

see him, I told him of the common Report of his being kickt; he seemed displeas'd that such a thing should be reported, and throwing down the Bed-clothes, shew'd me his Belly, but I could not see any Blemish upon it then, either by discolouring or bruising; I found him indeed very backward in receiving Remedies, but left him then in a hopeful way of Recovery, but I saw him not after, because being sick my self, I could not attend him.

Att. Gen. Did he complain of any Hurt about him then?

Bruce. Only in his Belly.

Att. Gen. Did you then see his Belly?

Bruce. Yes, Sir, for he threw away the Clothes.

Att. Gen. Did you see upon his Breast, or any where else?

Bruce. He did not complain of any Ail there, so I lookt not for any thing.

Att. Gen. What did he complain of when you came first to him?

Bruce. Only his Shoulders.

Att. Gen. And after his Belly?

Bruce. Yes.

L. H. St. Hark you, Doctor, what Day was that you came to look on his Belly, whether he had any Bruises or no?

Bruce. Wednesday Morning, my Lord.

L. H. St. And then you say upon your Oath, you saw there no Swelling or Discolouring?

Bruce. None at all, my Lord. I gave it in upon my Oath before the Coroner, and the same I say now.

Att. Gen. We have done with the Doctor, my Lord.

L. H. St. My Lord of Pembroke, will your Lordship examine him to any thing?

E. of P. No, my Lord.

Att. Gen. Then there is Mr. Hemes; pray, Sir, acquaint my Lords what you know of this Gentleman, Mr. Cony, and first pray you tell his Grace when you came to him first.

Hemes. It was on Monday Morning after this Accident, about Eight of the Clock.

Att. Gen. Did he send for you?

Hemes. Yes, Sir.

Att. Gen. How did you find him when you came?

Hemes. In great Extremity of Pain, and very sore, complaining of Pains over all his Body, especially on his Shoulders and Buttocks. Then the Doctor, who came in soon after, did apply Plaisters to him, and when he anointed him he was so sore, that he could not endure any one to touch him, nor could we tell how to turn him in his Bed, or how to place him so as to apply the Ointment, but were fain to get a Sheep-skin to wrap him in, and by Pillows, and a broad Joint-stool, raise him up by degrees: I did then look upon his Body, but saw no Swelling or Bruise there.

L. H. St. Did you see his Belly?

Hemes. No, my Lord, but he did complain of an inward Grief there.

Att. Gen. When did he first complain of that?

Hemes. The first Morning when I came.

Att. Gen. What Words did he then use? tell the very Words he used, if you can remember them.

Hemes. No, Sir, I cannot; but he complain'd of a great Soreness in his Belly, and an inward Soreness.

Att. Gen. Where, in what part of his Body?

Hemes. In his Belly, I say.

Att. Gen. Well, now go on; How long did you continue with him? How many Days did you come to him?

Hemes. I came to him every Day all along.

Att. Gen. Were you with him till the Day he died?

Hemes. Yes; there was indeed a new Physician sent for, but I saw him all along usually once a Day.

Att. Gen. Did he complain more than once of his Belly?

Hemes. Yes, all along from the first Morning.

L. H. St. Did you see him opened after he was dead?

Hemes. Yes, my Lord.

L. H. St. What can you say as to what you saw on him then?

Hemes. When he was opened, in the lower part of his Belly there was a great deal of Blood gathered together on both the *Hypochondria's*, which is not usual; I cannot tell the Meaning of it, the Physician knows that best.

Att. Gen. Was it congealed black Blood?

Hemes. It was of an ugly Colour.

Att. Gen. What Colour?

Hemes. Of a blackish livid Colour.

Att. Gen. Have you observed it often so in others? Have you used to see People opened at other times?

Hemes. No indeed, not I, but very seldom.

Att. Gen. Well then, stand down you, for we have done with you.

L. H. St. My Lord of Pembroke, have you any thing to say to him?

E. of P. No, my Lord.

L. H. St. Then call your next Witness.

Att. Gen. That is Mr. Jackson. Pray you, Sir, tell my Lords what you know of this Business: When were you sent for to Mr. Cony?

Jackson. On Wednesday.

Att. Gen. What Acquaintance had you with him?

Jackson. I had a very particular Acquaintance with him, and I lookt upon him as a Person of a strong, healthy Constitution, and not subject to any Dangerous Distemper; my Acquaintance with him was of twelve Years standing, and therefore I must needs know him pretty well. Upon the Wednesday, after this Accident, hearing he was very weak, I went to visit him, and when I came, he told me, he had been troubled with very unusual Swooning, and then fell into one of them, but with some Cordials we revived him again, when we thought all of us he had been dead. The Friday and Saturday before he died, I was with him all Day, he complain'd of great Grievs in his Belly, he said, he had great Torment there, and believed he had received some ill Usage lately, which occasioned these Pains.

Att. Gen. From whom had he received it?

Jackson. He was very sparing in telling whom it came from.

Att. Gen. Who did he name?

Jackson. He said, he was a drinking with my Lord

Lord of *Pembroke*; but he was in such Pains, that I could not ask him many Questions which he would answer.

Att. Gen. Where were his Pains?

Jackson. In his lower Belly, and he had sometimes strange fainting Fits.

Att. Gen. When did he first complain of his Fits to you?

Jackson. On the *Wednesday*.

Att. Gen. When did he die?

Jackson. On *Monday* following.

Att. Gen. Did he complain on *Saturday* of his Belly?

Jackson. Yes.

L. H. St. What discourse had you further with him?

Jackson. None but what I tell your Lordship, that I can remember.

L. H. St. My Lord of *Pembroke*, have you any thing to say to him?

E. of P. No, my Lord.

L. H. St. Who's next then, Mr. Attorney?

Att. Gen. *Alice Avery*, my Lord, who was his Nurse—Were you attending upon Mr. *Cony* in the time of his Sickness?

Avery. Yes, I was.

Att. Gen. Pray tell my Lord your whole knowledge.

Avery. When he came in on the *Monday* Morning, I found he was very ill, and could not well stand: Sir, said I to him, sure you are very much in Beer; No, said he, I am very sore, and full of pain: Sir, said I, I believe you have been in some bad Company: Yes, said he, I have been in some Company, where I have received a great deal of wrong, I am not able to go nor stand, I have been beaten and kickt more than ordinary, I was never so abused in all my Life; and upon his dying-Bed he wished to God, he had never been in my Lord of *Pembroke's* Company, for he did think in his Conscience my Lord had been the death of him.

Att. Gen. Speak that again.

Avery. He wished to God he had never been in my Lord of *Pembroke's* Company, for he did think in his Conscience that he had been the death of him.

L. H. St. How long before he died was that?

Avery. About two or three Hours before he died.

Att. Gen. Did he continue sensible to the time that he died?

Avery. Yes, to the last Minute.

Att. Gen. How often did he complain of his Pain?

Avery. All along from the time he came out of my Lord of *Pembroke's* Company.

Att. Gen. What time did he come home?

Avery. About seven or eight of the Clock on *Monday* Morning.

Att. Gen. Where and what part did he complain of then?

Avery. His Sides and all parts about him.

Att. Gen. How often did you discourse with him about his pain?

Avery. Every day divers times, from the time he came home till he died.

Att. Gen. And he spoke those Words a little before he died?

Avery. Yes, and often complained of his being abused.

L. H. St. My Lord of *Pembroke*, will you ask this Woman any Questions?

E. of P. No, my Lord.

L. H. St. Have you any more Witnesses, Mr. Attorney?

Att. Gen. Now, my Lord, we shall call three more that had a view of the Body after his death, upon the Coroner's Inquest, who will give your Grace an Account what appearances of Murder were there visible; and they are, *Richard Wheeler*, *William Brown*, *Thomas Roberts*.

Cl. of Cr. Lay your Hands on the Book: The Evidence, &c.

Att. Gen. Which is Mr. *Brown*? Did you see the Body of Mr. *Cony* after he was dead?

Brown. Yes, my Lord, I was one of the Coroner's Inquest, which after view of the Body went into another House; but some of us seeing the Body swelled at that rate as it was, and being unsatisfied of the Cause, went back again to look upon it, and there I saw upon his right Breast a great black Bruise; and I looked upon the Caul, which was all wasted away; and on his left Side again a great black Spot, and in the bottom of his Belly a quantity of very ill-looked Blood.

Att. Gen. When was this you saw it? what day? how long after his death?

Brown. The day after he died.

Att. Gen. Where did you observe any Hurt and Bruise upon him besides?

Brown. As he lay before he was opened, we saw him all over swelled at a prodigious rate, and black and blue in divers places; so that I was unsatisfied till I had seen the inward parts, and therefore went up and saw what I said before.

L. H. St. Did you know the Gentleman before?

Brown. No, my Lord.

L. H. St. My Lord of *Pembroke*, do you desire to ask him any thing?

E. of P. No, my Lord.

L. H. St. Then go on, Sir.

Att. Gen. *Richard Wheeler*, pray tell my Lord what you know.

Wheeler. My Lord, I was summoned upon the Jury by the Coroner, and according to my duty I made such an inspection as I could into the Body; I did observe upon his right Breast a very black and great Bruise, and on the left side of his Belly a very black and great Bruise, which was indeed of another-guise colour than that of settled Blood, for I have of my own knowledge had a sad experience of that kind.

Att. Gen. Did you know the Gentleman before?

Wheeler. Yes, I knew the Gentleman very well, and I had not known him to be the same person then, but by their description that were about him, for all the parts of his Body were most violently swelled.

Att. Gen. Did you see the settled Blood at the bottom of his Belly?

Wheeler. Yes; and as I was informed, that was occasioned by his being forced to lie on his Back continually, because his pain would not suffer him to move: that on the Side, and Ribs, was a perfect Bruise.

Att. Gen. Where is Mr. *Roberts*? Did you see this Gentleman's Body after his Death?

Roberts. I saw the Body after it was opened, and viewed the inward lower parts of the Belly, where there was a quantity of Blood gathered together.

Att. Gen. Was it more black in that part than in others?

Roberts. It was black congealed Blood.

Att. Gen. How broad were the Spots?

Roberts. About the breadth of my hand.

L. H. St. Mr. *Roberts*, did you see the left side of the Belly bruised?

Roberts. Yes, my Lord; and (as I said) in the lower inward parts black congealed Blood.

L. H. St. Was there any swelling?

Roberts. Yes, my Lord, very much.

L. H. St. The Doctor that was examined before, said there was no swelling nor discolouring.

Att. Gen. He did so, my Lord; but this was several days after that.

L. H. St. My Lord of *Pembroke*, will you examine these Men?

E. of P. No, my Lord.

Att. Gen. My Lord, we have but one Witness more for the King, and that is Mr. *Charles Cony*, who is Brother of the Gentleman that died, who will give you an account what he said in his sickness; and the Savings of a dying Man in such circumstances are remarkable.

Cl. of Cr. *Charles Cony*, hearken to your Oath. The Evidence, &c.

Att. Gen. Now Mr. *Cony*, tell his Grace and my Lords the occasion of your Brother's Sickness and Death.

Cony. May it please your Grace, on *Monday* the 4th of *February* I was sent for by my Brother, about nine of the Clock in the morning, to come to speak with him, but not believing his business to be urgent, deferred my going; the Messenger immediately comes back again, and tells me my Brother was exceeding ill: As soon as I came, I found him almost dying, his Eyes set, and he extremely ill, but we recovered him in a little time: whilst he complained of great pain, I examined what might be the cause, and where he had been last night (for I understood he came not home till morning) and in what company. And when I was told of my Lord of *Pembroke's* company, who had struck him down with a box of the Ear, both he and I quickly concluded how his Ill came: But to be satisfied, (he telling me he could not remember what he did) we sent for the Drawer, to know the truth of the matter: but in the mean time, to comfort him, I told him I hoped it was only a fainting Fit, which would be over again in a while. The Drawer came, and did assure me that my Lord did never strike him; which upon assurance I did believe, especially when he came again in the Afternoon, and told me the same story. All the while he was in the horridest pain that could be, and could not be touched, but was forced to lie upon his Back. The Doctor told us, for application to ease his pain, the best thing to wrap him in was a whole Weather's Skin; which we did at two of the Clock in the Afternoon, by the help of a Chirurgeon, raise him up, and put on him. On *Tuesday* Morning I sent to know how he did, being necessitated to go another way; he sent word back, he was pretty well at ease, and had rested pretty well. On *Wednesday* he rose, and sat

up; on *Thursday* he was so well, that he would have some Friends to Dine with him in his Chamber; on *Friday* he was a little ill again, but on *Saturday* he was so well, that he would have gone abroad, and truly we did never (I'm sure I did not) believe he would have died, till about two hours before he died. One day when Dr. *Conquest* came out of his Chamber, he seemed to be in a Huff, and said, he was only kept there to do the Drudgery; and when I asked him what he thought of my Brother? he answered me short, *I cannot tell whether it be a Pembroke-kick or no.* And when I, upon the report of my Lord's having abused him, (which yet upon the Drawer's answer I believed not) spoke to him about it, he would seem displeas'd any should mention it: He once indeed told me, he had something else to reveal to the Doctor, but what it was I cannot tell.

Att. Gen. Did you apprehend him to be so ill as he was?

Cony. No, I never believed it, till an hour before he died; and this is all that I can say, my Lord.

L. H. St. Will you, my Lord of *Pembroke*, ask Mr. *Cony* any question?

E. of P. I desire your Grace to ask him what Chirurgeons they were that did view the Body after dead.

L. H. St. Mr. *Cony*, come forward. My Lord of *Pembroke* desires to know what Chirurgeons viewed the Body.

Cony. Mr. *Snell* the Chirurgeon, I think, my Lord.

E. of P. I desire your Grace he may be examined.

L. H. St. If the King's Counsel have done, then your Lordship may examine whom you please: What would your Lordship examine into?

E. of P. To give your Grace an account what might be the cause of the Blood found in Mr. *Cony's* Body.

Att. Gen. Because we did omit to examine *Jackson* to that matter, we desire for the King we may call him to that point now.

L. H. St. You should have examined all your Witnesses fully at first.

Att. Gen. We acknowledge it, my Lord; but since we did forget it, we humbly crave leave to do it now.

L. H. St. Here is Mr. *Jackson*, what do you ask him?

Att. Gen. Mr. *Jackson*, were you present at the opening of Mr. *Cony's* Body?

Jackson. Yes, Sir.

Att. Gen. What did you see there?

Jackson. There was an extraordinary quantity of extravasated Blood in the lower part of his Belly.

L. H. St. Extravasated Blood?

Jackson. Yes, my Lord.

Att. Gen. How might that come? might it not proceed from a natural cause?

Jackson. I believe it came from some Bruises given him, and from some Violences that were done to him.

Att. Gen. In the Belly was it?

Jackson. Yes, in the Belly.

Att. Gen. You saw then: Did you see any Swelling there?

Jackson. Yes, and the *Diaphragma* bruised, &c.

Att.

Att. Gen. Now, my Lord, We have done with our Evidence for the King.

L. H. St. My Lord of *Pembroke*, if your Lordship have any Witness to call, or will say any thing for your self, now is the time.

E. of P. I desire your Grace that *Dr. Lower*, and *Dr. Conquest*, and one *Mr. Raven*, may be examined for me.

L. H. St. Call *Dr. Lower*, *Dr. Conquest*, and *Mr. Raven*.

Cl. of Cr. Here they are, make room for them.

L. H. St. My Lord of *Pembroke*, who will your Lordship begin with?

E. of P. *Dr. Conquest*, my Lord.

L. H. St. Doctor, you are not upon your Oath, but you must have a strict care what you say, for there will be a good account to be taken of it at another Place, and it being a Testimony before a Court of Judicature, the Obligation upon you to speak the Truth is as great, as if you did swear.

Dr. Conquest. The Account I now give, my Lord, is that Account which I gave upon my Oath before the Coroner.

L. H. St. You must give it again *viva voce*; we must not read your Examination before the Court.

Conquest. The first occasion I had to see *Mr. Cony* as a Physician, was about three Months before this unhappy Accident; he was then in a fainting Fit at the *Rose-Tavern*, &c. where I was sent for to him: He had for half an Hour lain quite dead, as they thought, but with their rubbing him, and giving him some mull'd Sack, he was come to himself just as I came, but he had no Pulse, and was relapsing into his Fit: I gave him some Drops and Cordials, and sent him home pretty well again. We went from thence, and the next Morning his Man came to call me, and told me his Master was dying, which was (as I take it) the 6th of *December* last: When I came thither, I found his Man sitting by the Fire; and asking for his Master, he told me he was asleep; I was something vext at the Fellow for troubling of me so, and while I was speaking to him, *Mr. Cony* at last heard my Voice, and calling me to him, desired me I would come again in the Afternoon, for he had a mind to rest this Morning: I came at One of the Clock again, where I found him very ill, and very melancholy; he wept, and sent his Man down stairs, and when the Man was gone, I asked him what was the occasion? He told me, he found so great an Oppression at his Heart, that he could hardly speak: I desired he would take some advice, and send for another Physician; but he would have none else, but would needs go abroad that Afternoon: I desired him all I could; but not prevailing with him, I gave him some Cordial Drops, and desired him to return home betimes; but he did not, but, as I heard, drank very hard, and returned not till very late. In short, in the space of two Months, I have been called out of my Bed above twenty times, to give him advice, and to recover him out of his Fits; but he would take no advice, do whatever I could. After this was his meeting with my Lord of *Pembroke*, which he thus gave me Relation of: He told me, he had been with *Mr. Goring* in the City that day drinking hard, and when he came to *Long's*, he was so extremely drunk, that he could not remember any thing

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that was done there, but finding himself much in pain the next day; he was so ignorant of the Transactions there, that he only thought he had had several Falls off the Chairs near the Fire; he said indeed, he afterwards sent to enquire what had passed in his Company that Night, and he heard my Lord of *Pembroke* should give him a Box on the Ear, but he remembered it not. Two or three days after he sent for me, and told me, now he would take advice of me, and enter into a course of Physick; but knowing his condition to be so bad, I would not venture upon it alone, and desired that he would join some one else with me in consultation: He asked me, what Physician he should send for? I desired him to name any one whom he had a mind to; he said, he knew none, and therefore would have me take whom I would, and then named *Dr. Lower*, and obtained his consent to have his advice, whom I brought with me to his Lodgings. And the *Saturday* before he died, as we were coming in the Coach, I told *Dr. Lower* what I had known of his Distemper before, and what might be the occasion of it, which (when we came thither) I repeated again in *Mr. Cony's* presence, who did confess the whole to be as I said, that he had been a very hard Drinker of Wine, and strong Waters upon it, which had (he believed) caused a Stagnation of Blood in his Body, which might be the occasion of his fainting Fits. We consulted the whole cause; he owned no Blow or Kick that he had received, neither did I believe his Intrails had received any such prejudice, because I saw him my self take two or three Glisters, as particularly that Evening: Yet he would not be regular, but that Night drank three whole Tankards of cold small Beer, which did put him into a very violent Fit of the Gripes. He sent for me, and having left him pretty well I wondered what alteration could cause so violent a Distemper in him so suddenly: He fell a vomiting, and vomited all Night; and when I came and found him in a dying Fit, I gave him some Drops I had about me, and fetcht him to Life again; but still he was very bad, and he had a Glisten for the Gripes; he would fain have had some more small Beer, which I dissuaded him from, and advised him rather to White-Wine-Poffet-drink, but he swore a great Oath he would have small Beer. *Dr. Lower*, I suppose, saw him that Morning. An hour before he died I came again, and thought fit to bleed, and so he was; he bled about eight Ounces, and was a little better, so I left him: An hour after I came again, and found he was dead; but for his complaining of any Bruise or Hurt that way received, I remember not.

L. H. St. Did you see him after he was dead, and when he was opened?

Conquest. Yes, my Lord, I did see him opened.

L. H. St. What was your Judgment then?

Conquest. My Lord, There was clotted Blood among the Bowels, that was extravasated. My Lord, The breaking out of which, I did attribute to the great quantity of small Beer he had drank, and the Gripings that followed upon it; but the Bowels were none of them touched, and he himself attributed his Fits to that.

L. H. St. *Mr. Attorney*, Will you ask him any cross Question?

Att.

Att. Gen. No, my Lord.

L. H. St. Then Dr. *Lower* pray speak your Knowledge.

Lower. All the Account, my Lord, that I can give is, That the Day before Mr. *Cony* died, Dr. *Conquest* did come to me to desire me to go with him, and by the way (as he related) told me the manner of his Fits, and what he thought was the Occasion of them; and in that Discourse we continued till we came to his Lodgings, where we found him in his Bed; and when he was up Dr. *Conquest* repeated what he had told me before, and he acknowledged all that to be true: I my self asked him many Questions how he found himself; he said, those Fits came upon him suddenly by Sicknes upon his Stomach; but there was not any Discourse in my Hearing, of any Bruise or Hurt that way, nor had I any reason to suspect any such thing should be the Cause of his Illness, for he had no Symptom of a Fever upon him, either in Tongue, Pulse, or Urine, which would have been, had he owed his Distemper to any thing of that kind. The next Day I was sent for to him early, but my necessary Attendance on other Patients would not let me come quickly to him: When I came I found him dying, and seeing no Hopes of his Recovery, left him; I was desired to be present at the Dissection, but because of the Rumour of this Business, I said it would be a troublesome Matter, and therefore would purposely avoid it.

L. H. St. So you did not see him dissected?

Lower. No, my Lord, I did fear being troubled, and would have avoided it, but could not, it seems, for I am come here to testify this.

L. H. St. Did he use any Words to you whilst he was sick, complaining of any Abuse or Wrong offered him by beating or kicking?

Lower. No, my Lord.

L. H. St. How long was it before he died that you saw him?

Lower. It was on *Saturday* at Four of the Clock in the Afternoon, and he died on *Sunday* at Noon.

L. H. St. And when you came to see him again, you found him dying?

Lower. Yes, my Lord.

L. H. St. But you say, all the time you were with him, you saw no Symptom of a Fever on him?

Lower. No, none at all, my Lord.

L. H. St. I then ask you this Question, Doctor, Can any Man be mortally hurt and bruised, whereof he may languish, and not have a Fever?

Lower. According to my Knowledge and Experience, my Lord, usually and most commonly upon a Mortal Bruise, an Inflammation follows, and that Inflammation causes a Fever, which will be evident in the Patient's Pulse, or Tongue, or Water; but none of these I found so affected with Mr. *Cony*.

L. H. St. Have you any thing to say to this Gentleman, Mr. Attorney?

Att. Gen. No, my Lord.

L. H. St. Where then are the rest of your Witnesses? My Lord of *Pembroke*, Will you call any more Evidence?

E. of P. Yes, my Lord, Mr. *Raven*.

L. H. St. Dr. *Conquest*, pray, before you go; you say you told Dr. *Lower* of Mr. *Cony's* Fits

before, were they the same with those he had in his last Sickness?

Conquest. Yes, my Lord, the same Fainting Fits.

L. H. St. And you imputed them to the same Cause?

Conquest. Yes, my Lord, to his hard drinking Wine and Strong-waters, and then great Quantities of Small-Beer; I told his Landlady often it would kill him, but I could never get him to be regular, nor take any Advice.

L. H. St. Hath your Lordship any more Witnesses?

E. of P. Mr. *Raven*, my Lord.

L. H. St. Come forward, Mr. *Raven*, and speak out.

Raven. I viewed the Body (my Lord) before and when it was opened, and it was reported to me that there was a Bruise in each Side of the Belly, of which thereupon I took a stricter View, and could find no Blackness nor Blueness, nor Marks of Bruises; upon which the Body was opened, and there issued thence clotted Blood; then I looked upon the Caul, which was withered and consumed, and the Heart was as loose as a Rag, and his Lungs stuck to each side of his Ribs; and as to the Matter of the Blood, that was not an extraordinary thing, for it is known to Physicians, that in all Natural Deaths there must be extravasated Blood in the lower Belly.

L. H. St. How did you think there came to be that Quantity of Blood there?

Raven. This Blood, I think (my Lord) must be extravasated by the Violence of his Gripes, for it is proved he drank a great Quantity of Claret, and afterwards of Small Beer, which set the Blood upon a Fermentation, that set him a Vomiting, by the Violence thereby used to Nature this Blood was thrown down into the Belly; but in all Natural Deaths, if there be not so great a Consumption of the Blood that there is none left, there must be some extravasated; it is a clear Case.

L. H. St. My Lord of *Pembroke*, hath your Lordship any more Witnesses?

E. of P. Yes, my Lord, two more, *Benjamin Long* and *William Viner*.

L. H. St. Who does your Lordship begin with?

E. of P. *Long*.

L. H. St. Do you hear, *Long*, you must have as great a Care what you say, as if you were upon your Oath.

Long. A little before this Business happen'd, Mr. *Cony* comes into my House at *Covent-Garden*, and said he was very ill; he was just going to sit down, and mis'd the Chair, and had like to have fallen down, being almost in a Swoon; whereupon he said, send for Dr. *Conquest* presently, or else I shall die: so I sent my Servant to call him, who found him at the Coffee-house: When he came in, said he, Sir, how do you? I am glad you are come, said Mr. *Cony*, for I am very ill; and there were two Gentlemen came in with the Doctor, that were then going to the Play-house: said Mr. *Cony*, I am taken with the Fainting Fits, and fear they will kill me; upon that Dr. *Conquest* bid him have a care of Drinking, for it would ruin him.

L. H. St. When was this?

Long. A little before *Christmas*, my Lord.

L. H. St. How long before he died?

Long.

Long. It was before he was hurt.

L. H. St. How long?

Long. Five or six Weeks, my Lord, as I remember; I cannot tell exactly.

L. H. St. Well, and what followed?

Long. Dr. *Conquest* would have him go home to Bed, which I know not whether he did or no, but he went away from our House, and the Doctor said he would send him a Glisten, and some other things the next Morning: And this is all I can say.

L. H. St. Is that all you can say?

Long. Yes, my Lord.

L. H. St. Why, was not this Accident done at your House?

Long. No, my Lord, it was at my Brother's in the *Hay-Market*.

L. H. St. Then call next *Viner*; what say you?

Viner. May it please your Grace, I am Drawer at Mr. *Long's* in the *Hay-Market*, I did see my Lord strike him with his Hand, and that is all; I came in just as he struck the Blow, and Captain *Savage* bid me keep out Mr. *Goring*; which while I was doing I knew not what was done more; but after they had laid him upon the Chairs, they charged me to make a Fire, and look after him, and left him: He fell down divers times off the Chairs; and when he came to himself a little, I asked him how he did? he told me he was very sick, and I got him still up again upon the Chairs: And then he had several Fainting Fits in the Room; and about Seven of the Clock in the Morning, we sent him Home in a Chair to his Lodging. The same Day at One of the Clock he sent for me, to know what had happen'd, for his own Memory would not serve him to tell: I did not think fit then to tell him my Lord had struck him, but told him he had had many Falls in the Room: 'Tis Fits, said he, that I have had not long since, and it comes with my hard drinking, and not looking to my self.

L. H. St. He supposed it to be so?

Viner. Yes, my Lord, he himself did.

L. H. St. Did you see my Lord of *Pembroke* tread upon him?

Viner. No, my Lord, I only saw the Blow of his Hand, for I was getting Mr. *Goring* out of the Room.

L. H. St. Did he say my Lord of *Pembroke* did tread upon him?

Viner. No, he could not tell any thing that my Lord had done to him; he was drunk that Night, and therefore sent for me to know how it was.

L. H. St. My Lord of *Pembroke*, hath your Lordship any more Witnesses?

E. of P. No, my Lord.

L. H. St. Did not your Lordship speak of one *Snell*, my Lord, a Chirurgeon, at first?

E. of P. I did expect, my Lord, they should have brought the Person your Grace speaks of.

L. H. St. Why, my Lord?

E. of P. Because he was their Chirurgeon.

L. H. St. What say you now of the King's Counsel, to my Lord's Defence?

Sol. Gen. If my Lord hath done, we are ready to go on for the King.

L. H. St. Will your Lordship say any thing more for your self?

E. of P. I have nothing more to say, my Lord.

*Mr. * Sol. Gen.* May it please your Grace my Lord High-Steward of *England*, and my Noble Lords, that are now Judges of this Cause of Blood; I shall with all Faithfulness endeavour to discharge my Duty in this great Court, and confine my self solely to the Evidence that hath been given, and I hope I shall not do this Noble Lord, the Prisoner at the Bar, any Injury by Misrepetition. The Evidence, my Lords, that hath been produced for the King, to make it out, that the Prisoner at the Bar is guilty of Murder, doth (may it please your Grace) consist of three Parts.

1. In the first are contained those Matters of Fact, which did arise at the time when the poor unfortunate Gentleman came into my Lord *Pembroke's* Company, and what happen'd before my Lord of *Pembroke* did depart from that Place.

2. The second Part of the Evidence consists of Matters that did arise by Confession of the Party, and his discoursing with Persons who came to visit him, or were with him during the time of his Sickness.

3. The third Part doth consist of Matters arising after his Death, upon the View of the Body. Under these three Heads are comprehended all the King's Evidence, and with humble Submission, I humbly conceive, that the Evidence doth reach the Indictment, which is for the Crime of wilful Murder. But when I have humbly stated the Fact, I must submit it to the Judgment of my Noble Lords and Peers.

But to take a due Method, I shall begin with a Word or two of what Mr. Attorney-General was pleased to hint, when he opened the Cause, that is, to shew what Murder is, and wherein we conceive the Evidence comes up to the Indictment. Murder in our Law is, when one Man kills another upon Malice fore-thought; now that Malice is comprehended under two Particulars: The one is express a former Grudge, Discontent, and Hatred to a Man, to lye in wait to slay him: the other is Malice imply'd, and that is when a Person will come and fall upon another, and kill him with Violence, without any Provocation; and that I take to be the Case now before your Grace, and these Noble Lords; whether this Noble Lord, the Prisoner at the Bar, be guilty of Murder, under the Head of Malice imply'd, having killed a Man, without any Provocation given; for if it should be made appear, as I humbly conceive it hath, with Submission, that Mr. *Cony* did receive his Wound, whereby his Death came, from the Earl of *Pembroke*, it is with our Law Murder.

That my Lord of *Pembroke* did invite him into his Company, is sworn by four Witnesses; for when they came into the House, they did not so much as enquire whether my Lord was there or no; and when my Lord asked him to come into the Room, Mr. *Cony* did excuse it, in a manner, by having his Friend with him; Pray bring your Friend in with you, said my Lord: After a little while it was said, there were several Discourses pass'd between my Lord and Mr. *Goring* concerning Play, and their Families; but the third Witness doth swear, that when they were speaking of playing for 500*l.* Mr. *Goring* declined; my Lord of *Pembroke* first called him idle Fellow, and that occasioned Mr. *Goring* to give that Language, which was not so fit for him to give to a Noble Lord of his Quality.

* Sir Francis Winnington.

lity. But, may it please your Grace, let the Discourse between Mr. *Goring* and my Lord of *Pembroke* be what it will, the Question will be, Whether or no the Party that was killed gave my Lord of *Pembroke* any Provocation, or cause of Discontent, which might make him give him that Blow? or whether or no the Striking or Kicking was the Cause of his Death? That comes in the last place, for I am now under that Head; there was no Provocation given by Mr. *Cony* to my Lord to strike him, and four Witnesses there were to that, the Persons by at the Time when it was given, who all, as to the Substance, swear the same thing, only one or two Circumstances come from some of them, that do not come from all. Mr. *Savage*, a Man of Quality, and an Honourable Family, swears, That at the time when Mr. *Goring* was put out of the Room, he saw the Earl of *Pembroke* (turning his Face) give *Cony* a Blow on the Head, and one Kick when he was down; the Question was asked him, Whether he kick'd him upon the Belly; but that he could not answer to: He likewise doth particularly say, after the Blow was given by the Earl of *Pembroke*, that struck him down to the Ground, he saw his Knee lifted up to kick him, higher than the Motion of usual walking, so that some Violence was used as to that. Mr. *Fitz-Patrick*, though they all agree in Substance, yet he hath one Particular differing from the rest; he saith, That when my Lord of *Pembroke* was asked why he struck Mr. *Cony*, he answered, Because he said Mr. *Goring* should not go out of the Room, without his knowing some Reason for it; this he swears the Earl did say, but whether it was so or no is the Question. *Shelly* says, No such Word pass'd, nor doth *Savage* speak of it: But be that Circumstance true or not, (for all the Witnesses agree in Substance, and may not be able to agree in all Circumstances) yet under Submission, I must leave it to the Judgment of my Lords the Peers, whether that be Provocation sufficient to lay violent Hands on a Man. *Shelly*, indeed, says the Words were, I know not why my Friend is turn'd out of Doors; now whether these are a Provocation, such as in Judgment of Law can be deemed sufficient to lay violent Hands on a Man to kill him, is the Question; we suppose it is not, but such a Stroke is given without a Provocation, in which the Law implies Malice. This (may it please your Grace) is the Sum of that which I humbly take the Boldness to remember your Lordship of, as to the first Part of the Evidence.

