to do by my Place, to examine him; he had made his Examination before I came thither, and I brought it with me. My Lord, I did ask him Questions, he did answer me upon Knowledge; he did confess the Truth, but told them, Mr. Attorney-General was pleased to help him to Particulars, and bring them to his Remembrance.

*Capt. Potter.* I profess, if it had been to save my Life, I could not affirm them; but you putting me in mind of it, I did know of it.

*Attorn. Gen.* At the Committee of Examinations, then he had more Particulars told him, and he did confess he did know them all; and he may give you an Account, whether he did not give an Account under his own Hand? My Lord, I am not abused, but the Council of State, and the Parliament are abused; and if this Man should do this Wrong to Mr. *Love*, and inform the Court and Council, and the Man be brought upon his Life, because he hath affirmed it; and that several Times before several Committees; this Man must not escape unpunished, if for no other Fault but this, to accuse a Man before Authority, and when he comes to his Oath, to deny every word of it. Captain *Fisher* will witness, that he did bring all under his own Hand, and upon my Credit, he did speak as fully as we did open, and much more fully: and I answered upon hear-say, How do you know it? And he said, He did know it, he did remember it, and he put it down positively; and that when Mr. *Drake* went away, all the Meetings were at Mr. *Love's* House, and Mr. *Love* did still declare the Occasion of the Meetings, and the Letters were opened by him, and the Discourse upon them; and every Word he said upon his own Knowledge.

Captain *Potter*. I do confess again, that before Captain *Fisher* and Mr. Attorney did prompt me—  
*Attorn. Gen.* Prompt you, Sir!

*Capt. Potter*. Before he did remember me of them, I had forgot them, as if I had never heard them; but it is one thing to remember a thing as I have heard, and as I conceive to be true, and another thing to swear to it positively: and the Paper allowed me this Latitude; some of it I have heard, the rest I believe, and some I know; and upon this account I believe it is all true.

*Attorn. Gen.* My Lord, 'tis possible I might wish him to express what he did know himself, and what he did know by relation of others, and so did set it down, and he did it fully and clearly; and after all this, brought it in again, written with his own Hand, to the Council of State. My Lord, if you please, Captain *Fisher* may go for the Original under his own Hands.

*Clerk*. The Original cannot be found.

*Mr. Love*. Here is nothing at all that concerns me about the Business of *Titus* in *Jersey*, and about the Letter from *Titus*, and the Copy of the Letter from the King; he tells you he doth not know it was in my House; he tells you it was but a Copy, not the Original.

Captain *Potter* withdraws.

[Major *Alford* called into the Court, and takes his Oath.]

*Attorn. Gen.* My Lord, let him declare what he knows, either by himself or others, and of his Employment at *Calais*: make the whole Narrative as much as you can remember.

Major *Alford*. My Lord, I was one Morning wish'd to go with *William Drake* to the Swan at *Dowgate*, hearing there was a Gentleman lately come from the Prince, where I should hear all the News from beyond the Seas; when I came there, it was one Captain *Titus*, one whom I had never seen before; and he gave a Relation of the good Disposition of the Prince, and how inclinable he was to take the Covenant, and to cast off the Cavaliering Party, and those about him, if there were an Opportunity to make it known, that there was a considerable Party in *England* that would stick close to the Ends of the Covenant. Upon that, Sir, my self, and some others that were there, did think we were bound in Duty, and in relation to the Covenant, to press the Ends of the Covenant, for the Prince to take it, and to prosecute the Ends of it. And for that Captain *Titus* said, If we would appoint another Meeting, he would draw up something by way of Attestation or Petition to the Prince for that purpose. My Lord, we did meet at the *Bear* in *Breadstreet*, and there he did draw forth something that he had framed to that purpose, and he read it; and afterwards (not at that time) it was agreed upon to be sent over to the Prince. The Substance of it was to press the Prince to apply himself to take the Covenant, and to prosecute the Ends of it, and to cast off all his Cavaliering Party about him, which had brought so much mischief to his Father, and would do the like to him. This Captain *Titus* drew up, and this, I believe was sent over, for *Titus* undertook to send it over. I did ask how the Prince should be made to believe, that this coming from an inconsiderable Party, as we were, should come under the notion of the

Presbyterian Party of *England*, for it went under that notion? He said, he should undertake that by the means of my Lord *Piercy*. And the Petition that was agreed upon, he did send over, I believe; for I did not carry it to the Post-house, but he did undertake to do it. Afterwards he went over himself, and when he was over, he had Information that there was notice of his being here, and of the Business he was upon; and therefore he writ over to *William Drake*, (as Mr. *Drake* told me) that he did desire some of us that knew of the Business, should be sent over to him, to receive that Account from him which he had in the Business. So Mr. *Drake* did persuade me to go over to *Calais*; and having some Business of my own, I did go over to *Calais*. I went from my House on the Friday Night, and I was back again on the Tuesday following; and he did give me an Account of that Transaction: The Substance of it was this: It was about his own Troubles he had undergone there by the Cavaliering Party, in managing that Business. He had likewise been imprisoned, and they told him, They would try him as a Spy; and that they urged hard against him, and that he was in that Condition till my Lord *Liberton*, the Scotch Commissioner, came over; and by this means he had Access to, and Favour with the Prince: And that was the Substance of all. He said, the King was averse to the Covenant, not of himself, but by reason of those Counsels that were about him. And this was the Substance of that Account he gave me of his Transaction there at *Jersey*, in reference to the Business he went upon: And this he gave me in Writing, which I brought over to deliver to Mr. *Drake*, for it was directed to him, which I did deliver. Afterwards Master *Drake* carried them to Master *Love's* House, where they were read. And that is all as to that Business.

Then afterwards there was a Commission, they called it a Commission, it was agreed upon among us, to be sent over to my Lord *Willoughby* of *Parham* and *Maffey*, and I think *Graves* and *Titus*, that they should agitate and act for us at *Breda*, and to advise with the Scotch Commissioners that were there, in behalf of the Presbyterian Party here in *England*; and that is all in relation to that. Afterwards Mr. *Drake* read to me the Copy of a Letter in Characters, which he had written himself in his own Back-shop, which he told me should be sent to the Queen, which was to persuade her to persuade the King, as he came that way, to close with the Scots; for that was the likeliest way to make good his own Interest; but that was at Mr. *Drake's* House only between him and I. Afterwards Mr. *Drake* told me he had disbursed Money about receiving of Letters, and receiving of News, and did wish me that I would let him have Ten Pounds, and said he would speak to some others of his Acquaintance to do the like; and if he could get up a considerable Sum, I should have Part back again; for he said the Charge was too great for him to undertake: and I do think he had Ten Pounds of me for that. After *Dunbar-Fight*, there was I and some others at Mr. *Love's* in his great lower Room; where was a Letter read, that was said to be from Major-General *Maffey*, that gave an Account of the Business of *Dunbar*; and also did write for Arms, I know not how many Thousands; and to that purpose, that they might be

be provided by the way of *Holland*. But upon that, all that were there did say—I heard no Man speak of providing Arms or any such thing. He writ in his Letter, that for his own Necessities, and Captain *Titus* that was there, that a Motion might be made for providing some Money to send over for their Supply: and it was then said, We were so inconsiderable, and so few, that the Sum spoken of could not be done; and therefore it was moved, that every one should do by himself and Friends what he could. This was the Substance of that.

*Attorn. Gen.* I believe, my Lord, he hath dealt ingenuously with you. This in the general: I pray you ask him, what he knows concerning any Letters that should have been sent at the beginning of the Change of this Government, to *Scotland* from any Part of *England*?

*Major Alford.* For that I know nothing, but heard Mr. *Drake* say, That he had Correspondency with some in *Scotland*; and I have heard use one Mr. *Bailey's* Name; and he had a Cypher which they writ by.

*Attorn. Gen.* For the *Swan* at *Dowgate*, he gave relation of that; but who was present then?

*Major Alford.* Truly, my Lord, it is so long since, that I cannot positively tell; but I am sure I can remember there was Mr. *Huntington*, and *William Drake*, and Lieutenant-Colonel *Bains*; and I cannot tell, my Lord, I think there was one Mr. *Hall*.

*Attorn. Gen.* Was Mr. *Gibbons* there or not?

*Major Alford.* Truly, my Lord, I cannot tell whether he was there at that time or no.

*Attorn. Gen.* My Lord, he says *Titus* at that time did give relation of the Prince and his Party: Can you remember what that Relation was? And do you know whether this was not afterward communicated, and to whom?

*Major Alford.* I have given you the Substance of it; but for communicating of it, I knew it from none but only from those there.

*Attorn. Gen.* *Titus* took time to draw it up?

*Major Alford.* He did so; and at the next Meeting at *Breadstreet*, there were the same Men again; and I think at the same time there was Col. *Barton*.

*Attorn. Gen.* Was there no mention then, (when it was propounded to you to be a considerable Party) was it not said the Ministers were to be acquainted with it?

*Major Alford.* It was asked *Titus*, how the King should be possessed that this came from the Presbyterian Party in *England*, because it was agreed upon that there should be no Names used to it? He said there needed none, but only the Engagements of the Ministers in it.

*Attorn. Gen.* What Ministers?

*Major Alford.* Truly he did not speak a word of any Man that I know of.

*Attorn. Gen.* Was it not then propounded, that *Titus* should be sent to the *Scotch* King before Commissioners came to him, to have a Correspondency settled between him and some others here?

*Major Alford.* I cannot say at that time, but afterwards. Whether at that time or any other, I cannot tell; but one time *Titus* said, he had learned from my Lord *Piercy*, which had hastned him over, that this Business was of that Concernment, that they did undertake it should be there before the *Scotch* Commissioners did come. And thereupon *Titus* (as *William Drake* told me, for

this was not at the Meeting) was persuaded to undertake to go about that Business.

*Attorn. Gen.* Whether was there not some Directions given for a Letter to be written to the Queen, to prepare the Articles with the *Scots*?

*Major Alford.* I cannot say any thing but what *William Drake* told me privately between him and I, as to that purpose, a Letter to the Queen.

*Attorn. Gen.* What was that?

*Major Alford.* I did tell your Lordship.

*Attorn. Gen.* My Lord, ask him whether he was not at Supper with *Titus*.

*Major Alford.* No, my Lord, I was not there when he offered himself to go, as I know of.

*Attorn. Gen.* What Money had *Titus* to bear his Charges?

*Major Alford.* Thirty Pounds.

*Attorn. Gen.* From whom?

*Major Alford.* From *William Drake* singly.

*Ld President.* Did not *Drake* gather it up again?

*Major Alford.* My Lord, I cannot tell; I know nothing of any Man, but what I did myself.

*Attorn. Gen.* We are now speaking of the Meeting at Mr. *Love's* House, and of *Titus's* Letter being read, and he sent. Let him give a particular Relation of that again. I make bold to ask him Questions to help his Memory.

*Major Alford.* The Letter that was read of *Titus*, was not at Mr. *Love's* House, as I know of, but Mr. *Drake's* (for all things came to him, and we knew nothing but only from him, for the Correspondency was settled between *William Drake* and Captain *Titus*) nor at any publick Meeting that I know of, but what *Drake* told me.

*Ld President.* But you were at Mr. *Love's* House, you said but now.

*Major Alford.* I was, but not upon this account, it was after I had been over; for I do not know that ever I was at Mr. *Love's* House, or ever spake with him, till I went over: if I have, I have forgot that ever I spake in my Life to Mr. *Love* about it, till after I came from *Calais*; and then I did bring over a Relation, and gave an Account of it concerning *Titus's* Transactions.

*Ld President.* That Account you gave at Mr. *Love's* House.

*Major Alford.* No, my Lord, I gave it to *William Drake*, for it was directed to him; and it was three or four Days after that we met at Mr. *Love's* House, where Mr. *Drake* read the thing.

*Ld President.* At what time was it?

*Major Alford.* At the time when the *Scotch* King was at *Jersey*.

*Attorn. Gen.* Whether did you bring from *Titus* a Copy of a Letter from the King?

*Major Alford.* That I forgot; but *Titus* did shew me a Letter, at least-wise he said so, that he had it from the King, that he sent to this Presbyterian Party. And, my Lord, he did copy out the Letter, and the Copy he gave me, which I did bring over.

*Ld President.* To whom did you deliver it?

*Major Alford.* I delivered it to *William Drake*, I gave it Mr. *Drake* himself, and I think at his own House; I think it was the same, and that it was read at Mr. *Love's* House. The Substance of it was this, as he told me, That he took in

good

good part the Petition or Application that was made to him; and if ever God did restore him, and that he was in a Condition, then he should think of it.

*Ld President.* What did he speak of a Non-compliance with the present Government, and by whom?

*Major Alford.* I do not remember a Word of that.

*Attorn. Gen.* What said he concerning the *Scots*, and what he would do for the Ministers, if God restored him?

*Major Alford.* I cannot tell any such Passage, nor do I remember the Particulars of it.

*Ld President.* The Letter was then read, you say?

*Major Alford.* I suppose it was the same that I gave to Mr. Drake, but I cannot say it was the same, because it was not in my Custody.

*Attorn. Gen.* Did not you propose to send Fifty Pounds to Titus?

*Major Alford.* For that, I heard say that there was Fifty Pounds sent to him, but whether it were or no, I know nothing of it, nor did contribute to it, nor knew nothing of it.

*Attorn. Gen.* Did not you make a Narrative yourself of what you received by word of mouth from Titus?

*Major Alford.* It is very like I did speak of it to this Purpose I tell you of, I do not know particularly what I said.

*Attorn. Gen.* Did you not receive an Account from Titus of his Transaction at *Fersey*?

*Major Alford.* I did.

*Attorn. Gen.* Did you not give an Account of that you received from him?

*Major Alford.* He gave it me in writing, and I delivered it to Mr. Drake.

*Attorn. Gen.* But when you met at Mr. Love's House afterwards, did you not make some Narrative of what you received from him by word of mouth?

*Major Alford.* I had it not by word of mouth, but only by the Delivery of Papers to me, which he could not bring over with Safety.

*Ld President.* Were those Papers read at that Meeting?

*Major Alford.* I tell you, my Lord, I delivered them to Mr. Drake, and Drake did read some Papers, and I believe they were the same, but I cannot say they were the same, for they were out of my Custody.

*Attorn. Gen.* Who then were there present?

*Major Alford.* There was Mr. Love, Dr. Drake, Mr. Case, Major Adams, Mr. Gibbons, and Captain Far. Truly I cannot particularly tell.

*Attorn. Gen.* This was given him at Mr. Love's House, and Mr. Love present. My Lord, I pray you ask him whether Titus's Message was not well approved of, and the Letter of Thanks to be returned, and the Hundred Pounds in Money.

*Major Alford.* I do not remember any of these Things you speak of now.

*Attorn. Gen.* What do you remember was said concerning him there?

*Major Alford.* I do not know what was said; I do not know what any Man could say to them which were Papers from him: I do not remember any Particulars, it is so long ago; I believe now it is two Years ago.

*Attorn. Gen.* Do you not remember that this

was one Passage in the King's Letter, that the King wish'd them to send Commissioners to *Breda*?

*Major Alford.* I do not remember that.

*Attorn. Gen.* But was there not a Commission at Mr. Love's House agreed upon to be sent?

*Major Alford.* That there was.

*Attorn. Gen.* What was to be the Effect of that Commission?

*Major Alford.* It was to advise those Men to join with the *Scotch* Commissioners, to take Advice with them, and to accept the Presbyterian Party with the King, in relation to the first Petition that was sent.

*Attorn. Gen.* Was Master Love there?

*Major Alford.* Mr. Love was there; but I do not know what Mr. Love or any Man did direct in it.

*Attorn. Gen.* Who did correct those Instructions?

*Major Alford.* I cannot tell.

*Attorn. Gen.* Who was agreed to prepare the Commission?

*Major Alford.* I do not know, for I believe it was prepared when it came there; I heard that which we call a Commission read there, but who prepared it, or acted in it, I do not know.

*Attorn. Gen.* Did Gibbons bring it?

*Major Alford.* Who brought it, I cannot tell.

*Attorn. Gen.* Who were the Commissioners?

*Major Alford.* As I remember, my Lord *Willoughby* of *Parbam*, and *Massey*, and Alderman *Bunce*; and whether *Titus* and *Graves*, I cannot tell.

*Attorn. Gen.* Was this in Mr. Love's Study, or in another Place?

*Major Alford.* It was in Mr. Love's Study.

*Attorn. Gen.* Was the rough Draught corrected by any Body or no?

*Major Alford.* I cannot tell whether it was or no, nor can I remember any more Particulars of it than what I have given you.

*Attorn. Gen.* What do you know concerning any Instructions to give Power to the Commissioners what to do?

*Major Alford.* At the same time there was agreed upon some Instructions for them to walk by, which was the Substance of the Petition which had been formerly sent; that is, it prest the King to take the Covenant, and to prosecute the Ends of the Covenant.

*Attorn. Gen.* Who carried the Commission and Instructions?

*Major Alford.* One *Mason*.

*Attorn. Gen.* Who was that *Mason*?

*Major Alford.* I did not know him, but I have heard say he did belong to my Lord *Piercy*.

*Attorn. Gen.* Was there not at that time some Letters propounded to be written to the Queen, and *Fermin*, and to what Purpose?

*Major Alford.* I cannot tell that any of these Things were propounded there, but Mr. Drake had told me, and read to me in Characters some that he had writ thither.

*Attorn. Gen.* And was it sent?

*Major Alford.* I cannot tell, for it was privately between him and I.

*Attorn. Gen.* When this Commission was thus brought into Mr. Love's Study, was there not a Question propounded, What Warrant have we to send Commissioners, and by what Authority, and what was the Resolution upon it?



Major *Alford*. Well, it may be, but I do not remember it.

*Attorn. Gen.* Do you remember who went with *Mason*, when he carry'd away this?

Major *Alford*. None went with him but I, and Mr. *Gibbons* did carry the Papers two or three Days after that we had them from Mr. *Drake*, which was this Commission we speak of, to *Gravesend*, to *Mason*; for he was at *Gravesend* before, and there delivered it to him.

*Attorn. Gen.* What was the Effect of these Instructions?

Major *Alford*. The Substance of them was, according to the first Commission, to press them to use all their Endeavour to advise, and take Advice with the *Scotch* Commissioners how to press the King to take the Covenant, and to join with the honest Party, the Church-Party in *Scotland*; that was the Substance of it.

*Attorn. Gen.* Did he not write to you to send Money to the King?

Major *Alford*. I heard Mr. *Drake* once say, there was a Letter from my Lord *Piercy* to that Purpose, but Captain *Titus* himself wrote against it.

*Attorn. Gen.* What Course or Way was propounded to raise Money?

Major *Alford*. I know of nothing propounded that way: it was not agreed for me at that Meeting to go down, but Mr. *Drake* suddenly went down, and Mr. *Drake* alone spake to me.

*Attorn. Gen.* But he told you it was the first Advice of some others?

Major *Alford*. Truly, I do not remember that he did tell me so: there was a Commission and Instructions read at Mr. *Love's*, but whether agreed upon there or no, I know not.

*Attorn. Gen.* What know you since *Dunbar* Fight?

Major *Alford*. For that, we met at Mr. *Love's* House, in his lower Room, and there was a Letter that was said came from *Massey*, wherein he gave an Account of that Business, how many Men were lost; and that he did write for Arms to be sent, and in his Letter did propose a way, as I remember, to be done by the way of *Holland*: I cannot tell the particular Number of Arms he writ for, but for Arms: and also did speak something in it concerning his own and *Titus's* Necessity, they being there Strangers.

*Attorn. Gen.* There was a Proposition made, of raising some Money for Supply of their Necessities?

Major *Alford*. It was not to purchase Money, or Arms, and any such Thing, but only a Proposition made for supplying those Gentlemen's Personal Necessities.

*Attorn. Gen.* And how was that to be done?

Major *Alford*. It was to be done among ourselves, to raise some Money; there was Five Hundred Pounds spoken of, but it was impossible for us to do that, for us that were considerable Men, being Men of mean Estates and Fortunes, and so it was brought down to a less Sum.

*Attorn. Gen.* What was that Sum?

Major *Alford*. Either Two or Three Hundred Pounds, I cannot tell which.

*Attorn. Gen.* How was that to be raised?

Major *Alford*. It was to be raised among ourselves.

*Attorn. Gen.* And did you subscribe then presently?

Major *Alford*. No, I did not.

*Attorn. Gen.* Who did?

Major *Alford*. I cannot tell that any did; for I then said, that I did not know that either myself, or any there, was engaged by Promise to do any thing for any, only for Captain *Titus*; for he alone was there upon our Interest, and therefore I said, for that I would contribute Ten Pounds.

*Attorn. Gen.* How much did Mr. *Love* contribute?

Major *Alford*. I do not know of any particular Sum.

*Attorn. Gen.* Did Mr. *Love* press you to contribute, or move any to do it?

Major *Alford*. Truly Mr. *Love* did move to Contribution of Money, for the Purpose we speak of, for the Supply of *Titus*.

*Attorn. Gen.* When was *Titus* there?

Major *Alford*. I cannot tell.

*Ld President.* Did Mr. *Love* move it?

Major *Alford*. Yes, my Lord.

Mr. *Love*. Was I the first that did move it?

Major *Alford*. Truly I cannot tell that.

*Attorn. Gen.* Was it at that Time that the Letters were read?

Major *Alford*. It was at that Time.

*Ld President.* And was Mr. *Love* there then?

Major *Alford*. Yes, it was at that Time.

*Attorn. Gen.* Do you remember of any Declaration of the Kirk and State read at that Time?

Major *Alford*. No indeed, I do not.

*Ld President.* You did say, that the Letter did mention for Arms?

Major *Alford*. But we did all, every one of us disavow that, but only the Supply of their particular Occasions.

*Attorn. Gen.* Was there no Motion then made for a Letter to be written to the Church of *Scotland*, to press them to Union and Moderation?

Major *Alford*. Not that I know of.

*Attorn. Gen.* Was there not a Motion of sending Fifty Pounds to Colonel *Graves*? And what succeeded upon it?

Major *Alford*. I do not know of any Particular, but only of the Sum to be raised in respect of *Titus*.

*Attorn. Gen.* How should your Three Hundred Pounds be disposed of?

Major *Alford*. That I cannot tell.

*Attorn. Gen.* For whom was it to be raised?

Major *Alford*. I told the Court that it was proposed for *Massey*, and for *Titus*.

*Attorn. Gen.* Did you pay your Money?

Major *Alford*. No, I did not pay it, for I went out of Town presently: I did promise Ten Pounds, and Ten Pounds I paid, but I cannot tell to whom I paid it, I believe it was paid by my Man.

*Attorn. Gen.* Did he bring it to you upon Account as paid?

Major *Alford*. I believe he did.

*Attorn. Gen.* What do you know more?

Major *Alford*. Truly, nothing more.

*Attorn. Gen.* What do you know of any Correspondency settled at *Kendal*?

Major *Alford*. Nothing at all.

*Attorn. Gen.* This was since *Dunbar* Fight. Do you know of any Letters that came from the Kirk, or *Lowden*, or *Argyle*, or any of those?

Major *Alford*. No, I know nothing of that.

Mr. *Love*.

Mr. *Love*. You confess you went to *Calais*, and brought the Copy of a Letter from *Titus*: Did I send you to *Titus*?

Major *Alford*. No, I do not say you did.

Mr. *Love*. It is alledged by this Gentleman, that it was sent out of my House: Did I write any Letter by you when you went into *Holland*? And upon your coming home, you say the Copy of a Letter was read at my House: Will you swear I was in the Room at the Time when the Letter was read? I was in my House, but did not I go often out and in? Sir, I do speak this, because some at the Committee said I went in and out often: Do you swear that I heard the Letter read in my House?

Major *Alford*. Mr. *Love*, it was read in your Study; but that you were there when the Letter was read, I cannot tell.

Mr. *Love*. He says, he cannot tell that I heard the Letter read.

Major *Alford*. I cannot tell whether you might go out.

Mr. *Love*. How long ago was this Letter?

Major *Alford*. I think it was at that Time the King was at *Jersey*, I cannot remember the Month, I think about two Years ago.

Mr. *Love*. Was the Letter sent to me, or was it received by me?

Major *Alford*. I did not say it was. I gave the Paper I brought over from *Titus* to *William Drake*; and some two or three Days after, when we did meet at your House, Mr. *Drake* read those Papers, for he told me they were the same, but I cannot tell they were the same.

Mr. *Love*. I desire he may be asked, whether I did give my Consent to the sending the pretended Commission he speaks of?

Major *Alford*. Truly, there was not any Man's particular Assent asked, that I know of.

Ld *President*. Was it not agreed in the general, that it should be sent over?

Mr. *Love*. I pray ask him this Question, did not I dissent from sending the Commission?

Major *Alford*. I do not remember it.

Mr. *Love*. For the Business of Money, he saith there was Two or Three Hundred Pounds raised: Do you affirm I raised a Penny?

Major *Alford*. I did not say it was raised, but I say it was there propounded to be raised.

Ld *President*. This he did say, there was a Proposal for the doing of it, and you did persuade the doing of it; and he left Ten Pounds with his Man afterwards.

Mr. *Love*. Ask him whether there was not a Letter at that Time read, that *Massej* was withdrawn at that Time in Discontent from the Court?

Major *Alford*. I do not remember that Particular.

Mr. *Love*. Ask him whether the Money was sent to buy Arms, or raise Forces, or only to supply his Wants, he not having a Livelihood.

Major *Alford*. It was not for Arms, but it was for *Massej* and *Titus*, to supply their Necessities.

Mr. *Love*. But he proves not that I lent any.

Major *Alford*. I do not say you did.

Attorn. Gen. Observe, Sir, there was a Letter for Arms at Mr. *Love*'s House, read there, and Mr. *Love* did propound Three Hundred Pounds to be raised, and press'd the doing of it accordingly. Major *Alford* did likewise lend Ten

Pounds; you may believe there hath been tampering with this Witness too. My Lord, ask Major *Alford* whether there was not a Letter brought to him by his Sister.

Major *Alford*. My Lord, after I had Liberty for my Wife to come to me, she did give me a Paper, which I knew was my Sister's Hand; if I saw the Thing, I could tell, but it did miscarry.

Capt. *Fisher*. My Lord, the Messenger is here in the Court that did take the Letter, of which this is the true Copy Word for Word.

[Major *Alford* withdraws, and Major *Huntington* is called into the Court, and is sworn.]

Ld *President*. What do you know about Mr. *Love*'s House, about the Commission, and Captain *Titus*?

Major *Huntington*. My Lord, I can say, that about *March*, 1648, I met with Major *Alford*, and he told me that *Titus* was in Town, and asked me if I knew him, and I told him Ay; and asked him where he was. He said he was newly come from beyond Sea, from the Fry, there being Alderman *Bunce*. I asked him where he was; he said little to me; but he said he was to meet him the next Day at the *Swan* at *Dowgate*; that there was to be some Citizens in order to those Gentlemen beyond the Seas, to speak with him there. I did meet, and the Citizens there, were Col. *Barton*, Col. *Vaughan*, Captain *Massej*, Lieut. Col. *Bains*, and I think *Hollis* his Man, I am not certain of it; but Captain *Far* was there. The Business at that Time, was only Commendations from their Friends there; and to tell them that he was commended to their Acquaintance. And afterwards, he grew into very high Praises of the Prince, and that he had the Knowledge of it from a *Scotch* Lord, I know not his Name. After this, He told them the Prince was running very unhandfom Courses, and they had very great Hopes his own Inclinations did not lead him to it, but it was the malignant Party about him, that had a Prevalency over him there, as over his Father here; but he did rather incline to join with the *Irish* Rebels, and did believe he would incline that Way, unless he could get something from hence, to divert him from it: whereupon he did hope they would all set themselves that Way, and that he would get Letters from Persons of Honour (whom I know not) that should persuade him into a good Belief of the *Scots*, and to take the Covenant. After this, there was a Meeting again, I think fourteen Days after, at the *White-Hart* in *Breadstreet*, and there I met too. In the Time that I was there, I did understand there had been a Meeting or two before, in order to the Business; and Captain *Titus* did declare, he had now again Letters from Persons of Honour, to send to my Lord *Piercy*, and did hope they would set something a-foot amongst themselves of the like Consequence: for *Massej*, *Bunce*, and *Graves* could see no Way under the Heavens but for the King to take the Covenant, and join with the *Scots*, and to engage the covenanting Party here. And to that Purpose, he draws forth a Paper that did purport that they were bound in Honour and Justice, and Conscience, and I think Loyalty, to maintain him in his just Rights, if he would go and join with the co-

venanting Party in *Scotland*; and that he had no other way under God but that: which if he did, they took themselves bound in Conscience to help him to his just Rights. Upon this, Lieut. Col. *Bains* makes objection to it, and said, it was a Malignant Business, and did fear there was no good Design in the thing; and thereupon they did break up. I cannot tell whether it was sent or no, for they were afraid he would betray the Business.

After that, I was told by Major *Alford*, that *Bains* told them he was very sorry he should meddle in that Business, and that they would never prosper that had any thing to do with him, for that the Sins of him and his Father were so great: whereupon they were very wary, and afraid he would discover the Business. And he, I think, knew no further. After this, I did understand this Letter was sent to the Prince, and I was told so by Major *Alford*, that it was sent in the name of the secluded Members, and Ministers, and Citizens, and Soldiery, and Noblemen; I remember it fetch'd a great compass. Whereupon when the Prince saw this Letter, and had it from my Lord *Piercy*, he stormed at it, and said, Who are these Noblemen, and the rest? What can they do for me? Can they raise me Ten Thousand Men? Whereupon there was nothing done, but *Titus* retired himself to his Mother's House, and there lived about three quarters of a year, and came to Town after, and did solicit his own Business. A little after this, I heard (upon the Business of the *Scots*) that there was another Letter sent, that did begin the thing again, and now the Prince had considered of the thing, and sent over the Letter, and I heard, that it was to the Ministers of *London*. I did not see the Letter, but *Alford* and *Drake* told me it was so. After this *Titus* was sent away, and that with a Sum of Money, as I heard; who lent the Money, I cannot tell, and what Sum I know not: but presently after this, I coming to Town out of the West in *March* 1649, in the beginning of *March*, the day of my coming to *London*, after I had been here one or two days at most, I met with *Hollis's* Man in *Fleet-street*, I do not know his Name; he met me, and I asked him, what News? He told me, he wonder'd that I was a Stranger, and asked him what News: Saith he, If you come to Mr. *Love's* House, you shall hear News. What is your Business there, said I? He said, it was to pray together, and to hear the News. I went about Nine of the Clock, and Prayer was over, and the News a great part was over: but after I did come there, that I did hear was this; *William Drake* pulled a Paper out of his Pocket, that I understood he had put into his pocket, or withdrawn, because of a Stranger, and afterwards he took it out again. The Substance of the Paper was to this purpose, as I remember, it was in Characters, and pulled out of his pocket, and by him read: 'In the name of the Commissioners commissionating the Lord *Willoughby* of *Parham*, Major-General *Maffey*, Colonel *Graves*, Captain *Titus*, and Alderman *Bunce*, in order to the Treaty, in the behalf of the well-affected Party in *England*; and these to join with the *Scotch* Commissioners, according to such Instructions that should be therewith inclosed.' And somebody asked him, What power have we to give such a Commission? It

was answered again by *William Drake*, That we have the King's Command for it, and we have likewise the Authority of some prudent Parliament-Men, whom we look upon (saith he) beyond the power of them that now sit. Whereupon Mr. *Love* replies, Come, come, let it go; And after that, I knew nothing.

