There are many abnormalities
in the pagination of this pamphlet.

The digital version accurately reflects
the pamphlet in its printed form.

Pr. Notitia.

Programme to Print the Name.

THEN COLLEDGE, and first no orders
more, First and Confirmation of STE-
I JOHN FISH to Print the Assign-
I do appoint THOMAS BASSET and

Stephen Colledge

No. 2.

I Do appoint Thomas Basset and John Fish to Print the Arraignment, Tryal and Condemnation of Stephen Colledge, and that no others presume to Print the same.

Fr. North.

12221. bow 10

THE ARRAIGNMENT, TRYAL AND CONDEMNATION OF Stephen Colledge FOR HIGH-TREASON, IN Conſpiring the Death of the KING, the Levying of WAR, and the Subverſion of the GOVERNMENT.

Before the Right Honourable Sr. *Francis North*, Lord Chief Juſtice of the Court of *Common-Pleas*, and other Commiſſioners of *Oyer* and *Terminer* and Gaol Delivery held at the City of *Oxon* for the County of *Oxon*, the 17th and 18th of *Auguſt* 1681.

LONDON,

Printed for *Thomas Baſſet* at the *George* in *Fleetſtreet*, and *John Fiſh* near the *Golden Tun* in the *Strand*. 1681.

THE

ARRAIGNMENT,

TRYAL

AND

CONDEMNATION

OF

Stephen College

FOR

HIGH-TREASON,

IN

Compiring the Death of the KING, the Levying of War, and the Subversion of the GOVERNMENT.

Before the Right Honourable Sr. Francis Wyndham, Lord Chief Justice of the Court of Common Pleas, and other Commissioners of Oyer and Terminer and Goal Delivery held at the City of Oxon for the County of Oxon, the 17th and 18th of August 1681.

LONDON:

Printed for Thomas Duffet at the George in Fleetstreet, and John Fish near the Golden Inn in the Strand. 1681.

To the King's Most Excellent Majesty.

The humble Petition of *Stephen Colledge*, now Prisoner in Your Majesty's *Tower* of *London*,

Most humbly sheweth,

THat whereas Your Petitioner being charged with High-Treason, is under strait Confinement, that he hath not liberty to see or speak with any of his Friends or his Children, and being lately informed, that it is ordered Your Petitioner shall come to his Tryal at the City of Oxon about the middle of the next Month.

Your Petitioner therefore most humbly prayes Your Sacred Majesty, That leave may be given for Mr. Thomas Smith and Mr. Robert West to come to him; and also to have the use of Pen, Ink and Paper, in order only to make his Legal and just Defence, and also to have the Comfort of seeing his two Children.

And your Petitioner as in duty bound shall ever pray, &c.

A true Copy,

Francis Gwyn.

At Hampton-Court, July 28. 1681.

Upon Reading this Day at the Board the Petition of Stephen Colledge Prisoner in the Tower, praying that in order to the making his Defence at his Tryal, which he hears is to be the middle of the next Month, he may be permitted to see his two Children, to have the Liberty of Pen, Ink and Paper, and that Mr. Thomas Smith, and Mr. Robert West may come to him. His Majesty was pleased to Order, That the Lieutenant of the said Tower of London, do permit the said Stephen Colledge to have Pen, Ink and Paper, and to see his two Children, and the said Mr. Thomas Smith, and Mr. Robert West, and to Converse with them as often as he shall desire in the presence and hearing of the Wardour who attends him.

A true Copy,

Francis Gwyn.

To the King's Most Excellent Majesty,

and to the Right Honourable the Lords and others of His Majesties Most Honourable Privy Council.

The humble Petition of *Stephen Colledge* now a Prisoner in the *Tower* of *London*,

Humbly sheweth,

THat *Your Petitioner having been a close Prisoner ever since his first Commitment, is altogether ignorant of the particular matters charged against him, and of the Names of the Witnesses who are to prove the same; upon his knowledge of both which, as well the nature as the manner of his Defence must depend; and because upon the consideration of his Case, several Matters of Law may arise as well before as at the Time of his Tryal in which Councel will be necessary to assist him, and several Matters of Fact preparatory to his Tryal, with which under his Confinement he cannot be furnisht without the help of a Sollicitor, and he is like to be wholly uncapable of receiving any benefit from the priviledge allowed by Law of peremptory Challenge to several Jurors, especially in a Countrey where he is absolutely a stranger, unless he may have some knowledge of them before his Tryal.*

In full assurance therefore of the great Justice and Clemency of Your Majesty and this Honourable Board which he hath lately had some experience of, and doth with all humility and thankfulness acknowledge, Your Petitioner doth humbly beseech Your Majesty and this Honourable Board, that he may have a Copy of the Indictment against him, or the particular Charges of it, That his Councel and Sollicitor may have free access to, and private Conference with him; and because their own private affairs or other accidents may call away some of his Councel from his assistance, that Mr. Wallop, *Mr.* Smith, *Mr.* Thompson, *Mr.* Darnell, *Mr.* West *of the* Middle Temple, *Mr.* Holles *of* Lincolns-Inn, *Mr.* Rotherham, *Mr.* Lovell, *Mr.* Rowny *of* Grayes-Inn, *Mr.* Pollexfin, *Mr.* Ward *of the* Inner Temple, *may be assigned him for Councel, and* Aaron Smith *for his Sollicitor, and that he may have a Copy of the Jurors to be returned upon his Tryal some dayes before his Tryal.*

And your Petitioner shall ever pray, *&c.*

A true Copy,

Francis Gwyn.

At Hampton-Court, Aug. 11. 1681.

IT is Ordered by His Majesty in Council, That the Friends and Relations of Stephen Colledge a Prisoner in the Tower, shall have Liberty of Visiting and freely Conversing with him; and the Lieutenant of the Tower having first caused their Names to be taken in Writing, is to suffer such Friends and Relations to have Access to the said Stephen Colledge without any Interruption from time to time accordingly.

A true Copy,

Francis Gwyn.

THE

THE TRYAL OF Stephen Colledge, &c.

Present the { Lord *Norreys*. / Lord Chief Justice *North*. / Mr. Justice *Jones*. / Mr. Justice *Raymund*. / Mr. Justice *Levyns*.

On *Wednesday* the 17*th* of *August*, 1681. the Judges and Commissioners of *Oyer* and *Terminer* and Gaol-Delivery, met at the Court-House in the City of *Oxford*; and after Proclamation for Silence, the Commission of Gaol-Delivery was Read, and then the Commission of *Oyer* and *Terminer*. Proclamation was made for the Sheriff to return the Precepts to him directed: The Justices of the Peace of the County of *Oxford* were called over; and the Appearance of the Grand Jury summoned to attend this Commission was taken.

L. Ch. Just. North. GEntlemen, You that are returned of the Grand Inquest, there has been a Sessions so lately that in all probability there will be no great matter to trouble you with at this time. And so I shall not trouble my self nor you to give you any Charge, because we know of no business yet that we shall need you for. The Court hath recorded your Appearance. You will do well to be in the way either in the Town or here about the Court, that you may be ready if any thing should happen. 'Tis necessary for us to have your attendance, but we know not of any thing that we have in particular to trouble you with. We have an Indictment before us, let us proceed upon that.

Cl. of the Crown. Gaoler, have you your Prisoner?

Gaoler. We will fetch him presently.

Then the Priſoner was brought to the Bar.

Cl. of Cr. Stephen Colledge hold up thy hand. (*Which he did.*)

Thou art here Indicted by the Name of Stephen Colledge *late of* Oxford, *in the County of* Oxford, *Carpenter; For that thou as a falſe Traytor againſt the moſt Illuſtrious, moſt Serene, and moſt Excellent Prince, our Soveraign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland *King, Defender of the Faith,* &c. *thy Supreme and Natural Lord, the Fear of God in thy heart not having, nor weighing the Duty of thy Allegiance, but being moved and ſeduced by the Inſtigation of the Devil, the cordial Love, and true due and natural obedience which true and faithful Subjects of our ſaid Sovereign Lord the King towards him our ſaid Soveraign Lord the King, ſhould and of right ought to bear, wholly withdrawing and machinating, and with all thy ſtrength intending the Peace and common tranquillity of our ſaid Soveraign Lord the King of this Kingdom of* England *to diſturb, and Sedition and Rebellion, and War againſt our Sovereign Lord the King, within this Kingdom of* England *to move, ſtir up and procure; and the Cordial Love, and true and due Obedience which true and faithful Subjects of our ſaid Soveraign Lord the King, towards him our ſaid Soveraign Lord the King ſhould and of right ought to bear, wholly to withdraw, put out and extinguiſh, and him our ſaid Soveraign Lord the King to Death and final Deſtruction to bring, and put the Tenth day of* March, *in the Three and Thirtieth year of the Reign of our Soveraign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland *King, Defender of the Faith,* &c. *at* Oxford, *in the County of* Oxford, *Falſly, Maliciouſly, Subtilly and Traiterouſly, did Purpoſe, Compaſs, Imagine, and Intend Sedition and Rebellion within this Kingdom of* England, *to move, ſtir up, and procure, and a Miſerable Slaughter among the Subjects of our ſaid Soveraign Lord the King to procure and cauſe, and our ſaid Soveraign Lord the King from his Regal State, Title, Power and Government of his Kingdom of* England, *to deprive, depoſe, caſt down and diſinherit; and him our ſaid Soveraign Lord the King to Death and final Deſtruction to bring and put, and the Government of the ſaid Kingdom at thy will and pleaſure to change and alter, and the State of all this Kingdom of* England, *in all its parts well inſtituted and ordained, wholly to Subvert and Deſtroy, and War againſt our ſaid Soveraign Lord the King, within this Kingdom of* England *to levy; and thy ſaid moſt Wicked Treaſons and Trayterous Imaginations and Purpoſes aforeſaid to fulfil and perfect, thou the ſaid* Stephen Colledge *the ſaid tenth day of* March, *in the Three and Thirtieth year of the Reign of our ſaid Soveraign Lord the King with force and Arms,* &c. *at* Oxford *aforeſaid, in the County of* Oxford *aforeſaid, Falſly, Maliciouſly, Subtilly, Adviſedly, Deviliſhly and Traiterouſly did prepare Arms and Warlike offenſive habiliments to wage War againſt our ſaid Soveraign Lord the King. And thy ſelf in warlike manner for the purpoſes aforeſaid, then and there Falſly, Maliciouſly, Subtilly, Adviſedly, Deviliſhly and Traiterouſly didſt Arm, and one* Edward Turbervill, *and other Subjects of our ſaid Soveraign Lord the King, to Arm themſelves, to perfect thy Traiterous purpoſes aforeſaid, then and there Adviſedly, Maliciouſly and Traiterouſly didſt incite and adviſe. And further, then and there Falſly, Maliciouſly, Subtilly, Adviſedly, Deviliſhly and Traiterouſly didſt ſay and declare, That it was purpoſed and deſigned to ſeize the Perſon of our ſaid Soveraign Lord the King at* Oxford *aforeſaid, in the County of* Oxford *aforeſaid. And that thou the ſaid* Stephen Colledge *in proſecution of thy Traiterous purpoſe aforeſaid,*

aforesaid, wouldst be one of them who should seize our said Soveraign Lord the King at Oxford *aforesaid in the County aforesaid. And that thou the said* Stephen Colledge *thy said most wicked Treasons and traiterous Imaginations, Compassings and Purposes aforesaid the sooner to fulfill and perfect, and discords between our said Soveraign Lord the King and his People to move, cause and procure, then and diverse times and dayes as well before as after at* Oxford *aforesaid in the County of* Oxford *aforesaid in the presence and hearing of diverse Leige Subjects of our said Soveraign Lord the King, then and there being present, falsly, maliciously, subtilly, advisedly, devillishly and Traiterously didst say and declare, That nothing of good was to be expected from our said Soveraign Lord the King, & that our said Soveraign Lord the King did mind nothing but beastlines and the Destruction of his People: And that our said Soveraign Lord the King did endeavour to establish Arbitrary Government and Popery against the Duty of thy Allegiance, against the Peace of our Soveraign Lord the King, his Crown and Dignity, and against the Form of the Statutes in this Case made and provided.*

How say'st thou *Stephen Colledge*, art thou Guilty of this High Treason whereof thou standest indicted and hast been now arraigned, or Not Guilty?

Colledge. My Lord, I do desire, if it please your Lordship, to be heard a few words.

L. Ch. Just. Look you Mr. *Colledge*, the matter that hath been here read unto you is a plain matter, and it hath been read to you in *English*, that you may understand it. 'Tis an Indictment of High Treason; now you must know, that no Plea can be received to it, but either Guilty or Not Guilty as to the Fact; if you can assign any matter in Law, do it.

Colledge. Will you please to spare me, that I may be heard a few words. I have been kept close Prisoner in the *Tower* ever since I was taken: I was all along unacquainted with what was charged upon me. I knew not what was sworn against me, nor the persons that did swear it against me, and therefore I am wholly ignorant of the matter. I do humbly desire, I may have a Copy of the Indictment, and a Copy of the Jury that is to pass upon me, and that I may have Councel assigned me, to advise me, whether I have not something in Law pleadable in Bar of this Indictment.

L. Ch. Just. These are the things you ask, you would have a Copy of the Indictment, you would have Councel assigned to you, to advise you in matter of Law, and a Copy of the Jury.

Colledge. One word more my Lord, I desire to know upon what Statute I am indicted.

L. Ch. Just. I will tell you for that, Is it not *contra formam Statut.* with an abbreviation?

Cl. of C. Yes.

L. Ch. Just. That refers to all manner of Statutes that have any Relation to the thing in the Indictment that is High Treason. For it may be meant *contra formam Statut.* which are all the several Statutes that are in force concerning High Treason. Now for those things that you demand, you cannot have them by Law. No man can have a Copy of the Indictment by Law; for Councel you cannot have it, unless matter of Law arises, and that must be propounded by you; and then if it be a matter debatable, the Court will assign you Councel, but it must be upon a matter fit to be argued: for I must tell you, a defence in Case of High Treason ought not to be made by Artificial Cavils, but by plain Fact. If you propose any matter of Law, the Court will consider of it, and assign you Councel if it be reasonable. For a Copy of the Jury, that you can't have neither, for there is no such thing as yet; there is no Issue joyned whereupon such a Jury should be impannelled. When you have pleaded to Issue, then we must award the Sheriff to impannel a Jury to try that Issue. So as to what you say as to want of preparation for your Tryal, we cannot enquire what Notice you have had; and yet if you had never so little time, there is no cause why you should not plead, though you were but just now taken and brought to the Bar to answer it, and never heard of any thing of it before. So that I think you ought to plead presently.

Colledge. My Lord, I am wholly ignorant of the Law, I may ruine my self by mistaking the Law; I desire Councel, not to delay my Tryal, but only to advise me whether there is not something in Law proper for me to plead to this Indictment,

and thoſe things I alledged were not at all to delay the Tryal, but only that I may not be wanting to my ſelf in what I may by Law have.

L. Ch. Juſt. I tell you, Councel cannot be aſſigned you, till the Court be poſſeſſed of ſome matter to grant it upon.

Colledge. I had ſome Papers my Lord, that were taken from me, which I deſire may be reſtored to me. I only plead, that I may have my Birth-right, and that which the Law gives me; If I may have Juſtice, I deſire no more. Thoſe Papers were taken from me in the Houſe over the way ſince I was brought from the Priſon; they were Papers that concerned my defence; ſome directions and inſtructions how to manage my ſelf in that defence. If you pleaſe to let me have thoſe Papers, I will not take up much of your time; I deſire to have but Common Juſtice, and that which is my right by Law.

L. Ch. Juſt. That which you demand, Juſtice, you ſhall have by the Grace of God to the beſt of our skill, without any partiality in the World. But you muſt truſt the Publick Juſtice of the Kingdom. We are to be of Councel for you, ſo far as to ſee that all things proceed fairly on all ſides. And when things come before us that are fit for you to have Councel upon, you ſhall have Councel aſſigned you; for we are tender of the Life of a Man, as well as of the Life of the King, and of the Publick Juſtice of the Kingdom. But this is no reaſon why you ſhould not now plead. For the Papers you ſpeak of, we will take an Examination of them afterwards. If they were Papers that are neceſſary for your defence upon your Tryal, in Gods Name you muſt have them reſtored to you, but we know not which way you came by them, nor what they are.

Colledge. They were taken from me juſt now under the pretence of bringing them to your Lordſhip.

L. Ch. Juſt. How comes any body to give you Papers? No body can ſolicit for any one that is under an Accuſation of High Treaſon, unleſs he be aſſigned ſo to do by the Court.

Colledge. God have mercy upon any man that is ſo accuſed then; for 'tis not poſſible for him to make his defence, if he cannot be at Liberty to look after it himſelf, nor any of his friends permitted to do it for him.

L. Ch. Juſt. You can ſay, whether you are Guilty or Not Guilty without any Papers.

Colledge. My Lord, I know not but there may be ſomething in Law for me to plead to this Indictment, which I ſhall loſe the benefit of if I plead. I humbly conceive, you are to be my Councel, and as you are Judges, are to proceed according to the Law. You are upon your Oaths to do me right according to the Law.

Mr. Juſt. Jones. But till you have propoſed a matter of Law fit for Councel to argue, there is no Councel to be aſſigned you.

Colledge. If I had thoſe Papers I could tell what I ſhould plead. My Lord, this is one thing, I am a Free-man of *London*, and I am not impleadable by the Charter of *London* any where out of the Liberties of the City in Pleas of the Crown.

L. Ch. Juſt. You are indicted in *Oxfordſhire* for High Treaſon committed here. If there be not any thing of High Treaſon proved, done in *Oxfordſhire*, you will be acquitted. But a Free-man of *London* cannot have a Priviledge to commit Treaſon in *Oxfordſhire*, but muſt be tryed for it there.

Colledge. Will you pleaſe to order me my Papers back that were taken from me?

Mr. Juſt. Jones. You ought firſt to plead. You have a right to demand Councel in matters of Law, but then it muſt be upon ſuch matters of Law as you your ſelf propoſe to the Court, and the Court ſhall judge to be matters of Law fit to be debated: Till then we cannot aſſign you Councel.

Colledge. It was ſo in the Tryal of *Lilburne*, and in the Tryal of my Lord *Stafford*, there was Councel aſſigned to them.

Mr. Juſt. Jones. Not before they pleaded to the Indictment.

Colledge. Did not your Lordſhips, ſome of you, that are Judges of the *Kings-Bench* ſay, that it was the right of the Priſoner, to have a Copy of the Pannel and of the Jury before the Tryal?

Mr. Juſt. Jones. No ſure: Here are two of us that are of the Court, and we never heard of any ſuch thing.

Colledge. Pray my Lord, do me right, I am ignorant of the Law, and through my Ignorance may miſtake.

L. Ch. Juſt. God forbid we ſhould not do you right; you may expect it from us; we are upon our Oaths to do all the Kings Subjects right.

Colledge. I am ignorant in the Law, and 'tis impoſſible for me to make my defence without the Aſſiſtance of my Papers.

L. Ch. Juſt. Cannot you tell, whether you be Guilty or Not Guilty of this Treaſon?

Colledge. I can ſo, but I know not what error I may run my ſelf into, if I ſhould plead preſently, and loſe the benefit that the Law may give me.

L. Ch. Juſt. All matters of Law are ſaved to you after you have pleaded.

Colledge. Pray my Lord, let me have my Papers again that were taken from me.

Cl. of Cr. You muſt plead to the Court, Guilty or Not Guilty.

Colledge. Shall I not have my Papers after I have pleaded?

L. Ch. Juſt. We will not capitulate with you. Move what you will then, but till you have pleaded, we can enter into no other buſineſs.

Colledge. I know not but I might plead ſome other thing to the Indictment.

Mr. Juſt. Jones. Propoſe what you will, if it be a matter in Law fit to be argued, you ſhall have Councel aſſigned you.

Colledge. Pray my Lord, let me have my Papers again. If it were not my right to have them, or to have Councel, I would not ask it; but if it be, I would not loſe what is my right.

L. Ch. Juſt. You muſt plead firſt. I know not but he may be criminal that brought you thoſe Papers: for we allow no Sollicitors in Caſes of Treaſon.

Colledge. Some of thoſe Papers were received from me in the *Tower*, and were brought back to me, and taken away but to day, I deſire they may be returned.

Cl. of Cr. Are you Guilty or Not Guilty?

Colledge. Thoſe Papers tell me I have a Plea in Law, but what it is, I cannot directly tell without my Papers.

L. Ch. Juſt. You muſt mention it and propoſe it, and then we will do what is fitting for us to do in it.

Colledge. I have not that method about me, nor can I directly tell it without my Papers; but 'tis ſomething of Law about the Indictment.

L. Ch. Juſt. You are not bound up to forms of Law. For if you propoſe the matter never ſo looſely, yet if it be a matter of avail, and that which the Law is not clearly againſt you in, you ſhall have Councel, and time to draw it up in form.

Colledge. I cannot propoſe the matter ſo regularly as if I had my Papers.

Mr. Juſt. Jones. You are not bound to propoſe it in formality of Law, my Lord tells you, only let us know what it is.

Colledge. If I have a priviledge in Law, I hope you will give me the benefit of it.

L. Ch. Juſt. We will deny you nothing that the Law gives you; but we cannot give you Councel It is not one particular Caſe, but the Common Courſe of Juſtice is concerned. Without a matter of Law ariſes, we cannot aſſign you Councel; if we would, we cannot in Juſtice till you have propoſed the matter which the Court thinks fit to be argued.

Colledge. My Lord *Coke* ſayes, It is the birth-right of every *Engliſh-man* to have Councel in matters of Law, and *Lilburne* had it upon ſolemn argument in his Tryal.

Mr. Juſt. Jones. What times were thoſe? That was before the High Court of Juſtice.

Mr. Att. Gen. If there be matter in Law, it muſt be propoſed to the Court, and they are to judge, whether it be a point fit to be argued, and then Councel is to be aſſigned you, and not till then.

Colledge. My Lord, I know not but there may be ſomewhat in Law for me to plead to this Indictment, till I have my Papers I can't tell what it is.

L. Ch. Juſt. We know nothing of your Papers what they are, you muſt anſwer whether you be Guilty or Not Guilty.

Colledge. If I had my Papers, I would anſwer to it immediately; but I hope I ſhall not be murdered.

Mr. Juſt. Jones. Have a care of aſperſing the Court. Pray who intends to murder you?

Mr. Serj. Jefferies. I remember in *Lilburne*'s Tryal, that he ſpeaks of, ſuch words, were uſed indeed.

Colledge. My Lord, I hope I ſhall not be deny'd what is neceſſary for my defence. This deſign is not only againſt me, but againſt all the Proteſtants.

Mr. Att. Gen. How long have you been a Proteſtant, Mr. *Colledge*?

Colledge. Ever ſince I knew what Religion was Sir; I never was any thing elſe. For Gods ſake, my Lord, let me have the Juſtice of the Nation, and what by Law an *Engliſh-man* ought to have.

L. Ch. Juſt. You muſt plead Guilty or Not Guilty, or you muſt ſhew ſome matter that you will plead, that is proper for us to aſſign you Councel. If we ſhould record your refuſal, you would be judged to ſtand Mute, and Sentence would paſs upon you.

Colledge. If I have a Priviledge in Law as an *Engliſh-man*, I will not forfeit it, if I can help it, for any thing in the world. Therefore I deſire I may have my Papers again, that I may ſee if I can plead any thing in Law; for if I have a Priviledge by the Law, before I will forfeit it, you ſhall do what you pleaſe with me.

L. Ch. Juſt. You'l have the advantage of all that matter that is in your Papers after you have pleaded, if there be any advantage.

Colledge. Pray my Lord, order me my Papers that were taken away from me.

L. Ch. Juſt. They were not taken away by me.

Colledge. They were taken away by the Keeper, under pretence to bring them to your Lordſhip.

L. Ch. Juſt. I know not how you came by them. There came one to me laſt night that is a Common Sollicitor, one *Aaron Smith*, and deſired he might have liberty to go and ſpeak with the Priſoner. I told him, I did not underſtand till he were aſſigned by the Court, that any could juſtifie Solliciting for a man that is accuſed of High Treaſon, nor could any be of Councel till they were aſſigned: for a defence againſt Treaſon ought to be by plain matters of Proof and Fact, and not by Artificial Cavils. But if you will propoſe any thing of ſubſtance as a matter in Law which the Court ſhall think fit to be argued, propoſe it, and then we will aſſign you Counceh

Colledge. Is it not my right, that I ought to have a Copy of the Jury?

L. Ch. Juſt. Look you for that now, you cited the Opinion of the Judges of the *Kings Bench*. My Brothers two of them that are here who are Judges in that Court, ſay they know nothing of any ſuch matter: but I muſt tell you, you have Liberty by Law to challenge 35, by your ſight peremptorily without ſhewing Cauſe. They are bound to look upon you when they come to be ſworn, and if you have any juſt Cauſe, you may except againſt as many more as you will. But now we that proceed upon a Commiſſion of Gaol-delivery, are to proceed with expedition; there are no particular men deſigned for a Jury that I know of. But when you have pleaded, we ſhall award the Sheriff to impannel a Jury.

Colledge. If the Law allows me the Liberty of Challenging, it does intend it me that I may challenge thoſe perſons that I think will do me no Juſtice, but where they are ſtrangers unto me, if I can have no Information about any of them by my own Inquiry or my friends, I may challenge my friends as well as my foes: and ſhould there be any perſon that has a prejudice againſt me, and I not know it, he may chance to be one.

L. Ch. Juſt. I hope they will be neither friends nor foes, but true men.

Colledge. I know not that my Lord.

Mr. Juſt. Jones. This that you ſay as to a Copy of the Jury is unſeaſonable. There is no Jury, nor can be awarded till you have pleaded. There muſt be firſt Iſſue joyned; and that cannot be but upon your Plea of Not Guilty. Therefore you muſt plead firſt, and then ſay all you will.

Cl. of Cr. Are you Guilty or not Guilty?

Colledge. My Lord, may not I have a Pannel of the Jury?

Mr. Juſt. Jones. There is no ſuch thing in being.

Colledge. I know not what to ſay to it; pray my Lord, let me have my Papers.

Cl. of Cr. You have heard the Opinion of the Court, you muſt firſt plead.

Colledge. I cannot plead firſt. I muſt loſe my life, if I muſt; I neither know who accuſes me, nor what it is they accuſe me of: 'tis impoſſible I ſhould defend my ſelf, if I have not my Papers.

L. Ch. Juſt. We know not what Papers you mean.

Colledge. The Gaoler took them from me, and one of the Kings Meſſengers. Pray my Lord, will you order them to be returned to me again: Let me but ſee whether I have any right or no, and whether I have any thing to plead or no: When I have peruſed my Papers, I will propoſe it as well as I can to you. Pray my Lord, let me have a fair Tryal.

L. Ch. Juſt. We promiſed you a fair Tryal, but you muſt put your ſelf upon that Tryal by your pleading.

Colledge. I cannot do that without my Papers, my Lord. Let me but have them again, and I will not delay your time at all.

L. Ch. Juſt. You can tell whether you are Guilty or Not Guilty, can't you?

Colledge. If I have a Plea in Law againſt the Indictment, I hope you will not hinder me of that which is my right. It is poſſible the Indictment does not lay it right, either as to the matter of Treaſon, or as to the place.

Mr. Juſt. Jones. That is upon the Iſſue of Not Guilty upon your Tryal. If there be not matter of fact, or words proved that are Treaſon in this place, you will have the advantage of it upon your Tryal.

Colledge. I know not, my Lord, but that the Indictment does mention ſomething of Treaſon, and ſomething of Miſdemeanour.

Mr. Juſt. Jones. That which is Miſdemeanour, won't amount to a proof of the Treaſon upon the Tryal.

L. Ch. Juſt. If they prove no Treaſon againſt you here, but only Miſdemeanour, I do not underſtand that the Jury can find you Guilty of that Miſdemeanour, for 'tis another Crime, and there is another ſort of proceedings for it. In Miſdemeanour, there are no peremptory Challenges; in Miſdemeanour Councel is to be allowed for the Priſoner, but not in Treaſon.

Colledge. Pray my Lord, be pleaſed to order me my Papers again: I know not what to ſay without I have the aſſiſtance of my Papers: when I have them, I ſhall be ready to plead preſently according as I ſhall find I may by Law. This I am ſure, I have done nothing, nor ſaid nothing of Treaſon, and I pray for nothing but Juſtice, and that which is my right. This is a moſt horrid Conſpiracy to take away my life; and it will not ſtop here, for it is againſt all the Proteſtants in *England*.

L. Ch. Juſt. Mr. *Colledge*, you do not only trifle, but run out into very great Extravagancies. Who has any Conſpiracy againſt your life? You ſhall be allowed to give in Evidence any thing of any Conſpiracy againſt you, or Contrivance againſt you when you are upon your Tryal. Now the Queſtion is, Are you Guilty or Not Guilty? I ſee no uſe of Papers that you can have as to the Plea.

Mr. Just. Jones. You will run into Danger by ſpending of time.

Colledge. Pray my Lord, Order me my Papers, they are in the Hands of Mr. *Murrell* the Goaler, and *Sewell* the Kings Meſſenger.

L. C. J. When you have Pleaded, we will take it into Conſideration.

Colledge. My Lord, it may be too late then.

L. C. J. 'Tis a plain matter before you, whether you be Guilty or no. You know what to Anſwer.

Colledge. I will give a direct Anſwer, after I have my Papers again.

Mr. Just. Jones. You can give an Anſwer to that, without Papers.

L. C. J. Conſult with your own Heart, and there you may receive an Anſwer to that Queſtion.

Mr. Att. Gen. Mr. *Colledge*; can any body tell whether you be Guilty or no, better then your ſelf?

Mr. Juſt. Jones. If you expect any Papers, they ought to be framed by your ſelf; for by Law, none can adviſe you what to Plead.

Colledge. I don't expect it in matter of Fact, but if matter of Law ariſe.

Mr. Juſt. Jones. But this is a matter of Fact, and therefore you may Plead Not Guilty, as well without your Papers, as if you had them.

Colledge. But if there be any matter of Law, that I ought to have the Advantage of.

Mr. Juſt. Jones. Then you ought to have no Advice, till they be aſſigned by the Court: For by the Law, neither Counſel nor Advice are allowable to you, till the matter has been propoſed, and the Court think fit to aſſign you Counſel.

Mr. Juſt. Levinz. You talk of the Priviledge of an Engliſh man; you have all the Priviledges of an Engliſh man: You are here brought to an open Tryal, according to the Law, and by that Law you muſt Plead. Now if a Man be Indicted for High Treaſon, he is bound to Plead either Guilty or Not Guilty, unleſs he has a matter in Law to excuſe him from that Plea, which muſt be propoſed to the Court, and then Counſel will be aſſigned, and if ſo be matter of Law ariſes upon any Evidence that is given againſt you at the Tryal, you may demurre upon that Evidence, and pray Counſel of the Court to argue that demurrer, and they will not deny you, but I think you muſt Plead preſently.

Colledge. I ſuppoſe other Perſons that have been tried, have had Counſel before they have Pleaded.

Mr. Juſt. Jones. But never before the Matter was propoſed to the Court.

L. C. J. It was ſo in the Caſe of my Lord *Stafford.* The Court made him propoſe his matters in Law, and ſo it was in *Lilburne*'s Caſe. He did inſiſt upon a great many matters in Law, and had the Books there himſelf.

Colledge. I am wholly Ignorant of the Law, my Lord.

Mr. Serj. Jefferies. Your Lordſhips are the Judges of Law in this Caſe. The Queſtion here in ſhort, is whether the Priſoner be Guilty or Not Guilty, and that being demanded of him by the Court, if he refuſes, let him take the Conſequence of it.

Colledge. What is that, pray Sr. *George?*

Mr. Att. Gen. Judgment of High Treaſon. For if a Perſon ſtand mute, and will not Plead to an Indictment of High Treaſon, the common Judgment of Preſſing to Death muſt not paſs upon him, but an Attainder of High Treaſon.

Colledge. Well if it be ſo, I cannot help it. I thank God I am Innocent of any Treaſon, or any ſuch thing.

L. C. J. Why don't you Plead, Not Guilty then.

Colledge. I do not refuſe to Plead, I am willing to Plead with all my Heart, if I may have my Right.

Mr. J. Jones. If you do not Plead, you do refuſe to Plead.

Colledge. Pray my Lord, let me have my Papers.

Mr. Att. Gen. Pray give the Court an Account, where had you thoſe Papers.

L. C. J. Nay, we will not enter into any Examination of that matter now Mr. Attorney; he can have no uſe of Papers to ſee whether he ſhould Plead Guilty or Not Guilty.

Mr. S. Jef. We know nothing of thoſe Papers, we deſire he may anſwer to the Queſtion ſhortly whether he be guilty or Not Guilty, if not, we pray your Lordſhips judgment.

Colledge. I had them not all from one Perſon, they were received from my own

hands ſome of them in the Tower, and being brought back to me they were taken from me to day, let me have but one of them : the Paper of Inſtructions in point of Law that I may know what is my right, I would not throw away my Life, if I have any thing that is my right that can preſerve it.

L. C. J. You are to give a plain Anſwer, whether you are Guilty or Not Guilty, now for that you have no uſe of Papers : For you can beſt tell whether you be guilty or not. If you can propoſe any matter of Law that you can have to plead, do it.

Colledge. If I have any Plea, that I may Plead beſides Not Guilty, I deſire I may have my Papers to conſider of it, and that I may have Counſel aſſigned me.

L. C. J. If you have any ſuch Plea, tell us the Matter and the Subſtance of it.

Colledge. I do not know what really are matters of Law, if I had thoſe Inſtructions that are in my Papers, I could give you a direct Anſwer preſently.

L. C. J. You ought not to have any advice to decline your Tryal : When you propoſe matter of Law your ſelf, you may have advice upon it. But you ought not to have advice to decline your Tryal before-hand.

Cl. of *Cr.* Are you Guilty, or Not Guilty ?

Colledge. Mr. Attorney, pray let me have a Copy of the Indictment.

Mr. Att. Gen. Apply your ſelf to the Court for it, we muſt receive our Directions from thence.

L. C. J. You have had the Opinion of the Court you can't have it.

Mr. Juſt. Levinz. You have been told nothing can be received from you, but a Plea of Guilty or not Guilty, and the Court have given you their Opinion, and that you cannot have a Copy of the Indictment, nor Counſel aſſigned you, till you offer ſomething for them to be aſſigned upon.

L. C. J. And that was it which was done in the King's Bench in the Caſe of *Fitz Harris* which I ſuppoſe you meant when you ſpake of the Judges Opinions.

Mr. Juſt. Jones. Nothing was done there till he himſelf aſſigned the matter in Law that he would Plead, and then Counſel was aſſigned him.

Mr. Serj. Jeff. Mr. Colledge was in the Court at that time, and can tell what was done.

L. C. J. If you deſire the Indictment read over again Diſtinctly that you may have.

Mr. Att. Gen Ay, with all my heart.

Colledge. Pray let me hear it again my Lord if you pleaſe.

L. C. J. Read it over again to him, and read it Diſtinctly.

Cl. of *Cr.* Thou art indicted by the name of *Stephen Colledge* late of *Oxon* in the County of *Oxon* Carpenter, as a falſe Traytor.

Colledge. I have obſerved one thing already, my Lord, I pray I may have Pen and Ink.

L. C. J. Ay give him Pen and Ink, let him make what Obſervations he can.

Then the Clerk read the Indictment through.

Cl. of *Cr.* Art thou Guilty of this high Treaſon or not Guilty ?

Colledge. This Indictment, If I underſtand it, ſays, there was a Plot and Conſpiracy by me and others, now I know when my *Lord Stafford* was tryed they did proceed to prove, firſt, that there was ſuch a Plot, and then that my Lord was Guilty of it; firſt, that there was ſuch a Conſpiracy by the Papiſts, is it not requiſite they ſhould, firſt, prove ſuch a Plot and Conſpiracy there was, before they go to prove me Guilty of it.

Mr. Juſt. Jones. What before you have pleaded ?

L. C. J. When you have pleaded the next thing is to try you, and to give the Evidence, but what way the Kings Councel will take to mannage your Tryal, that we can't tell.

Mr. Juſt. Jones. But they are not to be directed by you Mr. Colledge.

Colledge. It was ſo done I ſay in my *Lord Stafford's* Caſe.

L. C. J. He pleaded firſt however, you have not yet pleaded.

Cl. of *Cr.* Are you Guilty or not Guilty ?

L. C. J. Do not trifle any longer, 'tis a Plain matter and requires a very ſhort and Plain Anſwer.

Colledge. Your Lordſhips are my Counſel as well as my Judges, and I do deſire if I have any right to plead any other matter, you will be pleaſed to declare it to me,

for

for I am ignorant in the Law.

Mr. Juſt. Jones. We have declared our Opinion already, that you have no right to have any Solicitor or Counſel, till matter of Law do ariſe.

Colledge. Is it your Lordſhips Opinion, that I have no Plea in Law.

Mr. Juſt. Jones. Have you no Plea in Law ?

L. C. J. He would have our Judgment, whether there be any or no.

Mr. Juſt. Jones. You your ſelf know beſt, we know nothing you have to Plead.

Colledge. I cannot unleſs I have Counſel, and my Papers.

L. C. J. There does nothing appear to us.

Colledge. I know nothing of the Law.

L. C. J. Then Plead Not Guilty, that is a ready Plea.

Mr. Juſt. Jones. You have heard our Opinion over and over again. You have as much Counſel as is allowed in theſe Caſes, for every man is beſt Judge of his own Caſe, what to Plead, whether Guilty or Not Guilty; you have had as fair Play as ever any man had.

Mr. Att. Gen. Mr. *Colledge* has ſaid, he knows of no Plea in Law he has, and therefore there is none, for *de non Apparentibus, & non Exiſtentibus*, the Reaſon is the ſame.

L. C. J. In matter of Fact, there is no Plea but Not Guilty.

Colledge. The Court are Judges in matter of Law, and they are my Counſel.

Mr. Juſt. Jones. And the Court have all of them declared they know of nothing in Law that you have to Plead.

Colledge. Is not Counſel to be allowed to one under my Circumſtances ?

L. C. J. If you have any thing for Counſel to be aſſigned upon, you ſhall have them.

Colledge. If I am Ignorant of that, and cannot Propoſe it, ſhall I not have the Aſſiſtance of Counſel.

Mr. Juſt. Jones. No, we have told you the Law Plainly, and that which is frequent in Practiſe in like Caſes, and you muſt be contented with the ſame Meaſure.

Colledge. My Lord, I am Ignorant of the Law.