2dly. The second Part is upon what ariseth after the Blow was given. My Lord of *Pembroke* at that time was certainly apprehensive he had done the Gentleman some Wrong, and that is evident by his Care of him after; for his own Witness, *Viner*, doth say, that my Lord bid him make a Fire and watch with him; surely if my Lord had not been conscious to himself, that he had done something extraordinary to the Person of that Gentleman, that Caution had not been given to the Man: But besides (my Lord) there are little Circumstances, which are always allowed for Evidence in such Cases, where Men receive any Wounds to ask them Questions while they are Ill, about it, who hurt them. Now as to this there are four Witnesses also, Dr. *Bruce*, Mr. *Hemes*, Mr. *Jackson*, and *Alice Avery*.

Dr. *Bruce* swears, That when he came on the *Monday* to enquire of Mr. *Cony* what his Illness was, he did complain of Soreness about his Shoulders, but did not make mention of the lower Part of his Belly, or any discolouring there.

But *Hemes* the Apothecary says, He not only complained of extreme Pains in his Shoulders, but also of extreme inward Soreness in the lower Part of his Belly, and this Person was frequently with him, and the same Complaints came from him, till he expired his last Breath.

Jackson, He did know him for a long time before; he said indeed, He had about two or three Months before a fainting Fit or two, but to this time he look'd upon him as a healthy Man, and he continued with him off and on till he died, and to him he did declare he had received Injury from the Earl of *Pembroke*, though he was very loth to say what: And he also tells your Lordships, that he saw the Blood in his Belly after the Dissection, which he imputed to some Hurt he had received. Indeed, there is a Chirurgeon that tells your Lordships, that it is an ordinary thing, and that it is so in all natural Deaths, and it might be occasioned by his drinking the Beer, which made him Vomit, and concluded with these Words, (I noted them) 'Tis a clear Case; but the Man not being upon his Oath, and giving it in as his single Opinion, I hope will not bear so much weight with your Lordships.

The Nurse that was continually with him to the last Moment, swears, He did continually complain after he came into the House, of Pains all over his Body, and (as she saith) continued in his Senses, and the right Use of his Understanding, till the last Breath, but principally complained of Soreness in his Shoulder, his Side, and his Belly, and did likewise often mention my Lord of *Pembroke's* Unkindness to him, declaring about two Hours before he died, that he thought in his Conscience the Earl of *Pembroke* was the Cause of his Death.

These four Witnesses swear what I have truly repeated, for I would be very unwilling in a Cause of Blood, to misrepeat the Evidence, either to the prejudice of a just Cause for the Dead, or to press for unjust Vengeance upon the Living, it being my Duty only to recollect what is sworn, and leave it all to your Lordships Judgment.

3dly. We have that which is Evidence in Law, upon the View of the Body after his Death. It was viewed legally by a Jury of indifferent persons, summoned by the Coroner, three of them being produced do swear, that there were a great many visible Bruises upon the Body, and Swellings all about: And for the Discolouring of the Parts bruised, *Roberts* swears, the Patch was about the breadth of his Hand: *Brown* likewise swears, that he was black and blue up and down the Body in broad Patches: These are Jury-men, disinterested Persons. It is true, Mr. *Cony's* Brother, the last Witness for the King, saith, He knew nothing of the Business, for his Brother would never acknowledge any thing to him; but something that he speaks is very material, That Dr. *Conquest*, my Lord's Witness, coming out of the Chamber one Day, seemed angry, and to have taken some Distaste, as if he were neglected, and used an Expression, which your Lordship may remember, upon
Mr.

Mr. Cony's asking him what ailed his Brother, he could not tell, he said, it might be *A Pembroke-Kick*. And this is the Sum of the Evidence for the King.

For the Evidence on the other Side, I think the Substance of it is only, That this Gentleman was used to have fainting Fits, and those occasioned, as they think, by his hard Drinking, and that might bring his Death upon him; but they offer no Counter-proof to the Fact.

But the Question is now, Whether or no this Man came to his Death by other Means; for it is no Argument to say, because a Man is sick, it is lawful to kill him: But we are to enquire, whether he came to his Death by those Blows given him by the Prisoner at the Bar? If then it be admitted that the Blow was the Cause of his Death, and the Kicks withal, I humbly then submit to your Lordships Consideration, whether the King's Evidence hath not reach'd up to the Indictment: Here is Murder with Malice implied by the Law, for there is no Colour of pleading a Provocation of the Blow, to be the Cause of his Death. Now whether or no it be so, I humbly offer these Reasons for the Affirmation; this Man was not look'd upon to be a Man in that Condition as to be a dying Man, before the Blow.

Obj. But he was a great Drinker, that brought him to those Fits, and that hastned his End.

Ans. Though he was so, yet from the Instant that he did receive the Blow, he never had any Ease till he died, insomuch that Mr. *Savage* tells your Lordships, he took him up immediately after my Lord kicked him, and he was some Minutes before he could get him to Life again, and then he could not keep himself from fainting again: So that upon the Circumstances of what the Witnesses for the Prisoner have said, and the Evidence offered in behalf of the King, if this were the Cause of his Death, we leave it to your Lordships Consideration, whether it be not Murder in this Noble Lord the Prisoner at the Bar: To that Determination we submit the Cause, and whatever Opinion your Lordships shall be of in the Cause, I have no more to say, but that the King's Justice, in this Prosecution, was suitable to the Law given by the Almighty in the Infancy of the World, *That whosoever sheddeth Man's Blood, by Man shall his Blood be shed.*

L. H. St. Will your Lordships please to withdraw to consider of the Evidence?

Then the Lords went back in the same Order they came in, and went into the House of Lords; and from thence, after two Hours Debate, they returned into the Court, and Proclamation was made as followeth.

Cl. of Cr. Serjeant at Arms, make Proclamation.

Serj. O Yes! my Lord High Steward of England his Grace straitly chargeth and commandeth all manner of Persons here present, to keep Silence, upon pain of Imprisonment.

Then his Grace spake to the Peers.

L. H. St. Your Lordships have heard the Evidence against the Prisoner, and for him, on both Sides; and the Solemnity in this Case is, that

your Opinions are to be delivered severally, in the Absence of the Prisoner, who is to hear all that is by the Witness or Counsel said against him, but is to have his Judgment from the High Steward.

Upon the whole Matter the Question is this; Whether my Lord of *Pembroke* be guilty of the Felony whereof he stands indicted, for the Murder of Mr. *Cony*, or Not guilty?

The Order of your Opinions being delivered, is to begin with the *Puisne Baron*, and so upwards.

I desire Time to take your Lordships Judgments distinctly, and I desire each of your Lordships to speak out, that I may hear it.

L. H. St. My Lord *Butler*, what is your Opinion? Is *Philip Earl of Pembroke and Montgomery* Guilty of the Felony and Murder whereof he stands Indicted, or Not guilty?

L. Butler. Not Guilty of Murder, but Guilty of Manslaughter.

The same Question to the rest.

The Lord High Steward counted their Numbers.

L. H. St. Six of my Lords find him Guilty: Eighteen find him Not Guilty: Forty find him Guilty of Manslaughter. Call for the Prisoner to the Bar.

Cl. of Cr. Serjeant at Arms, make Proclamation.

Serj. O yes! Constable of the Tower of London, bring forth the Body of thy Prisoner *Philip Earl of Pembroke and Montgomery*, on Pain and Peril shall fall thereon.

Then the Prisoner came in, with the Edge of the Ax still from him, and his Grace spake to him as followeth.

L. H. St. My Lord of *Pembroke*, You have been Indicted for the Murder of *Nathanael Cony*, and upon your Arraignment you have pleaded *Not Guilty*, and have put your self upon the Judgment of your Peers; and your Peers have considered what hath been said for you, and against you, and the Judgment of my Lords is this, That you are Guilty of Manslaughter for killing of *Nathanael Cony*: What can you say for your self, why Judgment should not pass upon you to die according to the Law?

E. of P. I claim the Privilege of the Statute made in that Case, my Lord.

L. H. St. You must have it, my Lord, it cannot be denied you; for by the Act of Parliament, where *Clergy* is allowed to a Common Person, by Reading, and Burning in the Hand, a Peer convicted of such Felony, is to be delivered without either, therefore we cannot deny it you: But your Lordship must give me leave to tell you, that no Man can have the Benefit of that Statute but once, and so I would have your Lordship take notice of it, as a Caution to you for the future.

Your Lordship is now to be discharged, paying your Fees.

Then the Prisoner went from the Bar, and his Grace by Proclamation thus dissolved his Commission.

Cl.

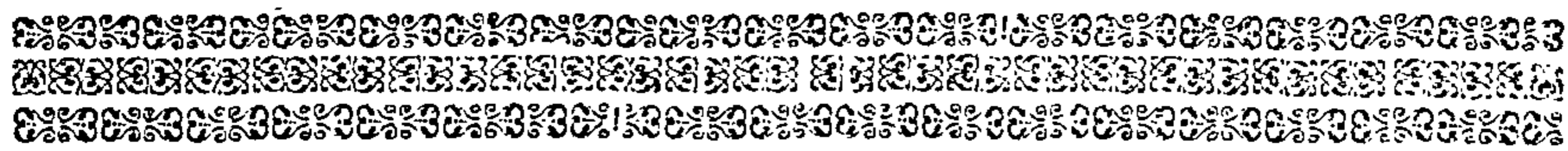
Cl. of Cr. Serjeant at Arms, make Proclamation.

Peace and the King's from this Place, for his Grace doth now dissolve his Commission.

God save the King.

Serj. O yes, O yes, O yes! My Lord High Steward of *England* willeth and commandeth all Persons here assembled, to depart in God's

Then his Grace concluded the Ceremony, by breaking his Staff.



LXIV *The Trial of WILLIAM STAYLEY**, Goldsmith, at the King's-Bench, for High-Treason, November 21, 1678. Mich. 30 Car. II.

MR. *STAYLEY* being accused of High-Treason, was on the 20th Day of *November*, 1678, brought from *Newgate*, and arraigned at the *King's Bench Bar*, and the next Day was brought to the same Place to receive his Trial; where being come, and the Jury Impannelled, the Court told the Prisoner, that if he would Challenge any of the Jury, he must speak unto them as they came to the Book to be sworn, and before they were sworn; the Prisoner Challenging none, the Jury were sworn, *viz.*

J U R Y.

Sir Philip Matthews.	Simon Middleton, Esq;
Sir Reginald Foster.	Thomas Cross, Esq;
Sir John Kirke.	Henry Johnson, Esq;
Sir John Cutler.	Charles Umfrevil, Esq;
Sir Richard Blake.	Thomas Eggesfield, Esq;
John Bisfield, Esq;	William Bobee, Esq;

The Indictment Read.

You stand Indicted by the Name of William Stayley, &c.

Crier. If any can give Evidence on the behalf of our Sovereign Lord the King, against *William Stayley*, let him come forth and he shall be heard.

Sir Creswell Levinz. The Prisoner stands Indicted as not having the Fear of God before his Eyes, being led by the Instigation of the Devil, not minding his Allegiance, but Traiterously endeavouring the Death and Destruction of our Sovereign Lord the King, he did on *November* the 14th, in the Thirtieth Year of the King, falsely, wickedly, and traiterously Compass, Imagine, Devise, and Invent the Killing the King; that he did maliciously contrive (I lay) the Death of our Lord, the King of *England*.

To this he hath pleaded *Not Guilty*. You are to Try whether he be Guilty or not.

King's Serjeant, Maynard. The Offence is as great as can be, and will be proved as clear as can be. Call the Witnesses to prove the Offence.

Sir William Jones, Att. Gen. It would be fit-

ting, before we enter upon the Evidence, to give some Account, why (among so many Offenders, some of them of greater Quality than *William Stayley*) we chose first to bring this Man to Trial. It is not unknown to any Man that lives in *England*, what Discoveries there have been of horrid and damnable Designs against the King's Person, and the Protestant Religion. There are a sort of Men in the World, that endeavour what they can to cry down this Discovery, as that it was altogether Supposititious, and a Fable. It is true, some are so charitable as to think the *Roman Catholicks* in *England* do promote the *Roman Catholick* Religion, but the Design against the King's Person is a Fiction. But they shall do well to take warning by the Trial of this Man, and Imprisonment of so many Offenders, as that even since this Discovery made, some have had this Treasonable Mind, and Traiterous Attempt against the King, and said those Words for which in the Indictment he is charged with. This Prisoner, by Religion, is a *Roman Catholick*, he calls himself so; in plain *English* he is a *Papist*; and finding that since this Plot was discovered, his Trading decay'd, (being one that dealt in Monies) he was one of their Party, he grew enraged their Money was called so fast for, being in the Company of one *Fromante*, a Foreigner, at a Cook's Shop, and were considering of Matters of Trade, this Man was complaining his Money was so fast called in for. Taking notice of the Discovery of the Plot, (being a very great Well-wisher to it) entred into a great Passion, and spake these Words of the King: *That he was the greatest Heretick in the World, that he was a great Rogue*; for his Part, holding up his Hand, clap'd it then upon his Heart, and said, *I will with this Hand kill him*. These Words were heard by the Gentlemen that were present spoken in *French*.

William Castars, a Witness.

Att. Gen. Acquaint the Court and Jury what you know of any Words spoken by the Prisoner about killing the King.

Witness. So far as I know, or can give an Account, it was about Eleven of the Clock in the Day, on the Fourteenth Day of this Month; he

* Burnet's *Hist. own Times*, Vol. I. p. 433.

he call'd for a Pot of Ale, and a Slice of Roast Beef, which when it was called for, his Landlord said it should be brought him; there was another *Frenchman* with *Stayley*, a Stranger to me: they discoursed together in *French*, and *Stayley* then said twice over, *The King was a grand Heretick*, making this Demonstration, with his Hand upon his Breast, and stamp'd five or six times with his Foot in great Fury. The old Man *Fromante*, his Friend, said, *That the King of England was a Tormenter of the People of God*, and he answered again in a great Fury. *He is a great Heretick, and the greatest Rogue in the World; there's the Heart, and here's the Hand that would kill him; and the King and Parliament think all is over, but the Rogues are mistaken.*

Sir *William Scroggs*, L. C. J. Did you know *Stayley*?

Witness. No, my Lord, I had never seen him before.

L. C. J. What did you do upon this?

Witness. I did not know what to do, being ignorant of the Laws of the Country, I thought it was a great Matter, and being sensible that *Stayley* was gone out, I caused one to attend him, and came to his Father's Shop, and looked up and down, and the next Day I apprehended him.

L. C. J. Are you sure (looking upon the Prisoner) that was the Man?

Witness. Yes.

L. C. J. Did you see him when he spake the Words?

Witness. Yes, I saw him; there was no more Distance betwixt the two Doors, but just as far as that Gentleman and me; his Face was straight towards us.

L. C. J. Were you in the same Room?

Witness. No, but just over-against it; the Doors were open.

L. C. J. How near were you to him?

Witness. Seven or Eight Foot from the Place where I was and where he was. He was standing at one Door, and I at the other. In *French* the Words were spoken, he making a Demonstration, stamping with his Foot, *I would kill him my self*, (which the Prisoner would have evaded by saying, the Words signify *I would kill my self*.) The Prisoner farther said, that the King and Parliament thought all was over, but the Rogues were beguiled and deceived.

Alexander Southerland, Witness.

Mr. *Southerland*, tell what you heard the Prisoner at the Bar say. Were you there?

Witness. Yes.

L. C. J. Which was nearest to him, he or you?

Witness. He was nearest to him, and I just by the Gentleman. He said afterwards when a Word or two past betwixt them, *the Rogues are deceived, they think the Business is done, but they are deceived*. The old Man said, *That the King of England was a Tormenter of the People of God*; the Prisoner answered, *the King of England is the greatest Heretick, and the greatest Rogue in the World, and the King and Parliament think their Business is done, but the Rogues are mistaken*.

Prisoner. I said (replied the Prisoner) I would kill my self.

L. C. J. Would you kill your self because

you said the King was a Heretick? You acknowledge your self to be a *Roman Catholick*.

Pris. And in that Faith I intend to die.

Att. Gen. Here the Prisoner doth not deny but he said, *the King of England was a great Heretick*; and can we imagine him to be in such a Passion, that he would *kill himself*? Whether that be a natural Conclusion from the Premises, I must submit to—

L. C. J. Did you see Mr. *Stayley* perfectly? Was the Door open?

Witness. I saw him perfectly.

L. C. J. Did you know him before?

Wit. I never saw his Face before.

L. C. J. Did you write the Words presently?

Wit. I writ them down presently, as God shall be my Witness.

L. C. J. Look upon the Writing, is it your Hand?

Wit. It is; and it was written the 14th of November, 1678. About Eleven o'Clock they came to the *Black-Lion* in *King-Street*, and call'd for a Quart of Ale, and a Slice of Roast Beef, and it was answered, it should presently be had. *William Stayley* said, having struck on his Breast, and stamping with his Foot five or six times, *I my self would do it*.

L. C. J. Did you write all that is in the Paper at that time?

Wit. I writ the Words in *French*, as I heard them from him, then formed it as to the Person and Time, afterwards, when I was gone.

L. C. J. Who told you it was *Stayley* the Goldsmith?

Wit. We asked the Man of the House; and we found he went to his Father's House in *Covent-Garden*; we asked his Father's Name, and his Name; and that's the very Man.

L. C. J. He confesseth he was in this Place at that time with the old Man. He acknowledged that he spoke some Words, but denied he spake those: That he was the Man he doth not deny.

Att. Gen. The third Man is a Gentleman that doth not understand the *French* Tongue, he was in the Company of those two Men at that time; we do not call him to prove the Words, because he doth not understand the Language.

L. C. J. There is no Mistake of the Person, the Prisoner doth not deny he was there. Call the third Person to know what he hath to say.

Philip Garret, third Witness.

Wit. All that I can say is this; My Captain, *William Castars*, came to me in a great Passion, and said, I cannot suffer this, I will run upon him, I cannot be quiet.

L. C. J. What are those Words he charged upon him?

Wit. That he would kill the King himself: It is impossible to suffer it, I will run out for a Constable presently, this cannot be suffered. I went to enquire for his Name; the Answer was, he was a Goldsmith, and that his Name was *Stayley*. That's the very Man (looking upon him) I saw there, and heard him speak.

L. C. J. What were the first Words?

Wit. [The *French* Words were spoken twice, in *English* thus] *The King is a grand Heretick*. [*French* again] *Here's the Hand, here's the Heart, I would kill him my self*.

P P P P

L. C. J.

L. C. J. What can you say to this?

Prisoner. My Lord, the matter of Fact happened thus: This Gentleman, Mr. *Southerland*, comes over to me in the Morning when I was in the Shop, and said, Sir, I would have a red Button like this, I said I had none of that nature, you had better go to the Exchange. I would have one of a true Stone; You must (I reply'd) go to the Jewellers, I have none of these. Upon that I dismiss'd him; he went over, and presently comes, in a quarter of an Hour after, and tells me, that an Honourable Person would speak with me: I went over; this Gentleman makes a great many Ceremonies to me, and reads me this Paper; he tells me, you see what the Gentleman reads, I would advise you to look to it, then taking me aside by the Window. I said, I do not understand you, I am innocent, you must not put any bubble upon me; with that the Captain runs out in a fury, and fetcheth a Constable, and carrieth me to the *Gate-House*. I was in my Shop the Day before, which very Day I did intend to go out with a Friend into the Country, and prepared my self accordingly; and Mr. *Fromante*, the old Man that was the Friend of mine, comes, saying to me, the Constable would have something, I know not what it is, come and assist me; I went to the place, the Constable told me, that I was to appear by Ten of the Clock; with that comes the old Man out. I owed him a little Money, I went and paid him the Money which I owed him. I came back, and sat down by the Window out of sight, the old Man sat at the right Hand, so we sat and discoursed as innocently, as I thought, and (before God) as ever I spake in my Life.

L. C. J. What Discourse had you?

Pris. Our chief Discourse was about the Materials of our business, and it was about the King of *France* his Usurpation over his Subjects, and the happiness of our little People, the Commonalty of *England*, that was indeed usually our Discourse when we met together.

L. C. J. Did you say you would kill the King of *France*? and that he was a great Heretick? Do you believe the King of *France* is an Heretick?

Prisoner. I know not what his Opinion is, that's to his own Conscience.

L. C. J. Did you name the word *Heretick*?

Prisoner. Not to my Knowledge, upon my Soul, not of the King of *England*; we might have discoursed of the happiness and of the difference of their Governments. I have been thought a Person of some Intelligence, and of some Understanding in the World, and not to expose my self to speak in a publick large Room, the Door being open, with so high a Voice that these Gentlemen being in the next Room should hear me in *French*, and in a Street where almost all are *French-men*, to speak these blasphemous Words, Words that I abhor. I have been a great admirer of my Prince.

Court. Read the Statute of *Decimo tertio*, &c.

L. C. J. Speak the words in *English* about killing the King, speak them all.

Witness. That the Prisoner's Companion did say, *The King was a Tormenter and Persecutor of the People of God.* The Prisoner's words were again, *The King of England is the greatest Heretick, and the greatest Rogue in the world; here's*

the Heart, and here's the Hand that would kill him; I my self.

Pris. Here's the Hand, and here's the Heart which would kill my self: Not, would kill Him my self.

L. C. J. What Jesuit taught you this Trick? It is like one of them. It is the Art and Interest of a Jesuit so to do.

The Statute read.

L. C. J. Have you any thing more to say for your self than what you have already said?

Court. Sir *John Kirk*, do you understand *French*?

One of the Jury. I do, my Lord; the words have been interpreted all right.

L. C. J. Let me ask you one Question; When you said the King was a great Heretick and a Rogue, and here's the Heart, and here's the Arm that would kill him my self; was it not the King you would kill?

Prisoner. I have this to say in Justification of my self, and Allegiance to my Prince and King, that I never thought, nor imagined or contrived any way, but have been a true Subject to the King upon all occasions; I am sorry it proves so, God's will be done, my Soul depends upon it; I am a dying Man by the Statute, never with Intention, or any Thought or Ill-will, spake any word about this matter.

L. C. J. Out of the abundance of the Heart the Mouth speaks; the Statute hath been read, which hath made it criminal.

Call a Witness for the Prisoner.

Witness for the Prisoner. One *Anselm* spake.

They came to my House, where I live at the *Cross-keys* in *Covent-Garden*, about Eight o'Clock in the Morning, these two Gentlemen, the Day they took him away, was the Day after these words were spoke, and he was kept Prisoner from Eight till Eleven of the Clock without any Constable, they had five Bottles of Wine, and bespake Meat, but they did not stay to eat the Meat.

L. C. J. How came you to stay so long?

Wit. I was two Hours in looking for a Constable, they would not come with me, without a Warrant from a Justice of Peace.

L. C. J. Who told you you had best take it up?

Pris. The middlemost Man, the first Witness.

Wit. We were about three long Hours, I sent out this Gentleman for a Constable, in the meantime the Prisoner's Father sent his Maid for him to come Home, I told him he should not go, if he desired to eat we would eat there. I sent to *White-Hall* and desired a Guard, the Officer of the Guard told the Messenger it was a Constable's part.

Court. Call another Witness for the Prisoner.

Witness for the Prisoner.

I have heard him often declare as much Loyalty to his Prince as any Person. One Day we fell into a discourse of these affairs, the business of the Jesuits, which are a People he did as much condemn as any; for in *Padua* he saw so many Cheats, that he forsook the Jesuitical Religion, and if he knew any of the Persons concerned in
tnis

this Plot, he would be the Executioner himself, and whoever comes to Reign afterwards, they shall never enjoy so much Peace as now; and I heard him often say he would lose his Blood for the King, and heard him speak as Loyally as I ever heard any Man speak in my Life.

L. C. J. That is when he spoke to a Protestant.

Court. Have you any thing else to say for your self, or have you any more Witnesses, that you would have examined on your behalf?

Prisoner. No.

Lord Chief Justice's Speech.

THE Statute hath been read, which was made since the King came in, for the preservation of his Person, and during his Life: The Parliament thought it reasonable, even to make desperate words to be Treason, although there was no other thing but words, that is, such words, as if the thing had been done would be Treason, the speaking it is Treason. When we come to observe the manner of this speaking, methinks there is no great difficulty to satisfy the Jury that they were spoke advisedly and maliciously. They were in a Publick House, and by accident heard: They concealed them not a Moment, and not from the Man that did not understand *French*. To hear a Man say in a great Passion, that his King was a Heretick, and the greatest Rogue in the World, and that he would kill him, to write down the words presently, they slept not upon it, they found out who he was, the next Day they came to attach him; they kept him, for what? till they could get a Constable. So that here is nothing doubtful either in the Circumstance or Substance of his Case: So that you cannot have a plainer proof in the World than there is in this. For my own part, when it is in the Case of a Man's Life, I would not have any Compliance with the rumors or disorder of times that should be an Evidence against him, but would have a Verdict depend upon the Witnesses that swear the Fact downright upon him. You and we all are sensible of the great difficulties and hazards that is now both against the King's Person, and against all Protestants, and our Religion too, which will hardly maintain it self, when they have destroyed the Men; but let 'em know, that many Thousands will lose their Religion with their Lives, for we will not be Papists, let the Jesuits press what they will (who are the foundations of all this Mischief) in making Profelytes, by telling them, do what wickedness you will it's no sin, but we can save you, and if you omit what we Command, we can damn you. This they will not own when it comes to be an objection and penal upon them, but they will never get the Pope of *Rome* to declare he hath not a power to Excommunicate what he calls a heretick King, and if he does, that the Subject is not discharged from his Obedience, they would do great service to their Papist Friends, if they could obtain such an Edict. They Print, Preach, Dispute, and Maintain otherwise, and thereby lead People to their own destruction and the destruction of others. Excuse me if I am a little warm, when Perils are so many, their

Murders so secret, that we cannot discover the Murder of that Gentleman, whom we all knew so well, when things are transacted so closely, and our King in so great danger, and Religion at stake. 'Tis better to be warm here than in *Smithfield*. But that the Man might have justice done him, he hath had his Witnesses, and might have had this old Man, if he had named him to Mr. *Richardson*: and to shew what fair play he has had, Mr. Attorney tells you the old Man hath been examined upon Oath, and offers him the Copy of his Examination to use, but he thinks not fit to use it for his defence, therefore nothing is smothered. The Offence you have heard in words plain enough, unless the sense is perverted by Jesuitical cunning and equivocation, the best part of their learning and honesty. They swear it expressly, *That the King was a Heretick, and the greatest Rogue in the World, and here's the Heart and Hand, that he would kill him himself;* and hath and can have no other signification. The Statute saith *Advisedly and Maliciously*. The manner of speaking, and the words spoke, prove both. When a Papist once hath made a Man a Heretick, there is no scruple to murder him. Whoever is not of their Persuasion are Hereticks, and whoever are Hereticks may be murdered, if the Pope commands it, for which they may become Saints in Heaven; this is that they have practised. If there had been nothing of this in this Kingdom, or other parts of the World, it would be a hard thing to impose it upon them, but they ought not to complain, when so many Instances are against them. Therefore discharge your Consciences as you ought to do; if guilty let him take the Reward of his Crime, and you shall do well to begin with this Man, for perchance it may be a Terrour to the rest. Unless they think they can be saved by dying in the Roman Faith, tho' with such pernicious and traitorous words and designs as these are; let such go to Heaven by themselves. I hope, I shall never go to that Heaven, where Men are made Saints for killing Kings.'

William Stayley, Hold up your Hand.

Cl. of Cr. Is *William Stayley* guilty of the High Treason whereof he hath been Indicted?

Jury. Guilty.

Cl. of Cr. What Goods, Chattels, Lands or Tenements?

Jury. None.

L. C. J. Now you may die a Roman Catholic, and when you come to die, I doubt you will be found a Priest too.

K. Coun. I pray Judgment according to the Verdict.

Cl. of Cr. You have been Indicted of High-Treason, you have put your self upon your Country, which Country have found you guilty, what have you to say for your self, wherefore the Court should not proceed to Judgment against you?

Pris. I have nothing to say.

L. C. J. I pronounce Judgment upon you. You are here found guilty by the Jury of High-Treason, for saying you would kill the King, with other irreverent words; but the matter which makes you a Traitor is proved upon you by most apparent Evidence. The matter, manner, and all the circumstances of it make it plain;

you may harden your Heart as much as you will, and lift up your Eyes, but you seem instead of being sorrowful, to be obstinate, between God and your Conscience be it, I have nothing to do with it, my duty is to pronounce Judgment upon you according to Law, which is this:

The S E N T E N C E.

You shall return to the Prison, from thence shall be drawn to the place of Execution, where you shall

be hanged by the Neck, cut down alive, your Quarters shall be severed and be disposed of as the King shall think fit, and your Bowels burnt, and so the Lord have mercy upon your Soul.

November the 26th, he was executed at Tyburn, according to the Sentence.

See the Account of the Digging up of the Quarters of William Stayley, in State Trials, Vol. 8. p. 433, 434.



LXXV. *The Trial of EDWARD COLEMAN, * at the Kings-Bench, for High-Treason, the 27th of November, 1678. Mich. 30 Car. II.*

ON *Wednesday* the Twenty Seventh day of *November, 1678*, Mr. *Coleman* (having been Arraigned the *Saturday* before for High-Treason) was brought to the *King's-Bench* Bar, to receive his Trial, and the Court proceeded there-upon, as followeth.

Cl. of Cr. Crier, make Proclamation.

Proclamation for Silence.

Crier. O yes! Our Sovereign Lord the King does strictly Charge and Command all manner of Persons to keep Silence, upon pain of Imprisonment.

If any one can inform our Sovereign Lord the King, the King's Serjeant, or the King's Attorney-General, or this Inquest now to be taken, of any Treason, Murder, Felony, or any other Misdemeanour committed or done by the Prisoner at the Bar, let them come forth, and they shall be heard, for the Prisoner stands at the Bar upon his Deliverance.

Cl. of Cr. Crier, make an O yes.

Crier. O yes! You Good Men that are impannelled to enquire between our Sovereign Lord the King, and Edward Coleman Prisoner at the Bar, answer to your Names.

Cl. of Cr. Edward Coleman, Hold up thy Hand.

These Good men that are now called, and here appear, are those which are to pass between you and our Sovereign Lord the King, upon your Life or Death; if you challenge any of them, you must speak as they come to the Book to be sworn, and before they are sworn.

The Prisoner Challenging none, the Court proceeded, and the Jury were sworn, *viz.*

J U R Y.

Sir *Reginald Forster*, Bart. *Simon Middleton*, Esq;
 Sir *Charles Lee*. *Henry Johnson*, Esq;
Edward Wilford, Esq; *Charles Umfrevile*, Esq;
John Bathurst, Esq; *Thomas Johnson*, Esq;
Joshua Galliard, Esq; *Thomas Eaglesfield*, Esq;
John Bisfield, Esq; *William Bohee*, Esq;

Cl. of Cr. Crier, make an O yes.

Crier. O yes! Our Sovereign Lord the King does strictly charge and command all manner of Persons to keep Silence upon pain of Imprisonment.

Cl. of Cr. Edward Coleman, Hold up thy Hand.

You Gentlemen of the Jury that are now sworn, look upon the Prisoner, and hearken to his Charge.