*Attorn. Gen.* Repeat that again.

*Huntington.* When the Question was asked, What power have we to send or give Commission? saith *Drake*, We have the Command of the King to do it; besides, we have the Authority of secluded Members. Whereupon Mr. *Love* replied, Come, come, let it go.

Mr. *Love.* Pray ask him this one Question, Were there no Speeches between *William Drake's* Wards, and those Words he pretends were mine?

*Huntington.* I remember none.

[*Huntington* withdraws, Lieut. Col. *Bains* is call'd into the Court, and is sworn.]

*Ld President.* Speak what you know of this Business.

*Bains.* My Lord, concerning any thing that came from *Scotland*, I never knew any thing, nor did I ever hear any thing. For *Dowgate*, I was at two Meetings at *Dowgate*: At the first Meeting there was a Person that I did not know, which at the second Meeting I was told was Captain *Titus*; and he at that Meeting (where there was nine, or ten, or more, or thereabouts) he did propose something to be done, in order to the restoring or preserving the Presbyterian Interest, by way of Application to the King, as he called him, and did advise it to be by way of Petition, and that he conceived to be the only way to preserve the Presbyterian Interest in *England*; and that way would be the way to assure him, he had a considerable Party in *England*. And he did use many Arguments, as a Duty lying upon us by our Covenant, to apply ourselves to him, and he offered to draw up a Draught of a Petition against the next Meeting to that purpose: And he said, it was necessary something should be done by some Parliament-Men, and some Ministers, and some Citizens, that were leading Men, Men that thereby he might be assured that he had a Party, and that considerable. At the next Meeting, which was suddenly after, he did produce a Paper, which, as I remember, was in Short-hand; a Petition, which was to the Purpose I have hinted. There were several Debates, whether it should be signed or not signed, and myself and two more disliked it; and before he read the Paper, he began to commend the Good-nature of the King, what good Affections he had; and likewise did say, there was a necessity something should be done to the Queen, and *Fermin*, and *Piercy*; who, he said, were our Friends, that they should stir him up to comply with the *Scotch* Commissioners. And upon this, there was myself, and two more there present, (I hope it sat upon them as upon myself) disliked the Business; and from that time, for my own part, I never heard any thing. The Heads of the Petition I cannot suddenly remember. This Paper carries the Sum and Substance of the Business.

[The Clerk shews him a Paper, which he had formerly given in.]

*Bains.*

*Bains.* This Paper, if it be not interlined since, it was of my own dictating, and writ with my own Hand. [He looks upon the Paper.] I see no alteration made at all.

*Ld President.* And this you deliver upon Oath?

*Bains.* Yes, upon my Oath, to the best of my remembrance. And as to the Prisoner, I can say nothing.

[*Bains* withdraws. Major *Adams* is called into the Court and sworn.]

*Ld President.* Declare your Knowledge in this Business.

*Adams.* Touching Alderman *Bunce* and *Mason*, I know something by relation touching the Correspondency with them.

*Ld President.* Tell the manner of it.

*Adams.* I conceive it was carried on by Mr. *Drake*, that is now absent; and in *Scotland*, by one *Bailey*.

*Attorn. Gen.* What do you know of *Mason*, and of Letters sent by him?

*Adams.* *Mason* I do know, and I do know he did receive Letters.

*Ld President.* From whom?

*Adams.* He said, from my Lord *Piercy*.

*Attorn. Gen.* To whom were those Letters communicated here?

*Adams.* They were communicated to Mr. *Drake*, and by Mr. *Drake* to myself, and Mr. *Alford*, and Capt. *Potter*, and Capt. *Far*.

*Attorn. Gen.* Was Mr. *Love* privy to it?

*Adams.* I cannot say that, my Lord.

*Attorn. Gen.* Were there not Letters sent to *Scotland* to them, and back again hither, about sending moderate Propositions to the King?

*Adams.* There was such Letters.

*Ld President.* Who writ them?

*Adams.* That I cannot tell.

*Ld President.* Had Mr. *Love* a hand in them?

*Adams.* I cannot say he had: I cannot prove a Negative, I cannot say he had not.

*Attorn. Gen.* What know you of the Petition sent to the King?

*Adams.* I know nothing of it, only, I was told of it.

*Ld President.* Who told you of it?

*Adams.* I cannot, my Lord, fix it upon any particular Man, but I believe I was told of it by *Alford*, or *Far*, or *Bains*: for I was not there at that time.

*Ld President.* What do you know about the Meeting at the *Swan* at *Dowgate*?

*Adams.* My Lord, I was not there.

*Attorn. Gen.* Then, my Lord, he may tell you what he doth know.

*Adams.* My Lord, upon our meeting in some place or other, I cannot tell where, I cannot tell the time, nor the place, but either at the *Swan* in *Fish-street*, or at the *Swan* at *Dowgate*, or in *Cateaton-street*: in one of these three places, I cannot punctually remember.

*Attorn. Gen.* Who was at that Meeting?

*Adams.* Mr. *William Drake*, Captain *Titus*, Major *Alford*, Captain *Far*, Captain *Potter*, and myself; and I do not know how many more, or whether any more or no.

*Ld President.* What pass'd there?

*Adams.* It was there agreed, that Captain *Titus* should go over to *Jersey*.

*Attorn. Gen.* What was he employed about?

*Adams.* The End of his going was to endeavour to work an Agreement between the King and *Scots*, according to the Covenant; that was the End that was propounded. And in order to his going, we did agree to furnish him with Money for the present, and made some kind of Promise to maintain him while he was out.

*Attorn. Gen.* What Money was he furnished with?

*Adams.* I cannot be punctual in that, but about a Hundred Pounds.

*Attorn. Gen.* Who should pay it?

*Adams.* I paid Twenty Pounds of it, but I cannot tell who paid the rest.

*Attorn. Gen.* To whom did you pay it?

*Adams.* To Mr. *Drake*.

*Attorn. Gen.* My Lord, ask him whether when this was sent to *Jersey*, was there not a Return made?

*Ld President.* Well, go on: There was your Twenty Pounds gone?

*Adams.* This is the Substance of what I can say of his going.

*Attorn. Gen.* Was this Twenty Pounds that you laid out of your own, or did you collect it of some of the rest, or did you gather any of it again?

*Adams.* I cannot say that I did.

*Ld President.* Did you not?

*Adams.* My Lord, I tell you the Truth, I do not know whether I did or no; for I remember, it was determined that we should gather it at that Meeting.

*Attorn. Gen.* Did not Mr. *Love* know of the Collection?

*Adams.* I cannot say he did; it may be he might, but I dare not say upon my Oath, that he knew of it.

*Attorn. Gen.* Ask him what Return *Titus* made, what Answer, and what Account he gave.

*Adams.* Major *Alford* went to *Calais* to meet *Titus*, and *Titus* did send Word that the Council of State heard of his being there, and thereupon desired that somebody might be sent over to him; for he had something to communicate, which he could not well do by writing, and thereupon Mr. *Alford* was sent.

*Attorn. Gen.* My Lord, ask him where the Letter was read.

*Adams.* The Letter that *Titus* sent, was read by Mr. *William Drake*.

*Attorn. Gen.* Where?

*Adams.* At his House, as I think, for I cannot certainly remember. I did not say upon my Examination, that it was read any where.

*Attorn. Gen.* Whether were not you moved to go?

*Adams.* There was some Motion to that end, I think in Mr. *Love's* Chamber.

*Ld President.* Who moved it, and where?

*Adams.* Who moved it, I cannot tell; it was moved, I think, in Mr. *Love's* Chamber.

*Attorn. Gen.* Was Mr. *Love* there?

*Adams.* He was there?

*Attorn. Gen.* Did Mr. *Love* move it?

*Adams.* I cannot say he did.

*Ld President.* He will not say it.

*Adams.* I cannot say it, upon my Oath.

*Attorn. Gen.* My Lord, so much he saith, That it was moved in Mr. *Love's* Chamber: then he may give you an Account of Mr. *Alford's* Return, and where the Account was given.

*Adams.*

*Adams.* The Return of Mr. *Alford's* Account was given at Mr. *Love's* House.

*Ld President.* What was it?

*Adams.* The Return he made in general was by a Narrative, and a Copy of a Letter from the King: there was with the Narrative that which was said to be the Copy of a Letter from the King.

*Ld President.* What was the Substance of that Letter?

*Adams.* The Contents of the Letter, as I remember, was, First, he express'd a great deal of Affection to the Ministry of *England* in general, and promised great Favour when he was in a condition to do it, and desired them to continue steadfast in the way they were in.

*Attorn. Gen.* Was this Letter published at Mr. *Love's* Study?

*Adams.* It was read.

*Ld President.* Was Mr. *Love* there?

*Adams.* Truly, to be positive that Mr. *Love* was there, I dare not say; but Mr. *Love* was there at that Meeting, either at the beginning or ending; but whether the Letter was read at Mr. *Love's* House, I dare not swear. The Narrative from *Titus* was a very long one, and very well drawn, I cannot give an account of it now: the whole of it was after this manner; To give an account to us of all the Transactions that had happened since his going out of *England*, he did give an account of his Usage by the Cavalier Party, that was against the King's Agreement with the *Scots*, because there was some did incline to his Agreement with them, and there was another Party was much against it; and he gave a very large account of that. After that, he went on describing his Disposition and Condition.

*Attorn. Gen.* This was the Substance of the rest. Was there not some Propositions for giving of Thanks to *Titus*, for his so well managing his Affairs there?

*Adams.* There was a Motion made by somebody.

*Ld President.* Who made the Motion?

*Adams.* I cannot tell.

*Attorn. Gen.* Was not a Hundred Pounds more to be sent agreed upon there?

*Adams.* I think so.

*Attorn. Gen.* There was more Money contributed: Who agreed to lend any?

*Adams.* Sir, to that Question, I cannot say who propounded it: but that there was Money sent.

*Ld President.* Who contributed?

*Adams.* I did my share.

*Ld President.* How much was that?

*Adams.* As I remember, Ten Pounds?

*Attorn. Gen.* To whom did you pay it, and where did you pay it?

[Then they shew'd him his Examination.]

*Ld President.* Come, look upon it, and be well advis'd.

[*Adams* looks upon his Examination.]

*Adams.* I paid it to Mr. *Drake*, at his Father's Shop in *Cheapside*.

*Attorn. Gen.* Next about the Commission and Instructions to be sent, what do you know of that? When this Letter was read from the King, and publish'd in Mr. *Love's* Study, whether was there not a Commission agreed upon, to give Instructions to treat with the King at *Breda*?

*Adams.* There was a Motion made at Mr. *Love's* House, that there should be a Commission and Instructions drawn and sent. The Mo-

tion was made at Mr. *Love's* House; they were there spoken of.

*Ld President.* By whom? Who did the Dialogue run between? Did Mr. *Love* do it?

*Adams.* Truly, for my part, I did not then take such special Notice, that I dare at this time upon my Oath deliver any thing positively against any particular Man; but generally all spake something, as I remember.

*Attorn. Gen.* Was there any Debate to mend the Instructions?

*Adams.* Truly, Sir, not as I remember.

*Attorn. Gen.* Did not Mr. *Gibbons* bring the rough Draught of the Commission?

*Adams.* Truly, I think he did; as I remember he did. I have spoken of the Commission and Instructions that were debated then and there; and that many of these Persons, here mentioned, were there: But that some of them mentioned might not be there then, is very likely.

*Attorn. Gen.* Was Mr. *Love* there?

*Adams.* That he was there some part of this time, I am very confident.

*Ld President.* Was it in his Study?

*Adams.* It was.

*Attorn. Gen.* Was there a Commission agreed upon to be sent?

*Adams.* For the Word *Agreed*, I cannot tell what to say to it: *Agreed* holds forth as if a Vote passed.

*Ld President.* Was there not a general Consent?

*Adams.* Being upon my Oath, I desire to be cautious; for I must be tender in speaking the Truth in this Case; and I do not know what to make of the Word *Agreed*.

*Ld President.* Was it approved of?

*Adams.* To my Understanding, the Thing was thus: That at such Meetings as these we were not absolutely formal, as if we had been established by a Court of Justice to act thus; and that there should be Prefaces, and such Things, or such Methods observed, as that any Man undertook to make a Preface either at the Beginning or Conclusion; but it was spoken to by many Persons, and by every Person spoken to: And in this Sense it was agreed.

*Attorn. Gen.* Were there not Instructions agreed upon; and all this in Mr. *Love's* Study?

*Adams.* It was so?

*Ld President.* Were they not read there?

*Adams.* I think they were.

*Ld President.* Who read them?

*Adams.* I cannot tell who read them; but they were read: And I think Mr. *Drake* read them.

*Attorn. Gen.* What was the Contents of the Commission?

*Adams.* The Contents or the Substance of the Commission was to this effect: [This he reads out of his Examination.]

' We, the Presbyterians of *England*, do authorize you the Lord *Willoughby* of *Parham*,  
' *Edward Massey*, *Richard Graves*, *Sylas Titus*,  
' and *James Bunce*, to assist our Brethren the  
' *Scotch* Commissioners in their Treaty with the  
' King, according to the Instructions annexed.'

I dare not swear it in these Words; but to this purpose it was. The Substance of the Instructions were to use all the Arguments they could, to move the King to give the *Scotch* Satisfaction, and to take the Covenant: Such Arguments

guments were mentioned as the then Condition of Affairs best afforded, particularly how Things stood in *England* at that time; which did all of them cry out for an Agreement, and gave them full Power as to all Things; and what should be concluded by them, should be confirmed by these here. But I cannot say so; but what Words were, were to this purpose, saving this Conclusion, That what was concluded should be confirmed here: I do not remember that.

*Attorn. Gen.* Was there not some Debate by what Warrant they should act in this Commission and Instructions?

*Adams.* There were some such Words at the Meeting.

*Ld President.* What did Mr. *Love* say?

*Adams.* I cannot remember what Mr. *Love* did say; or whether he said any thing, or nothing at that time: But that there were such Words said, I have said; but by whom, I cannot fix it upon any particular Person.

*Attorn. Gen.* Was it not debated by what Warrant they should derive Power to themselves to send this Commission?

*Adams.* There was such Language; but by whom I cannot say; I think by *William Drake*. It was because the King had writ this Letter, wherein he desired there should be such Instructions. There was something spoken of the secluded Members; but by whom, I do not know. There was a Proposition whether the Authority should be taken from the secluded Members, or from some other.

*Attorn. Gen.* Did not Mr. *Love* then say, Come, let it go on?

*Adams.* I dare not say so.

*Attorn. Gen.* Was it not propounded at the Meeting to write to the Queen, and to *Jermin* and *Piercy*, for them to mediate with the King to agree with the *Scots*?

[*Adams's* Examination was here again read.]

*Adams.* My Lord, so much of this as I think to be true, I shall own.

*Attorn. Gen.* Was not a Letter writ from *Piercy*, that a considerable Sum of Money was fit to be sent to the King? And what Answer was given? Was it not to be done till the King and the *Scots* should agree, and then to raise the Money?

*Adams.* That there was such a Letter writ, I must needs acknowledge.

*Attorn. Gen.* Where was it read? At Mr. *Love's* House?

*Adams.* No certainly: I only saw it in *Mason's* own Hands; and I remember he shewed it me.

*Attorn. Gen.* Next, ask him whether there was not a Letter written about *August* last to some here, that *Massey* had Back-Friends in *Scotland*, complaining he could not be promoted there.

*Adams.* I did understand there was such a Letter; but by what way, I do not know.

*Attorn. Gen.* Was not the Letter communicated at Mr. *Love's* House? And were not you present when this Letter was read at Mr. *Love's* House, wherein *Massey* complained he had Back-Friends in *Scotland*?

*Adams.* No certainly: That Letter was not, to my Remembrance, read there. I heard of such a Letter, but saw it not.

*Attorn. Gen.* My Lord, ask him whether he was not appointed to draw up some Letters.

*Adams.* There were some I should have had a hand in drawing.

*Attorn. Gen.* Who were appointed with you?

*Adams.* As I remember, Captain *Potter*, Captain *Massey*, and Mr. *Gibbons*.

*Attorn. Gen.* But was there no Meeting upon it? Was Mr. *Love* named?

*Adams.* Mr. *Love* was not named.

*Attorn. Gen.* Was there not one *Sterks*, a *Scotch* Agent here, that kept Intelligence from *Scotland*?

*Adams.* I know there was such a one, we took to be an Agent here.

*Ld President.* Did he meet at your Meetings?

*Adams.* Yes, he did meet sometimes.

*Attorn. Gen.* Was he at Mr. *Love's* House at any time?

*Adams.* That he was.

*Attorn. Gen.* When the Act came forth for banishing the *Scots*, was there not a Collection for his Charges? And were not you at Mr. *Love's* House when it was agreed to?

*Adams.* I was not.

*Attorn. Gen.* Did you contribute Money?

*Adams.* I did contribute ten or twelve Shillings; I cannot tell which.

*Attorn. Gen.* What Discourse upon *Dunbar* Fight was there from this Person that is already spoken of?

*Adams.* This is the Thing: if you please to help my Memory; for there are so many Particulars in this Correspondency, that I cannot tell whereabouts it is I am to speak to; I am very uncertain whereabouts it is I am to speak to.

*Ld President.* Speak the Certainty as it was in your Breast.

*Adams.* My Lord, if it be doubtful to me, how can I be certain, and charge it upon my Memory?

*Ld President.* Speak the Truth.

*Adams.* I will speak the Truth.

*Ld President.* Do so then.

[Here again *Adams* looks upon his Examination.]

*Adams.* There is some of it I did set down, that I dare not own upon my Oath: I then did deliver it so, when I set it down.

*Attorn. Gen.* Did Mr. *Love* know that this *Scotchman* was the *Scotch* Agent? Did you not take notice that Mr. *Love* took notice of him?

*Adams.* I do think he did; as far as I understand, he did.

*Attorn. Gen.* Did not Mr. *Love* generally tell you the Cause of the Meetings?

*Adams.* No, Sir.

*Attorn. Gen.* Did you not hear Mr. *Love* say that this *Sterks* was the *Scotch* Agent?

*Adams.* I never heard Mr. *Love* say so; but I knew this, that by our usual Meetings Mr. *Love* did understand him, as I did, to be the *Scotch* Agent.

*Attorn. Gen.* How often did you meet at Mr. *Love's* House.

*Adams.* I cannot tell: It may be seven, or eight, or ten Times: An uncertain Time.

*Attorn. Gen.* He was at Mr. *Love's* Study?

*Adams.* Whether so many Times, I know not.

*Attorn. Gen.* My Lord, ask him whether it was not at Mr. *Love's* Study, when Money was propounded to be raised for *Massey* and *Titus*.

*Ld President.* Was that in Mr. *Love's* Study?

*Adams.*

*Adams.* I cannot tell whether it was in his Study, or in the Lower Room: I am apt to believe it was in the Lower Room.

*Attorn. Gen.* Was Mr. *Love* there?

*Adams.* Certainly he was there.

*Ld President.* What was the Contents of the Letter?

*Adams.* The Contents of the Letter I cannot remember.

*Attorn. Gen.* Whether did it not declare the Poverty of his Condition? And was it not after *Dunbar* Fight?

*Adams.* Yes, it was.

*Attorn. Gen.* Was this Letter from *Massej* read at Master *Love's* House? Was this for Money?

*Adams.* It was.

*Ld President.* Was it agreed for Money to be raised?

*Adams.* If you take the Word *Agreed* as I formerly propounded, it was so.

*Attorn. Gen.* How was the Money to be raised, and in what manner?

*Adams.* It was by those that were privy to the Contribution.

*Attorn. Gen.* Was not Mr. *Love* there? And did not he write down the Sums that were to be contributed?

*Adams.* This I must needs say, That Master *Love* had Papers in his Hand, and he did write something; but I did not see what he did write: And every Man did write that was there.

*Attorn. Gen.* Did not you conceive so, That Master *Love* summed up every Man's Sum? Did he put the Letter of their Names before them, when he writ the Sums?

*Adams.* I cannot say that.

*Attorn. Gen.* Was not there a Letter penned by Master *Love* and Doctor *Drake*?

*Adams.* To that Question, I must say there was a Letter; but I cannot deliver it upon my Oath that it was penn'd by Master *Love* or Doctor *Drake*: But it was taken to be so; and I thought it was so.

*Attorn. Gen.* To whom was that Letter directed?

*Adams.* I cannot tell to whom,

*Attorn. Gen.* To whom was it declared to be directed? To whom was it declared to be written?

*Adams.* To the General Assembly and Kirk of *Scotland*.

*Ld President.* Was this at Mr. *Love's* House too?

*Adams.* It was so.

*Attorn. Gen.* Was Mr. *Love* present, and did approve of it?

*Adams.* Mr. *Love* was present at some time of this Meeting. The Reason why I thought it to be of Master *Love's* or Doctor *Drake's* drawing, was nothing but merely the Language of it, it being in order to promote the Ends of the Covenant; and all the whole Language was couched to that purpose; and taking notice of the want of Respect to *Massej* and the *English*, and of their being beaten.

*Attorn. Gen.* My Lord, this is very high: For he tells you this Letter was approved of, and directed to be sent; and this was after *Dunbar* Fight, after we were engaged in Blood.

[Here *Adams* read out of his Examination, as followeth:]

*Adams.* There was also a large Letter, in the

nature of a Declaration, penn'd by Master *Love* and Dr. *Drake*, and approved of by most of the Presbyterian Party, Ministers, and others, and directed to the General Assembly and Kirk of *Scotland*, subscribed by none: Which contained the Substance of what was declared by *Titus* and *Massej*; but durst not promise any great Sums of Money till they appeared more considerable, and grew nearer Action. The Business required higher Spirits than was for the present; and the Business required a considerable Sum: But to leave no Means unattempted when the Business was feasible. [So far he reads.]

*Attorn. Gen.* Major *Adams* is now upon his Oath to tell you.

*Adams.* My Lord, as well as I remember, it did put forth much after this sort: But I cannot swear it in these Words; but that is the Substance of it.

*Attorn. Gen.* Was not this agreed and declared at Mr. *Love's* House, that such a Letter should be written to the Honourable Committee, and to the Kirk?

*Adams.* I answer that, after the same manner as all other Things are agreed at such Meetings as this is: But I have no ground, and do not know why I should say Master *Love* and Doctor *Drake* penn'd it.

*Attorn. Gen.* Ask him for the Substance of the Letter; whether it were not as he hath told you; and whether he did not say they could not promise a considerable Sum of Money.

*Adams.* Certainly, either in that Letter, or some other, there was some such Expressions.

*Ld President.* Well, it was about that Time, and in that Letter, or in some other Letter, and at Mr. *Love's* House.

*Attorn. Gen.* My Lord, ask him if there was not an Agent come from *Scotland*, and a way laid at *Kendal* for a Correspondency between these Gentlemen here and some of *Scotland*; and whether one *Groves* was not sent thither.

*Adams.* That was something obscure: That there was such a Thing, I do verily believe, because it went amongst us for a Truth; but how to make it out for a Truth, upon my Oath I cannot tell.

*Ld President.* Did Mr. *Love* know of it?

*Adams.* I do not know.

*Attorn. Gen.* Ask him what he knows concerning Colonel *Bamfield's* Man coming hither.

*Adams.* Concerning that, I know nothing: But I confess I had some *Item* that at that time there was something found. And this is all I can say to that; I cannot guess the Time.

*Attorn. Gen.* Was it after the Fight at *Dunbar*?

*Adams.* Yes, that it was.

*Attorn. Gen.* Were the Meetings at Mr. *Love's* House?

*Adams.* I cannot say all: But all that I know of were.

*Attorn. Gen.* Ask whether upon the large Letter *Massej* did not write that Things were well settled in *Scotland*.

*Adams.* Many of these Things were understood so, and taken for granted amongst us; but I can say no otherwise: I thought it to be so; but I know not.

*Attorn. Gen.* Were you not present at Mr. *Love's* House, when these Letters were read, that they were in a hopeful Condition?

*Adams.* I cannot say so.

*Ld President.* What can you say?

*Adams.* As before, That it went for a Truth amongst us: And that is as much as I can say to it.

*Attorn. Gen.* Was there not a large Letter inviting your Friends to Union?

*Adams.* I understand the other Letter to be this you propound to me now.

*Attorn. Gen.* Now we speak of a Letter from Alderman *Bunce*, and others.

*Adams.* I cannot speak particularly to that; for I did not see them; but they were told me by one or other of those that were of the Correspondency: And this is all I can say.

*Ld President.* What is the Truth? Do you conceive it is so?

*Attorn. Gen.* My Lord, we shall not trouble him with that. My Lord, ask him one Question more: What did Mr. *Love* tell you, that if the Presbyterians got the upper hand again?

*Adams.* Those words, I think, did but amount to this, That if the Presbyterians were in Arms again, by the Blessing of God, the Cavaliering Party might be prevented from getting the day.

*Ld President.* Who do you mean by the Correspondents?

*Adams.* By Correspondents I mean *Alford*, *Potter*, *Far*, &c.

*Ld President.* Was not Mr. *Love* one of them?

*Adams.* I took him to be so, my Lord.

*Mr. Love.* My Lord, I pray ask him, whether any of these pretended or supposed Letters were ever received by me, any one of them, or that I writ one of them, or mended one of them.

*Adams.* I cannot say that ever I saw him do any such Thing; nor did I ever see him write any.

*Ld President.* But you saw the Letters there?

*Adams.* That I have said.

*Mr. Love.* Ask him whether I gave my Consent to the sending away of this he calls a Commission and Instructions, about the time of the Treaty at *Breda*.

*Adams.* No, I will not swear that; and upon my Oath I cannot.

*Ld President.* Will you not? I will press you to nothing. You said even now, you did not know he did send them away; but you did say he was privy to them, and to the Debates of them. Did he declare any Dissent?

*Adams.* I cannot say that.

*Mr. Love.* Will you ask him this Question? Whether he read the Letters that he pretends were sent into *England* or *Scotland*, or whether he heard them read?

*Ld President.* That he swears.

*Adams.* I did not swear that these were the Contents of them exactly: I was there when these Letters were read.

*Mr. Love.* He only heard them read.

*Ld President.* If there were half a score that had Correspondency, and received Letters, and come together, and one of the most confiding Men read them; will any Man say that he will not believe these were right read? Such a Hear-say as this, is such a Hear-say as you may take notice of.

*Mr. Love.* But let him prove how it was a Correspondency on my part.

*Adams.* I did not say that Mr. *Love* was one of the Correspondents; I deny that I said so: I said I conceived him to be so; but that is not that he was so.

VOL. II.

*Ld President.* They did debate together, and met together, and received Instructions; and therefore he may very aptly conceive he was a Correspondent.

*Mr. Love.* Doth he swear that I assented?

*Adams.* I did not swear so.

*Mr. Love.* He saith Money was sent to *Titus*; pray ask him whether by Agents I employed.

*Adams.* I cannot say so.

*Mr. Love.* Here is no Proof at all that ever I received Letter, or writ or sent any Letter. Pray ask him if I knew before they came to my House, that they would bring such Letters with them. Do you swear that I was present in the Room at the time that the Letters after the Defeat at *Dunbar* were sent, wherein there was, as you say, a Promise of Assistance?

*Adams.* You were there some part of the while.

*Mr. Love.* Ask him whether he was not threaten'd with Death in case he would not, and promised Favour in case he would, bring in Evidence against me.

*Adams.* I cannot say I was threaten'd with Death to that end.

*Mr. Love.* I shall bring a Witness that shall prove from his own Mouth, that he hath confess'd, If he did not bring in Evidence against me, he should be hanged.

*Adams.* It is true, *Percival* did come to me, and I did say to him, That upon Examination, I did say, if I were not ingenuous, I was threaten'd to be hanged.

*Attorn. Gen.* When a Man is a Traitor, and doth confess he deserves Mercy.

*Mr. Love.* Ask him whether he hath not received Money to give in this Information against me.

*Adams.* I have not.

*Mr. Love.* Did not some Messenger come to you, some Months ago, from some Members of the Council of State, and told you you were poor, and should be ruined if you did not confess it? He had three Messengers sent unto him from the Council of State, or some of them, that told him, If he would not confess, he should be ruined.

*Attorn. Gen.* Did you receive Money, or were there Promises made to you, to testify against Mr. *Love*?

*Adams.* Upon my Oath I did not.

*Mr. Love.* Hath he never come to Mr. *Scot's* Chamber? Did he not come a Month before I was committed, being brought there by Major *Cobbet*? And whether he hath not received Money from Major *Cobbet*? I desire that Major *Cobbet* may be called upon his Oath, to know whether he hath not given him Money to bring in Information against me: For he hath taken notice of all Facts, and of all Things done, and hath brought all to Mr. *Scot*. I know, by Information, that this *Adams* is a hired Witness. Sir, this Man is a *Tobiab* and a *Sanballat*: Some Men have hired this Man against me. I desire Major *Cobbet* may be called.

*Ld President.* He did, and might do it: But did he it to testify against Mr. *Love*? I hope a State, that watches the Nation, may watch for the Safety of a Nation.

[Mr. *Cobbet*, a Major of the Army, is called into the Court, and is sworn.]

Q

Mr.



Mr. *Love*. Pray ask him whether he hath not at any time, within this three Months, given any Money to Major *Adams*, to acquaint Mr. *Scot*, or the Council of State, with this Design, as 'tis called.

Major *Cobbet*. My Lord, I must and do deny that which this Gentleman doth aver: And truly I wonder at his Boldness, in the Presence of this Honourable Court. I do know Major *Adams*, and have known him a long while; and commiserating him, as being a Prisoner, I lent him ten Pounds; but for no consideration that he should betray Mr. *Love*, or any Man. I paid the Money to his Wife.