L. C. J. Then rely upon the fact and plead Not Guilty.

Colledge. But if I have a right to any point in Law let me have it.

Mr. Juſt. Jones. You have a right if you will propoſe any matter of Law, but we cannot propoſe it for you

Mr. Att. Gen. Mr. Colledge, no man ought to propoſe your Plea for you, *Ignorantia juris non excuſat.*

Colledge. Shall my Ignorance deſtroy me, Mr. Attorney ?

Mr. Sol. Gen. You have heard the Opinion of the Court, you have a right to propoſe any other Plea that you can your ſelf, but you have no right to ask Counſel before you have pleaded.

Mr. Serj. Jefferies. If Mr. *Colledge* have ſuch a thing as a Solicitor, I ſhall crave leave to put that Solicitor in mind of the Caſe of one that was indicted of High Treaſon for Soliciting for one that was accuſed of High-Treaſon.

Mr. Att. Gen. We ſhall talk of that by and by ?

L. C. J. The ſame methods are uſed in your Caſe, as are in all Caſes of the like nature, as far as my knowledge reacheth.

Colledge. If I have a right to the Law I muſt not loſe it for my own Ignorance of the Law, but if you deny me both my Counſel and my Papers, you take away the means of my coming to that right, and make me uncapable of making my defence.

L. C. J. You have been told you muſt plead before you do any thing.

Colledge. This is the Perſon, (pointing to a Perſon by him) that had the Papers. Be pleaſed to command him, that I may have them again; He ſaid he had Order to take them from me, and bring them to your Lordſhip.

L. C. J. I know of no uſe you could have of any Papers, to Plead Guilty or not Guilty.

Mr. Sol. Gen. If there be in thoſe Papers Advice in matters of Law, that you have been told you ought not to have, till the Court has Aſſigned you Counſel to give you Advice.

Colledge. Then if there be a Right in Law, and a Priviledg which I ought to have, I muſt loſe it by my being Ignorant of it, and have no one to Adviſe me about it neither.

L. C. J. You may propoſe it, if you have any, if not you muſt Plead to the Indictment.

Mr. Serj. Jefferies. My Lord, it has not been uſual for us, that are of the Kings Counſel, to enter into Dialogues with Priſoners at the Bar. The firſt thing that is to be done in ſuch Caſes, is for the Priſoner to Plead Guilty, or Not Guilty, or to offer ſomething to the Court that may be a matter in Law fit to be debated; and this we pray may be done in this Caſe, and that the Priſoner may Plead preſently, or elſe we deſire your Judgment.

Colledge. Pray let me have my Papers again my Lord.

L. C. J. You go in a Circle, and run round from one thing to another, and will receive no Anſwer. We have told you our Opinion, and we muſt tell you, that tho' you hold long Diſcourſes, yet you will be Judged loſt and mute if you Plead not a Legal Plea. Therefore you muſt Plead Guilty, or Not Guilty, or offer ſomething that may be a Plea in Law, and then you ſhall have the Aſſiſtance of Counſel, but you muſt have none till then.

Colledge. But ſhall I not have my Papers my Lord?

L. C. J. We know nothing of them.

Colledge. Pray my Lord order the man to give them to me, that took them from me.

L. C. J. We will order no ſuch thing. He may be a Criminal perhaps that did give them you at firſt, but when you have pleaded we will hear any Motion you will make about them.

Colledge. It may be I ought to plead that the words were ſpoke in another place, then the place lay'd in the Indictment.

L. C. J. You will not need to plead any ſuch thing, for if there be nothing proved of Treaſon that you ſaid or did in *Oxford-ſhire* you muſt be found Not Guilty.

Colledge. Here is another thing my Lord, I am indicted by the name of *Colledge* Carpenter.

L. C. J. What then?

Colledge. I am not a Carpenter, but a Joyner, Is that any Bar to it?

L. C. J. The addition ſignifies nothing, I do not know any difference betwixt a Carpenter and a Joyner in Law.

Mr. Juſt. Jones. They might have indicted you by the name of Labourer and it had been good.

Colledge. Pray my Lord either give me my Papers or aſſign me Counſel, or elſe I may throw away my Life for I am wholly Ignorant of the Law.

L. C. J. When you have pleaded we will hear any Motion you will make and do that whch is juſt upon it: but I ſee no uſe you can have of Papers to plead Guilty or Not Guilty, which is the only Queſtion is asked you.

Cl. of Cr. Are you Guilty, or Not Guilty?

Colledge. Will you promiſe me my Lord, there ſhall no Advantage be taken againſt me, if I do Plead ſo?

L. C. J. We will make no Bargains with you. Plead as you ought by Law to do.

Colledge. If matters of Law ariſe, ſhall I have Counſel to ſpeak to them?

Mr. Juſt. Jones. Yes you ſhall, you need not doubt it. Propoſe any matter now fit to be argued, and you ſhall have Counſel to it.

Colledge. I am not capable of doing it. I know not when I have any right.

Mr. Juſt. Jones. The Court is of Counſel to you.

Colledge. If you are my Counſel, then have I any Plea in Law to make?

Mr. Juſt. Jones. You have heard the Indictment Read, what ſay you? For you muſt propoſe the matter.

L. C. J. We know of none but Guilty, or Not Guilty, if you can tell of any do.

Colledge. I pray I may have my Papers again; if there be no other Plea for me, pray let me have my Papers again.

L. C. J. You have heard the Opinion of the Court, you muſt Plead.

Mr. Att. Gen. Certainly Mr. *Colledge*, you can't be Guilty of theſe things, you need not to ſcruple it, to plead Not Guilty ſure.

Colledge. My Lord, having been kept a Priſoner, as I have been, without Pen, Ink, or Paper, no Converſation with my Friends, no Knowledg of the Fact, and being

Ignorant

Ignorant of the Law, not knowing where I have a right, nor when I have a right, if you do force me upon this Plea and it coſt me my Life, at your Doors lye it.

Mr. Juſt. Jones. You will loſe your Life, if you do not Plead, if you plead Not Guilty, and are not proved Guilty you will ſave your Life by this Plea.

Colledge. I am willing to plead what the Law requires of me to Plead, and if I have a right in Law I would not loſe it.

Cl. of *Cr.* Are you Guilty or Not Guilty?

Colledge. Why, then as they have lay'd it in that Indictment in manner and form as 'tis there lay'd, I am Not Guilty.

Cl. of *Cr. Culprit*, by whom wilt thou be tryed?

Colledge. By God, and my Country.

Cl. of *Cr.* God ſend thee a good deliverance,

Mr. Juſt. Jones. Not Guilty is his Plea?

L. C. J. Now he has pleaded Mr. Attorney; He ſpeaks of ſome Papers, if there be any Memorandums or any thing that muſt aſſiſt him, that is neceſſary for his defence in his Tryal in thoſe Papers; it will be hard to deny him them.

Mr. Att. Gen. If your Lordſhips pleaſe to give me leave, I will give you an account of them. The meſſenger juſt now, did deliver theſe Papers to be delivered to the Court.

Colledge. Pray ſpeak out Mr. Attorney, and let me hear.

Mr. Att. Gen. When he came to Priſon he had none, but Mr. *Aaron Smith*, the Meſſenger informed me, did deliver them to him.

L. C. J. Whoſe hand-writing are the Papers in?

Colledge. He received them from me in the Tower.

Mr. Juſt. Jones. You received them from him firſt.

Colledge. No?

Mr. Att. Gen. What were the Papers you delivered to him in the Tower?

Colledge. The three pieces joyned together that contains Directions how to Govern my ſelf, there is another of the ſame purpoſe which inſtructs me to demand a Copy of the Indictment, and of the pannel of the Jury, and thoſe were Inſtructions to tell me what the Law allows me.

Mr. Att. Gen. Here is a Speech made for you that begins thus. *Before you Plead, ſpeak to this Purpoſe.* Pray my Lord I deſire that may be Examined, and Mr. *Smith* may be called to give an Account how he came to give the Priſoner thoſe Papers; for here are abundance of Niceties propoſed for him to move, and there will be a ſtrange ſort of Proceedings at this rate, if men go about to eſpouſe the Cauſe of Traytors.

Colledge. I am noe Traytor, Mr. Attorney.

Mr. Att. Gen. You ſtand indicted of High-Treaſon.

Colledge. That is by a Grand Jury made up that Morning, as I am Informed.

Mr. Att. Gen. Here is a Liſt of the Names of ſeveral men, of the Country returned to be of the Jury, and particular marks ſet upon them, who are good men, and who bad men, and who moderate men.

Colledge. Ought I not to have that Paper my Lord?

Mr. Att. Gen. No I hope not.

L. C. J. Whether they are Material or not Material, If we ſhould judge them not Material for his defence, yet it will look like an hard point upon the Priſoner, and to deliver them into an hand that they may be carried away or ſtifled, in Caſe there were a Crime in the delivering of them that would not do well on the other ſide: Therefore I would have theſe Papers put into ſome ſafe hands, that what may be for the Priſoners uſe he may not want, and yet they may not be taken away, if there be occaſion to uſe them upon another Account.

Mr. Att. Gen. But if it pleaſe your Lordſhip, I deſire you would enter into the Examination of this Matter; for I have an Account from *London* by a ſpecial Meſſenger that there are ſeveral Perſons that go up and down to procure Witneſſes againſt the Kings Evidence, making it a publick Cauſe; and here my Lord, another Paper which is a Liſt of men as Witneſſes picked up together againſt the King's Witneſſes.

L. C. J. He muſt have that, deliver him that preſently.

Mr. Att. Gen. But my Lord others have gone about and framed Witneſſes for him.

L. C. J. You muſt give him the Liſt of his Witneſſes, for I ſee not what uſe you can make of it.

Mr. Serj. Jefferies. This no man will oppoſe ſure, if any thing that is delivered to him be fit to be delivered, the Perſon that delivers it muſt come and own it; but before any Perſon delivers any Papers to the Priſoner, for him to make uſe of againſt the Kings Evidence, we deſire to know what thoſe Papers mean, and who gave them.

L. C. J. Look you Brother, we will have nothing of heat till the Tryal be over, when that is over if there be any thing that requires our Examination it will be Proper for us to enter into the Conſideration of it. But in the mean while what hurt is there, If the Papers be put into ſome truſty hands, that the Priſoner may make the beſt uſe of them he can, and yet they remain ready to be produced upon occaſion, if a man be ſpeaking for his Life tho he ſpeak that which is not material, or nothing to the purpoſe that will be no harm to permit that.

Mr. Serj. Jefferies. With Submiſſion my Lord, that is aſſigning him Counſel with a Witneſs.

Mr. Att. Gen. If people are permitted to go up and down and ask Counſel of Perſons and bring it in Papers to the Priſoner, 'tis the ſame thing as if Counſel came to him. Here is a buſie Solicitor and he gets advice from Counſel and then he delivers it to the Priſoner, 'tis the firſt of the kind certainly that ever was allowed; and if this be not to aſſign him Counſel, I know not what is.

L. C. J. What think you of our peruſing the Papers?

Mr. Att. Gen. With all my heart my Lord.

Colledge. If you take away all helps from me, you had as good Condemn me without a Tryal.

Mr. Att. Gen. You ought not to have helps to Plead dilatories.

Colledge. Not to help me to my right in Law?

Mr. Att. Gen. We are to go upon the Fact now: And my Lord I pray your Judgment about them, when you have peruſed them.

Then the Judges looked upon that Paper that was called the Speech.

L. C. J. We have read enough of this to ſuppreſs it, and to examine it how this came to his hands.

Mr. Juſt. Jones. Where is *Aaron Smith?*

Mr. Att. Gen. My Lord, here is another that is worſe then that, charging the Juſtice of the Nation. Pray call Mr. *Aaron Smith*, and Mr. *Henry Starkey*.

Mr. Smith appeared.

Mr. Att. Gen. Mr. *Smith*, did you deliver theſe two Papers to the Priſoner?

Mr. Smith. Doe's any body accuſe me that I did?

Mr. Att. Gen. You are accuſed for it.

Mr. Smith. I deſire proof may be made againſt me.

Mr. Att. Gen. That will be done.

L. C. J. Look you we will not interrupt the Tryal with it, Mr. *Smith* muſt be taken into ſafe Cuſtody only to ſecure him, till we can examine it not as charged with any Crime, but only that he may be forth-Coming to be Examined.

Mr. Att. Gen. You do not make a direct Anſwer Mr. *Smith* in the Caſe, it will be proved upon you.

Mr. Smith. Mr Attorney, I know not what Anſwer to make better then I have given; our Law ſays no man is bound to accuſe himſelf.

Mr. Att. Gen. But our Law ſays, you ſhall be Examined.

Mr. Smith. I come to give no Informations here Mr. Attorney: If I did I ſhould be then Examined.

Mr. Att. Gen. Here are Inſtructions given to the Priſoner, they ſay you gave them.

Mr. Smith. I deſire to have it proved.

L. C. J. Mr Attorney, you will take a Recognizance of Mr. *Smith*, to be forth-Coming during this Seſſions.

Mr. Smith. I will not depart my Lord I aſſure you: And I hope Mr. Attorney will take my word.

Mr. Att. Gen. Indeed I will not Mr. *Smith*, becauſe you have broken it with me already, when I gave you Leave to go to the Priſon, I did not think you would have

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abuſed that Kindneſs, to give him Papers.

L. C. J. Well, take his Recognizance.

Mr. Smith. 'Tis high time to have a care, when our Lives and Eſtates, and all are beſet here.

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

Mr. Smith. I ſaid it not, meaning by it the Court, for I declare I abhor that Expreſſion to be ſo interpreted, that I reflected upon the Court.

L. C. J. Why do you uſe ſuch looſe Expreſſions then Mr. *Smith?*

Mr. Smith. Becauſe I have been threatned ſince I came to Town, tho I have not ſpoke one Word in any publick Company ſince I came.

Mr. Juſt. Jones. It ſeems you will reflect here in the Face of the Court, and in the Face of the Country, upon the Government, upon the Juſtice of the Kingdom.

Mr. Smith. No my Lord, I have told you what I meant by it; I neither reflected upon the Court, nor upon the Government, nor upon the Juſtice of the Kingdom.

L. C. J. You ſhould have done well, to have forborn ſuch Expreſſions as thoſe were.

Colledge. Shall I not have the Uſe of the Papers my Lord: Will you not pleaſe to deliver them back to me, now you have peruſed them?

Mr. Juſt. Jones. One of them is a Speech, and a moſt ſeditious libellous Speech, to ſpit Venom upon the Government in the Face of the Country. We cannot tell who made it, but it ſeems to be beyond your Capacity: And therefore we muſt enquire into it, but we do not think fit to let you have the uſe of that Paper.

L. C. J. For that which contains the Names of the Witneſſes, that you have again: For the other matters, the Inſtructions in point of Law, if they had been written in the firſt Perſon, in your own Name, that we might believe it was your Writing, it would have been ſomething; but when it is written in the ſecond Perſon, you ſhould do ſo and ſo; by which, it appears to be written by another Perſon; it is an ill Preſident to permit ſuch things; that were to give you Counſel in an indirect Way, which the Law gives you not directly.

Colledge. If I am ignorant what Queſtions to ask of the Witneſſes, ſhall not my Friends help me my Lord?

L. C. J. We will ſift out the Truth as well as we can, you need not fear it.

Colledge. Some of thoſe things I took out of the Books my ſelf. And if you are reſolved to take away all my Helps, I cannot help it, I know not that Mr. *Smith* wrote one of thoſe Papers.

Mr. Att. Gen. But Mr. *Smith* would have given four Guinneys it ſeems, as a Bribe, to the Goaler, and he offered four more to let him have liberty to come to him.

Mr. Serj. Jefferies. 'Tis time indeed for Mr. *Smith* to have a Care.

Keeper: It was Mr. *Starkey* that offered me the four Guinneys.

Mr. Att. Gen. Pray call Mr. *Henry Starkey.* (*But he did not appear.*)

Then the Court took a Recognizance of 100*l. of Mr.* Smith *to attend the Court during the Seſſion.*

Colledge. Pray my Lord, let me have my Papers delivered to me, I cannot make my Defence elſe.

L. C. J. We are your Counſel in matter of Fact, and to give you your Papers were to aſſign you Counſel againſt Law, they being not your own Papers, but coming from a third hand.

Colledge. Will you pleaſe to give me the Paper that has the Queſtions in it, to ask the Witneſſes.

L. C. J. There are no Papers with any particular Queſtions to any one Witneſs, but only Inſtructions how to carry your ſelf in this Caſe.

Colledge. A great deal of it is my own my Lord.

L. C. J. Mr. Attorney, truly I think that that doe's not Contain matter of Scandal may be Tranſcribed and given to the Priſoner.

Colledge. My Lord, I deſire I may have that, that has in the Margent of it, the Caſe of *Lilburn* and *Stafford.*

Mr. Juſt. Jones. You ſhall not have Inſtructions to Scandalize the Government, all that is neceſſary for your defence, you ſhall have.

L. C. J. If he had writ it himſelf I cannot well ſee how you could take it from him, and truly as 'tis, I had rather let him have too much, then too little.

Colledge. My Lord, I thought I might have had Counſel to have aſſiſted me, but if I

I may have Counſel neither before my Plea nor after, I that am an Ignorant may be loſt by it, but can't help it.

L. C. J. If matter of Law ariſe you ſhall have Counſel it.

Colledge. I know not but it might have admitted of an Argument, that which if I had had my Papers, I ſhould have offered to you.

L. C. J. Mr. *Colledge*, we ſhall not go any farther now, I know not how many Witneſſes will be produced either of one ſide or another, but 'tis too late to go on this Morning, and becauſe we attend here only upon this Occaſion, we ſhall go on with the Tryal at two a Clock in the Afternoon.

Colledge. My Lord, You will be pleaſed to order the Papers for me to Peruſe in the mean time.

L. C. J. We have ordered that you ſhall have a Tranſcript of the Paper of Inſtructions, leaving out that which is Scandalous.

Colledge. I deſire I may have a Copy of the whole.

Mr. Juſt. Jones. No, we do not think fit to do that.

Colledge. Pray let me know which you do except againſt.

L. C. J. Look you Mr. Attorney, I think we may let him have a Copy of the whole.

Mr. Att. Gen. My Lord, before you riſe, I deſire you would pleaſe to take the Examination of Mr. *Gregory*, about Mr. *Starkey*.

L. C. J. Swear him. (*Which was done.*)

Mr. Att. Gen. What do you know concerning Mr. *Starkey*, and what he did offer you? *Gregory.* When they came by your Lordſhips Permiſſion to Mr. *Colledge*, they brought ſome Papers which they delivered to him: And afterwards Mr. *Starkey* took me aſide, and told me it was hard Uſage that the Priſoner could not have his Counſel permitted to come to him. Do him what Favour you can, and I ſhall not be Ungrateful, ſo he clapped four Guinneys in my hand, but I immediately laid them down upon the Table, and would not take them.

Mr. Att. Gen. My Lord, I deſire you would pleaſe to ſend for Mr. *Starkey*?

L. C. J. Let him be ſent for. *Cl.* of *Cr.* You muſt go and take up Mr *Starkey*.

Meſſenger. Muſt I keep him in Cuſtody? I don't know him.

Cl. of *Cr.* No, you muſt order him from the Court to attend here.

Mr. Juſt. Jones. Theſe Papers *Colledge* ſhall not be debarr'd of, for his Defence, nor you Mr. Attorney from proſecuting upon them.

L. C. J. No, we we will put them into ſuch Hands as ſhall take Care about that.

Colledge. Very few my Lord, have appeared to do me any Kindneſs, ſome have been frightned and Impriſoned, others are now in Trouble for it.

L. C. J. Well, you ſhall have the uſe of your Papers.

Colledge. May I have any Friends come to ſee me in the mean time?

L. C. J. They muſt not come to you in the Priſon, to give you advice; but I'le tell you ſince you move it, if my Brothers think it convenient, whilſt the Court does withdraw, any body of your Friends may come to you, in the Preſence of your Keeper.

Mr. Juſt. Jones. Certainly you cannot think you can give a Priviledg to any Friend of yours, to commit any Demeanor to offer Bribes to any Perſon.

Colledge. I know not of any ſuch thing.

Mr. Juſt. Jones. We do not charge you with it, but Mr. *Starkey* did.

Colledge. I have been kept a ſtrict cloſe Priſoner, and if my Friends are ſo kind to me, as to help me in order to my Defence, I hope you will not be againſt it. Pray my Lord let me have my Papers?

L. C. J. You ſhall have them, but they ſhall be put into ſuch Hands as the Court may have command over; they ſhall be in the Sheriffes Sons Hands, and you ſhall have the immediate Uſe of them.

Colledge. If there be any thing elſe in thoſe Papers neceſſary for my Defence, I pray I may have it.

L. C. J. The Speech is not fit for you, what other Papers would you have?

Colledge. Another Paper there is, that is ſomething of Law.

Mr. Juſt. Jones. Nothing but libellous, and what is a Scandal to the Government.

Mr. Att. Gen. You are to have nothing of matter of Law, but what you are to propoſe your ſelf.

Colledge.

Colledge. If you take away all my helps I cannot propoſe any thing.

Mr. *Serj. Jefferies.* To allow you thoſe papers is to allow you Counſel by a ſide Wind.

L. C. J. Look you the papers of inſtructions ſhall be delivered to the Sheriff's Son, who ſhall let you peruſe it in this interval and make uſe of it in your Tryal, but it muſt be in ſafe cuſtody to be uſed upon further occaſion as the Kings Attorney ſhall think fit.

Then the Court adjorn'd till 2 in the afternoon.

Poſt meridiem. At 2 a clock the Court returned, and Proclamation was made for attendance, and for the Under-Sheriff to return his Jury.

Colledge. My Lord, ought not I to have a Copy of this Jury?

L. C. J. No, they are to look upon you as they come to be ſworn, and then you are to challeng them.

Cl. of Cr. Stephen Colledge, hold up thy Hand, and hearken to the Court; thoſe good men that you ſhall hear called, and perſonally appear, are to paſs, *&c.*

Colledge. Pray Sr. let the way be clear, that I may ſee them.

Cl. of Cr. Ay, Ay.

Colledge. Pray Sr. how many are there of the Jury that appear?

Mr. Att. Gen. There are enough.

Cl. of Cr. Make Proclamation for Information (*which was done.*)

Cl. of Cr. Henry Standard, (who was Sworn.) *Richard Croke* (who was challenged by the Priſoner,) *William Bigg* (challenged.)

Mr. Juſt. Jones. Do you challenge him Peremptorily, or with Cauſe?

L. C. J. If he do not ſhew Cauſe, it muſt be ſuppoſed it is Peremptory.

Colledge. I ſuppoſe he was upon the Grand-Jury.

L. C. J. That would be a Chalenge with Cauſe.

Mr. Bigg. No, I was not.

Colledge. Then I do not challenge him; I know him not. (*he was Sworn.*)

Cl. of Cr. Thomas Marſh, (challenged.) *Thomas Martin,* (did not appear.) *Gabriel Merry,* (being almoſt a hundred years of Age, was excuſed.) *Robert Bird,* (Sworn.) *John Shorter,* (Sworn.) *William Windlow,* (Sworne.) *Edward Aryes,* (Challenged.) *William Ayres,* (Challenged.) and *Richard Ayres,* (Challenged) *Charles Hobbs,* (Sworn.) *Roger Browne,* (Sworn.) *Timothy Doyley,* (Sworn.) *Richard Dutton,* (Challenged.) *Ralph Wallis,* (Sworn.) *John Naſh,* (Challenged.) *John Benſon,* (Sworn.) *John Peircy,* (Sworn.) *William Webb,* (Challenged.) and *John Lawrence,* (Sworn.)

Then they were counted, and their Names in Order, thus

Henry Standard	*Roger Browne*
William Bigg	*Timothy Doyley*
Robert Bird.	*Ralph Wallis*
John Shorter	*John Benſon*
William Windlow	*John Peircy*
Charles Hobbs	*John Lawrence.*

L. C. J. Mr. Sheriffe, there are a great many of the Jury that are not Sworn, they are diſcharged, let them go out of the Court, and ſo you will make Room for the Witneſſes.

Cl. of Cr. Gentlemen, you of the Jury, look upon the Priſoner, and hearken to his Charge. He ſtands Indicted by the Name of *Stephen Colledge,* late of *Oxford,* in the County of *Oxford* Carpenter, for that he as a falſe Traytor, *&c.* Proved in the Indictment, *Mutatis Mutandis,* and upon this Indictment he hath been Arraigned, *&c.*

Mr. North. May it pleaſe your Lordſhip, and you Gentlemen that are Sworn, this is an Indictment againſt *Stephen Colledge*, the Priſoner at the Bar, for an Endeavour to raiſe a Rebellion within this Kingdom wherein he is accuſed, and the Jury find that he as a falſe Traitor againſt the Kings Majeſty, contrary to the duty of his Allegiance, on the 10*th.* of *March*, in the 33*d.* year of the Kings Reign, at *Oxon* here did trayterouſly Conſpire, and Compaſs the Death of the King, and the Subverſion of the Government, and to raiſe a Rebellion in the Kingdom, and to ſlaughter his Majeſties Subjects, to put the King to Death, to Levy War againſt him, and to deprive him of his Royal State and Government, and to alter the Government at his own Will and Pleaſure, and to accompliſh this, he did at *Oxon* here prepare Arms for the carrying on the War, and excited one *Edward Turbervile* and others, to arm themſelves againſt the accompliſhment of this Deſign, and did declare his purpoſe was to Seize the Kings Perſon at *Oxon*, and that he was one of thoſe that was to do it; and to bring the ſaid *Turbervile* and other Subjects to his purpoſe, did Falſly, Malitiouſly, and Trayterouſly declare in their Hearing, that there was no good to be expected from the King, that he minded nothing but the Deſtruction of his People, and Arbitrary Government, and to introduce Popery. And this is laid to be againſt the Duty of his Allegiance, againſt the Kings Peace, and againſt the form of the Statutes in thoſe Caſes made and provided. The Priſoner you hear upon his Arraignment hath pleaded Not Guilty, which Iſſue you are to try, and if the Evidence for the King, which are ready to be produced, prove that which is laid to his Charge, you are to find it accordingly.

Mr. Att. Gen. May it pleaſe your Lordſhip, and you Gentlemen of the Jury. The Priſoner at the Bar ſtands Indicted of a very high Crime, no leſs then High Treaſon, and that too of the deepeſt Dye; it is for an Endeavour to deſtroy the King, to ſubvert the Government, to raiſe a Rebellion amongſt the Kings Subjects. And Gentlemen, thoſe Inſtances that we ſhall give you, and produce our Evidence to for the Proof of that, are theſe. He laid his Deſign to Seize the King at *Oxon*; and he did not want his Accomplices to do it, but they were not Men, Gentlemen, that were Proteſtants, but Men that were Rebels in the late War, they were men of ſuch a Kidney, that he aſſociated himſelf with, and theſe were the Perſons that were to aſſiſt in this Attempt. In order to this he had prepared Arms in an extraordinary manner, Arms of a great Value, for one of his Condition, who is by Trade a Joyner; for if a true Eſtimate were taken of the Value of the Arms, I believe they were worth twice his whole Eſtate; he prepared a good Horſe, extraordinary Piſtols, a Carbine, a Coat of Maile, an Head-Piece, and ſo being armed Cap a-Pee, with that Deſign he came hither to *Oxon.* And you will judge whether theſe be fit Tools for a Joyner.

Colledge. I beſeech you Sr. have you any body to prove this? If you have not, you do hurt to the Jury as well as me, to ſpeak it.

L. C. J. Be patient Mr. *Colledge*, and let Mr. Attorney go on to open the Charge. I will tell you and the Jury too, that what he ſaies further then he makes good by Proof and Witneſſes, will ſerve for nothing.

Colledge. 'Tis hard the Counſel ſhould plead againſt me, and open things that he cannot prove.

L. C. J. I will do you all the Right Imaginable, and therefore I do tell you again; if they do not prove it, all he ſaies is nothing.

Colledge. But I beſeech you my Lord, ſince there hath been ſuch extraordinary Means, and Methods uſed to contrive my Death, that the Witneſſes may be examined apart, and far from the Hearing one of another.

L. C J. That we will take Care of by and by.

Mr. Att. Gen. Mr. *Colledge.* This ſhews your Temper, you are very inordinate in your way of expreſſing your ſelf.

Colledge. Mr. Attorney, I ſhould not Interrupt you, if I were not afraid this was ſpoken to poſſeſs the Jury.

Mr. Att. Gen. I hope to prove what I have ſaid, or every word of it ſhall paſs for nothing. *Colledge.* 'Tis impoſſible for all the Men on Earth to prove it.

Mr. Att. Gen. Gentlemen, theſe were the Particulars I was opening to you, in what manner he was armed, and how accoutred he came hither. We ſhall likewiſe ſhew you that he made it his Buſineſs to perſwade others to undertake the Deſign, and joyn with him, and as if open War were already Declared; he gave out a Sign which

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was a blew Ribbon, a wrought Ribbon with Letters in it, and this was the mark and Sign, they were to know one another by. This was given out by him frequently; and that it may not seem an extraordinary thing, Gentlemen, tho indeed it was a wild attempt, yet you will cease to wonder when you have heard of the Exploit of *Venner* who with a few men raised such a Commotion, soon after the Kings coming in, and the several Exploits that have of late in *Scotland* been carried on, by a few discontented Persons. So that men of the like Principles, as we shall give you an Account of this Gentlemans Principles what they were, may well be thought to ingage in such an Extraordinary Exploit. And we shall prove what the incouragment was he was to have; for he boasted of himself, that he should be in a little time a Collonel. *Colledge.* What Sir?

Mr. Att. Gen. A Collonel, a great preferment for a Joyner.

Colledge. Yes it was so.

Mr. Att. Gen. We shall shew to you that this was not a sudden unpre-meditated thing; for we shall prove that he had entertained the horridest Malice against the King, that ever Subject entertained against his Soveraign: For we shall give this Evidence, and his Front will not oppose it, that he had made it his common Discourse in Coffee-Houses, and publick Houses, (and I believe I could bring you 40 and 40 Witnesses to it) to defame the King and murder him in his Reputation, and was one of the Complices with *Fitz Harris* who lately was Executed for that venemous Libel: We shall prove that he justified it, and maintained it to be as true as the Gospel. We shall give Evidence that he carried on the same Design, with that Arch-Traytor who was a Papist; and I believe if this Gentleman were Examined throughly he would be found to be one of the same Stamp, and acted by the same Principle; for I think that no Protestant Subject would attempt such things as we shall prove to you. I believe Gentlemen you have frequently heard, as none of us but have, that the King hath been traduced as a designer of Arbitrary Government, and his Reputation blasted Maliciously, and falsly, as an introducer of Popery: Whence comes all this generally, but out of the Popish Quiver, who make it their business to set the Kings good Subjects at variance amongst themselves; and against their Prince, by Styling the King a Papist as this Person hath done, nay, he hath been so impudent as to report that the King was in the Plot against his own Life. We shall prove to you, how here and at other places he hath frequently done this; to go further, we shall produce to you the Evidence that he drew the Kings Picture, and exposed him in all the reproachful Characters imaginable, and that the Picture might be the better understood, he adds a Ballad to it: And that he may not have the Confidence to say this is not true, we shall produce to you a whole Bundle of these Papers, among those which his Son made a Discovery of, when they were sent to his Uncle to be hid, and we shall prove him to be the Author of them; and yet that this man should have the Confidence to say he is a good Subject and a good Protestant, when by all ways imaginable he goes about to ruin the Government, and defame the King! And Gentlemen when we have given you this Account by Witnesses, for I would have you believe me in nothing, but according as I prove it, you will not wonder then that he should say his Life is in danger, (for so it is indeed?) And if any man ever was Guilty of High-Treason, sure he is, and being Guilty of the greatest Treason, he deserves the severest Punishment.

Colledge. Pray Gentlemen of the Jury, take Mr. Attorney General at his word, and remember Sir, you desire not to be believed your self, but what you prove.

Mr. Serj. Holloway. May it please your Lordship, and Gentlemen, Pursuant to what Mr. Attorney hath opened, we will call our Witnesses, and we will begin with Mr. *Dugdale*; who was a Witness against my *Lord Stafford*, at his Tryal in Parliament, whose Credit Mr. *Colledge* did attest at that Tryal, asserting him to be an honest good man, and I believe his Evidence will go in a great measure through all that Mr. Attorney hath opened, and when we have done with him, we hope to second him with other Witnesses of as good Credit, and that will say as much to the Purpose.

Then Mr. *Dugdale was Sworn.*

Mr. Att. Gen. Mr. *Dugdale*, look upon the prisoner, and tell the Court whether you know him. *Mr. Dugdale.* Yes, I do know him Sir.

Mr. Att. Gen. Will you give us an Account of your knowledge of him?

Colledge. My Lord, I humbly desire they may be Examined apart, and not in the hearing one of another.

Mr. Att. Gen. That with Submission ought not to be in the Kings Case, tho we think there are none of them, that will speak any more then the Truth.

Colledge.

Colledge. Here are several of them my Lord, they are all of a Gang.

Mr. Serj. Jefferies. Not of your Gang, Mr. *Colledge.*

Colledge. I Pray they may go out my Lord, *(* which was ordered accordingly. *)*

Mr. Dugdale. If your Lordships please, whetheror no I may deliver in these Papers?

Mr. Att. Gen. By and by time enough, when we ask for them speak your own klowledge.

Mr. Dugdale. My Lord, I have been I think acquainted with Mr. *Colledge* 2 years or thereabouts. I have been several times in Mr. *Colledges* Company, and truly somtimes he hath been mightily bent against Popery; he hath at somtimes uttered himself, because the King did not prosecute the Papists according as he thought sufficiently, that the King was a Papist himself, that he was as deep in the Plot as any Papist of them all, that he had an hand in Sr. *Edmondbury Godfry's* Death. This Mr. *Colledge* I appeal to your self, whether you have not said it: And in this Town of *Oxford* you have several times told me that nothing was to be expected from him, he would do nothing. *Mr. Just. Levinz* Who did tell you so? *Mr. Dugdale.* Mr. *Colledge* did tell me that there was nothing to be expected from the King, but the introduceing of Popery and Arbitrary Government, this I believe Mr. *Colledge*, will acknowledge to be True. *Colledge.* Where was this spoken?

Mr. Dugdale. This was spoken at a Coffee-House, called *Combes* Coffee-House in this Town, and at the *Angel-Inn* in this Town at a Barbers shop; that day the King went out of Town, we were in the the same Shop. *Colledge.* Who was there besides?

Mr. Serj. Jefferies. Do not interrupt our Witnesses, let us have done with him, and you shall have your time to ask him Questions after.

L. C. J. For your Instruction I will tell you, your time is not yet come, if you chop in and interrupt the Witnesses, you will disturb any man living, but your way is this, when he hath delivired his Testimony ask him any Questions then; and he shall be bound to Answer you, and in the mean time you shall have Pen Ink and Paper, to help your memory.

Mr. Dugdale. That day the King went out of Town presently after he went, you and I went into the *Angel-Inn:* and we went into the Barbers-shop that is just within the Inn, and being charging your Pistols there, you said Rowley was gone, the Rogue was afraid of himself, he was shirked away, and here I appeal to your own Conscience, whether you did not speak it? *Collidge.* I know nothing of it.

Mr. Att. Gen. Don't appeal to him, 'tis nothing for that, *Mr. Sol. Gen.* Who did he mean by Rowley? *Mr. Dugdale.* The King.

Mr. Serj. Holloway. Was that his common Application for the King?

Mr. Dugdale. It was his Common word concerning the King. And at other times speaking that the King did not do those things that were fair, he hath given mighty great words against him: He hath told me that there was no trust to be put in him; for it was the People we must trust to, and we must look to Arm our selves, and that he would Arm himself and be here at *Oxford*, and he told me here in the Town, accordingly when I came out of the Country, and he said that he had several stout men that would stand by him in it. Their Intention was as he said for the rooting out of Popery, by which name he alway termed the Church that is now Established by Law, as to be of the same nature the Papists were. This I believe Mr. *Colledge* will acknowledge. *Mr. Att. Gen.* Well go on Sir?

Mr. Dugdale. And at a time when he had Dr. *Tongue* at his House, he told me that as for Dr. *Tongue* he had much a do with him, and he had been at a great Charge to keep him in order, that he was forced to neglect his own business to look after him; for if he had not done so, the Rogue as he said had a mind to fling all upon the Protestants that is the Dissenters, for he does not Count the Church of *England* to be so; that he had much a doe to keep him in order; for he had said he had drawn Papers to that Purpose, but those Papers are secured, for where they are I can't tell.

Mr. Att Gen. Who were they that were to be with him in that Design of his?

Mr. Dugdale. He told me Captain *Chinton*, Captain *Browne*, and one Dr. *Lewes*, and he brought them into Town here, when he came with him.

Mr. *Att. Gen.* To what purpose did he bring them?

Mr. *Dugdale.* Expecting there would be a rising.

Mr. *Jones.* Did he tell you that here?

Mr. *Dugdale.* Yes, the Friday, I think it was, after the Parliament first sat;

Mr. *Jones.* How did he express himself? what they had to do.

Mr. *Dugdale.* They were to be here, in Case there were any rising which he expected.

Mr. *Jones.* What use did he say he would make of them?

Mr. *Dugdale.* For the defence of the Proteſtant Religion, againſt the King and all his Adherents.

Mr. *Jones.* What did he ſay he would do to the King? I would not lead you.

Mr. *Dugdale.* He did not ſay what particularly.

Mr. *Jones.* What did he ſay if the King did not yield to the Parliament?

Mr. *Dugdale.* If the King did not yield to the Parliament, he ſhould be forced to it.

Mr. *Jones,* Where did you hear him ſay that? Mr. *Dugdale.* At *Oxford.*

Mr. Serj. *Holloway.* Did you hear him declare this at *London*?

Mr. *Dugdale.* He did ſay at *London,* he expected there would be ſome thing done at *Oxford,* and that he would go thither with his Horſe and Arms, and thoſe Gentlemen I named before would go with him. And, he ſaid, let them begin when they would, he did not care how ſoon, his Party was the greateſt Party.

Mr. *Attor. Gen.* What was that Capt. *Brown*? did you know him?

Mr. *Dugdale.* Yes, I knew him very well; he did much frequent Mr. *College*'s company; he was in the late Army againſt the King.

Mr. Serj. *Jefferies.* Did you ſee him have any Piſtols?

Mr. *Dugdale.* Yes, I have ſeen him carry Piſtols about him.

Mr. Serj. *Jefferies.* Where, in his Pocket?

Mr. Dugdale. I ſaw them in the Houſe.