You shall understand, that the Prisoner stands Indicted by the Name of *Edward Coleman* late of the Parish of *St. Margaret's Westminster* in the County of *Middlesex*, Gent. for that he as a false Traitor against our most Illustrious, Serene, and most Excellent Prince *Charles*, by the Grace of God of *England, Scotland, France, and Ireland* King, Defender of the Faith, &c. and his Natural Lord; having not the Fear of God in his Heart, nor duly weighing his Allegiance, but being moved and seduced by the Instigation of the Devil, his cordial Love and true Duty, and natural Obedience, (which true and lawful Subjects of our said Lord the King ought to bear towards him, and by Law ought to have) altogether withdrawing, and devising, and with all his strength intending, the Peace and common Tranquillity of this Kingdom of *England* to Disturb, and the true Worshop of God within the Kingdom of *England* practised, and by Law Established, to overthrow, and Sedition and Rebellion within this Realm of *England* to move, stir up, and procure, and the cordial Love and true Duty and Allegiance, which true and lawful Subjects of our Sovereign Lord the King toward their Sovereign bear, and by Law ought to have, altogether to Withdraw, Forsake, and Extinguish; and our said Sovereign Lord the King to Death and final Destruction to bring and put, the Twenty Ninth Day of *September* in the Seven and Twentieth Year of the Reign of our said Sovereign Lord *Charles* the Second, of *England, Scotland, France and Ireland* King, Defender of the Faith, &c. at the Parish of *St. Margaret's Westminster* aforesaid, in the County aforesaid, Falsly, Maliciously, and Traiterously

* *Barn. Hist. own times*, Vol. I. p. 368. 394. 426. 436.

Proposed, Compasſed, Imagined and Intended, to ſtir up, and raiſe Sedition and Rebellion within the Kingdom of *England*, and to procure and cauſe a miſerable Deſtruction among the Subjects of our ſaid Lord the King, and wholly to Deprive, Depoſe, Deject, and Diſinherit our ſaid Sovereign Lord the King, of his Royal State, Title, Power, and Rule of his Kingdom of *England*, and to bring and put our ſaid Sovereign Lord the King to final Death and Deſtruction, and to overthrow and change the Government of the Kingdom of *England*, and to alter the ſincere and true Religion of God, in this Kingdom by Law eſtabliſhed; and wholly to ſubvert and deſtroy the ſtate of the whole Kingdom, being in the univerſal parts thereof well Eſtabliſhed and Ordained, and to levy War againſt our ſaid Sovereign Lord the King, within his Realm of *England*: And to accompliſh and fulfil theſe his moſt wicked Treasons, and Traiterous Deſigns and Imaginations aforeſaid, the ſaid *Edward Coleman* afterwards, that is to ſay, the Nine and twentieth Day of *September* in the Twenty ſeventh Year of the Reign of our ſaid Lord the King, at the Pariſh of *St. Margaret's Weſtminſter* aforeſaid, in the County of *Middleſex*, aforeſaid, Falſly, Deceitfully, and Traiterouſly Compoſed, Contrived, and Writ two Letters, to be ſent to one *Monsieur le Chaiſe*, then Servant and Confessor of *Lewis* the *French* King, to Deſire, Procure, and Obtain, for the ſaid *Edward Coleman*, and other Falſe Traitors againſt our ſaid Sovereign Lord the King, the Aid, Aſſiſtance, and Adherence of the ſaid *French* King, to alter the true Religion in this Kingdom Eſtabliſhed, to the Superſtition of the Church of *Rome*, and to ſubvert the Government of this Kingdom of *England*: And afterwards, (that is to ſay) the ſaid Nine and twentieth Day of *September* in the Year aforeſaid, at the Pariſh of *St. Margaret's Weſtminſter* in the County of *Middleſex* aforeſaid, the ſaid *Edward Coleman* Falſly, Traiterouſly, and Maliciously Compoſed and Writ two other Letters, to be ſent to the ſaid *Monsieur le Chaiſe*, then Servant and Confessor to the ſaid *French* King, to the Intent that he the ſaid *Monsieur le Chaiſe* ſhould Intreat, Procure, and Obtain for the ſaid *Edward Coleman* and other Falſe Traitors againſt our Sovereign Lord the King, Aid, Aſſiſtance, and Adherence of the ſaid *French* King, to alter the true Religion in this Kingdom of *England* Eſtabliſhed, to the Superſtition of the Church of *Rome*, and to ſubvert the Government of this Kingdom of *England*: And that the ſaid *Edward Coleman*, in further Proſecution of his Treason and Traiterous Imaginations and Intentions, as aforeſaid, afterwards, *viz.* the Twenty Ninth Day of *September*, in the Seven and twentieth Year of the Reign of our ſaid Sovereign Lord King *Charles*, of *England*, &c. the ſaid ſeveral Letters, from the ſaid Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, Falſly, Maliciously and Traiterouſly, did ſend to the ſaid *Monsieur le Chaiſe*, into Parts beyond the Seas, there to be delivered to him: And that the ſaid *Edward Coleman*, afterward, *viz.* the Firſt Day of *December*, in the Seven and twentieth Year of our ſaid Sovereign Lord the King, at the ſaid Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, did receive from the ſaid *Monsieur le Chaiſe* one Letter, in Answer to

one of the ſaid Letters firſt mentioned, and written by him the ſaid *Edward Coleman*, to the ſaid *Monsieur le Chaiſe*, which ſaid Letter in Answer as aforeſaid, Falſly, Maliciously, and Traiterouſly received, the Day and Year aforeſaid, at the Pariſh of *St. Margaret's Weſtminſter* aforeſaid, the ſaid *Edward Coleman* did falſly, traiterouſly, and maliciously read over and peruſe; And that the ſaid *Edward Coleman*, the Letter ſo as aforeſaid, by him in Answer to the ſaid Letter received into his Cuſtody and Poſſeſſion, the Day and Year laſt mentioned, at the Pariſh of *St. Margaret's Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, did Falſly, Maliciously, and Traiterouſly Detain, Conceal, and Keep. By which Letter the ſaid *Monsieur le Chaiſe*, the Day and Year laſt mentioned, at the Pariſh of *St. Margaret's Weſtminſter* in the County of *Middleſex* aforeſaid, did ſignify and promiſe to the ſaid *Edward Coleman*, to obtain for the ſaid *Edward Coleman*, and other falſe Traitors againſt our Sovereign Lord the King, Aid, Aſſiſtance and Adherence from the ſaid *French* King: And that the ſaid *Edward Coleman* afterward, *viz.* the tenth day of *December* in the ſeven and twentieth Year of the Reign of our ſaid Sovereign Lord the King, at the Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, his wicked Treasons and Traiterous Deſigns and Propoſals as aforeſaid did tell and declare to one *Monsieur Ravigni*, Envoy-extraordinary from the *French* King to our moſt Serene and Sovereign Lord King *Charles*, &c. in the County aforeſaid reſiding, and did falſly, maliciously and traiterouſly move and excite the ſaid Envoy-extraordinary to partake in his Treason; and the ſooner to fulfil and compleat his Traiterous Deſigns, and wicked Imaginations and Intentions, the ſaid *Edward Coleman* afterward, *viz.* the tenth day of *December* in the ſeven and twentieth year of the Reign of our Sovereign Lord King *Charles* the Second of *England*, &c. aforeſaid, at the Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, did adviſedly, maliciously, deceitfully, and traiterouſly compoſe and write three other Letters to be ſent to one *Sir William Throckmorton* Kt. then a Subject of our ſaid Sovereign Lord the King of this Kingdom of *England*, and reſiding in *France*, in parts beyond the Seas, *viz.* at the Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, to ſolicite the ſaid *Monsieur le Chaiſe* to procure and obtain of the ſaid *French* King, Aid, Aſſiſtance, and Adherence, as aforeſaid, and the ſaid Letters laſt mentioned, afterward, *viz.* the day and year laſt named as aforeſaid from the ſaid Pariſh of *St. Margaret's Weſtminſter*, in the County of *Middleſex* aforeſaid, did falſly and traiterouſly ſend, and cauſe to be delivered to the ſaid *Sir William Throckmorton* in *France* aforeſaid, againſt his true Allegiance, and againſt the Peace of our Sovereign Lord the King that now is, his Crown and Dignity, and againſt the Form of the Statute in that Caſe made and provided.

Cl. of Cr. Upon this Indiſtment he hath been arraigned, and hath pleaded thereunto Not guilty; and for his Trial he puts himſelf upon God and his Country: Which Country you are.

Your

Your Charge is to enquire, whether he be guilty of the High-Treason whereof he stands indicted, or not guilty. If you find him guilty, you are to enquire what Goods and Chattels, Lands and Tenements he had at the time when the High-Treason was committed, or at any time since; If you find him not guilty, you are to say so, and no more, and hear your Evidence.

Crier. If any one will give Evidence on the behalf of our Sovereign Lord the King, against *Edward Coleman* the Prisoner at the Bar, let him come forth, and he shall be heard; for the Prisoner now stands at the Bar upon his Deliverance.

Mr. Recorder, Sir George Jefferies. May it please you my Lord, and you Gentlemen of the Jury; *Mr. Edward Coleman*, now the Prisoner at the Bar, stands indicted for High-Treason, and the Indictment sets forth, that the said *Edward Coleman*, endeavouring to subvert the Protestant Religion, and to change and alter the same; And likewise to stir up Rebellion and Sedition amongst the King's Liege People, and also to kill the King; did on the 29th of *September* in the twenty seventh year of the Reign of our Sovereign Lord the King, at the Parish of *St. Margaret's Westminster* in this County, compose and write two several Letters to one *Montieur le Chaise*, that was then Servant and Confessor to the *French King*, and this was to procure the *French King's* aid and assistance to him and other Traitors, to alter the Religion practised, and by Law established here in *England*, to the Romish Superstition. The Indictment sets forth likewise that on the same day he did write and compose two other Letters to the same Gentleman, that was Servant and Confessor to the said King, to prevail with him to procure the *French King's* assistance to alter the Religion in this Kingdom established to the Romish Religion. The Indictment sets further forth, that he caused these two Letters to be sent beyond the Seas. And it also sets forth that on the tenth of *December*, the same Month, he did receive a Letter from the Gentleman that was the Confessor, in answer to one of the former Letters, and in that Letter aid and assistance from the *French King* was promised; and that he did traiterously conceal that Letter. My Lord, the Indictment sets out further, that on the tenth day of the same Month, he did reveal his Treasons and Traiterous Conspiracies to one *Monsieur Ravigni*, who was Envoy from the *French King* to his Majesty of *Great Britain*. And his Indictment declares, he afterwards did write three Letters more to *Sir William Throckmorton*, then residing in *France*, to procure the *French King's* assistance to the alteration of the Religion practised here in *England*. Of these several Offences he stands here indicted.

To this he hath pleaded Not guilty. If we prove these, or either of them in the Indictment, you ought to find him guilty.

Serj. Maynard. May it please your Lordship, and you Gentlemen of the Jury; This is a Cause of great Concernment. Gentlemen, the Prisoner at the Bar stands indicted for no less than for an intention and endeavour to Murder the King; For an endeavour and attempt to change the Government of the Nation, so well settled and instituted, and to bring us all

to ruin and slaughter of one another, and for an endeavour to alter the Protestant Religion, and to introduce instead of it the Romish Superstition, and Popery.

This is the Charge (in general) of the Indictment. We will proceed unto Particulars, whereby it may appear, and whereupon he endeavoureth to accomplish his ends. One or two Letters written to *Montieur le Chaise* (he is a Foreigner, and we have nothing to say to him, being Confessor to the *French King*) it was to excite and stir him up to procure Aid and Assistance (and you know what Aid and Assistance means) from a Foreign Prince, Arms, and other Levies. We charge him with it, that he did receive this Letter, ay, and received an answer with a promise, that he should have Assistance. He writ other Letters to *Sir William Throckmorton*, who traiterously conspired with him, and had intelligence from time to time from him. This is the Charge in the Indictment; To which he hath pleaded, Not guilty. We will go on in our Evidence: I shall, but more generally, open our method, that we intend to take. For it may seem strange, and is not reasonably to be imagined, that a private Gentleman, as the Prisoner at the Bar is, should have such vast and great designs as this, to alter Religion, destroy the Government, ay, and destroy the Subjects too in a great measure. But 'tis not himself alone, but he employs himself for Foreign Assistance, great Confederacies and Combinations with the Subjects of that King, many of whom he did pervert.

In the course of the Evidence I shall not open the particulars, (Mr. Attorney, I think, will do that by and by) those that we have occasion to speak of, and shall in proof mention to you, will be these.

Le Chaise, the *French King's* present Confessor, we have mentioned: before him there was one *Father Ferryer*, with whom he held Correspondence. That *Ferryer* being removed by death, the Prisoner had an employment here amongst us, by which he gave to *Le Chaise* instructions how to proceed. This Gentleman is the great Contriver and Plotter, which gives him instructions how to proceed. He doth give him an account by way of Narrative, how all things had stood upon former Treaties and Negotiations, how businesses were contrived, and how far they were gone; this he diligently and accurately gives an account of. This (my Lord) doth discover and delineate what had been done before until 1674. My Lord, there was likewise *Sir William Throckmorton* and some others, that are *Englishmen* too, there are none of them but what were first Protestants, but when they once renounced their Religion, no wonder they should renounce their Nation, and their Prince too. He was gone beyond the Seas, several Letters past between them, and all to promote, and encourage, and accomplish this Design. My Lord, there is likewise a consult of Jesuits used too, where, in express words, they designed to murder the King, or contrived and advised upon it.

My Lord, there were four *Irish Men* (I open but the Heads of things) sent to *Windsor* to murder the King: This Gentleman received and disbursed Money about this business, and one *Assby* a Jesuit here had Instructions from him

him to prosecute the Design, and to treat with a Physician to poison the King. This the Prisoner approved of, and contributed to it. There were Commissions (as I take it) delivered from *Ferrier*, or by his Hand, that came from Foreign Powers. Sir *Henry Titchbourne* was another that received and delivered Commissions. *Pomponne* the French Gentleman, he maintains Intelligence with him about this business, the Titular Archbishop of *Dublin*.

There's Cardinal *Norfolk*, by him he had accession to the Pope.

There was likewise the Pope's *Nuncio* (I do not open the Transactions of these Instructions) these particulars will be made out, not only by Witness *Viva Voce*, and not single only, but by Letters of this Mr. *Coleman's* own writing. But I offer that to the consideration of the Jury.

Mr. *Oates* was the first Man, that we hear of, that discovered this Treason; he was the single Man that discovered so many active Agents in so great a Treason as this was, and it needed to be well seconded; but he being found to be but single, the Boldness and Courage of these Complotters in it grew great thereupon. We know what followed; the Damnable Murder of that Gentleman, in Execution of his Office, so Hellishly contrived, and the Endeavours that were used to hid it, every body knows: How many Stories were told to hide that abominable Murder, how many Lies there were about it, but it could not be suppressed. The Nation is awaken'd out of sleep, and it concerns us now to look about us. But all this while, Mr. *Coleman* thought himself safe, walked in the Fields, goes abroad, Jealousy increasing, and he himself still secure.

The Letters that are produced go but to some part of the Year 75: from 75 unto 78 all lies in the dark, we have no certain Proof of it; but we apprehend he had Intelligence until 78; That there were the same Persons continuing here, and his Company increasing here: But this I speak but as probable, (but very exceeding probable) that there was other passages of Intelligence between this Person and other Confederates.

It seems (my Lord) that this *Coleman* was aware that he was concerned: but God blinded and infatuated him, and took away his Reason. It's no question but he carried away some of those Papers; those that were left behind; and are produced, he forgot and neglected; and by that (my Lord) those which are produced, are Evidence against him at this time. Surely he thought we were in such a condition, that had Eyes and could not see, and Ears that could not hear, and Understandings without understanding: for he was bold, and walked Abroad, and that until this Prosecution was made upon him, he endeavoured to murder the King, change the Government, make an alteration of Religion, and destruction of Protestants, as well as the Protestant Religion; and it will be proved by some Letters, when they were rejected by the Duke, that he sent them in the Duke's Name. And by this no Man will doubt but he is a great Traitor.

Attorn. Gen. Sir William Jones. May it please your Lordship, and you Gentlemen of the Jury, The King's Serjeant hath opened the gene-

ral parts of our Evidence; and we have reason to foresee that our Evidence will be very long, and will take up much of your time; and therefore I shall spend no more time in opening of it than is just necessary. And indeed (my Lord) Mr. *Coleman* himself hath saved me much of the labour, which otherwise I should have bestowed; for he hath left such elegant and copious Narratives of the whole Design under his own Hand, that the reading of them will be better than any new one I can make.

But (my Lord) some short Account I shall give you, such as may shew you the course of our Evidence, and will make our Evidence, when it comes to be given, to be more intelligible.

My Lord, It will appear, that there hath been for many Years last past a more than ordinary Design and Industry to bring in the Popish, and extirpate the Protestant Religion.

I doubt not but this Design, in some measure, hath been contriving ever since the Reformation, by the Jesuits, or some of their Emissaries, but hath often received interruption; so that they have proceeded sometimes more coldly, sometimes more hotly: And I do think, at no time since the Reformation, that ever this Design was carried on with greater Industry, nor with fairer hopes of Success, than for these last Years.

My Lord, You will hear from our Witnesses, that the first Onset, which was to be made upon us, was by whole Troops of Jesuits and Priests, who were sent hither from the Seminaries Abroad, where they had been trained up in all the Subtlety and Skill that was fit to work upon the People.

My Lord, you will hear how active they have been, and what Insinuations they used for the perverting of particular Persons. After some time spent in such Attempts, they quickly grew weary of that course; though they got some Profelytes, they were but few. Some Bodies, in whom there was a predisposition of humors, were infected, but their Numbers were not great. They at last resolve to take a more expeditious way; for in truth, (my Lord) they could not far prevail by the former. And I wish with all my heart, that the Bodies of Protestants may be as much out of danger of the Violence of their Hands, as their Understandings will be of the force of their Arguments. But (my Lord) when this way would not take, they began then to consider they must throw at all at once. No doubt but they would have been glad, that the People of *England* had had but one Neck; but they knew the People of *England* had but one Head, and therefore they were resolved to strike at that.

My Lord, you will find, that there was a Summons of the principal Jesuits, of the most able Head-pieces, who were to meet in *April* or *May* last, to consult of very great things, of a most Diabolical Nature, no less than how to take away the Life of the King our Sovereign.

My Lord, you will find (as is usually practised in such horrid Conspiracies) to make all secure, that there was an Oath of Secrecy taken, and that upon the Sacrament. You will find Agreements made, that this most Wicked and Horrible Design should be attempted. You will find two Villains were found among them, who undertook

undertook to do this execrable work; and you will hear of the Rewards they were to have: Money in case they did succeed, and Masses good store in case they perished; so that their Bodies were provided for in case they survived, and their Souls if they died. My Lord, What was the reason they did not effect their Design, but either that these Villains wanted Opportunity, or their Hearts failed them, when they came to put in execution this Wicked Design? or, perhaps (which is most probable) it was the Providence of God, which over-rul'd them, that this Bloody Design did not take its effect.

But these Gentlemen were not content with one Essay, they quickly thought of another; and there were four *Irish-Men* prepared (Men of very mean Fortunes, and desperate Conditions) and they were to make the Attempt no longer since, than when the King was last at *Windsor*.

My Lord, I perceive by the Proofs, that these last Assassins went down thither; but it came to pass (for some of the Reasons aforesaid) that that Attempt failed likewise.

My Lord, These Gentlemen, those wise Heads, who had met here in Consultation, did then, and long before, consider with themselves, that so great a Cause as this was not to be put upon the hazard of some few Hands; they therefore proposed Forces, Aids, and Assistances, both at Home and Abroad, to second this Wicked Design, if it had succeeded as to the Person of the King; and if that fail'd, then by their Foreign and Domestick Aids and Assistances, to begin and accomplish the whole Work of subverting our Government and Religion. And here we must needs confess, as to the former part of this Plot, which we have mentioned, I mean the attempt upon the King's Person, Mr. *Coleman* was not the Contriver, nor to be the Executioner: But yet your Lordship knows, in all Treasons there is no Accessory, but every Man is a Principal. And thus much we have against him, even as to this part of the Design, which will involve him in the whole guilt of it, that Mr. *Coleman* consented to it, though his Hand were not to do it. Mr. *Coleman* encouraged a Messenger to carry Money down as a Reward of these Murderers, that were at *Windsor*; of this we have proof against him, which is sufficient. My Lord, Mr. *Coleman*, as a Man of greater Abilities, is reserved for greater Employments, and such wherein, I confess, all his Abilities were little enough. There were Negotiations to be made with Men Abroad, Money to be procured, partly at home from Friends here, and partly abroad from those that wish'd them well: And in all these Negotiations Mr. *Coleman* had a mighty Hand; and you will perceive by and by what a great progress he made in them. This Conspiracy went so far, as you will hear it proved, That there were general Officers named and appointed, that should Command their new Catholick Army, and many were Engaged, if not Listed. There were not only in *England*, but in *Ireland* likewise, where Arms and all other Necessaries were provided, and whither great Sums of Money were returned to serve upon occasion. But one thing there is, my Lord, that comes nearest Mr. *Coleman*; As there were Military Officers named, so likewise the great Civil Places and Offices of the Kingdom were to be disposed of;

I will not name to whom at this time, more than what is pertinent to the present business.

This Gentlemen, such were his great Abilities, the trust and reliance that his Party had upon him, that no less an Office would serve his turn than that of Principal Secretary of State; and he had a Commission, that came to him from the Superiors of the Jesuits, to enable him to execute that great Office. My Lord, it seems strange, that so great an Office should be conferred by no greater a Man than the Superior of the Jesuits. But if the Pope can depose Kings, and dispose of Kingdoms, no wonder if the Superior of the Jesuits can by a power delegated from him, make Secretaries. It is not certain what the Date of this Commission was, nor the very time when he received it: but I believe he was so earnest and forward in this Plot, that he began to execute his Office long before he had his Commission for it; for I find by his Letters, which are of a more early Date, that he had proceeded so far as to treat with Father *Ferrier*, who was the *French* King's Confessor, before he had actually received this Commission. You will understand by the Letters, which we shall produce, what he had to do with him, and what with the other Confessor that succeeded, Father *Le Chaise*. There were two small matters they treated of, no less than the Dissolving the Parliament; and the Extirpation of the Protestant Religion. Nay, you will find, and you will hear enough, when the Letters come to be read, that Mr. *Coleman* made many strokes at the Parliament, he had no good opinion of them. And we cannot blame him; for without all peradventure they had made, and I hope ever will make, strong resistance against such Designs as these. But a great mind he had to be rid of them; and he had hopes of great Sums of Money from abroad, if it had been to be done that way. And it is very remarkable (and shews the Vanity of the Man) he had such an opinion of the success of these Negotiations, that he had penn'd a Declaration prepared by him, and writ with his own hand, to be published in Print, upon the Dissolution of the Parliament, to justify that Action with many specious and plausible Reasons. As he did this without any Direction, so he takes upon him to write a Declaration, as in the Name of the King, without the least shadow of any command to do it, so he prepares a Letter also in the Name of the Duke; and I would not affirm, unless I could prove it, and that from his own Confession, (being examined before the Lords upon Oath) that he had no manner of Authority from the Duke to prepare such a Letter; and when it was written and brought to the Duke, it was rejected, and the Writer justly blamed for his presumption. By this you will perceive the forwardness of this Man. And you must of necessity take notice, that in his Letters he took upon himself to manage Affairs, as authorized by the greatest Persons in the Kingdom, yet without the least shadow of proof that he was by them impowered to do it.

My Lord, you shall find, Mr. *Coleman* thought himself above all; and such was his own overweening opinion of his Wit and Policy; that he thought himself the sole and supreme Director of all the Affairs of the Catholicks. You will

will likewise perceive that he held Intelligence with Cardinal *Norfolk*, with Father *Sheldon*, and the Pope's Internuntio at *Brussels*. And I cannot but observe out of the Proofs, that as we shall find Mr. *Coleman* very ambitious and forward in all great Affairs, so he had a little too much Eye to the Reward; he looked too much a squint upon the matter of Money: His great endeavours were not so much out of Conscience, or out of Zeal to his Religion, as out of temporal Interest; to him Gain was instead of Godliness. And by his Letters to the French Confessor Monsieur *Le Chaise*, it will be proved, that he got much Money from the Catholics here, and some from abroad, but still he wanted Money. What to do? (I do not mean the greater sum of two hundred thousand Pounds to procure the Dissolution of the Parliament, but some twenty thousand Pounds only) To be expended by him in secret Service. I do not know what account he would have given of it, if he had been intrusted with it. But that he earnestly thirsted after Money, appeareth by most of his Letters.

My Lord, you will observe, besides his Intelligences, that he had with Father *Le Chaise*, and several others, one that deserves to be named, and that is his Negotiation with Sir *William Frozmorton*, who was sent over into *France*, and there resided a long time to promote these Designs. He is dead; therefore I will not say so much of him, as I would say against him, if he was here to be tried. But, my Lord, I find in his Letters such Treasonable, such Impious Expressions against the King, such undutiful Characters of him, that no good Subject would write, and no good Subject would receive and conceal, as Mr. *Coleman* hath done. My Lord, it may pass for a wonder, how we come to be Masters of all these Papers; it has in part been told you already.

There was an Information given of the general Design, nay of some of the particulars against the King's Life. And without all peradventure, Mr. *Coleman* knew of this Discovery; and he knew that he had Papers that could speak too much, and he had time and opportunity enough to have made them away, and I make no Question but he did make many away. We are not able to prove the continuance of his Correspondence, so as to make it clearly out; but we suppose that continued until the day he was seized. And there is this to be proved, that Letters came for him, though we cannot say any were delivered to him, after he was in Prison. But without all peradventure, the Man had too much to do, too many Papers to conceal: Then, you'll say, he might have burnt them all, (for many would burn as well as a few:) But then he had lost much of the Honour of a great States-man; many a fine Sentence, and many a deep Intrigue had been lost to all Posterity. I believe that we owe this Discovery to something of Mr. *Coleman's* Vanity: he would not lose the Glory of managing these important Negotiations about so great a Design: He thought 'twas no small Reputation to be intrusted with the Secrets of Foreign Ministers. If this was not his reason, God (I believe) took away from him that clearness of Judgment,

and strength of Memory, which he had upon other Occasions.

My Lord, I shall no longer detain you from reading the Papers themselves. But I cannot but account this Kingdom happy, that these Papers are preserved. For (my Lord) We are to deal with a sort of Men, that have that prodigious confidence, that their Words and Deeds (though proved by never so unsuspected Testimony) they will still deny. But (my Lord) no denial of this Plot will prevail, for Mr. *Coleman* himself hath, with his own hand, recorded this Conspiracy; and we can prove his hand, not only by his own Servants, and Relations, but by his own Confession. So that (my Lord) I doubt not, that if there be any of their own Party that hear this Trial, they themselves will be satisfy'd with the truth of these things. And I believe we have an advantage in this case, which they will not allow us, in another matter; namely, that we shall be for this once permitted to believe our own Senses. Our Evidence consisteth of two parts; one is, Witnesses *Viva voce*, which we desire (with the favour of the Court) to begin with; and when that is done, we shall read several Letters, or Negotiations, in writing, and to submit the whole to your Lordship's direction.

Pris. I beg leave that a poor ignorant Man, that is so heavily charged, that it seems a little unequal to consider the reason, why a Prisoner, in such a case as this is, is not allowed Counsel; but your Lordship is supposed to be Counsel for him. But I think it very hard I cannot be admitted Counsel; and I humbly hope your Lordship will not suffer me to be lost by things that my self cannot answer. I deny the Conclusion, but the Premises are too strong and artificial.

Sir *William Scroggs*, * *L. C. J.* You cannot deny the Premises, but that you have done these things; but you deny the Conclusion, that you are a Traitor.

Pris. I can safely and honestly.

L. C. J. You would make a better Secretary of State, than a Logician; for they never deny the Conclusion.

Pris. I grant it your Lordship: You see the advantage great Men have of me, that do not pretend to Logick.

L. C. J. The labour lies upon their Hands; the Proof belongs to them to make out these Intrigues of yours; therefore you need not have Counsel, because the Proof must be plain upon you, and then it will be in vain to deny the Conclusion.

Pris. I hope (my Lord) if there be any Point of Law that I am not skill'd in, that your Lordship will be pleas'd not to take the advantage over me. Another thing seems most dreadful, that is, the violent Prejudice that seems to be against every Man in *England*, that is confess'd to be a Roman Catholick. It is possible that a Roman Catholick may be very innocent of these Crimes. If one of those Innocent Roman Catholicks should come to this Bar, he lies under such Disadvantages already, and his Prejudices so greatly biasseth humane Nature, that unless your Lordship will lean extremely much on the other side, Justice will hardly stand upright, and lie upon a Level. But to satisfy your Lord-

* See the Character of this Chief Justice in Burn. Hist. own Times, Vol. 1. p. 443. And what Opinion the House of Commons had of him by their Votes, Dec. 25, 1680.

ship, I do not think it any service to destroy any of the King's Subjects, unless it be in a very plain case.

L. J. C. You need not make any preparations for us in this matter, you shall have a fair, just, and legal Trial; if Condemned, it will be apparent you ought to be so; and without a fair Proof, there shall be no Condemnation. Therefore you shall find, we will not do to you, as you do to us, blow up at adventure, kill people because they are not of your persuasion; our Religion teacheth us another Doctrine, and you shall find it clearly to your advantage. We seek no Man's Blood, but our own Safety. But you are brought here from the necessity of things, which your selves have made; and from your own Actions you shall be condemned, or acquitted.

Pris. It is supposed upon Evidence, that the Examinations that have been of me in Prison, are like to be Evidence against me now; I have nothing to say against it: But give me leave to say at this time, that when I was in Prison, I was upon my Ingenuity charged; I promised I would confess all I knew. And I only say this, That what I said in Prison is true, and am ready at any time to Swear and Evidence, that that is all the Truth.

L. C. J. It is all true that you say; but did you tell all that was true?

Pris. I know no more, than what I declared to the Two Houses.

L. C. J. Mr. Coleman, I'll tell you when you will be apt to gain credit in this matter: You say, that you told all things that you knew, the Truth, and the whole Truth. Can Mankind be persuaded, that you, that had this Negotiation in 74 and 75, left off just then, at that time when your Letters were found according to their Dates? Do you believe, there was no Negotiation after 75, because we have not found them? Have you spoke one Word to that? Have you confessed, or produced those Papers and Weekly Intelligence? When you answer that, you may have credit; without that, it is impossible: For I cannot give credit to one Word you say, unless you give an account of the subsequent Negotiation.

Pris. After that time (as I said to the House of Commons) I did give over Corresponding. I did offer to take all Oaths and Tests in the World, that I never had one Letter for at least two Years; yea, (that I may keep my self within compass) I think it was for three or four. Now I have acknowledged to the House of Commons, I have had a cursory Correspondence, which I never regarded or valued; but as the Letters came, I burnt them, or made use of them as common Paper. I say, that for the general Correspondence I have had for two or three Years, they have had every one of them Letters, that I know of.

Att. Gen. Whether you had or no, you shall have the fairest Trial that can be. And we cannot blame the Gentleman, for he is more used to greater Affairs, than these Matters or Forms of Law. But (my Lord) I desire to go unto Evidence, and when that is done, he shall be heard, as long as he pleaseth, without any Interruption. If he desire it, before I give my Evidence, let him have Pen, Ink and Paper (with your Lordship's leave.)

L. C. J. Help him to Pen, Ink, and Paper.

Record. Then we desire to go on in our Evidence. We desire that Mr. Oates may not be interrupted.

Court. He shall not be interrupted.

Att. Gen. The first thing we will inquire, what account he can give of the Prisoner at the Bar, whether he was any way privy to the Murder of the King?

L. C. J. Mr. Oates, we leave it to your self to take your own way, and your own method: Only this we say, here's a Gentleman stands at the Bar for his Life; and on the other side, the King is concerned for his Life: You are to speak the Truth and the whole Truth; for there is no reason in the World that you should add any one thing that is false, I would not have a tittle added for any advantage, or consequences that may fall, when a Man's Blood and Life lieth at stake: Let him be Condemned by truth; You have taken an Oath, and you being a Minister, know the great regard you ought to have of the Sacredness of an Oath; and that to take a Man's Life away by a false Oath is Murder, I need not teach you that. But that Mr. Coleman may be satisfied in the Trial, and all People else be satisfied, there is nothing required or expected, but downright plain truth, and without any arts either to conceal, or expatiate, to make things larger than in truth they are; he must be condemned by plain Evidence of Fact.