Mr. *Love*. He paid it, he saith; how then did he lend it? And he paid it to his Wife: That was to cover the Bribery. But did not you discover to this Man, if he would reveal it to Mr. *Scot*, what Recompence he should have of him? Did not you, walking in the Fields with him, desire him to reveal what he knew; and promised him if he did, he should be a Man preferred?

Major *Cobbet*. I have been acquainted with Major *Adams* this four or five Years, and met with him in the behalf of the Presbyters, understanding there was something was driven on dangerous to the Commonwealth; and I thought I was bound in Duty to requite them, if it were possible, for their Pains of Discovery. And I laboured with him that he would deal so honestly with himself and the Commonwealth; as to let the Commonwealth know what he did know of this Design. Accordingly he gave me some notice; and I said to him, Major *Adams*, if I find you ingenuous, if there be any thing that I can do for you, I shall be ready to serve you by Night and by Day.

Mr. *Love*. It appears then that the ten Pounds was not lent to Major *Adams*, but was paid him for his Discovery: So that 'tis clear he is a hired Witness. And have you not brought him to Mr. *Scot*'s Chamber with Promises of Preference?

[No Answer to that Question.]

[The Lieutenant of the *Tower* is commanded to withdraw his Prisoner; and the Court adjourns till to-morrow.]

*The second Day's Proceedings, July the 21st, 1651.*

THE Court being sat, Colonel *West*, Lieutenant of the *Tower*, was commanded to bring forth his Prisoner; and Mr. *Love* was brought to the Bar.

Master *Jaquel* was called into the Court, and the Clerk tendered him his Oath; and Mr. *Jaquel* spake to the Court to this purpose:

That there were many Oaths abroad, and he could not tell what to say to them; and he desired to be excused. The Lord President told him that he could not be excused. Mr. *Jaquel* said he was a Prisoner, accused of the same Offences that Mr. *Love* was accused of; and that he conceived he was not a competent Witness against him. The Court again press'd him to take his Oath, Mr. *Jaquel* said that he durst not in Conscience swear against Mr. *Love*; and therefore desired it might not be press'd upon him. The Court still persisted in it, that he must take

his Oath, and witness what he knew. He answered, he would speak the Truth of what he knew, as well as if he was under an Oath. The Court told him that that could not be: for if he did not swear, what he should say could not be received as any thing in matter of Evidence. Mr. *Jaquel* still persisted in his Refusal. When the Court saw he could not be otherwise prevailed with, they fined him five hundred Pounds for refusing to swear. And Mr. *Jaquel*, after he was withdrawn out of the Court, was called in again, and press'd to take his Oath; and was told that the Court had fined him five hundred Pounds for refusing to swear; and again asked him whether he would swear. Mr. *Jaquel* then, when the Oath was read to him, did not swear in that manner as the other Witnesses did, but only put his Hand to his Buttons. And when Mr. *Love* asked him whether he was under an Oath, he answered that he was as good as under an Oath. But the Court not being satisfied with that Answer, press'd him further; and then he did say he was sworn, and was under Oath.

*Ld President*. Declare now what you know of this Business.

Mr. *Jaquel*. My Lord, for the Paper I was examined about, as for knowing *Titus*, I never saw him in my Life but one quarter of an Hour in a private House, and I knew nothing of his Business any where. For the other, *Alford* coming over with Letters, I was at Mr. *Love*'s House, and when I was there, there were several Men there.

*Attorn. Gen*. In what part of Mr. *Love*'s House?

*Jaquel*. I conceive in his Chamber; for I went up to several that were there, whose Names I can positively say, for two or three of them, though I cannot remember the other absolutely, though I conceive most I have named in my Examination were there; Capt. *Potter* was there, and Doctor *Drake* and Major *Alford*, and Mr. *Love* was there sometimes, though divers times he went out, some coming to speak with him.

*Attorn. Gen*. Was there not a Copy of a Letter, said to be sent from the King, read there?

*Jaquel*. I remember no such thing.

*Attorn. Gen*. Was there not a Narrative?

*Jaquel*. Yes, from *Titus*, wherein he declared the King's Inclinations to make peace with the Scots, but that his wicked Counsel about him did hinder it.

*Attorn. Gen*. Was not this of what *Titus* had related from *Jersey*, the Narrative of what had pass'd between him and the King there?

*Jaquel*. I think it was.

*Attorn. Gen*. Was not Major *Alford* sent to receive an Account from him at *Calais*?

*Jaquel*. *William Drake* did tell me so afterwards.

*Attorn. Gen*. Did Major *Alford* deliver no Account there?

*Jaquel*. I think it was Major *Alford* read the Narrative.

*Attorn. Gen*. Did he make no relation by word of Mouth?

*Jaquel*. Truly I cannot remember.

*Attorn. Gen*. You cannot remember it was read?

*Jaquel*. Yes, I am sure it was read, and at Mr. *Love*'s House.

*Attorn.*

*Attorn. Gen.* And he was present sometimes?

*Jaquel.* Yes, sometimes.

*Attorn. Gen.* What Money was there agreed upon to be provided for *Titus*?

*Jaquel.* I know of none: it was moved by Captain *Potter*, that there might be forty Pounds, but I know of none, nor was it agreed by Mr. *Love*, Mr. *Drake*, or myself, that we should lay down any at all.

*Attorn. Gen.* Did you not meet with *William Drake*, and desire to go along with him to see *Titus*?

*Jaquel.* I did so, but I think *Drake* desired it: I met him in *Newgate-Market*, and, saith he, I am going to see *Titus*, go along with me. I said I never saw him, nor did I know him: Says he, You shall not stay at all. Whereupon he went and found him in a Cheesemonger's House in *Newgate-Market*.

*Attorn. Gen.* What Discourse had you?

*Jaquel.* He said he was newly come out of *Holland*, and he had been with the King, and he was a Man of excellent Parts for his Years; and that he was inclinable to what was good, but that he had such desperate evil Counsel about him; and that he did much pity him, and that his Clergy especially was wicked: and he propounded nothing to us, nor did I ever see his Face afterwards; and this is about two Years and a half ago. And for any other Meetings at the *Swan-Tavern*, or for any Agents, I never met him, or saw him.

*Attorn. Gen.* Do you not remember at any Meeting, that there was Money propounded for Captain *Titus*, or for *Alford's* being sent over to *Calais*? Speak what you know of that, and by whom it was told you.

*Jaquel.* Major *Alford* himself told me he was to meet his Son, and he went over upon that score; but after he was gone, *William Drake* told me he was gone to see or meet Captain *Titus*, I am not certain of the Words: and when he did come again, which was the next time I heard of him, then *William Drake* comes to me, and desired me to go along with him, for I think he went up and down to every Man.

*Attorn. Gen.* You think then that *William Drake* was the prime Man.

*Jaquel.* Yes, he was the Actor and Agent that moved all.

*Attorn. Gen.* When *Alford* returned, he desired you to go with him?

*Jaquel.* To Mr. *Love's* House.

*Attorn. Gen.* What was done at Mr. *Love's* House?

*Jaquel.* There were some Papers read, which *Alford*, as I take it, read, or *William Drake*, I am not certain which; but read it was of a relation, that *Titus* came out of *Jersey*, and had seen the King there, and the *Scotch* Commissioners; and that the King had a great Inclination to agree with the *Scotch* Commissioners, and that he was a Man of excellent Inclinations and Parts, and had a great Desire to agree; but his Counsel, and wicked Crew about him, would not let him: and he said, as I remember, That the King was a kind of a Prisoner with them there, and said, his Counsel did hinder him, or else, if he were from them, he would agree with the *Scotch* Commissioners.

*Attorn. Gen.* You say this Paper was read, this Narrative was read in Mr. *Love's* House; was not Mr. *Love* present?

VOL. II.

*Jaquel.* I am not able to say he was: when I came in, I remember he was not in the Room, and he was there two or three times while I was there, but he was several times called out.

*Attorn. Gen.* Do not you know there was an Agreement of a Letter written back to *Titus*?

*Jaquel.* I can remember no such thing, but I think *William Drake* told me so, as I remember, but that was two Years ago, I do verily believe by what I conceived, was of his writing.

*Ld. President.* I could wish that Mens Consciences could not be scrupled to believe so much of a Minister, more than of a Magistrate; I hold it pernicious Doctrine for any Man to think he is bound more to obey the Minister than the Magistrate: I ask you then before the Magistrate here, who was present at that Meeting?

*Jaquel.* *William Drake*, I am sure, and Major *Alford* was there, and Captain *Potter*, and several others, as I remember, Master *Jenkins*.

*Attorn. Gen.* This was in Mr. *Love's* House, was it not in his Study?

*Jaquel.* I cannot tell that. I say as I conceive, that Master *Jenkins* and Master *Cafe* were there, but positively I cannot say it; and Mr. *Jackson* and Mr. *Nalton*, I think.

*Attorn. Gen.* What say you of Mr. *Watson*?

*Jaquel.* I think he was there.

*Attorn. Gen.* What say you of Mr. *Herring*?

*Jaquel.* I think he was.

*Attorn. Gen.* What say you of Mr. *Canton*?

*Jaquel.* In truth I cannot tell.

*Attorn. Gen.* What say you of Mr. *Robinson*?

*Jaquel.* I think he was.

*Attorn. Gen.* What say you of Mr. *Drake*?

*Jaquel.* Yes.

*Attorn. Gen.* Was Colonel *Vaughan* there?

*Jaquel.* Yes, I conceive he was there.

*Attorn. Gen.* Was Mr. *Jackson* there?

*Jaquel.* Yes.

*Attorn. Gen.* Were Captain *Far* and Captain *Potter* there?

*Jaquel.* I believe so.

*Attorn. Gen.* Was Mr. *Gibbons* there?

*Jaquel.* I cannot tell.

*Attorn. Gen.* What say you of Mr. *Sterks*?

*Jaquel.* No, Sir, I do not know it.

*Attorn. Gen.* Did you not know him to be the *Scotch* Agent? Was he not taken among you to be an Agent from *Scotland*?

*Jaquel.* Yes, he was a *Scotchman*.

*Attorn. Gen.* And for Contribution of Money, what Money did you pay, and to whom?

*Jaquel.* Two five Pounds to Mr. *Drake*.

*Attorn. Gen.* For what Use?

*Jaquel.* For charitable Uses.

*Attorn. Gen.* Then he asked it of you so, or for that purpose; but afterwards, what did you learn it was employed about?

*Jaquel.* Sir, he did not tell me how he did employ this Money; but afterwards I heard him say, that he had sent *Titus* Money.

*Attorn. Gen.* What did you contribute to *Sterks's* going into *Scotland*?

*Jaquel.* Ten Shillings.

*Attorn. Gen.* And who else did contribute, that was there? And how much was the Sum that was collected?

*Jaquel.* I cannot tell.

*Attorn. Gen.* How much do you guess, or have heard?

*Jaquel.* Four or five Pounds I think.

*Attorn. Gen.* Ask him, who gave the *Scotchmen Money*?

*Jaquel.* Truly, I did give several *Scotchmen Money*, both to poor Ministers, and others that were banished by the Act, because I knew they were very poor, and knew not how to get away; and I did it out of Charity towards them.

*Ld President.* Because the State had an ill Opinion of them, therefore you had a good Opinion of them.

*Jaquel.* There was one Minister that had twelve Children that was banished.

*Attorn. Gen.* Were you at any Meetings at Mr. *Love's* after *Dunbar Fight*?

*Jaquel.* No, not I.

*Attorn. Gen.* At what Fasts were you at? And who officiated at those Fasts?

*Jaquel.* I was at Major *Adams's* and Colonel *Barton's*.

*Attorn. Gen.* Who did exercise at those Fasts? Was Mr. *Love*, Mr. *Jenkins*, Mr. *Cafe*, any of them?

*Jaquel.* I believe they were, I conceive so, I profess I cannot remember; I believe Mr. *Jenkins* was there.

*Attorn. Gen.* Was not Mr. *Love* one of them?

*Jaquel.* Yes, he was.

*Attorn. Gen.* What was the Occasion of those Fasts?

*Jaquel.* I know no particular Occasion, but for the Good of the two Nations.

*Attorn. Gen.* How do you know they were for the Good of the two Nations? Was it not for an Agreement between the King and the Scots?

*Jaquel.* I confess it was for the Good of both Nations, as both Nations are the Church of God, and do both profess themselves Protestants, and of one Religion; and I conceived it was my Duty to pray for the Good of them both.

*Attorn. Gen.* But was there not some Expressions for a Blessing upon the Treaty at *Breda*?

*Jaquel.* I cannot remember such Expressions; for in such Duties I desire to have my Heart lifted up unto God: And, my Lord, it is a great while ago.

*Ld President.* Will you say your Heart is lifted up unto God, when your Understanding is in your Heels?

*Jaquel.* My Lord, I do not remember one Passage in Prayer a Week after.

*Attorn. Gen.* That is in ordinary Meetings, but this is for both Nations: but by what did you know that this was for the Good of both Nations, and why was it pretended to be for the Good of both? And, my Lord, why they should not meet before, but just at that time, and at a private Fast?

*Jaquel.* I think, that since the Nations of *England* and *Scotland* were at odds, I have been at twenty Fasts.

*Attorn. Gen.* My Lord, ask him, Whether he were not late with *Potter*, and did not meet with him about Letters from *Bamfield*, and whither they went to read them?

*Jaquel.* This was about *February* or *March* last, he told me he received Letters, and desired me to go along with him to Mr. *Love's*, and after Dr. *Drake* came in, and then these Letters were read; and I profess I know not from whence they came, nor the Man; and so did

Mr. *Love* declare, That he never saw, nor knew, nor heard of *Bamfield* before.

*Attorn. Gen.* Did he not make mention of Parties in *Scotland*, That one Party was for the King, and another for the King and Kirk, and a third neither for King nor Kirk?

*Jaquel.* Yes.

*Attorn. Gen.* But who were those he named, that were Men for the King?

*Jaquel.* I think *Hamilton*, and his Party.

*Attorn. Gen.* And who for the King and Kirk?

*Jaquel.* *Argyle* and *Lesley*.

*Attorn. Gen.* And who neither for King nor Kirk?

*Jaquel.* *Straughan* and *Car*.

*Attorn. Gen.* What did he tell you of the young King's escaping?

*Jaquel.* Something there was in that, but he was fetch'd back again.

*Attorn. Gen.* What said he of *Argyle*?

*Jaquel.* Nothing at all, as I remember.

*Attorn. Gen.* Was there not an Expression, That they were now agreed to receive in the whole Nation, unless it were those that were notoriously scandalous and excommunicated?

*Jaquel.* I believe there was.

*Attorn. Gen.* Did it not mention five thousand Pounds for providing of Shipping?

*Jaquel.* Yes, in the Narrative or Letter, whether there related at that time, I know not.

*Attorn. Gen.* And what mention was there made, who were fit to command in *England*, if that Party should come from thence into *England*?

*Jaquel.* I conceive there were three Noblemen.

*Attorn. Gen.* Name them.

*Jaquel.* My Lord of *Suffolk*, my Lord of *Warwick*, and my Lord of *Manchester*, or either of them.

*Attorn. Gen.* That was propounded by *Bamfield*, but I hope those Lords were more noble than to do any such thing. Was there not another Letter that came with that of *Bamfield's*, sent by my Lord *Argyle*, and it was only, That there should be an Approbation of him? And was this Letter likewise read at the same Time, and at the same Place?

*Jaquel.* Yes, my Lord.

*Attorn. Gen.* What was then propounded for Money to be raised for *Bamfield*?

*Jaquel.* Truly, Captain *Potter* did make mention for forty Pounds to be raised, ten Pounds for Colonel *Bamfield's* Man, and thirty Pounds for *Bamfield* himself: but that Business at the reading was wholly declined, and absolutely refused by all, to act any thing in that relation in which it was sent over. Whereupon Captain *Potter* did move, That if nothing were done in that, whether it were not convenient to send the Messenger something to bear his Charges: says he, If you will pay the Messenger ten Pounds, and send *Bamfield* thirty Pounds, I will give the Messenger the ten Pounds. But there was no Agreement, nor Conclusion I know of, no Bill of Exchange was sent, but Captain *Potter* said he would lay down ten Pounds.

*Attorn. Gen.* But no body spake against Captain *Potter's* laying down of ten Pounds; and it was propounded to you to lend ten Pounds, and you said, you would consider of it: But did *Potter* lend it?

*Jaquel.* I cannot tell that, my Lord, he said he would do it.

*Attorn.*

*Attorn. Gen.* My Lord, let now Master *Jaquel* tell you what was the Cause why they did refuse to do any thing in the Letter about five thousand Pounds; what was the Cause upon the Debate between you at Mr. *Love's* House, why you did refuse to do any thing about the five thousand Pounds?

*Jaquel.* The Debate was soon over, for we absolutely refused it, we would not meddle in it, not liking the business; it was a Trouble, I am confident, to them that heard it read.

*Attorn. Gen.* You do not remember that ever any body did acquaint the Magistrate with the Design in working from *Scotland*?

*Jaquel.* No, not I.

*Attorn. Gen.* Did not some say, that *Bamfield* was a Malignant?

*Jaquel.* I cannot tell, but I never heard of him before.

*Attorn. Gen.* Were you not told he was a Cavalier, and of the King's side, and that that was the true Reason why they would not trust him?

*Jaquel.* I do not remember any such thing.

*Attorn. Gen.* Did Mr. *Love* agree for ten Pounds for *Bamfield's* Man, and thirty Pounds for *Bamfield*?

*Jaquel.* No, I cannot say so.

*Attorn. Gen.* Did not Major *Alford* tell you, upon his Return from *Calais*, That he was sent thither to take an account from thence?

*Jaquel.* He did not, but *William Drake* did tell me that he was gone to *Calais* to speak with Captain *Titus*.

*Attorn. Gen.* And to take an account of the Transaction of *Jersey*.

*Jaquel.* Truly, Sir, I cannot say that; but *William Drake* told me he was gone thither to speak with *Titus*: and this is above two Years ago that *William Drake* told me so.

*Attorn. Gen.* To what end?

*Jaquel.* To tell and hear News.

*Attorn. Gen.* What did he do more?

*Jaquel.* I profess in the Presence of God, I cannot tell, Sir, I beseech you; for in the Paper, I told you before, there were some Circumstances, and something that I cannot say; but it was to this purpose, To speak with *Titus*, to hear the News from *Jersey*; but I cannot say certainly that Word.

*Attorn. Gen.* We do not press you to the Word, but to the Effect of it: My Lord, I think Mr. *Jaquel* hath given an account already, that this Relation was at Mr. *Love's* House. Mr. *Jaquel*, let me bring one thing to your Remembrance, if it be true: At your Meeting at Mr. *Love's* House upon this business of *Bamfield's* Narrative, you say, thirty Pounds was moved to be sent to *Bamfield*, and ten Pounds to his Man.

*Jaquel.* Yes, by Captain *Potter*.

*Attorn. Gen.* And when it was then said, it was thought fit by Mr. *Love*, Mr. *Drake*, and Captain *Potter*, that it should be so done; whether did you not all agree it should be so done?

*Jaquel.* No, there was no Agreement, but it was thought convenient, or to that purpose.

*Attorn. Gen.* It was thought convenient by all the Company present?

*Jaquel.* Truly, Sir, there was not much regard taken in that business, nor was there much done; for we did not stay long, but there were such Words.

*Attorn. Gen.* But by all present?

*Jaquel.* Yes, there were such Words.

*Attorn. Gen.* Whether were not some Friends at Dinner at *Dowgate*, and was not *Mason* there?

*Jaquel.* My Lord, there was a Gentleman there, I cannot say who he was, nor did I see him before or since.

*Attorn. Gen.* Who did they tell you he was? Did they not tell you *Mason*?

*Jaquel.* I profess I cannot remember that, nor can I tell, but I conceive it was so.

*Attorn. Gen.* In your Examination you say it was *Mason*?

*Jaquel.* I said, I conceived so.

*Attorn. Gen.* Why did you believe so?

*Jaquel.* I cannot tell, but as I remember, *William Drake* told me so.

*Attorn. Gen.* Whether when *Bamfield's* Letter came, and the Letters from my Lord of *Argyle*, *Lowdon*, and others came, was there not a Letter from *Bailey*?

*Jaquel.* I do not remember, my Lord.

*Attorn. Gen.* Nor from the General Assembly?

*Jaquel.* I do not remember any such thing.

*Attorn. Gen.* Bethink your self, you are upon your Oath, whether he that brought the Letters from *Bamfield*, did not bring Letters from *Bailey*, and from the General Assembly?

*Jaquel.* I cannot remember there was any such thing spoken of there.

*Attorn. Gen.* Was there no Expression of Letters of Thanks for the good Affection of the Presbyterian Party here, and Encouragement to persevere?

*Jaquel.* I do not remember any such thing.

*Attorn. Gen.* Were there no Promises, that when they by their Endeavours should get a free Parliament in *England*, that they would reimburse all that was laid out?

*Jaquel.* I do remember no such thing.

Mr. *Love*. I would ask him some Questions; and the first is, Whether he hath spoken this as a mere Relation, or whether he owns all this he hath spoken, as under an Oath?

*Attorn. Gen.* We are past that, my Lord, he did say, he was under an Oath.

Mr. *Love*. If he say so, I am concluded.

[Mr. *Jaquel* made no Answer to this.]

*Ld. President.* You have asked two Questions; in a few Words: For the first, Whether he spake it under an Oath? You know that time was spent to declare it before he began: if you ask of his own knowledge, you mistook it; for he saith something he hath by Relation, and some that he knows. This he hath taken notice of, what should we further examine over the same thing; for he saith some of his own Knowledge, some by Relation from particular Parties, and some from Parties he calls not now to mind; and it was declared by the Court, that he was a Witness, and the Court accepted him.

Mr. *Love*. I desire your Lordship to ask him this Question, Whether the supposed Narrative that he speaks of, that *Alford* said he brought over, and read at my House, was read at my House; or only by *Alford*, and so brought over as News?

*Jaquel.* In truth, my Lord, I cannot tell that.

Mr. *Love*. He speaks of *Sterks* a *Scotchman*; I desire your Lordship to know whether he knows, or can affirm by the Oath you say he hath taken, that he was a *Scotch* Agent.

[No Answer to that Question.]

Mr. *Love*. Sir, ask him this Question; he mentions a Fast at Major *Adams's*, or Col. *Barton's* and that for the Good of both Nations, because he thought they were the Church of God; whether there was any Intimation in that Meeting, that it was under this Notion, for the Good of both Nations; whether that Meeting was for the *Scotch* Nation to invade the *English* Nation?

[No Answer to that Question.]

Mr. *Love*. He said (if I have taken him rightly, and if not, I desire your Notaries to inform me better) that Mr. *Love* did not agree to such a Sum as Forty Pounds, and afterwards he said, that all there said it was convenient; Now I would ask how these two can agree together?

*Ld President*. You are right; for the thing of Agreement he disclaimed totally.

Mr. *Love*. Then I did not agree to it.

*Ld President*. No, nor any else.

Mr. *Love*. But afterwards he says, that they did conceive it was convenient. now I pray ask him, how he knew that I thought it was convenient?

*Jaquel*. I cannot say any thing that Mr. *Love* did say it was convenient; but it was not dis-sented from nor spoken against by any, as I remember.

[Mr. *Jaquel* withdraws. Col. *Barton* is called into the Court, and is sworn.]

*Attorn. Gen*. My Lord, let Colonel *Barton* tell you what he knows of the Meeting at the *Swan* at *Dowgate*.

Col. *Barton*. My Lord, I was there a little while after the Death of the late King. I was going into *Cannon-Street*, and met with *William Drake*; he desired me to go with him to the *Swan* at *Dowgate*. I told him I had a little Business in *Cannon-Street*, and I would be there by and by. I staid about half an hour about my Business, and went then to the *Swan* at *Dowgate*, and there was to my best remembrance (for positively I cannot say) *William Drake*, and one a Stranger, Major *Huntington*, and Lieut. Col. *Bains*, and there was one Capt. *Titus*, as was said, and Major *Alford*, and I do not remember who else were there. My Lord, at that time truly I was under a Defect in my Hearing, and since that I have lost an Ear, through a huge Heat, and Cold taken. But, my Lord, I not coming but to the middle of the Discourse, they had, and not perfectly hearing, could not well judge of their Discourse: But afterwards I asked *William Drake*, what the Intent of the Meeting was? He told me, that their Intentions were to make some Addresses or Applications (some such word it was) unto the Prince, to take him off from his malignant or evil Counsel about him, and to put him upon such as would be honest and better Counsellors. And this is the Substance of what I then understood from *William Drake*. My Lord, I think two or three days afterwards, I know not which, there was a Meeting again at the *White-Hart* in *Basing-lane*-end at the corner of *Bread-Street*. There were, I think, most of them that I have named at the first Meeting: I am sure *William Drake* was there, and Captain *Titus*, and Lieut. Col. *Bains*, and Major *Huntington*, I cannot tell whether Mr. *Alford* was there or no, but these I am sure were there. I did not come to the beginning of that

Meeting neither, the Paper had been read before I came in, to my best remembrance: but I asked *William Drake* what was the meaning of that Meeting? He told me, it was to the same effect that they spake of before; and they had Thoughts to send somebody over to the Prince, to persuade him from that Condition. A while after I met with Lieut. Col. *Bains*, and truly I did ask him more fully of the Circumstances of that Meeting: he told me something, that they intended to make use of my Lord *Piercy* and *Fermin*, and those about the Prince, which he disliked. Truly, my Lord, it troubled me extremely, to think that they should make use of such ill Instruments to persuade the King, and I said, I thought it was not well. And the next time I said to *William Drake*, you have not done well, for it is not a Christian Way we take, to make use of such Men as these to persuade with the King; for do you think that my Lord *Piercy* and *Fermin*, and those Men, will ever persuade the King to leave themselves, and their own Counsels? So he put me off, and from that time he was a little more shy of me. Afterwards he did secretly and cunningly get from me Ten Pounds, and came under a pretence to supply a Friend in necessity; and I said to him, you have Money of your own. Says he, I have not so much as I must needs supply him with; and he could not do it of himself, for fear it should be miss'd. My Lord, I asked him what Friend it was. Nay, saith he, you cannot know that, and you cannot have it till he is in a Condition. To tell you truly, he had been a good Customer to me, both for himself and Friends, and I was loth to deny him it, supposing I should have it again. I afterwards did not, to my knowledge, meddle or make at any Meeting; I was never at any of those Meetings after the Business at *Basing-lane*, because I disliked them; but afterwards I did suppose that this Ten Pounds was for Captain *Titus*, for I did put it to him, and said, I am afraid you did furnish *Titus* with that Ten Pounds. What then, said he? Then I shall require it again of you. So he put me off and run out of the Land. My Lord, for any other Meetings, Transactions, or Knowledge of any other thing from the time of the Meeting in *Basing-lane*, I know none. For the Prisoner at the Bar truly I do not remember, and I am confident I was never at his House in my life, nor changed one word with him.

*Attorn. Gen*. Did you meet with *Titus* in *Fleet-street*?

*Barton*. I did, my Lord, and I asked him whether the King that was dead, (for I knew he was much about the King, because I had heard it;) and I asked him, I say, whether the King was a Man of those Parts he was reported to be. *Titus* told me, not only of his Parts, but Virtues. Truly I suspected then, that *Titus* was not the Man he seem'd to be, and I feared he was a Cavalier in his Heart; and truly that did occasion me, with the dislike of others, to leave their Company.

*Attorn. Gen*. There were sometimes private Fasts at your House; what was the Occasion of them, and who spoke to you for them?

*Barton*. My Lord, I do not remember the Party that spake to me, I am not certain whether it were Master *Vicars*, but cannot positively say it, or whether it were by Sir *Matthew Brand*,

or by whom they desired to meet; they met in a Room at my House, to humble themselves before the Lord: and I cannot say any thing of the Fast, because I had Customers, and I did think I was bound to serve my Calling; and I was not there above half an hour, and it was up and down, off and on. There were divers Ministers, who did exercise at that time.

*Attorn. Gen.* Who did exercise at that time?

*Barton.* I was not there much of the time, but I think Mr. *Jenkins*, and to my best remembrance Mr. *Love* was there; there was Mr. *Tate* the Parliament-Man, to my best remembrance: I think Mr. *Jaquel* was there, and there was Sir *Matthew Brand*.

*Attorn. Gen.* What other Ministers were there?

*Barton.* I think Mr. *Cafe*, and to my best remembrance Mr. *Robinson*; but I am not certain.

*Attorn. Gen.* What was the Occasion of your Fasts, and at your House?

*Barton.* I knew no Occasion, because I was not there; but I have heard a Servant of my House, who was there, give this Relation. Mr. *Jenkins* began in this manner; O Lord, thou knowest we are not met to put up Complaints against any, but to humble ourselves before thee, and to pray that the Sins of the Land may be pardoned. But I do not remember there was any Word, but for the pardoning the Sins of the Nation.

*Attorn. Gen.* Was there no Sins named in particular?

*Barton.* My Lord, I do not remember.

*Attorn. Gen.* My Lord, ask him whether any body hath been with him, to call for any Money for any Parties beyond Sea; for *Massey*, or any others.

*Barton.* I shall give you a true Narrative of that. I understood, my Lord, that after the Prisoners that were taken at *Dunbar* were come down the River, there were divers Citizens, both Men and Women, that came to see them, and made a Relation of their Misery to be such, as I have not heard; and there was one among the rest, that said there was a piece of Meat reached down among the Prisoners, and two or three catching at it, it fell down among the Dung, and they took it up, and eat it. There were divers did move for a Contribution to them, and it was a pretty while before I did contribute any thing: there was Captain *Far* with me, and desired me to give him some Money, and he did not propose the Use; but to my best remembrance, it was either for charitable Uses, or for some in misery. Now I was loth to ask him for what charitable Use, because I did not desire to be known to give such a Sum of Money to the *Scotch* Prisoners. I had a little Money which I had devoted to charitable Uses in my own purpose: When the Parliament granted my Petition for re-imbursing the Money I lent, I did promise Fifty Pounds to charitable Uses; and this, I confess, I did intend for the *Scotch* Prisoners, but was loth to ask him, because I would not be thought charitable to your Enemies; but did it not under that relation.

*Attorn. Gen.* Mr. *Jaquel*, you know *William Drake* and Mr. *Love* very well, do you not know that Mr. *Drake* and Mr. *Love* were very familiarly acquainted?

*Jaquel.* I must needs say, Mr. *Drake* would be acquainted with all the Ministers in *London*;

and I cannot say, he was more acquainted with Mr. *Love* than any other Minister.

[Captain *Far* is called into Court, and is sworn.]