Mr. Serj. *Jefferies.* At *Oxford*? *Mr. Dugdale.* Yes.

Mr. Serj. *Holloway.* Did you ſee them in his hand?

Mr. Dugdale. I cannot tell that, he had them in the Houſe, I ſaw them there.

Mr. Serj. *Holloway.* Did you ſee him in his Silk Armour about the Parliament-Houſe, the Lobby, or any place? *Mr. Dugdale.* I cannot ſay that.

Mr. *Attor. Gen.* What did you know of his delivering any Marks or Signs for Perſons to be diſtinguiſhed by?

Mr. Dugdale. I had as much Ribband from him as came to 40 *s.* with *no Popery no Slavery* wrought in it; and he gave it me to diſtribute among my Friends in the Country, that they might be known by other Perſons that would wear the ſame.

Mr. Jones. Where had you it? *Mr. Dugdale.* At *London,* from Mr. *Colledge.*

Mr. Jones. Where was it to be diſtributed?

Mr. Dugdale. Among thoſe that I knew to be Diſſenters in the Country.

Mr. Jones. Were you to come to *Oxford,* by agreement, with Mr. *Colledge*?

Mr. Dugdale. I promiſed him to come to *Oxford,* and did ſo.

Mr. Attor. Gen. Well, go on, What more do you know?

Mr. Dugdale. At *London* I was once at a Coffee Houſe with Mr. *Colledge,* and with ſome of the Members of the Houſe of Commons; it was a little before they met; and they were earneſtly talking of the Parliament at *Oxford,* and of ſome diſturbance that was likely to happen here. And it was then fully agreed, and Mr. *Colledge* was by, That it would be the beſt way, out of every County, where the Parliament had the beſt intereſt in the Peopl, to leave one in every County that might manage the People. This I appeal to Mr. *Colledge* whether it be true.

Colledge. You appeal to me, Shall I ſpeak now, my Lord?

Mr. Jones. No, you will remember it by and by.

Mr. Attor. Gen. What do you know of any Pictures?

Mr. Sol. Gen. Pray let him ſpeak that over again which he mentioned laſt.

Mr. Dugdale. Being in a Coffee Houſe with Mr. *Colledge,* there were ſome of the Members of the Houſe of Commons by; and ſpeaking of a Diſturbance that might happen here at *Oxford*; it was then agreed, That in every Quarter where the Parliament had the moſt intereſt in the People, they ſhould not all come up, but ſome remain there to manage the People.

Mr. Attor. Gen. What do you know of any Pictures or Papers, have you any about you?

Mr. Dugdale. Yes, I have one thing I received from Mr. *Colledge,* that is, the Letter pretended to be intercepted to *Roger L'Eſtrange.*

Mr. Attor. Gen. Pray, what account did he give you of it? Who made it?

Mr. Dugdale. He told me he was the Author of it himſelf, and he ſhewed me it in Manuſcript before it was printed; and he told me, he got one *Curtis,* or his Wife, to print it; but he would never truſt them again, for they cheated him of ſome of the Gain.

Mr. Attor. Gen. Who was the Author did he ſay ?

Mr. Dugdale. He himſelf.

Mr. Attor. Gen. Pray produce it Sir.

Mr. Dugdale. This and others he delivered to me to diſperſe.

L. Ch. Juſt. What is it Mr. Attorney ?

Mr. Attor. Gen. It is a Letter, and a great part of *Fitz-Harris*'s Libel is taken out; it ſeems *Colledge* was the Author, and this is the Original of the Libel.

L. Ch. J. Did he tell you this was of his making ?

Mr. Dugdale. Yes.

Mr. Attor. Gen. Did he diſperſe them to any Body elſe ?

Mr. Dugdale. Yes, there were ſome given to one Mr. *Boſon*, he had ſome at the ſame time, and Mr. *Baldwin* had ſome.

Then the Paper was read.

Cl. of Cr. First Q. Whether they that talk——

Mr. Attor. Gen. Pray give my Lord an account what more Papers and Libels he delivered to you.

Mr. Dugdale. I received one like this, I cannot ſay it was the ſame, where all the Biſhops were changing their Hats for Cardinal Caps.

Mr. Serj. *Jefferies.* Where is *Rary Shew*, for it ſeems he hath expounded the meaning of that. (*Then it was produced.*)

Mr. Serj. *Jefferies.* I ſuppoſe 'tis his own cutting too.

Mr. Dugdale. I heard Mr. *Colledge* ſing it.

Mr. Serj. *Jefferies.* Where?

Mr. Dugdale. In *Oxfordſhire* and in *Oxford* Town, at my Lord *Lovelace*'s.

Mr. Serj. *Jefferies.* Where at my Lord *Lovelace*'s ?

Mr. Dugdale. At his Houſe in the Country.

Mr. Serj. *Jefferies.* Who were in the Company there ?

Mr. Dugdale. Sir *Robert Clayton*, Sir *Thomas Player*, Mr. *Rouſe*, Mr. *Colledge*.

Mr. Serj. *Jefferies.* You ſay you heard him in *Oxford*, and in *Oxfordſhire*, and at my Lord *Lovelace*'s, where is that ?

L. Ch. J. My Lord *Lovelace* is here himſelf, and hears what he ſays.

Mr. Dugdale. I might miſtake the County, but I heard him ſing it at *Oxford* Town, and at my Lord *Lovelace*'s Houſe again.

L. Ch. J. Where is that ?

Mr. Dugdale. I cannot tell the Town:

Mr. Serj. *Jefferies.* How came you there ?

Mr. Dugdale. Sir *Thomas Player* did invite me thither.

Mr. Serj. *Jefferies.* Where is it in *Oxfordſhire* ?

Mr. Dugdale. I cannot tell, 'tis four miles from *Henley*.

Mr. Serj. *Jefferies.* Was my Lord at home. *Mr. Dugdale.* Yes, he was.

Mr. Serj. *Jefferies.* Now for the Cut then; Did he ſhew you this Cut ?

Mr. Dugdale. Yes, he told me he would get it printed,

Mr. Serj. *Jefferies.* Was it before it was printed then that he ſung it ?

Mr. Dugdale. Yes, it was.

Mr. Serj. *Jefferies.* Who did he tell you did make it ?

Mr. Dugdale. He told me he was the Author of this Cut, and he gave me one, and we ſang it together preſently after it was printed.

Mr. Attor. Gen. How did he deſcribe it to you, when he ſhewed it to you ?

Mr. Dugdale. That which hath the Pack on the back of it, he deſcribed to be the King; thoſe that follow him were *Topham*, *Cooper*, *Hughs*, and *Snow*; and that company of men there is the Houſe of Commons.

Mr. Serj. *Holloway.* What was meant by the Pack ?

Mr. Dugdale. The Parliament and all his Retinue; and then here is the King in the Mire again, according as 'tis repreſented in the Long——

Mr. Serj. *Jefferies.* Ay, he goes on well. And this here is the Biſhops which they thruſt into the Pack when they have got him down into the Mire, and then they thruſt them all away, as it is in the Song, to hoot them away.

L. Ch. J. Did he make this explication to you ? *Mr. Dugdale.* Yes.

Mr. Serj. *Jefferies.* Who were the *All* ?

Mr. Dugdale. King, and Clergy-men, and all.

Mr. Serj.

Mr. Serj. *Jefferies.* Where was this he explained it?

Mr. Dugdale. At *London.*

Mr. Serj. *Holloway.* Is there any thing relating to *White-hall*? what name did he give that?

Mr. Dugdale. Yes, he ſaid, *Louſe-hall* was *White-hall,* becauſe of its poverty.

Then the Ballad was read.

Cl. of Cr. Mary Shew. To the Tune of, *I am a Senſleſs Thing.*——

Mr. Attor. Gen. This ſhews you what ſort of Man he is.

Mr. Serj. *Jefferies.* Here you ſay he explained this with the Pack at the back to be the King?

Mr. Dugdale. Yes, he told me ſo.

Mr. Serj. *Jefferies.* What did he mean by the two Faces?

Mr. Dugdale. That he was half Proteſtant, and half Papiſt.

Mr. Jones. Did he make any compariſon between his own Party and the King's Party?

Mr. Dugdale. He ſaid they were but an handful to them.

Mr. Jones. To whom?

Mr. Dugdale. To his Party, that was the Diſſenters.

Mr. Attor. Gen. Speak that out.

Mr. Dugdale. That their Party was but a handful to theirs.

Mr. Attor. Gen. Theirs and theirs, who did he mean?

Mr. Dugdale. He meant the Diſſenters, for the Church of *England* he reckoned among the Papiſts.

L. Ch. J. Tell us the words he ſaid.

Mr. Dugdale. He ſaid, his Party was the true Church of *England,* and that which is eſtabliſhed by Law, were but Proteſtants in Maſquerade.

Mr. Jones. Tell us when he made the compariſon, what words he did uſe, and upon what occaſion.

Mr. *Dugdale.* When he perceived the King at *Oxford* would not yield to the Houſe of Commons, he ſaid, Let him begin as ſoon as he would, he did not care how ſoon he did begin, for their Party, meaning the King and his Party, was but an handful to him and his Party, calling them the true Proteſtants, the others were Proteſtants in Maſquerade.

Mr. Attor. Gen. What did he deſire you to do? To be aſſiſting in any thing?

Mr. Dugdale, He always deſired me to be true of that ſide, he hoped I was, and to get good Arms for my ſelf.

Mr. Serj. *Holloway.* Did he in *Oxford* deſire this of you?

Mr. Dugdale. No, he did not.

Mr. Sol. Gen. For what purpoſe did he deſire you to arm your ſelf?

Mr. Dugdale. He ſaid, the King had a deſign on the People to introduce Popery and Arbitrary Government, and he expected every day when they would begin, and the ſooner the better, he would be provided for them.

Mr. Jones. Was that in *Oxford?*

Mr. Dugdale. He ſpoke it in *Oxford,* and in the City too.

Mr. Jones. Did he tell you of any that were liſted?

Mr. Dugdale. He ſpoke of Capt. *Brown,* and Capt. *Clinton,* and *Don Lewes,* and abundance more he ſaid he had.

Mr. Jones. Did he tell you he had them here?

Mr. Dugdale. Yes, about forty of them were there he ſaid.

Mr. Serj. *Holloway.* Did he tell you of any that were liſted, in order to the coming down of the Parliament at *Oxford?*

Mr. Dugdale. Not liſted, but were intended to come down; and at *Oxford* he told me they were come down.

Mr. Juſt. *Jones.* Were you in their company in *Oxford* here?

Mr. Dugdale. Yes, I was.

Mr. Juſt. *Jones.* In the company of whom? name them.

Mr. Dugdal. Of Capt. *Brown, Don Lewes,* and ſeveral others of that Gang; I know not their Names, but I know their Faces.

Mr. Sol. Gen. Did he take notice to you that they were come down.

Mr. Dugdale. Yes.

Mr. Sol.

Mr. Sol. Gen. To what purpoſe.

Mr. Dugdale. He expected there would be a riſing in *Oxford*, and to this purpoſe; Mr. *Colledge* was one that debated it at *Richard*'s Coffee Houſe, and it was to be carried from thence to the *King's-Head* Club, Whether it were not beſt to leave a Parliament Man in every County ?

Mr. Attor. Gen. Where was this ?

Mr. Dugdale. This was at *Richard*'s Coffee Houſe in *London*, againſt they met here.

Mr. Attor. Gen. We could give you an account of a volume of theſe things, abundance of ſcandalous Pamphlets, both Songs, Libels, and Ballads, that were made by this Gentleman, and all ſeized in his cuſtody.

Mr. Jones. But he ſung this Libel ?

Mr. Attor. Gen. All theſe, Gentlemen, (ſhewing a great bundle) were to be diſperſed over *England.*

Mr. Serj. *Jefferies.* It was it ſeems expounded and ſung by the Priſoner at the Bar; he gave you the Ballad here at *Oxford*, you ſay, Mr. *Dugdale.*

Mr. Dugdale. No, I heard him ſing it here.

Mr. Jones. Pray, Mr. *Dugdale*, what was the uſe was to be made of this Ballad ?

Mr. Attor. Gen. Come go to the next, we call this Evidence to ſhew you the malice of the Man.

Colledge. Pray, my Lord, let me ask ſome Queſtions of Mr. *Dugdale.*

Mr. Serj. *Jefferies.* Ay, now let the Priſoner ask his Queſtions (to do him right) before we go to another Witneſs.

Mr. Dugdale. My Lord, I have a word or two more about a Libel in Manuſcript, that very day the Sheriffs were to be choſen; it was to be printed, and he told me the Printer durſt not print it, it was ſo dangerous.

Mr. Serj. *Jefferies.* What was it, can you remember any part of it ?

Mr. Dugdale. No, but it was the worſt I ever heard in my life againſt the King and Government.

L. Ch. J. Now ask him what Queſtions you will.

Colledge. Pray, when was the firſt time you gave this Evidence ?

Mr. Dugdale. Truly, Mr. *Colledge*, I don't keep an account of Time, I cannot give an account of Time.

Mr Attor. Gen. As near as you can, tell him.

Mr. Dugdale. I cannot tell whether it might be in *June*, I think it was.

Colledge. How long before I was taken ?

Mr. Dugdale. It might be about the time you were taken.

Colledge. Pray, who did you give it before ?

Mr. Dugdale. I gave to Sir *Lionel Jenkins.*

Colledge. Where did you ſwear theſe particulars were done then ?

Mr. Dugdale. What was done in the City, I ſwore to be done there.

Colledge. What City ?

Mr. Dugdale. London; the ſame words were ſaid in the City of *London*, and over-again here. I have repeated, for the moſt part, only the words you ſaid here, but more was in the City than here.

Colledge. Did you ſwear then, that the words you ſwear now were ſpoken at *London* ?

Mr. Dugdale. It may be we might not name *Oxford* then.

Mr. Serj. *Jefferies.* He ſays well, it might not be named then.

Colledge. Then you did give in your Information, that I ſpoke theſe words at *Oxford.*

Mr. Dugdale. I was not examined about what was done at *Oxford*; but I believe I have heard you ſpeak the ſame words to me at my Lord *Lovelace*'s, but I do not know what County that is in.

Colledge. I ask you poſitively, Whether you did not ſwear that what you now ſay was ſpoken at *Oxford*, was ſpoken at *London.*

Mr. Dugdale. I did not name *Oxford* then.

Colledge. But did not you ſay that was done at *London*, that now you ſay was done here.

Mr. Dugdale. Truly, you ſaid them both at *London*, and here.

Colledge.

Colledge. Pray, Mr. *Dugdale*, what had you to give this your Information?

Mr. *Dugdale.* Truly I can't say I have received the worth of a Groat.

Colledge. Nor was ever promiſed any thing?

Mr. Dugdale. No, I never received any thing, nor ever was promiſed, but only what the King gave me for going down into the Country for my Charges.

Mr. *Attor. Gen.* Was that the ſame Allowance you had when you were Witneſs for the Popiſh Plot?

Mr. Dugdale. Yes.

Mr. Serj. *Jefferies.* Have you any other Allowance than what you had before, when you gave Evidence at my Lord *Stafford*'s Tryal?

Mr. Dugdale. No, nor have got all that yet neither.

Colledge. But pray obſerve my Queſtion, Mr. *Dugdale*, and anſwer it, Did you not ſwear at *London* that I ſpoke theſe words there, which now you ſay I ſpoke here?

L. Ch. J. Pray obſerve, he ſays he did not then name *Oxford*; but in the giving of his Evidence now, he tells you a ſeries of what paſſed between *London* and *Oxford*; and I muſt tell you further, if a Treaſon be committed, and the Evidence prove it to be in two Counties, the King may chuſe which County he will proſecute and bring his Indictment in, and give in Evidence the Facts in both Counties. But you ſhall have your Objection to it afterwards, and we will take it into conſideration. I tell you this, that it may not ſeem to you that the Witneſſes ſpeak impertinently of what was done at *London*; but if nothing was done or ſaid at *Oxford*, then it will be taken into conſideration, you ſhall have it ſaved afterwards, I only hint it now, that you may not think it impertinent.

Colledge. I beſeech your Lordſhip give me leave to ſpeake one word: When he made his Affidavit before Sir *Lionel Jenkins* there about ſeizing the King, about the Party I had, and the Arms I had provided, ought not he at the ſame time to have ſaid where I ſaid thoſe words to him? but he did ſwear then it was in *London* that I ſaid thoſe words to him; and coming before a Grand Jury of honeſt Gentlemen in *London*, they were ſo wiſe and honeſt as to do me Juſtice, and not find the Bill; ſo their deſign failing there, then they changed it to *Oxford*.

L. Ch. J. You did not come to your Tryal there, if you had ſo done, then they would have asked him in particular what was ſaid at *Oxford*, and what at *London*, as 'tis now, being done in both Counties. But look you, if you will ask any particular Queſtions, do, for they have other Witneſſes to produce.

Colledge. My Lord, I only ask this Queſtion, Whether it be not rational to think, that when he ſwore before Sir *Lionel Jenkins*, he ſhould not ſwear the words were ſpoken, and things done?

Mr. Dugdale. He hath ſaid the ſame words to me at my Lord *Lovelace*'s, as I lay in Bed with him, and this I never mentioned but now in my Evidence.

Colledge. What words did I ſay there?

Mr. Dugdale. If you muſt have them repeated, they were about the King.

Colledge. What were they?

Mr. Dugdale. That he was a Papiſt, and deſigned Arbitrary Government.

Colledge. Did I ſay ſo to you at my Lord *Lovelace*'s?

Mr. Dugdale. Yes, as we lay a Bed.

Mr. Sol. Gen. Did you lie together?

Mr. Serj. *Jefferies.* Yes, yes they were Intimates.

Colledge. I had not ſix words with you when you went to Bed, for you ſaid you were weary, and went aſleep preſently.

Mr. Dugdale. I ſay you ſaid this in the morning, for we had above an hours diſcourſe when we were a Bed, and all our diſcourſe was about the Parliament and the King.

Colledge. Where was it I ſaid thoſe words in *Oxford*?

Mr. Dugdale. At *Combe*'s Coffee Houſe was one place.

Colledge. Was there no Body by?

Mr. Dugdale. No, but at the Angel Inn there were ſeveral Perſons ſtanding by.

Colledge. Surely then ſome of thoſe heard the words as well as you.

Mr. Dugdale. It may be ſo, I am ſure many at *London* have been by, as Mr. *Starkey* by name, Mr. *Boſon*, Mr. *Baldwin*; they have rebuked you for it, and I have rebuked you too.

Colledge. What words have they and you heard, and rebuked me for?

Mr. Dugdale. When you have been railing againſt the King, and ſaid, That he deſigned nothing but the introducing of Popery, and Arbitrary Government, and that he was a Papiſt.

Mr. Serj. *Jefferies.* He loves to hear it repeated.

Colledge. What Arms did you ſee of mine in this Town?

Mr. Dugdale. I ſaw Piſtols; You had a Caſe of Piſtols before you, and you had ſome Pocket Piſtols.

Colledge. None but one I borrowed of you, and that you had again; had I? (pray ſpeak) did you ſee any more?

Mr. Dugdale. It may be there might not, but there were Pocket-Piſtols in the Room, and you had them in your hand.

Colledge. He ſwore but now that he ſaw me have Pocket-Piſtols, when it was but one, and that was his own.

Mr. Serj. *Jefferies.* Hearк you now, you talk of Piſtols, do you know that he had any Piſtols in his Holſters at *Oxford?*

Mr. Dugdale. Yes, he had.

Colledge. Yes, I know that, I don't deny it.

Mr. Serj. *Jefferies.* I think a Chiſſel might have been more proper for a Joyner.

Colledge. You ſay I was confederated with Capt. *Brown*, and other Men.

Mr. Dugdale. You have told me that Capt. *Brown* had a good Allowance, and it was pitty he had not a better Allowance; and you would ſpeak he might have a better Allowance, for he vvas able to do good ſervice vvhen the time came.

Colledge. From whom?

Mr. Dugdale. Among you.

Colledge. Among vvhom?

Mr. Dugdale. You know there vvere ſeveral gatherings among you that I vvas not privy to.

Colledge. What do I know?

Mr. *Sol. Gen.* You know Mony was gathered many times.

Colledge. For what purpoſe?

Mr. Dugdale. You never told me particulars; it was to diſtribute ſome where, I had none of it.

L. Ch. J. He does not ſay theſe men were concerned with you, but you ſaid ſo.

Mr. Dugdale. You know, Mr. *Colledge*, there were many gatherings of Moneys.

Colledge. Did I tell you there were any Gatherings for Capt. *Brown?*

Mr. Serj. *Jefferies.* He ſays you told him no Particulars; if you have a mind to ask him any more Queſtions, do.

Colledge. Pray, Sir *George*, don't interrupt me, I am here for my Life. Did I tell you there were any gatherings for Capt. *Brown*?

Mr. *Dugdale.* I do not ſay for him, nor whom you diſtributed it to; but you gathered Mony one among another, and you have paid Mony.

Colledge. I have paid Mony! when, and to whom?

Mr. Attor. Gen. You will not deny that, you confeſſed, upon your Examination, that you gave a Guinny.

Colledge. Sir, did you ſee me any more at *Oxford*, than in the Coffee-Houſe, and at that Inn, when I went out of Town, and was going home with the City-Members?

Mr. *Dugdale.* Yes.

Colledge. Were you in my Company any where, but in thoſe two places?

Mr. *Dugdale.* Yes, I was with you at the Chequer.

Colledge. Did you come a purpoſe to ſpeak with me, or had you any buſineſs particularly with me?

Mr. *Dugdale.* Truly, Mr. *Colledge*, I have forgot whether I had or no, I was in the Room with you there.

Colledge. Where is that Room?

Mr. *Dugdale.* I can't tell all the Rooms in that Houſe.

Colledge. Was it above-ſtairs, or below?

Mr. *Dugdale.* Both above and below, two days I was there with you.

Colledge. Was there any of this diſcourſe you ſpeak of paſſed there between us?

Mr. *Dugdale.* I know I was with you in thoſe two places I mentioned before; you called me aſide to drink a glaſs of Mum, and there was none in the Room but us two at that Coffee-houſe.

Colledge. Sir, you came to Town but on *Friday*, I think, it muſt be *Saturday*, *Sunday*, or *Monday* this was, for we ſtayed no longer in *Oxford*.

Mr. Dugdale. Nay, I came to *Oxford*, either *Wedneſday* night, or *Thurſday*-morning; and I ſaw you and Mr. *Hunt* together the ſame day I came.

Colledge. Did I explain any Pictures to you at *London*, or owned I was the Author of them.

Mr. Dugdale. Yes, upon my Oath, you have explained Pictures to me, and there is one Picture that I have not ſhewed yet, which you have explained what the meaning was.

Mr. Serj. *Jefferies.* 'Tis your common trade it ſeems.

Mr. Dugdale. You told me you got them done.

Clerk reads, *A Character of a Popiſh Succeſſor*, &c.

Mr. Serj. *Holloway.* How did he explain it to you, Mr. *Dugdale*?

Mr. Serj. *Jefferies.* I would ſee what opinion he had of the Church of *England*; there are ſome Church-men, what are they a doing?

Mr. Dugdale. They are a parcel of *Yantivy-men* riding to *Rome*; and here's the Duke of *York*, half Man, half Devil, trumpeting before them.

Colledge. You have got ſome Body to explain theſe things to you, Mr. *Dugdale*.

Mr. Dugdale. You did it, upon my Oath.

Colledge. Oh, fie upon you Mr. *Dugdale*, conſider what you ſay.

Mr. Serj. *Jefferies.* All this you did explain it ſeems.

Mr. Dugdale. And in one place of the other Libel the King was termed a Rogue, but they put him in by another name.

Mr. Serj. *Jefferies.* Where is it?

Mr. Dugdale. 'Tis in *Rary Shew*; In the Manuſcript it was, Now, now the *Rogue* is down.

Mr. Serj. *Jefferies.* Let me ſee it, I took notice of it, 'tis, Now, now the *Gyant* is down, here.

Colledge. I ask you, Sir, Whether the Song which you ſay was ſung at my Lord *Lovelace*'s, and other places, was the ſame with this?

Mr. Dugdale. For the general it is, I can't tell for every word: You ſang it half a dozen times there, and the Muſick plaid to you.

Colledge. I ask you whether it was the ſame with this?

Mr. Dugdale. I can't tell for every word you ſang.

Colledge. Was there any Body by at my explaining of theſe Pictures?

Mr. Dugdale. Mr. *Baldwin* was by, and reproved and corrected you, that you would be ſo open.

Colledge. Was there any Body by at *Oxford*, when you did hear me talk of Arming my ſelf?

Mr. Dugdale. They were walking up and down in the Barber's Shop, and I know not whether they did hear or no.

Mr. Attor. Gen. Was that Gentleman ſworn at my Lord *Stafford*'s Tryal, Mr. *Dugdale*?

Colledge. Yes, I was ſworn there, I acknowledg it.

Mr. Attorn. Gen. Did he ſwear any thing on your behalf, for your credit, Mr. *Dugdale*?

Colledge. That was by hear-ſay, Mr. Attorney, at the *Tower*; I know nothing of my own knowledg, but I did believe him another man than I find him.

Mr. Serj. *Jefferies.* No queſtion, or elſe you would not have truſted him.

Mr. Attor. Gen. Swear *Stevens.* (*Which was done.*) Do you give my Lord, and the Jury, an account where you found this precious Ballad.

Stevens. The firſt draught I found in his Bed-chamber.

Mr. Serj. *Jefferies.* What, of all of them? which is it?

Stevens. The *Rary Shew*; We found the firſt Draught of it in his Houſe, when we came to ſearch his Papers, by Order of Council; and the Printer that printed the Ballad, hath told me ſince, he had it from him———

Mr. Attor. Gen. What ſay you your ſelf? ſpeak your own knowledg.

Stevens. And Mr. *Atterbury* was by when we ſearched the Houſe.

Mr. *Attor. Gen.* Well, Mr. *Atterbury* will tell his own ſtory.

Stevens. I have ſeen you on Horſe-back, with Holſters before you, with ſome hundreds of men after you, coming out of the Bell-ſavage in; they ſaid, you were going to chuſe Parliament Men: I have known you three or four Years, you were Joyner to our Hall.

Mr. Serj. *Jefferies.* We call you to that particular of the Papers, and you run out in a ſtory of a Cock and a Bull, and I know not what.

L. Ch. J. Will you ask him any Queſtions?

Colledge. No, only this; Do you ſwear, upon your Oath, that you found the Original in my Houſe?

Stevens. Yes, Sir, you will ſee it with my hand to it, and ſome more of them.

Mr. *Attor. Gen.* And you found too thoſe that were printed?

Stevens. Yes, both our names are to them, that were concerned in the ſearching of them.

Mr. Serj. *Jefferies.* You found the Paper in the Houſe?

Stevens. Yes.

Mr. Serj. *Jefferies.* That is *Towzer*; but have you the Original of the *Rary Shew*? (*It was looked for, but could not be found.*)

Colledge. Pray, Gentlemen, obſerve, he ſwears that is an Original.

Mr. Serj. *Jefferies.* No, no he found the Paper in your Houſe.

Colledge. I ask about the Original of *Rary Shew.*

Mr. Serj. *Jefferies.* He ſays, he ſaw a Paper drawn with a Pencil that was like the Original.

Atterbury. There was an Original drawn with a Pencil, upon Dutch Paper, 'tis loſt ſince, for we do not ſee it here now, which at the ſame time we found upon *Colledge*'s Table in his Bed-Chamber.

Colledge. Did you find an Original of that in my Chamber?

Atterbury. Yes, we found a Paper drawn with Black-lead.

Colledge. Pray, where is it?

Atterbury. I did ſee it, it was drawn in Black-lead, it was upon Dutch-Paper, and lay upon the Table in your Chamber.

Stevens. Sure, I am, it was taken when we ſearched the Houſe.

Colledge. I am ſure you could never find the Original of any ſuch thing in my Houſe.

Mr. *Attor. Gen.* Then where is Mr. *Sewell*, (*Who was ſworn.*) Sir, did you ſee that Trumpery taken?

Sewell. I had a Warrant to ſeize Mr. *Spur*, and his Brother-in-Law Mr. *Colledge*. So I went down to ſeize Mr. *Spur*, and ſearch his Houſe for ſuch Papers as I ſhould find. I could not find them in the Houſe; but I enquired of him, after I had ſearched, and could not find them where they were; becauſe I ſaw him at Mr. *Colledge*'s when we firſt ſearched; he denyed them a pretty while, but at laſt he told me they were in the Hay-mow in the Barn. When I came there, he was balling, and told me, his Wife, *Colledge*'s Siſter had taken them down, and carried them into a Room where I had ſearched before, but could not find them; and the man was angry then, ſo we run after his Wife, and found her with all theſe Papers in a Bag.

Mr. *Attor. Gen.* Are theſe the ſame Papers?

Sewell. Yes; and there were two other Cuts; the man himſelf is about the place ſomewhere.

Mr. *Attor.*

Mr. *Attor. Gen.* Swear Mr. *John Smith.* (*Which was done.*)

Mr. *Jones.* Come, Mr. *Smith,* do you know Mr. *Colledge*?

Mr. *Smith.* Yes.

Mr. Serj. *Jefferies.* Give us an account what dealings you have had with him, where, and when; what he hath ſaid about the King; and tell us firſt whether you be intimately acquainted?

Mr. *Smith.* We were intimately acquainted. The firſt time I heard Mr. *Colledge* diſcourſing any thing of this nature, that is, concerning Treaſon, or any ſuch thing, was once at a Coffee-houſe by *Temple-Bar*; there I met *Colledge*, and he told me he was invited to Dinner, and he likewiſe invited me to it. I asked him, who provided the Dinner, he told me it was one Alderman *Wilcox*; I told him I was a ſtranger, and did not care for going; he told me, I ſhould be very welcome there; and at laſt prevailed upon me to go: And as I was going along, I asked him what the Alderman was; he told me, he was a man that was as true as ſteel, and a man that would endeavour to root out Popery: ſaid I, That may be done eaſily, if you can but prevail with the King to paſs the Bill againſt the D. of *York*. No, no, ſaid he, you are miſtaken, for *Rowley* is as great a Papiſt as the Duke of *York* is, (*now he called the King* Rowley) and every way as dangerous to the Proteſtant Intereſt as is too apparent by his Arbitrary ruling. This was the Diſcourſe between the Coffee-Houſe and the Tavern where we went to dine. When we came in, I asked *Colledge* again, whether the Alderman was there; he ſaid he was not there at that time: I asked him, the ſecond time, what kind of man he was; he ſaid, he was one that lived in his Country-houſe, and gave freely to ſeveral People to buy Arms and Ammunition. And I asked him to what purpoſe? and he ſaid, it was, to bring the King to ſubmiſſion to his People; adding thereto, That he wondred *Old Rowley* did not conſider how eaſily his Fathers Head came to the Block, which he doubted not would be the end of *Rowley* at the laſt. After this Diſcourſe, the Alderman came in; we dined, and every one went his own way about his own Buſineſs. Mr. *Colledge* then told me, if I would go with him to his own Houſe, I ſhould ſee how he was prepared with Arms and Proviſion. Soon after I met with him, and he deſired me to go along and dine with him; and I did ſo, and there he did ſhew me his Piſtols, his Blunderbuſs, his great Sword; and he ſhewed me his Armour, Back and Breaſt; and he ſhewed me his Head-piece, which, if I am not miſtaken, was covered over with Chamlet, it was a very fine thing; and, ſaid he, Theſe are the things which will deſtroy the pittiful Guards of *Rowley*, that are kept up contrary to Law and Juſtice, to ſet up Arbitrary Power and Popery.

Colledge. What did I ſay, Sir, about my Armour?

Mr. *Smith.* Thus you ſaid; It was to deſtroy *Rowley*'s Guards, (thoſe were your words) that were kept up contrary to Law and Juſtice, to ſet up Arbitrary Power and Popery. After I had dined with him, I parted with him. A little before the Parliament was to meet at *Oxford*, I met him again; and we were diſcourſing of ſeveral things, what preparations the City were making, how they were provided with Powder and Bullets, and for his part he would go down to *Oxford*, for he expected a little ſport there, upon the Diviſions that were like to be between the King and Parliament. Then ſaid I to him, Why, what is the matter there? Why, ſaid he, we expect that the King will ſeize upon ſome of the Members, and we are as ready as he. And, ſays he, for my part, I will be there, and be one that ſhall ſeize Him if he ſecure any of the Members, (and I believe he did go down); ſays he, you know how the City is provided: I told him, No, not ſo well as he; but he told me all was very well. After he came up again, I met him another time, and he told me, He went down in expectation of ſome ſport; but *Old Rowley* was afraid, like his Grand-father *Jamy*, and ſo ran away like to beſhit himſelf.

Mr. Serj. *Jefferies.* Did he ſay, If he had not ran away he would have ſeized him?

Mr. *Smith.* He ſaid nothing of that; but before, he ſaid, He would be one of them ſhould ſeize him, if he ſeized any of the Members. After this he told me, that *Fitz-Gerald* and he had had a quarrel at the Parliament-Door of the Houſe of Lords at *Oxford*; that *Fitz-Gerald* had called him Rogue; and, ſaid he, *Fitz-Gerald* made my Noſe bleed; but before long, I hope to ſee a great deal more Blood ſhed for the Cauſe. After this again, when there was a diſcourſe of diſarming the Ci-

ty, that my Lord *Feverſham* was to come to do it, he told me, he was well provided, and if *Feverſham*, or any man, nay *Rowley* himſelf ſhould attempt any ſuch thing, he would be the death of him, before any man ſhould ſeize upon his Arms.

Mr. Serj. *Jeff.* Did he diſcourſe any thing to you about Arms to provide your ſelf.

Mr. *Smith.* Yes, he did, I had an Armour from him.

Mr. Serj. *Jefferies.* What did he ſay to you about it?

Mr. *Smith.* He did deſire me to get me Arms, for I did not know how ſoon I might make uſe of them. I had an Armour from him upon trial; he ſaid, it coſt him 30 or 40 *s.* I had it upon trial, but it was too big for me, ſo I gave it him back, and bought a new one.

Mr. Attor. Gen. Did he tell you to what purpoſe you ſhould Arm your ſelf?

Mr. *Smith.* No, he did not name any purpoſe, but he told me, I did not know how ſoon I might make uſe of it.

Mr. Attor. Gen. What did he ſay to you about any one's ſeizing the King.

Mr. *Smith.* He told me, the Parliament were agreed to ſecure the King, and that in order to it, all Parliament-men came very well Armed, and accompanied with Arms and Men; and he told me of a great Man that had notice from all the Gentlemen of *England* how well they came armed.

Mr. *Jones.* What did he ſay of himſelf?

Mr. *Smith.* He would be one that ſhould ſecure the King, if he ſeized any of the Members?

Mr. *Jones.* When he had been there, what did he ſay?

Mr. *Smith.* If they had had any work, he was ready provided for them.

Mr. Attor. Gen. But, pray, tell us again what he ſaid of the King's running away?

Mr. *Smith.* He ſaid, *Rowley* was afraid, like his Grand-father *Jamy*, and ran away ready to beſhit himſelf.

L. Ch. J. If you have done with him, Mr. *Attorney*, let the Priſoner ask him what Queſtions he will.

Colledge. Mr. *Smith*, Where was this Diſcourſe I had with you?

Mr. *Smith.* Which do you mean, the former part or the latter?

Colledge. The firſt diſcourſe you talk of, what I told you going to Mr. *Wilcox*'s to dinner; and when it was?

Mr. *Smith.* You know beſt when it was, I can't exactly remember the time, but you know 'tis true.

Colledge. Where was it?

Mr. *Smith.* As we went along thither we had the firſt part of it, and when we came thither, you and I talked till Alderman *Wilcox* came in; and you and I were alone together, and ſeveral Perſons that were there, were drawn into Cabals, two by two. *Colledge.* Where?

Mr. *Smith.* In the Room where we dined; and you know there was a little Room by, where ſome were drinking a Glaſs of Wine.

Colledge. You ſay, by two and two, the Company were drawn into Cabals.

Mr. *Smith.* I tell you moſt of them were in Cabals, two and two together, only thoſe 2 Gentlemen that belonged to the Alderman went up & down and gave Wine.

Colledge. What Religion are you of?

Mr. *Smith.* Is it for this Man to ask me, my Lord, ſuch a Queſtion?

L. Ch. J. Yes, anſwer him.

Mr. *Smith.* I am a Proteſtant.

Colledge. You were a Prieſt?

Mr. *Smith.* Yes, what then? and I am in Orders now.

Colledge. That was from the Church of *Rome.*

Mr. *Smith.* Yes, and that is a good Ordination; I came in voluntarily to diſcover the Popiſh Plot, and was no Pentioner, nor received any Sallary from the King. I have ſpent ſeveral Pounds, ſeveral ſcores of Pounds, but received no Recompence. And I was the Darling at one time all over the City, when I did adhere to what they would have me to do.

Mr. Serj. *Jefferies.* Did not you ſwear againſt my Lord *Stafford?*

Mr. Attor. Gen. Were not you a Witneſs, Mr. *Smith*, at my Lord *Stafford*'s Tryal.

Mr. *Smith.* In that Caſe I did give a general account of the Deſign of the Papiſts; they did not then queſtion my Reputation, and I defie all the World to ſay any thing againſt it.

Colledge.

Colledge. Pray hear me Sir, if you pleaſe; the firſt diſcourſe that you ſpeak of about Mr. *Wilcox*'s being a good Man for the Cauſe, and contributing Mony, this was when we were at Dinner.

Mr. *Smith.* This was that day when we went to dinner with him, you know it very well.

Colledge. Where were the other Diſcourſes I had with you?

Mr. *Smith.* Which part of them?

Colledge. When I came from *Oxford.*

Mr. *Smith.* By the Ditch ſide, by your own Houſe; I have two or three to prove it, we were an hour or two diſcourſing together about this Buſineſs.

Colledge. What Buſineſs?

L. Ch. J. He tells you of two Diſcourſes, one before you went to *Oxford*, and one after you came from thence.

Colledge. He does ſay, that I diſcourſed him about our coming down hither to *Oxford*, That the Parliament would ſecure the King, and that I would be one of them that ſhould ſeize him, and this was at the time when we dined with Alder. *Wilcox.*

L. Ch J. Not ſo, he ſays after that time, and before you went to *Oxford*, he had ſuch a diſcourſe with you. Mr. *Smith.* Yes, my Lord, ſo it was.

Colledge. And does he ſpeak of another time when I ſhewed him the Back, Breaſt, and Arms? Mr. *Smith.* Yes.