Mr. Oates. My Lord, Mr. Coleman, in the Month of November last, did entertain in his own House John Keins, which John Keins was a Father-Confessor to certain Persons that were Converted, amongst which I was one. My Lord, I went and visited this John Keins at Mr. Coleman's House then in Stable-yard. Mr. Coleman inquiring of John Keins who I was? He said, I was one that designed to go over upon business to St. Omers. My Lord, Mr. Coleman told me then he should trouble me with a Letter or two to St. Omers, but he told me he would leave them with one Fenwick, that was Procurator for the Society of Jesuits in London. I went on Monday Morning and took Coach, went to Dover, and had his Pacquet with me, which Pacquet when I came to St. Omers I opened. The outside Sheet of this Paper was a Letter of News which was called Mr. Coleman's Letter, and at the bottom of this Letter there was this Recommendation, Pray recommend me to my Kinsman Playford. In this Letter of News there were expressions of the King, calling him Tyrant, and that the Marriage between the Prince of Orange and the Lady Mary the Duke of York's Eldest Daughter would prove the Traitor's and Tyrant's ruin.

L. C. J. In what Language was it written?

Mr. Oates. In plain English words at length.

L. C. J. Directed to whom?

Mr. Oates. It was directed to the Rector of St. Omers, to give him Intelligence how affairs went in England.

L. C. J. Did you break it open?

Mr. Oates. I was at the opening of it, and saw it and read it. There was a Letter to Father Leebres, which was superscribed by the same hand that the treasonable Letter of News was written, and the same hand that the recommendation to Playford was written in. When this Letter was open there was a Seal fixt, a flying Seal, and no Man's Name to it.

L. C. J.

L. C. J. What was the Contents of that Letter to *Le Chaise*?

Mr. Oates. My Lord, to give you an account of the import of this Letter, it was writ in *Latin*, and in it there were thanks given to Father *Lechees* for the Ten Thousand Pounds which was given for the propagation of the Catholick Religion, and that it should be employed for no other intent and purpose but that for which it was sent, now that was to cut off the King of *England*; those Words were not in that Letter, but *Lechees* Letter, to which this was an Answer, I saw and read. It was dated the Month of *August*, and as near as I remember there was this Instruction in it, That the Ten Thousand Pound should be employed for no other intent and purpose but to cut off the King of *England*. I do not swear the Words, but that's the sense and substance; I believe I may swear the Words.

L. C. J. To whom was that directed?

Mr. Oates. To one *Strange*, that was then Provincial of the Society in *London*, which Mr. *Coleman* answered.

L. C. J. How came Mr. *Coleman* to answer it?

Mr. Oates. *Strange* having run a Reed into his Finger, had wounded his Hand, and Secretary *Mico* was ill, so he got Mr. *Coleman* to write an Answer unto it.

L. C. J. Did he write it as from himself?

Mr. Oates. Yes, by order of the Provincial.

L. C. J. What was the substance of that Answer?

Mr. Oates. That thanks was given to him in the Name of the whole Society for the Ten Thousand Pound which was paid and received here, and that it should be employed to the intent for which it was received. It was superscribed from Mr. *Coleman*.

L. C. J. Was it subscribed *Coleman*?

Mr. Oates. It was not subscribed; I did not see him write it, but I really believe it was by the same hand. I went and delivered this Letter.

L. C. J. I understood you because of the accident of his Hand he had employed Mr. *Coleman* to write this for him.

Mr. Oates. He did write this Letter then, the Body of the Letter was written by Mr. *Coleman*. I did not see him write it, but I shall give an account how I can prove he wrote it. I delivered this Letter to *Le Chaise* his own Hand. When I opened the Letter he asked me how a Gentleman (naming a French name) did do.

L. C. J. When you carried this Letter, you carried it to *Lechees*, and delivered it to him; then he asked you of the Gentleman of the French name, whom meant he by that name?

Mr. Oates. I understood it to be Mr. *Coleman*.

L. C. J. Did he know him by some French name? What said you?

Mr. Oates. I could say little to this.

L. C. J. Could you guess whom he meant?

Mr. Oates. He told me he was sometime Secretary to the Dutchess of *York*, which I understood to be Mr. *Coleman*. I stuck at it, and when he said he was sometime Secretary to the Dutchess of *York*, I spoke in *Latin* to him, and asked whether he meant Mr. *Coleman*, and his Answer I cannot remember. He sends an Answer to this Letter. I brought it to *St. Omers*, and there it was included in the Letter from the Society to *Coleman*; wherein the Society expressly told him this Letter was delivered and ac-

knowledged. I saw the Letter at *St. Omers*, and the Letter was sent to him. Mr. *Coleman* did acknowledge the Receipt of this Letter from *Lechees* in the same hand with that of the News Letter, and so it was understood by all. I saw it.

L. C. J. How came you to see it?

Mr. Oates. I by a Patent from them was of the Consult.

L. C. J. You saw the Letter of the same hand which the News Letter was of with Mr. *Coleman*'s Name subscribed?

Mr. Oates. The Contents of the Letter did own the Letter from *Lechees* was received; this Letter was presumed to be the Hand-writing of Mr. *Coleman*, and it was understood to be Mr. *Coleman*'s Letter.

L. C. J. You say the Letter was thanks for the Ten Thousand Pound; what was the other Contents?

Mr. Oates. That all Endeavours should be used to cut off the Protestant Religion Root and Branch.

L. C. J. You say you delivered this Letter, from whom had you it?

Mr. Oates. From *Fenwick*, it was left in his Hand, and he accompanied me from *Groves* to the Coach, and gave it to me.

L. C. J. Did you hear him speak to Mr. *Coleman* to write for him?

Mr. Oates. *Strange* told me he had spoke to him.

L. C. J. He doth suppose it was Mr. *Coleman*'s hand because it was just the same hand that the News Letter was. Are you sure the Letter was of his hand?

Mr. Oates. It was taken for his hand.

J. Wild. Had he such a Kinsman there?

Mr. Oates. Yes, he hath confessed it.

Att. Gen. We desire your Lordship he may give an account of the Consult here in *May* last, and how far Mr. *Coleman* was privy to the murdering of the King.

Mr. Oates. In the Month of *April* Old Stile, in the Month of *May* New-Stile, there was a Consult held, it was begun at the *White-Horse Tavern*, it did not continue there. After that there they had consulted to send one Father *Cary* to be Agent and Procurator to *Rome*, they did adjourn themselves to several Clubs in Companies; some met at *Wild-House*, and some at *Harcourt's* Lodging in *Duke-Street*; some met at *Ireland's* Lodging in *Russel-Street*; and some in *Fenwick's* Lodging in *Drury-Lane*. They were ordered to meet by virtue of a Brief from *Rome*, sent by the Father General of the Society: They went on to these Resolves, That *Pickering* and *Groves* should go on and continue in attempting to Assassinate the King's Person by Shooting, or other means. *Groves* was to have Fifteen Hundred Pounds. *Pickering* being a Religious Man was to have Thirty Thousand Masses, which at Twelve Pence a Mass amounted much what to that Money. This Resolve of the Jesuits was communicated to Mr. *Coleman* in my hearing at *Wild-House*. My Lord, this was not only so, but in several Letters he did mention it; and in one Letter (I think I was gone a few Miles out of *London*) he sent to me by a Messenger, and did desire the Duke might be trepan'd into this Plot to Murder the King.

L. C. J. How did he desire it?

Mr. Oates. In a Letter, that all means should be used for the drawing in the Duke. This

Letter was written to one *Ireland*. I saw the Letter and read it.

L. C. J. How do you know it was his Letter?

Mr. Oates. Because of the Instructions, which I saw *Mr. Coleman* take a Copy of and write, which was the same Hand with the News Letter, and what else I have mentioned, the Subscription was, *Recommend me to Father Lechees*, and it was the same Hand whereof I now speak.

L. C. J. What was the substance of the Letter?

Mr. Oates. Nothing but Compliment, and Recommendation, and that all means might be used for the trepanning the Duke of *York* (as near as I can remember that was the word.)

Just. Wild. You did say positively that *Mr. Coleman* did consent and agree to what was consulted by the Jesuits, which was to kill the King, and *Pickering* and *Groves* were the two Persons designed to do it. Did you hear him consent to it?

Mr. Oates. I heard him say at *Wild-House*, he thought it was well contrived.

Record. Do the Gentlemen of the Jury hear what he saith?

L. C. J. Gentlemen of the Jury, do you hear what he saith?

Jury. Yes.

Att. Gen. What do you know of any Rebellion to have been raised in *Ireland*? and what was to be done with the Duke of *Ormond*?

Mr. Oates. In the Month of *August* there was a Consult with the Jesuits, and with the Benedictine Monks at the *Savoy*. In this Month of *August* there was a Letter writ from Archbishop *Talbot*, the Titular Archbishop of *Dublin*; wherein he gave an account of a Legate from the Pope, an *Italian* Bishop, (the Bishop of *Cassay* I think) who asserted the Pope's right to the Kingdom of *Ireland*. In this Letter (to mention in special) there were Four Jesuits had contrived to dispatch the Duke of *Ormond* (these were his words) To find the most expedient way for his Death, and *Fogarty* was to be sent to do it by Poison, if these Four good Fathers did not hit of their Design. My Lord, *Fogarty* was present. And when the Consult was almost at a period, *Mr. Coleman* came to the *Savoy* to the Consult, and was mighty forward to have Father *Fothergay* sent to *Ireland* to dispatch the Duke by Poison. This Letter did specify they were there ready to rise in Rebellion against the King for the Pope.

Att. Gen. Do you know any thing of Arms?

Mr. Oates. There were 40000 Black Bills, I am not so skilful in Arms to know what they meant (Military Men know what they are) that were provided to be sent into *Ireland*; but they were ready for the use of the Catholick Party.

L. C. J. Who were they provided by?

Mr. Oates. I do not know.

L. C. J. How do you know they were provided?

Mr. Oates. That Letter doth not mention who they were provided by, but another Letter mentioned they were provided by those that were Commission Officers for the aid and help of the Pope; the Popish Commissioners they were provided by, and they had them ready in *Ireland*.

L. C. J. Who wrote this Letter?

Mr. Oates. It came from *Talbot*, I might forget the day of the Month because my Information is so large, but it was the former part of the Year, I think either *January* or *February*, (77) (78) last *January* or *February*.

L. C. J. Was this Consult but in *August* last?

Mr. Oates. I am forced to run back from that Consult to this; *Mr. Coleman* was privy, and was the main Agent, and did in the Month of *August* last past say to *Fenwick*, he had found a way to transmit the 200000*l.* for the carrying on of this Rebellion in *Ireland*.

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

Mr. Oates. I did, a Week before.

L. C. J. You say he was very forward to send *Fogarty* into *Ireland* to kill the Duke of *Ormond*.

Mr. Oates. Yes that I say; and that he had found a way to transmit 200000*l.* to carry on the Rebellion in *Ireland*.

Court. Who was by besides *Fenwick*?

Mr. Oates. My self and no Body else.

Court. Where was it said?

Mr. Oates. In *Fenwick's* Chamber in *Drury-lane*.

Att. Gen. Do you know any thing of transmitting the Money to *Windsor*, or persuading any to be sent thither, and the time when?

Mr. Oates. In the Month of *August* there were four Ruffians procured by Dr. *Fogarty*. These Four were not nominated in the Consult with the Benedictine Convent, but (my Lord) these four Ruffians without Names were accepted of by them.

Court. Who proposed them?

Mr. Oates. *Fogarty*. These four *Irish-Men* were sent that Night to *Windsor*. How they went I know not, but the next Day there was a provision of 80*l.* ordered to them by the Rector of *London*, which is a Jesuit, one *Will. Harcourt* in the Name of the Provincial, because he acted in his Name and Authority, the Provincial being then beyond the Seas, visiting his Colleges in *Flanders*.

L. C. J. Did he order the 80*l.*?

Mr. Oates. *Mr. Coleman* came to this *Harcourt's* House, then lying in *Duke-Street*, and *Harcourt* was not within; but he was directed to come to *Wild-House*, and at *Wild-House* he found *Harcourt*.

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

Mr. Oates. He said he had been at his House, and was not within; finding him at *Wild-House*, he asked what care was taken for those four Gentlemen that went last Night to *Windsor*? He said there was 80*l.* ordered.

L. C. J. Who said so?

Mr. Oates. *Harcourt*. And there was the Messenger that was to carry it. I think the most part of this 80*l.* was in Guineas: *Mr. Coleman* gave the Messenger a Guinea to be nimble, and to expedite his Journey.

L. C. J. How know you they were Guineas?

Mr. Oates. I saw the Money upon the Table before *Harcourt*, not in his Hand.

L. C. J. Were the four *Irish-Men* there?

Mr. Oates. No, they were gone before I came.

L. C. J. Who was to carry it after them, what was his Name?

Mr. Oates. I never saw him before or since. The Money was upon the Table: When *Mr. Coleman* came in, he gave the Messenger a Guinea to expedite the Business.

Recorder. You say *Mr. Coleman* inquired what Care was taken for those Ruffians that were to Assassinate the King; pray, *Mr. Oates*, tell my Lord, and the Jury, what you can say concerning *Mr. Coleman's* Discourse with one *Asbby*.

Mr. Oates. In the Month of *July*, one *Asbby*, who was sometime Rector of *St. Omers*, being ill

ill of the Gout was ordered to go to the *Bath*; this *Asbby* being in *London*, *Mr. Coleman* came to attend him; this *Asbby* brought with him Treasonable Instructions, in order to dispatch the King by Poison, provided *Pickering* and *Groves* did not do the Work: Ten thousand Pound should be proposed to *Sir George Wakeman* to Poison the King, in case Pistol and Stab did not take effect, and Opportunity was to be taken at the King's taking Physick. I could give other Evidence, but will not, because of other things which are not fit to be known yet.

L. C. J. Who wrote this Letter?

Mr. Oates. It was under the Hand of *White* the Provincial beyond the Seas, whom *Asbby* left; it was in the Name of Memorials to empower *Asbby* and the rest of the Consulters at *London* to propound ten thousand Pound to *Sir George Wakeman* to take the Opportunity to Poison the King. These Instructions were seen and read by *Mr. Coleman*, by him copied out, and transmitted to several Conspirators of the King's Death, in this Kingdom of *England*, that were privy to this Plot.

Recorder. Know you of any Commission? We have hitherto spoken altogether of the Work of others; now we come to his own Work a little nearer.

L. C. J. Who saw *Mr. Coleman* read these Instructions? What said he?

Mr. Oates. He said he thought it was too little, I heard him say so.

L. C. J. Did you see him take a Copy of these Instructions?

Mr. Oates. Yes, and he said he did believe *Sir George Wakeman* would scarce take it, and thought it necessary the other Five thousand Pound should be added to it, that they might be sure to have it done.

L. C. J. Where was it he said this?

Mr. Oates. It was in the Provincial's Chamber, which *Asbby* had taken for his Convenience at *London*, until he went down to the *Bath*; it was at *Wild-House*, at *Mr. Sanderfon's* House.

L. C. J. *Asbby* was employed by his Instructions to acquaint the Consult of the Jesuits, that there should be Ten thousand Pound advanced, if *Dr. Wakeman* would Poison the King, now *Asbby* comes and acquaints him with it. Why should *Coleman* take Copies?

Mr. Oates. Because he was to send Copies to several Conspirators in the Kingdom of *England*.

L. C. J. To what purpose should *Mr. Coleman* take a Copy of these Instructions?

Mr. Oates. The Reason is plain, they were then a gathering a Contribution about the Kingdom, and these Instructions were sent that they might be encouraged, because they saw there was Encouragement from beyond Seas to assist them. And another Reason was, because now they were assured by this, their Business would quickly be dispatched, and by this means some thousands of Pounds were gathered in the Kingdom of *England*.

L. C. J. To whom was *Mr. Coleman* to send them?

Mr. Oates. I know not any of the Persons, but *Mr. Coleman* did say he had sent his Suffrages (which was a Canting Word for Instructions) to the Principal Gentry of the Catholics of the Kingdom of *England*.

L. C. J. How know you this, that *Mr. Coleman* did take a Copy of these Instructions for that purpose as you say?

Mr. Oates. Because he said so.

L. C. J. Did any Body ask him why he took them?

Mr. Oates. Saith *Asbby*, you had best make haste and communicate these things. *Mr. Coleman* answered, I will make haste with my Copies, that I may dispatch them away this Night.

Recorder. Was he not to be one of the Principal Secretaries of State?

Mr. Oates. In the Month of *May* last New Stile, *April* Old Stile, I think within a Day after our Consult, I was at *Mr. Langborn's* Chamber, he had several Commissions, which he called Patents: Among his Commissions I saw one from the General of the Society of *Jesus*, *Joannes Paulus D'Olivra*, by virtue of a Brief from the Pope, by whom he was enabled.

L. C. J. Did you know his Hand?

Mr. Oates. I believe I have seen it Forty times, I have seen Forty things under his Hand, and this agreed with them, but I never did see him write in my Life; we all took it to be his Hand, and we all knew the Hand and Seal.

L. C. J. What Inscription was upon the Seal?

Mr. Oates. I H. S. with a Cross, in *English* it had the Characters of I. H. S. This Commission to *Mr. Coleman* in the Month of *July*, I saw in *Fenwick's* Presence, and at his Chamber in *Drury-Lane*, where then *Mr. Coleman* did acknowledge the Receipt of this Patent, opened it, and said, It was a very good Exchange.

L. C. J. What was the Commission for?

Mr. Oates. It was to be Secretary of State. I saw the Commission, and heard him own the Receipt of it.

Justice Wild. What other Commissions were there at *Mr. Langborn's* Chamber?

Mr. Oates. A great many, I cannot remember, there was a Commission for my Lord *Arundel* of *Warder*, the Lord *Powis*, and several other Persons. But this belongs not to the Prisoner at the Bar: I mention his Commission.

L. C. J. Were you acquainted with *Mr. Langborn*?

Mr. Oates. Yes, I'll tell your Lordship how I was acquainted. I was in *Spain*, he had there two Sons; to shew them special Favour and Kindness (being meer Strangers at the College) I did use to to transmit some Letters for them to the Kingdom of *England* in my Pacquet. When I came out of *Spain*, I did receive Recommendations from them to their Father, and in great Civility he received me. This was in *November* that I came to his House. He lived in *Shear-Lane*, or thereabouts. I understood that his Wife was a zealous Protestant; therefore he desired me not to come any more to his House, but for the future to come to his Chamber in the *Temple*.

L. C. J. Had you ever seen *Mr. Langborn* in *London* before?

Mr. Oates. I never saw him till *Nov. (77.)* to my Knowledge. I was several times in his Company at his Chamber, and he brought me there to shew me some Kindness upon the Account of his Sons. It was at the *Temple*, for his Wife being a Protestant, was not willing any Jesuits should come to the House. I was to carry him a summary of all the Resuits and Particulars of the Consult

Consult at the *White-Horse* and *Wild-House*. The Provincial ordered me to do it, he knowing me, being in that Affair often employed.

L. C. J. Was it the second time you saw him, that you saw the Commissions?

Mr. Oates. I saw him several times in the Month of *November*.

L. C. J. When did you see the Commissions?

Mr. Oates. In the Month of *April*, Old Stile; *May*, New Stile.

L. C. J. How came he to shew you the Commissions?

Mr. Oates. I hearing of their being come, had a Curiosity to see them, and he knew me to be privy to the Concerns.

L. C. J. How did you know he had the Commissions?

Mr. Oates. By Letters.

L. C. J. From whom?

Mr. Oates. From those of the Society at *Rome*, wherein one *Harcourt*, one of the Fathers, was certified, that the Commissions were come to *Langborn*, and were in his Hand. I saw the Letters at *St. Omers*, before they came to *Harcourt*, we read the Letters there before they came to *England*. I had Power to open them.

L. C. J. Did you open the Letters?

Mr. Oates. Yes.

L. C. J. When saw you the Letters at *St. Omers*?

Mr. Oates. I saw the Letters at *St. Omers* in the Month of *January*; then they came from *Rome*, and after I received Summons to be at this Consult in the Month of *April*; and accordingly we came over.

L. C. J. What time did you come over?

Mr. Oates. In the Month of *April*.

L. C. J. What time went you to *Langborn's* Chamber? I cannot reconcile the Months together.

Just. Dolben. Did you not say you came to *Langborn* in *November*?

Mr. Oates. Yes, before I went to *St. Omers*.

Just. Wild. How many came over with you?

Mr. Oates. I cannot tell how many came over together; there were Nine of us, all Jesuits.

L. C. J. Did not you say you went to *Langborn* in *November*?

Mr. Oates. That was before I went to *St. Omers*.

Att. Gen. Tell how many Priests or Jesuits were lately in *England*, that you know of, at one time?

Mr. Oates. There was, and have been to my Knowledge in the Kingdom of *England*, Secular Priest Eightscore, and Jesuits Fourscore, and by Name in the Catalogue, I think Three hundred and odd.

L. C. J. How long had you been in *England* before you were at *Mr. Langborn's* Chamber?

Mr. Oates. Not long; because I had Letters in my Pacquet from his Sons, as soon as I had rested a little, I went to him.

L. C. J. What said *Mr. Langborn* to you about the Commissions in his Chamber?

Mr. Oates. Not a Word; but seem'd glad.

L. C. J. Did you see them open upon his Table? or did you ask to see them?

Mr. Oates. They did not lie open upon the Table, but the Commissions were before him; I asked to see them. *Mr. Langborn* (said I) I hear

you have received the Commissions from *Rome*; he said, he had. Shall I have the Honour to see some of them? He said I might; he thought he might trust me; and so he might, because that very Day I gave him an Account of the Consult.

L. C. J. When was it you gave him an Account of the Consult?

Mr. Oates. In the Morning.

L. C. J. You say you were twice there that Day.

Mr. Oates. I was there the whole Forenoon.

L. C. J. That Day you saw the Commissions?

Mr. Oates. I had been there several times the same Day, and meeting him at last, he asked me how often I was there before, I said twice or thrice; but that Day was the last time I ever saw him; I have not seen him since, to my Knowledge.

L. C. J. Was that the first time that you saw him after you came from *Spain*?

Mr. Oates. I saw him thrice in *November*, then I went to *St. Omers*, the first time I saw him after I came from thence, I saw the Commissions.

Att. Gen. What were the Names of those Men that came over from *St. Omers* besides your self?

Mr. Oates. As near as I can remember, the Rector of *Liege* was one; Father *Warren*; Sir *Thomas Preston*; the Rector of *Watton*; one *Francis Williams*; Sir *John Warner* Baronet; one Father *Charges*; one *Pool*, a Monk; I think I made the Ninth.

Att. Gen. If the Prisoner at the Bar be minded, he may ask him any Question.

Pris. I am mighty glad to see that Gentleman Sir *Thomas Doismen* in the Court, for I think he was upon my Examination before the Council, and this Man that gives now in Evidence against me, there told the King, he never saw me before; and he is extremely well acquainted with me now, and hath a World of Intimacy. *Mr. Oates* at that time gave such an Account of my Concern in this Matter, that I had Orders to go to *Newgate*, I never saw *Mr. Oates* since I was born, but at that time.

L. C. J. You shall have as fair a Search and Examination in this Matter for your Life as can be, therefore *Mr. Oates* answer to what *Mr. Coleman* saith.

Mr. Oates. My Lord, when *Mr. Coleman* was upon his Examination before the Council-board, he saith, I said there that I never saw him before in my Life: I then said I would not swear that I had seen him before in my Life, because my Sight was bad by Candle-light, and Candle-light alters the Sight much, but when I heard him speak I could have sworn it was he, but it was not then my Business. I cannot see a great way by Candle-light.

L. C. J. The Stress of the Objection lieth not upon seeing so much, but how come you that you laid no more to *Mr. Coleman's* Charge at that time?

Mr. Oates. I did design to lay no more to his Charge then, than was Matter for Information. For Prisoners may supplant Evidence when they know it, and bring Persons to such Circumstances, as Time and Place. My Lord, I was not bound to give in more than a general Information against *Mr. Coleman*; *Mr. Coleman* did deny he had Correspondence with Father *Le Chaise*

Chaise at any time, I did then say he had given him an Account of several Transactions. And (my Lord) then was I so weak, being up two Nights, and having been taking Prisoners, upon my Salvation, I could scarce stand upon my Legs.

L. C. J. What was the Information you gave at that time to the Council against Mr. Coleman?

Mr. Oates. The Information I gave at that time (as near as I can remember, but I would not trust to my Memory) was for writing of News-Letters, in which I did then excuse the Treasonable Reflections, and called them Base Reflections at the Council-board; the King was sensible, and so was the Council. I was so wearied and tired (being all that Afternoon before the Council, and Sunday Night, and sitting up Night after Night) that the King was willing to discharge me. But if I had been urged I should have made a larger Information.

L. C. J. The thing you accused him of was his own Letter.

Pris. He doth not believe it was my Letter.

L. C. J. You here charge Mr. Coleman to be the Man that gave a Guinea to expedite the Business at *Windsor*, &c. at the time when you were Examined at the Council-Table, you gave a particular Account of attempting to take away the King's Life at *Windsor*, and raising Twenty thousand Pounds, and all those great Transactions; why did you not charge Mr. Coleman to be the Man that gave the Guinea to the Messenger to expedite the Business, when the 80 Pounds was sent? That he found out a way of Transmitting 200000 Pounds, to carry on the Design? He consulted the killing the King, and approved of it very well. And of the Instructions for 10000 Pounds, and said it was too little for to Poison the King. When you were to give an Account to the Council of the particular Contrivance of the Murder of the King at *Windsor*, with a Reward, you did mention one Reward, of 10000 Pounds to Dr. *Wakeman*, and would you omit the Guinea to expedite the Messenger, and that he said that 10000 Pounds was too little; would you omit all this?

Mr. Oates. I being so tired and weak that I was not able to stand upon my Legs, and I remember the Council apprehended me to be so weak that one of the Lords of the Council said, that if there were any Occasion further to examine Mr. Coleman, that Mr. Oates should be ready again, and bid me retire.

L. C. J. You was by when the Council were ready to let Mr. Coleman go almost at large?

Mr. Oates. No; I never apprehended that, for if I did, I should have given a further Account.

L. C. J. What was done to Mr. Coleman at that time? Was he sent away Prisoner?

Mr. Oates. Yes, at that time to the Messenger's House, and within two Days after he was sent to *Newgate*, and his Papers were seized.

L. C. J. Why did you not name Coleman at that time?

Mr. Oates. Because I had spent a great deal of time in accusing other Jesuits.

Just. Wild. What time was there betwixt the first time you were at the Council, before you told of this Matter concerning the King?

Mr. Oates. When I was first at the Board (which was on *Saturday* Night) I made Information, which began between Six and Seven, and lasted almost to Ten. I did then give a general Account of the Affairs to the Council without the King. Then I went and took Prisoners, and before *Sunday* Night, I said, I thought if Mr. Coleman's Papers were searched into, they would find Matter enough against him in those Papers to hang him: I spake those Words, or Words to the like Purpose. After that Mr. Coleman's Papers were searched, Mr. Coleman was not to be found; but he surrendered himself the next Day. So that on *Sunday* I was commanded to give his Majesty a general Information, as I had given to the Council on *Saturday*; and the next Day again, I took Prisoners that Night five, and next Night four.

Just. Wild. How long was it betwixt the time that you were examined, and spoke only as to the Letters, to that time you told to the King and Council, or both of them, concerning this Matter you swear now?

Mr. Oates. My Lord, I never told it to the King and Council, but I told it to the Houses of Parliament.

L. C. J. How long was it between the one and the other?

Mr. Oates. I cannot tell exactly the time; it was when the Parliament first sat.

L. C. J. How came you (Mr. Coleman being so desperate a Man as he was, endeavouring the killing of the King) to omit your Information of it to the Council and to the King at both times?

Mr. Oates. I spoke little of the Persons till the Persons came Face to Face.

L. C. J. Why did you not accuse all those Jesuits by Name?

Mr. Oates. We took a Catalogue of their Names, but those I did accuse positively and expressly we took up.

L. C. J. Did you not accuse Sir *George Wakeman* by Name, and that he accepted his Reward?

Mr. Oates. Yes, then I did accuse him by Name.

L. C. J. Why did you not accuse Mr. Coleman by Name?

Mr. Oates. For want of Memory; being disturbed and wearied in sitting up two Nights, I could not give that good Account of Mr. Coleman, which I did afterwards, when I consulted my Papers; and when I saw Mr. Coleman was secured, I had no need to give a farther Account.

L. C. J. How long was it between the first charging Mr. Coleman, and your acquainting the Parliament with it?

Mr. Oates. From *Monday* the 30th of *September*, until the Parliament sat.

L. C. J. Mr. Coleman, will you ask him any thing?

Pris. Pray ask Mr. Oates, whether he was not as near to me as this Gentleman is, because he speaks of his Eyes being bad?

Mr. Oates. I had the Disadvantage of a Candle upon my Eyes; Mr. Coleman stood more in the Dark.

Pris. He names several times that he met with me in this Place and that Place, a third and fourth Place about Business.

Mr. Oates. He was altered much by his Periwig in several Meetings, and had several Periwigs,

wigs, and a Periwig doth disguise a Man very much; but when I heard him speak, then I knew him to be Mr. Coleman.

L. C. J. Did you hear him speak? How were the Questions asked? Were they thus? Was that the Person? Or, how often had you seen Mr. Coleman?

Mr. Oates. When the Question was asked by my Lord Chancellor, Mr. Coleman, when were you last in France? He said at such a time. Did you see Father *le Chaise*? He said he gave him an accidental Visit. My Lord Chancellor asked him whether or no he had a Pass? He said, No. Then he told him, that was a Fault for going out of the Kingdom without a Pass. Have you a Kinsman whose Name is *Playford*, at St. Omers? He said he had one Ten Years old, (who is in truth Sixteen) That Question I desired might be asked. Then the King bade me go on.

L. C. J. Did the King, or Council, or Lord Chancellor ask you whether you knew Mr. Coleman, or no?

Mr. Oates. They did not ask me.

L. C. J. Mr. Oates, answer the Question in short, and without confounding it with length. Were you demanded if you knew Mr. Coleman?

Mr. Oates. Not to my Knowledge.

L. C. J. Did you ever see him? or how often?

Pris. He said, he did not know me.

L. C. J. You seemed, when I asked you before, to admit, as if you had been asked this Question, how often you had seen him, and gave me no Answer, because you were doubtful whether it was the Man, by reason of the Inconveniency of the Light, and your bad Sight.

Mr. Oates. I must leave it to the King what Answer I made Mr. Coleman; he wonders I should give an Account of so many Intimacies, when I said I did not know him at the Council-Table.

Pris. It is very strange Mr. Oates should swear now, that he was so well acquainted with me, and had been so often in my Company, when upon his Accusation at the Council-Table, he said nothing of me more than the sending of one Letter, which he thought was my Hand.

Mr. Oates. I did not say that.

Pris. And he did seem to say there, he never saw me before in his Life.

L. C. J. Was he asked whether he was acquainted with you? (for those Words are to the same purpose.)

Pris. I cannot answer directly, I do not say he was asked if he was acquainted with me, but I say this, that he did declare he did not know me.

L. C. J. Can you prove that?

Pris. I appeal to Sir Thomas Dolman, who is now in Court, and was then present at the Council-Table.

L. C. J. Sir Thomas, you are not upon your Oath, but are to speak on the behalf of the Prisoner: What did he say?

Sir Tho. Dolman. That he did not well know him.

L. C. J. Did he add, that he did not well know him by the Candle-light? But Mr. Oates, when you heard his Voice, you said you knew him; why did you not come then, and say you did well know him?

Mr. Oates. Because I was not asked.

L. C. J. But, Sir Thomas, did he say he did not well know him after Mr. Coleman spake? Was Mr. Coleman examined before Mr. Oates spake?

Sir Tho. Dolman. Yes.

L. C. J. Mr. Oates, you say you were with him at the *Savoy* and *Wild-House*, pray, Sir Thomas, did he say he did not know him, or had seen Mr. Coleman there?

Sir Tho. Dolman. He did not know him as he stood there.

L. C. J. Knowing, or not knowing is not the present Question; but did he make an Answer to the knowing or not knowing him?

Just. Dolbin. Did he say he did not well know Mr. Coleman, or that he did not well know that Man?

Sir Tho. Dolman. He said he had no Acquaintance with that Man (to the best of my Remembrance.)

L. C. J. Sir Robert Southwell, you were present at Mr. Oates his Examination before the Council; in what manner did he accuse Mr. Coleman then?

Sir Robert Southwell. The Question is so particular, I cannot give the Court Satisfaction; but other material things then said are now omitted by Mr. Oates; for he did declare against Sir George Wakeman, that Five thousand Pounds was added, in all Fifteen thousand Pounds, and that Mr. Coleman paid Five of the Fifteen to Sir George in Hand.