*Attorn. Gen.* My Lord, let him acquaint you with what passed at the *White-Hart* in *Breadstreet*.

*Capt. Far.* I desire the Benefit of my Papers.

*Attorn. Gen.* At whose request did you come to the *White-Hart* in *Breadstreet*, and when was it?

*Far.* By *William Drake*.

*Attorn. Gen.* Was that the first time you were acquainted with any thing of this nature, for carrying on and prosecuting of an Order, to the furtherance of an Agreement between the *Scots* and the King? What do you know of that, at what time was the Meeting?

*Far.* It was about two Years since.

*Attorn. Gen.* What was the Discourse at that Meeting?

*Far.* It was the drawing up of some Heads of a Letter, which might be sent to *Scotland*.

*Attorn. Gen.* What was the Effect of it?

*Far.* It was to this effect, to the best of my Memory; for it is so long since—

[Here Captain *Far* was at a stand, whether through Infirmary of Speech (for he seemed to be slow of Speech) or otherwise, I cannot say; and he, or the Attorney-General for him, made great Use of the Papers of his Examination.]

*Attorn. Gen.* To desire them, the better to bring them to an Agreement, that there might be moderate Propositions.

*Far.* It was to moderate their Desires in the Agreement between the King and the *Scots*.

*Attorn. Gen.* What to do?

*Far.* That they might abate of their Demands.

*Attorn. Gen.* Of their former Demands, that they might be the more like to agree; was it not so?

*Far.* Yes, my Lord.

*Attorn. Gen.* Was it not propounded likewise, that some should be sent to the King, to persuade him to give Satisfaction to the *Scots*?

*Far.* It was propounded by *Titus*, but not approved of.

*Attorn. Gen.* But did you not agree to send to the *Scots* that you did agree to, and were there not Heads which *Titus*, or *Drake*, did undertake to write, and afterwards were drawn up?

*Far.* I saw no Letters.

*Attorn. Gen.* But did not *Drake* tell you he had sent them to Master *Bailey* in *Scotland*?

[Captain *Far* being at a stand, the Attorney-General asketh him again:]

*Attorn. Gen.* Did not *William Drake* tell you, a Letter was sent accordingly into *Scotland*?

*Far.* Yes, he did tell me he had sent Letters.

*Attorn. Gen.* My Lord, let him give your Lordship an account before the Treaty at *Jersey*, where *Drake* met with him, and what he propounded to him, whether to send to *Jersey*, and what Persons, and upon what Message?

*Far.* Mr. *Drake* did say, that Captain *Titus* did say, It was requisite for one to be at the Treaty at *Jersey*; and I had it from *Drake*, that *Titus* did undertake to go himself thither.

*Attorn.*

*Attorn. Gen.* What was his Employment to be there, and what Money was to be raised for him? Did he tell you he wanted Money?

*Far.* After Mr. Drake desired I would help him to Ten Pounds, and Titus was in want of Money to relieve his Necessities: and upon this Request I did leave Ten Pounds in Mr. Drake's Warehouse.

*Attorn. Gen.* Was Drake present?

*Far.* I think he was. I was promised it again, but never received it.

*Attorn. Gen.* My Lord, let him inform, after this Negotiation of Titus was ended at Jersey, whether there was not a Letter written by Titus, and whether this was not read in the presence of Mr. Love, and some others, and whether at Mr. Love's or no?

*Ld President.* Upon the ending of the Treaty at Jersey and Breda, were you not present at Mr. Love's House, when it was signified from Titus, that it was not convenient for him to come into England, because he thought he was discovered to the Council of State, and desired somebody to be sent to Calais, to take an Account there of his Negotiation?

*Far.* Yes, my Lord, I was there?

*Attorn. Gen.* Where, at Mr. Love's House?

*Far.* Yes.

*Attorn. Gen.* In what part of his House, whether in his Chamber or Study?

*Far.* In his Study, as I remember.

*Attorn. Gen.* Was the Letter read there, and who read it?

*Far.* William Drake read it.

*Attorn. Gen.* What was the Substance of the Letter, as you remember?

*Far.* It was for sending one over to Calais.

*Attorn. Gen.* Was Mr. Love present when this Letter was read?

*Far.* Yes sure, he was present.

*Attorn. Gen.* Was it agreed that one should be sent to Calais, to take an account of it?

*Far.* It was desired, and I was propounded to go.

*Attorn. Gen.* Who named you to go?

*Far.* Mr. Drake.

*Attorn. Gen.* What was the Occasion that Major Alford did go?

*Far.* It was his Son's being there, that was gone from him.

*Attorn. Gen.* But then it was agreed that Alford should go? When Alford did return from Calais again, and there was an Account given of his Employment, where was this Account given? and where were those Papers read, that did give the Account?

*Far.* It was given at Mr. Love's; but I cannot say he was present at that, for he was absent sometimes; I cannot be positive to say he was present: I do conceive he was present, but cannot positively say it.

*Attorn. Gen.* What was the Substance of the Account given by Alford or Drake, or who read it?

*Far.* It was a Narrative that he had been at Calais, and what Entertainment he had.

*Attorn. Gen.* Was there a Copy of a Letter brought thither, written from the King to the Presbyterian Party?

*Far.* I cannot say he brought it.

*Attorn. Gen.* What was the Substance of the Letter?

*Far.* To send Commissioners to the Treaty at Breda.

*Attorn. Gen.* What else was in the Letter? Did not the King of Scots declare in the Letter, that he would give Satisfaction to the Scots, and in order thereunto he desired Commissioners?

*Far.* It is so long since, that I cannot remember it.

*Attorn. Gen.* I ask you, whether it were not to this effect, to declare that he was willing to give Satisfaction to the Scots, and to that end desired the Presbyterian Party to send Commissioners to Breda?

*Mr. Love.* This is gross Darkness, for you to dictate Words to him, and then to say, Was it not thus, or to this effect? and so to put into the mouths of the Witnesses what you would have them say.

*Attorn. Gen.* When you go in Darkness, it is gross Treason.

*Mr. Love.* Eight Witnesses have not proved that I either writ Letter, or received Letter, or lent Money.

*Attorn. Gen.* What was the Effect of the Letter?

*Far.* It is so long since, that I cannot speak particularly; but it was to send Commissioners.

*Attorn. Gen.* The Copy of the Letter that came from the King by Major Alford?

*Far.* I do not say so, Sir.

*Ld President.* Such a Letter as they conceived to be brought from him, as they read.

*Attorn. Gen.* What was that?

*Far.* That he had been with Titus, and did bring the Narrative from him, or to that effect.

*Attorn. Gen.* Was it not to be communicated?

*Far.* Yes, it was so.

*Ld President.* What was the Narrative read from Titus? Who were present at this Meeting?

*Far.* There were several there, but I cannot positively remember any.

*Attorn. Gen.* Was Mr. Love there?

*Far.* I cannot say he was.

*Ld President.* Was Dr. Drake there?

*Far.* I cannot say positively, that he hath been at any Meetings.

*Ld President.* When you were at this Meeting, and Major Alford returned this at Mr. Love's House, was Dr. Drake there?

*Far.* I cannot say it.

*Ld President.* Was Mr. Jenkins there?

*Far.* I cannot say it.

*Ld President.* How many were there?

*Far.* About Ten or Twelve.

*Attorn. Gen.* Ask him whether this Meeting, when this Letter came from the King, advising to send Commissioners to treat with the King at Breda; whether was there not a Commission named, and Persons named to treat?

*Far.* William Drake read Papers, but it was not agreed upon by the Company, because private Persons could not give Commissions.

*Ld President.* Was it not debated at that Meeting for a Commission to be sent accordingly?

*Far.* William Drake read Papers there, that was in the Nature of a Commission; but it was not agreed upon by the Company, because private Persons could not do such a thing.

*Ld President.* Was it not in order to the Treaty?

*Far.*

*Far.* It was to advise with them about the Treaty.

*Attorn. Gen.* Was it not read in the presence of the Company?

*Far.* The Commissions and Instructions were read in the presence of the Company, but they were not agreed upon.

*Attorn. Gen.* Was it not in the name of the Presbyterian Party in England?

*Far.* As I do remember, the Commission was in the name of the Presbyterian Party, for I did but only hear it read.

*Mr. Love.* Let him speak *viva voce*.

*Far.* To the best of my Remembrance, it was for the Presbyterian Party, but positively I cannot say so: My Lord, 'tis two Years since, and as near as I can remember, it was so.

*Ld. President.* The Commission, you say, was not agreed to, but the Letter and Instructions were?

*Far.* *William Drake* did undertake to draw them up.

*Ld. President.* Were they drawn up and sent?

*Far.* I am not able to say they were?

*Ld. President.* Who were to be the Commissioners?

*Far.* My Lord *Willoughby* of *Parham*; Alderman *Bunce*, Major-General *Massej*, Colonel *Graves*, and Captain *Titus*.

*Attorn. Gen.* What were they to do?

*Far.* To advise, but not to treat in the behalf of the Presbyterian Party.

*Ld. President.* Not in the behalf of the Presbyterian Party?

*Far.* No.

*Attorn. Gen.* Was there not an Agreement of Letters to be sent to the Queen, and no Proposals that way?

*Far.* No, my Lord.

*Ld. President.* What was the Substance of that Letter read?

*Far.* It was, as I remember, to have the Queen persuade the King to give Satisfaction to the *Scots* in their just Demands.

*Attorn. Gen.* Was it not moved then to be debated what Power they had to send a Commission, and by what Authority they should do it, and by whom was it spoken?

*Far.* It was demanded, what Authority had private Men to send Commissioners?

*Attorn. Gen.* Did not you go afterwards with some over into *Southwark*?

*Far.* Yes.

*Attorn. Gen.* Where did you go?

*Far.* I went with Major *Alford*, and with Alderman *Bunce* his Son, and I went to *Gravesend*.

*Attorn. Gen.* What other Company was there?

*Far.* No body else, nor had I gone, but at the request of Master *Alford*.

*Attorn. Gen.* Did you know that *Mason* went?

*Far.* There was no such Man went along with us.

*Attorn. Gen.* Did no body tell you that *Mason* went with the Instructions agreed upon?

*Far.* There was a Gentleman we met with at *Gravesend*, that I conceive to be that *Mason*.

*Attorn. Gen.* Did he carry the Instructions?

*Far.* I cannot tell.

*Ld. President.* Did no body tell you so?

*Far.* Not as I remember, I did not see any delivered to him.

*Ld. President.* Do you believe he carried them, out of these Circumstances you heard?

*Far.* Yes, I believe he did; I am upon my Oath, and to say positively, I cannot.

*Attorn. Gen.* Were there not Letters left at your House, and for whom, and what did you with them?

*Far.* There was at my Brother's House Letters left, but they were returned.

*Attorn. Gen.* But for whom were those Letters?

*Far.* They were directed to *William Drake* by *Titus*.

*Attorn. Gen.* Were you at Colonel *Barton's* House at the Fast?

*Far.* I was.

*Attorn. Gen.* Who officiated there? Was Mr. *Love* one of them?

*Far.* I cannot say positively, I believe Mr. *Love* did.

*Ld. President.* Do you believe Mr. *Love* was one of them?

*Far.* I conceive he was one of them, and Mr. *Robinson*.

*Attorn. Gen.* Did he not pray for a Blessing upon the Treaty between the King and the *Scots*?

*Far.* That was done, but I cannot say it was by Mr. *Love*; but these Words were said there.

*Attorn. Gen.* Were you at a Meeting at Mr. *Love's*, after the Fight at *Dunbar*, a remarkable Time to this Nation?

*Far.* I was there, but came in late.

*Attorn. Gen.* Were you there, when a Letter was read from *Massej*?

*Far.* I did not hear it read.

*Ld. President.* What do you know of it?

*Far.* There was such a Letter came, to assist the King with Money and Arms; but it was not agreed upon.

*Ld. President.* Do you swear such a Letter came?

*Far.* I cannot swear positively.

*Ld. President.* Did the Gentleman tell you so?

*Far.* He did tell me so.

*Ld. President.* The Letter did write likewise for Arms and Ammunition, did it not?

*Far.* Yes, and for Money.

*Ld. President.* Did not Mr. *Love* tell you, they could not do it?

*Far.* I did understand it was Mr. *Love*.

*Attorn. Gen.* Did not Mr. *Love* tell you, they agreed to raise a Sum of Money for *Massej*, and *Titus*, and *Graves*, or some of them?

*Far.* Yes, he did.

*Attorn. Gen.* What was the Sum of Money, and for whom was it agreed upon? did Mr. *Love* tell you so?

*Far.* I say, Mr. *Love* did tell me it was agreed upon for the sending of some Money, whether 250 or 300*l*. I cannot say positively; and it was to relieve *Massej* and *Titus* in their Necessities.

*Attorn. Gen.* Did not Mr. *Love* move you to contribute to this? and what did you contribute?

*Far.* Mr. *Love* asked me, and I did promise Five Pounds, and brought Five Pounds, and laid it down upon his Table.

*Attorn. Gen.* Who was in the Room then?

*Far.* There were several.

*Ld. President.* Do you know none of them?

*Attorn. Gen.* Mr. *Love* saith, he hath neither writ, received, nor sent; but he doth not say, he did not mend Letters.



*Far.* I brought Five Pounds in a Paper, and laid it upon his Table.

*Ld President.* And was he in the Room?

*Far.* Yes, my Lord, but I cannot say any else was.

*Attorn. Gen.* I could tell you who there were more; Mr. *Cafe* was there too: My Lord, ask him if it were not agreed between them, that it should be so brought.

*Far.* As I did understand, it was so; it was so for my Particular, but I cannot say it of others.

*Attorn. Gen.* Did not Mr. *Love* speak to you to that purpose, to bring it in that way?

*Far.* I cannot say he bid me lay it down.

*Ld President.* What was the Manner of Mr. *Love's* requiring of you, or notifying of it to you, and the Manner of your Pursuit of that?

[Here Captain *Far* was at a stand, and made no Answer.]

*Attorn. Gen.* I will make it very short: Whether this were not done that there might be no Discovery of it?

*Far.* It was done to that effect, that there should be no Discovery of it: I did it under that Notion.

*Ld President.* And do you not think Mr. *Love* conceived it under that Notion?

*Far.* I cannot say he did.

*Attorn. Gen.* Were you not spoken to by Captain *Massey*, to speak to Colonel *Barton* to lend Money?

*Far.* I did speak to him.

*Ld President.* What was that?

*Far.* Ten Pounds, as I conceived; for I received it from him in a Paper.

*Attorn. Gen.* To whom did you deliver it?

*Far.* To Captain *Massey*, *Massey's* Brother, my Lord.

*Ld President.* You received it from Colonel *Barton*. Captain *Massey* bid you speak to Colonel *Barton* for a Sum of Money; and he gave it to you; and you gave it to Captain *Massey*.

*Attorn. Gen.* Was the Money, as you conceived, returned to *Massey* and *Titus*?

*Far.* I cannot say it was.

*Ld President.* Do you believe it was desired to be raised to that purpose? And do you think it was done according to that purpose?

*Far.* I do not know.

*Attorn. Gen.* Whether do you conceive that this Money, you thus brought to Captain *Massey*, was not for *Massey* and *Titus*?

*Far.* I do conceive it was.

*Attorn. Gen.* And was not Mr. *Love* commonly at your Meetings? And whether, after *Drake* went away, the Meetings were not at his House?

*Far.* I met with Mr. *Love* often at his own House.

*Attorn. Gen.* This Money was taken up under the Notion of a charitable Use?

*Far.* I do conceive it was given them under that Notion.

Mr. *Love.* Sir, he gave you a large Account of the Negotiation with *Titus*; pray ask him if I were privy to it.

*Far.* I cannot say so?

*Ld President.* Do you believe it?

Mr. *Love.* You say the Copy of the King's Letter (you suppose) that was brought over by *Alford*, was read at my House; whether did I hear the Letter read in my House?

*Far.* I cannot say you did.

*Ld President.* Was not Mr. *Love*, when the Letter was communicated, sometimes in the Room, going and coming?

*Far.* I cannot say when it was read; but I say he was there during some part of the Communication; but I cannot say he was there at the reading of the Letter.

*Attorn. Gen.* These are good Questions, my Lord.

Mr. *Love.* The Court will judge of that.

*Ld President.* But do you not conceive that he understood the Contents of it?

*Far.* I do conceive so.

Mr. *Love.* But he doth not say it was so. He said there was a Narrative read from *Titus*, I desire your Lordship to ask him whether I was present whilst the Narrative was read, yea or no.

*Far.* I cannot say any thing to that; I cannot swear he was there.

Mr. *Love.* Ask him whether I did not go often out of the Room.

*Far.* I did observe, that when Mr. *Love* hath been there, he hath been often called away, and hath been absent; and therefore I cannot say such a thing was done when Mr. *Love* was there.

*Attorn. Gen.* He hath before proved it upon Oath, that he was there sometimes.

Mr. *Love.* But look before, and he said he could not say I was present when it was read.

*Attorn. Gen.* This Narrative, whether was it a Copy written by *Alford*, as News brought over, or the Copy written by *Titus* himself?

*Far.* *Alford* said it was a Narrative from *Titus*.

Mr. *Love.* Pray ask him whether I did send *Alford* over, yea, or no; or agreed to the sending of him over.

*Far.* I think he did not; but he was sent by *William Drake*.

Mr. *Love.* My Lord, whether was he not privy to it? He told you *Titus's* Letter was writ before *Alford* went.

*Far.* But it was not agreed upon.

*Attorn. Gen.* *Titus's* Letter, that he writ, that some might come to him, to receive an Account of him, was read at Master *Love's* House.

Mr. *Love.* I move this Question, because *Alford*, who was the Man sent, confessed that *William Drake* sent him. He pretended there was a Commission read in my House; I desire to know when, or at what Time; whether before the 29th of *March*, 1650?

*Far.* I am not able to speak to the Time; it is about two Year since, or something under.

Mr. *Love.* I desire, Sir, to ask him this Question, Whether the rude Draught, written by *William Drake*, or the original Copy, was sent away?

*Far.* There was only a rude Draught that *Drake* read; and then afterwards *Drake* was to draw it up.

Mr. *Love.* Ask him whether I gave my Consent to the sending away of this Commission.

*Far.* I cannot say Mr. *Love* was there when it was sent away.

*Attorn. Gen.* Did Mr. *Love* make any Protestation against it.

*Far.* It was agreed by all that the Commission could not be sent.

Mr. *Love*. Ask him whether I did not declare in the Company, when there was such Speech of commissioning, that it was an high Act of Presumption for private Persons to commissionate any, and a notorious Falshood to say it was an Act of the Presbyterians; and whether did not I declare my self against sending the Commission.

*Far*. I did say it was agreed upon by all, that we could not send the Commission.

Mr. *Love*. I can prove, if I may have the Witnesses indemnified, that I declared against any Commission.

*Ld President*. Mr. *Love* hath declared then he knew of the Commission.

Mr. *Love*. I acknowledge the disavowing of any Commission; I gave my Reasons for it.

*Attorn. Gen*. My Lord, I hope you will remember what the Prisoner says.

Mr. *Love*. I do not own any thing about concurring with any Commission, but only disavowing of it. After *Dunbar* Fight, he saith, he came late; and he cannot tell whether the Letter was read at my House, only he says I told him so: And whether was that the Letter, or a Copy of it?

*Far*. I cannot say that.

Mr. *Love*. The most that I have done, is but to receive News; and I hope I shall not die for that? Was this Letter of *Masse*y written to me?

*Far*. I have said already I cannot say so.

Mr. *Love*. I would be glad to be freed in Court.

*Ld President*. You are a very free Man indeed.

Mr. *Love*. He speaks of a Sum of two Hundred and Fifty Pounds, or three hundred Pounds, sent to *Masse*y and *Titus*; pray ask him whether I did agree that it should be sent.

*Ld President*. Did he disagree?

*Far*. I said it was agreed to; but by whom, I cannot say.

*Attorn. Gen*. Did Mr. *Love* at that time disagree?

*Far*. I cannot say he did.

Mr. *Love*. Did I move Captain *Far*, or say, Captain *Far*, will you contribute Five Pounds to *Masse*y or *Titus*, or any Money?

*Far*. You asked me the Question, what I would do.

Mr. *Love*. But for *Masse*y and *Titus*?

*Far*. I did conceive it was for *Masse*y and *Titus*.

Mr. *Love*. He says he laid it in my House; and he so far justifies me, that he cannot say I received it; and God is my Witness, I never did see it in my Life. If another Man agrees to receive Money in my House, I hope the Court will not judge me for it.

*Ld President*. It is an easy matter for you to take it, and convert it to another Use.

*Far*. I do conceive that Captain *Masse*y had the Money.

Mr. *Love*. Now you clear me: Another Man brings the Money, and I do not order him to bring it; and another receives it, and not I.

[ Captain *Far* withdraws. ]

*Attorn. Gen*. Now, my Lord, we shall conclude in a very short word, with a Minister to a Minister.

VOL. II.

[ Master *Jackson* the Minister is called into the Court. ]

Mr. *Jackson*. Sir, I dare not swear.

*Ld President*. Dare you testify the Truth when God calls you to it? For God will appear in no other Vision than in the Power of Magistracy.

Mr. *Jackson*. I dare not speak against this Man's Life.

*Ld President*. Dare you speak the Truth before a Magistrate?

Mr. *Jackson*. That that I say, is this: That I look upon this Man as a Man very precious in God's Sight; and, my Lord, I fear I should have an Hell in my Conscience unto my Dying-Day, if I should speak any thing that should be circumstantially prejudicial to his Life: And in regard of these Terrors of the Lord upon me, I dare not speak.

*Attorn. Gen*. I think all the Jesuits in all the Colleges have not more desperate Evasions or Shifts from the Purpose than these Men have. My Lord, you now see what a desperate Combination here is, that Men being before Authority, and in the Face of Magistracy, in such a Court as this is, so eminent in the Presence of it, and so authorized as this is; that Men should dare to dally as they do; and that Ministers should say they dare not speak the Truth: not when Treason is hatched and contrived, they dare not speak the Truth; that this Man should be more precious, though a Traitor, than the Commonwealth, which should be preserved. I hope we shall root these Opinions out, or some of the Parties that hold them; that I will say.

*Ld President*. Master *Jackson*, you are one of the Parties in these Meetings, you have been at their Meetings; and we require nothing of you but to speak the Truth. *St. Austin* will tell you, That to conceal a Truth, or tell a Lye, you had better let the World fall about your Ears. You are required nothing but to speak the Truth; and will you say this Truth will be a Torment to your Soul? Are you a Professor of Jesus Christ, a Minister of God? The great Errand you are sent hither about, is to speak the Truth from him. Therefore lay your Hand upon your Heart, and do as becomes you as a Christian, and as a rational Man, and as one that will tell Truth; for by the Truth the World stands. We are all no better than savage Men, if we have not Judgment to tell Truth one to another.

*Attorn. Gen*. My Lord, suppose Mr. *Love* should kill one of these Men (that do hear the Debate) in the Presence of Mr. *Jackson*, and he should be called to give Evidence, and refuse it; he may take away any Man's Life. Personal Respects should be set aside, when we come to Judgment. You see, my Lord, the Person of this Man, how it is preferred by this Man. That which is the Truth, you are required to speak, and nothing else.

*Ld President*. Have you any Oath or Promise among your Combiners to be secret in this business?

Mr. *Jackson*. Never in my Life, my Lord.

*Ld President*. Will you take your Oath?

Mr. *Jackson*. I dare not, my Lord.

*Ld President*. What is your Reason?

Mr. *Jackson*. I have told you, my Lord, and I will tell you it again; I am a Man of a

troubled Spirit, and I dare not do any thing that should cause a Hell in my Conscience to my Dying-day.

*Ld President.* Do you look to die?

*Mr. Jackson.* Yes, my Lord.

*Ld President.* And do you expect to live again?

*Mr. Jackson.* I trust in Jesus Christ I shall live again.

*Attorn. Gen.* My Lord, I desire your Clerk may be commanded to give him his Oath, and he required to take it.

[ The Clerk tenders him the Oath. ]

*Ld President.* Will you take this Oath or not?

*Mr. Jackson.* No, my Lord.

*Ld President.* Then I think you are the Men that were spoken of before, Jesuits and Priests: They say you are none, but you are their Brethren.

*Attorn. Gen.* My Lord, these go beyond Jesuits: The Jesuits will swear with a Reservation, and these will not swear at all. This Man must be proceeded accordingly with; for if this be allowed, I conceive there will be no Justice in *England*. And in respect of the Quality of his Person, Function, and Gravity, by so much is it a more pernicious Example, and it aggravates the Thing every way.

*Ld President.* Let it be known here, that it may be dispersed abroad; and I think there are some of most Counties of *England*. And this Air is gone forth; this very Plot is secretly spread with some chief Ministers throughout all *England*.

*Attorn. Gen.* This Right they have done to many of them, that I believe it will make a more severe Inquisition into these Persons, than otherwise there would be: It is not Blood that is look'd after, but Confession and Contrition. I am glad that those that are not Clergymen do come in, and the Clergy will not confess at all.

[ The Court consults a while. ]

*Ld President.* Master *Jackson*, for your refusing to swear, the Court fineth you five hundred Pounds, and Imprisonment during the Pleasure of the Court.

[ The Keeper of the *Fleet* is called upon, and commanded to take him in Custody. ]

*Mr. Love.* My Lord, I have some Motions humbly to make to this Court. The first is, to intreat your Lordship, and the rest of the Members of this Court, that if I have let fall any Expressions thro' Inconsiderateness, or for want of Skill in the Law, that have been an Offence either to your Lordship, or to any, I beseech you, if I have spoken any derogating Expressions, or made any unseasonable Motions, that you would impute it to my Ignorance.

*Ld President.* None of them shall hurt you.

*Mr. Love.* Then I intreat this Favour, That I may have Counsel assigned me, and Solicitors here in Court, and in my Chamber at the *Tower*, and a Copy of my Charge, and convenient Time, as the nature of the Business requires, my Charge being long, and I have not read a Word of it, nor the Depositions; that I may have, I say, Counsel assigned me, and convenient Time to bring in my Answer. And I am confident, through the good Hand of God upon me, I shall clear my self of all

the Treasons charged upon me, and of all their Aggravations, through Strains of Wit and Quillets of Law by Instruments of State: I am confident I shall clear my Innocency, that I shall not stand a Traitor before you.

*Ld President.* They being Instruments of State, are Instruments of God appointed by the State. For your Time, you have all this Afternoon. Are you not ready?

*Mr. Love.* I was yesterday nine Hours lock'd up in that close Room and in this Place; and I could not read one Word last Night, not out of Trouble of Mind, but through Weariness, being kept so many Hours in the Court.

*Attorn. Gen.* My Lord, he hath had a Fortnight's Notice of his Trial to prepare for it. My Lord, we have been two Days; and by the Course of Proceedings, if the Gentleman had had his Trial by a Jury, both must have been dispatched in one Day. We are appointed to go on to hear his Defence now, or else on Monday.

*Mr. Love.* I desire a convenient Time to bring in my Witnesses, to make it appear how the Witnesses against me contradict themselves. I have not yet read the Depositions of one Man, and I cannot read the Depositions by Monday; and tomorrow is a Day that some Time of it should be spent in other Employments.

*Ld President.* To do Justice, you must run out of the Church; and though you were at your Prayers, you must forsake Praying and Sabbaths to do Justice. Sir, this is of a higher nature than all your Preaching and Praying.

[ The Court consults a while together. ]

*Ld President.* The Court all agree to give you till Wednesday Eight o'clock in the Morning.

*Mr. Love.* I desire that I may have Counsel here, and in my Chamber.

*Ld President.* You have shewed nothing these two Days that raises any Doubt in Matter of Law.

*Mr. Love.* There are some things in my Charge that I doubt this Court cannot take Cognizance of; something in those Acts, and something in respect of the Time. It is Matter of Law, whether the Act speaking of sending or receiving Letters or Messages. And here are eight Witnesses come in, and never a Man proves that I received Letter, or sent Letter, or lent any Money. And this I conceive is Matter of Law, whether the Acts reach being present only where other Men lay down Money.

*Ld President.* You have had Counsel.

*Mr. Love.* My Lord, I have had none.

*Attorn. Gen.* For Counsel you are to send him none, my Lord: He hath his Liberty; he hath Recourse for all the People of *England* to come to him.

*Mr. Love.* Counsel have refused to come to me; I have their Letters about me.

[ Here he reads the Letters of some Counsellors, which they sent to him to the *Tower*, declaring they could not come to him, unless they were assigned by the Court. ]

*Attorn. Gen.* All that we can say to you, is, that Counsel may come to you, if they will.

[ Master *Love* is commanded away; and the Court adjourns till Wednesday. ]

The Third Day's Proceedings, July the 25th, 1651.

THE Court is fet; and Mr. Love is commanded to the Bar.

*Attorn. Gen.* Mr. Love, this is the Day the Court hath given you (according to your Desire) to make your Defence; and they are ready to hear it.

*Ld. President.* And I hope those Directions that have been given, have been observed, that any Persons of what Quality soever, either Lawyers or others, that came to you, have had in a fair way Access unto you; and that you have been debarred nothing that the Court gave Order for. If there have been any Impediments, we will do our best to have them taken away.

*Attorn. Gen.* My Lord, I have nothing more at present against him: You have heard that whereof he stands accused, and the Evidence produced to prove it. And, my Lord, I hope they be sufficient to convince the Gentleman that there is Proof against him for these Facts and treasonable Designs, whereof he stands accused. This Day is appointed for his Defence, if he thinks fit to make it. But if God hath otherwise wrought upon his Heart, and that he himself is convinced that the Charge against him is proved to be true; to me it will be the best way of his Preservation. But what way soever he thinks fit to take I shall be ready to go along with him in it: And so, my Lord, I expect what he shall say.

Mr. Love. My Lord, I shall not trouble your Lordship and the Court, to bring in at present any Witnesses to testify any thing that might invalidate that Testimony that some have brought in against me; I love not to protract Time: But I should betray my own Innocency, should I by my Silence lie under all that Charge and Obloquy which is cast upon me. And therefore I deem it my Duty, wherein I can, and as far as I am able, to express myself before your Lordship and the Court. And therefore I humbly crave leave of your Lordship, and this Court, that I may make my Defence for my Life before you.

Although I am denied Counsel to plead for me in this Court, which is so just and necessary a Means for the Preservation of my Life, yet my Comfort is that of the *Psalmist*, *My Defence is of God, which saveth the Upright in Heart, and pleadeth the Cause of his Servant. against him that puffeth at him.*

My Lord, you have granted me that Favour which the *Romans* did to *Paul*, that he might answer for himself, concerning the Crimes laid against him.