Colledge. But he ſaid, I diſcourſed then, that the City was provided with Arms, and that the Parliament were reſolved to bring the King to ſubmiſſion.

Mr. *Smith.* When I was in the Houſe with him, he then ſaid Mr. *Wilcox* gave Mony to provide Arms: I asked for what? he ſaid, it was to bring the King to ſubmiſſion to his People; and then he added, he admired that *Rowley* did not remember how eaſily his Fathers Head came to the Block; and he doubted not but that would be the end of him too.

L. Ch. J. He ſpake of ſeveral times you know.

Colledge. I do not know one word of it, nor can diſtinguiſh the times: But, Mr. *Smith*, the laſt diſcourſe you ſay about *Oxford* buſineſs, was by the Ditch ſide.

Mr. Serj. *Jefferies.* The diſcourſe about bringing the King to ſubmiſſion, was in the way as you went to dinner.

Mr. *Smith.* The laſt diſcourſe when you returned from *Oxford*, was by the Ditch ſide; but both before and after you ſpake to me at that place about this deſign of bringing the King to ſubmiſſion.

Colledge. You ſaid it was at *Wilcox*'s at Dinner.

Mr. Serj. *Jefferies.* You miſtook him then.

Colledge. Nay, Sir *George*, you took him not right.

Mr. Serj. *Jeff.* I have taken him right I aſſure you, and you ſhall ſee it by and by.

Colledge. He is the falſeſt Man that ever ſpoke with a tongue.

Mr. Attor. Gen. Swear *Bryan Haynes.* (*Which was done.*) Tell my Lord, and the Jury, whether you know this Gentleman, what converſe you have had with him, and what diſcourſe he hath had with you. Apply your ſelf to Mr. *Colledges* Buſineſs only.

Haynes. I ſuppoſe he will not deny but that he knows me very well; I have been acquainted with him ever ſince *March* laſt, before the ſitting of the Parliament at *Oxford.* My Lord, there was a Warrant againſt me for High-Treaſon; and I made my application to Mr. *Colledge*, and deſired him to go to a certain Perſon of Honour in *England*, and ask his advice, Whether I might ſuperſede the Warrant by putting in Bayl, and carry the *Superſedeas* in my Pocket: Mr. *Colledge* told me he would go to this Perſon of Honour, for he would do nothing of his own head; and he bid me come to him the next day. My Lord, I came to Mr. *Colledge* the very next day, and I met him at his Houſe, and I asked him what was the reſult, and what advice he had from that Perſon of Quality; he bid me be of good chear, that the Parliament would be, and ſit at *Oxford* ſoon; that I ſhould not value the King a pin, for, ſaid he, the King is in a worſe condition than you or I; for you ſhall ſee, ſaid he, he ſhall be called to an account for all his Actions.

Mr. Serj. *Jefferies.* Who ſhould?

Haynes. The King; for all the World may ſee, ſays he, that he does reſolve to bring in Arbitrary Power, and Popery: And, ſaid he, unleſs he will let the Parliament ſit at *Oxford*, ſince he hath called them together, and put the People to charges

in chuſing of them, and them in coming down, we will ſeize him at *Oxford*, and bring him to the Block, as we did the Logger-head his Father. The Parliament ſhall ſit at *Guildhall*, and adjuſt the Grievances of the Subject, and of the Nation. And you ſhall ſee, ſaid he, that no King of his Race ſhall ever reign in *England* after him. *L. Ch. J.* Where was this he ſaid ſo?

Haynes. At his own Houſe I met him; and he and I did walk all along from his own Houſe, over the Bridge that is againſt *Bridewel*, and ſo went all along till we came to the Hercules-Pillars, and we had ſome diſcourſe there; we went up one pair of ſtairs and called for ſome Beef; and all this diſcourſe was in that very place of the Hercules Pillars.

Mr. Serj. *Holloway.* Do you know any thing of any Arms he had, and for what?

Haynes. But, Sir, ſaid I to Mr. *Colledge*, how can this be done, 'tis a thing impoſſible. You pretend, you ſay, to the Duke of *Monmouth*, that he is a fine Prince, and ſtands up for the Proteſtant Intereſt: Alas, ſaid he, we make an Idol of him to adumbrate our Actions, for fear we ſhould be diſcovered. Do you think the wiſe People of *England* ſhall ever make a Baſtard upon Record King of *England*; No, ſaid he, for tho' we praiſe his Actions, yet we cannot endure him, becauſe he is againſt his own Father. But, ſaid he, further, unleſs the King do expel from his Council the Earl of *Clarendon*, cunning *Lory Hide*; the Earl of *Hallifax*, that great turn coat Rogue, that was before ſo much againſt the Papiſts, a Raſcal, we ſhall ſee him hang'd, and all the *Tory* Counſellors; except the King do it, we will make *England* too hot for him.

Colledge. Who did I ſay this to? to you? *Haynes.* Yes, to me.

Colledge. Pray, how could this be poſſible.

Haynes. Yes, you knew my condition; and I intimated to you at that time, That I was as much for Treaſon and Villany as you: But then ſaid I to him, how can this be done? Here you have neither Officers, nor Men of Experience, nor Men of Knowledg; nor you have no Ammunition, Sea-port Towns, nor Ships. And beſides, the King, ſaid I, hath a great Party in the Land, and the Duke of *York* likewiſe; and for all the Men of Eſtates, and the Ancient Gentlemen, they will not be diſturbed, and to quit their Eaſe for a Civil War. Oh, ſays he, you are miſtaken, for we have in the City 1500 Barrels of Powder, and we have 100000 Men ready at an hours warning; and we have ordered every thing in a due method againſt the ſitting of the Parliament at *Oxford*; and you ſhall ſee *England* the moſt glorious Nation in the World, when we have cut off that beaſtly fellow *Rowley*; and ſpeaking of the King, he ſaid, he came of the Race of Buggerers, for his Grandfather, King *James*, buggered the old Duke of *Buckingham*; and he called him *Captain*, and ſometimes the *King*, and ſometimes *Rowley*.

Mr. Serj. *Jefferies.* This was pure Proteſtant diſcourſe upon my word.

Haynes. Then he railed at Judg *Pemberton*; and, ſaid he, let him try *Fitz-Harris* if he dare; I ſhall ſee him go to *Tyburn* for it, I hope, a Turn-coat Rogue. He was for the Plot whilſt he was *puiſne* Judge, but now he is Chief Juſtice, he is the greateſt Rogue in the World. He is like one of the Pentioners in the long Parliament. So one day I went along with Mrs. *Fitz-Harris*, and Mr. *Ivy*, and he ſent a Man to me, and deſired me to come to the Hog in Armor; thither we came, and met him, and went to his Lodgings, and there we dined. Then they made ſome Perſons of Honour believe, that I was a Perſon ſo and ſo qualified, and was brim full of the Plot; and he would put me upon charging the King with the firing of *London*, and the murder of Sir *Edmondbury Godfrey*, and, ſaid he, ſuch and ſuch Lords ſhall live and die by you; and beſides, ſaid he, you need not fear *England* ſhall eſpouſe your Cauſe. But, ſaid I, the Law is like a Spiders Web, that catches the little Flies, but the great Flies run through the Net, and make their eſcape; ſo 'tis with theſe Lords, they put you and me on the danger of acting; and when they get off by intereſt, a Jury of 12 Men will hang us by the Neck, and ſo I ſhould periſh, whilſt others triumphed, and only be a Martyr for the Phanaticks. So in diſcourſe we were talking of the Libel of *Fitz-Harris*; The Devil take me, ſaid he, every individual word is as true as God is in Heaven, and, ſaid he, if you do not joyn with *Fitz-Harris* in his Evidence, and charge the King home, you are the baſeſt fellow in the World, for he makes you ſlaves and beggars, and would make all the World ſo; and 'tis a kind of charity to charge him home, that we may be rid of ſuch a Tyrant.

Mr.

Mr. *Serjeant Jefferies.* Mr. *Colledge*, if you will ask him any Queſtions, you may.

Colledge. Certainly, my Lord, the thing ſpeaks it; he is not to be talked withal; Is it probable I ſhould talk to an *Iriſh*-man that does not underſtand Senſe?

Haynes. 'Tis better to be an honeſt *Iriſh*-man, than an *Engliſh* Rogue.

Mr. Serjeant *Jefferies.* He does it but to put you into a heat, don't be paſſionate with him.

Haynes. No, I am not, I thank God he hath not put me into an heat.

Colledge. Where was this diſcourſe about ſuperſeding your Warrant?

Haynes. At *London.*

Colledge. When?

Haynes. It was before the Parliament ſat at *Oxon.*

Colledge. How long?

Haynes. I can't tell poſitively to an hour or a day.

Colledge. What Moneth as near as you can?

Haynes. It was in the Moneth of *March.*

Colledge. Had you ever ſeen me before?

Haynes. Can you deny that?

Colledge. I ask you whether you have or no?

Haynes. Yes, I have ſeen you in the Coffee-Houſes bawling againſt the Government.

Lord Chief Juſtice. Were you an intimate Acquaintance of his before *March* laſt?

Haynes. No intimate Acquaintance.

Colledge. Then this is the firſt time you diſcourſed with me.

Haynes. Oh, no my Lord. One and I fell out at the Queens-Head Tavern at *Temple Barr*, and he ſat me upon the buſineſs, and *John Macnamarra* and others, and truly I did the buſineſs for him. For we fell out and did box, and our Swords were taken from us, and I went to *John Macnamarra* and told him, Yonder is ſuch a man at ſuch a place; now you may ſeize upon him.

Colledge. What man was that?

Haynes. One *Richard Tonre.*

Colledge. He belonged to my Lord *Tyrone*, I think, there were Warrants to take him. Do you ſay I fet you upon that?

Haynes. Yes, you were with me the Night before, and Capt. *Browne*, and they gave us a Signal, a Blew Ribband to diſtinguiſh that we were Proteſtants from the Biſhops men.

L. C. Juſt. When were you to make Uſe of it?

Haynes. When the King was ſeized.

Mr. Serjeant *Jefferies.* Well, go on, have you any more?

Haynes. But, my Lord further, after he came from *Oxon* I met him, and ſaid I, Where are now all your Cracks and Brags? now you ſee the King hath made a Fool of you; now you know not what you would have done. Sayes he, What would you have us do? We have not done with him yet: for, ſaid he, no Servant, no man living did know whether he would Diſſolve the Parliament that day. I was that very nick of time at the *Lobby* of the Lords Houſe, and there was a man came in with a Gown under his Arm, and every one looked upon him to be a Taylor, and no body did ſuſpect, no not his intimateſt Friends, except it were *Fitz Girald*, that he would Diſſolve the Parliament that day; but preſently he puts on his Robes, and ſends away for the Houſe of Commons; and when he had Diſſolved them, before ever the Houſe could get down; he took Coach and went away, otherwiſe the Parliament had been too hard for him; for there was never a Parliament-Man but had divers armed men to wait on him, and I had my Blunderbuſs and my man to wait upon me. But well, ſaid he, there is a God above will rule all.

Mr. *Att. Gen.* Call Mr. *Turbervile.*

Colledge. Hold, Sir, I deſire to ask him ſome Queſtions. You ſay the firſt time that I ſaw you, you had this diſcourſe with me.

Haynes. Do not uſe Tautologies, 'Tis not the firſt time I have been Examined, I know how to ſpeak as well as you.

Colledge. Anſwer my Queſtion, Sir.

Haynes. You know it was after I had made Affidavit before the *Recorder* of *London*, a Copy of which was carried to that Noble-man; And you came from him and returned me his Thanks, and told me it was the beſt Service I could do him. I would not trouble the Court with Circumſtantial things; and you told me I ſhould be gratified not only in my own Property, but a Reward for me and my heirs for ever.

Mr. Att. Gen. For what?

Haynes. I made Affidavit before the *Recorder* of *London.*

Colledge. About what?

Haynes. Concerning one *Fitz Girald.*

Mr. Att. Gen. Is it to this matter?

Haynes. No, nothing at all.

L. C. Juſt. Let him ask any Queſtions what he will.

Colledge. I ask when it was the firſt time you were acquainted with me ſo much as to know me well?

Haynes. As to the firſt time of intimacy, here is *Macnamarra* will take his Corporal Oath that I was as well acquainted with him as any one in the World.

Colledge. Pray anſwer me, Sir, when was the firſt time I talked to you?

Haynes. The firſt intimate acquaintance we had, was when you put me upon the Deſign about *Fitz Girald.*

Colledge. Pray Sir, You go too faſt already, as you are ſtill gallopping; where was this diſcourſe about his Majeſty?

Haynes. I told you before.

Colledge. What was it?

Haynes. I went to you after the Affidavit was made, and told you there was a Warrant out after me, and deſired you to go to *That* Noble-man and deſire his Advice what I might do, or whether I might ſuperſede the Warrant. You told me you could do nothing without advice, and you would go and adviſe with *That* Noble-man.

Colledge. My Lord, here is Mr. *Turbervile* come in, they will over-hear one another; pray let me have fair Play for my Life.

(*whereupon* Turbervile *withdrew.*)

L. C. Juſt. Can't you anſwer him? when was the firſt time you came acquainted with him?

Mr. Serj. Jefferies. When was the firſt diſcourſe you had with him?

Haynes. In *April* laſt.

Colledge. You ſay it was before the Sitting of the Parliament, and that was in *March.*

Haynes. I meant in *March.*

Colledge. So indeed you ſaid at firſt.

Mr. Serj. Jefferies. He never did ſay the day of the Month, nor the Month neither.

Mr. Jones. How long was it before the Sitting of the Parliament?

Haynes. Mr. *Jones*, truely I do not remember preciſely how long it was before the Sitting of the Parliament, but I am ſure it was before.

Mr. Serj. Jefferies. I did take it that he ſaid it was before the Sitting of the Parliament, and now he ſays in the Month of *March.* Pray at that time he talked to you, did not he tell you of the Sitting of the Parliament, and that they would ſtand by you?

Colledge. He hath ſaid it already, you need not direct him, Sir *George*, he goes faſt enough. But you ſay, Sir, the firſt time I ever was acquainted with you was in *March*, then Gentlemen conſider whether it be probable that at that time I ſhould diſcourſe to him after this manner.

L. C. Juſt. No, I will tell you what he ſays, He ſaid the firſt time he was intimately

mately acquainted with you, was in *March*, he ſaid he had before ſeen you in Coffee-houſes, and he is ſure it was before the Sitting of the Parliament; for he tells you the diſcourſe you had, and by that diſcourſe it appears, it related to a Parliament that was afterwards to Sit. And then to give you a more particular Circumſtance, he ſays that you put him upon the making of the Affidavit about *Fitz Girald*, and ſo you came acquainted.

Haynes. Ask Mr. Attorney. My Lord, that day he was taken and carried to *Whitehall* before the Secretary of State; He ſaid, I do not know who it ſhould be that ſhould accuſe me, I believe it is *Ivy*; as for *Haynes*, he was taken t'other day; he was an honeſt man.

Colledge, You ſay I deſired you to make an Affidavit, was it after that or before I had that diſcourſe with you?

Haynes. It was after. For I came and deſired you to go to ſuch a Perſon of Quality, and you went to him and adviſed with him; and then the next Morning ſuch diſcourſe as I told your Lordſhip and the whole Court of, he told me.

Colledge. Did I ſpeak theſe Treaſonable words after the Affidavit made?

Haynes. You ſaid I muſt make ſuch an Affidavit concerning *Fitz Girald.*

Colledge. But was this Treaſonable diſcourſe before you made the Affidavit, or after?

Haynes. After the Affidavit made, you told me this. When I came to his houſe, and from thence, we went to the *Hercules* Pillars.

Mr. Sol. Gen. Will you ask him any more Queſtions, Mr. *Colledge*?

Colledge. Did you ever ſpeak with me in your Life before *Macnamarra* did call me out of the Coffee-houſe to go along with you, where you would diſcover a deſign againſt my Lord *Shaftesbury*'s Life?

Haynes. I told you I never had any intimate acquaintance with you in my Life before, nor did I ever ſpeak with you before.

Colledge. When was that diſcourſe, I ask you once again?

Haynes. After the Affidavit made.

Colledge. That Night?

Haynes. Within a Week or thereabouts after the Affidavit made.

Mr. *Att. Gen.* Call Mr. *Edward Turbervile.* But Mr. *Haynes*, I would ask you one Queſtion, Did he deliver you any Ribband as a mark of diſtinction.

Haynes. Yes, here it is. *(and it was ſhew'd to the Court)*

Then Mr. Turbervile *was ſworn.*

Mr. *Serj. Jeff.* Pray Mr. *Turbervile* will you tell my Lord and the Jury what diſcourſe you had with Mr. *Colledge*, and where, and when?

Mr. *Turbervile.* When the Parliament ſat in *Oxon*, about the middle of the week, I can't be poſitive in the day, but I think it was in the middle of the Week, I dined with Mr. *Colledge*, Captain *Brown* and *Don Lewes* Clerk of *Derby-Houſe* at the *Chequer-Inn.* After Dinner *Don Lewes* went out about ſome buſineſs, and Captain *Brown* went to ſleep; Mr. *Colledge* and I fell talking of the Times, and I was obſerving, I thought the Parliament was not a long lived Parliament. Said he, There is no good to be expected from the King; for He and all his Family are Papiſts, and have ever been ſuch, you know it, Sir.

Mr. *Serj. Jeff.* Nay don't appeal to him.

Mr. *Turbervile.* Said I, The King will offer ſome thing or other by way of ſurprize to the Parliament. Said he, I would he would begin; but if he do not, we will begin with him and ſeize him; for there are ſeveral brave Fellows about this Town that will ſecure him till we have thoſe Terms that we expect from him.

L. C. Juſt. Where was this?

Mr. *Turbervile.* At the *Chequer-Inn* in *Oxon.*

L. C. Juſt. What ſaid he further?

Mr. *Turbervile.* He ſaid he had got a Caſe of Piſtols, and a very good Sword and a Velvet Cap; and I can't be poſitive he had Armour on, but I believe he had.

Mr. *Att. Gen.* Did he tell you he came down for that purpoſe to ſeize the King?

Mr.

Mr. *Turbervile.* Yes, and he gave me a piece of Blew Ribband to put in my Hat, he had a great Quantity of it.

Mr. *Att. Gen.* What was that for?

Mr. *Turbervile.* To be a diſtinction if there ſhould be any diſturbance when the thing ſhould be done.

Colledge. What thing done?

Mr. *Turbervile.* I knew nothing but of your telling me of it.

Colledge. Where was this?

Mr. *Turbervile.* At the *Chequer-Inn* in *Oxon*, Mr. *Colledge.* You talk much and can't remember all you ſay.

Mr. *Att. Gen.* What did he diſcourſe to you about Arms and an Horſe?

Mr. *Turbervile.* I told him I had never an Horſe, and nothing but a Caſe of Piſtols; he bid me I ſhould not trouble my ſelf, for he would get me an Horſe.

Colledge. What to do?

Mr. *Turbervile.* To carry on your deſign, I know not what it was, but by your words.

Mr. *Att. Gen.* Tell what he ſaid of it at the *Chequer-Inn.*

Mr. *Turbervile.* He ſaid there was a Deſign to Seize the King.

Mr. *Att. Gen.* Did he deſire you to be one of them?

Mr. *Turbervile.* He did deſire me to be ready to aſſiſt.

Mr. *Jones.* And how much of that Ribband had he, pray?

Mr. *Turbervile.* A very great quantity, 40 or 50 Yards.

Mr. *Sol. Gen.* Pray Mr. *Turbervile* will you give your Evidence over again, and let Mr. *Colledge* attend to it.

Mr. *Turbervile.* When the Parliament ſat at *Oxon* about the middle of the Week, I cannot be poſitive to a day; I believe it was either *Wedneſday* or *Thurſday* I Dined with Mr. *Colledge*, Capt. *Brown*, and *Don Lewes*, who was formerly Clerk of *Derby-houſe*. *Don Lewes* after Dinner went out, and Capt. *Brown* laid him down on the Bed, and Mr. *Colledge* and I fell a talking of the Times, and I told him, I thought this Parliament would be no long Lived Parliament. Upon which *Colledge* told me the King and all his Family were Papiſts, and there was no good to be expected from him. Then I replyed, The King would perhaps Surprize the Parliament, or uſe ſome Stratagem to bring them to his Terms. Said Mr. *Colledge* again, I would he would begin; but if he do not, we will ſecure him till he comes to thoſe Terms we would have from him; for here are ſeveral brave Fellows, and many more are coming down that will joyn with it.

Mr. *Att. Gen.* Did he name any one?

Mr. *Turbervile.* No indeed, he did not; he himſelf had a Caſe of Piſtols, a Sword, and I believe he might have his Armor on.

Colledge. Did I diſcourſe who were to joyn with me?

Mr. *Turbervile.* No, Mr. *Colledge*, you did not name any body to me, but Capt. *Brown* was with you.

Mr. *Att. Gen.* Were you Examined in my Lord *Stafford*'s Tryal?

Mr. *Turbervile.* Yes, I was.

Mr. *Att. Gen.* Was this Gentleman ſworn to your Reputation there?

Mr. *Turbervile.* No, not to mine.

Colledge. Pray how come we to talk of ſuch things? What occaſion was there that I ſhould talk Treaſon of the King to you? Was there any body beſides us two there?

Mr. *Turbervile.* No, Capt. *Brown* was gone to ſleep, and *Lewes* was gone out.

Mr. *Att. Gen.* It was not at Dinner that you talked ſo, Mr. *Colledge*, he ſayes,

Colledge. Had they been at Dinner with us there?

Mr. *Turbervile.* Yes, and we had a Leg of boyled Mutton to Dinner.

Colledge. Did you ſtay after Dinner?

Mr. *Turbervile.* Yes, and I lay with you afterwards upon the Bed.

Colledge. I thought you had ſaid Capt. *Brown* went to ſleep there.

Mr. *Turbervile.* Yes, but he was gone too, when we laid down together.

Colledge.

Colledge. God forgive you, I can ſay no more, I never ſpoke one word of any ſuch diſcourſe in my Life.

Mr. Att. Gen. Will you ask him any more Queſtions?

Colledge. Mr. *Turbervile*, when did you give in this Information againſt me?

Mr. *Turbervile.* I gave it to the Grand Jury.

Colledge. Not before?

Mr. *Turbervile.* Yes, I did.

Colledge. When was it?

Mr. *Turbervile.* Truly I can't well tell, I believe it was a day or two before I came to *Oxon.*

Colledge. Why did you make it then, and not before?

Mr. *Turbervile.* I'le tell you the occaſion. Mr. *Dugdale* told me the Grand Jury of *London* would not find the Bill; I did admire at it extreamly: for I thought every one that converſed with him might be an Evidence againſt him; he was always ſo very laviſh againſt the King and the Government. So then Colonel *Warcup* came to me and took my Depoſitions, and then I came for *Oxford.*

Colledge. What was the reaſon you did not diſcover this Treaſon before?

Mr. *Turbervile.* There was no reaſon for it, it was not neceſſary.

Colledge. You were not agreed then.

Mr. *Turbervile.* There was no agreement in the Caſe, there needs nothing of that I think; but I am not obliged to give you an account of it.

Colledge. God forgive you Mr. *Turbervile.*

Mr. *Turbervile.* And you too, Mr. *Colledge.*

Mr. Att. Gen. Then call Sir *William Jennings.*

Mr. Serjeant *Jefferies.* Mr. Attorney, if you pleaſe, till he comes, I will acquaint my Lord here is a Gentleman that hath not yet been taken notice of, one Mr. *Maſters*, that is pretty well known to Mr. *Colledge*; now he is a man, he muſt acknowledge, of an undoubted Reputation, and I deſire he may give your Lordſhip and the Jury an accompt what he knowes of the Priſoner; becauſe he is ſo curious for *Engliſh-men*, we have brought him an *Engliſh-man* of a very good Repute.

Colledge. My Lord, I am charged with Treaſon in this Indictment; here are a great many things made Uſe of that ſerve only to amuſe the Jury, I can conjecture nothing elſe they are brought for; I deſire to know whether the Pictures produced are part of the Treaſon.

L. Ch. Juſt. Stay till the Evidence is given, and we will hear what you can ſay at large when you come to ſumme up your Defence.

Mr. Serjeant *Jefferies.* Pray, my Lord, will you be pleaſed to hear this Gentleman. He will tell you what diſcourſe he hath had with the Priſoner at the Barr.

Then Mr. Maſters *was ſworn.*

Mr. *Maſters.* Mr. *Colledge* and I have been acquainted for a great many Years; and we have often diſcourſed. I have told him of his being ſo violent as he hath been ſeveral times. But a little before the Parliament at *Oxon.* about *Chriſtmas* laſt after the Parliament at *Weſtminſter* at Mr. *Charlton*'s Shop the Woollen Draper in *Paul*'s Church-Yard, we were diſcourſing together about the Government, and he was juſtifying of the late long Parliaments Actions in 40; and he ſaid, That Parliament was as good a Parliament as ever was choſen in the Nation. Said I, I wonder how you have the Impudence to juſtify their Proceedings that raiſed the Rebelion againſt the King, and cut off his head. Said he, They did nothing but what they had juſt Cauſe for, and the Parliament that ſate laſt at *Weſtminſter* was of their Opinion, and ſo you would have ſeen it.

Mr. Serj. Jeff. What did he ſay of the Parliament ſince?

Mr. *Maſters.* He ſaid the Parliament that ſate laſt at *Weſtminſter* was of the ſame Opinion that that Parliament was.

Mr. Serj. Jeff. Pray afterwards what diſcourſe had you about his Colonel-ſhip.

Mr. *Masters*. We were talking at *Guild-Hall* that day the Common-Council was, the 13*th* of *May* as near as I remember, so I came to him, How now Colonel *Colledge*, said I, what do you make this bustle for? You mistook me and said, Cozen how long have you and I been Cozens; Nay prithee, said I, 'tisnot yet come to that, to own Kindred between us, I only called you Colonel in jest; Marry mock not, said he, I may be one in a little time.

Mr. Serj. Jeff. Have you any thing to ask Mr. *Masters*? you know he is your old acquaintance, you know him well.

(*Then Sir* William Jennings *was sworn.*)

Mr. *Jones*. What is it that you know concerning Mr. *Colledge* at *Oxford*, Sir?

Sir *William Jennings*. My Lord, The first time that I heard any thing of Mr. *Colledge*, was, there was some Company looking upon a Picture, for I knew him not, nor never had any word of discourse with him in my life any more then seeing him in a publick Coffee-house. But there was a Picture looking on by 7 or 8 or 10 People, I believe more or less, and I coming and crowding in my head amongst the rest, looked upon this Picture. After the Crowd was over, Mr. *Colledge* takes a Picture out of his Pocket, and said he, I will give you one of them if you will. So he gives me a Picture; which Picture if I could see, I could tell what it was; it was written *Mac a Top*, and there were several Figures in it.

(*Then the Picture was shewed him.*)

This is one of the same that I had of him, and I had not had it long in my Custody, but meeting with Justice *Warcupp*, I shewed it him, who bid me give it him, and so I did. The next thing that I did see Mr. *Colledge* do, was in the Coffee-house, not the same day, but another time. I saw him bring in a parcel of blew Ribband which was wrought, and these words eight times wrought in it, twice wrought in every Quarter of a Yard, *No Popery*, *No Slavery*. I saw him sell to a Member of Parliament, as I took him to be, a yard of that Ribband for 2 s. and truly I was thinking he would ask me to buy some too, and I saw that Gentleman (I took him to be a Parliament man) take this Ribband and tye it upon his Sword. As to the other thing I have to say of Mr. *Colledge*; That very day the Parliament was Dissolved, he had been in a Quarrel, as he told me, with Mr. *Fitz Girald*; and I was standing in the Schoole-house Yard, and he comes directly to me without my speaking to him or any thing; but he comes and tells me Mr. *Fitz Girald* had spit in his face. and, said he, I spit in his face again; so we went to Loggerheads together, I think that was the word, or fifty Cuffs. So, said I, Mr. *Colledge* your Nose bleeds; he takes his handkerchief out of his Pocket and wipes his Nose, and said, I have lost the first blood in the Cause, but it will not be long before more be lost.

L. C. Just. Where was this?

Sir *William Jennings*. In the Schoole-house Yard at *Oxon*. I never discoursed with him afterwards till I met him at *London* in *Fleet-Street* one *Sunday* in the Afternoon, and I remember Captain *Crescett* was along with me. And when he came up to me, How now, said I, honest Joyner? Sayes he, You call me honest Joyner, some call me Rogue and Rascal, and I have been beating some of them. So that I believe they will be aware of it. So I told Captain *Crescett* I never met this man but he was always in a Quarrel.

Colledge. Was it on a Sunday that I told you I had been beating of some body.

Sir *William Jennings*. You told me so, Captain *Crescett* was by.

Colledge. I do remember I met you, but I did not tell you I had been then beating any one. But pray, Sir *William*, when I met you after the Parliament was Dissolved, and *Fitz Girald* and I had quarrel'd, did I say, That I had lost the first blood in the Cause, but it would not be long e're more were lost. Sir *William*, you are a

Gentleman

Gentleman;as for the other men, they don't care what they ſay, nor do I ſo much regard them, but you value your Word and Honour; Theſe were my words,and pray will you recollect your ſelf before you be poſitive in the thing,whether I did not ſay, I have loſt the firſt blood for the Parliament (for it was upon my vindicating of the Commons and Doctor *Oates* whom *Fitz Girald* had abuſed, and upon that the Quarrel began; ſo I ſaid when you met me, and told me, my Noſe bled, *I have loſt the firſt blood for the Parliament*) *I wiſh it may be the laſt.*

Sir *William Jennings*. Mr. *Colledge*,If you pleaſe I will anſwer you as to that,I do aſſure you?tis the firſt time that ever I came upon this occaſion in my days, and I have declared it before,and do declare it now, I would rather have ſerved the King in 3 Ingagements, then come in againſt you or any man upon ſuch an Occaſion. But I declare to you upon the whole memory of the truth, the words were as I ſpoke them at firſt, and no Parliament named or mentioned. And, my Lord, moreover, I will tell you, When I did tell this ſtory, becauſe Mr. *Creſcett* that is here is able to tell you whether I did not relate the words within half an hour, or a little time after. Now I never had a prejudice againſt you in my days, nor other Concern, but having told Mr. Juſtice *Warcupp* this Story,I am brought hither to teſtifie it.

Colledge. Sir *William*, I am very ſorry you did not better obſerve and remember my words then.

Sir *William Jennings*. I muſt needs ſay,I could not imagine what the words meant when they were ſpoken, nor do I underſtand them to this day ; but ſoon after they were ſpoken,I related them to Juſtice *Warcupp*, he being a Juſtice of Peace.

Mr. Serj. *Holloway*. Gentlemen, we ſhall reſt here, and conclude our Evidence for the King at preſent, to hear what the Priſoner ſays to it, only with my Lords leave I ſhall explain the words to you that are in the Indictment, and tell you what is meant by Compaſſing and Imagining the Death of the King. The Seizing the Perſon of the King, is in Law a Compaſſing and Intending his Death; and ſo it hath been adjudged in ſeveral Caſes, as in 1 *Jacobi*, my Lord *Cobham* and my Lord *Greys* Caſe, and ſeveral other Caſes, and ſo you may fully apprehend what the Charge is, and may underſtand the words in the Indictment, That if you are not ſatisfied with the general words of Compaſſing the King's Death,you may know,that the Seizing his Perſon extends to it.

Mr. Serj. *Jefferies*. My Lord we have done with our Evidence, now let him go on with his.

L. Chief Juſtice. Now Mr. *Colledge* you may ſay what you will for your defence, and call your Witneſſes that you have to produce.

Colledge. My Lord, I have heard this Evidence that is againſt me, and I would deſire your Lordſhip to reſolve me ſome Queſtions upon it. I think the Indictment is for Treaſonable Practices, for a Conſpiracy; now I deſire your Lordſhip will be pleaſed that I may know from you and the Court, whether in all this Evidence given in proof againſt me, a Conſpiracy is proved; or if any thing appears beſides what they ſay I ſaid.

L. Chief Juſtice. For a Conſpiracy in you, If the Witneſſes ſpeak Truth, there is a plain proof, and of the degrees of it: Firſt of all, By your publiſhing Libels and Pictures to make the King Odious and Contemptible in the Eyes of the People, and that you ſhould be the Author of ſome of thoſe Pictures, and they were found in your Cuſtody.

Colledge. I conceive that is not proved.

L. Chief Juſtice, If the Witneſſes ſay true, it is proved.

Colledge. They

Colledge. They do not produce that, they do but ſay it.

L. Chief Juſtice. Mr. *Dugdale* Swears, That at *Oxford* here, you ſhew'd him the Picture, you ſung the Song here, and expounded it at my Lord *Lovelace's*, and a great many of them are found in your Cuſtody. Then that you prepared Armes, that you ſhew'd *Smith* the Arms in your Houſe, and having thoſe Arms, you ſaid, You would go to *Oxford*, and if there ſhould be a diſturbance there, you would ſecure the King. And you did come to *Oxford*, where you hear what is ſaid; for I Obſerve, *Stephen Dugdale* and *Edward Turbervile* ſpeak of what was done at *Oxford*. *John Smith* and *Bryan Haynes* ſpeak of what you ſaid at *London* before you went to *Oxford*, and after you came from *Oxford*. Now I ſay, If theſe Witneſſes ſpeak true, 'tis a ſtrong Evidence againſt you, both upon the Statute of the 25 *Edw.* the 3*d.* and that of this King too. For my Brother *Holloway* told you true. That whereas the Imagining the Death of the King is High Treaſon, by the 25 of *Edw.* the 3*d.* ſo a Seizing of the King, and an endeavor to do that, is a conſtructive Intention of the Death of the King; for Kings are never Priſoners, but in order to their Death. And therefore it hath been held in all times, that by the Statute of *Edw.* 3*d.* that was Treaſon; but then the Statute of this King, in the 13 Year of his Reign, is more ſtrong; for there it ſays, If any man ſhall by any words or malitious ſpeaking ſhew the Imagination of his Heart, that he hath any ſuch Intention, that is Treaſon too.

Colledge. My Lord, the Foundation of this Indictment is ſaid to be laid here, in *Oxford*, as I ſuppoſe; pray, my Lord, here is only Mr. *Dugdale* and *Turbervile* that Swear againſt me for what I ſhould ſay in *Oxon*, all the reſt ſpeak to things ſaid and done at *London*. Now, my Lord, I deſire to know, whether they have proved any Treaſonable Practices, Conſpiracy or Deſign in me againſt the Government, I would fain know that, whether there be matter here to ground an Indictment upon; for the one ſays in one place, the other in the other, which may be diſtinct matters, and none of them Swear Facts againſt me, but only Words.

Mr. Juſtice Jones. Yes, providing Arms for your ſelf, and offering others Arms.

Colledge. That I ſhall make this Anſwer to, I had only a Caſe of Piſtols and a Sword, which every Footman and Horſeman had, that came from *London*, I think. But further my Lord, I would ask your Lordſhip, whether there ought not to be two Witneſſes diſtinct, to Swear words at one and the ſame time.

Mr. Juſtice Jones. No, No, the Reſolution of the Judges in my Lord *Stafford's* Caſe, is contrary.

L. Chief Juſtice. Look you, It hath been often Reſolved, That if there be one Witneſs that proves one Fact which is an Evidence of Treaſon, and another proves another Fact, that is an Evidence of the ſame Treaſon, tho' they be but ſingle Witneſſes to ſeveral Facts, yet they are two Witneſſes to an Indictment of Treaſon; that hath been often publickly Reſolved, particularly in the Caſe of my Lord *Stafford*, mentioned by my Brother. And I'le tell you my Opinion further, If there be one Witneſs that proves here what you ſaid at *Oxford*, and another that proves what was ſaid in *London*, if they be in order to the ſame Treaſon, it is ſufficient; for if you do Conſpire to commit ſuch a Treaſon in *London*, and you come with ſuch an Imagination in your Heart to *Oxford* to compleat this Treaſon, tho' your deſign was not firſt formed there, I think 'tis enough to maintain an Indictment of Treaſon, and they are two good Witneſſes, tho' but one ſpeak to what was done at *Oxford*; but I muſt tell you, in your Caſe, there are two full Witneſſes to that which was done at *Oxford*, beſides Sir *William Jennings*.

Colledge. That which Sir *William Jennings* ſpeaks of, I told you before what it was I ſaid, *It was the firſt Blood that was ſhed for the Parliament.*

Mr. Juſt.

Mr. Juſt. *Jones.* The Parliament was Diſſolved before that which Sir *William Jennings* ſpeaks of, therefore you could not ſay it was to defend the Parliament.

Colledge. Mr. *Dugdale* did ſay that I ſpake ſuch and ſuch words in the Barber's Shop in the *Angel Inne*; there I was indeed at the time that he does ſpeak of, and the Barber was by, I do think, indeed it were convenient to have him here; but I knew not where he would charge me, or what it was he would charge me with, becauſe I never ſaid any thing in my Life that was like Treaſon.

Lord Ch. Juſt. Mr. *Colledge*, call any Witneſſes you will.

Colledge. But, my Lord, pray let me ask you one Queſtion more; You take theſe words diſtinct from any matter of fact, don't you?

L. Ch. Juſt. No, complicated with the Fact, which was the Overt-Act, the coming to *Oxon.* with Piſtols to make one if there had been any diſturbance, and to Seize the King.

Colledge. Then, my Lord, I would ask you, Whether any Act of Treaſon done at *London*, ſhall be given in Evidence to prove the Treaſon for which I am now Indicted, and which was given in Evidence before the Grand Jury, upon which the Tryal was there grounded.

Lord Ch. Juſt. Any Act of Treaſon that is of the ſame kind. And I'le tell you, That was Reſolved in Sir *Henry Vane*'s Caſe; thoſe that gave you that Paper underſtand it. But I ſpeak now to your Capacity, and to ſatisfie your Queſtion. He was Indicted for Levying Warr againſt the King, he Conſpired in *Weſtminſter*, the War was Levyed in another County; the Conſpiracy upon the Tryal was proved in the County of *Middleſex*, and the Warr in another place, and yet it was held ſufficient to maintain the Indictment in the County of *Middleſex*.

Colledge. There was a Warr really Levyed, but God be thanked here is only bare words.

Mr. Juſt. *Jones.* Yes, Actions too.

Colledge. What Actions, my Lord?

Mr. Juſt. *Jones.* Arming your ſelf, and coming to *Oxford.*

Lord Ch. Juſt. Well, I have told you my Opinion; My Brothers will ſpeak theirs, if they think otherwiſe.