L. C. J. This answers much of the Objection upon him. The Court has asked Mr. Oates how he should come now to charge you with all these Matters of Poisoning and Killing the King, and yet he mentioned you so slightly at the Council-Table; but it is said by Sir Robert Southwell he did charge you with Five thousand Pounds (for poisoning the King) to be added to the Ten thousand Pounds, and he charged you expressly with it at the Council-Table.

Pris. The Charge was so slight against me by Mr. Oates, that the Council were not of his Opinion: For the first Order was to go to *Newgate*, and Sir Robert Southwell came with Directions to the Messenger not to execute the Order. I humbly ask whether it was a reasonable thing to conceive that the Council should extenuate the Punishment, if Mr. Oates came with such an amazing Account to the Council.

Sir Rob. South. Mr. Oates gave so large and general an Information to the Council, that it could not easily be fixed. Mr. Coleman came voluntarily in upon Monday Morning. The Warrant was sent out on Sunday Night for Mr. Coleman and his Papers: His Papers were found and seized, but Mr. Coleman was not found at that time, nor all Night, but came on Monday Morning voluntarily, and offered himself at Sir Joseph Williamson's House, hearing there was a Warrant against him: By reason of so many Prisoners that were then under Examination, he was not heard till the Afternoon, and then he did with great Indignation and Contempt hear these vile things, as thinking himself innocent.

Pris. If I thought my self Guilty, I should have charged my self: I hope his Majesty upon what hath been said, will be so far satisfied as to discharge me.

Sir Rob. South. Mr. Coleman then made so good a discourse for himself, that though the Lords had filled up a blank Warrant to send him to *Newgate*, that was respited, and he was only committed to a Messenger. I did say to the Messenger, be very civil to Mr. Coleman, for things are under Examination, but you must keep him safely. Saith the Messenger, pray let me have a special Warrant, that doth dispense with the Warrant I had to carry him to *Newgate*, and such a Warrant he had. The King went away on *Tuesday* Morning to *New-market*, and appointed a particular Committee to examine the Papers brought of Mr. Coleman and others.

His Papers were found in a Deal Box, and several of these Papers and Declarations founded so strange to the Lords, that they were amazed; and presently they signed a Warrant for Mr. Coleman's going to *Newgate*.

L. C. J. Did Mr. Oates give a round Charge against Mr. Coleman?

Sir Rob. South. He had a great deal to do, he was to repeat in the Afternoon on *Sunday* when the King was present, all he had said to the Lords on *Saturday*.

He did say of Mr. Coleman, that he had corresponded very wickedly and basely with the *French King's Confessor*, and did believe if Mr. Coleman's Papers were searched, there would be found in them that which would cost him his Neck. And did declare that the Fifteen thousand Pounds was accepted for the Murder of the King, and that Five thousand Pounds was actually paid by Mr. Coleman to Sir George Wakeman. But Mr. Oates at the same time did also declare that he did not see the Money paid, he did not see this particular action of Sir George Wakeman, because at that time he had the Stone and could not be present.

M. Oates. I was not present at that Consult, where the Fifteen thousand Pounds was accepted, but I had an account of it from those that were present.

L. C. J. It appears plainly by this Testimony, that he did charge you Mr. Coleman home, that Fifteen thousand Pounds was to be paid for poisoning the King; and that it was generally said among them (though he did not see it paid) that it came by your hands, viz. Five thousand Pounds of it, which answers your objection as if he had not charged you, when you see he did charge you home then for being one of the Conspirators, in having a Hand in paying of Money for poisoning the King: He charges you now no otherwise than in that manner: He doth not charge you now as if there were new things started, but with the very Conspiracy of having a hand in paying the Money for murdering the King.

What Consultation was that you had at the *Savoy*, in the Month of *August*?

Mr. Oates. It was about the business of the four *Irish* Russians proposed to the Consult.

The End of Mr. Oates's Examination.

Mr. Bedlow.

Sir Francis Winnington, Sol. Gen. We will call him to give an account what he knows of the

Prisoner's being privy to the Conspiracy of murdering the King, (particularly to that). Mr. Bedlow, pray acquaint my Lord and the Jury what you know, I desire to know particularly as it concerns Mr. Coleman, and nothing but Mr. Coleman.

L. C. J. Mr. Attorney, pray keep to that Question close.

Att. Gen. I have two short Questions to ask him: The first is what he hath seen or heard touching any Commission to Mr. Coleman, what say you?

Mr. Bedlow. In particular I know not of any Commission directed to Mr. Coleman, I do not know any thing of it but what Sir Henry Titchbourn told me, that he had a Commission, and he brought a Commission for Mr. Coleman and the rest of the Lords, from the principal Jesuits at *Rome*, by Order of the Pope.

Att. Gen. A Commission for what?

Mr. Bedlow. To be Principal Secretary of State: The Title of it I do not know because I did not see it, but to be Principal Secretary of State, that was the Effect.

Att. Gen. I desire to know what Discourse you had with Mr. Coleman about that Design.

Mr. Bedlow. If your Lordship please, I shall be short in the Narrative.

L. C. J. Make use of your Notes to help your Memory, but let not your Testimony be merely to read them.

Mr. Bedlow. I carried over to Monsieur *Le Chaise* (the *French King's Confessor*) a large Pacquet of Letters, *April* (75) from Mr. Coleman, which Letters I saw Mr. Coleman deliver to Father *Harcourt*, at his House in *Duke-Street*.

Council. And *Harcourt* gave them to you?

Mr. Bedlow. Yes; which Letters were directed to be delivered to Monsieur *le Chaise*, and I did carry them to *le Chaise*, and brought him an Answer from *le Chaise*, and other *English* Monks at *Paris*: I did not understand what was in it, because it was a Language I do not well understand; it was about carrying on the Plot; at a Consultation there were present two *French* Abbots and several *English* Monks at *Paris*; what I heard them say, was about carrying on the Plot to subvert the Government of *England*, to destroy the King and the Lords of the Council. The King was principally to be destroyed, and the Government subverted as well as the Protestant Religion.

Court. When was this? when you were to receive the Answer?

Mr. Bedlow. It was upon the Consultation: There was a Pacquet of Letters from Mr. Coleman, they did not know I understood *French*, or if they did, they had tried me so long I believe they would have trusted me.

L. C. J. The Letter that *le Chaise* wrote, to whom was it directed?

Mr. Bedlow. It was directed to Mr. Coleman, the Pacquet was directed to *Harcourt*, and within that *le Chaise* wrote an Answer and directed it to Mr. Coleman, particularly to Mr. Coleman.

L. C. J. How do you know?

Mr. Bedlow. The Superscription was this [in *French*, *A Monsieur Coleman*] to Mr. Coleman; with other Letters directed to Father *Harcourt*.

L. C. J. He saith plainly the Letter was yours. You gave *Harcourt* a Pacquet of Letters

to be delivered to *le Chaise*, *Harcourt* delivered them to him, and he did carry them to *le Chaise*, and heard them talk about this Plot: That *le Chaise* wrote a Letter to you (particularly by Name) inclosed in a Letter to *Harcourt*, that Answer he brought back.

Recorder. Do you know any thing concerning any Money *Mr. Coleman* said he had received? the Sums, and for what?

Mr. Bedlow. It was to carry on the Design to subvert the Government of *England*, to free *England* from Damnation and Ignorance, and free all Catholicks from hard Tyranny and Oppression of Hereticks.

Att. Gen. What words did you hear *Mr. Coleman* express, what he would do for the Catholick Cause?

Mr. Bedlow. May 24, or 25, (77) I was at *Mr. Coleman's* with *Mr. Harcourt*, and received another Pacquet from *Mr. Harcourt*, and he had it from *Mr. Coleman*.

L. C. J. You say *Mr. Coleman* did give this Pacquet to *Harcourt*?

Mr. Bedlow. Yes, and *Harcourt* delivered it to me to carry it to *Paris* to the *English* Monks. I was to go by *Doway* to see if they were not gone to *Paris* before me.

L. C. J. And what did they say when you delivered the Letters to the *English* Monks?

Mr. Bedlow. They told me how much Reward I deserved from the Pope and the Church, both here and in the World to come. I overtook three, and that Night I went to *Paris* with them; and upon the Consultation (1677) I believe they sent the Bishop of *Tornes* the substance of those Letters, and not having a final Answer what assistance the Catholick Party in *England* might expect from them, they were resolved to neglect their Design no longer than that Summer, having all things ready to begin in *England*.

Recorder. What did you hear *Mr. Coleman* say?

Mr. Bedlow. That he would adventure any thing to bring in the Popish Religion: After the Consultation, I delivered the Letters to *le Faire*, and he brought them to *Harcourt*, he delivered the Pacquet of Letters to *Harcourt*, who was not well, but yet went and delivered them to *Mr. Coleman*, and I went as far as *Mr. Coleman's* House, but did not go in, but stayed over the way; but *Harcourt* went in, and after he had spoke with *Mr. Coleman*, he gave me a beck to come to him; and I heard *Mr. Coleman* say, if he had a hundred Lives, and a Sea of Blood to carry on the Cause, he would spend it all to further the Cause of the Church of *Rome*, and to establish the Church of *Rome* in *England*: And if there was an hundred Heretical Kings to be deposed, he would see them all destroyed.

L. C. J. Where was this?

Mr. Bedlow. At his own House.

L. C. J. Where?

Mr. Bedlow. Behind *Westminster* Abby.

L. C. J. In what Room?

Mr. Bedlow. At the Foot of the Stair-case.

L. C. J. Where were you then?

Mr. Bedlow. There, I was called in by *Harcourt*, and was as near to him, as to my Lord *Duras*. [My Lord being hard by *Mr. Bedlow*, in Court.]

Pris. Did I ever see you in my Life?

Mr. Bedlow. You may ask that Question; but in the Stone-Gallery in *Somerset-House*, when you came from a Consult, where were great Persons, which I am not to Name here; that would make the bottom of your Plot tremble: You saw me then.

Att. Gen. We did before acquaint you with something of the Substance of the Letters; we shall now acquaint you with something of the manner of finding them. Your Lordship hath heard *Mr. Oates* hath been examined before the Council, and there it was said, *Mr. Coleman's* Papers would make such a discovery (if they were looked into) as would be enough to hang him. I remember he said the Lords of the Council were pleased to order the Papers to be seized; the execution of their Warrant they committed to one *Bradly*, who was a Messenger that attended the King and Council; and I desire he may be called: He did find and seize as many Papers as *Mr. Coleman* was pleased to leave, and they are those Papers which we now bring before you. The Papers seized he had put in a Deal Box, and four or five several Bags, and brings them to the Council; the Clerks of the Council are here attending the Court: They will tell you these Papers now produced were Papers found in those Bags: *Mr. Bradly* will tell you the Papers seized in the Bags and Box were brought to them, and they will swear they were the Papers and Bags that were brought.

Record. *Mr. Bradly*, give my Lord and the Jury an Account whether you went to *Mr. Coleman*, whether you seized his Papers, and what Papers you saw, and how you disposed of them after they were seized.

Mr. Bradly. The 29th of *September* being *Sunday* Evening at Six of the Clock, I received a Warrant from the Council-Board to apprehend *Mr. Coleman*, and to seize his Papers, and to bring them to the Council-Board: He being not at home, I spoke with his Wife, and told her I came to search her House, I had a Warrant so to do. She told me I was welcome; I desired her to send for her Husband: I found in several parts of the House a great many Papers; I put them up in several Bags: I found some in a private corner in a Deal Box.

L. C. J. What kind of Corner?

Mr. Bradly. In *Mr. Coleman's* Chamber, not in his own Study, but in another place behind the Chimney; the Box was tack'd together with a Nail: I lifted it up, and saw they were Letters, I put it down again as it was, and gave it into the custody of one that was with me, to look into it: Then I came to his own Study, where his *Scrutore* was, and put up all I could find in several Bags, and Sealed them, and brought them to the Council-Chamber.

Att. Gen. Did you put up any other Papers among them than what you found at *Mr. Coleman's* House?

Mr. Bradly. I did not, (upon my Oath) I had them all at *Mr. Coleman's* House.

Att. Gen. Did you bring them all to the Clerks of the Council?

Mr. Bradly. Yes. Before I came out I tied them all up, and sealed them with my own Seal, and was constantly with them.

Att. Gen. Now we will give your Lordship an account how these things were received, that were there found. *Sir Robert Southwell*, look upon

on the large Letter, and tell my Lord and the Jury whether that were among the Papers brought by this Messenger.

Sir Robert Southwell. My Lord, I did not see this Letter in several days after the Papers brought me from *Bradly*; when he came in with Three great Bags, and a Box of Letters on Sunday Night; said I, which are Mr. *Coleman's* principal Papers? Said he, those that are in the large speckled Cloth-Bag; for these we took first in the 'Scrutore: These I took, and medled not with the other. I presume other Clerks of the Council can give a particular Account where this Paper was found.

Att. Gen. *Sir Thomas Dolman*, look upon the Letter whether you can remember any thing of it.

Sir Thomas Dolman. I remember I found it in a Deal Box among Mr. *Coleman's* Papers, those that *Bradly* brought.

Court. That's plain enough.

Att. Gen. That we may not often prove what we shall often make use of, I would prove it fully once for all, that all these Papers were of his Hand-writing; this we can prove by two sorts of Evidences; his own Confession, and the Witness of Two Persons; one that was his Servant; and th'other a Sub-Secretary, that did write very many things for him. Mr. *Boatman*, look upon these Papers; Tell my Lord and the Jury whose Hand it is: Are you acquainted with Mr. *Coleman's* Hand? What relation had you to him?

Boatman. I was his Gentleman that waited on him in his Chamber Five Years: This is very like his Hand.

L. C. J. Do you believe it is his Hand?

Boatman. I believe it is.

L. C. J. Little proof will serve the turn, because they were taken in his possession.

Att. Gen. I desire to prove it fully; look upon all the Papers, turn all the Leaves, see if they be not all one Hand, and whether you believe all to be Mr. *Coleman's* Hand-writing or not?

Boatman. I believe it to be all his Hand.

L. C. J. Do you know when the last Packet of Letters came up, that were sent to Mr. *Coleman*, from beyond the Seas?

Boatman. Two or three days after he was taken Prisoner.

L. C. J. Do you know where they are bestowed? Did you receive Monsieur *le Chaise's* Letters for Mr. *Coleman*?

Boatman. Yes.

L. C. J. Did you ever write any for him to *le Chaise*?

Boatman. No.

Att. Gen. Inform the Court whether he kept any Book to make Entry of Letters he sent or received?

Boatman. Yes, there was a large Book my Master did enter his Letters in, and his News.

Att. Gen. What is become of that Book?

Boatman. I know not.

Att. Gen. When did you see that Book last, upon your Oath?

Boatman. On Saturday.

Att. Gen. How long before he was sent to Prison?

Boatman. Two Days, because the next Day was Sunday, when he did not make use of it: On Monday my Master was in Prison, and I did not mind the Book.

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L. C. J. Were there any Entries of Letters in that Book within Two Years last past?

Boatman. I cannot be positive.

Att. Gen. Did he not usually write and receive Letters from beyond Sea? Till that time had he not Negotiation as usually?

Boatman. He had usually News every Post from beyond the Seas.

Pris. There's Letters from the *Hague*, *Brussels*, *France* and *Rome*; they are all with the Council, which were all the Letters I received.

Att. Gen. We have another Witness: *Cattaway*, are you acquainted with Mr. *Coleman's* Hand-writing? Do you believe it to be his Hand-writing?

Witness. I believe it is, they are his Hand-writing.

Att. Gen. It will appear, if there were no other Proof in this Cause, his own Papers are as good as an hundred Witnesses to condemn him; Therefore I desire to prove them fully by his own Confession.

Sir Phil. Lloyd a Witness. These are the Papers I received from *Sir Thomas Dolman*; I found them (as he saith) in a Deal Box: Among his Papers I found this Letter. Mr. *Coleman* hath owned this was his Hand-writing; it's all one Letter.

Att. Gen. 'Tis all the same Hand, and he acknowledged it to be his.

Mr. Recorder. I desire Mr. *Astrey* may read it so that the Jury may hear it.

Mr. Astrey Clerk of the Crown reads the Letter.

The 29th of September (1675.) It is subscribed thus; *Your most humble and most obedient Servant*, but no Name.

Mr. COLEMAN's Long Letter.

SINCE Father *St. German* has been so kind to me, as to recommend me to your Reverence so advantageously, as to encourage you to accept of my Correspondency; I will own to him, that he has done me a Favour without Consulting me, greater than I could have been capable of if he had advised with me; because I could not then have had the Confidence to have permitted him to ask it on my behalf. And I am so sensible of the Honour you are pleased to do me, that though I cannot deserve it; yet to shew at least the sense I have of it, I will deal as freely and openly with you this first time, as if I had had the honour of your Acquaintance all my Life; and shall make no Apology for so doing, but only tell you that I know your Character perfectly well, though I am not so happy as to know your Person; and that I have an Opportunity of putting this Letter into the hands of Father *St. German's* Nephew (for whose Integrity and Prudence he has undertaken) without any sort of hazard.

In order then, Sir, to the Plainness I profess, I will tell you what has formerly passed between your Reverence's Predecessor, Father *Ferrier*, and my self. About three Years ago, when the King my Master sent a Troop of Horse-Guards into his most Christian Majesty's Service, under the Command of my Lord *Durafs*, he sent with it an Officer called *Sir William Throckmorton*, with whom I had a particular Intimacy, and who had then very newly embrac'd the Catho-

lick Religion: To him did I constantly write, and by him address my self to Father *Ferrier*. The first thing of great Importance I presumed to offer him (not to trouble you with lesser matters, or what passed here before, and immediately after the Fatal Revocation of the King's Declaration for Liberty of Conscience, to which we owe all our Miseries and Hazards,) was in *July, August, and September 1673*, when I constantly inculcated the great danger Catholick Religion, and his most Christian Majesty's Interest would be in at our next Sessions of Parliament, which was then to be in *October* following; at which I plainly foresaw that the King my Master would be forced to something in prejudice to his Alliance with *France*, which I saw so evidently and particularly that we should make Peace with *Holland*; that I urged all the Arguments I could, which to me were Demonstrations, to convince your Court of that mischief; and press'd all I could to persuade his most Christian Majesty to use his utmost endeavour to prevent that Session of our Parliament, and proposed Expedients how to do it: But I was answered so often and so positively, that his most Christian Majesty was so well assured by his Ambassador here, our Ambassador there, the Lord *Arlington*, and even the King himself; that he had no such apprehensions at all, but was fully satisfied of the contrary, and lookt upon what I offered as a very zealous Mistake, that I was forced to give over arguing, though not believing as I did; but confidently appealed to time and success to prove who took their measures rightest. When it happened what I foresaw came to pass, the good Father was a little surprized, to see all the great Men mistaken, and a little one in the right; and was pleased by Sir *William Throckmorton* to desire the continuance of my Correspondence, which I was mighty willing to comply with, knowing the Interest of our King, and in a more particular manner of my more immediate Master the Duke, and his most Christian Majesty, to be so inseparably united, that it was impossible to divide them, without destroying them all: Upon this I shewed that our Parliament in the circumstances it was managed, by the timorous Counsels of our Ministers, who then govern'd, would never be useful either to *England, France, or Catholick Religion*, but that we should as certainly be forced from our Neutrality at their next meeting, as we had been from our Active Alliance with *France* the last Year: That a Peace in the Circumstances we were in, was much more to be desired than the continuance of the War; and that the Dissolution of our Parliament would certainly procure a Peace; for that the Confederates did more depend upon the Power they had in our Parliament, than upon any thing else in the World; and were more encouraged from them to the continuing of the War; so that if they were Dissolved, their measures would be all broken, and they consequently in a manner necessitated to a Peace.

The good Father minding this Discourse somewhat more than the Court of *France* thought fit to do my former; urg'd it so Home to the King, that his Majesty was pleased to give him Orders to signify to his R. H. my Master, that his Majesty was fully satisfied of his R. H's good intention towards him, and

that he esteemed both their Interests but as one and the same; that my Lord *Arlington* and the Parliament were both to be lookt upon as very unuseful to their Interest: That if his R. H. would endeavour to dissolve this Parliament, his most Christian Majesty would assist him with his Power and Purse, to have a new one as should be for their Purpose. This, and a great many more expressions of kindness and confidence Father *Ferrier* was pleased to communicate to Sir *William Throckmorton*, and Commanded him to send them to his R. H. and withal to beg his R. H. to propose to his most Christian Majesty, what he thought necessary for his own concern, and the advantage of Religion, and his Majesty would certainly do all he could to advance both or either of them. This Sir *William Throckmorton* sent to me by an Express, who left *Paris* the 2d of *June 1674*, *Stilo novo*: I no sooner had it, but I communicated it to his R. H. To which his R. H. commanded me to answer, as I did on the 29th of the same Month: That his R. H. was very sensible of his most Christian Majesty's Friendship, and that he would labour to cultivate it with all the good Offices he was capable of doing for his Majesty; that he was fully convinced that their Interests were both one, that my Lord *Arlington* and the Parliament were not only unuseful, but very dangerous both to *England* and *France*; That therefore it was necessary that they should do all they could to Dissolve it. And that his R. H's opinion was, that if his most Christian Majesty would write his Thoughts freely to the King of *England* upon this Subject, and make the same Proffer to his Majesty of his Purse to Dissolve this Parliament, which he had made to his R. H. to call another, he did believe it very possible for him to succeed with the assistance we should be able to give him here; and that if this Parliament were Dissolved, there would be no great difficulty of getting a new one, which would be more useful: The Constitutions of our Parliaments being such, that a new one can never hurt the Crown, nor an old one do it good.

His R. H. being pleased to own these Propositions, which were but only general, I thought it reasonable to be more particular, and come closer to the point, that we might go the faster about the work, and come to some resolution before the time was too far spent.

I laid this for my Maxim: The Dissolution of our Parliament will certainly procure a Peace; which Proposition was granted by every body I conversed withal, even by Monsieur *Rouviigny* himself, with whom I took liberty of discoursing so far, but durst not say any thing of the Intelligence I had with Father *Ferrier*. Next; that a sum of Money certain, would certainly procure a Dissolution; this some doubted, but I am sure I never did; for I knew perfectly well that the King had frequent Disputes with himself at that time, whether he should dissolve or continue them; and he several times declared that the Arguments were so strong on both sides, that he could not tell to which to incline, but was carried at last to the continuance of them by this one Argument: If I try them once more, they may possibly give me Money; if they do, I have gain'd my point: if they do not, I can dissolve them then, and be where I am now; so
that

that I have a possibility at least of getting Money for their Continuance, against nothing on the other side: But if we could have turn'd this Argument, and said; Sir, their Dissolution will certainly procure you Money, when you have only a bare possibility of getting any by their Continuance, and have shewn how far that bare possibility was from being a foundation to build any reasonable hope upon, which I am sure his Majesty was sensible of; and how much 300000*l. Sterl.* certain (which was the Sum we propos'd) was better than a bare possibility (without any reason to hope that that could ever be compassed) of having half so much more (which was the most he designed to ask) upon some vile dishonourable terms, and a thousand other hazards, which he had great reason to be afraid of: If, I say, we had power to have argued this, I am most confidently assured we could have compassed it, for Logick in our Court built upon Money, has more powerful Charms than any other sort of reasoning. But to secure his most Christian Majesty from any hazard, as to that point, I propos'd his Majesty should offer that sum upon that condition, and if the condition were not performed, the Money should never be due; if it were, and that a Peace would certainly follow thereupon, (which no body doubted) his Majesty would gain his Ends, and save all the vast Expences of the next Campaign, by which he could not hope to better his Condition, or put himself into more advantagious Circumstances of Treaty than he was then in; but might very probably be in a much worse, considering the mighty opposition he was like to meet with, and the uncertain Chances of War. But admitting that his Majesty could by his great Strength and Conduct maintain himself in as good a Condition to Treat the next year as he was then in; (which was as much as could then reasonably be hoped for) he should have saved by this Proposal as much as all the Men he must needs lose, and all the charges he should be at in a year, would be valued to amount to more than 300000*l. Sterl.* and so much more in case his Condition should decay, as it should be worse than it was when this was made; and the Condition of his R. H. and of the Catholick Religion here (which depends very much upon the success of His most Christian Majesty,) delivered from a great many frights and real hazards. *F. Ferrier* seem'd to be very sensible of the Benefit all parties would gain by this Proposal; But yet it was unfortunately delay'd by an unhappy and tedious fit of sickness, which kept him so long from the King in the *Franche Compte*, and made him so unable to wait on his Majesty after he did return to *Paris*: But so soon as he could compass it, he was pleased to acquaint his Majesty with it, and wrote to the Duke himself; and did me the Honour to write unto me also on the 15th of *September* 1674, and sent his Letter by *Sir William Throckmorton*, who came express upon that Errand; In these Letters he gave his R. H. fresh assurance of his most Christian Majesty's friendship, and of his Zeal and Readiness to comply with every thing His R. H. had, or should think fit to propose in favour of *Religion*, or the business of *Money*; And that he had commanded *Monsieur Rouvigny* as to the latter, to Treat and deal with his R. H. and to receive and observe his Orders and Directions,

but desired that he might not at all be concerned as to the former, but that his R. H. would cause what Proposition he should think fit to be made about *Religion*, to be offered either to *Father Ferrier*, or *Monsieur Pomponne*.

These Letters came to us about the middle of *September*, and his R. H. expected daily when *Monsieur Rouvigny* should speak to him about the Subject of that Letter; but he took no notice at all of any thing till the 29th of *September*, the evening before the King and Duke went to *Newmarket* for a fortnight, and then only said, that he had Commands from his Master to give his R. H. the most firm assurance of his Friendship imaginable, or something to that purpose, making his R. H. a general Compliment, but made no mention of any particular Orders relating to *Father Ferrier's* Letter. The Duke wondering at this proceeding, and being obliged to stay a good part of *October* at *Newmarket*; and soon after his coming back, hearing of the Death of *Father Ferrier*, he gave over all further persecuting of the former Project. But I believe I saw *Monsieur Rouvigny's* policy all along, who was willing to save his Master's Money, upon assurance that we would do all we could to stave off the Parliament for our own sakes, that we would struggle as hard without money as with it; and we having by that time, upon our own Interest, prevailed to get the Parliament prorogued to the 13th of *April*, he thought that Prorogation being to a Day so high in the Spring, would put the Confederates so far beyond their Measures, as that it might procure a Peace, and be as useful to *France*, as a Dissolution: upon these Reasons I suppose he went. I had several discourses with him; and did open my self so far to him as to say, I could wish his Master would give us leave to offer to our Master 300000*l.* for the Dissolution of the Parliament; and shewed him that a Peace would most certainly follow a Dissolution (which he agreed with me in) and that we desir'd not the Money from his Master to excite our wills, or to make us more industrious to use our utmost powers to procure a Dissolution, but to strengthen our Power and Credit with the King, and to render us more capable to succeed with his Majesty, as most certainly we should have done, had we been fortified with such an Argument.

To this Purpose I prels'd *Monsieur Pomponne* frequently by *Sir William Throckmorton*, who returned hence again into *France* on the 10th of *November*, the day our Parliament should have met, but was Prorogued. *Monsieur Pomponne* (as I was informed by *Sir William*) did seem to approve the thing; but yet had Two Objections against it: First, That the Sum we propos'd, was Great; and could be very ill spared in the circumstances his *Most Christian Majesty* was in. To which we Answered, That if by his Expending that Sum, he could procure a Dissolution of our Parliament, and thereby a Peace, which every Body agreed would necessarily follow; his *Most Christian Majesty* would gain his Ends, and save Five or Ten Times a greater Sum, and so be a good Husband by his Expence; and if we did not procure a Dissolution, he should not be at that Expence at all; for that we desired him only to promise upon that Condition, which we were content to be Obligated to perform first. The Second Objection

was,

was, The Duke did not move, nor appear in it himself. To that we Answered, That he did not indeed to Monsieur *Pomponne*, because he had found so ill an effect of the Negotiation with Father *Ferrier*, when it came into Monsieur *Rouvigny's* hands; but that he had concerned himself in it, to Father *Ferrier*.

Yet I continued to prosecute and press the Dissolution of the Parliament, detesting all Prorogations as only so much loss of time, and a means of strengthening all those who depend upon it in Opposition to the *Crown*, the Interest of *France* and *Catholick Religion*, in the Opinion they had taken. That our King durst not part with his Parliament; apprehending that another would be much Worse. Secondly, That he could not live long without a Parliament, therefore they must suddenly meet; and the longer he kept them off, the greater his Necessity would grow; and consequently their Power to make him do what they listed, would increase accordingly: And therefore, if they could but maintain themselves a while, the day would certainly come in a short time, in which they should be able to work their Wills. Such Discourses as these kept the *Confederates* and our *Male-Contents* in Heart, and made them weather on the War in spite of all our Prorogations: Therefore I press'd (as I have said) a Dissolution until *February* last, when our *Circumstances* were so totally *Changed*, that we were forced to change our *Counsels* too, and be as much for the Parliament's Sitting, as we were before against it.

Our *Change* was thus; Before that time, the Lord *Arlington* was the only Minister in Credit, who thought himself out of all danger of the Parliament; he having been Accused before them and Justified, and therefore was Zealous for their sitting; and to increase his Reputation with them, and to become a perfect Favourite, he sets himself all he could to persecute the *Catholick Religion*, and to oppose the *French*: To shew his Zeal against the first, he revived some old dormant Orders for prohibiting *Roman Catholics* to appear before the King, and put them in Execution at his first coming into his Office of Lord *Chamberlain*: And to make sure work with the second, as he thought; prevailed with the King to give him and the Earl of *Offory*, (who married two Sisters of *Myne Heere Odyke's*) leave to go over into *Holland* with the said *Heere*, to make a Visit, as they pretended, to their Relations; But indeed, and in truth, to propose the Lady *Mary* (Eldest Daughter of his *R. H.*) as a Match for the Prince of *Orange*; not only without the consent, but against the good liking of his *R. H.*: Insomuch, that the Lord *Arlington's* Creatures were forced to excuse him, with a Distinction, that the said Lady was not to be looked upon as the Duke's Daughter, but as the King's, and a Child of the State was, and so the Duke's Consent not much to be considered in the disposal of her, but only the Interest of State. By this he intended to render himself the Darling of Parliament and Protestants, who look'd upon themselves as secured in their Religion by such an Alliance, and designed further to draw us into a close Conjunction with *Holland*, and the Enemies of *France*. The Lord *Arlington* set forth upon this Errand the 10th of *November* 1674, and returned not till the 6th of *January* following; During his absence, the *L. Treasu-*

rer, *L. Keeper*, and the Duke of *Lauderdale*, who were the only *Ministers* of any considerable Credit with the King, and who all pretended to be entirely United to the Duke, declaimed Loudly, and with great Violence, against the said Lord, and his Actions in *Holland*; and did hope, in his absence; to have totally supplanted him, and to have routed him out of the King's Favour; and after that, thought they might easily enough have dealt with the Parliament. But none of them had Courage enough to speak against the Parliament, till they could get rid of him; for fear they should not succeed, and that the Parliament would Sit in spite of them, and come to hear that they had used their endeavours against it; which would have been so Unpardonable a Crime with our *Omnipotent Parliament*, that no Power could have been able to have saved them from *Punishment*: But they finding at his Return, that they could not prevail against him, by such Means and Arts as they had then tried, resolved upon *New Counsels*; which were to outrun him in his own Course; which accordingly they undertook, and became as fierce Apostles, and as zealous for *Protestant Religion*, and against *Popery*, as ever my *L. Arlington* had been before them; and in pursuance thereof, persuaded the King to issue out those severe *Orders* and *Proclamations* against *Catholicks*, which came out in *February* last; by which, they did as much as in them lay, to extirpate all *Catholicks*, and *Catholick Religion*, out of the Kingdom; which Counsels were in my poor opinion so Detestable, being levelled (as they must needs be) so directly against the Duke, by People which he had Advanced, and who had professed so much Duty and Service to him, that we were put upon new Thoughts how to save his *R. II.* now from the Deceits and Snares of those Men, upon whom we formerly depended. We saw well enough, that their design was to make themselves as grateful as they could to the Parliament, if it must Sit; they thinking nothing so acceptable to them, as the persecution of *Popery*; and yet they were so obnoxious to the Parliament's displeasure in general, that they would have been glad of any Expedient to have kept it off; though they durst not engage against it openly themselves, but thought this Device of theirs might serve for their purposes, hoping the Duke would be so alarm'd at their proceedings, and by his being left by every Body, that he would be much more afraid of the Parliament than ever, and would use his utmost Power to prevent its Sitting: which they doubted not but he would endeavour; and they were ready enough to work underhand too for him (for their own sakes, not his) in order thereunto, but durst not appear openly; and to encourage the Duke the more to endeavour the *Dissolution* of the Parliament, their Creatures used to say up and down, That this Rigour against the *Catholicks* was in favour of the Duke, and to make a *Dissolution* of the Parliament more easy, (which they knew he coveted) by obviating one great *Objection* which was commonly made against it, which was, That if the Parliament should be *Dissolved*, it would be said, That it was done in favour of *Popery*; which Clamour they had prevented beforehand by the Severity they had used against it.