In making my Defence, I shall humbly crave leave to proceed in this Method: To speak something, First, concerning the Charge: Secondly, concerning the Witnesses, and their Testimony: Thirdly, something concerning myself: And then, Lastly, some Things humbly to propose to your Lordship and the Court, concerning my Charge. Mr. Attorney-General hath exhibited a Charge against me, consisting of two Parts; of High-Treason, and of other High Crimes and Offences. As touching the

first, comparing the Acts which the State hath made with the Actions which my self have done, I know not any personal Act of mine (proved against me) that renders me guilty, as to Treason, by any publick Act of your Lordships. And therefore I pleaded the general Issue, Not guilty, as to that.

As to the second, my Counsel having a general Licence to come to me, and since having been with me, they have acquainted me that Presence with, or Silence at what my Accusers have done, this renders me culpable by your Acts; and therefore, as to that, I shall humbly commit my self to your Justice and Mercy.

Concerning, Sir, the Charge laid against me, I can safely and truly say I am charged with many Things which I ought not, being pretended to be done before the Act was published which constitutes this Court. I am charged likewise therein with many Things that I knew not, and with other Things that I did not; and therefore dare not in Conscience lie under the Obloquy of the whole Charge. I do therefore in general declare and protest against what is mentioned in the Charge, touching the raising of Insurrections, Seditions, and Rebellions. I may say in that regard as *Jeremy* did, I desire not that woful Day, God he knows.

To the other Particulars, to wit, the Confederation with *Jermin*, *Piercy*, and others, in foreign Parts, to raise Forces, I answer, I dislike the very Mention of their Names, or any Concurrence with them in any Practice of such a nature, who are Persons whose Principles are so contrariant to Religion and Liberty.

As touching the other Particulars, to wit, a Correspondence with the Son of the late King, the Queen, *Jermin*, and *Piercy*, and others mentioned in the Charge; I do declare before you, That I never received Letter from, nor sent Letter to any of them; nor had I any Correspondence with them.

There are other Things in the Charge, to which all the Depositions of the Witnesses do not in the least come up: And should I by my Silence render my self obnoxious to the whole, you might judge me to be guilty of that which indeed I am not guilty of.

I observe in reading the Charge, that there are many Things in it which the Witnesses do not in the least speak unto: For, first, none of them swear that ever I writ Letter to the King, or to the Queen his Mother, or to *Jermin*, *Piercy*, or any other Person named in the Charge, or to any Person of the *Scottish* Nation, since the Troubles began.

Again, none of the Witnesses swear that ever I either desired, or persuaded, or directed any Person to write any Letter to any Persons whose Names are mentioned in the Charge, or to any Person in or of the *Scottish* Nation: Nor do any of them swear that ever any Letter was written in my House; but that only Letters supposed to be come from or sent to the *Scots* were read there; which I do not deny. Again, none of them swear that ever I did so much as read a Letter in my House, or other where, that was pretended to come from the *Scots*, or pretended to be sent into *Scotland*. Further, none swear that ever I gave my express and particular Assent to the sending away of any Letter. And none swear that ever I collected one Penny of Money either

either for the King, or the Scots, or any Person in Scotland. That which is affirmed by one Testimony, to wit, by *Alford*, that I moved for Money, I shall answer when I come to it. Again, none of the Witnesses prove that ever I invited any Person, or foreign Forces, to invade the Nations of *England* and *Ireland*; which yet is laid expressly to my Charge, in the Charge read against me. None likewise prove that ever I plotted, contrived, or endeavoured to raise Forces, Tumults, or Insurrections within this Nation against the present Government. None swear that I was a Correspondent. Indeed *Adams* in his Testimony had these Words, (which both the Notary and myself took) That he took me to be a Correspondent. But when I had your Lordship's and the Court's Leave to put this Question to him, Whether upon Oath he would affirm I was one? his Answer was, That he could not positively say I was so; but he said, He did conceive I was a Correspondent; but did not say I was so. So that, Sir, as to these Particulars, there are none of the eight Witnesses (neither the seven that have been sworn, nor yet Master *Jaquel*, whom I do not take to be under an Oath) that do charge any of these Particulars upon me.

I have a Word also to speak concerning the Witnesses who are my Accusers; and I might say there is an Incompetency in them, as to their Number. There are many Particulars sworn against me, to which but one Witness hath sworn to one Fact; and this I shall humbly offer to your Lordship's and the Court's Consideration. I might alledge also an Incompetency as to their Quality: They are not only Persons accused of Treason, and so are not to be believed, but they have made an open Confession of that which is Treason by your Act, and so are not *legales Testes*. They have done that by an open Confession, which, as I am informed, is equivalent to a Conviction: They have confessed sending of Letters, receiving of Letters, and lending of Money; but they have proved none of these Things against me. Now they having both given it under their Hands, and also publicly declared that they have done these Things, I cannot judge them competent Witnesses against me: But this I must leave to the Court's Consideration.

Sir, concerning the Incompetency of their Number, to that wherein two Witnesses do concur, I am concluded; and wherein they have testified any Thing true, I would not deny it for all the World; and wherein they agree in their Testimony in a Truth, therein I will be candid, and ingenuous to acknowledge it.

My Lord, tho' the Charge be long, and my Time but short, and the Depositions many Sheets of Paper, (and truly I could hardly read them over till late last night) yet through the good Hand of God upon me, I shall labour to make as plain and clear a Defence as God shall enable me.

Sir, in reading over the Charge, I observe, that those things which seem most criminal against me, are sworn to but by single Testimony; and I will mention, with your Lordship's leave, a few Particulars.

First, Touching the Letters said to be from *Titus*, the Effect of it being, as was said, to desire some to come over to *Calais*, that he might give them Information touching Affairs at

*Jersey*; none but *Far* swears that this Letter was read in my House. The other Witnesses, some say, it was read in one place, and some in another: *Alford*, I remember, he says he heard it from *William Drake*; and *Adams* says, it was read in *William Drake's* House: but none but *Far* swears, it was read in my House. There is likewise none but *Far* swears, that Major *Alford* was desired in my House to go to *Calais* to *Titus*; neither *Jaquel*, nor *Potter*, nor *Alford*, nor *Adams*, nor any of the rest lay this to my Charge: it is only *Far* that lays this to my Charge, and he doth it most untruly, which I will make out unto you by an undeniable Demonstration.

He says, that at a Meeting at my House the Company did desire Major *Alford* to go to *Calais*. Now if your Lordship observes *Alford's* Testimony, he tells you upon Oath, that he was never in my House till after he came from *Calais*, nor ever spake with me in my life till after he came from *Calais*, therefore could not be desired in my House to go to *Calais*. So that, Sir, I will not lay it upon the Badness of *Far's* Conscience, but upon the Badness of his Memory. I do not think he is such an Atheist, to swear falsely deliberately; but being asked so many Questions as he was, for he was ask'd four-score and eighteen Questions by Mr. Attorney, and some of the Court, he might easily say he knew not what.

And I saw the Man was confounded, and it was hinted to him what to say, by the help of the Papers, and Examinations taken from him in private, and shewed to him in publick: so that, Sir, I saw the Man under a Temptation. I was loth to mention this then, tho' I knew his Testimony herein to be false, because I would not anticipate my last Answer.

A third Particular charged upon me by one Witness only, is a Copy of a Letter (not the Original, none swears that) that *Alford* received from *Titus*; and he told him, it was a Copy of a Letter from the King. Now *Far* he swears that the Substance of the Letter was to desire Commissioners to be sent over to *Breda*, at the Treaty there: now *Alford*, who pretended to receive this Letter from *Titus*, being asked the Question, he swears that there was no such thing in the Letter, that he knew of. Now truly, if any did know the Contents of that Copy of a Letter, it must be *Alford*, who brought it over: I beseech your Lordship therefore to consider it, and tho' the Charge against me be very high, and my Condition very low, and the Opposition against me very great; yet I hope I am in the hands of merciful and just Men, and that wherein you see but single Testimonies, that therein you would be very tender in proceeding to a Sentence against me upon those Testimonies.

Again, in the next place, I observe a single Testimony only in another Business, and that is Major *Alford*. None but he, of all the Witnesses did swear that it was agreed upon among us, That is, at my House, That a Commission and Instructions should be sent over to the Lord *Willoughby* of *Parham*, *Massey*, *Titus*, and Alderman *Bunce*; none, I say, but *Alford* swore this. *Adams* indeed swore, that there was a Motion; that this should be; and *Huntington* swore this, that Mr. *Love* should say, Come, come, let it

go; (to which I shall answer, when I come to it.) But *Far* said expressly, three times in Court, being upon Oath also, That all the Company were against sending away the Commission. And *Alford* he only swears, That the Commission was agreed upon.

I hope your Lordship and the Court will judge which of these to believe; and for *Alford's* affirming that it was agreed upon among us, I am sure, if he had any Conscience, he could not say that I agreed to it. I will not deny (now Witnesses have proved it) but that I was present. But I did express myself against the Commission and Instructions, as being an Act of high Presumption, for private Persons to send Commissions and Instructions; and as being an Act of notorious Falshood, that it should run in the name of the Presbyterian Party, when none did know any thing of it, that I know of, but only those that were then in the Room. And I beseech your Lordship and the Court to consider, that this is not only a single Testimony, but that it is said to be done in the Year 1649, a great while ago, my Lord. And so the Business of *Titus*, if it had been true, was done some time before that: so that, Sir, it being done before the Act of the 26th of *March* 1650, which constitutes this Court, herein I hope it will not be deemed criminal, if I had agreed to and approved of the Commission, which I never did. Another Particular, to which I observe there is but a single Testimony, which is *Alford* also; he swore, that at a Meeting at my House, I moved for Contribution of Money to *Titus*; none swore this but only he. *Adams* swore, I took Pen and Ink in my Hand, but he knows not what I writ. Others swore, That I was sometimes present at the Meeting; but none but *Alford* swore, that I moved at a Meeting for Contribution of Money. Now, Sir, as to that it is but a single Testimony; and if it were true, I do not deem it comes under the Act, because the Act (of which I was ignorant till the day I heard it here in Court) of the 2d of *August* 1650, that Act doth adjudge this to be Treason, to wit, *The sending, or causing to be sent, Money, Horses, or Arms, into Scotland.* Now, Sir, if it had been true, which this Witness deposeth, That I at a Meeting did move for Money, yet he proves not against me, that ever I received or sent away a Penny; and if I had moved it, that had neither been a sending away of Money into *Scotland*, nor a causing of Money to be sent away: and so brings me not, as to Treason, under your Act.

Another thing, unto which only a particular Witness swore, to wit, *Far*, is, That I moved him particularly to contribute Money. He chargeth not this at a Meeting, as *Alford* doth; for he says, he came in late, but saith that it was a personal Motion to him alone: And he doth not say, that I moved him for Money for *Massey* and *Titus*, but that I only asked him this Question, *Captain Far, what will you do?* And if your Lordship consider it, and that your Notaries have taken right, you shall find that to be his Answer, which I shall answer when I come to it. And thereupon he confesses, he brought five Pounds to my House, but he doth not tell you that I received it; and God is my Witness, I never saw it, nor received it, nor did I give any directions about it. But as *Far* was going out of the Court, he named *Captain Massey*, the

Person which he thought received the Money; for which he was rebuked by some that were by him, that so the greater Odium might lie upon me: as if because the Money being brought to my House, I must needs therefore receive it. His Name, as I am informed, that rebuked him for declaring who received it, is *Captain Bishop*: so that they would insinuate into your Breasts, who are my Judges, (who I hope will be conscientious) That it was I that received the Money, when the Witness meant honestly, that another received it. But if I had received it, or moved for it, yet he is but a single Testimony to that Particular. Again, in reading the Depositions, I take notice that there is only a single Testimony to those words; (upon the reading, reading I cannot say, for I never read it; upon the hearing some Papers read, supposed to be a Commission) that *Huntington* swore, that I should say, *Come, come, let it go.* Those were his words; but the other who were there present, two or three of them being ask'd, whether they heard me speak such words, they all of them denied that they heard any such words. Now truly this *Huntington* is a Man whose Face I never saw before that day, nor since, till I saw him here in Court: and if I had known that a Business of any dangerous nature had been come to my House, which I did not, (for I knew no more of it, than any here present, before *Drake* took the Papers out of his Pocket, which *Huntington* confesses were written in Characters, and read by *Drake*) I should have been accounted a very indiscreet Man, to speak any such words in the presence of a Man whose Face I never saw before. And for those words that I should say, *Come, come, let it go*; I hope your Lordship and the Court will be satisfied, that I never spake any such word, as to the Commission and Instructions; for then I should have contradicted my self in one breath: for at the same time I had spoke against it.

Again, I observe in the Depositions, none but *Adams* affirms that there was a Letter, *which*, says he, *was declared to be directed to the General Assembly of Scotland.* He doth not swear it was directed to the General Assembly, but that it was declared to be so, and so swears by Hear-say. None but he, I say, affirms upon Oath, That at my House there was a Letter read, which was declared to be directed to the General Assembly. And he says further, He thought this Letter was penned by *Master Love* or *Dr. Drake*: But I beseech your Lordship and the Court to consider by what reason he did conceive this; and I hope your Lordship will distinguish between a positive Assertion, and a conjectural Supposition. For being ask'd, why he conceived so? *I conceive so*, says he, *because of the Language of it*: as if he that never saw any Letter of mine, to know that poor and low Style I write in, should conceive that either I, or that other Gentleman named, should pen that Letter, merely because of the Language of it, it being, (he said) in order to promote the Ends of the Covenant. I hope the Court will judge of the Insufficiency of this Evidence; and were it never so clear, yet as to that Particular, it is but one Testimony.

Again, none but *Adams* swears concerning a large Letter, that, for my part, I never knew of, till the day he affirmed it here in Court. A  
large

large Letter, he says, in the nature of a Declaration, penn'd, as he thought, by Master *Love* or *Dr. Drake*, wherein it should be said, That they could not send Money till the *Scots* did appear more considerable, and grew nearer to Action: Yet he confesses he had no ground to say Master *Love* penn'd it. And indeed he had not. But, Sir, as for this Letter, though I durst not for a World deny any thing which I know to be true; yet God is my Record, to my knowledge, I never so much as heard any mention of it. And as for these words he speaks of to be in the Letter, I know nothing at all of them; nor did I ever hear them, as I know of, till I heard him affirm them here in Court.

But if it had been so, yet he is but a single Testimony, and I beseech your Lordship to consider, that he says it was to this effect, or this was the Substance of it: Now I hope so many grave Judges and Lawyers that sit upon my Life, and so many conscientious Men, will be tender of a Man's Blood, when a Man shall come in with Evidence, and shall shew neither my Hand, nor the Letter, nor the Original, neither Copy, nor Transcript, nor any thing but the vain Rovings of a Man's Memory in things spoken or done so long ago; and that a Man shall come in against a Man's Life, and shall only say, that this was the Sum or Substance of it, or it was to this effect. And I being a Divine, I shall not speak as to Matter of Law, that this is insufficient Testimony; but as a Scholar, and one that studies the Scriptures, I shall observe one memorable Instance that pleads my Justification in this Particular, and they are the words of Christ; Christ said, *Destroy ye this Temple, and in three Days I will raise it up*, John ii. 19. Now the Scripture in *Mark* says, *There arose certain, and bare false witness against Christ, saying, We heard him say, I will destroy this Temple, &c.* *Mark* xiv. 57, 58.

I beseech your Lordship to consider, that in this Testimony of the false Witnesses against Christ, there is only the Variation of a Word, and the Addition of a Letter; there is the Addition of a Letter *I*, and the Alteration of the word *ye* for *will* (there's all) for Christ did not say I will destroy, but, *destroy ye*; and yet the Scripture takes notice of it, that this Addition of a Letter, and Alteration of a Word, brought his Accusers under a false Testimony, though they spake according to their Intention; for they did verily believe he spake of the Temple: for they said, Forty Years was it in building. So that I beseech you be tender in Matters of Blood. I know you who are skilful in the Law do know, that the Proof of Treason must be as clear as the Sun, *Probationes oportent esse luce clariores*. Now when a Man shall come against a Man's Life, and cannot shew any Letter that ever he wrote, or that ever he did receive, but shall only swear it was to this effect, or to this purpose, or I believe this was the Substance of it; I hope you are so wise and conscientious, that you will pass no Judgment upon this conjectural Evidence.

Another Particular, to which only one Witness testifies, and that is *Adams*; he swears that I should say, That if the Presbyterians were in Arms, by the Blessing of God, Malignants might be prevented from getting the day. Truly, I do not know what Crime is in these words, but as they may be wrested. But, Sir, I do remember

that this *Adams* hath often come to my House; he said seven or eight times, he might have said seven and twenty times; for he hath come sometimes once or twice a Week to my House, to tempt me (as I now perceive) and hath offered me Money; and would ask me whether I knew any thing for a publick Use that might require Money; And though I never suspected him, yet so free am I from maintaining Correspondency, or from having Intelligence, or contributing of Money to maintain a War, that I never received one Penny of him in my Life, though I have been moved to it by him: But I remember, of late especially, about a quarter of a Year before I was in Prison, he would come once or twice a Week to my House, and he pretended that he was wrought upon by me, and that I had turned him from his malignant principles; for he was very violent for *Hamilton's* Invasion of *England*, which I was, and to this day am against; and I did labour to possess him what a mischievous Design that was: and so he pretended to be turned to my Principles, and upon this got some room in my Affections. But these words were not above a fortnight before I was committed to Prison: and I remember the Occasion of them was this; I was bewailing the great Alienation and Difference that there was between the Presbyterian and Independent Party (though I do not love names of Distinction) and indeed thus I said, that if the godly Party, that were now disunited and disjointed, both of the dissenting and Presbyterian Way, were in Arms, there were no Hopes that ever the Malignants should get the Day. And God is my Record, I spake nothing to him but to this purpose. And thus, through the good Hand of God upon me, I have spoken to what I observe in reading; the Depositions, wherein I find but single Testimonies against me.

I shall now crave leave (which is the main of my Work) to run over the Depositions as briefly as I can; for I shall not trouble you with large Speeches: but being the Depositions were large, and the Witnesses many, your Lordship and the Court (I hope) will bear with me with the more Patience, if I speak more largely in it. It is my Duty to speak for myself, and it is for my Life.

The first Witness that appear'd in Court against me, was *Henry Potter*. As to his Testimony, there are many Particulars which he was ask'd about me, to which he spake but conjecturally; *as he thought*, and *as he believed*, and *as he conceived*. And when Papers by Mr. Attorney-General of his Examination were tendred to him, he answered, That *then he had a Latitude to speak more than he durst affirm upon Oath*. And upon this I shall humbly crave leave that I may make this Motion to you, That you would not, in passing Judgment upon me, hearken to any private Examinations, which are extrajudicial, to be brought in Court against me; for most of the Witnesses had their private Examinations shewed them in Court, and were read to them, and they did not speak in their Relations of what they knew, but what they conceived; and when they could not tell what to say, then their Examinations were produced to direct them: and I hope your Lordship and the Court will take notice of this. And herein I cannot but acknowledge the Justice of this Court in this Particular, That you would not receive private Exami-

Examinations till they came Face to Face, that I might answer to the Crimes laid against me.

But as to his Testimony, I shall not run over things that touch me not, I must not flatter myself to pass over things that concern me: For I know it will be looked upon with more prying Eyes than mine are. There are only two things in his Testimony that concern me: He speaks not of any Meetings at my House that he knows of; he speaks not of any Money that ever I lent him or gave him, though there was a narrow and exact Examination of him in those Particulars. But two things concern me in his Deposition; the one is, That he received a Letter with a great *L.* upon it, from one Colonel *Bamfield*, which was a Narrative of the Affairs of *Scotland*; which Letter, with two more inclosed, from my Lord of *Argyle*, *Lowdon*, and *Lothian*, he said, he brought them to Mr. *Love's*: and herein I might take notice, that he forgot himself a little, for he might have said, that he brought them first to Mr. *Jaquel's*; for *Jaquel* did affirm in Court, that *Potter* brought the Letters to him, and spake to him to come to me. The Substance of the Letters from the Earl of *Argyle* and the rest, he says, were to move for Ten Thousand Pounds; and (as I remember) *Jaquel* says, for Five Thousand Pounds: But *Potter* himself acquits me in this matter; for he doth not swear the Letter was to me, nor could he swear it justly; nay, he swears he did not think it was to me. And as for this *Bamfield*, he is a Man whose Face I never saw to this Day: and he swears, (and indeed he had been injurious if he had not told you thus) that when he came into Mr. *Love's* House, he said, *Mr Love, I have News to shew you.* And unless things be aggravated against me, by the Insinuations of Men, and by rigid Inferences and Collections, this will be the worst charged upon me, That there were several Meetings at my House, and several Letters read there, which I do not deny. But, Sir, he confesses that he said [*Mr. Love, I have news to shew you*;] and that he opened some of the Letters, and that some were not opened when he brought them: But neither he nor *Jaquel* swears, that I opened them; and he tells you, That he carried away the Letters with him. And he swears further, That both my self, and all that were there present, did manifest an utter Dislike and Detestation of those Letters. But herein I know what will be laid to my Charge; it will be said, Why did not Mr. *Love* reveal them? Truly, in this I do ingenuously say, That I did conceive by reading of the Act that constitutes this Court, That those only were bound to reveal, that did receive them; and not that I was bound to reveal that which another Man received. But herein I am better informed by my Counsel, and they tell me, That Presence with, or Silence at what others do, makes it a criminal Fact in me, if the Matter of the Letter be criminal and treasonable by your Acts; and therefore in this, that I did not discover them, I shall humbly beg your Favour.

The next Thing in *Potter's* Testimony that toucheth me, is, he swears that he heard of a Proposition for raising of 400*l.* for *Titus* and *Massej*; but he varies from the others: *Alford*

said, 2 or 300*l.* and *Far* said 250 or 300*l.* and *Potter* saith, 400*l.* But he saith he was not present, when the Proposition was made, and therefore he cannot speak as to that. But yet saith he, *I brought Ten Pounds to Mr. Love's House, and there left it*; (five or six Persons more being in the Room.) Mr. Attorney-General was pleased to ask him, Whether he did not give me a twitch by the Hand or Cloke, when he brought it? *Potter*, I remember, denies that he did so; and I do not remember that ever he did it, nor do I remember that ever he laid a Penny of Money down in my House: And I tell it you in the Presence of God, I never saw it, nor received it to this very Day. But, Sir, if he had given me a twitch, which is intended as an Aggravation against me, I hope a Judicatory will not proceed upon so silent a thing as that is: Though *Solomon* says, *There is a Teaching with the Fingers*, Prov. 6. 13. yet that is so silent a thing, that a Court of Judicatory cannot take notice of it, unless it be manifest and apparent by some Act. And therefore seeing he doth not affirm that I saw the Money laid down, or that I received the Money, or directed or ordered him to come to my House with any Money, I hope you will not lay that to my Charge. And thus I have done as to that Particular.

There is only one thing more in order to the Letters he was examined about. He was ask'd what Answer was returned to those Letters that he received from *Bamfield*, and the Earl of *Argyle* and the rest, that he shewed Mr. *Love*? To that he gave this Account, That a Letter was left at his Shop, which he thought, he said, came from Mr. *Love*, or Doctor *Drake*. Now, Sir, for my part, I declare in the presence of God, That I never in all my Life, either wrote or sent, or left a Letter at his Shop: And although I am not to plead another Man's Cause, yet I believe that godly Minister he mentions will clear himself also; but I must only speak to my own Defence. For my part, I never in my Life sent a Letter to his Shop, written to those Persons: and he only swears, that he thought the Letter left in his Shop came from me or Doctor *Drake*: But how could he know from whom it came, or what was the Matter of it? And if it had come from either of us, which he did not affirm, yet he doth not say he opened the Letter, and so could not tell the Contents of it, that it was an Answer to the supposed Letter he shewed me. I have only one thing to observe in his whole Testimony, and that is, That he confesses, until he had a sight of other Mens Examinations in private, to wit, of *Alford's* and *Adams's*, the things did not come to his Remembrance, or Words to that Effect he hath in his Depositions; and that there were some things to which he could not speak exactly, till he first saw some Informations; and that Mr. Attorney-General did shew him some Informations, and that did bring things to his Remembrance; and that before Capt. *Fisher* and Mr. Attorney did prompt him, and remember him, he had forgot. So that, Sir, I beseech you consider, whether this be a clear and a good Testimony in Law, That when a Man hath forgot a thing done so long ago, he shall through the Examinations of others have his Memory rubb'd up, and then shall come here in a publick Court to testify this against a Man's Life.



The next Witness is Major *Alford*, he gives you a large Relation about sending *Titus* to *Jersey*, and of 100 *l.* given him for his Journey, and of Letters to the Queen, and *Jermin* and *Piercy*. My Lord, I am as ignorant of all these things as the Child unborn, and did never know that *Titus* was gone or sent to *Jersey*, by any Person, till a long time after I heard he was there, and till I heard of his Name in the *Diurnals*, that he was an Agent for some Presbyterians; till then, God is my Record, I knew nothing of that: and I need not speak to this, but because this was part of my Charge, and brought into the Court, many may imagine, as if I were guilty upon the whole matter. But that which concerns me, is this; he affirms that the Commission and Instructions were agreed upon at my House, to send to some Persons, to wit, my Lord *Willoughby* of *Parham*, *Massey*, *Titus*, and Alderman *Bunce*, to treat at *Breda*; and this to be in the behalf of the Presbyterian Party.

Now, Sir, I shall humbly crave leave to offer, wherein this Testimony is not only disagreeing with the Testimony of others of the Witnesses, but even to his own Testimony also. For here he says, it was agreed upon at Master *Love's* House; and in three Leaves after, he says, it is true, there was a Commission and Instructions read at Mr. *Love's* House; but whether they were agreed upon there or no, saith he, I know not. I do not say he hath a bad Conscience, but sure I am he hath a bad Memory. He disagrees with the Witnesses also; for *Far* did expressly affirm upon Oath, That all the Company was against sending them away; and therefore for *Alford* to say it was agreed upon among us, in that I am sure he doth not speak truly. Another thing which *Alford* lays to my Charge, is about a Letter, which after *Dunbar-Fight* should come from *Massey*, wherein he should write for Money, and for Arms, by the way of *Holland*; and he swears this Letter was read in my House, and says, That upon the reading of it, I did move for the Contribution of Money to be raised for the Supply of *Titus*. Now before I answer to that, though I am not in a Condition to retort, yet I shall humbly crave leave, without Offence to Mr. Attorney-General, to intreat the Court to take notice of this one thing: Master Attorney-General, when the Witness had spake these Words, did pray your Lordship and the Court to observe, that *Massey* wrote for Arms, and Mr. *Love* moved for Money; as if he would insinuate to the Court, That he writing for Arms, and I moving for Money, that my moving for Money was to buy Arms. Now *Alford* upon Oath did declare, That every Man there was against Arms, and he only said, That the Motion for Money, was to supply the personal Necessities of *Massey* and *Titus*, who were in want. So that I intreat you to consider it, that that Insinuation of Mr. Attorney-General might not be aggravated against me, and that a bad Inference might not be drawn from it; as if he writing for Arms, and I moving for Money, that that Money should be to buy Arms; which is contrary to Major *Alford's* Oath. Again, another Insinuation of Mr. Attorney-General is this; He prayed your Lordship and the Court to consider, That I moved for 300 *l.* now this is contrary to *Alford's* Oath; for *Alford* hath these words, *Mr. Love did move for the Contribu-*

*tion of Money, but there was no Sum spoken of.* Now when he shall affirm that there was only a Motion for Money, but no Sum spoken of, shall this be laid to my Charge, as if I moved for 300 *l.*? Therefore I intreat you, that those Insinuations and Aggravations of Mr. Attorney-General may not be laid upon me; and that ye would take no notice of any private Examinations, nor yet of any Aggravations of those who are Instruments of State, but upon the plain Deposition of the Witnesses, and according to their Testimony and your Consciences I must stand or fall. *Alford* said further, That after he came from *Titus*, he gave an account of a Narrative, and of a Copy of a Letter from the King of *Scots*. What he might bring I know not; and if he did, I never desired him, either to go to *Calais*; or to come to my House: For I never spake with him as I remember, till after he came from *Calais*; nor till the time, he says, the Letter and Narrative was read in my House. Now, Sir, he only says it was a Copy of a Letter (not the Original) That *Titus* (saith he) did shew me a Copy of a Letter, at leastwise, which he said was from the King to the Presbyterian Party. So that this which is the foundation of the rest of the Testimony, is only this, That the Copy of the Letter was read at my House, and that it was a Copy of the King's Letter. This he affirms only upon Hear-say; for he says, *Titus* told him so: But who can swear, either that *Titus* had the original Letter, or that this was a true Copy? Nay, might it not be a fictitious thing, either of *Titus* or of this Man, as may well be suspected? So that they that receive Letters, if that be Treason, and those that write Letters and send Money, if they be Traitors; yet they have proved none of these against me, and yet I only am arraigned, and they in hope of Favour.

Again, I desire the Court to take notice, though Captain *Far* says there was this Clause in the Copy of the Letter from the King, *to send Commissioners to Breda*; (and yet he overthrew his Oath afterwards; for he says, it is so long ago, that I cannot remember it: but I shall speak to that when I come to it) yet *Alford*, that brought this Letter, affirms, That he did not know it was to desire Commissioners to be sent; and if it had been so, I should never have done it, and never did it. At that time I was in my Study, I do not deny it; but when *Drake* read the Commission, I did declare my Dislike of it, and Detestation against it; and so did (as *Far* affirmed) either most or all the Company: And if any such thing were sent, God is my Record, I did neither know of the writing of it, (other than in Characters) nor of the contriving of it, nor yet of the sending of it away, till I heard *Alford* confess in the Court, that he carried this Commission to *Gravesend* to one *Mason*, a Man whose Name I never heard of before I was in Trouble. And if I had written and consented to it, yet it was in the year 1649, as Major *Huntington* swore, and therefore was before the time that your Act could take hold of me, if I had concurred to it, which I never did. Again, he insisted upon it, That I moved for a Contribution. Now herein I beseech your Lordship, that I may offer these two things.