Mr. Juſt. *Jones.* That is not your Caſe neither thô I am of the ſame Opinion with my Lord; for here are two Witneſſes have proved plain matter of Fact at *Oxford*; the providing Arms your ſelf, and encouraging others to take Arms ——

Colledge. They name no Perſons.

Mr. Juſt. *Jones.* You will have my Opinion, and yet you will give me no leave to ſpeak; I had patience to hear you: You are told there are two Witneſſes, *Turbervile* and *Dugdale*, that prove your providing and having of Arms at *Oxon.* and perſwading others to take Arms, particularly *Turbervile*, He told you he had no Arms, or but a Caſe of Piſtols, and he had no Horſe; but you told him you would provide him an Horſe. And then there are two other Witneſſes, *Smith* and *Bryan Haynes*, they do not tell you of any thing done at *Oxford*, but they tell you what you ſaid in their hearing of what you had done in *Oxon*, and ſo I think if the Witneſſes are to be believed, there is a very full proof againſt you.

Mr. Juſt. *Raymond.* I am of the ſame Opinion truely, and I cannot find, but that there is proof enough by two Witneſſes, *Turbervile* and *Dugdale*, of what was done at *Oxford.* They ſwear matter of Fact, not words only, but actions alſo.

Colledge. No fact, but that I had Piſtols and a Sword, and that I ſhould tell Mr. *Turbervile* I would provide him an Horſe, which is ſtill but words.

Mr. Juſt. *Jones.* But you ſhall hear anon for the full Conviction of you and all others, the Statute of the 13*th* of this King read to you, and you ſhall there ſee that ſuch words are made Treaſon.

Colledge. But I beſeech your Lordſhip to tell me whether there muſt not be two Witneſſes to the ſame words at the ſame time.

Mr. Juſt. *Jones*, No it was the reſolution of all the Judges in the Caſe of my Lord *Stafford* in the preſence of the Parliament, and the Parliament proceeded upon it.

Mr. *Serj. Jefferies*. In the ſame Tryal where Mr. *Colledge* was a Witneſs.

Mr. *Att. General*. All the whole Houſe of Commons prayed Judgment upon my Lord *Stafford*, purſuant to that reſolution.

L. C. Juſt. Come will you call any Witneſſes?

Colledge. My Lord, I do not queſtion but to prove this one of the Helliſheſt Conſpiracy that ever was upon the face of the Earth, and theſe the moſt notorious wicked men, an abſolute deſign to deſtroy all the Proteſtants of *England*, that have had the Courage to oppoſe the Popiſh Plot. In which no man of my condition hath done more then I have done. I was bred a Proteſtant, aud continued ſo hitherto, and by the grace of God I will dye ſo. If that they had known of theſe words that I ſhould ſpeak, and ſuch a Deſign that I ſhould have before the Parliament ſat at *Oxon*, and be with me in *Oxon* when the Parliament ſat, if they had been good Subjects, they ought to have had me apprehended. *Turbervile* came ſeveral times indeed, and dined with me. I did not bid him go out of Doors, nor invited him thither; he was a man I had no diſreſpect for, nay he was a man I valued, thinking he had done the Nation ſervice againſt the Papiſts; that this man ſhould hear me ſpeak ſuch words againſt his Majeſty, who was then in this Town, and know of ſuch a dangerous Deſign to attempt the ſeizing his Perſon, or that I ſhould Diſcover a great Party that were ready to do it, I think there is ſcarce any man of reaſon, but will ſay, if this were really done and ſpoken by me, neither of them would or ought to have concealed it but diſcover it, none of them has ever charged me with any ſuch thing, they have been in my Company ſince. I never had any Correſpondence with any of them but *Dugdale*, then pray conſider how improbable it is, that I ſhould talk of ſuch things to Papiſts, Prieſts, and *Iriſh*-men, who have broke their faith, with their own Party, that faith which they gave under the penalty of Damnation, Men that have been concerned in Plots and Treaſons, to murder and cut the Throats of Proteſtants, that I ſhould be ſuch a Madman to truſt theſe People, when I could receive no manner of Obligation from them, nor could give any Truſt to them, they having before broke their Faith; eſpecially, conſidering I could lay no ſuch Oaths and Obligations upon them, who was a Proteſtant; then 'tis the greateſt Non-ſenſe, to believe that I would ſay theſe things before Perſons whom I could never hope would conceal my Treaſons, having diſcovered their own. If they ſpeak Truth concerning the general Popiſh Plot, that could be no Obligation upon me, to truſt them with another; and they cannot ſay, that they ever obliged me in any one reſpect. My Lord, I thank God I have had ſome Acquaintance in the World, and have been concerned with ſome perſons of Honour, Noblemen, and Parliament men, that I know are as good Subjects as any his Majeſty has; theſe never found me a Fool, nor a Raſcal, ſo great a Knave, as to have any ſuch Thoughts in my Heart, nor ſo great a mad-man, or ſo fooliſh, as to go to diſcover them to Papiſts, Prieſts, and *Iriſh*-men, to men of their Condition, that were ready to ſtarve for Bread. As for *Haynes* and *Smith* that run ſo faſt through all their Evidence, the firſt time that ever I ſet my Eyes on *Haynes*, was in the Coffee-houſe that he ſpeaks of; *Macnamarra* comes in, and deſires me to go out with him, and I ſhould hear the greateſt Diſcovery of a piece of Villany againſt my Lord *Shaftsbury*'s Life, that ever I heard in my Life. This Captain *Brown* who is now dead, a man that I had not known but a Month before, (for I think it was in *March* laſt when this was) could teſtifie for me; For I came to him, Captain, ſaid I, here is a Diſcovery offered to be made to me, of a Deſign to take away my Lord *Shaftsbury*'s Life. *Macnamarra* asks me to go to the *Hercules Pillars*, I went along with him, and took Captain *Brown* with us. Afterwards he fell ſick in *April*, and is now dead, ſo I loſſed a main Evidence in the Caſe. He was the only man that was by at the time; God knows my Heart, I ſpeak nothing but the Truth, I took him with me, *Haynes* began to diſcover to us, that *Fitz-Girald* had employed him to fetch

over

over *Macnamarra*, and if he would come in, and Swear againſt my Lord of *Shafteſbury*, which was his Deſign, it would not be long e're his Head were taken off, and he ſaid, He had given in a Paper of High Treaſon againſt my Lord of *Shaftesbury*, I asked what it was ? He told me, That my Lord ſhould tell *Fitz Girald* that he had a Deſign to bring this Kingdom to a Common Wealth, and to rout out the Family of the *Stuarts*. This he ſaid, *Fitz Girald* had given in in a Paper, under his own hand; and I think he ſaid, He had Sworn it, and ſent *Haynes* to fetch *Macnamarra* to Swear againſt my Lord the ſame things too. I writ down all the heads of the diſcourſe which Captain *Brown* heard as well as I. After he had ſaid it, he deſired us to conceal it. Sir, ſaid I, You are a ſtranger to me, and theſe are great and ſtrange things that you do tell us, *Macnamarra* and *Brown*, and *Ivy*, and others were there, which (if they were honeſt men) they would come and Teſtifie. I thought them honeſt men, and that they had none of thoſe wicked Deſigns in their Hearts, that now I find they have. So ſays *Haynes*, *I do not know this man*, meaning me; *Macnamarra* told him, *I was an honeſt man, he might lay his Life in my hands.* After he had ſpoken all this, he deſired us to conceal it; Said he, *I will not only diſcover this, but a great deal more of their Rogueries that I know very well*; Said I to him again, *I will not conceal it, nor do you no wrong, for if this be true, my Lord of* Shaftsbury *ſhall know it to right*; *for where there is a deſign to take away a Peer of the Realm, I will not conceal it*; *but if it be falſe, and you have ſaid more then comes to your ſhare, Recant it again, and we will take no notice of it, only ſay you are a Knave for ſpeaking of it*; *he Swore Dam him it was all true, that, and a great deal more, which he ſaid he knew, about Seizing and Deſtroying the Parliament at* Oxon, *about an Army in the* North *that was to be Raiſed about the time of the Sitting of the Parliament at* Oxon, *of a* French *Army that was to Land in* Ireland *at the ſame time, that the Duke of* York *was to be at the Head of them, and the intention was, to deſtroy all the Proteſtants.* Upon this, I was Reſolved, if I lived, to come along with the Parliament, and if there was any ſuch Deſign, I was Reſolved to Live and Die with them, but I had no more then Common Arms, a Sword and a Caſe of Piſtols, my Cap was a Velvet Cap, and nothing elſe. My Lord, I had the Honor to be ſent for, when the Parliament Sat laſt at *Weſtminſter*, the Seſſions in *October*, it was an Honourable occaſion, and I thank thoſe worthy Gentlemen that ſent me for the Honor of it, there I begun to be popular as to my Name, for from that time they began to call me the Proteſtant Joyner, becauſe the Parliament had intruſted me. My Lord *Grey* was pleaſed to ſend his Footman for me to the *Crown Tavern* behind the *Exchange*, where there were ſeveral worthy Lords, Peers of the Realm, and One Hundred of the Commons, that had Dined there that Day, it was the Day before they Sat; after they had Dined I came to them, and the Duke of *Monmouth* told me, They had heard a good Report of me, that I was an honeſt man, that underſtood Building, and they did Confide in me to ſearch under the Parliament Houſe; they did not really know of any Deſign, but they would not be ſecure, there might be ſome Tricks play'd them by the Papiſts, tho' we are not afraid of them, ſaid the Duke, yet we think fit to employ you to ſearch under the Houſes, and thereabouts, whether you can find any ſuch Practices. So accordingly my Lord, I did go, my Lord *Lovelace* was one of the Honourable Lords, and my Lord *Herbert* that went with me, and ſome of the Gentlemen of the Houſe of Commons; and thoſe worthy Proteſtant Lords were pleaſed to thank me for my Service, and did believe I was Active and Zealous to find out and diſcover the bottome of the Popiſh Plot, ſo far as it came legally in my way to do it. My Lord, upon this occaſion, there was a great kindneſs from them to me, and I had upon all occaſions Teſtimonies of it; and this very man who now Swears Treaſons againſt me (which God Almighty knows is all falſe) did Swear in his Affidavit before Sir *George Treby* the Recorder of *London* (I did never ſee the Affidavit, indeed I was over night at Sir *George Treby*'s, but he was not then at leiſure, but he drew it up next day, and Swore it) that there was a Deſign to deſtroy the Parliament at *Oxon*, and there was not only his Oath for it, but it was the general belief, that ſome Evil was intended them. All men had cauſe to fear and to ſuſpect, the Papiſts did bear them no great good Will; and making uſe of their own Obſervations, they were generally Armed with a Piſtol, or a Sword, for themſelves, in caſe they ſhould be Attack'd by the Papiſts. In order to this, I did come down with my Lord *Howard*, my Lord of

Clare,

Clare, my Lord of *Huntington*, and my Lord *Pagett*, thoſe four worthy Proteſtant Lords; and it was two days after the Parliament was ſat, that we came, and I went out of Town again with my Lord *Lovelace*, Sir *Thomas Player*, and Sir *Robert Clayton*; and I am ſure, they were all in ſo great a Fear that *London* ſhould be ſurprized and ſeized on by the Papiſts, but there was no mortal man that ever heard of the Kings being ſeiſed, or thought of it, till theſe men come and tell me, that I had ſuch a Deſign, and came hither with that purpoſe; but my Lord, I declare as God is my Judge, I would not have it thought I ſpeak it to ſave my Life, were it as certainly a Truth, as 'tis moſt wickedly a Falſhood, that I had had a deſign to ſeize the King, I know not of one man upon the Face of the Earth, that was to ſtand by me, Parliament man, or other perſons whatſoever; And how it is poſſible for me to attempt that, being a ſingle Perſon, with only a Sword and a Caſe of Piſtols, let any man judge. And I do declare, I know of no Conſpiracy nor Deſign, againſt the King or Government, I never ſpoke one of the Treaſonable Words in my Life, that is laid againſt me, nor had ever any Thoughts of any ſuch thing. God that is my Eternal Judge, knows, that what I ſpeak is true.

L. Ch. Juſt. Well, Mr. *Colledge*, will you call your Witneſſes, for I muſt tell the Jury as I did at your requeſt, concerning Mr. *Attorney*, that as nothing he ſaid, ſo nothing you ſay is to be believed upon your own Allegation; for then no man would ever be guilty, if his own Purgation by words were to be believed.

Colledge. My Lord, I thank God, I know my own Innocency, and hope to prove it. I have a Soul that muſt live to Eternity, either in Joy or Miſery, I act according to thoſe principles, and I hope I have ſome aſſurance of my own ſalvation when I dye, I would not call God to Witneſs to a Lye, to ſave 1000 lives. My Lord, this is a villanous Conſpiracy againſt me, and if it take place againſt me, it may go a great way, God knows how far, This is the 17*th* or 18*th* Sham Plot the Papiſts have made againſt the Proteſtants, to get over their own; but I hope my Lord God Almighty will never ſuffer it. If they can make me a Traytor, they will try it upon others, and ſo hope to ſham off their own Treaſons; but I ſay, I hope God Almighty will never ſuffer it. My Lord, I think the firſt Witneſs that ſwore againſt me was Mr. *Dugdale*; and I muſt call my Witneſſes as I have them here, I know no perſon of them hardly, and this that is done for my defence was done abroad. My Lord, I have been kept cloſe Priſoner in the *Tower*, and none of them ſuffered to come to me, whilſt the Popiſh Lords have had the Liberty and Priviledg to talk with their friends. Here are Witneſſes I hope will prove that theſe are Suborned men, for *Macnamarra* did tell me preſently after the Parliament broke up at *Oxon*, and whiſpered it to me in the Coffee-houſe, Said he, there is a Deſign laid to make us retract our Evidence, and go over to *Fitz Girald*. Said I, I ſuppoſe they have been at that ſport a great while. Ah, ſaid he, they make large offers. Said I, by whom? Said he, Colonel *Warcupp* hath been at me, and he tells me——

Mr. Juſt. Jones. Macnamarra is not produced againſt you as a Witneſs at all.

Colledge.

Colledge. No,but he told me this, that there was ſuch a deſign, and, ſaid he,I will get you, and ſome other honeſt men; and he deſired me to be by when he had ſomething more to tell which would do his buſineſs for him, but the next news I heard of him was, he was put into *Newgate.*

L. Ch. Juſt. Call your Witneſſes, Mr. *Colledge*, and prove what you can.

Coll. Call Mr. *Hickman.*

Mr. *Attorn. Gen.* My Lord, I deſire he may obſerve the ſame rule he deſired about our Witneſſes; that he may call but one at a time.

Coll. Yes, yes, I will call them one by one.

L. Ch. Juſt. Are not your Witneſſes together? ſend to them.

Coll. My Lord, I don't know, I have not ſeen one ſince I come. This is not the firſt time, my Lord, the Papiſts have deſigned to take away my Life,though it is the firſt time they went about to take it away by a Law.

L. Ch. Juſt. I know not of one Papiſt that is a Witneſs againſt you.

Coll. There is never a man of them, except Sir *William Jennings*, but what was a Papiſt.

Mr. *Attorn. Gen.* What ſay you to Mr. *Maſters*?

Coll. Mr. *Maſters* ſays nothing material, it was only a jocoſe diſcourſe.

Mr. *Serj. Jeff.* It was very pleaſant diſcourſe upon my word; you were as merry as when you were ſinging of the *Rary Shew.*

Mr. *Juſt. Jones.* What do you make mirth of the blackeſt Tragedy that ever was; That horrid Rebellion, and the Murther of the late King.

Coll. I never juſtified that Parliament in any ſuch thing that they did contrary to Law.

Mr. *Juſt. Jones.* He ſwears it.

Mr. *Attorn. Gen. Hickman* does not appear, call another.

Coll. Call *William Shewin*, (who appeared.)

L. Ch. Juſt. Look you here Friend, you are not to be ſworn; but when you ſpeak in a Court of Juſtice, and in a courſe of Juſtice, you muſt ſpeak as in the preſence of God, and only ſpeak what is true.

Coll. I would not have any body ſpeak any thing for me, but what is truth.

L. Ch. Juſt. Now ask him what you will.

Coll. I don't know the Gentleman. But pray, Sir, will you tell what you know of theſe Witneſſes.

Mr. *Shewin.* Name any of them that I know, pray Sir, and I'll tell you.

Coll. Do you know *Bryan Haynes*?

Mr. *Shewin.* I know there is ſuch a man, but I have nothing to ſay to him.

Coll. Do you know *Turbervile*?

Mr. *Shewin.* Yes.

Coll. Pray tell what you know of him.

Mr. *Shewin.* My Lord, I was in *Turbervile*'s Company on Thurſday night laſt at the Golden Poſts at *Charing-croſs*, and there I heard him ſay, that if I were at *Oxford* I ſhould hear ſtrange things againſt *Colledge*, and he would lay ten to one that Mr. *Bethel* and Mr. *Wilmore* ſhould be hanged at *Chriſtmas*, and he would lead him by the Gold Chain along *Fleetſtreet*, and down with his Breeches in the middle of the Coffee-houſe, with a Band about his Neck and a Cloak.

Mr. *Serj. Jeff.* Did he ſay all theſe things againſt Mr. *Sheriff Bethel*, I aſſure you he is a bold man.

Coll. What do you know of Mr. *Smith*?

Mr. *Shewin.* I know him by ſight, but I have nothing in particular to ſay concerning him. I have ſomething to ſay to *Macnamarra*, Sir, if he were here.

Coll. Do you know any thing of this Conſpiracy in general?

Mr. *Jones.* What of your Conſpiracy?

Mr. *Shewin.* I know that they did lay, who ſhould be hang'd at *Candlemas*, who at *Chriſtmaſs*, and who at ſeveral other times.

L. Ch. Juſt. What did you hear *Turbervile* ſay?

Mr. *Shewin.* Thoſe words I ſpake before about Sheriff *Bethel*, and about the *Amſterdam* Coffee-houſe.

Coll. Did

Coll. Did they ſay what time I ſhould be hang'd? for the diſcourſe 'roſe about me.

Mr. *Shewin.* One told me that there was one that did deſign to be returned upon this Jury, that was reſolved to hang him right or wrong.

Mr. *High Sher.* My Lord, I did hear there was ſuch a one, and I left him out of the Jury.

L. Ch. Juſt. For Mr. Sheriffs honour we muſt take notice of what he hath ſaid. He ſays he heard of a man that ſpoke ſomething of that nature, and therefore he left him out of the Jury.

Coll. Now 'tis poſſible theſe Witneſſes were at the ſame ſport.

Mr. *Shewin.* Was Mr. *Peacock* Mrs. *Fits-harris* Maids Father, or ſhe here, either of them Witneſſes againſt you?

Mr. *Serj. Jeff.* No, they were not, Sir.

Coll. They did ſwear againſt me at the finding of the Bill.

Mr. *Serj. Jeff.* We have only called theſe Witneſſes, if you can ſay any thing againſt them do.

Coll. Call *Henry Hickman*, (who appeared.)

Mr. *Serj. Holl.* Where do you live, Sir?

Mr. *Hickm.* At *Holborn-bridge.*

Mr. *Attorn. Gen.* What Trade are you?

Mr. *Hickm.* A Cabinet-maker.

L. Ch. Juſt. What do you ask him?

Coll. Do you know *Haynes*?

Hickm. Yes, very well; becauſe he uſed to come to my houſe to a Popiſh Widow that was a Lodger in my houſe where I live now, and this perſon was a Priſoner at *Haynes*'s when he was a Priſoner in the *Fleet*. I always had a ſuſpicion he was a Prieſt, not that I could accuſe him really of any thing, but he ſeveral times uſing to come to my houſe I thought ſo of him, and diſcourſing with my Land-lady.

L. Ch. Juſt. Your Tenant you mean?

Mr. *Hickm.* Yes, my Tenant. I asked her, what this fellow was; ſaid ſhe, he is a very dangerous Fellow though he is a Papiſt, and I am one my ſelf, yet he is a dangerous perſon, and he does not much care what he ſwears againſt any one.

Mr. *Juſt. Jones.* This your Tenant told you, what do you know your ſelf?

Mr. *Hickm.* Another time he came to ſpeak with my Tenant Mrs. *Scot*, who is now gone into *Ireland*; when he came to the houſe, he asked me, is Mrs. *Scot* within? Yes, ſaid I, Mr. *Haynes*, ſhe is above; and up he goes, and there they locked the door, and plucked out the key; ſo I ſlipt off my Shoes, for I thought there might be more danger from ſuch people than I could diſcover any other way. So I went up ſtairs, and ſtood at the door, and hearkned, hearing my Land-lady talk ſomething to him, he wraps out a great Oath, *God dam me*, ſaid he, *I care not what I ſwear, nor who I ſwear againſt; for 'tis my Trade to get money by ſwearing.* Whereupon, my Lord, I came down as faſt as I could, and a little after I ſaw him go out, and as ſoon as my Land-lady came down, ſaid I, Mrs. *Scot* I deſire you would provide your ſelf as ſoon as you can; I would be civil to you, and I would not put you to a Non-plus, becauſe your Goods by the Law will be ſeized for not departing according to the King's Proclamation. So a while ago ſince this buſineſs of *Haynes*'s ſwearing againſt my Lord of *Shaftsbury*, I bethought my ſelf of ſome other buſineſſes I had heard: To find out the Knavery I went to the *Fleet*, where he hath a very ill Character as well amongſt the Papiſts as the Proteſtants. Whereupon I asked one fellow that was a kind of a Porter, if he knew any thing of him; ſaid he, Go you to ſuch an one———

Mr. *Serj. Jeff.* We muſt not permit this for Example ſake, to tell what others ſaid.

L. Ch. Juſt. Nothing is Evidence, but what you know of your own knowledge; you muſt not tell what others ſaid.

Hickm. This I do ſay, I heard him ſay; and there are thoſe that can produce a Letter———

Mr. *Serj.*

Mr. *Serj. Jeff.* Bring thoſe people, but you muſt ſpeak nothing, but upon your own knowledge.

Hickm. I was at the Chamber door, and looked in at the Key-hole, and he ſat down at the Window.

L. Ch. Juſt. How long ago was it, pray?

Hickm. A Year and an half.

Mr. *Attorn. Gen.* You are an Eves-dropper, I percieve.

Hickm. I did not know what danger he might bring Men into, becauſe he was a Papiſt. I have taken an Oath to be true to the King, and I will as long as I live. For this Gentleman, I never beheld him, till laſt night, in all my days; though he lived by me, I never ſaw him.

L. Ch. Juſt. Well, call the next.

Coll. I never ſaw this Gentleman; but you ſee what *Haynes* hath declared.

Mr. *Serj. Jeff.* This Man ſays, he did ſay ſo.

Coll. And, for ought I perceive, he does accordingly. Call *Elizabeth Oliver*; (who appeared.)

L. Ch. Juſt. Mrs. *Oliver*, ſtand up. What do you ask her?

Coll. Do you know *Haynes*, pray? *Bryan Haynes?*

Mrs. *Oliver.* Yes.

Coll. Pray tell the Court what you know of him.

Mrs. *Oliver.* I know him very well.

L. Ch. Juſt. What do you know of him?

Mrs. *Oliver.* He writ a Letter in my Father's name, unknown to my Father.

L. Ch. Juſt. Did you ſee him write it?

Mrs. *Oliver.* I ſaw him write it.

L. Ch. Juſt. Read it. By whom is it ſubſcribed?

Clerk. By no body.

L. Ch. Juſt. Why, how is it written in your Father's name, when it is not ſubſcribed at all?

Mrs. *Oliver.* he writ it as from my Father.

Mr. *Serj. Jeff.* Whither did he bring it?

Mrs. *Oliver.* He ſent it into the Country.

Mr. *Serj. Jeff.* Can you write and read, Miſtreſs?

Mrs. *Oliver.* Yes.

Mr. *Serj. Jeff.* Who did he ſend it by?

Mrs. *Oliver.* The Carrier.

Mr. *Serj. Jeff.* When is it dated?

Clerk. In 77.

L. Ch. Juſt. Read the Letter. (Which was done.)

Clerk. Reads.

L. Ch. Juſt. What is all this to the purpoſe? unleſs your Father were here to prove it was done without his knowledge.

Mrs. *Oliver.* My Father did not write it.

L. Ch. Juſt. Was your Father in the Fleet then?

Mrs. *Oliver.* Yes, my Lord, he was a Priſoner then.

Coll. Mrs. *Oliver*, do you know any thing more of him?

Mrs. *Oliver.* I have known him a great while; I know him to be a very ill Man.

Mr. *Serj. Jeff.* Muſt ſhe tell you all ſhe knows?

Mr. *Attorn. Gen.* Did you ever know him forſwear himſelf?

Mrs. *Oliver.* No, I do not know that.

L. Ch. Juſt. Come, call another; this is nothing to the purpoſe.

Coll. Call Mrs. *Hall*: (who appeared.) Pray, do you know Mr. *Bryan Haynes*?

Mrs. *Hall.* Yes, if I ſee him I know him very well.

Coll. What do you know of him?

Mrs. *Hall.* He lodged at my Houſe, and came there the day before *Fitz-harris* was tryed, and there was a great diſcourſe about his Tryal, and I was enquiring of him; and I told him, I muſt expoſe my Ignorance, I did not know what it was he was tried for: And, ſaid he, if you pleaſe to ſit down, I will tell you: Madam

Portſmouth

Portſmouth came to him, and went upon her knees, and begg'd of him, if he had any kindneſs for His Majeſty, that he would now ſhew it at this juncture; and ſhe told him ſhe had heard he had formerly Acquaintance with one Mr. *Everard* abroad, and therefore deſired him to go now and renew it, and endeavour to get him over; and, if he could poſſibly, to get over ſome others to make a Presbyterian Plot of it. This is true, I very well know it; as for this Gentleman, I never ſaw his face before, but thoſe were the words I am ſure.

L. Ch. Juſt. What were the words?

Mrs. *Hall.* That they might make a Presbyterian Plot of it.

Coll. Did he ſay ſo?

Mrs. *Hall.* He ſaid that the Dutcheſs of *Portſmouth* did ſo.

L. Ch. Juſt. What a ſtory is this?

Coll. Did not he ſay that the Dutcheſs of *Portſmouth* employed him too?

Mrs. *Hall.* No, this was about *Fitz-harris.*

Coll. What do you know more about *Haynes?*

Mrs. *Hall.* One night he had been about ſome buſineſs for me in Law with one Mr. *Woodward* an Attorney at Law, and when he returned I was buſie in the Kitchin with my Maid about the Houſe, and he came up to me; Madam, ſaid he, this night I had a Meſſage from the King; a Juſtice of Peace met me, and brought me word, that the King had ſent into *Ireland*, to enquire into the Loyalty of my Family, and he hath heard that my Father was a Loyal Subject, but he underſtood ſtrange things of me; but if I would come in, he would grant me my Pardon. I told him, ſaid he, I did not value His Majeſty's Pardon a Pin, for I had done nothing that might make me ſtand in need of it; but I would do any thing that might tend to the preſervation of His Majeſty's Perſon or Honour; but to do ſuch baſe things as are beneath a Man, I will never do it; and he whiſper'd me in the ear (as the accuſing of ſeveral Perſons;) and ſince, he ſent me a Letter by his Mother in Law, Mrs. *Wingfield*, that I ſhould not believe it, if I heard he ſhould accuſe any body; but I might be confident he had not, nor would accuſe any body.

Coll. Was he to ſwear againſt the Proteſtants?

Mrs. *Hall.* I did not enquire any Queſtions; but he ſaid, ſuch baſe things he would never do as the accuſing of ſeveral Perſons.

Mr. *Attorn. Gen.* Pray Miſtreſs, did you believe him when he told you he was ſo honeſt a Man?

Mrs. *Hall.* How do you mean, Sir?

Mr. *Attorn. Gen.* When he ſaid he would not do thoſe baſe things, did you believe him?

Mrs. *Hall.* I never ſaw his face before he came there to lodge; but I ſaw him to be a Man that made little Conſcience of what he ſaid or ſwore.

Mr. *Attorn. Gen.* Did not you find him a bragging Man?

Mrs. *Hall.* I had little diſcourſe, but what he ſaid of himſelf. But there is one thing more about an Intelligence: When *Thompſon* had written ſomething in his Intelligence concerning *Bryan Haynes*, he ſaid he would write an Anſwer to it; and accordingly, he read it to us: he ſaid, he was going that Evening to get it put into one of the Intelligences: the words were to this purpoſe. "Whereas one *Na-*
"*thaniel Thompſon* had falſely and maliciouſly accuſed one *Bryan Haynes* for ſpeaking
"Treaſonable Words; he the ſaid *Bryan Haynes* doth declare that he challenges any
"Man to charge him with it: but he owned he had an hand, or was employed to
"put the Plot upon the diſſenting Proteſtants.

L. Ch. Juſt. Did he publiſh that in the Intelligence?

Mrs. *Hall.* I never read it publiſhed; but he had writ it, and read it to us ſeveral times.

Mr. *Attorn. Gen.* Do you go to Church, Miſtreſs?

Mrs. *Hall.* I hope I do.

Sir *Geo. Jeff.* To what Church?

Coll. Call *Mary Richards*, Mrs. *Halls* Maid. (Who ſtood up.)

L. Ch. Juſt. What will you ask her?

Coll. Do you know this *Bryan Haynes*, pray.

Richards.

Richards. Yes, he lodged there where I lived.

Coll. What do you know of him?

Richards. I know he writ that in the Intelligence my Miſtreſs ſpoke of; *Thomſon*, in his Intelligence, accuſing him of having ſpoken Treaſon, he read what he ſaid he would put into the Intelligence: That he never ſpake one word of Treaſon, and he writ it for his own vindication; that whereas *Nathaniel Thompſon*, in his Intelligence of the 18th. of *June*, had maliciouſly accuſed one *Bryan Haynes* of Treaſonable Words; there was no ſuch thing.

L. Ch. Juſt. And that was to vindicate him, that he never did ſpeak any Treaſonable Words. *Richards.* Yes.

L. Ch. Juſt. Will you ask her any thing elſe?

Coll. I cannot tell what ſhe ſays.

L. Ch. Juſt. She ſays, he writ ſomething that was in Anſwer to *Thompſon*'s Intelligence, to vindicate himſelf that he never did ſpeak any Treaſonable Words.

Coll. But did you hear him ſay any thing of theſe words, that he was employed in a Plot againſt the Proteſtants?

Richards. I read that, in what he writ to put in the Intelligence, that he challenged any one to appear, and charge him with Treaſon; but, ſaid he, I own that I was employed or had a hand in putting the Plot upon the diſſenting Proteſtants: and he telling my Miſtreſs he had a Meſſage from the King, offering him his Pardon; I asked him why he did not accept the King's Pardon. Alas, ſaid he, you do not underſtand what I was to do for it; I was to do ſuch baſe things ſo beneath a Man, that I will never do them: I had five hundred Pounds offered me, beſides the King's Pardon, to do ſuch baſe things as are beneath a Man to do.

Coll. What were the baſe things he ſaid he was to do, and would not do?

Richards. I cannot tell, he did not ſay to me what they were.

Mr. *Attorn. Gen.* When was this?

Richards. It was a Week before he was taken.

Mr. *Attorn. Gen.* That is two Months ago.

Coll. It was ſince the Parliament ſat at *Oxford*: But what was that he was employed to do, did he ſay?

Richards. Why, he ſaid in his Anſwer to the Intelligence, he was one that had an hand to put the Plot upon the diſſenting Proteſtants.

Coll. Call Mrs. *Wingfield*; (who appeared.)

L. Ch. Juſt. What is your Chriſtian Name?

Mrs. *Wingfield. Mary.*

L. Ch. Juſt. What do you ask her?

Coll. Do you know this *Bryan Haynes*, pray?

Mrs. *Wingfield.* Yes, very well.

Coll. What do you know of him?

Mrs. *Wingfield.* I know nothing of him, but he is an honeſt Man; he married my Daughter, and always carried himſelf like a Gentleman; he ſcorns the thing that is unhandſome, and never did any thing that is unhandſome in my life.

Mr. *Serj. Jeff.* Pray, how came you by this Witneſs? Have you any more of them?

Coll. I never ſaw her before, but I believe ſhe hath ſaid ſomething elſe in another place. Did you ever ſay the contrary, pray?

Mrs. *Wingfield.* No body can ſay ſo; and I had done the Gentleman a great deal of wrong if I had.

Coll. Call Mr. *Whaley.* (Who appeared.)

L. Ch. Juſt. What is your Name, Sir? Mr. *Whaley. John Whaley.*

Coll. Did you know *Bryan Haynes*?

Mr. *Attorn. Gen.* Where do you dwell, Sir?

Mr. *Whaley.* At the *Hermitage*, beyond the *Tower.*

Coll. I don't know you, Sir; but what do you know of him?

Mr. *Whaley*, I never ſaw you, Sir, till to day; but that which I think I am called for is this; though it was upon *Sunday* that I receiv'd this ſame *Subpœna* to come down hither: but about ſix Years ago, *Bryan Haynes* was a Priſoner in the *King's Bench*,

and he came down to the Cellar which I had taken of the Marſhal to ſell Drink in; and coming down to drink in one of the Rooms of the Cellar that belong to me, he took away a Tankard, and went up with it. One of the Men followed him up; ſo I went to the Marſhal to complain, and told him of it: and the Marſhal took him from the Maſter's Side, and put him into the Common Side. That is all I know of him any way, directly or indirectly.

L. Ch. Juſt. Why did you not indict him of it?

Mr. *Whaley.* I acquainted the next Juſtice of the Peace, who was the Marſhal; and he put him from the Maſter's Side, into the Common Side.

L. Ch. Juſt. He was no good Juſtice of the Peace in the mean time.

Coll. Call Mr. *John Lun.* (Who appeared.) Do you know *Bryan Haynes*, Mr. *Lun*?

Mr. *Lun.* I have ſeen him twice: the firſt time I ever ſaw him was, I went into the *Derby*-Ale-Houſe, to enquire for one *Miclethwayte*, a Kinſman of mine, and there this *Bryan Haynes* was in a little Room next the Ditch, near the Door that goes out there, as if he were aſleep, and he rouſed himſelf up; and, as I was walking there, Sir, ſaid he, will you take part of a Tankard with me: (That was his expreſſion.) With that, ſaid I, I do not care if I do. And the firſt thing he began was the King's Health, then the Queens, then the Duke of *York*'s; then he fell very foul againſt the Grand Jury, becauſe they had not found the Bill againſt *Colledge*, who is a Gentleman that I never ſaw before in my life but once, as I know of: and he ſaid, my Lord *Shaftsbury* was a little Toad, but he would do his buſineſs very ſuddenly. Then he railed upon the Parliament, and ſaid they were a Company of Rogues, they would give the King no Money, but he would help him to Money enough out of the Phanaticks Eſtates. And he ſaid, they would damn their Souls to the Devil before the Catholick Cauſe ſhould ſink.

Mr. *Serj. Holloway.* When was this?

Mr. *Lun.* It was three or four days after the Bill was brought in *Ignoramus* by the Grand Jury.

Mr. *Juſt. Jones.* Was he alone? Mr. *Lun.* Yes, he was.

Coll. Is that all you have to ſay?

Mr. *Lun* One thing more, my Lord. On *Monday* laſt I was at *Uxbridge*, and a Gentleman ſent his Man on purpoſe to let me know I muſt go to *Colebrook*, and ſtay till they came thither. When I came there, I met *Bryan Haynes* at the *Crown*-Kitchin-Window, and he was ſtirring a Glaſs of Brandy, and ſweetning it with Sugar. Said he, Sir, will you drink? Here is the King's Health to you: So I drank, and I asked him how he did? Do you know me, Sir, ſaid he? Yes, ſaid I, I drank with you once. Says he, you have a good Memory. So then a Pint of Sack was called for, and after that another, and then came down Mrs. *Peacock*; and being very fine, all in her Flower'd Silks, I asked what Gentlewoman that was? Said he, It is Mrs. *Fitz-harris*. No, ſays I, it is not; they ſay ſhe is gone. But, ſaid he, it is her Maid; and Sheriff *Bethel* is to marry her. As I have a Soul to ſave, I tell you nothing but what is truth. Thereupon, ſaid I, Sheriff *Bethel* is able to maintain her; he hath a good Eſtate. But, ſaid he, it ſhall be the King's e'er long.

Coll. So that here is a plain deſign againſt all the eminent Proteſtants.

Mr. *Lun.* So with that, my Lord, if it pleaſe your Honour, I clapped my Groat down at the Bar, and went out of the Room. Nay, ſaid he, let us have one Health more: and ſo he had his Tankard, and I had mine.

Haynes, I humbly deſire you to call for Mr. *White*, the King's Meſſenger, who was by. I never ſaw the Man before he was at *Uxbridge*; and asking Mr. *White* who he was? Said he, His Name is *Lun*, he was my Priſoner two Years.

L. Ch. Juſt. What ſay you to the diſcourſe he talks of at *Fleet-Bridge*?

Haynes. My Lord, I am upon my Oath, and I never ſaw him in my life before I ſaw him at *Uxbridge*.

Mr. *Lun.* I will take the Sacrament upon it, that what I have averred is true.

Mr. *Serj. Jeff.* I ſuppoſe you are both known, and then your Credit will be left to the Jury.

Mr. *Attorn. Gen.* There is Mr. *White*; pray, ſwear him. (Which was done.)

L. Ch. Juſt. Do you remember that *Haynes* asked who Mr. *Lun* was.

Mr. *White.*

Mr. *White.* It was at the Bar of the Crown Inn at *Uxbridge*, and I being there, Mr. *Lun* came into the Yard, and I knowing Mr. *Lunn*, asked him, How he did; he ſaid, He was glad to ſee me; and he called for a Pint of Sack to make me drink. *Haynes* ſtood by, and he asked, Who he was? and I told him; and we drank the King's health; but for any thing of thoſe words that were ſpoken there, Sir, I did hear not one word of them, but he thanked me for my civility when I ſummoned him up to Court, and ſeeing Mr. *Haynes* by, he asked, who he was?

Mr. *Serj. Jeff.* And you take it upon your Oath, that he asked you, who *Haynes* was?

Mr. *White.* Yes, I do.

Mr. *Serj. Jeff.* Pray did you hear any diſcourſe that time as if there had been a meeting upon *Fleet-bridge*?

Mr. *White.* Nct one word of that?

Mr. *Lun.* I will take the Sacrament upon it, what I ſay is true.

Mr. *Serj. Jeff.* We know you, Mr. *Lun*; we only ask queſtions about you, that the Jury may know you too, as well as we. We remember what once you ſwore about an Army.

Coll. I don't know him.