As soon as we saw these Tricks put upon us,

we plainly saw what Men we had to deal withal, and what we had to trust to, if we were wholly at their Mercy: But yet durst not seem so dissatisfied as we really were, but rather magnified the Contrivance, as a Device of great Cunning and Skill: All this we did purely to hold them in a belief, that we would endeavour to Dissolve the Parliament, and that they might rely upon his *R. H.* for that which we knew they long'd for, and were afraid they might do some other way, if they discovered that we were resolved we would not: At length when we saw the Sessions secured, we declared, that we were for the Parliament's meeting; as indeed we were, from the moment we saw our selves handled by all the King's Ministers at such a rate that we had Reason to believe they would sacrifice *France*, *Religion*, and his *R. H.* too, to their own Interest, if occasion served; and that they were led to believe, that that was the only way they had to save themselves at that time: For we saw no Expedient fit to stop them in their Career of persecution, and those other destructive Counsels, but the Parliament; which had set it self a long time to dislike every thing the Ministers had done, and had appeared violently against *Poperie*, whilst the Court seemed to favour it; and therefore we were confident, that the Ministers having turn'd their Faces, the Parliament would do so too, and still be against them; and be as little for Persecution then, as they had been for *Poperie* before. This I undertook to manage for the Duke and the King of *France's* Interest; and assured Monsieur *Rouigny* (which I am sure he will testify, if occasion serves) that that Sessions should do neither of them any hurt; for that I was sure I had Power enough to prevent mischief, though I durst not engage for any good they would do; because I had but very few Assistances to carry on the work, and wanted those helps, which others had, of making Friends: The *Dutch* and *Spaniard* spared no pains or expence of Money to animate as many as they could against *France*; Our Lord *Treasurer*, Lord *Keeper*, all the *Bishops*, and such as call'd themselves *Old Cavaliers*, (who were all then as one Man) were not less industrious against *Poperie*, and had the Purse at their Girdle too; which is an Excellent Instrument to gain Friends with; and all United against the Duke, as Patron both of *France* and *Catholick* Religion. To deal with all this Force, we had no Money, but what came from a few private Hands; and those so mean ones too, that I dare venture to say, that I spent more my particular self out of my own Fortune, and upon my single Credit, than all the whole Body of *Catholicks* in *England* besides; which was so inconsiderable, in comparison of what our Adversaries commanded, and we verily believe did bestow in making their Party, that it is not worth mentioning: Yet notwithstanding all this, we saw that by the help of the Non-conformists, as *Presbyterians*, *Independents*, and other *Scots*, (who were as much afraid of Persecution as our selves) and of the Enemies of the Ministers, and particularly of the *Treasurer*; who by that time had supplanted the *Earl of Arlington*, and was grown sole Manager of all Affairs himself, we should be very able to prevent what they designed against us, and so render the Sessions ineffectual to their Ends, though we might not be able to compass our own; which

were, to make some brisk step in Favour of his *R. H.* to shew the King, that his Majesty's Affairs in Parliament were not Obstructed, by reason of any Aversion they had to his *R. H.'s* Person, or Apprehensions they had of him, or his Religion; but from Faction and Ambition in some, and from a real Dissatisfaction in others, that we have not had such fruits and good Effects of those great sums of Money which have been formerly given as was expected. If we could then have made but one such step, the King would certainly have restored his *R. H.* to all his Commissions; upon which he would have been much greater than ever yet he was in his whole Life, or could probably ever have been by any other Course in the World, than what he had taken of becoming *Catholick*, &c. And we were so very near gaining this Point, that I did humbly beg his *R. H.* to give me leave to put the Parliament upon making an Address to the King, that his Majesty would be pleased to put the Fleet into the Hands of his *R. H.* as the only Person likely to have a good Account of so important a Charge as that was to the Kingdom; and shewed his *R. H.* such Reason, to persuade him that we could carry it, that he agreed with me in it, that he believed we could. Yet others telling him how great a Damage it would be to him, if he should miss in such an Undertaking (which for my part I could not then see, nor do I yet) he was prevailed upon not to venture, though he was persuaded he could carry it. I did communicate this Design of mine to Monsieur *Rouigny*, who agreed with me, that it would be the greatest advantage, imaginable to his Matter, to have the *Duke's* Power and Credit so far advanced as this would certainly do, if we could compass it: I shewed him all the Difficulty we were like to meet with, and what helps we should have; but that we should want one very material one, *Money*, to carry on the Work as we ought; and therefore I do confess, I did shamefully beg his Master's Help, and would willingly have been in everlasting Disgrace with all the World, if I had not with that Assistance of twenty Thousand Pound *Sterling*, (which perhaps is not the tenth part of what was spent on the other side) made it evident to the *Duke*, that he could not have missed it. Monsieur *Rouigny* used to tell me, That if he could be sure of succeeding in that Design, his Master would give a very much larger Sum; but that he was not in a Condition to throw away Money upon Uncertainties. I answered, That nothing of that nature could be so infallibly sure, as not to be subject to some Possibilities of failing; but that I durst venture to undertake to make it evident, that there was as great an assurance of succeeding in it, as any Husbandman can have of a Crop in Harvest, who sows his Ground in its due Season; and yet it would be counted a very imprudent piece of wariness in any body, to scruple the venturing so much Seed in its proper time, because it is possible it may be totally lost, and no benefit of it found in Harvest; he that minds the Winds and the Rains at that rate, shall neither Sow nor Reap. I take our Case to be much the same as it was the last Sessions: If we can advance the *Duke's* Interest one step forward, we shall put him out of the reach of Chance for ever; for he makes such a Figure already, that Cautious Men do
not

not care to act against him, nor always without him, because they do not see that he is much outpowered by his Enemies; yet is he not at such a Pitch, as to be quite out of danger, or free from Opposition: But if he could gain any considerable new addition of Power, all would come over to him as to the only steady Center of our Government, and no Body would contend with him further. Then would *Catholicks* be at Rest, and his *Most Christian Majesty's* Interest secured with us in *England* beyond all apprehensions whatsoever.

In order to this, we have two great Designs to Attempt this next Sessions. First, that which we were about before, *viz.* To put the Parliament upon making it their humble Request to the King, that the Fleet may be put into his *R. H's* Care. Secondly, to get an Act for general Liberty of Conscience. If we carry these two, or either of them, we shall in effect do what we list afterwards; and truly, we think we do not undertake these great Points very unreasonably, but that we have good Cards for our Game; Not but that we expect great Opposition, and have great reason to beg all the Assistance we can possibly get; and therefore, if his *Most Christian Majesty* would stand by us a little in this *Conjuncture*, and help us with such a sum as 20000 Pound *Sterling* (which is no very great matter to venture upon such an undertaking as this) I would be content to be Sacrificed to the utmost Malice of my Enemies, if I did not Succeed. I have proposed This several times to Monsieur *Roussigny*, who seemed always of my Opinion; and has often told me, that he has writ into *France* upon this Subject, and has desired me to do the like: But I know not whether he will be as Zealous in that point as a *Catholick* would be; because our prevailing in these things would give the greatest Blow to the *Protestant Religion* here, that ever it received since its Birth; which perhaps he would not be very glad to see; especially when he believes there is another way of doing his Master's Business well enough without it; which is by a *Dissolution* of the Parliament; upon which I know he mightily depends, and concludes, that if that comes to be *Dissolved*, it will be as much as he needs care for; proceeding perhaps upon the same manner of Discourse which we had this time twelve Months. But with submission to his better Judgment, I do think that our Case is extremely much altered to what it was, in Relation to a *Dissolution*; for then the Body of our Governing Ministers (all but the Earl of *Arlington*) were entirely United to the *Duke*; and would have Governed his Way, if they had been free from all Fear and Controul, as they had been, if the Parliament had been Removed. But they having since that time Engaged in quite different Counsels, and Embarked themselves and Interests upon other Bottoms, having declared themselves against *Popery*, &c. To Dissolve the Parliament simply, and without any other step made, will be to leave them to Govern what way they list, which we have Reason to suspect will be to the prejudice of *France* and *Catholick Religion*. And their late *Declarations* and *Actions* have Demonstrated to us, that they take that for the most Popular way for themselves, and likeliest

to keep them in absolute Power; whereas, if the *Duke* should once get above them (after the Tricks they have plaid with him) they are not sure he will Totally forget the Usage he has had at their hands: Therefore it Imports us now to Advance our Interest a little further, by some such Project as I have named, before we *Dissolve* the Parliament; Or else perhaps, we shall but Change Masters (a *Parliament* for Ministers) and continue still in the same *Slavery* and *Bondage* as before. But one such step as I have proposed, being well made, we may safely see them *Dissolved*, and not fear the Ministers; but shall be Established, and stand Firm without any Opposition; for every Body will then come over to us, and worship the Rising Sun.

I have here given you the History of three Years, as short as I could, though I am afraid it will seem very long and troublesome to your *Reverence*, among the multitude of Affairs you are concern'd in: I have also shewn you the present State of our Case, which may (by God's Providence, and good Conduct) be made of such advantage to God's Church; that for my part, I can scarce believe my self awake, or the thing real, when I think on a *Prince* in such an age as we live in, converted to such a Degree of Zeal and Piety, as not to regard any thing in the World in Comparison of God Almighty's Glory, the Salvation of his own Soul, and the Conversion of our poor Kingdom; which has been a long time oppress'd, and miserably harrass'd with *Heresy* and *Schism*. I doubt not but your *Reverence* will consider our Case, and take it to heart, and afford us what help you can; both with the King of Heaven, by your holy Prayers, and with his *Most Christian Majesty*, by that great Credit which you most justly have with him. And if ever his Majesty's affairs (or your own) can want the Service of so inconsiderable a Creature as my self, you shall never find any Body readier to obey your Commands, or faithfuller in the Execution of them, to the best of his Power, than

Your most Humble and

Obedient Servant.

Att. Gen. That I may make things clear, as much as possible; you see, Here's a Letter prepared to be sent, writ with Mr. *Coleman's* own hand, to Monsieur *Le Chaise*: This Letter bears date the twenty ninth of *September*. We have an Answer to it from *Paris*, *October* twenty third, whereby Monsieur *Le Chaise* owns the receipt of this; And in this Answer is express Thanks to Mr. *Coleman* for his long Letter. Sir *Robert*, Pray tell how you came by this Letter.

Sir *Rob. Southwell*. I found this Letter in Mr. *Coleman's* Canvas Bag; after we had once looked over the Letters, we found it: Sir *Philip Lloyd* Examined it; And we looked over those Papers very exactly: Because the House of Commons were very much concern'd, and thought those Papers were not thoroughly Examined, I reviewed them again. This Letter was found on *Sunday* following after the Papers were seized.

Att. Gen. Sir Rob. Southwell, I pray read the Letter in French first to the Court. Sir Rob. having read the Letter in French, Mr. Attorney desired him to read it in English. Sir Rob. read it in English; The Letter was dated Paris, twenty third October 1675. And subscribed, Your most humble and obedient Servant, D. L. C. at the bottom.

The LETTER.

From PARIS, 23 October 1675.

S I R,

THE Letter which you gave yourself the trouble to write to me, came to my Hands but the last Night. I read it with great satisfaction; and I assure you, that its length did not make it seem tedious. I should be very glad on my part to assist in seconding your good Intentions; I will consider of the Means to effect it; and when I am better informed than I am as yet, I will give you an Account: To the end I may hold Intelligence with you, as you did with my Predecessor. I desire you to believe that I will never fail as to my good Will, for the service of your Master, whom I honour as much as he deserves; and that it is with great truth that I am

Your most Humble and
most Obedient Servant

D. L. C.

Att. Gen. We made mention of a Declaration: By his long Narrative it plainly appears, that Mr. Coleman would have had another Parliament. And the reason why he was pleased to publish a Declaration, was, thereby to shew the Reasons for its Dissolution. Sir Philip Lloyd, did you find this Writing among Mr. Coleman's Papers?

Sir P. L. I did find it among his Papers.

Att. Gen. Pray read the Declaration.

Clerk of the Crown reads the Declaration.

The Declaration which Mr. Coleman prepared, thereby shewing his Reasons for the Dissolution of the Parliament.

WE having taken into our Serious Consideration the heats and animosities which have of late appeared among many of our very Loyal and Loving Subjects of this Kingdom, and the many fears and jealousies which some of them seem to lie under, of having their Liberties and Properties invaded, or their Religion altered; and withal carefully reflecting upon our own Government since our happy Restoration, and the end and aim of it, which has always been the ease and security of our People in all their Rights, and Advancement of the Beauty and Splendour of the true Protestant Religion established in the Church of England; of both which we have given most signal Testimonies, even to the stripping our Self of many Royal Prerogatives which our Predecessors

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enjoyed, and were our undoubted due; as the Court of Wards, Purveyances, and other things of great value; and denying to our self many advantages, which we might reasonably and legally have taken by the Forfeitures made in the times of Rebellion, and the great Revenues due to the Church at our Return, which no particular Person had any right to: Instead of which, we consented to an Act of Oblivion of all those Barbarous Usages which our Royal Father and our Self had met withal, much more full and gracious than almost any of our Subjects, who were generally become in some measure or other obnoxious to the Laws, had confidence to ask; and freely renounced all our Title to the Profit which we might have made by the Church-Lands, in favour of our Bishops and other Ecclesiastical Ministers, out of our Zeal to the Glory of our Protestant Church; which Clemency towards all, and some even high Offenders, and Zeal for Religion, we have to this Day constantly continued to exercise. Considering all this, we cannot but be sensibly afflicted to see, that the forwardness of some few Tumultuous heads should be able to infect our Loyal and Good People with apprehensions destructive of their own, and the general quiet of our Kingdom; and more especially, their perverseness should be powerful enough to distract our very Parliament, and such a Parliament, as has given us such Testimonies of its Loyalty, Wisdom, and Bounty, and to which we have given as many Marks of our Affection and Esteem, so as to make them mis-construe all our endeavours for to preserve our People in ease and prosperity, and against all reason and evidence to represent them to our Subjects as Arguments of fear and disquiet; and under these specious pretences of securing Property and Religion, to demand unreasonable things, manifestly destructive of what they would be thought to aim at; and from our frequent Condescensions, out of our meer Grace, to grant them what we conceived might give them satisfaction, though to the actual prejudice of our Royal Prerogative, to make them presume to propose to advance such extravagancies into Laws, as they themselves have formerly declared detestable; of which we cannot forbear to give our truly Loyal Subjects some instances, to undeceive our innocent and well-minded People, who have many of them of late been too easily mis-led, by the factious endeavours of some turbulent Spirits. For example, we having judged it necessary to declare War against the States of *Holland*, during a recess of Parliament, which we could not defer longer, without losing an advantage which then presented itself, nor have done sooner, without exposing our Honour to a potent Enemy without due preparation, we thought it prudent to unite all our Subjects at home, and did believe a general Indulgence of tender Consciences the most proper expedient to effect it; and therefore did by our Authority in Ecclesiasticks, which we thought sufficient to warrant what we did, suspend penal Laws against Dissenters in Religion, upon Conditions expressed in our Declaration, out of Reason of State, as well as to gratify our own nature, which always, we confess, abhor'd rigour, especially in Religion, when tenderness might be as useful. After we

S s s s

had

had engaged in the War, we Prorogued our Parliament from *April* to *October*, being confident we should be able by that time to shew our People such Success of our Arms, as should make them cheerfully contribute to our Charge. At *October* we could have shewn them Success even beyond our own Hopes, or what they could possibly expect; our Enemies having lost by that time, near 100 strong Towns and Forts, taken in effect by us, we holding them busy at Sea, whilst our Allies possessed themselves of their Lands, with little or no Resistance; and of which, the great Advantage would most visibly have been ours, had not the Feuds we now complain of, which have been since unhappily started, and factiously improved by some few, dis-united our People, distracted our Councils, and render'd our late Endeavours vain and fruitless; so that we had no reason to doubt of our People's ready and liberal Concurrence to our Assistance in that Conjuncture. Yet our Enemies proposing to us at that time a Treaty for Peace, which we were always ready to accept upon Honourable Terms; and considering with our self, that in case that Treaty succeeded, a far less Sum of Money would serve our Occasions, than otherwise would be necessary: We, out of our tender Regard to the Ease of our People, prorogued our Parliament again to *February*, to attend the Success of our Treaty, rather than to demand so much Money in *October*, as would be fit to carry on the War. But we soon finding that our Enemies did not intend us any just Satisfaction, saw a Necessity of prosecuting the War, which we designed to do most vigorously; and in order to it, resolv'd to press our Parliament to supply us as speedily as may be, to enable us to put our Fleet to Sea early in the Spring, which would after their meeting grow on apace. And being informed that many Members were dead during the long Recess, we Issued out our Writs for new Elections, that our House of Commons might be full at the first Opening of the Sessions, to prevent any Delay in our Publick Affairs, or Dislike in our People, as might possibly have risen from the want of so great a Number of their Representatives, if any thing of Moment should be concluded before it had been supplied. Having govern'd our Actions all along with such careful Respect to the Ease of our Subjects, we at the Meeting of our Parliament in *February*, 1672, expected from them some suitable Expressions of their Sense of our Favours; but quite contrary, found our Self alarm'd with clamorous Complaints from several Cabals against all our Proceedings, frightening many of our good Subjects into strange Conceits of what they must look for, by their seditious and false Constructions of what we had so candidly and sincerely done for their Good; and surpris'd with a Vote of our House of Commons, against our Writs of Elections, which we intended for their Satisfaction, against many Precedents of ours, or without any colour of Law of their Side, denying our Power to Issue out such Writs, Addressing to us to Issue out others: Which we consented to do at their Request, choosing rather to yield to our Subjects in that Point, than to be forced to submit to our Enemies in others; hoping that our Parliament being sensibly touched with that our extraordinary Condescension, would go on to consider the Publick Concern of the King-

dom, without any further to do: But we found another Use made of our so easy Compliance, which serv'd to encourage them to ask more; so that soon after we found our Declaration for Indulging tender Consciences Arraigned, Voted Illegal; though we cannot to this Day understand the Consistencies of that Vote, with our undoubted Supremacy in all Ecclesiasticks, recognized by so many Acts of Parliament, and required to be Sworn to by all our Subjects, and Addresses made to us one after another to recal it, which we condescended to also; from hence they proceeded to Us to weaken our Self in an Actual War, and to render many of our Subjects, of whose Loyalty and Ability we were well satisfied, incapable to serve Us, when we wanted Officers and Soldiers, and had reason to invite as many experienced Men as we could to engage in our Arms, rather than to incapacitate or discourage any; yet this also we gratified them in, to gain their Assistance against our Enemies, who grew high by these our Differences, rather than expose our Country to their Power and Fury; hoping that in time our People would be confounded to see our Concessions, and be ashamed of their Errors in making such Demands. But finding the unfortunate Effects of our Divisions the following Summer, We found our Parliament more extravagant at the next Meeting than ever, addressing to us to hinder the Consummation of our Dear Brother's Marriage, contrary to the Law of God, which forbiddeth any to separate any whom he hath joined, against our Faith and Honour engag'd in the Solemn Treaty, obstinately persisting in that Address, after we had acquainted them, That the Marriage was then actually ratified, and that we had acted in it by our Ambassador; so that we were forced to separate them for a while, hoping they would bethink themselves better at their meeting in *January*. Instead of being more moderate, or ready to consider our Wants towards the War; they Voted, as they had done before, not to assist us still, 'till their Religion were effectually secur'd againg Popery, Aggrievances redressed, and all obnoxious Men removed from us; which we had reason to take for an absolute Denial of all Aid; considering the Indefiniteness of what was to proceed, and the moral Impossibility of effecting it in their Senses: For when will they say their Religion is effectually secured from Popery, if it were in danger then, by reason of the Insolency of Papists. When our House of Commons, which is made up of Members from every Corner of our Kingdom, with Invitations publickly Posted up to all Men to accuse them, has not yet in so many Years as they have complained of them, been able to charge one single Member of that Communion, with so much as a Misdemeanour. Or what Security could they possibly expect against that Body of Men, or their Religion, more than we had given them? Or how can we hope to live so perfectly, that Study and Pains may not make a Collection of Grievances, as considerable as that which was lately presented to us, than which, we could not have wish'd for a better Vindication of our Government? Or when shall we be sure that all obnoxious Men are removed from us, when Common Fame thinks fit to call them so; which is to every Body, without any Proof, sufficient to render any Man obnoxious, who is Popishly affected,

ed, or any thing else that is ill, though they have never so often or lately complied with their own Tests, and Marks of Distinction and Discriminations. Finding our People thus unhappily disordered, we saw it impossible to prosecute the War any longer; and therefore did by their Advice make a Peace upon such Conditions as we could get; hoping that being gratified in that Darling Point, they would at least have paid our Debts, and enabled us to have built some Ships for the future Security of our Honour, and their own Properties; but they being transported with their Success in Asking, were resolved to go on still that way, and would needs have us put upon the removing of our Judges from those Charges, which they have always hitherto held at the Will and Pleasure of the Crown, out of our Power to alter the ancient Laws of trying of Peers, and to make it a Premunire in our Subjects (in a Case supposed) not to fight against our Self; nay some had the Heart to ask, that the Hereditary Succession of our Crown (which is the Foundation of all our Laws) should be changed into a sort of Election, they requiring the Heir to be qualified with certain Conditions, to make him capable of Succeeding; and out-doing that Popish Doctrine, which we have so long and so loudly with good reason decried, That Heresy incapacitates Kings to Reign. They would have had, that the Heir of the Crown, marrying a Papist, though he continued never so Orthodox himself, should forfeit his Right of Inheritance; not understanding this Paradoxical way of securing Religion by destroying it, as this would have done that of the Church of *England*, which always taught Obedience to their Natural Kings, as an indispensable Duty in all good Christians, let the Religion or Department of their Prince be what it will; and not knowing how soon that Impediment, which was supposed as sufficient to keep out an Heir, might be thought as fit to remove a Possessor: And comparing that Bill which would have it a Premunire in a Sheriff not to raise the *Posse Comitatus*, against our Commission in a Case there supposed, though we our Self should assist that our Commission in our Person: For not being excepted, is implied with the other made by this very Parliament in the 14th Year of our Reign, which all our Subjects, or at least many of them, were obliged to Swear (*viz.* That the Doctrine of taking up Arms by the King's Authority, against his Person, was detestable;) and we soon found that the Design was levelled against the good Protestant Religion of our good Church, which its Enemies had a mind to blemish, by sliding inslily those damnable Doctrines, by such an Authority as that of our Parliament, into the Profession of our Faith or Practices, and so expose our whole Religion to the Scorn and Reproach of themselves, and all the World: We therefore thought it our Duty to be so watchful as to prevent the Enemies sowing such mischievous Tares as these, in the wholsom Field of our Church of *England*, and to guard the unspotted Spouse of our blessed Lord, from that foul Accusation, with which she justly charges other Churches, of teaching their Children Loyalty, with so many Reserves and Conditions, that they shall never want a Distinction to justify Rebellion; nor a Text of Scripture, as good as Curseye *Meroz*, to encourage them to be Trai-

tors: Whereas our truly Reformed Church knows no such Subtilties; but teaches according to the Simplicity of Christianity, To submit to every Ordinance of Man for God's sake, according to the natural Signification of the Words, without Equivocation or Artificial Turns. In order to which, having thought to dissolve that Body, which we have these many Years so tenderly cherished, and which we are sure consists generally of most dutiful and loyal Members, we were forc'd to Prorogue our Parliament 'till *November* next, hoping thereby to cure those Disorders, which have been sown among the best and Loyallist Subjects, by a few malicious Incendiaries. But understanding since, that such who have sowed that Seditious Seed, are as industriously careful to water it by their Cabals, and Emissaries, instructed on purpose to poison our People with Discourses in publick Places, in hopes of a great Crop of Confusion, their beloved Fruit, the next Sessions; we have found it absolutely necessary to Dissolve our Parliament, though with great Reluctancy and Violence to our Inclination: But remembering the Days of our Royal Father, and the Progress of Affairs then, how from a Cry against Popery, the People went on to complain of Grievances, and against Evil Counsellors, and his Majesty's Prerogative; until they advanc'd into a formal Rebellion, which brought forth the most direful and fatal Effects, that ever were yet heard of amongst any Men, Christians or others; and withal, finding so great a Resemblance between the Proceedings then and now, that they seem both Broth of the same Brains: And being confirm'd in that Conceit, by observing the Actions of many now, who had a great Share in the Management of the former Rebellion, and their Zeal for Religion, who by their Lives give us too much reason to suspect they have none at all; we thought it not safe to dally too long; as our Royal Father did, with Submissions and Condescensions, endeavouring to cure Men infected, without removing them from the Air where they got the Disease, and in which it still rages and increases daily. For fear of meeting with no better Success than he found, in suffering his Parliament to challenge Power they had nothing to do with, 'till they had bewitch'd the People into fond Desires of such things as quickly destroyed both King and Country, which in us would be an intolerable Error, having been warn'd so lately by the most Execrable Murder of our Royal Father, and the inhumane Usage which we our Self in our Royal Person and Family have suffered, and our Loyal Subjects have endured, by such Practices; And lest this our great Care of this our Kingdom's Quiet, and our own Honour and Safety should, as our best Actions hitherto have been, be wrested to some sinister Sense, and Arguments be made from it to scare our good People into any Apprehensions of an Arbitrary Government, either in Church or State; We do hereby solemnly declare and faithfully engage our Royal Word, That we will in no Case, either Ecclesiastical or Civil, violate or alter the known Laws of our Kingdom, or invade any Man's Property or Liberty, without due course of Law. But that we will with our utmost Endeavours preserve the true Protestant Religion, and redress all such things as shall indifferently, and without Passion, be judg'd Grievances by our

next Parliament; which we do by God's Blessing intend to Call before the End of *February* next. In the mean time, we do strictly charge and command all manner of Persons whatsoever, to forbear to talk seditiously, slightly or irreverently of our Dissolving of the Parliament, of this our Declaration, or of our Person or Government, as they will answer it at their Perils; we being resolv'd to prosecute all Offenders in that kind with the utmost Rigour and Severity of the Law. And to the end that such licentious Persons, if any shall be so impudent and obstinate as to disobey this our Royal Command, may be detected, and brought to due Punishment, we have ordered our Lord Treasurer to make speedy Payment of Twenty Pounds to any Person or Persons who shall discover or bring any such seditious, slight or irreverent Talker before any of our Principal Secretaries of State.

Record. I would have the Jury should know the Declaration ends, *To one of his Majesty's Principal Secretaries of State*; whereof he hoped to be one.

Att. Gen. This is written in the Name of the King; for Mr. *Coleman* thought himself now Secretary of State, and he pens the Declaration, for the King to give an Account why the Parliament was Dissolved.

Serj. Maynard. The long *Letter*, it appears, was to Dissolve the Parliament; and to make it cock-sure, he provides a *Declaration* to shew the Reason of it: It was done in order to bring in Popery; that may appear by the subsequent Proof.

Att. Gen. I have other Evidence to offer to your Lordship, which is, That Mr. *Coleman* was not only so bold as to prepare a *Declaration* for the King, but also out of his own further Ingenuity, prepares a *Letter* (contrary to the Duke's Knowledge) for the Duke, which before several Lords he confessed; and Sir *Philip Floyd* is here ready to justify it.

Sir *Philip Floyd.* I did attend a Committee of the House of Lords to *Newgate*, who examined Mr. *Coleman*, and told him of the *Letter* Mr. Attorney mentioneth; he then confessed, That it was prepared without the Order and Privy of the Duke; and when he was so bold as to shew it the Duke, the Duke was very Angry, and rejected it.

L. C. J. He hath been a very forward Undertaker on the behalf of the Duke.

Mr. Att. Gen. I desire the *Letter* may be read.

The Copy of the Letter written to Monsieur Le Chaile, the French King's Confessor, which Mr. Coleman confessed he himself wrote and counterfeited in the Duke's Name.

Clerk of the Crown reads the Letter.

THE 2d of *June* last past, his most Christian Majesty offered me most generously his Friendship, and the Use of his Purse, to the Assistance against the Designs of my Enemies and his; and protested unto me, That his Interest and mine were so clearly link'd together, that those that opposed the one, should be look'd upon as Enemies to the other; and told me moreover his Opinion of my Lord *Arlington*, and the Parliament; which is, That he is of Opinion that neither the one nor the other is

in his Interest or mine: And thereupon he desired me to make such Propositions as I should think fit in this Conjunction.

All was Transacted by the Means of Father *Ferrier*, who made use of Sir *William Throckmorton*, who is an honest Man, and of Truth who was then at *Paris*, and had held Correspondence with *Coleman*, one of my Family, in whom I have great Confidence.

I was much satisfied to see his most Christian Majesty altogether of my Opinion, so I made him Answer the 29th of *June*, by the same Means he made use of to write to me, that is, by *Coleman*, who address'd himself to Father *Ferrier*, (by the forementioned Knight) and entirely agreed to his most Christian Majesty, as well to what had respect to the Union of our Interests, as the Unusefulness of my Lord *Arlington*, and the Parliament, in order to the Service of the King my Brother, and his most Christian Majesty; and that it was necessary to make use of our joint and utmost Credits, to prevent the Success of those evil Designs, resolved on by the Lord *Arlington* and the Parliament, against his most Christian Majesty and my Self; which, of my Side, I promise really to perform; of which, since that time, I have given reasonable good Proof.

Moreover I made some Proposals, which I thought necessary to bring to pass what we were obliged to undertake, assuring him, That nothing could so firmly establish our Interest with the King my Brother, as that very same Offer of the Help of his Purse, by which means I had much reason to hope I should be enabled to persuade to the Dissolving of the Parliament, and to make void the Designs of my Lord *Arlington*, who works incessantly to advance the Interest of the Prince of *Orange* and the *Hollanders*, and to lessen that of the King your Master, notwithstanding all the Protestations he hath made to this Hour, to render him Service.

But as that, which was proposed, was at a Stand by reason of the Sicknes of Father *Ferrier*, so our Affairs succeeded not according to our Designs, only Father *Ferrier* wrote to me, the 15th of the last Month, That he had communicated those Propositions to his most Christian Majesty, and that they had been very well lik'd of; but as they contained things that had regard to the Catholick Religion, and to the Offer and Use of his Purse, he gave me to understand he did not desire I should treat with M. *Rouvigny* upon the First, but as to the Last, and had the same time acquainted me, that M. *Rouvigny* had order to grant me whatsoever the Conjunction of our Affairs did require; and have expected the Effects of it to this very Hour: But nothing being done in it, and seeing on the other hand that my Lord *Arlington* and several others endeavoured by a thousand Deceits to break the good Intelligence, which is between the King my Brother, his most Christian Majesty, and my Self, to the end they might deceive us all Three, I have thought fit to advertise you of all that is past, and desire of you your Assistance and Friendship to prevent the Rogueries of those, who have no other Design than to betray the Concerns of *France*, and *England* also, and who by their pretended Service, are the occasion they succeed not.

‘ As to any thing more, I refer you to Sir
‘ *William Throckmorton*, and *Coleman*, whom I
‘ have commanded to give an Account of the
‘ whole State of our Affair, and of the true
‘ Condition of *England*, with many others,
‘ and principally my Lord *Arlington’s* Endeavours,
‘ to represent to you quit otherwise than
‘ it is.

‘ The Two first I mentioned to you are firm
‘ to my Interest, so that you may treat with them
‘ without any Apprehension.

Serj. Maynard. Gentlemen of the Jury, pray observe that he takes upon him to prepare a Letter, and that in the Duke’s Name, but contrary to the Duke’s Knowledge or Privacy; for when he had so much Boldness as to tell him of it, the Duke was angry, and rejected it. But in it we may see what kind of Passages there are, he takes very much upon him in this Matter. And Mr. *Coleman* must keep the Secret too.