First, This is but the single Testimony of one Man, and by the Law of God, and of the Land,

a Man must not die, but under the Testimony of Two or Three Witnesses: in the old Testament, *Deut. 9. and 15. One Witness shall not rise up against a Man for any Iniquity, or for any Sin in any Sin that he sinneth. At the Mouth of Two Witnesses, or at the Mouth of Three Witnesses, shall the matter be established.* And lest this might be thought to be a Judicial Law pertaining only to the Jewish State, it is therefore quoted four times in the New Testament; by Christ, in *Matth. 18.* by Paul, in *2 Cor. 13.* and in two other Places, as noting it to be a Law of Moral Equity, That no Man's Life should be taken away but by express and clear Testimony of Two sufficient Witnesses. Now in this that may seem most to pinch upon me, that I should move for Money, there is but one Witness; and it is, as I am informed, contrary to the Laws of the Land, and the Statute of the 1st of *Edward the Sixth*, which provideth, That no Man shall be indicted, arraigned, and convicted for Treason, but by two lawful and sufficient Witnesses: and therefore I beseech your Lordship and the Court, that you would be tender in those things, wherein you find but one Witness speaking.

The other thing that I shall say to this Point, about moving for Money, is, That I humbly conceive the Act doth forbid relieving Persons in Arms; but now no Person can be relieved by a bare Motion: it is not the Motion, but the having the Money moved for, before the Person in Arms can be said to be relieved; and if it were true, yet it is not proved, That those Persons were then in Arms. The other Act of the Second of *August*, I conceive, gives me Relief, if I had moved for Money; for it judges those only to be guilty of Treason, that shall either send, or cause to be sent, Money, Horse, Arms and Ammunition into *Scotland*. Now, Sir, if I had in a Meeting moved for Money, yet he tells you not how much I moved for; for ought he knows it might be but for Six-pence, for he cannot swear to it: and I hope, when the Sum is not spoken of you will be very tender. Yet this comes not under your Act, either to be a sending of Money into *Scotland*, or a causing of it to be sent, which is not the least fastened upon me. When I ask'd him (though he swore I moved for Money) whether I contributed any Money my self? to that he answered, he could not say I did, nor could any of the Eight Witnesses that came against me. And thus I have done as to his Testimony.

The third Witness is Major *Huntington*; and he affirms, That in the Year 1649, one ask'd him to go to my House, and told him there were some there at Prayer, and that he might there hear some News; and that he spake upon hear-say: But then he spake upon Oath, *And when I came there, Prayer was done.* Now for a Man to be so positive in the first Entrance of his Testimony, as to say Prayer was done, when he could not know that there was any Prayer there at all; (for when he came, it seems there was no Prayer; and how then could he know there was any Prayer there at that time?) this at the very first Entrance of his Evidence, I suppose, might be a just Ground to suspect his whole Testimony. But as for the Man, I knew him not, I never saw him, as I said, before that Time, nor since, till I saw him here in Court. This Man affirms, That *William Drake* read in Characters, that

which he called a Commission, and said, That he had a Command from the King to send this Commission away; which, God is my Record, I never heard, nor ever knew of it: and *Alford* that brought over the Letter, in which *Far* swore those words were, he himself denies it. But that which concerns me in *Huntington's* Testimony, is this, he affirms, That when the Commission was read by *Drake*, I should say, *Come, come, let it go.* Now, Sir, I ask'd him this Question, Let it go, what doth that refer to? Says *Huntington*, let the Papers go. Now truly I am not so bad a Grammarian as to speak of Papers, *let it go*, and not to say, *let them go.* And if I had spoke of Papers, as he says I did, I must either be guilty of Nonsense, or else he of Falshood; I believe he of both. But as for those words, *Come, come, let it go*; he doth not affirm that I said, *Come, let it go away*, but *let it go*; and that may be a word of dislike: And if I did say so, yet it was not of the Commission, God is my Record; for he came not till Nine of the Clock at Night, as himself says: and before he came, I had declared my self against sending away the Commission and Instructions, as being an Act of too high a Nature for private Men, and of notorious Falshood, to say it was in the Name of the Presbyterian Party, when it was not. And the other Men that were here in Court upon Oath, and that were then present, as *Adams* and *Alford*, did confess upon Examination, That they heard no such words from me.

The next Testimony is Master *Adams*; and he relates a Story of a Correspondency between *William Drake* and one *Mason*; and being ask'd, Was Master *Love* privy to this Correspondency? he did so far clear me, that he could not say it, nor was I privy to it. Being ask'd again, Was Master *Love* privy to these Letters of sending moderate Propositions to the King? That he likewise clears me in, he cannot say it: And I can say, that I am so far from Moderation in their Sense, that Moderation in their Sense I deem downright Malignity; which I was and still am utterly against. He was ask'd likewise, Did Master *Love* know of collecting a Hundred Pounds for *Titus*? To that he answered, That he durst not upon Oath say that Mr. *Love* was privy to this Collection; and he doth not say, that it was agreed in my House to send away the Commission, but says, it was moved in my House: for he says, *I cannot say, it was agreed upon, for there was no Vote pass'd.* These were his Words; and he contradicts *Alford* and *Far* in three Places of his Testimony. He overthrows *Alford's* Deposition. He affirms that the Copy of the Letter from the King was to shew what great Affection he bare to the Ministry of *England*; and promised great Favour when he was in a Condition to do it, and desired them to stand stedfast in the Way they were in. And he saith he dare not swear that this Letter was read in my House; but he thinks it was. Now, as to this Letter likewise, I desire the same Favour from you, that when the Letter doth not appear, neither the Original, nor the individual Copy, that you would be tender of passing any Judgment upon me upon the vain Rovings of a Man's Memory; and of a Man's Memory too, that is engaged to prosecute my Life to save his own, as most of the Witnesses are that came in against me. He saith

faith there was a Motion made in my House, that a Commission and Instructions should be drawn up, to send to my Lord *Willoughby* of *Parham*, and the rest in *Holland*; but he says, *But by whom I cannot say*: and says he, *There was no Debate, as I remember, to mend the Instructions*; though the Attorney-General did lay it upon me, as if I had corrected and amended them, when I did neither read them, no, nor so much as touch them in my Life. The Substance of the Commission, he tells you, was to authorize the Lord *Willoughby* of *Parham*, *Massey*, *Graves*, and others to assist their Brethren of the *Scottish* Nation in their Treaty. Now to this there is a manifest Contradiction in another Man's Testimony: For Captain *Far* swears that the Commission he speaks of was not to treat, but only, as private Persons to advise that the King might agree with the *Scots* upon the Interest of Religion, and the Terms of the Covenant; that he might not be drawn away by the high-flown Cavaliers and Malignants. So that *Far* overthrows this Testimony of *Adams*. *Adams* says it was to treat; and *Far* says it was not to treat, but to advise. But be it the one, or be it the other, I detest both; I had no hand in, and gave no Assent unto it, but manifested my Dissent to the whole. He being likewise asked (for I am still upon *Adams*'s Testimony) whether at a Meeting it was not propounded at my House to write to the Queen, and to *Jermin* and *Piercy*, to mediate with the King to agree with the *Scots*: To this he answered, No. And truly he might very well answer so; for I am sure I did never in all my Life hear of a Motion so much as of a Letter to be writ to any of these three Persons, to the Queen, *Piercy*, or *Jermin*; and should have lothed and abhorred the very Thought of it; and should think that Cause the worse, wherein these Persons were engaged. Being asked whether there was not a Letter from *Piercy*, that writ for Money to be sent to the King; and whether the Answer given was, That they should stay till the King and *Scots* were agreed, and then to send Money; *Adams* in this did me this Right: He confessed he saw such a Letter writ; but (says he) *I only saw it in the Hands of one Mason*: a Man, who, for my part, I never knew nor heard of till I was in Trouble. And being asked whether this Letter from *Piercy* was read in Master *Love*'s House, he said, *Certainly no*. Being again asked whether about *August* there was not a Letter written from *Massey*, wherein he said he had back-friends in *Scotland*, and complained that he was not promoted there, and whether that Letter was communicated at Mr. *Love*'s House: In this also he did me right; for he answered, *No certainly, that Letter was not, to the best of my Remembrance, read there: I heard of such a Letter, but saw it not*. Then being asked whether one *Sterks* was not a *Scotch* Agent; and whether he did not use to come to my House: To which he gives this Answer, *We took him to be a Scotch Agent, and he met sometimes at Master Love's House*. Now, Sir, as to that, he supposed that he was an Agent, but doth not swear that he was so, much less that I knew him to be so. Nay, I can swear, upon the best Information I have had both from his own Mouth, and the Mouths of others, that he was no Agent; for he lived in *England* fourteen Years, and had not been in *Scotland* in fourteen Years.

And I heard himself say so when he went away upon the Act: And I asked him, Are you employed by the Church or State of *Scotland*? And he told me, No, he was not. It is in your Breasts whether you will believe me, or no. And likewise Mr. *Blair*, when he was here in *London*, did affirm to me that he was a poor honest Man; and that he was no way employed as an Instrument of State. I know nothing of the Man's Agency: Be he Agent or not, I never sent Letter or Message by him, nor received any from him in all my Life. But I see it is laid heavy upon me in my Charge, that I contributed Money to him; but no Man in his Depositions did prove that I ever gave him a Penny. *Adams* being asked whether Master *Love* did not write down the Sums of Money that was to be contributed to *Massey*, in this he doth me right also, for he saith, *Master Love had a Paper in his Hand, but I did not see what he wrote*: and therefore to that I need not answer. Being further ask'd, Did not Master *Love* put the first Letter of their Names before the Sums which others wrote; he answered, He could not say so. Being ask'd further, Was there not a Letter penn'd by Master *Love* and Doctor *Drake*? this Answer he gives, *There was a Letter, but (says he) I cannot deliver it upon my Oath that it was penned by them; but I thought it was so*. He could not tell to whom this Letter was directed, but said, *It was declared to be directed to the General Assembly of Scotland*. Now, as I observed in the Beginning, this is only the single Testimony of one Man. And, indeed, it was the first Question (as I remember) that was asked me, that was of moment, when I was examined by the Committee, whether I did not pen this Letter. I did declare to them in the Presence of God, *That I neither penn'd that, nor any other, to any Person of the Scottish Nation, since the Wars began*: And this I declare in the Presence of the same God, still to be a Truth. Being ask'd further, Was Master *Love* present at some time of this Meeting? he answer'd I was: And the Reason why he thought that we might pen it, was because of the Language of it. Mr. Attorney-General upon this (I remember) uses this Expression, *My Lord, this is very high; after we were engaged in Blood, that a Letter should be sent*. But to this I say, there is only a single Testimony that such a Letter was writ; and whether it was sent or no, he doth not prove: nor doth he prove that I writ it: And I declare to you that I never writ it. As touching this Letter, which Mr. Attorney-General is pleased to insist upon so much, *Adams* being asked whether it was agreed upon that this Letter should be sent, he gave this Answer, *It was after the same manner that other Things were agreed upon; but there was no Vote pass'd*: And therefore he cannot prove my particular and express Assent to the sending of the Letter, or any other Letter whatsoever. And here to take off the Jealousy of a Correspondency, which in the close, through the Grace of God, I shall clear to you; but to take it off now a little, before I come to it: If there had been a Correspondency maintained, would it have been imaginable that from the time of the Fight at *Dunbar*, which I think is ten Months since, to this time, that there should be no Letter that any Man can say, nor that I did certainly know of, that either was written, or conveyed,

or debated upon to be written, from that time to this very day, to any of the *Scottish* Nation? And yet all this tends to aggravate Matters against me, and all the Burden is laid upon my weak Shoulders. Other men that have heavy Loads have laid them upon my Back, to lighten them from off themselves. Touching this Letter, he saith, *This was the Substance of it, or it was to this effect, or purpose.* And again, I insist upon it to beseech your Lordship and the Court, to take heed what you do. It concerns you more than me: It concerns my Life only; but it concerns your Honours, and Lives, and Souls, and all, that upon an uncertain Evidence you do not spill a Man's Blood. The Man never read the Letter, only he heard it read; and then he brings into that and other Letters, *This is the Sum of it, or it was to this effect.* And though this Man hath done me Injury in some Particulars, yet in others he hath done me Right: For being asked, Did Master Love write Letters, or receive any, or mend those Instructions? he only swears he saw the Letters; but cannot say I did read them. Being asked whether I did give my Consent to the sending away of that Letter after *Dunbar-Fight*, which is so much insisted upon, and so greatly aggravated, he did thus far right me; he said, *I will not swear he did give his Consent.* Being asked whether I was a Correspondent, he said he took me to be a Correspondent: And upon these Words I had leave to ask him this Question, Whether he knew I was a Correspondent? To this he said, That Letters were heard by me; but, said he, *I cannot swear that he was a Correspondent: I did conceive Master Love to be a Correspondent; but I did not say so: And I dare not swear that he was a Correspondent.* So that herein likewise there is nothing but his humbly Conceiving, and his Suppositions; according to which I hope you will not pass any Censure upon me. And thus I have done with *Adams's* Testimony.

The fifth Testimony is that of *Jaquel*, which I do here again in Court except against as no legal Witness; for he did declare he could not in Conscience take an Oath against me. He did well nigh half an Hour declare he could not swear, but that he would make a Narrative or Relation of what was true. I did intreat your Lordships leave to put it to him whether he was under an Oath, or no? and he said, twice at least, *I am as good as under an Oath.* If any Person, good or bad, come under an Oath, I must stand or fall by his Testimony; and, according to God's Ordinance, an Oath is to decide all Controversies: But the Man declared he was not under an Oath, and went out of the Court, and was fined five hundred Pound: And when afterwards he was called into the Court again, he did only put his Hand upon his Buttons on his Breast. So that this was not any taking of an Oath; but fearing his Fine, he did it, though with much seeming Regret of Conscience; and I am informed this Day that he denies that he was under an Oath. And if so, then I have nothing to say to his Testimony; and so shall not speak to it, but only as to a bare Relation and naked Information. There is nothing that doth concern me in his Testimony, but only a Concurrence with *Potter*. *Potter* and he coming to my House with some Letters, (as he saith) one from *Bamfield*, another from *Argyle*, *Lowdon*

and *Lothian*, and *Belcarras*, and another from one Master *Bailey*, if I remember right. Now Sir, as to these Letters, I do not deny but that they brought them to my House; nay, I do acknowledge those two Men did bring those Letters to my House, at leastwise which they said were such: But whether they were the Originals or Copies, I know not; for I never read nor kept the Letters, but they carried away the Letters with them. And Captain *Potter* said, *Master Love, I have News to shew you;* at that very time when Mr. *Jaquel* and he came to shew them at my House. This Witness, I cannot call him so, but this Informer saith, that being asked what was done upon the hearing of those Letters, he said *Potter* read the Letters; but that there was no Agreement upon it, but an utter Dislike in all that heard them about the Contents of them. And he hath these Words further, *It was, says he, a Trouble, I am confident, to them that heard and read the Matter of those Letters.* But being asked, Did Master Love agree to the giving of forty Pound to *Bamfield* and his Man? To that Question he answers thus: He said there was no Agreement; but it was thought convenient by all. Upon this I craved leave of your Lordship to ask him this Question, How he knew my Thoughts, that I thought it convenient? To which he gave this Answer; *I cannot say any thing, that Master Love did say it was convenient.* So that therein, though he might presume upon a Man's Thoughts to know them, yet he must only judge my Thoughts by my Words, as the Tongue and Heart agree; for he is not a God: But he doth not say that I said it was convenient. Nor did either of them prove that ever I gave a Penny either to *Bamfield* or his Man.

The last Witness that came in against me, is Captain *Far*. And, indeed, I do not know what to make of his Testimony: I will not call it a Prompting, that will be thought too bad a Word; but certainly it was such a Testimony that I never heard produced in any Court in my Life: For Master Attorney General, and some others here, did ask him ninety eight Questions. So that the Man spake nothing deliberately, but spake by reading out of his private Examinations, which is extrajudicial to be brought in Court, where the Witnesses are to speak *viva voce*. There was, I say, so many Questions (besides those I had leave to ask him) propounded to him, during the time he was upon his Oath. And the Man was of a dull Spirit, and slow of Speech; and I did perceive him to be so possessed with Fear, and that he knew not what he said: For he hath manifest Contradictions in his Testimony, which I believe all the Court will see, and therein concur with me, when they come to hear them. The first Word I heard him say in Court was this, To desire the Benefit of his Papers. It seems he did suspect the Badness of his Memory, that he must have his Papers to help him, (and Papers written by another) before he would depose in Court against me for my Life.

Being asked whether upon the ending of the Treaty of *Fersey* there was not a Letter came from *Titus*, to desire somebody to come to *Calais*; and whether that Letter was read at any House; and whether at my House *Alford* was desired to go; he affirms he was, (which none else did) and which is a most notorious Falshood. I have no

Rancour in my Heart against him; the Lord knows I have prayed for all those that persecute me; and my Heart cleaves to them in Love and Pity. I do not tax the Badness of his Conscience, I think he dares not be so vile; but I do tax his Memory in Things done so long ago. And afterwards he says he could not remember ought, (tho' he did pretend to remember) because they were done so long ago; yet before he did affirm them. Now to demonstrate this, that he says in this Clause, to be false, that *Alford* was desired in my House to go, *Alford* himself says he was never at my House till he came from *Calais*, which is certainly true: And therefore *Alford* could not at my House be desired to go to *Calais*. When there was an Account given of *Alford's* Return from *Calais*, then I know he was there, though I never spake with him before that time, as I remember; nor was he ever within my Doors till after his Return. But says *Far*, *I cannot say Master Love was present while Alford's Return was there read; for sometimes he was absent.*

Then further, being asked what was the Substance of that Copy of the Letter from the King that *Alford* brought from *Titus*, he answered, That the Sum of it was this, that the King of *Scots* did declare he would give Satisfaction to the *Scots*; and in order thereunto, he desired Commissioners to be sent over to *Breda*. These are the Words of his Testimony. Now, Sir, this is but the single Testimony of one Man; and it is contrary to the Testimony of that very Man that brought over this Letter: And if any Man knew the Substance of the Copy of the Letter pretended to be from the King, it must be *Alford*, that brought it over: Certainly none could know it better than he. And therefore for this Man to be so strangely besides himself, and to forget himself so, as to say this is the Sum of the Letter, when he that brought it saith the contrary, and did not know that this was the Sum of it, this may seem strange; and I hope you will judge of the Weakness of this Testimony. Being asked whether he did not conceive this to be the Copy of the King's Letter, he did me right in that; for he said he could not tell whether it was the Copy, but that *Alford* told him he brought over a Copy of the King's Letter. And Mr. Attorney-General was pleased to aggravate this of Captain *Far* against me: Says he, The King sent over for Commissioners to treat; and accordingly at Mr. *Love's* House it was agreed upon that Commissioners should be sent, and there were Persons named. To this I say, That, God is my Record, I never in all my Life heard (as I remember) of any Letter from the King to that end, that Commissioners should be sent over. And *Far* doth me right herein; for in answer to that Question, Was your Commissioners agreed upon? he three times answers negatively. I do not perceive that he remembers himself so well in all his Testimony, as in that Particular. Being asked whether the Commission was agreed upon, he said it was not agreed upon by the Company. And herein he did me more right than any Man; for he gave my Reason, For (says he) *the Reason given was, Because private Persons could not give a Commission.* And though he hath done me more wrong than any Man, yet herein he hath done me more right than any Man. Being further asked, Was it not debated

to send a Commission over? *Drake*, he said, *read a Paper in the nature of a Commission; but it was not agreed upon by the Company, because private Persons could do no such thing.* And a third time he says, *The Commission and Instructions were read in a Company at Mr. Love's House; (that he affirms, and that I do not deny) but not agreed upon.* And further he said, He did conceive, to the best of his Remembrance, it was in the Name of the Presbyterian Party of *England*: But (says he) *I cannot positively say it was so; for I did but only hear it read.* Then your Lordship asked him this Question, Did you say that the Commission was not agreed upon, but that the Instructions were? To this Captain *Far* said, That *William Drake* undertook to draw up the Commission and Instructions; but yet, says he, *I cannot say that they were either drawn up, or sent.* Again, he says further, (and herein he doth me more right than *Adams* or *Alford* doth) *Adams*, he says it was not agreed upon; yet he saith thus, There was a Commission read for to treat; and so says *Alford*: But this Man says directly, That this supposed Commission was not to treat in the behalf of the Presbyterian Party. And it had been a Folly for private Men to assume such a vain Title to themselves. So that he says directly, upon your Lordship's Question to him, that it was not to treat, but to advise the *Scotch* Commissioners, and the Ministers especially, to agree with the King upon the Interest of Religion, and Terms of the Covenant. But being asked, Was it not in the behalf of the Presbyterian Party? he answered, No. Being further asked, Was there not an Agreement at Mr. *Love's* House for a Letter to be sent to the Queen? Herein also this Man doth me right; he said, No, my Lord. And yet he contradicts himself likewise; for being asked in the next Question what was the Substance of that Letter to the Queen, he answered, The Substance of the Letter to the Queen was, That she should persuade the King to give Satisfaction to the *Scots* in their just Demands. Now, either he must hear of this Letter somewhere else, or else frame a Fiction to himself, that this was the Matter of the Letter, when there was no such Letter *in rerum natura*. The next Thing he charges me with, is, That I should say it was agreed that Money should be raised for *Massey* and *Titus*; and he names the Sum, he thinks 250, or 300 *l.* and that I thereupon should particularly move him with this Question, Captain *Far*, *what will you do?* Now, I beseech your Lordship and the Court to consider that he doth not swear that I said *we were agreed*, but *it was agreed*; and that might be the Act of other Men, and not mine. And in another Place he said, *they agreed*; but he doth not say that I said *we agreed*, to include my self: But to that, That I should move him, and say, Captain *Far*, *what will you do?* Truly this is but a general Question. And he himself did me thus far right: When I had leave from the Court to propound this Question to him, Captain *Far*, *did I move you, or say to you, What Money will you give for Massey or Titus?* he answered, He did conceive it was for that Use. So that he proves not against me, that I moved for Money for *Massey* or *Titus*; but only that I should say, Captain *Far*, *what will you do?* And if you observe the Words of the Testimony, they are these exactly. He tells you that he

he brought Five Pounds; for there is all that ever I am charged with. I am not charged with lending a Penny; but only that Fifteen Pounds was brought to my House; Ten Pounds by *Potter*, and Five Pounds by this Man. And he affirms that he left this Five Pounds at my House. And herein I perceive a Contradiction in the Man; and therefore it is hard to determine when he speaks true, or when he speaks false. These are his very Words; *Mr. Love* (says he) *asked me what I would do; and I did lay down Five Pounds upon Mr. Love's Table, when several Persons were in the Room.* And being asked, *Did Mr. Love receive this Money?* he said he could not tell; but was loth to tell who he thought received it. But in his last Word, save one, that he spake in Court (which made much for my Advantage) he said, he thought I did not receive it; and God is my Record, I did not: But he said another Man did, and named *Captain Maffey*. But the Contradiction I observe is this: He tells you he laid down Five Pounds, when several Persons were in the Room; and in the next Question but one being asked, *Was Mr. Love in the Room?* *Yes, my Lord,* says he; *but I cannot say any body else was there.* So that therein the Man evidently contradicts himself. And it appears he was under a very great Fear, and even confounded by the many Questions propounded to him. I asked him further, *Did I bid you lay it down?* Says he, *I cannot say that you bid me lay down the Money.* Being asked, *Was this way of laying down of Money to prevent Discovery?* he said he did it under that Notion. But being asked by me, *Did I bid you lay it down under that Notion?* he answered, he would not say I did. So that I neither directly nor indirectly did bid him bring Money to my House, or lay it down when it was brought there: But other Persons were in the Room; and he conceives what Person took it away. Therefore I beseech you make a candid and fair Interpretation of what I have said or done.

Being asked about the Copy of the King's Letter, that *Alford* says he brought over from *Titus*, whether I was in the Room whilst it was read, he said, *I cannot say that he was there when it was read; but he was there during some part of the Communication.* But says he, *I cannot say he was there at the reading of the Letter; nor can I say he was present whilst the Narrative was read.* He observed I was often called away, and was absent; and says he, *I cannot say there was any such thing done by Mr. Love.* And I asked him this Question, *Did I send, or agree to send Major Alford to Calais?* He answers, He thinks I did not. And herein he falsifieth his former Testimony; for he said *Major Alford* was desired in my House to go to *Calais*; and yet *Alford* swore he never was in my House till after he came from thence. But herein he doth me right too, (though with Contradiction to himself :) He said it was agreed at my House that *Alford* should go; and yet now he says he thinks I did not agree to the sending of *Alford*.

Being asked further, whether I did give Consent to the sending away the Commission, he answered, *I cannot say Mr. Love was there when it was sent away.* And truly I may say, who brought it away, or who drew it up, and what was done in it, I cannot tell. There might be a thousand Treasons in it, for ought I know; for I did nei-

ther own the reading of it, nor the sending of it, but did utterly protest against both. Being again asked, whether I agreed to the sending of it away, he answered, *It was agreed upon by all, that we could not send the Commission away.* When I asked him, *Did I say to you, Captain Far, Will you contribute Five Pounds for Maffey and Titus?* he gave this Answer, (says he) *You asked me what I would do; so that I conceived it was for Maffey and Titus.* And he affirms he laid this Five Pounds down in my House; but did not say that I received it. And in the Presence of God I speak it, I never saw it, nor received it in all my Life.

And thus with much Acknowledgment, and blessing God, and thanking your Lordship and the Court, you have given me leave to take a brief Survey through the Depositions of the Witnesses, tho' they have been very large, and the Charge against me very high.

Now having spoken to the Depositions (before I shall crave leave to speak something concerning my self, and make humble Proposals to this Court) I shall add but one Word, and it is this: I was loth, before I saw Witnesses Face to Face, to confess any thing; I deemed it against Nature for any to confess against himself, unless he could be sure his Confession should not prejudice him. And I might have been guilty of my own Blood, if I had confessed; for then, did the Matter confessed amount to Treason by your Law, my Life would be at your Mercy, and you might hang me upon mine own Confession. And upon that ground I went resolved to the Committee; and thro' the Grace of God I resolved not there to confess a Word nor Tittle, till I heard what Proof was brought in against me. And now I do ingenuously acknowledge that there were several Meetings at my House; that these Persons met there; and that this Commission was read there, but I did utterly dislike it, and dissent from it. And that I was present at the reading of Letters, either at the beginning, or end, or some part of them, I do acknowledge: And this I say, that I was ignorant of the Danger that now I see I am in. The Act of the 2d of *August*, 1650, doth make it Treason to hold any Correspondency, or to send Letters, tho' but in a way of Commerce, into *Scotland*, let the Matter of them be what it will. Now herein my Counsel acquaints me with my Danger, That I being sometimes present when Letters were read in my House, am guilty of a Concealment; and as to that, I do humbly lay my self at your Feet and Mercy. But as to Treason, I do not know any personal Act of mine proved against me, that brings me under any Act of yours. And thus having briefly spoken concerning the Charge in general, and concerning my Accusers, and having briefly surveyed their Testimony, I shall humbly crave leave to speak something concerning my self, and I shall be very brief in it.

Concerning my self, it is needful I should speak a Word: I would not stand under Misrepresentations, to seem to be what I am not, I am presented unto some as if I were a Malignant, an Apostate from my first Principles, a Mover of Sedition, and what not, but what I am. Wherefore I am constrained to speak a Word in my own Vindication, and I shall make the Apostle's Apology, *I am become a Fool in glorying; but ye have compelled me.* I count it never  
lawful

lawful for a Man's own Mouth to praise him, till another Man's Mouth accuses him; and then he may without Vanity be his own Vindicator. What I shall say of my self, the Lord knows it is not voluntarily, out of an affected Ostentation, but by Compulsion, for a necessary and clear Manifestation of my Principles and Practices, now suspected. As touching Malignity, I hate both Name and Thing: And, as Cardinal *Farnesius* said of himself profanely, That if he knew any Part of him infected with *Lutheranism*, he would cut it off, and cast it into the Fire; that I can say truly, That if I knew any Part of me infected with Malignity, I would cut it off with the Pruning-hook of Mortification, and by an ingenuous Retraction before you all this Day. God is my Witness, I never drove a malignant Design, I never carried on a malignant Interest: I detest both. I still retain my old Covenanting Principles, from which, through the Grace of God, I will never depart for any Terror or Persuasion whatsoever. When I look upon all the Vows, and Covenants, and Declarations, and Protestations of both Houses of Parliament, I do find a Suitableness between my Judgment and them, and am not conscious to my self of any thing that I have done in opposition or contradiction thereunto: And therefore I may say as *Jeremy* did, when he was accused, in the like Case, of making Defection to a contrary Party, *Jer. 37. 13, 14.* *Irijah said to Jeremiah, Thou fallest away to the Chaldeans. Then said Jeremiah, It is false, I fall not away to the Chaldeans.* So, if it be charged upon me that I am fallen from my first Principles, or that I am fallen to Malignity, I say to any that shall so accuse me, it is false, I fall not away to Malignity; I do retain as great a Keeness, and shall whilst I live, and as strong an Opposition against a malignant Interest, whether in *Scotland*, or in *England*, or in any Part of the World, against the Nation where I live, and have to this Day, as ever I did in former Times. I am no Incendiary or evil Instrument, to divide the Nations one from another: God knows the Grief of my Heart hath been for the Divisions, and the Desire of my Soul hath been for the Union of both the Nations. And if I had as many Lives as I have Hairs on my Head, or as much Blood in my Veins as there is Water in the Sea, I could count it all well spent to quench the Burning that our Sins have kindled between the two Nations. I have all along engaged my Estate and Life in the Parliament's Quarrel against the Forces raised by the King: My appearing in their Cause was not from any Aim at Profit, but out of a Persuasion of Conscience and Sense of Duty. I may speak it, as *Paul* doth it of himself, *I was in Labours more than they all.* I speak it without Vanity; I was, according to my obscure Station and mean Condition, in doing and giving in the Parliament's Quarrel, more than many. Many gave out of their Abundance; but I out of my Want: And as *Christ* spake to the Widow who gave two Mites, *That she gave more than they all; for she gave all that she had, even all her Living:* So did I; though I gave my Mite, yet I gave my All. And I did not only deem it my Duty to preach for the Lawfulness of a Defensive War, but (unless my Books and wearing Apparel) I contributed all that I had in the World: And that was no small Sum, considering the

Meanness of my Condition. And I have at this Day a great Sum due to me from the State, which is still kept from me, and now my Life endeavoured to be taken from me. And yet for all this, I repent not of what I have done; tho' I could from my Soul wish that the Ends of that just War had been better accomplished: Then should we have been happy, and united among our selves, and honoured among the Nations round about us. I am so far (I say) from repenting of what I have done, both by doing and contributing, and suffering in the Parliament's Quarrel, that were it to do again upon the same unquestionable Authority, for the same declared Ends, and against the same malignant Persons, I should manifest as much Readiness of Mind to engage according to my Measure, as ever I did.