Mr. *Lun.* I don't come here to give Evidence of any thing but the truth; I was never upon my knees before the Parliament for any thing.

Mr. *Serj. Jeff.* Nor I neither for much; but yet once you were, when you cryed, *Scatter them good Lord.*

Coll. Call Mr. *Broadgate.*

L. Ch. Juſt. What is your Chriſtian name, Sir? Mr. *Broadg. Jeremiah.*

L. Ch. Juſt. What do you ask him?

Mr. *Broadg.* My Lord, I am a Stranger to the Priſoner at the Bar; what I have to ſay is concerning Mr. *Turbervile* whom I met one day, and he asked me, how I did? ſaid he, I owe you a little money, but I will pay you in a ſhort time; but if you will go to drink a Glaſs of Ale; No, ſaid I, I am in haſte, and do not care for going to drink; ſaid he, You ſhall go; ſo away we went, and when we were ſat, ſaid he, When did you ſee *Turbervile* that was my Lord *Powis*'s Butler; ſaid he, He was a great Rogue to me; and when I ſtood up for the Nations good, he villified my Evidence, and afterwards he came to me with Doctor to beg my Pardon; but I would not forgive him for the whole World: And ſpeaking of the King's Evidence; ſaid he, The King's Evidence are looked upon as nothing, as poor inconſiderable mean Fellows, and their Sallaries are leſſened; and, ſaid he, I have had the greateſt proffers from Court of Preferment and Rewards, if I would go from what I have ſaid, and come upon the contrary; and he repeated it, Yes, upon the Faith of a Man, and from the Higheſt; But, ſaid he, I have a Soul and a Body; a Body for a Time, but my Soul for Eternity, and I cannot go from it. He went over it again; I might have what I would if I would go from what I have ſaid, and come upon the contrary.

Mr. *Attorn. Gen.* But he does not go from any thing of what he hath ſaid.

Coll. Did he ſay what he was offered, and by whom?

Mr. *Broadg.* He ſaid he had very great offers from the Court if he would diſown the Plot, and go upon the contrary.

L. Ch. Juſt. But he does not diſown it.

Mr. *Juſt. Jones.* Nay, he had a Soul to ſave, and could not go from it.

Mr. *Serj. Jeff.* You talk of the contrary, and the contrary; What did he mean by that, what Plot ſhould he diſown?

Mr. *Broadg.* The Popiſh Plot.

L. Ch. Juſt. He does not diſown it, nor never did diſown it.

Coll. He would make a Presbyterian Plot of it now, for he cannot ſay I am in the Popiſh Plot. Sir, do you know any thing more of him? Or did he name me? Or that he was to ſwear againſt me, or any Proteſtant?

Mr. *Broadg.* No, only he ſaid the King's Evidence were villified, and looked upon, as poor inconſiderable Fellows; but it ſeemed if he would go on the other ſide, he might have great Preferments and Rewards.

L. Ch. Juſt. You make a wrong Comment upon it, Mr. *Colledge*; it was if he would retract his Evidence, and diſown the Plot.

Coll. I leave it to your Lordſhip, and the Jury, to make the Senſe of it.

Mr. *Broadg.* I ſaw Mr. *Turbervile* ſince I come hither, and he asked, Are you come, Mr. *Broadgate*, to give Evidence againſt me? ſays I, I am come to declare the truth, and nothing but the truth.

Mr. *Serj. Jeff.* You might have ſtay'd at home for any thing material that you do Evidence.

Coll. Call Mr. *Zeal*, (who appeared.)

L. Ch. Juſt. What is your Chriſtian-name, Sir?

Mr. *Zeal. John.*

L. Ch. Juſt. What would you ask him?

Mr. *Serj. Holloway.* Where do you dwell, Sir?

Mr. *Zeal.* In *London.*

Mr. *Serj. Jeff.* Whereabouts?

Mr. *Zeal.* In *Fetter-lane.*

Mr. *Serj. Holl.* What Countryman are you, Sir?

Mr. *Zeal. Somerſetſhire.*

Mr. *Attorn. Gen.* Whereabouts in *Somerſetſhire* were you born?

Mr *Zeal.* By Sir *William Portman*'s, within ſix Miles of him.

Mr. *Serj. Jeff.* What Trade, Sir? Mr. *Zeal.* No Trade.

Mr *Serj. Jeff.* Have you any Eſtate?

Mr. *Zeal.* My Father has. I was bred to wait upon a Perſon of Quality.

Coll. Do you know *Turbervile*, Sir? Mr. *Zeal.* Yes Sir, I do.

Coll. What do you know of him?

Mr. *Zeal.* Sir, I know nothing but what Mr. *Ivy* told me with his own mouth.

L. Ch. Juſt. Do you know any thing of your own knowledge?

Mr. *Attorn. Gen.* Has Mr. *Turbervile* told you any thing?

Mr. *Zeal.* Not concerning Mr. *Colledge*, he has not.

Coll. Ivy was among them.

Mr. *Zeal.* Yes, my Lord, he was the firſt that ſwore this Presbyterian Plot.

L. Ch. Juſt. We know of no Presbyterian Plot.

Coll. Can you ſay nothing of your own knowledge concerning *Turbervile*?

Mr. *Zeal.* Nothing but what Mr. *Ivy* told me.

Mr. *Serj. Jeff.* That is not of your own knowledge, and ſo it is nothing, for he is not produced in this Cauſe.

Coll. Pray, my Lord, give me leave to call Mr. *Ivy.*

Mr. *Serj. Jeff.* Do if you will. (He ſtood up.)

Coll. What was that you heard *Turbervile* ſay of me, or of any Presbyterian Plot?

Ivy. I never heard him ſay any thing concerning a Presbyterian Plot in my life.

Coll. Did not you tell *Zeale* of ſuch a thing? *Ivy.* No, I never did.

Coll. Hark you, Mr. *Ivy*; you have ſworn againſt me, have you not?

Ivy. What I have ſworn againſt you, or any other perſon, is true.

Coll. What have you ſworn againſt me?

Ivy. I am not bound to anſwer you.

Coll. Did not you call me out, with *Macnamarra* and *Haynes*, to the *Hercules* Pillars?

L. Ch. Juſt. Look you, Mr. *Colledge*, I will tell you ſomething for Law; and to ſet you right; whatſoever Witneſſes you call, you call them as Witneſſes to teſtifie the truth for you; and if you ask them any Queſtions, you muſt take what they have ſaid as truth: therefore you muſt not think to ask him any Queſtion, and afterwards call another Witneſs to diſprove your own Witneſs.

Coll. I ask him, was he the firſt time with us, when I was called out of the Coffee-houſe to hear *Haynes*'s Diſcovery?

L. Ch. Juſt. Let him anſwer you if he will, but you muſt not afterwards go to diſprove him.

Coll. If he were ſworn againſt me, I would not ask him any Queſtions, for he is among them.

L. Ch. Juſt. Ask him what you will.

Coll.

Coll. I desire not if he have sworn against me, for truly I can't expect a good Answer from him; but he was by when *Haynes* made his Discovery.

L. Ch. Just. Will you ask him any Questions?

Coll. I ask whether he hath given any Evidence against me any where?

Ivy. I am not bound to answer you.

L. Ch. Just. Tell him if you have. *Ivy.* Yes, my Lord, I have.

Coll. Then I think he is no good Witness for me, when he hath sworn against me.

Ivy. I have sworn against him and others. You know that you and I have had a great many Intrigues about this business in hand, and how we dealt with Mr. *Haynes.*

L. Ch. Just. Look you; he does not call you for a Witness for him, you can testifie nothing, and so you must be quiet.

Coll. Call Mr. *Lewes.* (Who appeared.)

L. Ch. Just. What is your Christian Name? Mr. *Lewes. William.*

Coll. Pray Mr. *Lewes,* what do you know about *Turbervile?*

Mr. *Lewes.* I know nothing at all, I assure you, of him that is ill.

Coll. Do you know any thing concerning any of the Evidence that hath been given here.

Mr. *Lewes.* If I knew any thing relating to you, I would declare it; but I know something of Mr. *Ivy:* it has no relation to you, as I conceive, but against my Lord of *Shaftsbury.*

L. Ch. Just. You would call *Ivy* for a Witness, and now you call one against him; and that I told you; you must not do, but *Ivy* is not at all in this Case.

Coll. Do you know any thing of the rest of them; *Haynes,* or *Smith,* or *Dugdale?*

Mr. *Lewes.* No more than what Mr. *Zeale* told me, was told him.

Coll. Do you know any thing of a Presbyterian Plot?

Mr. *Lewes.* If the Court please to hear me, I will tell my knowledge of that; but I know nothing that affects him in the least, only that which concerns my Lord of *Shaftsbury.*

L. Ch. Just. That is nothing to the purpose; call another.

Mr. *Lewes.* There was not, to my knowledge, a word mentioned of your Name: I will do you all the Justice I can; if I knew any thing concerning you, I would be sure to relate it.

Coll. I cannot say who can, or who cannot; I am a Stranger to all of it.

L. Ch. Just. Well, call your next Witness.

Coll. My Lord, there was a Petition presented to the Common Council of *London,* wherein they set out, that they were tamper'd withal about a Plot against the Protestants.

L. Ch. Just. A Petition from whom?

Coll. I cannot tell from whom; from some of these Witnesses.

L. Ch. Just. Who preferred and signed it?

Coll. Mr. *Turbervile* was one. Pray call Doctor *Oates.*

L. Ch. Just. The Prisoner calls upon you, Mr. *Oates.* What would you ask him, Mr. *Colledge?*

Coll. Where is the Petition to the Common Council, Doctor?

Dr. *Oates.* I have it here in my hand.

L. Ch. Just. By whom was it presented?

Dr. *Oates.* It was given by Mr. *Turbervile* and Mr. *Macnamarra,* to Mr. *Wilmore.*

L. Ch. Just. Was you present when it was delivered?

Dr. *Oates.* Mr. *Wilmore* did deliver it to me before he was apprehended; for, being to come down as a Witness, he was taken up, and committed to Prison.

L. Ch. Just. Whose Hands are to it?

Dr. *Oates.* I know Mr. *Turbervile*'s Hand, he will not disown it.

Clerk. Reads. It is subscribed *Edward Turbervile, John Macnamarra.*

L. Ch. Just. Look you, Mr. *Colledge;* what word is there in all this Petition that is a contradiction to what they have said now?

Coll. I did not hear it, my Lord.

L. Ch. Just. They say, they are constant Witnesses for the King, against the Papists; and they have been tempted to unsay what they have said: how does that contradict what they say now?

Coll. I ſuppoſe they ſay they have been tempted to turn the Plot upon other people, and to make a Plot upon the Proteſtants.

L. Ch. Juſt. They have been tempted, they ſay, by the Papiſts, to unſay what they have ſaid; but the Jury have heard it read, and will give it its due weight. Will you ask Mr. *Oates* any Queſtions?

Coll. What do you know of Mr. *Turbervile*?

Dr. *Oates.* As to *Turbervile*, my Lord, a little before the Witneſſes were ſworn at the *Old Bayley*, I met with Mr. *Turbervile*; I was in a Coach, but ſeeing Mr. *Turbervile*, I ſtept out of the Coach, and ſpoke with him; for, hearing that he was a Witneſs, I did ask him whether he was a Witneſs, or no, againſt *Colledge*? Mr. *Turbervile* ſaid, he would break any one's head that ſhould ſay ſo againſt him; for he neither was a Witneſs, nor could give any Evidence againſt him. So, after he came from *Oxon*, I met with Mr. *Turbervile* again; and, hearing he had been there, I asked him if he had ſworn any thing againſt *Colledge*? He ſaid, Yes, he had been ſworn before the Grand Jury. Said I, did not you tell me ſo and ſo? Why, ſaid he, the Proteſtant Citizens have deſerted us; and, *God damn him*, he would not ſtarve.

L. Ch. Juſt. Would he ſay ſo to you?

Dr. *Oates.* Yes, my Lord, he ſaid thoſe very words.

Mr. *Serj. Jeff.* 'Tis Mr. *Oates* Saying, 'tis Mr. *Turbervile*'s Oath.

Dr. *Oates.* Several times he did repeat it; but when I asked him what he had ſworn, he ſaid I am not bound to ſatisfie peoples Curioſities.

L. Ch. Juſt. What ſay you to it, Mr. *Turbervile*?

Mr. *Turbervile.* My Lord, the firſt part of the Doctor's diſcourſe, in part is true; I met him juſt at my Lodgings, and the Doctor alighted out of his Coach, and ſpoke to me, and invited me to come to my old Friends; for he told me, they had ſome jealouſie that I was not true to them: and he told me, if I would come to the King's Head Club, I ſhould be received with a great deal of kindneſs: and never afterwards did I ſpeak with the Doctor a tittle about any Evidence.

L. Ch. Juſt. He ſays, you ſaid you would break any one's head, that ſaid you were an Evidence againſt *Colledge*; for you were not, nor could be.

Mr. *Turbervile.* There was no ſuch thing ſaid by me.

Mr. *Attorn. Gen.* Upon your Oath, did you tell him ſo?

Mr. *Turbervile.* Upon my Oath, I did not.

Mr. *Serj. Jeff.* Did you tell him that other paſſage, when you ſwore you would not ſtarve?

Mr. *Turbervile.* No, I did not.

Dr. *Oates.* Upon the word of a Prieſt, what I ſay is true. My Lord, I do ſay, as I am a Miniſter, I ſpeak it ſincerely, in the preſence of God; this Gentleman did ſay theſe words to me; which made me afraid of the man, and I went my ways, and never ſpake with him afterwards, nor durſt I; for I thought he that would ſwear & curſe after that rate, was not fit to be talked with.

L. Ch. Juſt. 'Tis very improbable that he ſhould ſay ſo to you.

Mr. *Turbervile.* I always looked upon Dr. *Oates* as a very ill man, and never would converſe much with him.

L. Ch. Juſt. Will you ask him any thing more?

Coll. Do you know any thing of the reſt, Doctor?

Dr. *Oates.* I know nothing of *Turbervile* further, but that he did preſent this Petition, wherein he ſays, he lay under great temptations to go on the other ſide, and accuſe ſome Proteſtants. And truly till I heard he was an Evidence at *Oxon*, after what he had ſaid to me, I did not believe it.

Mr. *Attorn. Gen.* Doctor *Oates*, Mr. *Turbervile* hath not changed Sides, you have; he is ſtill an Evidence for the King, you are againſt him.

Dr. *Oates.* Mr. *Attorney*, I am a Witneſs for Truth, againſt Falſhood and Subornation; and it can plainly be made to appear there is Subornation againſt the Proteſtants. And moreover, my Lord,———

L. Ch. Juſt. Mr. *Oates*, you would do well to explain your ſelf.

Mr. *Serj. Jeff.* If there be any ſubornation relating to Mr. *Turbervile*, or any of the other Witneſſes that have now ſworn againſt *Colledge*, make it out Doctor.

Dr. *Oates.*

Dr. *Oates.* There is, my Lord, and there will be made further to appear in time to come. To my own knowledge as to Mr. *Smith*, Mr. *Colledge* and Mr. *Smith* had ſome provoking words paſſed betwixt them at *Richards* Coffee-houſe, and Mr. *Smith* comes out and ſwears, *God damn him he would have* Colledges *bloud.* So, my Lord, when I met him, ſaid I, Mr. *Smith*, you profeſs your ſelf to be a Prieſt, and have ſtood at the Altar; and now you intend to take upon you the Miniſtery of the Church of *England*, and theſe words do not become a Miniſter of the Goſpel; his reply was, *God damn the Goſpel*; this is truth, I ſpeak it in the preſence of God, and Man.

L. Ch. Juſt. Can you ſay any thing of any of the other Witneſſes.

Dr. *Oates.* As for Mr. *Dugdale*, I was ingaged for him for 50 *li.* for laſt Lent Aſſizes, he wanted money to go down to the Aſſizes, having pay'd ſome debts, and pay'd away all his money; and ſo I ingaged for 50 *li.* that he borrowed of *Richard* the Coffee-man. After he came from *Oxon*, I called upon him to haſten to get his money of the Lords in the Treaſury, which, as near as I remember, was ordered him upon his Petition, for ſo I heard. And at that time, ſaid he, Sir, I hear there is a great noiſe of my being an Evidence; againſt whom, ſaid I, againſt ſeveral Proteſtants, my Lord *Shaftsbury*, and others; ſaid I, I never heard any thing of it; ſays he, there is no body hath any Cauſe to make any ſuch Report of me, for I call God to Witneſs I know nothing againſt any Proteſtant in *England.* After that I met with *Dugdale* at *Richards* Coffee-houſe, and preſſing him for the money, and he ſaying he had it not juſt then, but would pay it in a little time: Mr. *Dugdale*, ſaid I, you have gone I am afraid againſt your Conſcience; I am ſure againſt what you have declared to me; ſaid he, It was all long of Colonel *Warcup*, for I could get no money elſe.

Mr. *Att. Gen.* Mr. *Oats* is a through paced Witneſs againſt all the King's Evidence.

Mr. *Serj. Jeff.* And yet Dr. *Oates* had been alone in ſome matters had it not been for ſome of theſe Witneſſes.

Dr. *Oates.* I had been alone perhaps, and perhaps not; but yet, Mr. *Serjeant*, I had always a better Reputation than to need theirs to ſtrengthen it.

Mr. *Serj. Jeff.* Does any man ſpeak of your Reputation; I know no body does meddle with it; but you are ſo tender!

Coll. Sir *George*, Now a man is upon his Life, I think, you do not do well to affront his Witneſſes.

Mr. *Serj. Jeff.* I do not affront him; but now, my Lord, pray give us leave to call our Witneſſes. Mr. *Smith*, pray ſtand up.

L. Ch. Juſt. Mr. *Smith*, do you hear what Mr. *Oates* hath ſaid.

Mr. *Smith.* No, my Lord.

L. Ch. Juſt. Then ſpeak it again, Mr. *Oates.*

Dr. *Oates.* Yes, my Lord, I will ſpeak it to his face. He ſaid coming out of *Richards* Coffee-houſe, They having had ſome provoking words, as I underſtood when I come in, *God damn that* Colledge, *I will have his blood*; and, my Lord, when I did reprove him, and ſaid to him, Mr. *Smith*, you have been a Prieſt, and ſtood at the Altar, and intend to be a Miniſter of the Church of *England*; theſe words do not become a Miniſter of the Goſpel; and he replied, *God damn the Goſpel*; and away he went.

L. Ch. Juſt. What ſay you to it, Mr. *Smith.*

Mr. *Smith.* Not one word of this is true, upon my Oath. 'Tis a wonderful thing you ſhould ſay this of me; but, I will ſufficiently prove it againſt you, That you have confounded the Goſpel, and denied the Divinity too.

Mr. *Serj. Jeff.* Mr. *Dugdale*, you heard what was ſaid againſt you.

Dr. *Oates.* My Lord, now *Dugdale* is come I will tell you ſomething more. There was a Report given out by Mr. *Dugdale's* means, that Mr. *Dugdale* was poyſoned; and in truth, my Lord, it was but the Pox. And this Sham paſſed throughout the Kingdom in our Intelligences; and this I will make appear by the Phyſician that cured him.

Mr. *Serj. Jeff.* That is but by a third hand.

Dr. *Oates.* He did confeſs that he had an old Clap, and yet he gave out he was

Poyſoned;

Poyſoned; but now, my Lord, as to what I ſaid before of him, I was ingaged for 50 *li.* for Mr. *Dugdale*, do you own that?

Mr. *Dugdale*. I do own it.

Dr. *Oates*. I did preſs upon you to haſten the payment of it.

Mr. *Dugdale*. Yes, you did.

Dr. *Oates*. And did not you come to me and tell me, there was a noiſe of your being an Evidence, it was in time juſt before my Lord *Shaftsbury* was taken up.

Mr. *Dugdale*. I never ſpoke to you till you ſpake to me.

Dr. *Oates*. My Lord, he came, and ſaid to me, there is a noiſe of my being an Evidence; now I had not heard it then; but the day after I did hear it, and I did juſtifie Mr. *Dugdale*, becauſe he had ſaid to me that he had nothing againſt any Proteſtant in *England*. So I did ſtand up in Vindication of him; but, my Lord, after he had ſworn at the old *Baily* I met him again, and preſſed him for the money, and urged him with it, why he had ſworn againſt *Colledge*, when he had told me ſo and ſo before, and he ſaid it was all long of Colonel *Warcup*; for he could not get his money elſe; and Colonel *Warcup* did promiſe he ſhould have a place at the Cuſtom-houſe.

Mr. *Dugd*. Upon the Oath I have taken, and as I hope for ſalvation, it is not true.

Mr. *Serj. Jeff*. Here is *Dugdale*'s Oath againſt Dr. *Oates*'s ſaying.

Dr. *Oates*. Mr. *Serjeant*, you ſhall hear of this in another place.

Mr. *Attorn. Gen*. 'Tis an unhappy thing that Dr. *Oates* ſhould come in againſt theſe men that ſupported his Evidence before.

Mr. *Dugd*. My Lord, I ſay further, if any Doctor will come forth and ſay he cured me of a Clap, or any ſuch thing, I will ſtand Guilty of all that is imputed to me.

L. Ch. Juſt. Mr. *Colledge*, will you call any other Witneſſes?

Coll. My Lord, I think this is not fair dealing with a man for his Life; becauſe theſe men be upon their Oaths, and deny the things again that my Witneſſes prove, therefore what they ſwear muſt needs be taken for truth: but if my Witneſs comes and ſays ſuch a thing upon the word of a Miniſter, and in the preſence of God, and which he is ready to maintain by an Oath, ſure it is not to ſtand for nothing; nor he to be hooted out of Court, becauſe Mr. *Dugdale* denies it upon his Oath, I do ſuppoſe he will not acknowledge it. But, my Lord, I am the Priſoner and cannot be heard as a Witneſs for my ſelf: but God is my Witneſs, he hath ſaid a great deal more to me formerly; and he hath told me when I have ſeen him with *Warcup*, and asked him why he kept Company with *Warcup*, and others; ſaid he, I know they are ſuſpected men, but I muſt keep Company with them to get my money; what would you have me do, ſtarve. And when I lent him money out of my Pocket, and truſted him with my Horſe, I dun'd him for money and could not get it; ſaid I, will you pay me the 5 *li.* I lent you; he put me off, ſaid he, I ſhall have it, for the Attorney General hath made up his Accompts, and is very kind to me; why then, ſaid I, why have you it not; ſaid he, he is my Friend, and I do not queſtion the getting of it; but here is new work to be done, ſuch work as my Conſcience will not ſerve me to do; there is more Roguery, they will never have done Plotting, and Counterplotting; but they will make a thouſand Plots if they can to deſtroy the real one.

L. Ch. Juſt. Can you prove this now?

Coll. No, it was ſpoken to my ſelf; and no body was by but my ſelf.

L. Ch. Juſt. Then you ſhould not ſpeak it. But you asked the queſtion whether a man may not be believed upon his word, as well as he that is upon his Oath. Your Witneſſes are not upon their Oaths, but they may be Witneſſes, and their weight is to be left with the Jury; they will conſider how improbable it is, that theſe men ſhould come, Three men to One man, and all of them ſhould ſpeak that which would make themſelves Rogues and Villains; and that one man of them, *Smith*, ſhould ſay ſuch vile words, as, *God damn him, he would have his blood*, and, *God damn the Goſpel*: that *Dugdale* ſhould confeſs he was wrought upon by *Warcup* to teſtifie againſt his Conſcience; and that *Turbervile* ſhould ſay to that purpoſe, He would not ſtarve; they have ſworn the contrary, and ſo there are all theſe Three mens Oaths againſt One mans Affirmation; but it muſt be left to the Jury.

Colledge. 'There is his Affirmation againſt what they three ſay. He charges every one of them, and 'tis but the ſingle denial of every one of them to his Charge.

L. C. J. 'Tis improbable they ſhould own themſelves ſuch Villains to him.

Dr. Oats. They muſt be ſo, if they will do what they have undertaken. I hope my Word will be believed as ſoon as their Oaths.

Colledge. It is not to be thought, but when they have Sworn ſo againſt me, they will deny any ſuch thing when they are charged with it.

L. C. J. Have you done with your Witneſſes? Or will you call any more?

Colledge. What is ſaid upon an honeſt mans word in the face of a Court, is certainly tobe believed as well as what is Sworn.

L. C. J. 'Tis a Teſtimony, that is moſt certain, and muſt be left to the Jury, they muſt weigh one againſt the other. But pray Mr. *Colledge* will you call your Witneſſes, for it begins to grow late.

Colledge. There is Mr. *Wilmore*, that was a material Witneſs for me, who was Foreman of the Grand Jury, that would not find the Bill upon this Evidence. What he had to ſay I don't know, but I am informed it was very material for me.

L. C. J. It will be enough for him to clear himſelf, for he is charged with High Treaſon, and by two Witneſſes too.

Colledge. Call *Alexander Blake.* *L. C. J.* What do you ask him?

Colledge. Do you know *John Smith?* *Mr. Blake.* Yes, Sir.

Colledge. Pray will you tell the Court what you know of *John Smith.*

Mr. Blake. I ſuppoſe you mean this Gentleman. Mr. *John Smith*, Gent. came to me one morning, and told me there was one *Haynes* under Examination, and this *Haynes* had Diſcovered very material things againſt ſome Great Perſons: This paſſed, and within few days after I met Mr. *Smith* at the *Exchange Coffee-Houſe*, and having ſaluted him, I deſired him to drink a glaſs of Wine, and ſo we went to the *Sun* Tavern, and when we were there, I asked him, what his ſence was of *Haynes* and his Diſcovery? Said he, 'tis a Sham Plot: I asked him, what he meant by that Sham Plot? Said he, 'tis a meal-tub Plot. This is all that I know.

L. C. J. Would you ask him any thing elſe?

Mr. Blake. I know nothing more.

Colledge. Do you know any thing of *Turbervill* or *Dugdale?*

Mr. Blake. Sir, I have no Acquaintance with him, nor deſire it. But I was Acquainted with this Gent. Mr. *Smith*, I know him very well.

Mr. Serg. Jefferies. You ſay well, ſtand down.

Colledge. Call Mr. *Samuel Smith.* *L. C. J.* What ask you him?

Colledge. What he knows of *Mr. Smith?*

Mr. S. Smith. *Mr. John Smith* and I have had an Intimacy and Acquaintance ſeveral moneths, and ſince *Mr. John Smith* ſwore at the *Old Baily* againſt *Mr. Colledge*, and was gone out of Town, ſeveral People have talked with me concerning him, and asking me, what I thought of him? I told them, I believed he was an honeſt man, however I would not believe otherwiſe till I knew a Reaſon of it: They told me, that he had ſworn againſt *Mr. Colledge*, that he was to ſeize the King at the Parliament at *Oxford*, and that there was 1500 Barrels of Powder, and it was to carry on a Presbyterian Plot: Said I, I will never believe it, and the rather becauſe he hath ſaid to me often, there was a Popiſh Plot, but he does not believe any Presbyterian or Proteſtant Plot; and, ſaid I further, as to his giving any Evidence with *Iriſh-men*, I believe it the leſs for that, for I have heard him often ſay, they were a company of Rogues that had done the Proteſtant Intereſt more harm than ever they could do it good, and bid me have a care of coming into their Company, and many other ſuch things, that *Mr. Smith* here knows to be true. Then, my Lord, when *Mr Smith* came home (for I was very impatient till he did come home to hear every day ſuch things ſaid againſt him) I went to him to ſee him. Said I, Couſin *Smith*, I have had great confronts about you ſince you went away, but I hope you can't be that ill man you are repreſented to be, and truly I ſhould be ſorry it ſhould be ſo: Pray Couſin, ſaid I, I have put every man off with this, that I would ſuſpend my belief of you till I had ſpoken with you your ſelf; what is the Evidence you have given? They ſay, you have ſworn a Presbyterian Plot, or a Proteſtant Plot, a Deſign of ſeizing the King at *Oxon*, and of ſo many Barrels of Gun-powder that were provided. Says my Couſin, I did ſwear no ſuch thing, nor never a word of any ſuch thing as a Proteſtant Plot, or a Presbyterian Plot, and pray do not believe it of me. No, ſaid I, I thought

you could not ſwear any ſuch thing, becauſe you have ſaid often to me, you believed there was no ſuch thing. I do not believe it yet ſaid he, and as to whatſoever *Colledge* ſaid, I did not believe it, for he did not believe it himſelf. And *Mr. Smith* told me after his return that he did not know of any Proteſtant concerned in the Plot.

L. C. J. He does not ſay now 'tis a Proteſtant Plot.

Mr. *S. Smith.* So far from that, that he told me after his Return he did not know any Proteſtant concerned in the Plot.

L. C. J. Mr. *Smith*, Thus I underſtand you. You ſay that he ſaid to you, That he had not teſtified any thing of a Proteſtant Plot, nor did believe there was any Proteſtant Plot, for he did not believe what *Colledge* ſaid himſelf: So by that diſcourſe it ſeems he did not deny, but he had teſtified againſt Mr *Colledge*, but he did not believe there was any Proteſtant Plot?

Mr. *S. Smith.* No, my Lord, he did not deny but he had ſworn againſt *Colledge.*

Mr. *Juſt. Jones.* Nor that what he had ſaid againſt *Colledge* was true?

Mr. *S. S.* No my Lord, but he did not believe him, and he thought *Colledge* did not believe it himſelf.

Mr. *S. Jeff.* It ſeems Mr. *Colledge* thinks the whole Proteſtant Intereſt concerned in him.

L. C. J. The Queſtion is Mr. *Colledge*, what you had in your mind, not what was in the mind of all the Proteſtants.

Mr. *S. S.* This I do ſay, I would not ſpeak more nor leſs than the truth, he did not deny, but he had heard *Colledge* ſpeak thoſe words he ſwore, but he did not believe him, and I think Mr. *Smith* hath ſaid that, at another time before Mr. *Gardner.*

Colledge. If he knew of no Proteſtant Plot, it was very unlikely that I ſhould attempt ſuch a thing my ſelf.

Mr. *S. S.* My Lord, I find Mr. *Smith* hath been very paſſionate and very inveterate of late againſt other men that he hath given me a very good report of before; And when I was talking of this, I was ſaying, If it be true that people ſay of you, a man goes in danger of his life to converſe with you. Mr. *Smith* ſaid he, I do not care for all the men between *Wapping* and *Charing-croſs*, there is never a man that will forbear my company, but would do or ſay as much as *Colledge* hath done or ſaid.

Mr. J. Smith. 'Tis true, and I ſay ſo ſtill.

Colledge. 'Tis a contradiction in it ſelf, That there ſhould be ſuch a deſign and none but my ſelf to do it. God my righteous Judge knows my innocency.

Mr. Juſt. Jones. You might ſay thoſe words in hopes they would be of your party and made ſo by your Libels and poyſonous Pictures.

L. C. J. Come, call another Witneſs.

Colledge. Call *Mr. Tho. Gardner*, But my Lord, how likely is it that I ſhould ſay, That I would ſeize the King, when he it ſeems ſays, he did not believe there was one man to ſtand by me?

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

Colledge. I never ſaw him in my life. *Mr. Gardner.* Nor I you Sir.

Colledge. I know not three of all that come here.

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

Colledge. Pray do you know *Mr. Smith*? *Mr. Gardner.* Yes.

Colledge. What do you know of him? Can you ſay any thing concerning this matter that is ſworn againſt me of Treaſon?

Mr. Gardner. My Lord, this day fortnight I think it was, *Mr. S. Smith* the Gent. that was juſt now up before me, ſent for me to the *Rummer* in *Queen-ſtreet* to drink a Glaſs of Wine, where when I came, I found him and *Mr. J. Smith* that is here, whom they call Narrative *Smith*, talking very briskly concerning one *Colledge*, I ſuppoſe that is the Gentleman, and the Jury that acquitted him, and he ſaid that 2 or 3 of the Jury-men were Raſcals and Villains, and ſays he, they talk up and down the Town as if I did intend to Sham the Popiſh Plot, and to make a Proteſtant Plot, which ſaid he, I vow to God, and I will juſtifie it before God and all the world, that I know of no Proteſtant Plot, nor is there any Proteſtant concerned in a Plot to my knowledge, but this *Colledge*, and upon his Tryal I believe he will be made appear to be more a Papiſt than a Proteſtant; but ſays *Mr. Smith* to him, Now you are known to be a witneſs in this Caſe, it will be a dangerous thing for a man to converſe with you.

Coll. Will it be now known that I am a Papiſt? No man could ever ſay ſo in this world.

Mr. Gardner. Says he, I care not what all the world ſays of me, and I do not value all the

men

men from *Wapping* to *Charing-croſs*, but that man that will ſhun my company will ſay and do as much to the King as *Colledge* hath done. But then I was ſaying, methinks it ſeems an improbable thing, that ſuch a man as *Colledge* ſhould ſeize upon the King or provide 1500 Barrels of Powder, and thoſe other things. Upon my word, ſaid he, with ſome paſſion, clapping his hand upon his breaſt, when *Mr. Colledge* did ſay it, I did not believe a word of it, and upon my faith I believe *Colledge* himſelf did not believe it when he told me ſo.

Colledge. Do you know any thing more Sir?

Mr. Gardner. No indeed *Mr. Colledge.*

Colledge. Call Dr. *Oats* again.

L. C. J. Well, What ſay you to him?

Colledge. Pray Dr. *Oats*, *Mr. Smith* charges me that I ſhould ſpeak ſome Treaſonable words that time that Alderman *Wilcox* gave you a Treat at the *Crown* Tavern you were there, and pray how long ago was it?

Dr. *Oats.* My Lord, I heard *Mr. Smith* ſpeaking of it at the *Old-baily*, and if you pleaſe to take notice, it was thus, This Summer was twelve-month, or I am ſure a great while before *Chriſtmas* the Alderman had invited me ſeveral times to give me a Treat, and I had not time, other buſineſs calling me off; but finding a time, I ſent him word I would come and ſee him. He ſaid he was a Brewer and troubled at home with Cuſtomers, but he would give me a dinner at the *Crown* Tavern without *Temple-Bar*, that was the place fixed upon; there was *Mr. Smith* the Counſellor, who had been ſerviceable to me in ſeveral inſtances, I did get him to go along with me, and *Mr. Colledge* was with us, and I heard *Smith* ſwearing at the *Old-baily* that *Mr. Colledge* and he had diſcourſe from the *Rainbow* Coffee-houſe where we met, and went together.

Colledge. There I was invited by Alderman *Wilcox.*

Dr. *Oats.* But my Lord, I will tell my ſtory, I am not to tell *Mr. Smith*'s, *Colledge* did tell me he was invited; ſaid I, You ſhall be welcome as far as I can make you welcome. So *Colledge* and I went together from the *Rainbow* Coffee-houſe to the *Crown* Tavern: Now indeed *Colledge* was very pleaſant and merry, and as I think, the diſcourſe betwixt the *Rainbow* Coffee-houſe and the Tavern was betwixt *Mr. Colledge* and me; for *Mr. Smith* ſtayed ſomewhat behind or walked before, I cannot tell which: When we came to the *Crown* Tavern we did, to divert our ſelves till dinner came up, enter into a Philoſophical diſcourſe with one *Mr. Savage* who was formerly a *Romiſh* Prieſt, but this *Savage* is ſince pardoned by the King and is a Member of the Church of *England*, and hath been Profeſſor of Divinity and Philoſophy beyond Sea. This as I remember was the diſcourſe before we dined till we went to Dinner, it was concerning the Exiſtence of God, whether that could be proved by natural demonſtration, and whether or no the Soul was Immortal. My Lord, after Dinner *Smith* went away, I did not hear the leaſt diſcourſe of any ſuch thing as he ſpeaks of, and *Mr. Smith* and *Colledge* had no diſcourſe in my hearing from the Coffee-houſe to the Tavern; and when we were in the Tavern we did diſcourſe about thoſe two Points. Counſellor *Smith*, my Lord, will juſtifie a great deal of this, and my Brother too, who was with us. But when I heard *Mr. Smith* ſwear as he did about this matter at the *Old-baily*, I did really my Lord, in my Conſcience look upon him to be forſworn in that particular.

Mr. Serj. Jeff. And he does ſwear you are out in this.

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

Dr. *Oats.* If your Lordſhip pleaſe he ſpeaks of *Mr. Wilcox* to be a man that contributed money to buy Arms, Powder, and Shot, I think Sr. *George Jefferies* knows Alderman *Wilcox* is a man of another employment.

Mr. S. Jeff. Sir *George Jefferies* does not intend to be an evidence I aſſure you.

L. C. J. Do you ask him any more queſtions?

Dr. *Oats.* I do not deſire Sr. *George Jefferies* to be an Evidence for me, I had Credit in Parliaments, and Sr *George* had Diſgrace in one of them.

Mr. Ser. Jeff. Your ſervant Doctor, you are a witty man and a Philoſopher.

Colledge. Call *Mr. Thomas Smith.*

L. C. J. What would you ask of him now?

Colledge. Counſellor *Smith*, here is *John Smith*, or Narrative *Smith*, which you pleaſe to call him, hath charged me with ſpeaking Treaſon at our going to Dinner at *Mr. Wilcox*'s, I remember you were there, and I think you and I and Dr. *Oats* and his Brother and *Mr. Godwin Wharton* went together; I did tell *Mr. Smith* of it, but I did not ſtir a ſtep out of the Coffee-houſe with him, but went away before him, How long ago is it ſince we had that Dinner?

Mr. T. Smith.

Mr. T. Smith. My Lord, if your Lordſhip pleaſe, I do very well remember Mr. Alderman *Wilcox*, ſo they called him, did deſire to give Dr. *Oates* a Treat with ſome other of his Friends at the *Crown* Tavern without *Temple-Bar*; but really my Lord, as to the certain time I do not remember it, but to my beſt remembrance, my Lord, it was before *Chriſtmas* laſt, and ſome time before *Chriſtmas* laſt. And my Lord, I was there all the time, *Mr. Smith* was at that time ſomewhat a ſtranger to me, ſomething I had heard of his Name, and I did ſtay there all the while; I remember Mr. Alderman *Wilcox* was to go out of Town that day; and truly as to any thing of matter of Treaſon, or Treaſonable words, or any thing tending towards it, I am confident nothing was, or could be ſpoken, and the Room was a very ſmall Room, and our Company did fill it up, and the Table was ſo big, that there was little more than for the Servitors to go about, ſo that any man might eaſily hear from the one end of the Room to the other. I remember there was ſome Diſcourſe betwixt Dr. *Oates* and *Mr. Savage*, who I think hath been a Jeſuit, and it was about ſome points of Philoſophy and Divinity; but for Treaſon, I do not remember the leaſt of it, and I am confident *Colledge* ſaid not any ſuch thing at that time, and my Reaſon is this, I very well remember *Mr. Colledge* did ſet himſelf down upon one ſide of the Table, and fell aſleep, and unleſs he talked Treaſon in his ſleep, there could not be any ſuch thing ſaid, and if it had been ſaid, it would have been heard.