Att. Gen. My Lord, I have but one Paper more to read, and I have kept it till the last; because if we had proved nothing by Witnesses, or not read any thing but this, this one Letter is sufficient to maintain the Charge against him: It plainly appears to whom it was directed, and at what time. It begins thus, (*I sent your Reverence a tedious long Letter on our 29th of September.*) I only mention this, to shew about what time it was sent. There are some Clauses in it will speak better than I can. *Sir Tho. Dolman* and *Sir Philip Floyd* swear he hath confessed and owned it to be his Hand-writing. I desire the Letter may be read.

Clerk of the Crown reads the Letter.

S I R,

I Sent your Reverence a tedious long Letter on our 29th of September, to inform you of the Progress of Affairs for these two or three last Years; I having now again the Opportunity of a very sure Hand to convey this by, I have sent you a Cypher, because our Parliament now drawing on, I may possibly have occasion to send you something which you may be willing enough to know, and may be necessary for us that you should, when we may want the Conveniency of a Messenger. When any thing occurs of more Concern other than which may not be fit to be trusted even to a Cypher alone, I will, to make such a thing more secure, write in Lemmon between the Lines of a Letter, which shall have nothing in it visible, but what I care not who sees, but dried by a warm Fire, shall discover what is written; so that if the Letter comes to your Hands, and upon drying it, any thing appears more than did before, you may be sure no Body has seen it by the way. I will not trouble you with that way of Writing, but upon special Occasions, and then I will give you a Hint to direct you to look for it, by concluding my visible Letter with something of Fire, or Burning, by which Mark you may please to know, that there is something underneath, and how my Letter is to be used to find it out.

We have here a mighty Work upon our Hands no less than the Conversion of three Kingdoms, and by that perhaps the utter subduing of a Pestilent Heresy, which has domineered over great Part of

this Northern World a long time; there were never such Hopes of Success since the Death of our Queen Mary, as now in our Days. When God has given us a Prince, who is become (may I say a Miracle) zealous of being the Author and Instrument of so glorious a Work; but the Opposition we are sure to meet with, is also like to be great: So that it imports us to get all the Aid and Assistance we can, for *the Harvest is great, and the Labourers but few.* That which we rely upon most, next to God Almighty’s Providence, and the Favour of my Master the Duke, is the mighty Mind of his most Christian Majesty, whose generous Soul inclines him to great Undertakings, which being managed by your Reverence’s exemplary Piety and Prudence, will certainly make him look upon this as most suitable to himself, and best becoming his Power and Thoughts; so that I hope you will pardon me, if I be very troublesome to you upon this Occasion, from whom I expect the greatest Help we can hope for. I must confess I think His Christian Majesty’s Temporal Interest is so much attracted to that of his R. H. (which can never be considerable, but upon the Growth and Advancement of the Catholick Religion) that his Ministers cannot give him better Advice, even in a Politick Sense, abstracting from the Considerations of the next World, that of our Blessed Lord, *to seek first the Kingdom of Heaven, and the Righteousness thereof, that all other Things may be added unto him.* That I know his most Christian Majesty has more powerful Motives suggested to him by his own Devotion, and your Reverence’s Zeal for God’s Glory, to engage him to afford us the best Help he can in our present Circumstances. But we are a little unhappy in this, that we cannot press his Majesty by his present Minister here upon these latter Arguments (which are most strong) but only upon the First, Mr. *Rouvigny’s* Sense and ours differing very much upon them, though we agree perfectly upon the rest: And, indeed, though he be a very able Man, as to his Master’s Service, in things where Religion is not concerned; yet I believe it were much more happy, (considering the Posture he is now in) that his Temper were of such a sort, that we might deal clearly with him throughout, and not be forc’d to stop short in a Discourse of Consequence, and leave the most material Part out, because we know it will shock his particular Opinion, and so perhaps meet with Dislike and Opposition, though never so necessary to the main Concern. I am afraid we shall find too much Reason for this Complaint in this next Session of Parliament: For had we had one here from his most Christian Majesty, who had taken the whole Business to Heart, and who would have represented the State of our Case truly, as it is, to his Master, I do not doubt but his most Christian Majesty would have engaged himself further in the Affair than at present I fear he has done, and by his Approbation have given such Counsels as have been offered to his R. H. by those few Catholicks who have Access to him, and who are bent to serve him and advance the Catholick Religion with all their Might, and might have more Credit with his R. H. than I fear they have found, and have assisted them also with his Purse as far as 10000 Crowns, or some such Sum (which to him is very inconsiderable, but would have

have been to them of greater Use than can be imagined) towards gaining others to help them, or at least not to oppose them. If we had been so happy as to have had his most Christian Majesty with us to this degree, I would have answered with my Life for such Success this Sessions, as would have put the Interest of the Catholick Religion, his R. H. and his most Christian Majesty, out of all Danger for the time to come. But wanting those Helps of recommending those necessary Counsels, which have been given his R. H. in such manner as to make him think them worth his accepting, and fit to govern himself by, and of those Advantages, which a little Money, well managed, would have gained us; I am afraid we shall not be much better at the end of this Sessions than we are now. I pray God we do not lose Ground. By my next, which will be ere-long, I shall be able to tell your Reverence more particularly, what we are like to expect. In the mean time I most humbly beg your Holy Prayers for all our Undertakings, and that you will be pleased to honour me so far as to esteem me what I am entirely, and without any Reserve,

Mon tres Reverend Pere, le votre R.

Le plus humble plus obeissant Serviteur.

[Several other Letters were read, but because of Prolixity they are omitted, these being most material.]

Att. Gen. I have done with my Evidence; we need no more Proof against him.

Pris. My Lord, I would, if your Lordship please, very fain ask of Mr. Oates (because he was pleased to say he was present with me in *May* or *April*) whether he knows the particular Days of the Months.

[Here Mr. Oates (who being tired, withdrew to rest himself) was called, and the Prisoner was asked, whether he would speak with Bedloe, but he desired not to speak with him.]

Mr. Oates. The Consult that was held in *May* New-stile, is *April* Old-stile, it was within a Day, or two, or three of the Consult.

Pris. Where was the Consult?

Mr. Oates. It was begun at the *White-Horse* Tavern, then they did adjourn it to several Clubs and Companies, and you came two or three Days after the Consult to the Provincial's Chamber, we then desiring to go out of Town.

Pris. Was you there, and who else?

Mr. Oates. There was the Provincial, and *Micho*, and *Strange* the old Provincial, and *Keins* your Companion.

Pris. What Day of *August* was that at the *Savoy*?

Mr. Oates. I cannot swear the particular Day of the Month, I cannot so far charge my Memory.

The Result at the Consult in *May* was, that *Pickering* and *Groves* should go on in their Attempt to Assassinate the Person of His Majesty by Shooting, or otherwise. *Mr. Coleman* knew of this, and said, it was a good Design.

L. C. J. Who was there? Was *Mr. Coleman* with them at the Consultation?

Mr. Oates. No, my Lord, but two or three Days after the Consultation, he was at *Wild-House*, and there he expressed that he approved of it.

L. C. J. Did he consent to it?

Mr. Oates. He did consent to it.

Just. Wild. Did he use no Words about it?

Mr. Oates. He did shew his Approbation of it. But in those Instructions that were brought to *Ashby*, he did say it was a very good Proposition, but he thought the Reward was too little.

L. C. J. Did he use any Words to declare his Assent?

Mr. Oates. Two Things lie couched in the Question, whether your Lordship means the Consult, or the Instructions, he did approve of.

L. C. J. How long after the Consultation was it that he approved of it?

Mr. Oates. It was two or three Days before he did give his Approbation.

Just. Wild. What Words did he say?

Mr. Oates. He did express his Consent, but to say the very Words, I cannot tell.

L. C. J. Will you ask him any more?

Pris. I would know the Day in *August*?

L. C. J. He saith he doth not remember the Day.

Mr. Oates. I believe, I will not be positive in it, it was about the 21st Day of *August*.

Just. Wild. and *Just. Jones.* Was it in *August* Old-stile?

Oates. Yes.

Pris. I can prove I was in *Warwickshire* at that time. That Day he guesseth, the 21st of *August*, I can make it appear I was Four-score Miles off.

L. C. J. You will do well to prove you was there when the Guinea was given. Will you ask him any more?

Pris. No.

L. C. J. You may say as you will, but *Mr. Oates* doth charge, that expressly in *August* (according to the *English* Stile) you were at this *Wild-House*, and that he saw Four-score Pounds prepared. You, *Mr. Coleman*, asked the Question, what Preparations were made for the Men going to *Windsor*? It was answered, Four-score Pounds are prepared: And your self gave a Guinea for Expedition. It is a hard Matter to press a Man to tell the precise Day of the Month, but positively he doth say it was in *August*.

Pris. I was Two and Twenty or Three and Twenty Days in *August*, in *Warwickshire*.

L. C. J. What have you now more to say?

Pris. My Lord, I never saw *Mr. Oates* but in the Council-Chamber, I never saw him in *Rome*, in other Parts I never saw the Face of him, or knew him in my whole Life; nor did I see the other till now in Court, as I hope to be saved. And then, my Lord, as to their Testimony, neither of them swear the self-same Fact.

L. C. J. No Man shall be guilty, if Denial shall make him innocent; They swear to the Fact of killing the King both of them, and that's enough. If one saith you have a Plot to Poison, that is killing the King; and the other swears a Plot to shoot, or stab him, that is to the killing of the King also: Then there's your own Undertaking, in your Letter, under your Hand.

Pris. For Treason (with Submission to your Lordship) I hope there's none in that, though there

there are very extravagant Expressions in it. I hope some Expressions explain it, that it was not my Design to kill the King.

L. C. J. No, your Design was for the Conversion of three Kingdoms, and subduing of that Heresy that had reigned so long in this Northern part of the World: And for effecting whereof, *there were never more hopes since our Queen Mary's time till now*, and therefore pressing the King of *France* to use his Power, Aid, and Assistance; and does this signify nothing?

Pris. Doth Aid and Assistance signify more than Money? The word *Aid* in *French* is Power; they are promiscuous words.

L. C. J. You are Charged to have had a Correspondency and Agency with Foreign Power to subvert our Religion, and bring in Foreign Authority and Power upon us, which must be the necessary Consequence: How can this be proved plainer than by your Letters, to press the *French* King that he would use his Power?

Pris. Consider the Contexture and Connection of things, whether the whole series be not to make the King and the Duke (as far as I thought in my power) as great as could be.

L. C. J. How well or ill you excuse the fault, that's not the Question; they relate to the Duke most of them, little to the King. You were carrying on such a Design, that you intended to put the Duke in the Head of, in such method and ways as the Duke himself would not approve, but rejected.

Pris. Do not think I would throw any thing upon the Duke. Though I might (in the beginning of it) possibly make use of the Duke's Name, it is possible (they say I did) but can any imagine the People will lay down Money 200000*l.* or 20000*l.* with me upon the Duke's Name, and not know whether the Duke be in it; and consequently no Body will imagine the Duke would ever employ any sum to this King's prejudice or disservice while he lived. I take it for granted (which sure none in the World will deny) that the Law was ever made immediately subject to the King or Duke, and consequently to the Duke, I cannot think this will ever be expounded by the Law of *England*, or the Jury, to be Treason.

L. C. J. What a kind of way and talking is this? You have such a swimming way of melting words, that it is a troublesome thing for a Man to collect matter out of them. You give your self up to be a great Negotiator in the altering of Kingdoms, you would be great with mighty Men for that purpose; and your long Discourses and great Abilities might have been spared. The thing these Letters do seem to import, is this, That your Design was to bring in Popery into *England*, and to promote the interest of the *French* King in this place, for which you hoped to have a Pension (that's plain.) The Duke's Name is often mentioned, that's true; sometimes it appears it is against his will, and sometimes he might know of it, and be told that the consequence was not great. Now say you these Sums of Money and all that was done, it did relate to the King or Duke, and it was to advance their Interest, and you thought it was the way to do it. How can this advance them, unless it were done to do them service?

and if they do not consent to it, and how can this be Treason, what kind of stuff is this? You do seem to be a mighty Agent, might not you for a colour use the Duke of *York's* Name to drive on the Catholick Cause, which you was driven to by the Priests mightily, and think to get 200000*l.* advance Money, and a Pension for your self, and make your self somebody for the present, and Secretary of State for the future? If you will make any defence for your self, or call in Witnesses, we will hear them: say what you can; for these vain inconsequential discourses signify nothing.

Pris. I have Witnesses to prove I was in *Warwickshire*.

L. C. J. (to Boatman a Witness.) Where was Mr. Coleman in August last?

Boatm. In *Warwickshire*.

L. C. J. How long?

Boatm. All August, to my best remembrance.

L. C. J. Can you say that he was in *Warwickshire* all August? that he was not at *London*?

Boatm. I am not certain what time of the Month he was in *London*.

L. C. J. That he was there in August, may be very true; I do not ask how long he was in *Warwickshire*, but was he no where else? (To which the Witness could make no positive answer.)

Pris. I was at the Lord *Denby's*, and at Mr. *Francis Fisher's*; I was there at least twenty days.

L. C. J. Have you any more Witnesses?

Pris. Ans. None.

L. C. J. If you have a mind to say any thing more, say what you can.

Pris. I can say nothing more than what I have said. Positively I say (and upon my Salvation) I never saw these Witnesses, *Oates* but once, and *Bedlow* never before.

Mr. * *Sol. Gen.*

* *Sir Francis Winnington.*

May it please Your Lordship, and you Gentlemen of the Jury,

THE Cause before you (I dare adventure to say) is a Cause of as great a Nature, and includes as great Crimes, as ever came to this Bar.

It is not a Cause of a particular Treason, but 'tis a Treason that runs to the whole; the King, the Government, and the Protestant Religion, all are comprehended in it.

The Defence the Prisoner has made is so very short, and of so slight a Nature, that I shall contract my self very much in what I had to say, and only state to the Court, and Jury, the principal things I rely upon.

The first Crime laid in the Indictment, is the design of killing and destroying the Royal Person of his Majesty. The second, the subverting of the Government, and in doing that, the destruction of the Protestant Religion.

And these Treasons have been punctually proved, as well by two Witnesses, as by Letters under Mr. *Coleman's* own Hand, whereby he corresponded with Monsieur *le Chaise*, the *French* King's Confessor, as also by the Answers which were sent by Monsieur *le Chaise* to Mr. *Coleman*.

As to the Proofs made by the Witnesses, the Substance of them is this. Mr. *Oates* swears, that

that in *April* last *Old Stile*, and *May New Stile*, there was a General Consult or Meeting of the *Jesuits*, at the *White-Horse-Tavern* in the *Strand*; and afterwards they divided themselves into several Companies, or Clubs; and in those Consults they conspired the Death of the King; and contrived how to effect it. The manner of it was thus, (as Mr. *Oates* positively swears) That *Grove* and *Pickering* were employed to Murder the King; and their Design was to Pistol him in *St. James's Park*. *Grove* was to have Fifteen Hundred Pounds in Money, and *Pickering* (being a Priest) was to have Thirty Thousand Masses, which was computed to be of equal value to Fifteen Hundred Pounds, according to the usual price in the Church of *Rome*. And this Conspiracy and Contrivance Mr. *Coleman* was privy to, and did well approve of the same, as Mr. *Oates* affirmeth upon his Oath. So that here is a plain Treason proved upon the Prisoner, by his assenting to the Fact to be done, the Law not allowing any Accessories in Treason. And this in Law makes the Prisoner as guilty as any of the Assassins, who designed to kill the King with their own Hands.

If this Design should fail, Mr. *Oates* swears, that the Conspirators intended a further attempt upon the Royal Person of the King, when he should be at *Windsor*; and four *Irish Assassins* were provided by Doctor *Fogarty*, whose Names he would not tell, and fourscore Guineas were provided by Father *Harcourt* (a *Jesuit*) to maintain the Assassins at *Windsor*, till they should have effected their wicked design.

While the Conspiracy was thus in agitation, Mr. *Coleman*, the Prisoner, went to visit *Harcourt* the *Jesuit* at his House in Town; but finding him not at home, and being informed that he was at *Wild-House*, Mr. *Coleman* went thither and found him there; and Mr. *Coleman* asking what Provision *Harcourt* had made for the Gentlemen at *Windsor*; *Harcourt* replied, that there were fourscore Guineas, which then lay upon the Table, which were to be sent to them; and said, that the Person who was in the Room was to carry them. To which Mr. *Coleman* replied, he liked it very well; and gave a Guinea out of his own Pocket to the Messenger who was to carry the Money to *Windsor*, to encourage him to expedite the Business. But in case the design of killing his Majesty at *Windsor* should be any ways prevented, then there was a further Conspiracy, to destroy the King by Poison. Mr. *Oates* swears, that in *July* last, *Asbby* (a *Jesuit*) brought instructions to *London* from *Flanders*, that in case *Pickering* and *Grove* could not kill the King at *London*, nor the four *Irish Assassins* at *Windsor*, then Ten Thousand Pounds was to be proposed to Sir *George Wakeman* to Poison the King. But it did appear by the Letters that passed between *White* the Provincial (here in *London*) and *Asbby*, that Mr. *Coleman* said, he thought Ten Thousand Pounds was too little; and therefore thought it necessary to offer five Thousand Pounds more, which afterwards was assented to by the *Jesuits* abroad. And Mr. *Oates* swears, he saw Letters from the Provincial at *London*, to the *Jesuits* at *St. Omers*, signifying, that Sir *George Wakeman* had accepted of the Proposition, and received five Thousand Pounds of the Money. By which

Testimony of Mr. *Oates*, it plainly appears, that Mr. *Coleman*, the Prisoner at the Bar, was privy to the Conspiracy, and aiding and abetting to the wicked and damnable design of murdering the King.

The second Witness is Mr. *Bedlow*, who swears that he was employed by *Harcourt*, the *Jesuit*, to carry Pacquets of Letters to Monsieur *le Chaise*, the *French King's* Confessor; and further says, he was at a Consult in *France*, where the Plot was discoursed on for killing the King; and did bring back an answer from *le Chaise* to *Harcourt* in *London*, and swears particularly, that on the 24th or 25th of *May*, 1677, he was at *Coleman's* House with Father *Harcourt*, and some other Persons, where Mr. *Coleman*, discoursing of the great design in Hand, said these Words following, *That if he had a Sea of Blood, and an hundred Lives, he would lose them all to carry on the design; and if to effect this, it were necessary to destroy an hundred Heretick Kings, he would do it.* So that here is another positive Oath to an Act of Treason committed by Mr. *Coleman*, in relation to the murdering the King.

The other part of the Evidence consists of Papers and Letters, which generally relate to prove the latter part of the Indictment; to wit, The Extirpation of the Protestant Religion, and introducing of Popery, and the subverting of the Government. And this appears by a Letter written by Mr. *Coleman*, dated 29 *Septem.* 75 and sent to Monsieur *le Chaise*, the *French King's* Confessor; wherein he gives him an account of the Transactions of several Years before, and of the Correspondence between Mr. *Coleman* and Monsieur *Ferrier*, Predecessor to *le Chaise*; wherein he does also assert, that the true way to carry on the Interest of *France*, and the promoting of the *Popish* Religion here in *England*, was to get this Parliament dissolved; which (says he) had been long since effected, if three Hundred Thousand Pounds could have been obtained from the *French King*; and that things yet were in such a posture, that if he had but Twenty Thousand Pounds sent him from *France*, he would be content to be a Sacrifice to the utmost malice of his Enemies, if the Protestant Religion did not receive such a Blow as it could not subsist. And the receipt of this Letter was acknowledged by Monsieur *le Chaise*, in an answer which he wrote to Mr. *Coleman*, dated from *Paris* *October* 23. 75. in which he gives him thanks for his good Service, in order to the promoting the *Popish* Religion.

Several others Letters have been produced and read, which were written by Mr. *Coleman* to Monsieur *Ferrier* and others, and more particularly one Letter dated *August* 21. 74. written by *Coleman* to the Pope's Internuncio at *Brussels*, wherein he says the Design prospered so well, that he doubted not but in a little time the Business would be managed, to the utter ruin of the Protestant Party.

And by other Letters he writes to the *French King's* Confessor that the assistance of his most Christian Majesty is necessary, and desires Money from the *French King* to carry on the Design.

But there is one Letter, without Date, more Bloody than all the rest, which was written to Monsieur *le Chaise* in some short time after the
long

long Letter of September 29, 1675, wherein, amongst many other things, Coleman expresses himself thus: *We have a mighty Work upon our Hands, no less than the Conversion of three Kingdoms, and the utter subduing of a Pestilent Heresy, which hath for some time dominic'd over this Northern part of the World; and we never had so great hopes of it since our Queen Mary's Days.* And in the Conclusion of the Letter he implores Monsieur le Chaise to get all the Aid and Assistance he can from France, and that next to God Almighty, they did rely upon the mighty mind of his most Christian Majesty, and therefore did hope le Chaise would procure Money and Assistance from him.

Now any Man that considers the Contents of these Letters, must needs agree that the latter part of the Indictment, to wit, the Treason of endeavouring the Subverting the Government and the Protestant Religion, is fully proved upon Mr. Coleman, the Prisoner at the Bar; and that these Letters were written by him, and the Answers received, he does not deny. But all he has to say for himself, is, that it was to make the King of England great; whereas the contrary is most manifest, because the Jesuits, who love Force and Tyranny, always adhere to those Princes that are greatest in Strength and Power. For it appears in History, that when the House of Austria were in their Greatness, and like to arrive to the Universal Monarchy in these parts of the World, the Jesuits all adhered to that House: But since the French King hath grown more mighty in Power and Greatness, they declined the Interest of the Austrian Family, and do now promote the Counsels of France, thinking that now that King will become the Universal Monarch.

I shall therefore now conclude the Evidence, only observing to the Jury, that the several Treasons in the Indictment are fully proved. The first, as to the Destruction of the Royal Person of the King, by two Witnesses, Mr. Oates, and Mr. Bedlow; the other part of it, viz. the Subversion of the Government, and Extirpation of the Protestant Religion, by the several Letters which have been before remembred, which have not been denied by the Prisoner to be his. Therefore I hope, Gentlemen, when you meet with Offenders that are guilty of such stupendous Crimes, you will do Justice upon them, which will be great Comfort and Satisfaction to the King and all his good Protestant Subjects.

Serj. Pembert. Gentlemen, you hear the Crime is of the highest Nature, it's the Subversion of three Kingdoms, and the subduing of that Religion which he defames by the Name of Pestilent Heresy. It concerns us all to look about us, and all the Kingdom, when there shall be a Design managed in this manner, to destroy our King, and to take away our Religion, and to enslave us all to the Pope, and make us all truckle to the Priests.

It is wonderful it is capable (at this Day) of so great Evidence, there is *Digitus Dei* in it, or else it would be impossible such a thing should be made so manifest: All the rest that is said in the Indictment are but Circumstances that declare it: There is a strong Evidence of many Matters of Fact in this Design, which declare the Intention hatched in his Breast for many

Years together: Here hath been a Design to kill the King, and he doth not only consent to it, but commend it; what can be said to his giving the Money to him that was to pay the fourscore pieces of Gold to those Russians sent to Windsor? and adding 5000*l.* to the 10000*l.* for the Doctor that was to poison the King? He denies all.

No question but a Man that hath had a Heart to design such Contrivances, will have the Face to deny it publickly: It's a thing to be acted in the dark: But there's both Mr. Oates and Mr. Bedlow, plainly prove it upon him that he consented to the acting the King's Death. What's the Sense of his Letters, but to shew his design, and to beg the Assistance of France to them in their necessities? the whole Current is to destroy our Religion. I think you Gentlemen of the Jury have had such Evidence as will satisfy any Man.

Pris. I deny all Mr. Oates his Testimony, for his saying to the Council he did not know me because he could not see me, when I was as near as the next Gentleman but one, but knew me when I spake, and I spoke to almost all the matters asked. He accuseth me of a thing in August, but names not the Day: Now if there be one Error in his Testimony it weakens all the rest. I went out of Town the 10th of August, it was the latter end I came home, about the middle of Bartholomew Fair, the last Day of August.

L. C. J. Have you any Witness to prove that?

Pris. I cannot say I have a Witness.

L. C. J. Then you say nothing.

Pris. People cannot speak to a day, to a thing they neither imagined or thought of.

L. C. J. I ask your Servant, do you know when Mr. Coleman went out of Town?

Coleman's Serv. In August, I cannot say particularly the day.

L. C. J. Do you know when he came home?

Serv. I cannot remember.

Just. Wild. Where was you the last Bartholomew-day?

Serv. I was in Town.

Just. Wild. Where was your Master?

Serv. I do not remember.

L. C. J. You say you went out of Town the 10th, and came home the last of August; you say it is impossible that he should say right, but yet you do not prove it.

Pris. I have no more to say, but I entered down all my Expences every day in a Book, which Book will shew where I was.

L. C. J. Where is your Book?

Pris. At my Lodgings in Vere-Street by Covent-Garden; in a Trunk that came by the Carrier, that will shew when they were sent.

L. C. J. If the Cause did turn upon that matter, I would be well content to sit until the Book was brought, but I doubt the Cause will not stand upon that Foot, but if that were the Case it would do you little good.

Observe what I say to the Jury.

My Lord Chief Justice his Speech to the Jury upon his summing up of the Evidence.

Gentlemen of the Jury; My Care at this time shall be to contract this very long Evidence, and to bring it within a short compass, that you may have nothing before you to consider

der of, as near as I can, but what is really material to the Acquitting or Condemning of Mr. *Coleman*.

The things he is Accused of are of two sorts; the one is, to subvert the Protestant Religion and to introduce Popery: the other was to destroy and kill the King. The Evidence likewise was of two sorts; The one by Letters of his own hand-writing, and the other by Witnesses *Viva voce*. The former he seems to confess, the other totally to deny.

For that he confesseth, he does not seem to insist upon it, that the Letters were not his, he seems to admit they were; And he rather makes his Defence by expounding what the meaning of these Letters were, than by denying himself to be the Author.

I would have you take me right, when I say he doth admit; he doth not admit the Construction, that the King's Council here makes upon them; but he admits that these Letters were his. He admits it so far, that he does not deny them. So that you are to Examine what these Letters import in themselves, and what Consequences are naturally to be deduced from them.

That which is plainly intended, is to bring in the *Roman Catholick*, and to subvert the *Protestant Religion*. That which is by Consequence intended, was the Killing the King, as being the most likely means to introduce *That*, which, as 'tis apparent by his Letters, was designed to be brought in.

For the First part of the Evidence. All his Great long Letter that he wrote, was to give the present Confessor of the *French King* an Account of what had passed between him and his Predecessor; By which Agency, you may see that Mr. *Coleman* was In with the former Confessor.

And when he comes to give an Account of the three Years Transactions to this present Confessor, and to begin a Correspondence with him, About what is it? Why, the substance of the Heads of the long Letter comes to this. It was to bring in the *Catholick* as he call'd it, (that is) the *Romish Catholick Religion*, and to establish that here; and to advance an Interest for the *French King*, be that Interest what it will.

It's true his Letters do not express what sort of Interest, neither will I determine: but they say it was to promote the *French King's* Interest, which Mr. *Coleman* would expound in some such sort, as may consist with the King of *England's*, and the Duke of *York's* Interest. But this is certain, it was to subvert our Religion, as it is now by Law established. This was the great end thereof, it cannot be denied: To promote the Interest (I say) of the *French King*, and to gain to himself a Pension as a reward of his Service, is the Contents of his First long Letter, and one or two more concerning that Pension.

His last Letters expound more plainly what was meant by the *French King's* Interest. *We are* (saith he) *about a great work, no less than the Conversion of three Kingdoms, and the total and utter subversion and subduing of that pestilent Heresy* (that is the Protestant Religion) *which hath reigned so long in this Northern part of the World; and for the doing of which, there never was such great hopes since our Queen Mary's Days, as at this time.*

Now this plainly shews, that our Religion

was to be subverted, Popery established, and the three Kingdoms to be converted; that is indeed, to be brought to confusion.

For I say, that when our Religion is to be subverted, the Nation is to be subverted and destroyed, that is most apparent: For there could be no hope of subverting or destroying the Protestant Religion, but by a *Subversion* not *Conversion* of the three Kingdoms.

How was it to be done otherwise? Why, I would have brought this Religion in (says he) by dissolving of the Parliament. I would have brought it in by an Edict and Proclamation of Liberty of Conscience. In these ways I would have brought it in.

Mr. *Coleman* knows it is not fit for him to own the introducing of his Religion by the Murder of the King, or by a Foreign Force. The one was too *black* and the other too *bloody*, to be owned. And few People (especially the *English*) will be brought to save their Lives (as he may do his) by confession of so bloody and barbarous a thing, as an intention to Kill the King, or of Levying a War; which, though it be not a *Particular*, is a *General Murder*. I say, it was not convenient for Mr. *Coleman*, when he seems to speak something for himself, to give such an Account, how he would have done it; Therefore he tells us, he would have done it by the dissolving of the Parliament and by Toleration of Religion. Now I would very fain know of any Man in the World, whether this was not a very fine and artificial covering of his design for the Subversion of our Religion?

Pray, how can any Man think, that the Dissolving of the Parliament could have such a mighty influence to that purpose? It is true, he might imagine it might in some sort contribute towards it: Yet it is so doubtful, that he himself mistrusts it. For he is sometimes for the Dissolving of the Parliament, and other times not, as appears by his own Papers: For which we are not beholden to him, so much as for any one, more than what were found by accident, and produced to the King and Council. But in truth, why should Mr. *Coleman* believe that another Parliament (if this Parliament were Dissolved) should comply with Popery? That is to say, That there should be great hopes of bringing in of Popery by a new Parliament? Unless he can give me a good reason for this, I shall hold it as insignificant and as unlikely to have that effect, as his other way by a General Toleration.

And therefore next, Upon what ground does he presume this? I do assure you, that Man does not understand the Inclinations of the *English* People, or knows their Tempers, that thinks, if they were left to themselves and had their Liberty, they would turn Papists.

It's true, there are some amongst us that have so little Wit as to turn Fanaticks, but there is hardly any, but have much more Wit than to turn Papists. These are therefore the Counterfeit pretensions of Mr. *Coleman*.

Now if not by these means, In what way truly did he intend to bring in Popery? Why his own Letters plainly convict him of one step towards it, in endeavouring with Foreign Powers to bring in that Religion, and to Subvert ours. And for the other way of doing it, by killing the King; I leave it to you whether

there

there were any more probable way than that indeed to do it.

And could he think, that the *French* King would not have thought himself cozened of his Money, if he had not given him hopes that he would use the most probable Methods that he could, to effect his Design?

Therefore there must be more in it; for he that was so earnest for that Religion, would not have stuck at any Violence to bring it in; he would not have stuck at Blood. For we know their Doctrines and their Practices, and we know well, with what Zeal the Priests push them forward to venture their own Lives, and to take away other Mens, that differ from them, to bring in their Religion, and to set up themselves. For indeed in the Kingdoms and Countries where Popery reigns, the Priests have Dominion over Mens Consciences, and Power over their Purses. And they use all Arts imaginable of making Profelytes, and take special Care, that those in their Communion shall know no more than the Priests shall give them leave to understand. And for this Reason they prohibit the use of all Books without their Licence. This blind Obedience begets blind Ignorance, and this is a great subtilty of theirs to keep them in it, that they may perfectly submit to them.

What cannot they Command, when they have made others slaves in their Understandings, and that they must know no more, than what they give them leave to know? But in *England* it is not so, Mr. *Coleman*; and therein you would have found a great disappointment. For if Liberty of Conscience had been tolerated here, that the Consequence of it would have been Popery, I deny.

Nothing is more unlikely; for though in the short Reign of *Queen Mary*, Popery came in for some time, which was but for a little time, and then the People were not so well grounded in the Protestant Religion, nor in the Principles of it: But now they are, Infomuch, that scarce a Cobler but is able to baffle any *Roman* Priest that ever I saw or met with.

And Thanks be to God we have a Preaching Ministry, and the free use of the Scriptures allowed amongst us, which they are not permitted to have.

And after this I wonder, that a Man, who hath been bred up in the Protestant Religion (as I have Reason to believe that you Mr. *Coleman* have been) for (if I am not misinformed) your Father was a Minister in *Suffolk*; For such an one to depart from it, is an Evidence against you, to prove the Indictment. I must make a Difference between Us, and Those who have been always educated that way, and so are under the prepossession of their Education, which is a difficult thing to be overcome.

And I do assure you, there are but two things, that I know of, can make one do it, Interest, or gross Ignorance.