And thus I have declared myself touching my Principles in these Particulars; I shall now crave leave to express my self a little touching my Sufferings; and then to make but a few humble Proposals, and so cast my Life into God's Hands and yours. Touching my Sufferings, I may say that my whole Life hath been a Time of Affliction, either of Body or Mind: God sees my Heart to be a tough and knotty Piece, that it needs so many Blows to break it. I may say with the *Psalmist*, *I have been afflicted from my Youth up,* and from my Youth up have I met with Opposition: From the Prelates, being persecuted by them merely for Conscience-sake. It is near twenty Years since I was cited to the Bishops Courts: I have been often troubled for hearing of Sermons, and discharging other Exercises of Religion, which were an Offence in those Days. When I was a Scholar in *Oxon*, and Master of Arts, (I do not speak it out of vain Ostentation, but merely to represent unto you, that what I was I am, and what I am I was) I was the first Scholar I know of, or ever heard of in *Oxon*, who did publickly refuse in the Congregation-House to subscribe unto those Impositions or Canons imposed by the Archbishop, touching the Prelates and Common-Prayer; and for which, though they would not deny me my Degree, yet I was expelled the Congregation-House, never to sit as a Member among them. When I came first to *London*, which was about twelve Years since, I was opposed by the Bishop of *London*; and though I was called as a Lecturer to *Ann Aldersgate*, yet it was near three Years before I could fasten upon any Lecture. After this, about the Year 1640, or 1641, I was imprisoned in *Newcastle*, merely for expressing my self against the Errors of the Service-Book, and was removed from Prison there, by a *Habeas Corpus*, to this Place; and in this Court of *King's-Bench* I was acquitted. After this, about the beginning of the Wars between the late King and the Parliament, I was the first Minister that I know of in *England*, who was accused for preaching of Treason and Rebellion, merely for maintaining in a Sermon, in *Kent*, at *Tenderden*, the Lawfulness of a Defensive War, at the first Breaking-out and Irruption of our Troubles; but was then publickly acquitted in a Court there, and recovered Costs and Damages of my Accuser. After this I had a little Breathing-time, whilst the two Houses of Parliament were in Power; only I was once complained against by the King's Commissioners at *Uxbridge*, for preaching a Sermon

mon there. I did not know that I should preach there till the Psalm was sung; and did only preach a Sermon which I had preached the Day before at *Windfor-Castle*. I was, I say, complained of by the King's Commissioners to the House, for that Sermon; but within three Weeks I was acquitted and discharged by Order of the House of Commons. That Sermon is much spoken of, because it is so little seen, it is so obscure a Piece; and many imagine as if the Keeness of my Affection was blunted from what it was in that Sermon. But I declare unto you, that I come up to this Day to every Tittle of that Sermon. I hear it is lately printed; and if it be printed according to the first Copy, I will own every Line of it, as that to which my Heart and Judgment concurs to this very Day. After all this, since the late Change of Government, I have been three times in Trouble: I was once committed to Custody by, and twice cited before the Committee of Plunder'd Ministers; but there was no sufficient Proof against me, and so I was discharged.

But now last of all, this great and last Trial and Trouble is come upon me. I have been kept several Weeks in close Prison, and now I am arraigned for my Life; herein is my great Comfort, even that which was the Apostle's, *2 Cor. 1. 10. God that hath delivered me, he doth deliver me, in whom I trust that he will yet deliver me*: And that that shall be made good to me, *Job 5. 19. He shall deliver thee in six Troubles, yea in seven there shall no Evil touch thee*. As *Cato*, he was accused thirty two times by the unkind State whom he faithfully served, and yet after thirty two times Accusation, his Innocency and Uprightness brought him off. Why should not I be confident in my God, who have had a Life-time of Experience of his Care and Love towards me? It is not the Danger of my Life troubles me; I am a sickly Man, and I know a Disease will ere-long kill me, whatever you do with me: but this grieves me more, That I should suffer from their Hands, for whom I have done and suffered so much in my obscure Station, and according to my weak measure. Had it been an Enemy had dealt thus by me, and made such an eager Prosecution of me, and such high Aggravations of that which in the Simplicity of my Heart I have done, it had not been so much; and as I told the Committee when I was examined by them (who charged me with Jesuitism and Non-Ingenuity, because I would not confess against my self and others) that though I honoured them as private Gentlemen, and should acquaint them with what my self had done, when it should not be a Snare to me; but when they shall apprehend me by a Warrant for Treason, and examine me in order to a Trial for my Life, in no Judicature in the World will I confess a Word, till I first hear what will come in against me. Now, as I told them then, I never wrote Letter, nor received Letter, nor sent or lent Money to any Person of the *Scotish* Nation. Now that I should meet with this hard measure, to have the most rigid and severe Interpretation put upon all my Actions, to be look'd upon with so jealous (I might say with a worse) Eye, that have in my measure ventured my All in the same Quarrel that you were engaged in, and lifted up my Hands in the same Covenant, that have took sweet Counsel together, and walk'd in Fellow-

ship one with another: that from these I should have such hard measure, this, this troubles me greatly. Had I been so dealt withal at the Junctō at *Oxon*, I should not have been so troubled at it; but to be dealt so with at *Westminster*, this is that at which I stand amazed: yet, blessed be God, I am not afraid; my Conscience doth not tell me of any personal Act of mine proved against me, that brings me under any of your Laws as to Treason.

And thus having expressed my self concerning my Charge, and the Witnesses, and my self; I shall now in the close of all say (whatever tortured Collections or Inferences are drawn from my Practices, and however Lawyers may aggravate those things that in part have been proved against me) yet I do declare in the Presence of God, that whatever I have done, in the Simplicity and Integrity of my Heart I have done it; and did deem it to be consonant and agreeable both to my Conscience, and to the Protestations and Covenant I have taken: and I have done nothing out of Animosity, or from a Spirit of Revenge. And thus I have done concerning my self.

I have only a few humble Proposals to make to your Lordship and the Court, and then I shall leave all to God's Determination and yours. To you that are my Judges, I humbly crave this of you, and I do it upon your Lordship's Words the first Day of my Appearance here. When you were pleased to deny me Counsel, you said you would be Counsel for me: and I beseech you be so, for you are Judges both of Matter of Law and Matter of Fact. I may make use of that Passage, *Prov. 31. 8. Solomon* says there, *That Rulers must open their Mouths for the Dumb, in the Cause of all such as are appointed for Destruction*. Truly, my Lord, I am as a dumb Man before you; dumb in Matters of Law, I cannot plead one Word for my self: I beseech you, be as *Solomon's* Rulers were, and open your Mouths for him that is appointed to Destruction; you who are my Judges, be my Advocates, my Life lies in your hands. And then I beseech you let me make this humble Motion to you, That you would not count any thing that I have done to be out of Animosity or Stoutness of Spirit: Truly, nothing but Conscience could carry me through all my Sufferings; I could not leave such dear Relations that God hath given me, and such a loving People, and comfortable Livelihood, as any Minister hath within the Walls of *London*: nothing but Conviction of Conscience can carry me another way; and till Conscience be fully satisfied, I cannot stir one Step.

The next thing I beg, is, to beseech your Lordship and the Court to put a candid and fair Interpretation upon all that I have done, or that by Witness you have heard; that it was no malignant Design, tho' I do not own the Management of any Design: I never writ Letter nor sent Letter to any of the *Scotish* Nation; yet thus far I own the thing, that it was agreeable to my Judgment and Conscience. For I thought the Interest of God and Religion, and the Good of the Nation, would be more advanced if the King went into *Scotland* upon Covenant-Terms, than if he should fall into the hands of the *Irish* Rebels, or offer this Nation to the *Turk* or *Spaniard*, or any other to come in and make a Prey



of it. I did judge it would be a Foundation laid of great Troubles and Blood, if he were not received by that Nation. And tho' I did not, and do not in the least own either the Commission or Instructions, or the Way of Management of that Business; yet I confess the Agreement between the King and Scots I desired, and deemed it my duty upon this ground, one Clause of the Covenant being, to seek the Union and Good of both Nations; and those who endeavour the contrary, are declared by the Covenant to be Incendiaries, Malignants, and evil Instruments, who not only divide the Kingdoms one from another, but divide the King from the People. Now they declaring him to be their King, according to my apprehension I thought it agreeable to my Covenant, to pray and desire, as a private Man, and no more, for an Agreement between the King and them, upon those Terms consistent with the Safety of Religion, and the Terms of the Covenant.

And thus I have opened my Heart to you: The favourable Interpretation I humbly beg of you, is this; That things might not be taken in the worst Sense: *Non est reus, nisi mens sit rea*; he is not guilty, unless the Mind be guilty; I heard your Lordship say so at *Guild-Hall*, as I remember.

The Lord knows in the Uprightness of my Heart I have done what I have done. It is a Maxim in the Law, (I have read it in Divinity-Books) *Ampliandi sunt favores, & in penis benignior interpretatio facienda*: Favours are to be amplified and enlarged by Magistrates; but in Punishments the most benign and favourable Interpretations must be made. Now of my Actions the harshest Interpretations are made: I have a Charge laid against me, which I deem (and as my Counsel tells me) to be rather a Flourish in Law, than Reality of Matter.

I stood amazed when I heard the Charge against me, I thought it had rather been against some other Man than against me. As if I should send to the Queen, *Piercy* and *Jermin*! herein I did rather venture my Life upon a Trial, than to lie under all that Obloquy which that Charge did lay upon me. Therefore I again beseech you, put a fair and candid Interpretation upon what is proved against me.

I remember a Phrase, *Summum Jus est summa Injuria*; To be over-just, is to be injurious. *Be not over-righteous*, may refer to Courts of Judicatory. Herein I acknowledge, that my not revealing what my Accusers have done, this layeth me under the Fault of a Concealment, for which I lay my self at your Feet.

The next humble Request I have to make, is this, To intreat your Lordship and the Court, that you would not hearken to any politick Suggestions that may be laid before you: I know under what disadvantage I lie, that am the first Minister in *England* try'd for Treason, in a business of this nature, and what a prejudice this is to me, to make an Example upon.

The first Suggestion that I humbly intreat you would not hearken to, is, That it will not be for the Honour and Interest of the State, if I be not condemned. Truly, it is for the Honour of the State for you to do Justice: if you have found, that I ever writ Letter, or sent or received Letter, or lent Money; if in these regards you have found me within your Acts, spare me not: but if

I have been only present at the reading of Letters, and have been silent at what others have done; therein I lay my self at your mercy, to shew me favour. It was a Suggestion to *Pilate*, *If thou sparest that Man, thou art no Friend to Cæsar*; and so if you do not condemn me, you are no Friends to those who commissionate you: but be Friends to your selves and Families, and take heed that you bring not guiltless Blood upon you.

And here (and so I shall have done) in the Close of all, I do acknowledge, that in many Particulars, as touching not revealing (I say not as to personal Actings, nor do any prove it against me) I do fall within your Acts, as to the Censure of a Concealment; and herein I humbly beg your Mercy. And however I may be judged to be a Man of a turbulent and unquiet Spirit, yet those that know me in my Relations, will not say so of me; and my People, over whom God hath called me (I think) will say, I am a Man who desireth to live quietly in the Land. But however my Spirit and Principles are questioned, yet I resolve by the Grace of God to lead for the future a quiet and peaceable Life, in all Godliness and Honesty.

I have but one word more to close all I have to say for my self, (for I have made no Plea in Law; in those matters I am as a dumb Man, and cannot open my mouth) and 'tis this: The Charge and Depositions lie before you, and I will but lay this before you also, That if so be my Fact should deserve Death, which I believe it doth not, and I hope you cannot find me under your own Acts as to Treason; yet if you do censure me rather upon a political Interest, than from the Merit of the Fact, the Scripture accounts not that Justice, but Murder. *Jehu* put to death *Abab's* Sons, and that by the Command of God; but he did it upon a political Interest, to establish himself in his new-gotten Government: and when God reckons for this, he says, *I will avenge the Blood of Jezreel upon the House of Jehu*. To do any thing upon a political Interest, tho' the Fact may deserve Death, the Scripture counts this Murder, not Justice.

And I beseech you, let me suggest one thing to you, though I am a *Worm*, and *no Man*, and deserve not to be regarded amongst the Children of Men; yet what I have done and suffered, let it be a little thought on by you: And let me urge that of *Abiathar* the Priest, he did an Act that was not justifiable, and saith *Solomon*; *Thou art worthy of Death*; but *I will not at this time put thee to death, because thou barest the Ark of the Lord God before David my Father, and because thou hast been afflicted in all wherein my Father was afflicted*. I leave it to your own Consciences to make Application. Many things else might be suggested against me, and all to exasperate and exulcerate your Minds against me, to make you with less regret of Conscience to pass a doleful Sentence upon me; which I hope you cannot, and for the fear of the Lord you dare not: but if you should, (and so I have done) I will say to you as *Jeremiah* did to the Rulers of *Israel*; *As for me, behold I am in your hands, do with me as seemeth good and meet unto you: but know ye for certain, that if ye put me to death, ye shall surely bring innocent Blood upon your selves*. But I will say as the Apostle did, *I hope better things of you, tho' I thus speak*,

And thus I commit my self, and my All, unto God, and to your Judgments and Consciences.

*Mr. Attorney-General's Reply to Mr. Love's Defence.*

*Attorn. Gen.* MY Lord, you have heard him say much, and it had been much better for him if he had said less. My Lord, when Men go out of the way of their own Calling, they very often err; and truly I may attribute much of Mr. Love's Confidence to his Ignorance; my Lord, to his Ignorance of the Law: and when Men meddle beyond their own Bounds, they do transgress. Mr. Love hath made you a continued Speech; my Lord, I do find the old Proverb commonly true, *In multitude of Words there wanteth not Evil*. And should I say nothing against Mr. Love, my Lord, he hath said enough against himself, in that that he hath now repeated, even to his own Condemnation, in that which he acknowledgeth, my Lord, (I cannot say ingenuously, tho' himself hath said so) to be rather a Misprision of Treason and a Concealment. My Lord, Acts of Concealment are not so long continued, they have not so long continuance: And, my Lord, you very well know (for the Satisfaction of the Gentleman at present, and some else that hear me) that he that hears a Treason, (for I do now go out a little in his own way) he that hears a Treason, must not look back before he go to the Magistrate and reveal it, and if he be at the Plough, he must leave his Plough; if this Gentleman were in his Pulpit, he must leave his preaching: he that knows a Treason, must go presently and reveal it; there must be no Repetition of Treason, my Lord: Mr. Love, my Lord, will be mistaken in that. But truly, my Lord, I was very sorry, considering the Condition Mr. Love now stands in, to hear those Expressions from him that he hath made to you in relation to the past and present Authority: my Lord, I am not willing to repeat them, Mr. Love must hear of it another time. Truly, my Lord, here is little of Ingenuity (all Men will believe) in this Gentleman, that hath now laid it for a Principle to himself, and all that shall hear him, (and I think it not to be so christian, so ingenuous) not to confess any thing any time; but that is Ingenuity, that what is proved, that he will confess; and that is a high Piece of Ingenuity, that those things that are proved, he will ingenuously acknowledge: I, my Lord, do not take that to be Ingenuity, neither in my Law, nor I believe in his Divinity will it be. My Lord, there hath been a great deal of Care and Pains taken by Mr. Love to take in pieces the Evidence; I shall not undertake now to join them together, but in convenient time I shall, I doubt not, for the Satisfaction of the Court and their Judgments, who, I must say, have been threatened by the Gentleman: and, my Lord, I hope for the Conviction of himself. My Lord, he knows there are shrewd Pieces against him that he hath acknowledged, but he would take them off one by one; but when they are put together, they will not be single Evidence, nor single Testimony, nor single Facts, but a continued Reiteration and Repetition of Treason, a continued and Series of Time. My Lord, you are pleased to observe, that he himself doth appear from 1648 to 1651, so that in 1648, 1649,

1650, and 1651, in all these Years, my Lord, there hath been this constant Repetition and transacting of Treason.

My Lord, I learn from him, and 'tis very true— It is not good dallying with holy Things, nor is it with States and Commonwealths, it is very bad dallying with them; those that flutter there, will burn their Wings at last; and it is not Quirks of Wit, nor Strains of Sense or Nonsense, will, my Lord, clear these Things; it will not do it, my Lord. My Lord, he hath desired you will not hearken to private Examinations; my Lord, I have said so too, and there hath none been offered to you, but that which hath been publick, and *viva voce*; all have been so. But surely, my Lord, I could wish this Gentleman, and all others of his Profession, would meddle in their own Sphere, and not to walk out of that, to come and teach Courts what they should do, to teach the Magistrate what is his Duty. My Lord, I do hardly think it belongs to them ever in the Pulpit to do those things: but to tell us we must not examine before-hand, and ask Questions in private; my Lord, we cannot then be prepared for Felons and Treasons. And, my Lord, I say this Confidence is much from his Ignorance; for these things are very familiar, and must be continued to be done: so that these things are not well broached by him, and I do think he will say at last, he understands not himself; and those, I hope, that hear, my Lord, will say, I do not use it: For, my Lord, I must say, it must be otherwise in all well-governed Commonwealths. My Lord, he hath not denied, but acknowledged Meetings at his House more than once, twice or thrice: and truly, I did expect from this Gentleman that he would not have continued those fearful Imprecations of calling God to witness, that he did never write Letter, nor send Letter, nor lend Money. I had thought he would not have gone upon these Equivocations: Did he never move other Men to write? Did he never move others to lend Money? It is not to say, this and this I have not done; but I had thought he would have cleared himself totally of any Guilt that way, either in relation to receiving, or hearing Letters read; or lending or receiving Money, or moving for Money. My Lord, to put it upon a particular Case, this will not blind the Eyes of Justice, but you will be able to see it. He is pleased to say, my Lord, he will not lay it to the Badness of the Witnesses Consciences, but to the Badness of their Memories. My Lord, I hope in the Conclusion their Memories will appear to be right, and somebody's Conscience else to be bad. And, my Lord, for to hear this said by this Gentleman that is a Minister of the Gospel, that it is a Crime for these Men to acknowledge their Offences, this is strange: I had thought the first Step to Repentance had been Confession; and that it had been no Offence for any Man living that hath committed a Fault, or that thought he had committed a Fault, to acknowledge it. In my Law and Divinity I thought it so, and I have not learned otherwise; and shall this Gentleman take Exceptions, because these Gentlemen who have thought they have done amiss, have acknowledged their Errors, and have craved Mercy? My Lord, I must say thus, if any deserve Mercy, it is those that do acknowledge their Offences, and crave

Mercy, and are sorry for them; and not those that are obstinate, and bid defiance to Justice: Prove what you can, I will confess nothing; that is not so conscientious or christian a way. And for the Witnesses, I do wonder that Mr. *Love*, of any Man, should find fault with them; I cannot say they have taken sweet Counsel together, but I shrewdly suspect they have taken very bad Counsel together: these Gentlemen are of his own Choice, and of his own Companions, and those that were conversant with him; and if you please to observe, at every Word, *Will. Drake*; methinks that is a Word of Familiarity. But, my Lord, for these, they were his Companions, and whether I might say more, his Household-Friends or Guests, but sure they were in his House very often, and were private with him, and in his Chamber and Study; and to cover all these Actions, and these treasonable Practices, and Letters and Designs, here they must come to hear News, and this must cover it all: They come for nothing but News, and our Contributions must be for charitable Uses; but you must not ask why or wherefore we lend Money, but it is for charitable Uses: Neither God nor Man will be blinded in these things; and if these Fig-leaves be sewn together, it will neither cover Nakedness nor Treason. My Lord, Mr. *Love* hath said, (and in that given Judgment against himself) that either to treat or advise with the King of *Scots* in *Scotland*, he detests them both. My Lord, if he be guilty of both, then, I hope, he doth detest and renounce himself, and then I think he hath laid your Judgment somewhat, his own having past first, yours will easily follow. My Lord, he confesses, That for this Act of the 2d of *August*, 1650, he was ignorant of it, and of the Danger of it. My Lord, he very well knows that Ignorance is no Excuse; the Act is a publick Act, and hath been long printed, now ten Months since, himself saith; And yet methinks I cannot reconcile that, (that he that goes to make others dissent) that he knew not of this Act, and yet *Sterks*, the *Scotch* Agent, was banish'd upon this Act, and there was a Contribution for him for his going away: The same Act that doth the one, doth the other. My Lord, he hath been pleased to cite a Saying of Cardinal *Farnesus*, *That if he knew any part of him infected with Lutheranism, he would cut it off, and throw it into the Fire*: And so can he speak truly of himself, he would do, if he knew any thing of Malignancy by himself. My Lord, the Question between him and us, is, What is Malignancy? I doubt we differ in that; I doubt his Sense of Malignancy; I am sure by some Words I shrewdly guess at, that I count that Malignity, and I hope all this Court, and all that hear me, count that Malignity, that I doubt his Judgment leads him not to it, so I doubt we differ upon that.

My Lord, he hath said, he was never an Incendiary, or evil Instrument; I wish there were not Cause for you to think otherwise: but surely the Gentleman hath made large Imprecations, and hath spoken much for himself; but I believe he knows there is so much Justice here, that he expects not to be believed in what he says. If it were enough to accuse, who should be innocent? And if it were enough to deny, who should be guilty? He doth not expect to be believed for his Word *certainly*; for now he knows he stands in another Capacity; and as things are alledged

and proved on both sides, so he is to be believed, and no otherwise. My Lord, he hath been pleased to reflect upon my self in many Particulars; yea, and the Court knows in what a Capacity I stand here, as a Servant to the State to do my Duty faithfully, and I must do it; and yet I must say, it doth not become me to prompt Witnesses; that Word, my Lord, was not well spoken. He is pleased to say in the Commendation of himself, that he hath a Place in *London* where he hath a very good Congregation, and a very good Competency of Maintenance; and I heartily wish he had thought so really, and had kept himself singly to that. I do not think he will say, that in the Duty of his Place, as a Minister of the Word, to preach, to instruct, to exhort, rebuke, reprove his People, or any under his Charge, that ever the State did interpose or meddle with him, neither the Parliament nor the Commonwealth: Then for God's Love, my Lord, why should this Man interpose or meddle with the State? Had you not enough to do in your own Calling? Had you not Charge enough lying upon you, but must you be going abroad, and put your Sickle into another Man's Harvest? I will say the State did never trouble the Gentleman in his Duty; he did go on with as much Peace and Quietness as himself could desire, we interrupted not him; let him reflect upon himself, and whether others have dealt so kindly with him; when had he that Liberty that now he hath had? You may be pleased to observe, himself says, twelve Years ago he could not in three Years in *London* get an Admission to be a Lecturer; and when he spoke in the Congregation-house at *Oxford*, he was expelled there; he hath had no such measure here. Doth Kindness provoke him to these things? Those that sin against Kindness, are the highest Transgressors. What Provocation hath this Gentleman had in his Ministry, that he could not follow that, and have let the Parliament and State alone? Doth he not receive Breath here to live, and his Livelihood to sustain himself and his Relations? Why should you interpose to disquiet yourself and the Commonwealth, when they did not provoke you? And let all judge whether this should not convince you; and let me say thus much, That you have dealt foolishly, and have gone beyond your Bounds, and have not kept within your Limits, in what you have done in these things that you have acknowledged.

My Lord, I speak this, that those may hear now that may not hear the other; for that which Mr. *Love* hath said, we must have some time to recollect, and to speak in the Vindication of the Proceedings of the State against this Gentleman, which, though I think it needs not much, in respect of the Court that hath heard him say so much, and confess so much as he hath done; yet for the Lenity of the State, that hath moved them to take care of their own Preservation: And I would not do it, but that he hath stood upon all Terms of Defiance with Justice and Majesty; and you have heard from a Fellow-Minister what he did the last day, and the Principles he urgeth this day, which, let me repeat again, there will be no living in Society, if these things be let alone. My Lord, it is much insinuated by him, that his Blood will be upon you and the Court; I would he had thought upon

upon Blood before these things had been so transacted by himself: I am afraid (between God and his own Conscience be it, and those that have had Correspondency with him) that much of this Blood that hath been spilt in *Scotland*, hath been made by their means: You hear him say, That what was desired by them (and in order to what it was) was, That the King of *Scots* might join with the *Scotish* Nation, and not go to *Ireland*, that was his Conscience. I do not know his Conscience led him to meddle with those things, to meddle with State-Affairs: But, my Lord, if it be so, and this hath been brought on by them, that one hath encouraged the King to join with the *Scots*, and the other hath encouraged the *Scots* to join with the King by hopes of Parties here, which he himself acknowledgeth now, was undertaken in the Name of a Presbyterian Party; though I think, and do believe it, for very many honest Presbyterians, that they would spit in his Face, if he should say it of them: But I say these Doings have occasioned the shedding of much Blood, and a great deal of Variance between the two Nations, and the Lord knows when it will end. But, my Lord, as he concluded for himself, you will be pleased, my Lord, to give me leave (though not in that way of Conjurament as he hath done) to say for the State, I shall not prevent your Judgments; but it is better that one Man, than a State, should perish. And if this Man be guilty of the Treasons proved against him, I believe himself will judge, he had better perish, and suffer Death, than the State should perish. All these Actings of his have been Underminings of the State clean through, carried on very closely and covertly in Disguises, and not discovered: but he that dances in a Net, will be caught tripping at last. My Lord, before you give your Judgment, you will consider that Justice to the Commonwealth—

So, my Lord, I have added what my bad Memory (I hope not bad Conscience) hath repeated to me, as might give some Answer to what he hath said: But since he hath been pleased to take such pains to run through all and every one of the Evidence so exactly, and hath had three Days given him for it; my Lord, I shall ask but one for my self, and for those that are the Counsel for the Commonwealth. My Lord, this is all I shall say at present to you, and shall say no more till next meeting.

[Judge *Keble*, the Lord President, speaks after the Attorney-General; the very beginning of his Speech was not heard, he beginning very softly.]

*La President*. But again in this Point, for the Presbyterian Government, if it be rectified, doubtless it tends to the Peace of this Nation, and all Places, but not with a *Scotch* Limitation. I deny that; nor limited by a *Scotch* Covenant.

The next thing is this; because you often fall upon Distinctions of the Law, and that you are ignorant of the Law, the more to blame you that profess the Learning of the Law of God; for there is no Law in *England*, but is as really and truly the Law of God as any Scripture-Phrase that is by consequence from the very Texts of Scripture: for there are very many Consequences reasoned out of the Texts of Scripture; so is the

Law of *England* the very Consequence of the very Decalogue it self: and whatsoever is not consonant to Scripture in the Law of *England*, is not the Law of *England*, the very Books and Learning of the Law: whatsoever is not consonant to the Law of God in Scripture, or to right Reason, which is maintained by Scripture; whatsoever is in *England*, be it Acts of Parliament, Customs, or any judicial Acts of the Court, it is not the Law of *England*, but the Error of the Party, which did pronounce it; and you or any Man else at Bar may so plead it. And therefore to profess you are knowing in the Laws of God, and yet to be ignorant of the Laws of *England*, when yet the Laws of *England* be so purely the Laws of God, as no Law in the World more practical at this day, for you to be ignorant of them, is not to your Commendation, nor to any of your Profession.

Then, Sir, for your going on in these ways: The Court with Patience hath heard you, I think, two Hours, or thereabouts, and you have done nothing but anticipated the Court: What! do you think they have not Understandings, and Judgments and Consciences? They would have done it, they would have examined these Witnesses precisely, and would have compared them, but you have taken up all this time by way of Anticipation; and in a Rhetorical Way to do it! Let me tell you, that Orators among the Heathens have been the greatest Incendiaries; and those Orators in Christendom that do not set their Judgments upon right ends, they are the most unworthy Men in Christendom: for there are no Heresies, Murders, traitorous or treasonable Practices and Attemptings, and all the highest Wickednesses that ever were committed in Christendom whatsoever, or in this Nation in particular, but they have had some of that Profession that have called themselves Ministers of Jesus Christ, as the Jesuits of Jesus, and the Priests of those; and all these Things and high Actings have still had some Tincture of your Coat in them. Therefore it is not your Office can excuse you; your Office is sacred, as other Christian Offices are, and you are no more Divines by your Office; but you are to remember, and you must know, that Christian Justice that you teach in the Pulpit, to act it in the Court, is of a higher nature than Preaching is: And therefore in this, that you should advance your Profession beyond the Judicatories of this Land, know, that Judgment and Justice is the highest Religion in the World, both in Christendom and out of it. And this, Sir, we would have you know, That Lawyers Doctrine tends to this, and I hope hereafter you will be more obedient, and better versed to know these Grounds of the Laws of *England*, by which now you are called here. I shall say no more, but take Advice of the Court about you.

[The Court adjourns, and Mr. *Love* is commanded away.]

*The Fourth Day's Proceeding*, June 27, 1651.

Mr. *Hall*, the first Counsel for the Commonwealth.

Mr. *Hall*. MY Lord, the Prisoner at the Bar, Mr. *Love*, stands impeach'd before

fore your Lordship of High-Treason, which Impeachment hath been read before your Lordship and the Court. My Lord, by that he stands charged with High-Treason, with several Offences of High-Treason; That he in the Years 1648, 1649, 1650, and 1651, with *William Drake, Henry Jermin, Henry Piercy, John Gibbons, Edward Maffey, Sylas Titus*, and others his Accomplices, did traitorously, wickedly and maliciously confederate, plot, and endeavour to stir up a new and bloody War in this Nation, and to subvert the Government now established, without a King and House of Lords.

My Lord, That in the same Years, since the Death of the late King, he did, with other his Accomplices, endeavour to promote *Charles Stuart* to be King of *England*, contrary to an Act of Parliament before that time made in this Nation.

My Lord, That in the same Years he and his Accomplices did traitorously and maliciously aid and assist the Nation of *Scotland*, to the end that they might invade this Commonwealth; and hath adhered to the Forces raised by the Enemies of this Commonwealth.

My Lord, That in the same time, between the Month of *March* and the first of *June*, this present Month, he hath traitorously and maliciously held and maintained Correspondency and Intelligence by Letters, Messages, Instructions, and otherwise, with the Enemies of this Commonwealth, and to the Prejudice of this Nation; and in particular with *Charles Stuart* and the late Queen his Mother, and with *Jermin* and *Piercy*, and other Persons of Counsel abiding with *Charles Stuart*.

My Lord, That he hath likewise held Correspondency and Intelligence with the *Scottish* Nation, prejudicial to this Commonwealth, and to the end they might invade and bring a bloody War upon this Nation.

My Lord, These Treasons and traitorous and wicked Practices of the Prisoner at the Bar, were and are to the apparent Hazard of the publick Peace of this Commonwealth, and Free-State, and the Parliament and People of *England*; and in Contempt and Violation of the Laws of the Land, and contrary to several Acts of Parliament in such Cases made and provided.