Mr. Att. Gen. Mr. Smith, did you never hear *Mr. Colledge* ſpeak any ill words of the King?

Mr. T. Smith. Never in my Life. And if I were now to take the Sacrament upon it, I could ſay ſo.

Mr. Serg. Jefferies. You uſed to converſe with him, *Mr. Smith*, did he never ſay any thing like it to you?

Mr. T. Smith. Good Mr. Sergeant, you know I can take the Sacrament; pray let us have no Reflections.

Mr. Serg. Jefferies. Who did reflect upon you? I did not reflect upon you.

Mr. Juſt. Jones. Mr. Smith, did he never deliver you any of thoſe Pictures?

Mr. T. Smith. No, Sir, he never did.

Colledge. Good Sir *George* don't reflect upon my Evidence. It ſeems *Smith* is miſtaken in the time, for he ſays, it was at *Chriſtmas*, but *Mr. Smith* ſays, it was ſome time before.

L. C. J. Mr. Smith does not ſay ſo, the certain time he cannot tell exactly; but your Witneſſes ſay, it was then.

Mr. T. Smith. I do ſpeak as much as if I were upon my Oath; and I know what an Oath is, I thank God; and what it is to ſpeak before a Court of Judicature, and I know, and do ſpeak truth as much as if I were upon my Oath; and I do ſay I did not hear *Colledge*, or any one elſe that was in that Company, at that time ſpeak any thing Reflecting upon the King and Government, or any thing tending towards it.

Mr. Juſt. Jones. Can you remember a matter ſo diſtinctly, which Dr. *Oates* ſays was a year and half ago?

L. C. J. No, this Summer was twelve moneth.

Mr Juſt. Jones. And can you tell ſo long ago, not onely your own Actions, but teſtifie to all other mens Actions too that were in the Room?

Mr. T. Smith. I cannot tell what Dr. *Oates*'s memory is as to the time, but I remember the place, the occaſion, and the Perſons that were there.

Mr. Juſt. Jones. And you take upon you to have ſuch a perfect memory, as to the Actions of all the Perſons that were in the Room?

Mr. T. Smith. I do not ſpeak of all that was done; but I ſay, I remember no ſuch thing that was ſaid, and I believe no ſuch thing was ſaid, and have given you my Reaſons why. But my Lord, that which I ſay further for *Mr. Colledge*, is this; I do hear ſomething pretended, as if he provided Arms to go for *Oxford*. I have known him this three years, or thereabouts; and my Lord, I do know that he did uſually ride with a Caſe of Piſtols before him. And before that time I had occaſion to borrow his Horſe of him, at the Election for *Weſtminſter* the laſt Parliament that ſat there, and I had it then with a Caſe of Piſtols. I likewiſe borrowed it at *Michaelmas* laſt, the ſame Horſe, and the ſame Piſtols they were, I did at the ſame time ſee a Suit of Silk Armour, which he told me he did provide againſt the Papiſts, for he ſaid, he did expect we ſhould have a bruſh with them. Said I, do not trouble your ſelf for that, they dare not meddle; ſaid he, this will do no harm. And as I remember, it was a Suit of Armour made of Silk to wear under a Coat.

Colledge. It

Coll. It was ſilk Armour only for the thruſt of a Sword. And I aſſure you my Lord, I had but one Suit, but one Caſe of Piſtols, and but one Horſe, I had two before, but they did not then make a Traitor of me, that was all that ever I had, but if I had had ten Horſes, and never ſo many Armors I declare it upon my Salvation, I intended it for nothing but againſt the Papiſts, if they ſhould make a diſturbance, and whatever I did was with that deſign, and truly by the grace of God I would not have been the laſt man then, but I ſee whatever I provided my ſelf with for that, they have turned it all another way, that it might be believed the Proteſtants were againſt the King and the eſtabliſhed Government.

L. C. J. Thoſe obſervations may be proper for you at laſt, Go on now with your Evidence.

Coll. My Lord, I am not a man of that great memory, I may forget it, and therefore I ſpeak it now whilſt I think of it.

L. C. J. Set it down in your Paper.

Coll. *Smith* ſays I talked with him coming from *Richard*'s Coffee-houſe till we came to the Tavern, I do declare it, I went away before him, and went away with Dr. *Oats*.

L. C. J. Ask Mr. *Smith* that queſtion if you will.

Coll. Pray Sir, do you know who went together thither?

Mr. *T. Smith.* I dare not undertake to ſay that, I cannot tell whether he went from the *Rainbow* Coffee-houſe with us, or no.

Coll. He ſays after we had dined we divided our ſelves into Cabals, two and two together, I do declare it as that which is the real truth I fell aſleep behind the Table, if any body was divided it is more than I know, but Mr. *Smith* you can tell, becauſe he ſays I ſpoke Treaſon to him when I was in the room, he and I in one Cabal.

Mr. *T. S.* My Lord, I remember nothing of that, nor do believe it, for I told you the room was ſo little that we could not divide our ſelves, And it is impoſſible in ſuch a little compaſs where we were ſo many as we were, 14, or 15 of us; it may be one might talk to another that was next to him, but then the company muſt hear, and whether they did ſo or no, I cannot tell, I do not remember Mr. *Smith*'s ſaying any thing to any particular perſon, but the great ingagement was between Dr. *Oats* and Mr. *Savage*, and about ſome Queſtions in Divinity, and that is the great matter I took notice of.

Coll. However, my Lord, I declare it, that was above a 12 Month ago, and I hope your Lordſhip and the Jury does obſerve that there was no new Arms were found, but what were provided a great while ago; All that know me, know I was never without a Caſe of Piſtols and an Horſe, though I was but a Joyner, and there is no more that you ſee now. And as to what *Smith* ſaid about our going into Cabals that you hear Mr. *Smith* denies.

L. C. J. Will you call any other Witneſſes?

Coll. Yes, if it pleaſe your Lordſhip. Do you know no more Sir?

Mr. *T. Smith.* I know no other thing, if I did, I would declare it.

Coll. Call Dr. *Oats*'s brother, Mr. *Samuel Oats*. My Lord, thus you ſee *Smith*'s teſtimony is falſe.

L. C. J. I do not ſee this contradicts his Oath, for he ſpeaks of ſeveral times that he did ſpeak with you, one was at *Wilcox*'s which is this they ſpeak of.

Coll. Mr. *Smith* ſays there was only that great diſcourſe going on in the Room, and there was no ſuch things as Cabals which he ſpeaks of.

L. C. J. What do yo ſay as to this Witneſs?

Coll. Do you know Narrative *Smith*? Mr. *Oats*. Yes Sir.

Coll. What do you know of him? Were you at the Dinner which Mr. *Wilcox* gave your Brother?

Mr. *Oats*. Yes, yes, I was at that Dinner.

Coll. Were you at the Coffee-houſe when I went along with your Brother?

Mr. *Oats*. Yes, we went with you. *Coll.* Did Mr. *Smith* go with us?

Mr. *Oats*. Yes, Mr. *Smith* followed us.

Coll. Did you hear any Treaſonable diſcourſe between us?

Mr. *Oats*. Not the leaſt of a little word.

Coll. Did we go into Cabals two and two together there?

Mr. *Oats*. There was nothing at all of Cabals that I ſaw, from the time of going to dinner; for we came juſt as Dinner was going into the Room as I remember. Mr. *Serj. Jeff.* What do you mean by Cabals?

Mr. *Oats*. That is as I diſcern by Mr. *Colledge* as if there had been Cabals amongſt the Company.

Mr. *Juſt. Jones*. That is going by couples. Mr. *Oats*. Yes, yes.

Mr. *Ser. Jeff.* What did they talk of?

Mr. *Oats*. There was nothing at all ſpoken of?

Mr. *Ser. Jeff.* What did they ſay nothing all the while?

Mr. *Oats*. Nothing but matter of common diſcourſe, matters of eating and drinking, and talking of Country affairs, there were ſeveral that had Lands in the Countrey and they were talking of thoſe things.

Mr. *Juſt. Jones*. Were you there all the while? Mr. *Oats*. Yes.

Mr. *Ser. Jeff.* Hark you Sir, were there no diſputations in Divinity?

Mr. *Oats*. Not at all.

Mr. *S. Jeff.* Nor of Philoſophy? Mr. *Oats*. No.

Mr. *S. Jeff.* Why pray Sir did not Dr. *Oats* and Mr. *Savage* talk very pleaſantly of two great queſtions in Divinity, the Being of God, and the Immortality of the Soul?

Mr. *Oats*. There was not a word of that, but only common diſcourſe.

Mr. *S. Jeff.* Are you ſure there was no ſuch thing?

Mr. *Oats*. Not that I know of in the leaſt, I ſat at Table with them.

Mr. *S. Jeff.* Was it ſuch a little Room that you could hear all was ſaid?

Mr. *Oats* There was Room enough.

L. C. J. People cannot give a perfect account of all things that have paſſed ſo long ago.

Coll. I did not hear that diſcourſe my ſelf, becauſe I was aſleep behind the Table; and perhaps Mr. *Oats* cannot remember it.

Mr. *Sol. Gen.* Was it before Dinner, or after Dinner that *Colledge* fell aſleep behind the Table?

Mr. *Oats*. He was not aſleep to my remembrance all the while.

Mr. *S. Jeff.* Recollect your ſelf, pray, was Mr. *Colledge* aſleep there?

Mr. *Oats*. I do not remember he was.

L. C. J. 'Tis impoſſible to give an account, and therefore Witneſſes in Negatives are of little value.

Coll. Did Mr. *Smith* and you and I go together?

Mr. *Oats*. Mr. *Smith* followed us. *L. C. J.* How do you know that?

Mr. *Oats*. For you and I, and my Brother went together; You were a ſaying when we came out of the Coffee-houſe in a jocoſe way, Come Dr. I will go along with you and be one of your Guard. You ſpoke it in a jeſting way, So you may if you pleaſe ſaid my Brother. And ſo he went by my Brother's ſide, and I went by Mr. *Colledge*'s ſide.

Coll. Do you remember how long ago that was?

Mr. *Oats*. It was the laſt Summer but to ſay exactly what month I cannot.

Mr. *S. Gen.* Mr. *Oats* anſwer me this Queſtion, pray Sir. Mr. *Oats*. Yes, Sir.

Mr. S. *Gen.* From what place did you go.

Mr. *Oats*.

Mr. *Oats*. From *Richards* Coffee-Houſe.

Mr. *S. G.* Who went along with *Colledge*?

Mr. *Oats*. He came along with my Brother and me; for he ſaid to my Brother, I will be one of your Guard.

Mr. *S. G.* Who went along with Mr. *Smith*?

Mr. *Oats*. I don't know, I took very little notice of things.

Mr. *Serg. Jeff.* 'Tis ſufficient that he can tell who went with *Colledge*.

Mr. *Oats*. I remember one thing: Mr. *Smith* would fain have perſwaded me into ſomething that my Brother ſhould talk, but I heard nothing; ſaid I, do not examine me upon ſuch things, for I took little notice of any thing; but this I can ſay, whereas he does charge Mr. *Wilcox*, the Gentleman did not ſpeak five words all the time he was there.

Mr *Ser. Jeff.* He does not uſe to be ſo Melancholy, I aſſure you.

Mr. *Oats*. I did wonder at it my ſelf, but he was not long with us, for I do not think he was there a quarter of the time; it ſeems he had a Son ſick in the Countrey, and he was going thither.

Colledge. Have you any thing againſt *Macnamarra?*

L. C. J. He is no Witneſs here.

Coll. Do you know any thing againſt Mr. *Dugdale*? Mr. *Oats*. No, not I.

Coll. Then I can ſay no more to you. *L. C. J.* Call another Witneſs.

Coll. Call Mr. *Bolron*. *L. C. J.* What do you ask him?

Coll. Do you know *John Smith*? Mr. *Bolron*. Yes.

Colledge. What ſay you againſt him?

Mr. Bolron. May it pleaſe your Lordſhip, the laſt 25*th*. of *July* Mr. *Smith*, and Mr. *Mowbray*, and my ſelf were Travelling from *York* towards *London*. We lay the 24*th*. at and the 25*th*. we were Travelling towards *London*: Mr. *Smith* did ask me, if I did remember what Diſcourſe there was betwixt Sir *John Brooks* and I at *Ferry-Bridge*, when we were coming up before to *London*? I deſired him to tell me what Diſcourſe, and I would tell him if I did remember it or no. So my Lord he did ſay, the Diſcourſe was, that Sir *John Brooks* did ſay, there would be cutting of Throats at *Oxford*, and that the Parliament did go provided, ſome with 8, ſome with 6, ſome with 4 men, and they were to meet at *Grantham*, and go together. This Diſcourſe I did remember, That Sir *John Brooks* ſaid, they went with Horſe and Arms to ſecure them from High-way-men; and Sir *John Brooks* did then further declare, that the Diſcourſe was, there would be cutting of Throats at *Oxford*, which made them go with Arms to defend themſelves. Mr. *Smith* did further upon the 25, 26, 27, and 28*th*. of *July* (and it was our frequent Diſcourſe) tell me, that he had given His Majeſty an Account of it, which occaſioned the Diſſolving of the Parliament: That Diſcourſe that was made to the King, was, that Sir *John Brooks* ſhould ſay, there would be cutting of Throats at *Oxford*, and that the Parliament-men went provided with 4 or 5, 6 or 10 men apiece; and he did tell me, he had given a further Account, that there was to be a Conſult at *Grantham*, wherein it was Reſolved, that it was better to ſeize the King, than to let him go on. Now, this I knew nothing of, but he would have perſwaded me to have given in this Evidence againſt Sir *John Brooks*, as to this Diſcourſe. But I declare, I did never hear it, and Mr. *Smith* was the firſt man that ever I heard it from, I never heard it before in my Life.

Colledge. Would he have had you been an Evidence, and ſwore it?

Mr. Bolron. Yes; he ſaid he had given an Account of it to the King, and if I did manage it rightly againſt my Lord *Shaftesbury* and *Colledge*, he would

would make me for ever; thoſe two Perſons were mentioned all along. But I do declare it, I did never hear them ſpeak Treaſon againſt the King in my Life. And he did further tell me, that I muſt ſay ſo and ſo; for if we did not agree, it would ſignifie nothing. But my Lord, I know nothing of the matter, I never heard any one ſpeak of it but Mr. *Smith*. My Lord, this is true, Mr. *Mowbray* was the man that was by when it was Diſcourſed.

Mr. *Juſt. Jones*. He would have had you ſworn it, would he?

Mr. *Bolron*. I diſcovered it to my Lord Mayor.

Mr. *Att. Gen*. When did you diſcover it?

Mr. *Bolron*. Soon after I came to Town. Mr. *Att. Gen*. When was it?

Mr. *Bolron*. Some time laſt week. Mr. *Att. Gen*. Was it on Saturday laſt?

Mr. *Bolron*. It was the beginning of the week.

Mr. *Serg. Jefferies*. Thou art ſuch a Diſcoverer.

Mr. *Bolron*. My Lord, 'tis very true what I ſay. If I had known any ſuch thing, I would have diſcovered it.

Mr. *Serg. Jefferies*. Thou wouldeſt have diſcovered it before that time, of my Conſcience.

Colledge. My Lord, he hath been an Evidence againſt the Papiſts as well as Mr. *Smith*, and therefore pray Sir *George* don't make your flouriſhes upon him.

Mr. *Serg. Jefferies*. He was an Evidence, but he had the misfortune never to be believed.

Mr. *Att. Gen*. Do you know any thing of any Pictures of Mr. *Colledge's* making? Have you ſeen *Raree Shew*? Mr. *Bolron*. Never in my Life.

Mr. *Att. Gen*. Did you not ſhew it in *Oxford*?

Mr. *Bolron*. No, never in my Life.

Mr. *Serg. Holloway*. Did you never declare to any Gentleman of *Oxford*, that *Colledge* made this Picture?

Mr. *Bolron*. I have ſeen the Character of a Popiſh Succeſſor, but I never ſaw *Raree Shew*.

Mr. *Serg. Holloway*. Here is the very Gentleman, my Lord, that will make Oath of it.

Mr. *Bolron*. He was ſuppoſed to make them, I did not know that he did.

Mr. *Serg. Jefferies*. I do only deſire one thing, I do not ſay, that you ever had *Raree Shew*, but did you ever tell any body that *Colledge* made any of theſe Pictures?

Mr. *Bolron*. I have heard of ſuch a Paper, but I did never ſee it in my life.

Mr. *Serg. Jefferies*. Do you know that Gentleman, Mr. *Bolron*?

Mr. *Bolron*. I know him not.

Mr. *Serg. Jefferies*. I would ask you, whether you ever had any Diſcourſe with that Gentleman? Mr. *Bolron*. Never in my life.

Then the Gentleman was ſworn, being a Maſter of Arts.

Mr. *Serg. Jefferies*. What is the Gentlemans Name?

Mr. *Serg. Holloway*. Mr. *Charlett*, of *Trinity Colledge*.

Mr. *Serg. Jefferies*. Pray Sir, do you know that Perſon there?

Mr. *Charlett*. My Lord, in the new Coffee-Houſe that was by the Schools, that was ſet up in the Parliament-time, there was a Gentleman that is in the Court (I think) one Mr. *Daſhwood*, and one Mr. *Box* were there together to drink a Diſh of Coffee, and hearing that ſome of the Evidence were there, we deſired their Company up, and that Gentleman was one; and among other Diſcourſe, they were ſpeaking of ſome Pictures, and they ſhewed us the Picture of the Tantivies.

Mr. *Ser. Jeff*. Did

Mr. *S. Jeff.* Did this man ſhew it you?

Mr. *Char.* This very man, It was the Pictures of the Tantivies and the Towzer, & he told me they were made by *Colledge*, he was a very ingenious man.

Mr. *Bolr.* I know nothing of it, the Character of a Popiſh Succeſſor I have ſeen, but never the other, I never ſhewed him any ſuch thing.

Then the Pictures were ſhewn him.

Mr. *Char.* It was ſomething like this but I cannot ſay for any of the other.

Mr. *Bolr.* The Character of a Popiſh Succeſſor, I ſay I have ſeen, and *Colledge* himſelf hath told me he made the Character of a Popiſh Succeſſor, I do not deny that I have ſeen that.

L. C. J. Would you ask him any more Queſtions?

Mr. *Balr.* My Lord, I have ſomething more to ſay concerning Mr. *Brian Hains*; In *January*, *February* and *April* laſt, ſeveral times I was in his Company, and I heard him ſay, he knew nothing of a Popiſh Plot, nor of a Presbyterian Plot neither, but if he were to be an Evidence he did not care what he ſwore, but would ſwear and ſay any thing to get money.

Mr. *Juſt. Jones.* Did he tell you ſo?

Mr. *Bolr.* Yes, I did hear him ſay, To day he would be a Papiſt, to morrow a Presbyterian, he did not care for Religion, he would never die for Religion, he would be of that Religion that had the ſtrongeſt party. My Lord, he told me ſo at my own houſe in *Fleetſtreet*.

Colledge. He would ſay any thing for money, pray my Lord take notice of that, for ſo I find he does.

Mr. *Bolron.* Then there is *Dennis Macnamarra*, and *John Macnamarra.*

Mr. *Ser. Jeff.* We have nothing to ſay to them?

Colledge. They have been Evidences againſt me, though you do not now produce them, they are all in a ſtring, but they are not now brought becauſe my Witneſſes are prepared to anſwer them.

L. C. J. Will you call your next Witneſs?

Colledge. Mr. *Mowbray*, Pray Sir do you know Narrative *Smith*, as he calls himſelf? Mr. *Mowbray*, Yes, my Lord.

Colledge. What do you know of it?

Mr. *Mowbray.* I came up from *York* with him when I returned, after I was commanded down upon the Kings account to give in Evidence againſt Sir *Miles Stapleton*, he came to me the third of *Auguſt*, and called at my houſe in *Yorkſhire*, and was very importunate for me to come up to *London* with him, for he ſaid, he had a Letter come to him which commanded his preſence at *London* very ſuddenly, and he produced that Letter which he ſaid came from a Gentleman of the Court, or ſome Court dependent; ſo he read the Letter in Mr. *Balron's* hearing. We ſet forward on *Sunday*, and upon our journey to *London* he told me he had ſomething of importance to impart to me, ſo upon the road he began to diſcourſe of the Parliament and of the illegal proceedings and Arbitrary power of the 2 laſt Parliaments, he ſaid their proceedings were very Illegal and Arbitrary, and he began to open ſome of the Votes as that which they voted, that thoſe that ſhould lend the King money upon the Crown lands, ſhould be enemies to the King and Kingdom, and thoſe that Counſelled the King to diſſolve the Parliament; and he repeated many Votes, and ſaid he, theſe are ſigns of Arbitrary power, and certainly they deſign to take off the King; ſo he proceeded further to ask me what was the diſcourſe of Sir *John Brooks* when we came up before, and he did much importune me to ſay, that Sir *John Brooks* did affirm there would be cutting of throats at *Oxford*, and that the King was to be ſeized there. I told him I could have no plauſible pretence, becauſe I had no acquaintance with Sir *John Brooks*,

nor did I come up with him, upon which he applied himſelf to *Bolron*, and importun'd him for the ſame, he asked me who I came up with, I told him I came up with 3 Members of Parliament, my Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern*; he asked me what Diſcourſe we had upon the Road? And he asked, whether they had any Diſcourſe that tended to juſtifie their former Votes? For he ſaid, if they did think to juſtifie any thing of thoſe Votes, or if they would not allow the King money, and ſtood upon the Bill of Excluſion, he ſaid, that was pretence enough for any man to ſwear that there was a Deſign againſt the King, and that the King was to be ſeized at *Oxford. Colledge*. An excellent pretence indeed, and like the reſt.

Mr. *Mow*. He would have tempted me to ſwear againſt my Lord *Shaftesbury* the ſame. And he ſaid, it would be well if I did appear on *Colledges* Tryal at *Oxon*, for it was a thing of great Conſequence; the Popiſh Plot was thrown out of doors, and no man was looked upon that did ſpeak of it.

Mr. *Juſt. Jones*. Was all this in the preſence of Mr. *Bolron*?

Mr. *Mow*. No, my Lord. When he was diſcourſing about Sir *John Brooks*, Mr. *Bolron* rid up to us, and he applied himſelf to him, becauſe I told him I had no plauſible pretence to ſwear againſt him, having no Acquaintance with him.

Mr. *S. Jeff*. Pray Sir, let me ask you one Queſtion, When came you from *York*?

Mr. *Mow*. We ſet forward the 3*d*. day of *Auguſt* from *Wentbridge*.

Mr. *S. Jeff*. Pray who came with you in the Company? Mr. *M*. Mr. *Bolron*.

Mr. *Ser. Jeff*. That was a Sunday, as I take it. Mr. *Mow*. Yes.

Mr. *S. Jeff*. Then pray how long did you continue before you came to *Lond*.

Mr. *Mow*. I think we came in on the Thurſday after.

Mr. *S. Jeff*. When was the firſt time Mr. *Smith* came into your company?

Mr. *Mow*. Upon the Road on Sunday. Mr. *S. Jeff*. Was that the firſt time?

Mr. *Mow*. Yes. He had been at *York*, and went further, and afterwards came to us. Mr. *S. Jeff*. When did you come from *York*?

Mr. *Mow*. About the Thurſday before, if I be not miſtaken.

Mr. S. *Jeff*. Was it in a week before? Mr. *Mow*. Yes, within a week it was.

Mr. *S. Jeff*. And you and Mr. *Bolron* came together? Mr. *Mow*. Yes.

Mr. *Ser. Jeff*. And you left *Mr. Smith* behind? Mr. *Mow*. Yes.

Mr. *Ser. Jeff*. And he overtook you upon the Road?

Mr. *Mow*. Yes: He was to go further into the North as ſoon as the Tryal of Sir *Miles Stapleton* was over, and therefore he did very much importune me to ſtay in the Countrey till he came to go up with me.

Mr. *Ser. Jeff*. What day was the Tryal of Sir *Miles Stapleton*?

Mr. *Mow*. On the Monday before.

Mr. *S. J*. You are ſure of that, & that Mr. *Smith* went further into the North.

Mr. *Mow*. I ſee him take Horſe.

Mr. *Ser. Jeff*. But he did not come into the Company of you and Mr. *Bolron* till the Sunday after that.

Mr. *Mow*. See ye, Sir, He did deſire me to ſtay in the Countrey till he came, for he had a buſineſs of great concernment to impart to me, but it would be a week or a fortnight ere he came, but yet he came in a ſhorter time, for he ſaid, he had received a Letter that brought him up.

Mr. *Serg. Jeff*. You are ſure of this? Mr. *Mow*. Yes.

Mr. *Serg. Jeff*. And you did not ſee him from the Monday before, till that Sunday? Mr. *Mow*. No, no.

Mr. *S. Jeff*. Now then, I ask you, where was that place that he met with you?

Mr. *Mow*. At *Wentbridge*.

Mr. S. J. And then you came from thence towards *London* the next day? *Mr. Mow*. Yes.

Mr. S. Jeff. Now would I deſire to know of you, for I perceive he did attack you to ſay ſome-

ſomething againſt Sir *John Brooks*, and finding that you could not do it, becauſe you had no Acquaintance, he applied himſelf to *Bolron*. I would know, was it between that place and *London*? *Mr. Mow.* Yes, it was.

Mr. S. Jeff. And after the 3*d.* of *Auguſt*? *Mr. Mow.* Yes, it was after we ſet out.

Mr. S. Jeff. I thought it had been the 24*th.* of *July* that you ſet out, and continued your Journey the 25,26,27,28, & 29*th.* Alas, we have loſt a great deal of time between Mr. *Bolron* and Mr. *Mowbray*. *Bolron* ſaid, it was the 25*th.* they lay at ſuch a place, and you are gotten to the 3*d.* of *Auguſt*; you are miſtaken certainly, as to point of time.

Mr. Mow. See, Sir, I will look in my Almanack, 'tis all ſet down there.

Mr. S. J. Let us ſee now if your *Oxford* Journey be as well ſet down, as your Journey to *Lond.* is.

Mr. Mow. Here is my Almanack, Sir. *Mr. Jones.* Here, look upon his Almanack.

Mr. Ser. Jeff. Mr. Jones, I don't care for his Almanack, I had rather *Mr. Mow.* and *Mr. Eolron* could bring their Almanacks together, and I would have them compared to ſee whether the 3*d.* of *Auguſt* in one be the 25*th.* of *July* in the other. Did you Diſcourſe with him upon the Road the 3*d.* of *Auguſt*, and not before, and *Bolron* that came up with you, Diſcourſe with him the 25*th.* of *July*? *Mr. Mow.* I am miſtaken, I find.

Mr. Ser. Jeff. Ay, that you are, one of you moſt groſly.

Mr. Mow. See, Sir, here is my Almanack, whereby I find that it is my miſtake; but pray ſee, Sir, here it is ſet down, the day we came out was the 24. the day we came to *London* was the 27.

Mr. S. Jeff. How didſt thou ſet out the 3 of *Auguſt* from that place, and yet come to *London* the 27*th.* of *July*?

Mr. Mow. I will refer my ſelf to *Mr. Smith*, as to the time we came up, & here is my Almanack.

Mr. S. Jeff. I will believe thy Almanack to ſpeak truth, though it have never ſo many Errors about the Changes of the Weather, ſooner than I will believe thee.

Coll. I perceive the man is miſtaken in the moneth and the time; but pray my Lord will you pleaſe to ſee, for Juſtice ſake, if the Almanack be new writ.

L. C. J. Look you, here is the matter, *Mr. Colledge*, he was asked again, and again, what day it was, and he was poſitive to the 3*d.* of *Auguſt*.

Coll. He was miſtaken, but his Almanack is right.

L. C. J. He ſpeaks raſhly, that is the beſt can be ſaid.

Mr. Mow. It was a miſtake of mine, Sir *George*, but my Almanack is right.

Mr. Ser. Jeff. Nay, *Mr. Mowbray*, don't enter into Dialogues with me, I only make a little Obſervation upon your Almanack. *Mr. Mow.* It was only my miſtake.

L. C. J. You are a raſh man to affirm ſo: If you had an Almanack, you ſhould have conſulted it, or referred to it.

Mr. Ser. Jeff. Nay, we have loſt a day even by your Almanack; for yours ſays, it was the 27*th.* you came to Town, *Bolron* the 28*th.*

Mr. Mow. I refer my ſelf to *Mr. Smith*, he can't deny, but he came up with us at that time.

Mr. S. Jeff. You were examined at Sir *Miles Stapletons* Tryal, was you not, *Mr. Mowbray*?

Mr. Mow. I was an Evidence there. *Mr. S. Jeff.* Did the Jury believe you?

Mr. Mow. They did acquit Sir *Miles Stapleton.*

Coll. That is nothing to the purpoſe; ſo was *Mr. Smith* too.

L. C. J. Would you ask any thing further? *Coll.* Call *Mrs. Mary Bolron.*

L. C. J. If you have any more Witneſſes, pray call them.

Mr. Juſt. Jones. Mr. Mowbray, was *Mr. Bolron*'s Wife by when this Diſcourſe was?

Mr. Mow. No, ſhe was in Town, ſhe did not go down with him at all.

L. C. J. Are you *Mr. Bolron*'s Wife? *Mrs. Bolron.* Yes.

L. C. J. Well, what do you ask her? *Coll. Mrs. Bolron*, Pray do you know *Mr. John Smith*?

Mrs. Bol. Yes, I do know him. *Coll.* What can you ſay of him?

Mrs. Bol. He ſent ſeveral times for my Husband and Mr. *Mowbray* to my Houſe, ſomething he would have them be concerned in, ſome buſineſs he had in hand. *L. C. J.* When was that?

Mrs. Bol. Within this 3 weeks, ſince he came up from *York* Aſſizes.

Coll. You may ſee there was an underſtanding between them then.

Mr. Juſt. Jones. Did they go accordingly?

Mrs. Bol. Now and then they have gone to him, but they knew his buſineſs, becauſe they had Diſcourſe with him, as they ſaid, upon the Road, and they would not go.

L. C. J. Would you ask her any thing elſe? What do you know more?

Mrs. *Bolron.* Nothing, for I am not one that ſtirs much abroad.

Colledge. Call Mr. *Everard.* *L. C. J.* What do you ask him?

Colledge. As for Mr. *Everard* I need not ask him whether he knows him, for they know one another well enough: But Mr. *Everard* that I would ask you is this, what do you know

of

of Mr. *Smith*, and of this contrivance againſt me ?

Mr. *Everard.* Mr. *Smith* I have been to ſee of late, and he told me he knew of no Presbyterian or Proteſtant Plot, and when my Lord *Howard* was tried, that is, the Bill brought againſt him, he ſaid, he wondred how my Lord *Howard* could be Guilty, and that both himſelf and I were joyned as Evidence to that Jury, only to put a gloſs upon the Evidence, for ſays he, I have nothing material to ſay.

Colledge. *Mr. Everard*, Do you know any thing more concerning him, what he hath ſaid at other times concerning me ?

Mr. *Everard.* I have told you already, what I have heard him ſay, That he thought there was no Proteſtant or Presbyterian Plot, and that now of late within this little while.

Coll. Pray Sir was there not ſome diſcourſe betwixt Juſt. *Warcup* and you in *Lincolns-Inn* walks.

Mr. Everard. Is Juſtice *Warcup* an Evidence here ? *L. C. J.* No, no.

Colledge. 'Tis all but Evidence of a Presbyterian Plot, therefore pray Sir, what was the diſcourſe between Juſtice *Warcup* and you ? what would he have had you done ?

L. C. J. I think it is not material, there is nothing of Mr. *Warcup* in this Tryal.

Mr. Everard. If the Court does allow of it, I will freely tell it.

Coll. My Lord, the Papiſts deſign is to make a Proteſtant Plot to turn off their own, and they begin with me, but if I ſhould go they would not be ſatisfied with me, they would be at others.

L. C. J. There is nothing concerning a Presbyterian or Proteſtant Plot in the Caſe.

Colledge. My Lord, If there be no Presbyterian Proteſtant Plot, and others to joyn in it, how could I do it by my ſelf, 'tis impoſſible I ſhould have ſuch a deſign of Seizing the King, and improbable I ſhould ſpeak it. Now my Lord, this man was ſolicited to come in for an Evidence of ſuch a Plot. *Mr. Everard.* That is true.

L. C. J. I tell you it is not material, *Mr. Warcup* is not concerned in your Trial.

Mr. Everard. Juſtice *Warcup* would have perſwaded me to have ſworn againſt ſome Lords a Presbyterian Plot, but I deny that I know any ſuch thing of them.

Colledge. The Papiſts aim is not at me only, but at others.

Mr. *S. Jeff.* We have nothing to do with what you and Juſtice *Warcup* talked of ; for Example ſake my Lord, let us have no diſcourſes that concern third perſons brought in here.

L. C. J. Would he have perſwaded you to ſay any thing that was not true?

Mr. Ever. He did not ſay poſitively thoſe words, but this he ſaid, I knew ſeveral Lords —

Mr. Juſt. Jones. Now here is *Mr.* Juſtice *Warcup*'s fame traduc'd behind his back in the face of the Countrey, and it is nothing to this cauſe before us.

Coll. My Lord, I deſire to know what he knows of theſe things, and that he may ſpeak it out, 'tis a material thing for me and others : Here is a deſign of the Papiſts to turn a Plot upon the Proteſtants, they begin with me, and if they have my bloud who may feel the effects of it next I cannot tell.

L. C. J. Truly I think it not material to your Caſe, and indeed 'tis of ill conſequence to have any man traduced behind his back, as *Mr. Warcup* is.

Colledge. My Lord, *Macnamarra* told me, that that man would have ſeduced him to have retracted his Evidence ; upon my ſalvation 'tis true.

L. C. J. We meddle not with *Macnamarra* neither, he is no evidence againſt you.

Coll. Macnamarra hath ſworn againſt me at the *Old-baily*, and at the finding of this Bill, but they have laid him by upon ſome trick or other, I deſire *Mr. Everard* may tell what he knows.

Mr. Ev. I would not reflect upon any perſon, nor will I anſwer it, if the Court do not think fit.

Coll. My Lord, this is foul play, if I die my ſelf for my Countreys ſake, I can do it freely, and the will of God be done, I would have the truth out for the ſake of the Proteſtants.

Mr. Everard. I am very willing to tell the truth if the Court think fit.

L. C. J. I ſee not that he ſays *Mr. Warcup* would have had him ſwear that which was not true.

Mr. Ev. But this he ſaid, if the Court will allow me to ſpeak it, Juſt. *Warcup* ſaid, that certainly there was a Presbyterian Plot, and ſuch things ; and that ſome Lords, ſome of the Proteſtant proteſting Lords muſt be guilty of it, and ſaid he, certainly you know much of it, You know ſuch and ſuch things, therefore you may ſafely ſwear it, if I knew it, ſo by argument he would firſt prove there was a Plot and Combination amongſt thoſe Lords, and then ſaid he this you may ſafely ſwear.

Mr. J. J. What is this to your purpoſe *Mr. Colledge* ? only *Mr. Warcup*'s name is brought upon the Stage when he is not here to vindicate himſelf.

L. C. J. Would you ask him any thing elſe ?

Coll. If he does know any thing more of any of them, I deſire he would ſpeak it.

M. Ev. Concerning *Mr. Haynes*, he told me it was neceſſity that drove him to ſpeak any thing againſt the Proteſtants and the hard P. and the gratitude he did receive from the Citizens.

L. C. Juſt.

Then Mr. Jones *acquainted the Court that Mr.* Warcup *was juſt come in, and deſired to vindicate himſelf. But the Kings other Councel waved it, ſaying there was no weight in it.*

L.C.J. Where did he tell you this?

Mr. Everard. In the fields neer *Grays-Inne.*

L. J. C. How long ſince?

Mr. Everard. About three weeks ago. I asked him, Mr. *Haynes*, ſaid I, I would not draw you from your Teſtimony in any thing; but how can this be congruous to what you have ſaid formerly, That you knew nothing by them? The truth is, ſaid he, I will not ſay much to excuſe my ſelf, but my Wife was reduced to that neceſſity, that ſhe begg'd at *Rouſe*'s door, and craved ſome Salary, and Mr. *Rouſe* would not give her any; and, ſaid he, meer neceſſity drove me to it.

Colledge. He found better Pay in another place.

Mr. Everard. And, ſays he, 'tis Self-preſervation in the next place: for I was brought in guilty when I was taken up, and therefore I was obliged to do ſome things to ſave my Life.

Colledge. Pray, my Lord, and Gentlemen, obſerve what this Gentleman ſays, *Haynes* takes this courſe to deſtroy innocent perſons for his own preſervation.

Mr. Everard. Beſides, he told me there is a Judgment impending upon the Nation, ſaid he, either upon the King, or upon the People, I know not which; but theſe Iriſh mens ſwearing againſt them, is juſtly fallen upon them for their Injuſtice againſt the *Iriſh* in outing them of their Eſtates.

Colledge. So he did it then by way of revenge. For his Country-men, I have nothing of their Eſtates, I am ſure; therefore they had no cauſe to ſwear againſt me. But, Mr. *Everard*, have you any more to ſay concerning any of them?

Mr. Everard. No more concerning thoſe perſons that have ſworn againſt you, I can ſay no more.

Colledge. As to *Dugdale* or *Turbervile*?

Mr. Everard. No indeed.

Colledge. As to this Presbyterian Plot, Sir?

Mr. Everard. If the Court does allow concerning other perſons; but I would not intrude any thing but what the Court ſhall think fit.

Colledge. I know not but they may come in againſt me; therefore pray tell what you know. Mr. *Everard*, do you know any thing more? Pray let me know what you know.

Mr. Everard. Nothing of any perſon that hath appeared againſt you as yet, but what I have told you.

Colledge. They may do, Sir.

L. C. J. And then we may properly hear him to them, and not before.

Colledge. I deſire to know who they are; pray let me know their names.

Mr. Everard. *Fitzgerald.*

L. C. J. He hath been no Witneſs here.

Colledge. Call *Thomas Parkhurſt.*

L. C. J. What do you ask him now he is here?

Colledge. What do you know concerning Mr. *Dugdale*?