No Man of Understanding, but for By-ends, would have left his Religion to be a Papist. And for you, Mr. *Coleman*, who are a Man of Reason and Subtilty, I must tell you (to bring this to your self) upon this account, that it could not be Conscience, I cannot think it to be Conscience. Your Pension was your Conscience, and your Secretary's place your Bait.

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For such Men (I say) as have been bred up in the Protestant Religion, and left it, I can hardly presume that they do it out of Conscience, unless they do it upon a mighty search, not leaning upon their own understanding and abilities, not hearing of one side alone.

Conscience is a tender thing, Conscience will tremble when it leaves the Religion it has been bred in, and its sincerity is shown by being fearful, lest it should be in the wrong. No Man may pretend to Conscience truly, that takes not all Courses imaginable to know the *Right*, before he lets his Religion slip from him.

Have we so soon forgot our Reverence to the late King, and the pious Advice he left us? A King that was truly A DEFENDER of the FAITH, not only by his Title, but by his Abilities and Writings. A King, who understood the Protestant Religion so well, that he was able to defend it against any of the Cardinals of *Rome*. And when he knew it so thoroughly, and died so eminently for it, I will leave this Characteristical Note, That whosoever after that departs from *His* Judgment, had need have a very good one of his own, to bear him out.

I do acknowledge, Many of the Popish Priests formerly, were learned Men, and may be so still, beyond the Seas: but I could never yet meet with any here, that had other Learning or Ability but Artificial only, to delude *weak* Women, and *weaker* Men.

They have, indeed, ways of Conversion, and Conviction, by Enlightning our Understandings with a Faggot, and by the powerful and irresistible Arguments of a Dagger: But these are such wicked Solecisms in their Religion, that they seem to have left them neither *Natural Sense*, nor *Natural Conscience*. Not *Natural Sense* by their Absurdity, in so an unreasonable a belief, as of the Wine turned into Blood: Not *Natural Conscience*, by their Cruelty, who make the Protestants Blood as Wine, and these Priests thirst after it.

Tantum Religio potuit suadere malorum?

Mr. *Coleman*, in one of his Letters, speaks of routing out *our Religion*, and *our Party*; And he is in the Right, for they can never root out the Protestant Religion, but they must kill the Protestants. But let him and them know, if ever they shall endeavour to bring Popery in, by destroying of the King, they shall find, that the Papists will thereby bring destruction upon themselves, so that not a Man of them would escape.

Ne Catulus quidem relinquendus.

Our Execution shall be as quick as their Gunpowder, but more effectual. And so, Gentlemen, I shall leave it to you, to consider, what his Letters prove him guilty of directly, and what by Consequence; What he plainly would have done, and then, how he would have done it; And whether you think his *Fiery Zeal* had so much *Cold Blood* in it, as to spare any others?

For the other part of the Evidence, which is by the Testimony of the present Witnesses, You

have heard them.—I will not detain you longer now, the Day is going out.

Mr. J. Jones. You must find the Prisoner Guilty, or bring in two Persons Perjured.

L. C. J. Gentlemen, If your Consultation shall be long, then you must lie by it all Night, and we'll take your Verdict to-morrow Morning. If it will not be long, I am content to stay a while.

Jury. My Lord, we shall be short.

J. Wyld. We do not speak to you to make more haste, or less, but to take a full Consultation, and your own time; There is the Death of a Man at the Stake, and make not too much haste. We do not speak it on that Account.

The Jury went from the Bar, and returned.

Court. Are you all agreed of your Verdict?

Jury. Yes.

Court. Who shall speak for you?

Jury. The Foreman.

Court. *Edward Coleman*, hold up thy Hand.

Court. Is *Edward Coleman* Guilty of the High Treason, whereof he stands Indicted, or Not Guilty?

Jury. Guilty, my Lord.

Court. What Goods, Chattels, &c.

Prisoner. You were pleased to say to the Jury, that they must either bring me in Guilty, or two Persons Perjured: I am a Dying Man, and upon my Death, and expectation of Salvation, declare, That I never saw these two Gentlemen, excepting *Mr. Oates*, but once in all my Life, and that was at the Council Table.

L. C. J. *Mr. Coleman*, Your own Papers are enough to condemn you.

Court. *Capt. Richardson*, You must bring *Mr. Coleman* hither again to-morrow Morning to receive his Sentence.

The Day following, being November the 28th, Mr. Coleman was brought to the Bar, to receive his Sentence, and the Court proceeded thereupon, as followeth.

L. C. J. ASK him what he can say for himself; Make Silence, Crier.

Cl. of Cr. Edward Coleman, Hold up thy Hand. Thou hast been Indicted of High Treason, thou hast thereunto Pleaded Not Guilty; thou hast put thy Self upon God and thy Country, which Country hath found thee Guilty; What canst thou say for thy Self, wherefore Judgment of Death should not be given against thee, and an Execution Awarded according to Law?

Mr. Coleman. May it please you, my Lord, I have this to say for my self; As for my Papers, I humbly hope, (setting aside Oral Testimony) that I should not have been found Guilty of any Crime in them, but what the Act of Grace would have pardoned, and I hope I shall have the Benefit of that: The Evidence against me, namely Oral, I do humbly beg that you would be pleased to give me a little time to shew you, how impossible it is that those Testimonies should be true; For that Testimony of *Mr. Oates* in *August*, my Man, that is now either in the Court or Hall, hath gotten a Book that is able to make it appear, that I was out of Town from the 15th of *August* to the 31st of *August* late at Night.

L. C. J. That will not do, *Mr. Coleman*.

Coleman. I do humbly offer this, for this Reason; because *Mr. Oates*, in all his other Evidences, was so punctual, as to distinguish between Old Stile and New, he never mist the Month, hardly the Week, and oftentimes put the very Day; for his Testimony that he gave against me, was, that it was the 21st of *August*.

L. C. J. He thought so, but he was not positive, but only as to the Month.

Coleman. He was certain it was the latter end of *August*, and that about *Bartholomew-tide*.

L. C. J. He conceived so, he thought so.

Coleman. Now if I was always out of Town from the 15th Day of *August*, to the 31st late at Night, it is then impossible, My Lord, That should be a true Testimony. Your Lordship was pleased to observe, that it would much enervate any Man's Testimony, if to the whole he could be proved false in any one thing. I have further in this matter to say, besides my Man's Testimony, the King hath, since I have been seized on, seized on my Papers and my Book of Accounts, where I used punctually to set down where I spent my Money; and if it doth not appear by that Book that I was all those Days and Times, and several other Days in *August*, to be out of Town, I desire no favour. You cannot suppose, my Lord, nor the World believe, that I prepared that Book for this purpose in this matter; and I can make it appear by others, if I had time; but I only offer this to your Lordship, that seeing *Mr. Oates* did name so many Particulars and Circumstances, it's very strange, that he should fail in a particular of such Importance as about killing the King; and no Man living of common Sense would think or believe that I should speak about such a thing in Company that I did not well know, and this to be done frequently and oftentimes, as he asserts it; when *Oates* seem'd to the King and Council (and I believe the King himself remembers it) when I was examined, that he did not know me, that he knew nothing of me, so that here is two things against this Witness that can hardly happen again.

My Circumstances are extraordinary, and it is a great Providence, and I think your Lordship and the whole World will look upon it as such, if for any Crimes that are in my Papers, if there be any Mercy to be showed me by the King's Gracious Act of Pardon, I humbly beg that I may have it.

L. C. J. None.

Colem. If none, I do humbly submit; but I do humbly hope with submission, that those Papers would not have been found Treasonable Papers.

L. C. J. Those Letters of yours, *Mr. Coleman*, were since the Act of Pardon; your Papers bear date 1674, 1675, and there hath been no Act since. But as for what you say concerning *Mr. Oates*, you say it in vain now, *Mr. Coleman*, for the Jury hath given in their Verdict, and it is not now to be said, for after that Rate we shall have no End of any Man's Trial; but for your satisfaction, *Mr. Coleman*, to the best of my remembrance, *Mr. Oates* was positive only as to the Month of *August*, he thought it might be about the 21st Day, or about *Bartholomew-Fair* time; but he was absolute in nothing but the Month.

Coleman.

Coleman. He was punctual in all his other Evidences, but in this he was not; and when I was examined at the Council Table, he said he knew little of me.

L. C. J. He charged you positively for having held Conspiracy to poison the King; and that there was Ten Thousand Pound to be paid for it, and afterwards there was Five Thousand Pound more to be added; and he positively charges you to be the Person that amongst all the Conspirators was reputed to pay the Five Thousand Pound.

Col. He said it after such a fashion.

L. C. J. He said it after such a fashion that Sir Robert Southwell and Sir Thomas Doleman satisfied us that he did the thing, and that plainly to his understanding; and what say you he said?

Col. That he did not know me.

L. C. J. Neither of them say so, that he said he did not know you, they deny it.

Col. He said so, upon my Death.

L. C. J. 'Tis in vain to dispute it further, there must be an End.

Crier, make O yes, Our Sovereign Lord the King doth straitly Charge and Command all Persons to keep Silence while Judgment is given upon the Prisoner Convict, upon pain of Imprisonment.

L. C. J. You are found Guilty, Mr. *Coleman*, of High-Treason, and the Crimes are several that you are found Guilty of. You are found Guilty of Conspiring the Death of the King; you are likewise found Guilty of endeavouring to subvert the Protestant Religion as it is by Law Established, and to bring in Popery, and this by the aid and assistance of Foreign Powers. And I would not have you, Mr. *Coleman*, in your last apprehension of things, to go out of the World with a Mistake, if I could help it; That is, I would not have you think, that though you only seem to disavow the matter of the Death of the King, that therefore you should think your self an Innocent Man. You are not Innocent, I am sure; for it is apparent by that which cannot deceive, that you are guilty of Contriving and Conspiring the Destruction of the Protestant Religion, and to bring in Popery, and that by the aid and assistance of foreign Powers, and this no Man can free you in the least from. And know, that if it should be true, that you would disavow, that you had not an actual hand in the Contrivance of the King's Death (which two Witnesses have sworn positively against you:) Yet he that will subvert the Protestant Religion here, and bring in consequently a Foreign Authority, does an Act in derogation of the Crown, and in Diminution of the King's Title and Sovereign Power, and endeavours to bring a Foreign Dominion both over our Consciences and Estates. And if any Man shall endeavour to subvert our Religion to bring in that, though he did not actually contrive to do it by the Death of the King, or it may be not by the Death of any one Man, yet whatsoever follows upon that Contrivance, he is Guilty of; Inasmuch, it is greatly to be fear'd, that though you meant only to bring it in by the way of Dissolving of Parliaments, or by Liberty of Conscience, and such kind of innocent ways as you thought, yet if so be those Means should not have proved Effectual, and worse should have been taken (though by others of your Con-

federates) for to go through with the work, as we have great reason to believe there would, you are Guilty of all that Blood that would have followed. But still you say you did not design that thing; but to tell you, he that doth a sinful and unlawful Act, must answer, and is liable both to God and Man, for all the Consequences that attend it, therefore I say you ought not to think your self innocent. 'Tis possible you may be penitent, and nothing remains but that. And as I think in your Church you allow of a thing called Attrition, if you cannot with our Church have Contrition, which is a Sorrow proceeding from Love, Pray make use of Attrition, which is a Sorrow arising from Fear. For you may assure your self, there are but a few Moments betwixt you and a vast Eternity, where will be no dallying, no arts to be used, therefore think on all the good you can do in this little space of time that is left you; all is little enough to wipe off (besides your private and secret offences) even your publick ones. I do know that Confession is very much owned in your Church, and you do well in it; but as your Offence is publick, so should your Confession be; and it will do you more service than all your Auricular Confessions. Were I in your case, there should be nothing at the bottom of my Heart that I would not disclose. Perchance you may be deluded with the fond hopes of having your Sentence respited. Trust not to it, Mr. *Coleman*. You may be flatter'd to stop your Mouth, till they have stopt your Breath, and I doubt you will find that to be the event. I think it becomes you as a Man, and as a Christian, to do all that is now in your Power, since you cannot be white, to make your self as clean as you can, and to fit your self for another World, where you will see how vain all resolutions of obstinacy of concealment, and all that sort of bravery which perhaps may be instill'd by some Men, will prove. They will not then serve to lessen, but they will add to your fault. It concerns Us no farther than for your own good, and do as God shall direct you, for the truth is, there are persuasions and inducements in your Church to such kind of Resolutions and such kind of Actions, which you are led into by false Principles and false Doctrines (and so you will find when you come once to experiment it, as shortly you will) that hardly the Religion of a *Turk* would own. But when Christians by any violent bloody Act attempt to propagate Religion, they abuse both their Disciples and Religion too, and change that way that Christ Himself taught us to follow him by. 'Twas not by Blood or Violence; by no single Man's undertaking to disturb and to alter Governments; To make hurly-burlies, and all the mischiefs that attend such things as these are.

For a Church to persuade Men even to the Committing of the highest Violences, under a pretence of doing God good service, looks not (in my Opinion) like Religion, but Design; like an Engine, not a Holy Institution; Artificial as a Clock, which follows not the Sun but the Setter; goes not according to the Bible but the Priest, whose Interpretations serve their particular ends, and those private advantages which True Religion would scorn, and Natural Religion it self would not endure. I have, Mr. *Coleman*, said thus much to you as you are a Christian,

ftian, and as I am one, and I do it out of great Charity and Compassion, and with great sense and sorrow that you should be misled to these great offences under pretence of Religion. But seeing you have but a little time, I would have you make use of it to your best advantage; for I tell you, that though Death may be talk'd of at a distance in a brave Heroick way, yet when a Man once comes to the Minute, Death is a very serious thing; then you will consider how trifling all Plots and Contrivances are, and to how little purpose is all your Concealments. I only offer these things to your thoughts, and perhaps they may better go down at such a time as this is than at another; and if they have no effect upon you, I hope they will have some as to my own particular, in that I have done my good-will. I do remember you once more, that in this matter you be not deluded with any fantastick hopes and expectations of a Pardon, for the Truth is, Mr. *Coleman*, you will be deceived; therefore set your Heart at Rest, for we are at this time in such Disorders, and the People so continually a'arm'd either with secret Murders, or some Outrages and Violences that are this day on foot, that though the King, who is full of Mercy almost to a fault, yet it he should be inclined that way, I verily believe both Houses would interpose between that and you. I speak this to shake off all vain hopes from you; for I tell you I verily believe they would not you should have any Twig to hold by to deceive you: so that now you may look upon it, there is nothing will save you, for you will assuredly die as now you live, and that very suddenly. In which I having discharged my Conscience to you as a Christian, I will now proceed to pronounce Sentence against you, and do my Duty as a Judge.

You shall return to Prison, from thence to be drawn to the place of Execution, where you shall be hanged by the Neck, and be cut down alive, your Bowels burnt before your Face, and your Quarters sever'd, and your Body disposed of as the King thinks fit; and so the Lord have Mercy upon your Soul.

Coleman. My Lord, I humbly thank your Lordship, and I do admire your Charity, that you would be pleased to give me this admirable Counsel, and I will follow it as well as I can, and I beg your Lordship, to hear me what I am going to say. Your Lordship, most Christian like, hath observed wisely, that Confession is extremely necessary to a dying Man, and I do so too; but that Confession your Lordship I suppose means, is of a guilty evil Conscience in any of these points that I am condemn'd for, *Of maliciously contriving, &c.* If I thought I had any such Guilt, I should assuredly think my self damn'd now I am going out of the World by concealing them, in spite of all Pardons or Indulgences, or any Act that the Pope or the Church of *Rome* could do for me, as I believe any one Article of Faith. Therefore pray hear the words of a dying Man, I have made a Resolution, I thank God, not to tell a Lye, no not a single Lye, not to save my Life. I hope God will not so far leave me as to let me do it; and I do renounce all manner of Mercy that God can shew me, if I have not told the House of Commons, or offer'd it to the House of Commons, all that

I know in my whole Heart toward this business; and I never in all my Life either made any Proposition, or received any Proposition, or knew or heard directly or indirectly of any Proposition towards the supplanting or invading the King's Life, Crown or Dignity, or to make any Invasion or Disturbance to introduce any New Government, or to bring in Popery by any Violence or Force in the World; if I have, my Lord, been mistaken in my method, as I will not say but I might have been; for if two Men differ, one must be mistaken; therefore possibly I might be of an Opinion, that Popery might come in if Liberty of Conscience had been granted; and perhaps all Christians are bound to with all People of that Religion that they profess themselves, if they are in earnest: I will not dispute those Ills that your Lordship may imagine to be in the Church of *Rome*; if I thought there was any in them I would be sure to be none of it. I have no design, my Lord, at all in Religion but to be Saved; and I had no manner of Invitation to invite me to the Church of *Rome*, no not one, but to be Saved; if I am out of the way, I am out of the way, as to the next World as well as this; I have nothing but a sincere Conscience, and I desire to follow it as I ought. I do confess I am guilty of many Crimes, and I am afraid all of us are guilty in some measure, of some Failings and Infirmities; but in matters of this nature that I now stand condemn'd for, though I do not at all complain of the Court; for I do confess I have had all the fair play imaginable, and I have nothing at all to say against it; but I say as to any one Act of mine, so far as Acts require Intention to make them Acts, as all humane Acts do, I am as Innocent of any Crime that I now stand charg'd as guilty of, as when I was first born.

L. C. J. That is not possible.

Coleman. With submission, I do not say Innocent as to any Crime in going against any Act of Parliament, then it is a Crime to hear Mass, or to do any Act that they prohibit; but for Intending and Endeavouring to bring in that Religion by the Aid and Assistance of the King of *France*, I never intended nor meant by that Aid and Assistance, any Force in the World, but such Aids and Assistances as might procure us Liberty of Conscience. My Lord, if in what I have said no body believes me, I must be content; if any do believe me, then I have wip'd off those scandalous Thoughts and abominable Crimes, that, &c. and then I have paid a little Debt to Truth.

L. C. J. *One word more and I have done.* I am sorry, Mr. *Coleman*, that I have not Charity enough to believe the words of a dying Man; for I will tell you what sticks with me very much: I cannot be persuaded, and no body can, but that your Correspondence and Negotiations did continue longer than the Letters that we have found, that is after 1675. Now if you had come and shown us your Books and Letters, which would have spoke for themselves, I should have thought then that you had dealt plainly and sincerely, and it would have been a mighty Motive to have believed the rest; for certainly your Correspondence held even to the time of your Apprehension, and you have not discovered so much as one Paper, but what was found unknown to you, and against your will.

Coleman. Upon the words of a dying Man,
and

and upon the expectation I have of Salvation, I tell your Lordship, that there is not a Book nor Paper in the World that I have laid aside voluntarily.

L. C. J. *No, perhaps you have burnt them.*

Coleman. *Not, by the Living God.*

L. C. J. *I hope, Mr. Coleman, you will not say in manner of way.*

Coleman. For my Correspondence these two last years past, I have given an account of every Letter; but those that were common Letters, and those Books that were in my House, what became of them I know not; they were common Letters that I used to write every Day, a Common Journal what past at Home and Abroad. My Men they writ 'em out of that Book.

L. C. J. *What became of those Letters?*

Coleman. I had no Letters about this business, but what I have declared to the House of Commons, that is, Letters from St. Germans, which I owned to the House of Commons; and I had no methodical Correspondence, and I never valued them nor regarded them, but as they came, I destroyed them.

L. C. J. *I remember the last Letter that is given in Evidence against you, discovers what mighty Hopes there was, that the time was now come wherein that pestilent Heresy, that hath domineer'd in this Northern part of the World, should be Extirpated; and that there never was greater hopes of it since OUR Queen Mary's Reign. Pray, Mr. Coleman, was that the concluding Letter in this Affair?*

Coleman. Give me leave to say it upon the word of a dying Man, I have not one Letter, &c.

L. C. J. *What though you burnt your Letters, you may recollect the Contents.*

Coleman. I had none since,

L. C. J. *Between God and your Conscience be it, I have other Apprehensions; and you deserve your Sentence upon you for your Offences, that visibly appear out of your own Papers, that you do not, and cannot deny.*

Coleman. I am satisfied. But seeing my Time is but short, may I not be permitted to have some immediate Friends, and my poor Wife to have her freedom to speak with me, and stay with me that little time that I have, that I might speak something to her in order to her living and my dying?

L. C. J. *You say well, and it is a hard Case to deny it; but I tell you what hardens my Heart, the Insolencies of your Party, (the Roman Catholicks I mean) that they every Day offer, which is indeed a proof of their Plot, that they are so bold and impudent, and such secret Murders Committed by them, as would burden any Man's Heart to do the common*

favours of Justice and Charity, that to Mankind are usually done: They are so bold and insolent, that I think it is not to be endured in a Protestant Kingdom; but for my own particular, I think it is a very hard thing for to deny a Man the company of his Wife, and his Friends, so it be done with Caution and Prudence. Remember that the Plot is on foot, and I do not know what Arts the Priests have, and what Tricks they use; and therefore have a care that no Papers, nor any such thing, be sent from him.

Coleman. I do not design it, I am sure.

L. C. J. *But for the Company of his Wife and his near Friends, or any thing in that kind, that may be for his Eternal Good, and as much for his present Satisfaction that he can receive now in the condition that he is in, let him have it; but do it with Care and Caution.*

Capt. Richardson. What, for them to be private alone?

L. C. J. *His Wife, only she, God forbid else. Nor shall you not be deny'd any Protestant Minister.*

Coleman. But shall not my Cousin Coleman have Liberty to come to me?

L. C. J. *Yes, with Mr. Richardson.*

Coleman. Or his Servant; because it is a great Trouble for him to attend always.

L. C. J. *If it be his Servant, or any he shall appoint, 'tis all one. Mr. Richardson, use him as Reasonably as may be, considering the Condition he is in.*

Cler. Cr. Have a care of your Prisoner.

On Tuesday the 3d of December following, Edward Coleman was drawn on a Sledge from Newgate to Tyburn; and being come thither, he declared that he had been a Roman Catholick for many years, and that he thanked God he died in that Religion, and he did not think that Religion at all prejudicial to the King and Government.

The Sheriff told him, if he had any thing to say by way of Confession or Contrition, he might proceed, otherwise it was not seasonable for him to go on with such like Expressions. Being asked if he knew any thing of the Murder of Sir Edmundbury Godfrey, he declared upon the Words of a dying Man, he knew not any thing of it, for that he was a Prisoner at that time. Then after some private Prayers and Ejaculations to himself, the Sentence was executed.

He had been made to believe, that he should have a Pardon, which he depended on with so much Assurance, that a little before he was turn'd off, finding himself deceived, he was heard to say, *There is no Faith in Man.*



LXXVI. *The Trial of WILLIAM IRELAND, THOMAS PICKERING, and JOHN GROVE**, at the Old-Baily, for High-Treason, December 17, 1678. 30 Car. II.

ON *Tuesday* the Seventeenth day of *December*, One Thousand Six Hundred Seventy and Eight, *Thomas White* alias *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove* were brought from his Majesty's Goal of *Newgate*, to the Sessions-house at Justice-Hall in the *Old-Baily*, being there Indicted for High-Treason, for contriving and conspiring to Murder the King, to receive their Trial; and the Court proceeded thereupon as followeth.

The Court being Set, Proclamation was made for Attendance, Thus:

Clerk of Crown. Crier make Proclamation.

Crier. O yes, O yes, O yes! All manner of Persons that have any thing to do at this General Sessions of the Peace, Sessions of Oyer and Terminer holden for the City of *London*, and Goal Delivery of *Newgate*, holden for the City of *London* and County of *Middlesex*, draw near and give your Attendance, for now the Court will proceed to the Pleas of the Crown for the same City and County. God save the King.

Clerk of Crown. Crier make Proclamation.

Crier. O yes! All manner of Persons are commanded to keep Silence upon pain of Imprisonment. Peace about the Court.

Clerk of Crown. Crier make Proclamation.

Crier. O yes! You Good Men of the County of *Middlesex* that are Summoned to appear here this Day, to Enquire between our Sovereign Lord the King, and the Prisoners that are and shall be at the Bar, Answer to your Names as you shall be called every one at the first Call, and save your Issues.

The Jurors being called and the Defaulters recorded, the Clerk of the Crown called for the Prisoners to the Bar, viz. *Thomas White* alias *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and Arraigned them thus.

Clerk of Crown. Thomas White alias *Whitebread*, hold up thy hand: Which he did.

William Ireland, hold up thy hand. Which he did.

John Fenwick, hold up thy hand. Which he did.

Thomas Pickering, hold up thy hand. Which he did.

John Grove, hold up thy hand. Which he did.

You stand Indicted by the Names of *Thomas White* alias *Whitebread*, late of the Parish of *St. Giles* in the Fields in the County of *Middlesex*, Clerk: *William Ireland*, late of the same Parish and County, Clerk: *John Fenwick*, late of the

same Parish and County, Clerk: *Thomas Pickering*, late of the same Parish and County, Clerk: and *John Grove*, late of the same Parish and County, Gent. For that you Five, as false Traitors, &c. against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in that Case made and provided. How say'st thou *Thomas White* alias *Whitebread*, art thou Guilty of this High-Treason whereof thou standest Indicted or not Guilty?

Whitebread. Not Guilty.

Clerk of Crown. Culprit how wilt thou be Tried?

Whitebread. By God and my Country.

Clerk of Crown. God send thee a good deliverance. How say'st thou *William Ireland*, art thou Guilty of the same High-Treason or not Guilty?

Ireland. Not Guilty.

Clerk of Crown. Culprit how wilt thou be Tried?

Ireland. By God and my Country.

Clerk of Crown. God send thee a good Deliverance. How say'st thou *John Fenwick*, art thou Guilty of the same High-Treason or not Guilty?

Fenwick. Not Guilty.

Cl. of Cr. Culp. how wilt thou be Tried?

Fenwick. By God and my Country.

Cl. of Cr. God send thee a good Deliverance. How say'st thou *Thomas Pickering*, art thou Guilty of the same High-Treason or not Guilty?

Pickering. Not Guilty.

Cl. of Cr. Culp. how wilt thou be Tried?

Pickering. By God and my Country.

Cl. of Cr. God send thee a good Deliverance. How say'st thou *John Grove*, art thou Guilty of the same High-Treason or not Guilty?

Grove. Not Guilty.

Cl. of Cr. Culp. how wilt thou be Tried?

Grove. By God and my Country.

Cl. of Cr. God send thee a good Deliverance. You the Prisoners at the Bar, those Men that you shall hear called and do Personally appear,

are to pass between our Sovereign Lord the King and you, upon Trial of your several Lives and Deaths; if therefore you or any of you will Challenge them or any of them, your time is to speak unto them as they come to the Book to be Sworn, before they be Sworn.

Sir Philip Matthews to the Book.

Sir Philip Matthews. I desire *Sir William Roberts* may be called first. Which was granted.

Cl. of Cr. *Sir William Roberts* to the Book. Look upon the Prisoners. You shall well and truly Try and true Deliverance make between our Sovereign Lord the King, and the Prisoners at the Bar, whom you shall have in your Charge, according to your Evidence. So help you God.

* Burn. Hist. Own Times. Vol. I. p. 443.

The same Oath was administered to the rest, the Prisoners challenging none, and their Names in order were thus,

J U R Y.

Sir *William Roberts*, Bart. *John Byfield*, Esquire.
 Sir *Philip Matthews*, Bart. *Thomas Eglesfield*, Esq;
 Sir *Charles Lee*, Knight. *Thomas Johnson*, Esq;
Edward Wilford, Esq; *John Pulford*, Esq;
John Foster, Esq; *Thomas Earnesby*, Esq;
Joshua Gulliard, Esq; *Richard Wheeler*, Gent.

Cl. of Cr. Crier count these. Sir *William Roberts*.
 Crier. One, &c.

Cl. of Cr. *Richard Wheeler*.

Crier. Twelve, Good Men and True, stand together and hear your Evidence.

Cl. of Cr. Crier make Proclamation.

Crier. O yes! If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney, or this Inquest now to be taken, between our Sovereign Lord the King and the Prisoners at the Bar, let them come forth and they shall be heard, for now the Prisoners stand at the Bar upon their Deliverance: and all others that are bound by Recognizance to give Evidence against any of the Prisoners at the Bar, let them come forth and give their Evidence, or else they forfeit their Recognizance. And all Jury-men of *Middlesex* that have been Summoned and have appeared and are not Sworn, may depart the Court and take their Ease.

Cl. of Cr. Make Proclamation of Silence.

Crier. O yes! All manner of Persons are commanded to keep Silence upon pain of Imprisonment.

Cl. of Cr. *Thomas White* alias *Whitebread*, hold up thy Hand: Which he did, and so of the rest. You that are Sworn look upon the Prisoners, and hearken to their Cause:

You shall understand, that they stand Indicted by the Names of *Thomas White*, otherwise *Whitebread*, late of the Parish of *St. Giles in the Fields* in the County of *Middlesex*, Clerk; *William Ireland*, late of the same Parish in the County aforesaid, Clerk; *John Fenwick*, late of the same Parish in the County aforesaid, Clerk; *Thomas Pickering*, late of the same Parish in the County aforesaid, Clerk; and *John Grove*, late of the same Parish in the County aforesaid, Gentleman: For that they as false Traitors of the most Illustrious, Serene, and most Excellent Prince, our Sovereign Lord *Charles II.* by the Grace of God of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. their supreme and natural Lord, not having the Fear of God in their hearts, nor the duty of their Allegiance any ways weighing, but being moved and seduced by the Instigation of the Devil, the cordial Love, and true, due, and natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards our said Sovereign Lord the King, should and of right ought to bear, altogether withdrawing, and endeavouring, and with their whole strength intending, the peace and common tranquillity of this Kingdom of *England* to disturb, and the true Worship of God within this Kingdom of *England* used, and by Law established, to overthrow, and to move, stir up, and procure Rebellion within this Kingdom of *England*, and the cordial Love, and true and due Obedience, which

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true and faithful Subjects of our said Sovereign Lord the King, toward our said Sovereign Lord the King should and of right ought to bear, wholly to withdraw, vanquish, and extinguish, and our said Sovereign Lord the King to Death and final Destruction to bring and put, the four and twentieth Day of *April*, in the Year of the Reign of our said Sovereign Lord *Charles II.* by the Grace of God of *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. the thirtieth, at the Parish of *St. Giles in the Fields*, aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, deceitfully, advisedly, and traiterously, they did propose, compass, imagine, and intend, to stir up, move, and procure Sedition and Rebellion within this Kingdom of *England*, and to procure and cause a miserable slaughter among the Subjects of our said Sovereign Lord the King, and wholly to deprive, depose, throw down, and disinherit our said Sovereign Lord the King from his Royal State, Title, Power and Government of this his Kingdom of *England*, and him our said Sovereign Lord the King to put to Death, and utterly to destroy, and the Government of this Kingdom of *England*, and the sincere Religion and Worship of God in the same Kingdom, rightly and by the Laws of the same Kingdom established, for their will and pleasure to change and alter, and wholly to subvert and destroy the state of the whole Kingdom, being in all parts thereof well instituted, and ordered, and to levy War against our said Sovereign Lord the King within this his Realm of *England*. And to fulfil and bring to pass these their most wicked Treasons and Traiterous designs and purposes aforesaid, they the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and other false Traitors unknown, the said four and twentieth Day of *April*, in the said thirtieth Year of the Reign of our said Lord the King, with force and arms, &c. at the Parish of *St. Giles in the Fields* aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, deceitfully, advisedly, devilishly, and traiterously did assemble, unite, and gather themselves together, and then and there falsely, maliciously, deceitfully, advisedly, devilishly, and traiterously they did consult and agree to put and bring our said Sovereign Lord the King to Death and final Destruction, and to alter and change the Religion rightly and by the Laws of the same Kingdom established, to the superstition of the *Church of Rome*; and the sooner to bring to pass and accomplish the same their most wicked Treasons and Traiterous imaginations and purposes aforesaid, they the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, *John Grove*, and other false Traitors of our said Sovereign Lord the King unknown, afterwards (to wit) the said four and twentieth Day of *April*, in the said thirtieth Year of the Reign of our said Sovereign Lord the King, at the said Parish of *St. Giles in the Fields*, in the County of *Middlesex* aforesaid, falsely, deceitfully, advisedly, maliciously, devilishly, and traiterously they did consult and agree that they the said *Thomas Pickering* and *John Grove* should kill and murder our said Sovereign Lord the King: And that they the said *Thomas White* otherwise *Whitebread*, *William Ireland*, *John Fenwick*, and other false Traitors unknown, should therefore say, celebrate,

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