My Lord, There have been several Witnesses and Proofs of these particular Charges against the Prisoner: And, my Lord, I do conceive that there hath been such Proof made, that in your Lordship's Judgment he will appear to be guilty of all these particular Actings. But, my Lord, I will not enter upon the Proof, only make a summary Relation of the Beginning and Continuance of this Plot and Design.

My Lord, This Plot did begin very suddenly after it pleased God to take away the chief Enemy of this Nation. The King died in *January* 1648, and this Plot began in *February*, the very next Month following: and in the same Month, my Lord, the *Scottish* Nation did proclaim *Charles Stuart* King of *Scotland*; and they did not stop there, but proclaimed him likewise King of *England*; and then, my Lord, this Plot began here. For in the Month of *February*, the next Month after the King died, the Meeting was at the *Swan* at *Dowgate*, where were several of the Correspondents at that time; as *Drake, Huntington, Titus*, and others: and the end of that Meeting was

to contrive a Way that they might agree the King and the *Scottish* Nation; that was the end of their Meeting at that time.

My Lord, within a few Days after that, they met again, all these several Persons, at the *White-Hart* in *Breadstreet*, and to the same purpose; and at length it was resolved to make their Addresses to the Queen, and to *Piercy* and *Jermin*, (first it was to the King himself) for a Compliance between the King and the *Scots*: Letters were sent accordingly, and several Meetings, and several Returns of Messages were had of them. My Lord, at length it was resolved, That they should send Messengers to the King at *Jersey*, and agreed upon one *Titus*; and they raised Money and gave it to *Titus* to undertake the Journey. My Lord, *Titus* accordingly went in the Month of *May*, 1649, and returned in *August* following. After he had done his Negotiation there, he returned to *Calais*: but being afraid this wicked Plot was discovered, by reason of Letters that were intercepted, he durst not come into *England*; but sent Letters to desire some Correspondents might be sent to *Calais*. My Lord, all this time I do not find that the Proof discovers the Prisoner at the Bar to be any Actor, or present at any Meeting hitherto: But when these Letters came from *Titus*, then the Letters were brought to Mr. *Love's* House; which is the first time I find him by Proof to be present. The Letters were read in his House, and in his Study, as some of the Witnesses say that were there present; and it was then agreed, my Lord, That *Alford* should go to *Calais* to *Titus*. My Lord, accordingly he went, and there *Titus* did communicate unto him the Affairs that passed at *Jersey*. Within four or five Days after, *Alford* returns again, and where should the Meeting be but at Mr. *Love's* House again, where Mr. *Love* and divers of the Accomplices were in his House: a Letter from the King was read, the Diary, the Narrative from *Titus* likewise was read there; and there was the Consultation what should be done, and what further Course they should take to join the King and the *Scots* together. My Lord, afterward they did agree that there should be some sent to treat with the King at *Breda*; the Instructions were drawn in Mr. *Love's* House, (I think one Witness says so) and Mr. *Love* present; Money was raised, and Mr. *Love* himself did speak to one of the Witnesses to raise Money, which was *Far*: *Far* accordingly did bring in Five Pounds, and laid it down upon Mr. *Love's* Table, Mr. *Love* being present then in the Room.

My Lord, I shall not trouble you with the Relation of more Particulars; but, my Lord, I conceive that Mr. *Love* doth upon these Proofs stand guilty of endeavouring to promote the King to be King of *England*: For, my Lord, what should be the end of uniting the King and the *Scots* together, after that the *Scots* had proclaimed *Charles Stuart* King of *England*, but that they might come in a warlike manner to invade this Nation, and set up his Authority as King among us?

My Lord, I conceive (I shall submit to your Lordship's Judgment) that he is guilty of Intelligence from a professed Enemy. The Intelligence is, my Lord, That divers Letters were sent, and these Letters were read in his Presence, as himself doth confess he was at the reading of divers Letters,

Letters, and did not consent to them; and thereupon makes it as it were but Misprision of Treason. My Lord, I conceive that this is apparently Treason: For if Letters were sent to one Person, and did occasionally come into another Man's hand, and he conceal them, being not sent to him, there peradventure it is but Misprision of Treason. But when there are sent to these particular Persons Letters from the King and Scots, and divers Persons in Hostility against the Commonwealth of England, and received by the Confederates in Master Love's House, and there were read and debated, though they did not agree to some Particulars, yet they are Actors: They are——in the very Intelligence it self; and did likewise return several Letters.

My Lord, this Intelligence was with the Scottish Nation; which truly, my Lord, I do conceive hardly an Englishman, that had the Blood of an Englishman running in his Veins, would join in Confederacy with that Nation, of all the Nations of the World, against this Commonwealth; a Nation that hath been known (and I am sure the Prisoner at the Bar is well read in the Histories and Stories of this Nation) to have been a constant Enemy to this Nation in all Ages through the Memory of all Histories; and, my Lord, of late, not three Years since, came and invaded this Nation with a puissant Army, which it pleased God to deliver us from: And this the Prisoner could not be ignorant of, that we had lately a Fight with them at Dunbar; that Hostility could not be unknown unto the Prisoner at the Bar neither. And yet for all that, to confederate with a Nation that were such constant Enemies to us; my Lord, I could not conceive it had been in the Heart of an Englishman, much less in a Minister and Preacher of the Gospel among us.

My Lord, there are some particular Charges upon him, more than upon any of the rest: after Drake fled away, being doubtful that his secret traitorous Plot would be discovered, Mr. Love supplied his Room; all the Meetings, and Confederacies, and Letters, and Agitations in this Business, were constantly at Mr. Love's House, himself being present. And, my Lord, Money, as I said before, by Mr. Love himself desired to be raised for the furthering of this Design; and several Sums of Money were raised. I shall trouble your Lordship with no further Relation, but leave it to the Proof that was made before your Lordship and the Court.

*Sir Thomas Witherington, the second Counsel for the Commonwealth.*

*Sir Tho. Witherington.* My Lord, Mr. Love's Defence which he made for himself, as he did it for his Life, so he took a great deal of pains in it, and was very accurate in the Defence he made, especially in the Witnesses. My Lord, I shall not take upon me (for it is not my Charge at this time) to reply unto the whole Defence that Mr. Love made.

My Lord, that I shall say shall be in two Particulars, for Mr. Love divided that which he said into four Parts; the first concerning the Charge; the second concerning the Witnesses and Testimony; the third concerning himself; and the fourth concerning some Proposals to the Court.

My Lord, I shall only meddle with that which is concerning the Witnesses; and secondly, to some part of that he said concerning himself: I shall only reply as to these two, and the rest I shall leave to Mr. Attorney-General, that better knows what is for the Advantage of the Commonwealth.

My Lord, I shall begin concerning the Witnesses, to clear them, (for now we are in our Reply for the Commonwealth.) Mr. Love, who did profess a very great deal of Ignorance in the Law of the Land, yet he did insinuate something that implied some Knowledge of them, in that, my Lord, he took some Exceptions to the Witnesses. My Lord, I take it, that these Exceptions were:

1. That the Witnesses were not *probi Testes Et legales*. And,

2. That they were *Participes criminis*: And that indeed is included in the other.

My Lord, First, I shall speak to this, That the Witnesses produced against him, are *legales Testes*: They are competent Witnesses, and sufficient Witnesses, without Exception against them. I shall first speak to that they are *Testes legales*: For Mr. Love did object, That they themselves confessed themselves to be guilty of the same Crimes; and so their Confession is upon the Matter a Conviction; and so they are convicted of the Crimes in which they are Witnesses against him; and so are not competent Witnesses.

My Lord, I shall clear this: Under favour, I take it they are very clear and good Witnesses, notwithstanding the Exceptions. And, my Lord, this I take to be a very plain Case; the Case which is in our Common Law: The Case is——which proves it fully; for if a Man be accused of High-Treason, indicted of High-Treason, and will confess the Indictment, and become an Approver, yet he may be a Witness against all those Parties guilty of the same Treasons with himself; he is *Particeps criminis* with them, and they with him: And yet this Man thus becoming an Approver, will at Common Law be a Witness, and a legal and good Witness against them.

My Lord, I shall a little open that, because it clears the Case. My Lord, an Approver can only approve, it is true; that is, when a Man is indicted of High-Treason, and other his Accomplices with him, and he upon the Indictment says it is true; and then desires he may have something assigned to him, and then he accuses such and such Persons of the same Crimes: In this Case this Man, after he hath confessed the Indictment, and takes his corporal Oath to reveal all Treasons he knows in the Indictment, (for he can accuse no further) after this done, he shall be a Witness; he is a Witness against those with whom he is *Particeps criminis*: Nay, my Lord, it is of Merit and Justice that he shall have this Reward, he shall be pardoned his Life. Now, that I prove to you, because that shews the Reason, that even the Man, after Indictment and Confession, yet being an Approver, shall be an Accuser of his Brethren, those that were *Particeps criminis* with him, and a good Witness. And the Reason of that goes to this Case in hand: For although these Men had a hand in the same Plot and Design with him, and have confessed, and did confess it upon Evidence, that they were there present, and did many Things; yet

yet I take it they are clear, competent, and good Witnesses, and that is no Objection against them, that they are *Participes criminis*. My Lord, if the Law were otherwise, it were impossible to prove many Offences; for many Offences cannot be proved, but by some Men that had a hand in them. In an ordinary Case, an Action of Trespas and false Imprisonment, if three Men are guilty of it, it is an usual thing in Courts of Justice to admit one of them a Witness. True, they are not Parties in the Action, and so may be Witnesses: For these Things may be so secretly done otherwise, that their Treasons could never be revealed to recover against the Prisoner.

There is a Case, I think, in all our Knowledge: It is the Case of the Earl of *Castelhaven*. He was accused of a very grievous Fact: The Witnesses which came against him, were one or two Footmen, that were *Participes criminis* in the very same Fact; and these Men, by the Opinion of the Judges, were competent Witnesses. My Lord, he was arraigned, indicted, and convicted, and suffered Death: Nay, it is very true, that one of these Persons was afterwards hanged for the same Offence. So that, I think, under favour, as to that, I take it that they are clear and good Witnesses, notwithstanding that Objection.

The next Objection is, That they were not *probi Testes*. Truly for that, my Lord, I must appeal to your Judgment in it, whether these Men be not *probi Testes*, & *honesti* too: For in case of an Approver, as I mentioned before, that Man that accuses his Brethren upon the same Treason, it is said, that of Merit and Justice the King ought to grant him his Pardon; for they that discover the Traitors against the Commonwealth, these certainly are *probi Testes*, and good Commonwealth-men. And so I take it, that this is no Objection against them in that, but as before they were *legales Testes*, so they are *probi Testes*. My Lord, I mention these Things, to shew that the Witnesses for the Commonwealth are good and competent in this Case.

The next Objection touching these Witnesses, is, That though they be admitted for good Witnesses, yet there is not to any one Fact two Witnesses. There is not any one of the most criminal Parts of the Charge proved by two Witnesses. And so as before they were incompetent in regard of the Quality and Participancy of their Crimes, so now he would make them incompetent for want of Number.

My Lord, I shall first agree to the Ground of this Objection: For truly, my Lord, I take it, that it is by the common and antient Law of *England*, that in Cases of Treason there must be two Witnesses; and it is by a Law more antient than that, that is, by the Law of God. But, my Lord, it is true, the Law of this Land is explained by several Statutes, the Statute of the first Year of *Edward* the Sixth, and the fifth Year, and the second Year of *Philip* and *Mary*. My Lord, I take it, upon all these Statutes; the one Statute says, To accuse another, there must be two Witnesses: I take it, the Accuser and Witness are all one; that is, the same that in one Statute is called a Witness, in another is called an Accuser. But there must be two: That is the Objection. But then give me leave to consider this Case, and to consider how those two Witnesses shall be. My Lord, I say, under

favour, that in a Case that consists of a complicated Fact, that is, the Reiteration of many Actions, my Lord, I conceive none of these Laws are to be intended, that for every of the particular Facts there should be two Witnesses: That cannot be the Intention of any of these Laws, that in every particular Fact, that is to say, whether Mr. *Love* was present at the reading of the Letters; if you have one Witness to that, another for the writing of them, another to the sending of them; though these three Witnesses speak to several Parts of the Business, yet they are a concurrent Testimony, for all agree to the Fact. I well remember, my Lord, a Case in the Star-Chamber, against *B. of Liecestershire*: I think there was an Information against him for Bribery, and extorting of Fees. The Matter came in the Conclusion, that one Man proved a Bribe, and another Man proved a Bribe: One proved a Bribe of forty Pounds, and another a Bribe of forty Pounds; but there were several Witnesses to several Bribes. The Question now was, Whether he took Bribes, or no? And these tending to the same general Charge, it was the Opinion of all the Judges that he did extort and take Bribes. The one Witness spake to one Bribe, and another to another; and in that Case, as two Witnesses made good a Charge against an Offender: Yet in that Case it was taken, that where Witnesses, though they speak not in every Particular, yet all tending to the same general Charge of Bribery, these were taken for plural Witnesses, and that was a good Conviction. That was the Opinion of the Judges then. I mention this Case only for an Instance to express my self in this: For Mr. *Love* cannot expect, that to every particular Thing laid to his Charge two Witnesses should be produced. But, my Lord, when one Witness proves this Thing he hath done, this Letter hath he written, and another that another Thing he hath done, which all tend to the Treason; now these are more Witnesses, and two or three Witnesses of the same Thing, tho' not to the same individual Thing, it is—So that upon the Matter they are concurrent Witnesses in this complicated Fact, though not concurrent in this or that Circumstance; for that is impossible almost in any Action to be done.

But then Mr. *Love* did further enlarge this Objection, which was out of a Saying he had, That in case of Treason, *Probationes oportent esse lucidiores*, The Proof must be as clear as the Sun. Truly, my Lord, it is very hard that Works of Darkness should need so much Light for Discovery, and that so clear a Proof should be necessary when the Things are done in Darkness and Secrecy. My Lord, I think, under favour, though in this Particular we have our Witness, as I take it, to speak very plainly and clearly; for it is their own Faults if they do not, for they were present at the Meetings, at the Consultations and Debates: But yet I do observe, that in this Case Things were carried on in a very secret manner. For I do observe, first, at these Meetings, all of them were done under a Disguise, every thing acted in this Business. I observe it upon Evidence, first, That the very Meetings themselves, they go under the Title of Prayer and Fasting; for so *Huntington* told you, He was spoke to go to Prayer at Mr. *Love's* House. The Contributions made for raising of Money, for sending of

Messages and Dispatches, was under the Disguise of Charitable Uses. So that here was Darkness all along. And then for the Letters, there were no Names subscribed to them: All were done without Names, only the Letter *L.* was upon one. And the Place, truly I must say, that was obscure too: For what Man would have thought that the Place of Meeting should have been at Mr. *Love's* House? A Man that hath been so much for, and shewed so great an Affection to the Parliament, as he said himself in Substance. A Man would sooner have thought to have found this Treason in any Cellar in *London*, than in Mr. *Love's* House. For the Instructions, for the Directions and Dispatches, some were sent in Table-Books, written in Sack in a Table-Book: But, my Lord, I am afraid, in the Conclusion, the Letters will be written in Blood. But, my Lord, this I do observe, that through these Difficulties, though we pass'd through our Evidence, yet your Lordship heard how plain the Proof was in most Particulars.

My Lord, I shall say no more as to these Witnesses, because the other Part of answering the Witnesses belongs to the Attorney-General; for Master *Love* went over all the particular Witnesses.

My Lord, I shall only say one Thing, and that is this, concerning Mr. *Love* himself; and it is only concerning this Point. My Lord, Mr. *Love* himself did say, He would be ingenuous so far as he took himself to be guilty. But, my Lord, I know your Lordship and the Court observes that that Ingenuity did follow the Proof that was for the Commonwealth. My Lord, he confesses he was present at them; he was silent after all these Meetings and Debates: I mean the Meetings after they began at his own House; for I speak not of them that were at *Dowgate*, for there is no Proof that he was there. My Lord, this he confesses; and this he says is Misprision of Treason. Truly, my Lord, I must be bold to differ from him in that Particular: I take it that that he confesses is High-Treason. I shall speak a little to Misprision of Treason, and so conclude.

My Lord, Misprision of Treason is when a Man hath notice of a Thing that is Treason, and he conceals it. Now, my Lord, under favour, the Concealment must not be long; it must not sleep long with him. My Lord, I remember an Axiom an Author hath in our Law, and that is *Braeton*: He hath a Discourse of Misprision of Treason; he hath it in *Latin* — Says he, *He that knows a Treason, he must not stay in one Place a Day and a Night, but he must go on; he must go toward the Magistrate. Nay* (says he) *though he have most urgent Business, yet he must set it aside, and go on, and must not stay in any Place till he hath revealed it. Nay* (he says further) *he ought not to look back till he hath given Information to the Magistrate.* The Man that doth not after this manner forthwith reveal it, this only is Misprision of Treason. But considering this Case of Mr. *Love's* now confessing the Fact, he takes it to be Misprision of Treason; but I take it to be Treason itself. My Lord, I shall observe what Mr. *Love* did: He was at these Meetings; these Meetings were continued for divers Days and Months. My Lord, was there any Discovery made by Mr. *Love*? Was there any Revelation of his to

any Magistrate? Did he tell it to any Man? Nay, did he confess it upon his Examination, when examined? Nay, did he not deny it when he came to the Bar before your Lordship? Can this be said to be Misprision of Treason, that a Man should hold so long in Treason, and not reveal it? My Lord, as every Treason includes a Misprision of Treason in it; so I conclude that Misprision of Treason may grow up to Treason itself. Now when a Man shall so long sleep upon it, and be violent in it, and not reveal it, I take this Misprision of Treason grows up into Treason itself.

My Lord, I shall say no more of that, but I shall conclude; because the other part lies upon Mr. *Attorney-General*, who is better able to do it. Only one thing I shall take notice of to your Lordship, and I am troubled at it; and that is, That as he saith, that he that hath been so much for the Parliament, with whom he hath gone along, and took sweet Counsel together, and hath been active for, and passive with, thro' all the Passages of the late Wars; that he should suffer from them, this, he says, stuck very much upon him. But, my Lord, for him that hath been so much for the Parliament, so familiar with their Proceedings, that hath been so active for them, and hath suffered so much for them; my Lord, for him to kick the Heel against the Parliament; for him, after all this, now even in the Infancy of this Commonwealth, that this Child should be destroyed, and by one with whom we have took sweet Counsel together: And by one, I may say this, that tho' he had no hand in making this Commonwealth, yet I dare say he had in the Preparations to it; for himself all along hath gone with the Parliament: So that, my Lord, I take this to be an Objection against him. But, my Lord, I shall say no more in it, but refer the other Part to Mr. *Attorney-General*.

Mr. Attorney-General, *the third Counsel for the Commonwealth.*

*Attorn. Gen.* My Lord, I am sorry Mr. *Love* hath given me the occasion of this meeting, and of my speaking at present; I could much rather have wished to have been silent: But now I am drawn hither, I am forced to it. Mr. *Love*, my Lord, in the beginning of his Trial, did desire God so to assist him, that he might go through it with Gravity, Meekness, and Wisdom, as became a Minister of the Gospel. I wish that God had heard his Prayers, that he had so gone through it. What he hath done, the Court hath observed.

My Lord, in that Part I have to do, I do heartily desire I might do it with Faithfulness to you, and the Duty of the Place I ought to discharge, and to the Court.

My Lord, the Work that this Day lies upon me, is to reply somewhat to what was said by Mr. *Love* in his own Defence, and to make a faithful Repetition to the Court, and to do the Witnesses and the Prisoner Right; to repeat that, and that only, that hath been said; and in that, that I may do no Wrong to mis-lead the Court, and offer nothing to the Prejudice of the Witnesses, nor to the Prisoner. And truly, my Lord, I shall not (in his own Words) have any tortured Collections, nor any Inferences, nor Strains of



Wit: He hath shewed his Oratory in his Defence; my Lord, I shall shew the Simplicity of Law in the Reply.

My Lord, the Charge hath been repeated to you; and for that insisted upon by Mr. Love for the Witnesses and Testimony, you have had Answer: I shall not trouble you; there hath been Pains taken in it. My Lord, I think all Men were satisfied that it was clear enough; yet to make it more clear, Mr. Love, my Lord, insisted upon one Thing more, and that is upon Point of Time, and the Point of the Jurisdiction of the Court, which (by your favour) I shall first begin with.

He stands charged, he says, for Crimes done in 1648, 1649, 1650, and 1651. And those Crimes, he says, were before this Court was, or had a Being; and so had not Power to take Cognizance of them.

That, my Lord, I shall endeavour to clear to you, and I think in much Clearness; clearer than the Light, as he will have his Evidence. He stands charged (I say) positively, my Lord, with no Crime before a Law was emitted, that did give an Inhibition, and was published and known. He stands charged with no Crime before the Law was published, that did declare what the Crime was, and gave notice to beware.

My Lord, that that was first, was the Law that was made the Thirtieth of *January*, 1648, that doth declare, (and upon that Law I shall fetch the Foundation and Rise of this Treason) That whoever shall proclaim, declare, publish, or any way promote *Charles Stuart*, or any other Person, to be King or chief Magistrate of *England* or *Ireland*, without Consent in Parliament, shall be adjudged a Traitor, and shall suffer Pains of Death as a Traitor. Here was this Law published, and notice given what every Man should trust to, and, I may say, my Lord, Obedience expected. Against this Law hath Mr. Love transgressed, and, under favour, in a very high measure; so that, my Lord, I charge him upon this Law, and since this Law was made; and to this Law there is no Limitation of Time for Men to be questioned for it: And for this Law, it is in express terms given in Commission to this Court to take Cognizance of it: So that, I think, this is a little clear to him.

My Lord, the next is a Law published in *July*, 1649, that is entitled, *An Act declaring what Offences shall be Treason*: That, I think, he is not ignorant of, though he pretended to be ignorant of another. My Lord, that Law likewise, though it was before this Court was erected, yet this Court hath, by express Words of the Commission, Power to take Cognizance of it. And this Court, in these Things, is not like other Judicatories, that when Offences are committed, the State takes care to appoint Courts and Judges to judge those Offences. Let it be no Offence to Mr. Love, if this Court were erected especially to try him. But the Law was not made especially to punish him; for the Law was made before, and the Offence committed before: and so, I think, in all *England* the Offences are committed before the Judges go their Circuits, and have their Commissions.

My Lord, the next is the Law that constitutes this Court, and says in what Particulars this Court hath Power to take notice of Offences,

besides those mentioned before, and the last concerning the *Scots*: That was but lately, which Mr. Love says he was ignorant of; but he was not ignorant to do somewhat against it. My Lord, these are the Laws that Mr. Love is impeach'd upon.

The next thing that I have to do, is (and in that I humbly beg your Favour, that as I am now to do Justice, if I may so say, to the Court, and to be faithful to my Trust, and the Duty imposed upon me) to repeat the Evidence right unto you; and in that, as the Gentleman, the Prisoner at the Bar, hath had that Favour from you to have a Notary by him, to take all that was said of all Parties; so, my Lord, by your Favour we have had some here to help our Memories: With whom I have conferred; and by the Help of their Notes and our Memories, my Lord, we think we have faithfully transcribed that which was said by the Witnesses. And, my Lord, I humbly crave Favour, as not now being a private Examination to be read, but a publick Testimony in the Presence of Mr. Love himself and the Court: I hope it is not private now, but I may use Notes to do him right, and may read those Things that they testified upon their Oath here.

In the first Place, my Lord, I shall, according to my best Judgment do him no wrong. For the first, I shall acknowledge it was but a Hear-say, and that from *Drake*, of Letters sent from *Scotland* to the Presbyterian Party in *England*, to let them know what had been done of proclaiming the King there, and that care should be taken for their Interest. This I do acknowledge was but a Hear-say; but that which followed not long after that time, my Lord, was positive; and there (my Lord) I shall begin the Rise of this. And thus, as hath been observed by my Fellows, that are Counsel here, though there was not acting, nor Presence nor knowing, yet (my Lord) under a second, it will appear he was consenting and approving, and so guilty of the first Fact. My Lord, there was a Meeting at *Dowgate*: I suppose you remember it full well; it hath been several times repeated to you by several Persons; and *Titus* the Party now beyond the Seas, and *Drake*, and other Traitors fled, were prime Sticklers for this, and moved others to come in, and to be there present, and hear what was the Design. As I did crave your Lordship's Favour, so I shall, that I may not (as he says) trust to a fickle nor roving Memory, that I may be faithful, to read to you that I have taken, and what was said by them. I suppose Mr. Love hath by him one that can controul me, if I do not right.

I begin with this Meeting at *Dowgate*, and continued at the *White-Hart* in *Bread-street*: *Alford* gave you this Evidence, *That one Morning he was wished by Drake to go to the Swan at Dowgate: When he came there, there was one Titus who gave relation of the good Disposition of the Prince, and how inclinable he was to take the Covenant, and to cast off the Cavaliering Party, and those about him, if there were opportunity found, how to make him know there was a considerable Party in England that would stick close to the Ends of the Covenant; and upon that, we that were there did think we were bound in Duty, in relation to the Covenant, to press the Prince to take it, and to prosecute*

secute the Ends of it. And for that Titus said, if we would appoint another Meeting, he would draw up something in way of Application of the Presbyterian Party to that purpose.

We afterwards met at the Bear in Bread-street, and there he drew forth something he had framed to that purpose, and read it, and it was agreed to be sent over to the Prince; the Substance of it was to press the Prince to apply himself to take the Covenant, and to prosecute the Ends of it, and to cast off all the Cavaliers and that Party about him, which had brought so much Mischief to his Father, and would do likewise to him: And this (I believe) was sent over, for Titus undertook to send it over. We asked him, how the Prince could be made to believe that this coming from so inconsiderable a Party as we were, should come under the Notion of the Presbyterian Party of England? He said he would undertake it by means of my Lord Piercy. And, my Lord, I think you do remember there was one Mason, Servant of Piercy, that was sent over hither, so testified by some, to reconcile the Royal and Presbyterian Party. This Mason, my Lord, was Piercy's Servant, so testified here by divers. My Lord, here is now the Foundation: Drake is he that moves Alford; and Titus, I may suppose, the Mover of Drake; and both of them fled as Traitors.

My Lord, if they were Traitors, and this is Treason; then whoever had a hand in carrying on this Design, himself is a Traitor, and this Action is Treason. My Lord, this is the Testimony of Alford.

My Lord, there is another Witness, and that is Lieut. Col. Bains, who I think was present only at this Meeting, and had enough of it, and did leave it; and yet was present at this, and gave in Evidence of what was there proposed. I think he was present at no other Meeting, he was satisfied this was too much; his Testimony, as I take it, was this, for I shall read it, that I may do no wrong to no Party: Bains said, *It was also proposed by Titus, that something should be done, in order to restoring the Presbyterian Interest, by Application to the Prince, and to assure him, that he had a considerable Party in England, which looked upon it as a Duty, and lying upon all of them by the Covenant. And that it was necessary somewhat should be done by some Parliament-Men, Ministers, and Citizens, that were leading active Men, that he might have an Assurance that somewhat would be done for him; and somewhat to the Queen, Jermin and Piercy, whom he said were their Friends.* This, my Lord, was that which Titus said at this Meeting; and testified by Bains.

My Lord, there is another, Colonel Barton, who was produced as an Evidence. My Lord, I think that he spoke not much more than to this, and gave off here. My Lord, his Testimony was this; for I do conceive, under favour, we have taken the very precise Words spoken by them; and, my Lord, so as spoken and taken, so written, and so, my Lord, read to you. Barton, my Lord, said, That Drake would have him to be a Messenger; and to that purpose there were several Meetings at the Swan and White-Hart. This was what Barton testified.

My Lord, then there was Major Huntington, which was at this Meeting, and one more at Mr. Love's House, which he full well remembers. My Lord, Huntington says this, That about March

1648, (in January was the Law published) Alford told him that Titus was in Town, and that he was newly come from beyond the Seas from their Friends, Maffey, Bunce, Graves, and others; and that Titus was to meet the next Day at Dowgate, where he fell into high Praises of the Prince, and told them that though he was taking unhandsome Courses, yet they had great hopes his Inclinations were otherwise. Titus said further, he feared his inclining to the Irish, unless something should be gotten from his Friends here to divert him; that you remember was Mr. Love's Charity too, as you will hear anon. Titus proposed to get Letters from Persons of Honour, to persuade him to a good Opinion of the Scots, to take the Covenant, and to join with them.

Afterward they met at the White-Hart in Bread-street, where Titus declared that he should gain these Letters, and hoped to set something a foot to the same effect; and there said, they were confident they could see no way under Heaven for himself, but by taking the Covenant, and engaging the Scots against England: To which purpose he drew forth a Paper, purporting that they were bound in Honesty, Conscience, and Loyalty, to maintain and help him to his just Rights, if he would go along and join with the Covenanting Party in England and Scotland.

My Lord, this is that now that hath past in Proof by Evidence concerning this first Meeting at the Swan at Dowgate, which I do humbly conceive was the Rise and Foundation of what follows afterward. And this, my Lord, if true, I suppose no Man will say, but that was Treason that was transacted there. I do not say, my Lord, that Mr. Love was present at it, nor, as yet, can I say, knowing of it; but what follows after, my Lord, will bring him in danger.

My Lord, here, you have heard, was this Meeting, and what was propounded to be done here, and how active Titus was, and that he was to go (you have heard by the Testimony) to Piercy; and it is not doubted by any but he did go thither; it is not doubted by any but he was sent, and did go thither. To that purpose I shall now read you two Witnesses more, which I have caused to be transcribed too, in the Words as spoken by them, as I do conceive, that is, Adams and Far: That there was Money agreed upon, to send Titus to Piercy; that there was Money collected, and that they themselves did contribute. Adams he expresseth it thus: *That upon a Meeting, the Place and Time I remember not, where I think were present Drake, Titus, Alford, and my self, and I cannot tell how many more; it was agreed that Titus should go to Piercy: the End of his going was to promote an Agreement between the King and the Scots, according to the Covenant; (and, my Lord, you shall hear in due time what that Covenant is, that Mr. Love hath said in his late Defence.) In order to his going, we did agree to furnish him with Money for the present, and made some kind of Promise to keep him while he was out: about an hundred Pounds was furnished; for my part, I paid twenty Pounds of it.* This is Adams.

The next is Far: He says, *He did understand by Drake, that Titus, who was here requested as one to be present at the Treaty of Jersey, which Titus did undertake to go thither: he undertook to go himself. That after he was gone, Drake desired*