Mr. Parkhurſt. Sir, the latter end of the laſt *November*, when the Parliament ſat at *Weſtminſter*, ſeveral times Mr. *Dugdale* having promiſed me his further Narrative to publiſh which he printed, I met him ſeveral times; one time I met him at *Richard*'s Coffee-houſe, and it was towards the evening before we went away; he told me and Mr. *Symonds*, that he was to ſpeak with Dr. *Tongue*; and he told us, that this Dr. *Tongue* did lie at Mr. *Colledge*'s; and he having ſpoken the day before, and ſeveral times, of the danger he was in of his being aſſaſſinated by the Papiſts, Mr. *Symonds* and I offered to go with him, and we took a Coach; for we did not know where Mr. *Colledge* lived: he had then a Rheum in his Eyes, and was not well; ſo we accompanied him to Mr. *Colledge*'s to ſpeak with Dr. *Tongue*. It was the evening when we went; and whilſt we took a Pipe of Tobacco, in our diſcourſe we were ſpeaking of the times, and of the danger of the Papiſts; ſo *Colledge* took down a ſteel Hat that hung up there, which he ſaid he had, and he ſaid he had a quilted Coat of Defenſive Armor, and he ſaid he had a Blunderburſs in his houſe, and two Piſtols. But I little thought of any thing of this, neither did I know well what I was ſubpœna'd down for: But theſe Arms I ſaw in his houſe, and it was onely in diſcourſe that he was provided againſt the Papiſts; ſo I put the ſteel Hat upon my head and pulled it off again, and ſo did Mr. *Symonds*.

Colledge. Did I ſay any thing, Sir, who I had thoſe Arms againſt?

Mr. Parkhurſt. At that time there was no diſcourſe in the world, but of the danger from the Papiſts; and he ſaid he was provided for them, if they did come to make any diſturbance.

L. C. J. When was it, Sir?

Mr. Parkhurſt. It was about the latter end of *November.* I have the Narrative that I printed, which was the 23th or 24th; and I have no directions but that to remember the exact time. So we carried Mr. *Dugdale* home again in a Coach, and gave him a pint of Wine at his Lodgings.

L. C. J. This does not contradict Mr. *Dugdale* at all.

Mr. Parkhurſt. Mr *Dugdale* does own this for a truth.

Mr. Serj. Jefferies. So may any body own it.

Colledge. Where is Mr. *Symonds?* Pray, Sir, what do you know of Mr. *Dugdale?*

Mr. Symonds. What about, Sir?

Colledge. I have your name here, Sir, but I know not for what.

Mr. Symonds. I can ſay the ſame that Mr. *Parkhurſt* did; that I ſuppoſe is the buſineſs. All I know of it is this: I was with Mr. *Parkhurſt* and Mr. *Dugdale* at *Richard's* Coffee-houſe ſome time in *November*, I think it was about the printing of Mr. *Dugdale's* further Information; and Mr. *Dugdale* was ſaying, Dr. *Tongue* had ſent for him, but ſpoke as if he was fearful of ſome danger in going alone; ſo we proffered to go along with him, and we took a Coach at the Coffee-houſe-door, and went with him to Dr. *Tongue*, who lodged at Mr. *Colledges.* When we came into the Room, Mr. *Parkhurſt* and I thought fit we ſhould in civility withdraw, which we did; and Mr. *Colledge* brought us down into another Room, where we ſat and took a Pipe of Tobacco, and talking about the common diſcourſe of the times, about the Papiſts and the danger from them, there hung up in Mr. *Colledge's* Room ſome Arms; what they were, I dare not charge my memory with to ſwear particularly, but I do think there was a ſilk Coat of Mail, and there was a Cap of Steel, and as I take it, it was covered with Cloath or ſome ſuch thing; what elſe I can't well ſay; I think there was a Blunderbuſs and a Caſe of Piſtols: And all the diſcourſe that I remember then, was onely this; Speaking of the Papiſts, and ſome fears as if there would be an Inſurrection amongſt them, ſaid he, Let the Papiſt Rogues begin when they will, I am ready to defend my ſelf for one. This is all I know.

Colledge. Pray, Sir, how long ago was this? Dr. *Tongue* died before *Chriſtmas* at my houſe.

Mr. Symonds. I cannot tell exactly when it was; but during the Seſſion of Parliament I am ſure it was, and as I take it, in *November* the latter end.

Colledge. So then, pray, my Lord, ſee that theſe Arms they charge me withal, were provided before *Chriſtmas*

L. C. J. But there is nothing that contradicts *Dugdale's* Teſtimony in all this.

Colledge. It does ſufficiently contradict him.

L. C. J. I do not ſee that this does at all contradict what he hath ſaid; but do you obſerve what you will upon it, when you come to make your Defence.

Stranger. A Gentleman below deſires you to call Mr. *Yates.*

Colledge. Pray, Sir, what do you know concerning *Dugdale?*

Mr. Yates. I know that Mr. *Dugdale* ſent for me to a Coffee-houſe to beſpeak a Piſtol for you, and told me that when I had made the Piſtol, I ſhould deliver it to Mr. *Colledge*, and Mr. *Dugdale* promiſed to pay for it when I had done it. Now ſome time after I did ſome ſmall matter for Mr. *Dugdale*, cleaned his Piſtols, or ſome ſmall buſineſs; and Mr. *Dugdale* asked me if I would drink a pint of wine, which I agreed to; and being at the Tavern, Mr. *Dugdale* asked me if Mr. *Colledges* Piſtol were done. I told him no, it was not as yet. So I asked Mr. *Dugdale*, becauſe he had promiſed to give Mr. *Colledge* a Piſtol, what obligation there was betwixt *Colledge* and him, that he ſhould give him a Piſtol? to which he anſwered, that Mr. *Colledge* had been ſerviceable to him in lending him a pair of Piſtols to ride withal ſometimes. So he gave him a Piſtol to ſatisfie him for the wearing of his Piſtols now and then. I thought, ſaid I, Mr. *Colledge* did impoſe upon your good nature too much, not but that I believe Mr. *Colledge* is a very honeſt man, and ſtands up for the good of the King and the Government. Yes, ſaid Mr. *Dugdale*, I believe he does, and I know nothing to the contrary.

Mr. Att. Gen. When was this?

Mr. Yates. A little after the Parliament ſat at *Oxford*; for I never knew Mr. *Colledge* before Mr. *Dugdale* ſet me a work for him.

Col-

Colledge. Mr. *Yates*, pray was there nothing in the Coffee-houſe about one that he asked to go with him, when he ſaid he knew nothing againſt me?

Mr. Yates. I heard one ſay ——

Mr. Serj. Jefferies. You muſt ſpeak your own knowledge, you muſt not tell a tale of a Tub of what you heard one ſay.

Mr. Yates. I heard it affirmed ——

Mr. Serj. Jefferies. But by whom?

Mr. Yates. By a perſon in the Coffee-houſe.

Mr. Serj. Jefferies. Who was that perſon?

Mr. Yates. By one of the Servants of the Houſe.

L.C.J. That is no Evidence at all: if you know any thing of your own knowledge, ſpeak it.

Mr. Serj. Jefferies. Is he here?

Mr. Yates. No, I think not.

Mr. Juſt. Jones. How long do you think muſt we ſit here to hear other peoples ſtories?

L.C.J. If you know any thing of your own knowledge, I ſay, ſpeak it.

Mr. Att. Gen. Pray let me ask you that queſtion again, When was this that he ſaid he believed he was an honeſt man?

Mr. Yates. It was about three weeks after the Parliament ſat at *Oxford.*

Colledge. Then he does me wrong now: for if I were an honeſt man then, it cannot be true that he ſays of me.

L.C.J. Who do you call next?

Colledge. Pray, my Lord, who hath been Sworn againſt me?

L.C.J. There is *Stephen Dugdale*, *John Smith*, *Bryan Haynes*, *Edward Turbervile*, Sir *William Jennings*, and Mr. *Maſters.*

Colledge. Call Mr. *Clayton.* My Lord, at his Houſe it was I lay in *Oxford*, and that *Dugdale* ſays I ſpake ſome of the Treaſonable words: pray, Sir, do you know what time I came to *Oxford?*

Mr. Clayton. I remember it very well, it was at the time the Parliament ſat at *Oxford*, about two or three days after it began.

Colledge. Pray what Arms did I bring to your houſe, Sir?

Mr. Clayton. As to the matter of Arms, there was no other, but a Sword and a pair of Piſtols, a pair of Piſtols in his Holſters, and his Sword by his ſide.

Mr. Att. Gen. Was there no Silk Armor?

Mr. Clayton. I ſaw none, if it pleaſe you, ſuch a thing might be.

Colledge. My Lord, I continued at his houſe from my coming in to my going out, and that was till after the Parliament was Diſſolved; and I came after they were ſat: but heark you Mr. *Clayton*, Mr. *Dugdale* ſays he was with me at your houſe, did you ever ſee him there?

Mr. Clayton. I remember I have ſeen *Dugdale* at my houſe, but never in your company.

Colledge. Did you ſell any Mum?

Mr. Clayton. No, I never did ſell any in my life.

Colledge. Becauſe he ſays we had Mum there.

Mr. Clayton. I never ſaw him there with you, nor changed any word with him, as I know of.

L.C.J. Was he never in the Company of *Colledge* at your houſe?

Mr. Clayton. Not that I ſaw.

Mr. J. Jones. You don't know all the Companies that come into your houſe.

Colledge. My Lord, I am told there are ſome that came from the Town where I was born that know me, and have known me for twenty four or twenty five years together, if you think that material for me to prove whether I am a Proteſtant or no.

L.C.J. If you will make out that, you may. But 'tis your Loyalty that is in queſtion. If you will produce any that can make it appear, that you uſe to honour the King in your diſcourſe, or ſo, that is ſomething.

Colledge. If I am a Proteſtant, then the deſign is plain, theſe men Swear to make a Proteſtant Plot, and turn the Plot off the Papiſts.

Mr. Serj. Jefferies. What Church do you frequent in *London* to hear Divine Service?

Colledge. I have received the Sacrament ſeveral times, Sir *George.*

Mr. Serj. Jefferies. When were you laſt at the publick Church?

Colledge.

Colledge. I hope I may be a Proteſtant if I have not gone thither; but however, I do uſe to go to Church.

L.C.J. Well, call whom you will.

Colledge. Is *Thomas Deacon* there?

Mr.Deacon. Yes.

Colledge. He lives my Lord in the Pariſh where I was born. If you pleaſe *Mr.Deacon* to give my Lord an account what you know of me from my Childhood.

Mr.Deacon. I have known *Mr.Colledge* ever ſince he was a youth, he was born in the Town where I live.

L.C.J. Where is that?

Mr. Deacon. At *Watford*, a Town in *Hertfordſhire*. There he lived till he was a man, and Married a Neighbours Daughter of mine, and lived there while he had two Children; I never knew but that he was a very honeſt man, frequented and kept to the Church of *England* all along, and paid every man his own.

Mr.Att.Gen. How long is it ago ſince he left that place?

Mr.Deacon. I can't directly tell how long it is truely, but I think 'tis eighteen years ſince you left *Watford*.

Colledge. 'Tis fourteen years ago.

Mr.Juſt.Jones. You ſay fourteen, and they ſay eighteen.

Mr.Deacon. I ſay, I can't exactly tell.

Colledge. But *Mr.Deacon*, I have been in your Country lately.

Mr.Deacon. He uſed to come there once or twice a year generally to ſee his friends. I have heard him declare himſelf againſt the Popiſh Church always very much.

L.C.J. Did you never hear him talk againſt the Government?

Mr.Deacon. No, never in my life.

Mr.Serj.Jefferies. Nor againſt the King?

Mr. Deacon. Nor againſt the King.

Mr. Juſt. Jones. Was he in your Country the laſt *Eaſter?*

Mr. Deacon. I think it was about *Eaſter* he was there.

Mr. Juſt. Jones. Was he at Church there then, and received the Sacrament?

Mr. Deacon. I know not whether he was there of the Lords-day or no: He did quarter at another Town, at *Buſhy*, where he has a Brother-in-law.

L. C. J. Well, call another.

Colledge. Mr. *Whitaker.*

L. C. J. What is your Chriſtian Name?

Mr. Whitaker. William.

L. C. J. What do you ask of him?

Colledge. Whether he knows me and my Education?

Mr. Whitaker. Sir, I have known him this ſix and twenty years. I knew his Parents, I know his Mother, ſhe lives now at *Watford.* I have known his behaviour to be very civil and good; a very good Church-man he was when he lived with us; and I have inquired, and find he has the ſame Reputation in the Pariſh where he laſt lived in *Blackfryers:* He was no Jeſuit nor Papiſt, I dare aver; he hath flouted them and mocked them with their Wooden Gods, and the like; for he never could endure that Perſwaſion.

L.C.J. He is not queſtioned for that, but for Treaſon.

Colledge. Did you ever hear me ſpeak any thing againſt the Government?

Mr.Whitaker. I never knew of any ill behaviour of him in my life.

Colledge. But did you ever hear me ſay any thing againſt His Majeſty or the Government?

Mr.Whitaker. Never that I know of. I knew him a Souldier for His Majeſty, in which ſervice he got a fit of ſickneſs, which had like to have coſt him his life; he lay many Months ill, to his great charge.

Mr.Serj. Jefferies. Where was it he was in His Majeſties Service?

Mr.Whitaker. At *Chatham*-buſineſs.

Colledge. It was under my Lord *Rocheſter.* But, my Lord, I have a Teſtimonial under the hands of ſeventy people of *Watford*, to give an account of my good behaviour.

Mr.J. Jones. He hath been gone thence theſe eighteen years.

Mr. Whitaker. He hath come there almoſt every half year, ſometimes three or four times in a year, becauſe his Mother lives there now, and he came to pay his reſpects to her. His Children lived and went to School with us.

L.C.J.

L.C.J. Come, who do you call elſe?

Colledge. Mr.Neale.

Mr.Neale. I can ſay no more than the other men before me. I know the man, he was bred and born at *Watford*, he lived there ſeveral years, he Married a Wife out of the Neighbourhood, frequented the publick Worſhip.

L.C.J. How long ago is this?

Mr.Neale. Sixteen or ſeventeen years ago. But then he uſed to come once or twice a year into the Countrey.

Colledge. Did you ever hear me ſpeak any thing againſt the King or the Government?

Mr.Neale. No, never in my life.

Colledge. How long is it ago ſince you were in my Company laſt?

Mr.Neale. When you were in Town laſt, I never heard you ſay any thing that was ill.

Colledge. How long ago is it ſince we were at the *White Hart* together?

Mr.Neale. It was about Spring.

Colledge. I ſaid right, my Lord, I was there about *Eaſter.* Pray did you ever hear me ſpeak for the King?

Mr.Neale. Truly the diſcourſe we had I never uſed to keep in my mind, but I never heard him ſpeak any thing againſt the King or the Government.

L.C.J. Were you much converſant with him?

Mr.Neale. When he came down to give his Mother a viſit, and ſee his Neighbours, we uſed always to ſee one another.

Colledge. Pray will you call Mr.*Tanner* and Mr. *Remington.*

[Mr.Remington *ſtood up.*]

Mr.Remington. I ſay I have known *Stephen Colledge* theſe forty years, and I have known that he always was an honeſt man. He was a Souldier ſome time, but he always went to Church, was no Conventicler; and uſed to viſit his Neighbours when he came down to ſee his Mother, and was always looked upon to be a very good man.

Mr.Serj. Jefferies. You ſay you knew him a Souldier, pray when was that?

Mr.Remington. About the time of *Harwich* buſineſs. That is all I can ſay.

[*Then* Mr.Tanner *ſtood up.*]

L.C.J. Come, what ſay you? what do you ask him, *Mr.Colledge?*

Mr.Tanner. I have known *Stephen Colledge* from a Child forty years, he was born at *Watford*, his Father worked with my Father, and great intimate acquaintance we had with him, and ſaw him very often; I never knew any fault in him, and I never heard a bad report of him in all the Town of *Watford.*

Mr.Serj.Jefferies. Have you ſeen him at Church lately?

Mr.Tanner. No, I have not.

Mr.Att.Gen. I would fain know whether this man hath been at Church himſelf; he looks as if he had not.

Colledge. I know not whether he hath been at the Church you mean or no; but he may be an honeſt man and a Proteſtant for all that.

L.C.J. Call another.

Colledge. Mr. Peter Norreys.

L.C.J. What do you ask him, *Mr.Colledge?* here he is.

Colledge. Do you know any thing concerning *Mr.Smith?*

Mr.Norreys. I was once in the *Hercules Pillars* where was Sir *William Waller*, *Macnamarra*, *Mr.Joy*, and five or ſix of us together; and *Mr.Smith* was there, and we were talking concerning the Parliament approaching at *Oxon.*

M.Serj.Jefferies. Tell the names of the reſt.

Mr.Norreys. Sir *William Waller*, *Macnamarra*, *Mr.Ivy*, *Mr Lewes*, *Macnamarra's* Brother, and I, and *Mr.Smith.*

Mr.Serj.Jefferies. Well ſaid; we don't meddle with any of theſe, but *Mr.Smith.*

L.C.J. Was *John Smith* there?

Mr.Norreys. He was there.

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

Mr.Norreys. We were talking of the Parliament at *Oxon.* Says Sir *William Waller*, Moſt of the Parliament-men are afraid to go up to the Parliament. Truly, ſaid *Smith*, I hope they will be provided to go, if they do go. Says Sir *William Waller*, I ſhall be provided with the reſt of my friends; and Mr.*Colledge* ſaid, I will go up with the reſt of

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the Parliament-men; I ſhall be provided too, ſays moſt of the Evidence; ſays Sir *William Waller*, Will you go along with me, and I will provide you with an Horſe; ſaid he, I have an Horſe of my own, and if it pleaſe God I will have nothing elſe to do but to go with the Parliament, and I will not neglect it. This was all the diſcourſe of the company for that night.

Colledge. Did you hear Mr. *Smith* ſay any thing againſt me?

Mr. Norreys. No, not a word at all.

Colledge. But this were a material Evidence againſt others of the Confederates, if they had been examined.

Mr. Norreys. My Lord, I was at the *Amſterdam* Coffee-houſe the twenty third of *June* laſt, and there was Mr. *Denis Macnamarra*; ſaid he, Will you go, and I will give you a pot of Ale ——

L.C.J. There is nothing of *Denis Macnamarra* in queſtion before us. If you have any thing to ſay againſt any of the Witneſſes that have been Sworn, go on with your Evidence, we muſt not hear ſtories of other people.

Colledge. He would ſpeak againſt ſome men that have Sworn againſt me, but are left out for ſome Reaſons I know not. Pray call Mr. *Thomas Norreys.*

L.C.J. What do you ask him?

Colledge. My Lord, he knew me in this Country ſome fifteen or ſixteen years ago.

Mr. T. Norreys. My Lord, I have been acquainted with Mr. *Colledge* about ſixteen or eighteen years, and he hath always carried himſelf very civilly and well, and he kept to the Church for a conſiderable time as duely as any Pariſhioner did.

L.C.J. How long have you known him?

Mr. T. Norreys. This ſixteen year.

L.C.J. You live in this Country, don't you?

Mr. T. Norreys. Yes, at *Aylworth.*

Colledge. I was at *Aſtrop*-wells laſt year. I believe Mr. Juſtice *Levins* ſaw me there.

Mr. T. Norreys. Yes, I was there with you.

Colledge. We did diſcourſe commonly then concerning the Papiſts. Pray, Sir, did you find me inclined to the Popiſh Intereſt?

Mr. T. Norreys. You ſpoke very much againſt them.

Colledge. Did you ever hear me ſpeak againſt the King or the Government?

Mr. T. Norreys. No, I never heard it; for if he were my Brother, I ſhould have diſcovered it.

L.C.J. How often have you ſeen him?

Mr. T. Norreys. Very often, and converſed much with him.

Colledge. My Lord, as to the Papers charged upon me that they were mine, I declare I know not of them. *Dugdale* ſays I owned them, and the Letter and ſeveral Prints; but truly, my Lord, I had done my ſelf a great injury if I had done or owned thoſe things he hath charged me withal. I never could make a Picture, nor never did draw a Picture in my life; and that very perſon that he ſays I owned I got it to be printed by, hath denyed it before the King and Council; for he there teſtified, that he did not know the perſon that cauſed it to be printed.

L.C.J. How came you to have ſo many ſeized in your houſe?

Colledge. My Lord, here is *Elizabeth Hunt*, the Maid by whom they were taken in, and who can give you an account of it. I cannot deny but that they were in my houſe; but that I was the Author, or did take them in, is as great a miſtake as ever was made. Call *Elizabeth Hunt.* I do not know whether *Curtis* be in Town; but this I am confident, he was Examined before the King and Council, and he and his Wife denyed it.

L.C.J. He ſhall be called if he be here.

Colledge. I know nothing of the printing of them, nor was I the Author of them.

L.C.J. They were diſperſed by you up and down.

Colledge. That they were in my houſe, I believe, my Lord; and this woman will tell you how, my Lord. Pray tell the Court how theſe Papers that are called the *Kareeſhew* came to be in my houſe.

El. Hunt. A Porter brought three bundles to our houſe, and asked whether my Maſter was not within. I told him, no, he was not. Said he, Theſe Papers are to be left here; ſaid I, Who do they come from? ſaid he, 'tis all one for that, you muſt pay me, and I muſt leave them here; ſo I gave him ſix pence, and he left the Papers, but I never ſaw the

man

man ſince nor before. And, my Lord, I never read them what they were, but I ſaw they were ſuch ſort of prints as thoſe.

L.C.J. How long was it before they were ſeized?

El.Hunt. A matter of ſeven or eight weeks.

Colledge. My Lord, it ſeems they were put in a Box, and left in my Counting houſe: I never touched them, but there they ſtaid, for ought I know, till they were taken.

L.C.J. You were *Colledges* Servant, were you not?

El. Hunt. Yes, my Lord.

Colledge. My Lord, I neither knew the Printer nor the Author; but I heard a man was in trouble about them, upon a By-Law in the *Stationers* Company.

Mr.Att.Gen. How came you by that Original?

Colledge. Have you it there? I know of none was produced. But if I were a perſon concerned, it were no Treaſon; and, my Lord, I hope you will do me that Juſtice, to let the Jury know they are not Treaſon, none of theſe Papers. And I do declare I know nothing of the Original, the Printer, nor the Author.

L.C.J. You ſpend time in making Obſervations out of order of time: when you have given your Evidence, then make your Obſervations.

Colledge. I confeſs I may erre as to matter of Order, for I was never in this capacity before. But pray do you tell the Court how the Papers came there, and all the tranſactions. For I was a Priſoner when they came and ſearched.

L.C.J. No, it was eight weeks before you were taken they were left there.

Mr.Serj.Jefferies. Did you tell your Maſter ſoon after they were left there?

El.Hunt. No.

Mr.Serj.Jefferies. Within what time did you tell him?

El.Hunt. I believe it was a week or a fortnight.

Mr.Att.Gen. Where was your Maſter all that time?

El.Hunt. He was in the Countrey.

Colledge. My Lord, I did ſee them there, I muſt confeſs, I do not deny but I ſaw them there, but I knew not whence they came, nor whoſe they were. Nor did I ever intend to meddle with them, nor concern my ſelf about them. What have you to ſay more

El.Hunt. Concerning Mr.*Dugdgale*, if I may ſpeak.

L.C.J. Ay, go on.

El.Hunt. I went to receive the Money of *Mr.Dugdale* that he owed my Maſter, and asking him for it, he ſaid, he would pay me ſuch a time to morrow morning, if I would come for it; but when I came, he had not the Money ready for me. Sir, ſaid I, I think 'tis very hard that you ſhould keep my Maſters Money from him, and yet you go and Swear againſt his Life too: what do you think we ſhall do at home in the Family, if you keep my Maſters Money and he be in Priſon? Said he, There is a great deal of do about my Swearing againſt your Maſter, more than needs; but as I hope for Salvation, I do not believe *Mr.Colledge* had any more hand in any Conſpiracy againſt His Majeſty, than the Child unborn. Here is *Dugdale*, let him deny it if he can.

Mr.Dugdale. As I hope for Salvation I did not ſay ſo.

El.Hunt. Upon my Salvation 'tis true what I ſay.

Stephens. This was the Maid that hid her Maſters papers when they were ſearched for.

Mr.Serj.Jefferies, Be quiet; art thou got into Dialogues with the Maid now?

Colledge. Mr.Stevens, 'tis well known what a man you are to propagate Witneſſes. My Lord, ſhe gave me an account of this in the *Tower*, before I came away, that *Dugdale* deſired to ſpeak with Mr.*Smith*, and told her, that nothing that he had to ſay would touch my Life.

El.Hunt. As I am alive 'tis true.

L.C.J. Mr.*Dugdale* denies it now.

El.Hunt. He is not a right man if he denies it, for he told it me twice.

Colledge. I told Mr.*Smith* of it, when he had leave to come to me: I told him what the Maid ſaid he had ſaid to her, and this was three weeks ago; ſaid he, I will ſpeak with him with all my heart, if he has a mind to ſpeak with me; for he hath ſaid that he hath nothing againſt her Maſter that can touch an hair of his head, nor nothing that can touch his Life, that he knew nothing of a Plot or contrivance againſt the King; and if I could help it, I had as lieve have given a hundred pound I had never ſpoken what I have. This he ſaid to her.

L.C.J.

L. C. J. You tell her what to ſay.

El. Hunt. Sir, he does not tell me; for Mr. *Dugdale* ſaid thoſe very things to me.

Colledge. This is an account I had when I was a Priſoner; I could not direct her.

L. C. J. Do you deny what they ſay to be true, Mr. *Dugdale?*

Mr. Dugdale. My Lord, ſhe came to me for money; I told her I had it not ready, but would pay her: And in the ſhop, before the Apprentice-boy, ſhe deſired of me that I would write two or three words what I had to ſay againſt her Maſter; and I told Mr. *Graham* of it. So, ſaid I, I cannot tell, I have not the Papers, nor what Informations I have given againſt him. So ſhe came again the next morning, and ſhe was at me to write down what I ſaid. I wonder, ſaid I, your Maſter will ſend you! had not he as good ſend Mr. *Smith*, who is his Counſel? And this was all the words we had.

El. Hunt. My Lord, I do ſolemnly aſſure you, he ſaid he would write down what he had ſaid againſt my Maſter, and would fain ſpeak with Mr. *Smith*; for there was more ado made about it than needs.

Mr. Dugdale. Mr. *Graham* can tell what it was; for I came and told him immediately.

L. C. J. Did you tell her you had nothing to ſay againſt her Maſter that would touch his life?

Mr. Dugdale. I could not ſay that I had ſaid nothing againſt her Maſter; for ſhe asked me that I would write down what I had ſaid; but I told her I knew not what was Treaſon, that muſt be referred to the Court.

Mr. Juſt. Jones. Did he ſpeak it openly or privately to you?

El. Hunt. He did not ſpeak it aloud; no body heard him but my ſelf.

Mr. Dugdale. It was in the ſhop, and the Apprentice-boy was by.

Mr. Juſt. Levins. Was this after he had been at the *Old-bayly*, or before?

El. Hunt. Yes, it was after he had been at the *Old-bayly*, and after he had been at *Oxon* too.

Mr. Juſt. Levins. Then it was before the Court what could be made of it.

Colledge. She hath gone forty times for the money I lent him out of my pocket; and I lent him that, when I had little more my ſelf.

El. Hunt. I did tell him, Mr. *Dugdale*, if you can't let me have my Maſters money, if you pleaſe to tell me what you have made Oath againſt my Maſter. Said he, I can't let thee have it now; but thou ſhalt have what I have to ſay againſt him: I will draw it up in Writing, and thou ſhalt have it to morrow-morning. The next morning I came to him again, and ſaid I, I am come again; what muſt I do? Said he, I have no money; ſuch an one hath not hoped me to it. Sir, then, ſaid I, I hope you will be as good as your word, to let me know what you have made Oath againſt my Maſter. Said he, I was about it yeſterday, but could not do it: But, Sweetheart, ſaid he, (and took me by the hand) I will give you a Copy of it to day at ten of the clock; and if I do not, I will tell it thee by word of mouth. So I came to the houſe at ten, and ſtaid till eleven, but did not ſee him.

Mr. Juſt. Jones. You had a great mind to be tampering.

El. Hunt. The firſt time, he asked me who was his Counſel; I told him, Mr. *Smith*; then ſaid he, I have a great deſire to ſpeak with him: So I told my Maſter of it.

Colledge. My Lord, you ſee it is but black and white, all this whole contrivance upon me. She hath proved I knew nothing of theſe Papers; and indeed I did not.

L. C. J. Do you call any more Witneſſes?

Colledge. There is my Brother-in-law that received thoſe Papers. Call *George Spur* and *Sarah Godwin.*

[*Mrs.* Godwin *appeared.*]

Colledge. Do you know any thing of the Papers that were carried to my Brother *George Spurrs?*

Mrs. Goodwin. Yes, I do. The Saturday after my Brothers Confinement, about eight of the clock in the morning, I having heard of it, came into the Houſe, and in a quarter of an hours time, in comes a Waterman and deſires an handful or two of ſhavings. I knowing not who he was, nor what he deſired them for, told him, he ſhould have them; ſo he went up to the working ſhop to gather them, for he pretended that to be his buſineſs.

L. C. J. Whoſe Waterman was it?

Mrs. Goodwin. A Waterman I ſuppoſe that belonged to His Majeſty, for he had a Coat marked with *R. C.*

Colledge.

Colledge. This is after I was in Custody.

Mrs. Goodwin. Yes, it was the Saturday after. So no sooner had he the shavings, but he goes out of the Shop, and comes in again with Three of His Majesties Messengers, and they made enquiry after papers, and I being innocent of concealing any papers, or any thing said I knew of none; so they came to one box that had the Tooles for the men to work with, and they demanded the keys. I told him, I knew not where the keys were. So they went to the next and found it open, but nothing did they find there; there was a Bed wherein formerly my Brothers Servants did lye. Said one to the other, Look well whether there be not something hid in that bed; said I, I suppose there is no such thing as you inquire for: if you please, you may take off the Cloths, and gave them free toleration to look; but for the Chest, I would not deliver the Keys, because the man was not there that owned it. In their searching, they flung down the Wainscote, and did a great deal of damage to his Goods. Gentlemen, said I, I suppose you have Order to search, but none to spoil a mans Goods. When they were gone, having found none, they threatned God dam them they would have them, for there they were. But I being ignorant of the concealment of the papers, I requested the Maid and my Brothers Son, whether they knew of any papers, and they satisfied me they knew of some prints that were brought by a Porter, to be left at my Brothers, but they knew not whence they came, nor what they were: and the same answer gave my Brothers Son, that he did not know whose the papers were. But since his Fathers Confinement, they were laid up sure and safe, for they knew not what they concerned. Upon this, my Lord, my Brother-in-law *George Spur*, he comes into the house, and if it please your Honour, I requested him to carry them into the Countrey to his house, to secure them till we knew what they did concern, and who they did belong to. Whereupon he replyed, my Lord, That he was fearful to carry any thing out of the house; said I, If you will please to take them of me, I will carry them out of the house for your security, because his Wife looked every hour (being with Child) when she should be delivered, and he was fearful of troubling her. So I carried them out of the house, and delivered them to him. *L.C.J.* To whom?

Mrs. Goodwin. To my Brother-in-law *Mr. George Spur.* So at my going out, after I had delivered them to him, in my way back again, I found a small paper-Book, and a small parcel of Writings; who dropped them, or who laid them there, I cannot tell. But taking them up unadvisedly, I put them among the prints, which I carried out; I delivered them to my Brother-in-law. This is all I have to say as to the papers.

Stevens. Three parts of what she hath said is false.

Mr. Serj. Jefferies. Well, hold you your tongue.

Stevens. *Mr. Atterbury* is here, my Lord, that searched the house.

Atterbury. Be pleased to give me my Oath, I will tell you what passed.

Mr. Att. Gen. We don't think it material, but you were Sworn before, stand up.

L.C.J. Tell the manner of finding the papers. This woman gives us an account of a Waterman that came in, pretending to fetch shavings ——

Atterbury. Upon my Oath it was not so. The Waterman was a Waterman that brought me and two more of my Fellows, and the Waterman followed us into the yard, but came after us: and being ordered to look for papers, I did search the House; for I had Intelligence that there were papers there, but I did not find them there. But upon finding the first papers, I made the more diligent search, but could not find the rest I most chiefly sought after.

Mr. Serj. Jefferies. Did the Kings Waterman take any shavings by himself?

Atterbury. We were all together, we did not move out of any one Room, but together; this Gentlewoman was in the house when I came, and there was a little Child, a Girl, and this Maid was there.

Mr. Serj. Jefferies. Did you come for shavings there, pray *Mr. Atterbury*?

Atterbury. No, I did not. *Mrs. Goodwin.* The Waterman did though first.

Colledge. Call *George Spur.* (But he did not appear.) But *Mr. Atterbury*, before you go down, pray tell the Court, did you take any of these papers at my house, or at my Brother-in-law *Spurs* house?

Sewel. My Lord, I took the papers, and I took them at *Bushy* at *Spur's* house. And this woman carried out one half to *Spur*, and the Maid carried out the other.

L.C.J. When did he carry them?

Mrs. Goodwin. The same day they searched for them, for my Brother came in at the same time. *L.C.J.* How do you know *Spur* carried any away?

Mrs.Goodwin. He carried none out of the houſe, I carried them out of the houſe and delivered them to him.

L.C.J. Then they were in your houſe ?

Mrs.Goodwin. They were in the Counting-houſe.

Colledge. My Lord, If they were in any other place, I know not how they came there, for this was all done after I was a Priſoner ; and *Sewel* ſays they were removed when I was a Priſoner. Where is *George Spur ?*

Mr.Serj.Jefferies. It is admitted they were at your houſe, and taken thence, and afterwards carried to *Spurs.*

Colledge. They carried them abroad and handed them from one to another, and took them into the Countrey, I know not what they did with them ; but, my Lord, I neither know the Printer nor the Author, I declare it upon my life.

L.C.J. Have you any more Witneſſes ?

Colledge. No, my Lord, I have not.

L.C.J. Will you that are of Counſel for the King call any more ?

Mr.Att.Gen. One or two if you pleaſe, my Lord. Call *John Shirland.* And it is to this purpoſe, it ſeems very lately *Mr.Bolron* would have tempted him to have forſworn himſelf.

Colledge. My Lord, I hope, if they bring in any perſons of new Evidence, I may have leave to contradict them.

L.C.J. You need not fear, but you ſhall be heard to them.

Mr.Att.Gen. We ſhall prove *Bolron* to be a Suborner of Witneſſes ; and that the Jury may know what he is, he and *Mowbray* have gone to give Evidence at ſeveral Trials, and the Jury would never believe them when they were on their Oaths.

Mr.Serj.Jefferies. I think it needs not, time hath been ſpent enough already.

Colledge. No whiſpering, good my Lord.

Sir G. Jefferies. Good *Mr.Colledge*, you are not to tell me my duty here.

Mr. Juſt.*Jones.* Is it not lawful for the Kings Counſel to confer together ?

Colledge. Not to whiſper, my Lord, all ought to be ſpoken out.

L.C.J. Nothing ought to be ſaid to the Jury indeed privately.

Mr.Att.Gen. But ſhall not we talk among ourſelves ?

Colledge. No, I hope not of any thing that concerns my Tryal.

Mr. Juſt.*Jones.* You are deceived in that.

Colledge. I think 'tis Law, that all ought to be publick, I beg your pardon if I am in the wrong.

Mr.Att.Gen. Swear *John Shirland.* (which was done) Pray give the Court and the Jury an accompt of *Bolron*, what you know of him.

Shirland. Bolron, my Lord, laſt Whitſon-Tueſday, would have given me ten pound and an horſe to go down and Swear againſt Sir *Miles Stapleton.* I was to Swear I was Suborned by his friends, and ſeveral other perſons, which I have diſcovered upon my Oath.

L.C.J. Is this man Sworn ?

Mr.Att.Gen. Yes.

L.C.J. Now call *Bolron* to confront him.

Colledge. He offered you an Horſe, as much as I offered *Turbervil* an Horſe, and I never offered him an Horſe in the world.

[*Then* Bolron *appeared.*]

L.C.J. Is this the man, *Shirland ?*

Mr.Att Gen. Did he give you Ten pound to Swear ?

Shirland. He bid me Ten pound and an Horſe to Swear againſt Sir *Miles Stapleton.*

Mr. Juſt.*Jones.* Did you ever ſee him, *Bolron ?*

Mr.Bolron. Yes, my Lord, he was to have been a Witneſs againſt Sir *Miles Stapleton*, and he pretended that he was Suborned by Sir *Miles*, or ſome of his friends.

Colledge. What are you, Sir ? Mr. *Bolron*, what is Mr. *Shirland ?*

Mr. Bolron. He is a man that lives by his Shifts : He hath been whip'd in *Bridewel.*

Colledge. Do you know him, Sir ? What is he ?

Mr.Bolron. Even an idle man.

Shirland. You, once when you ſaw me, drew your Sword on me, becauſe I would not do as you would have me.

Mr. Bolron. I profeſs, my Lord, 'tis not ſo.

Att.

Att. Gen. Here is Mr. *Smith*, hear what he ſays againſt Mr. *Bolron*.

Mr. Smith. As we were coming up along, he was ſpeaking to me of *Colledge*, and told me, he had as much to ſay againſt him as any body ; and if I would ſpeak for him, he would evidence againſt Sir *John Brookes* for a diſcourſe at *Ferry-bridge*.

Mr. Bolron. I never did hear any ſuch thing.

Mr. Smith. No man in your own Country will believe you.

Colledge. They believed you no more, it ſeems, neither.

L. C. J. Do you call any more Witneſſes, Gentlemen ?

Mr. Serj. Jefferies. No, I think we need not.

L. C. J. Look you, Mr. *Colledge*, as I underſtand it, the Kings Counſel will produce no more Witneſſes. You may make what Obſervations you will upon the Evidence to the Court, and then muſt them make what Obſervations they will to the Court ; and then we will give the Charge to the Jury.

Colledge. My Lord, I have onely Innocence to plead ; I have no Flouriſhes to ſet off my defence. I cannot take the Jury nor the Court with an Oratory ; I am unhappy in thoſe things. But, my Lord, I do declare, as to my own particular, in the preſence of God Almighty, That as to whatſoever is ſworn againſt me, as to the ſeizing his Majeſty, providing Arms, or having any deſigne either at *Oxford* or *London*, or any other place in the world, to ſeize upon the perſon of the King, or to rebel againſt the Government eſtabliſhed; I vow to God Almighty, I never had ſuch a thought in me : 'tis a truth, my Lord. My Lord, they have ſworn deſperately againſt me, and it hath appeared, I think, by very credible perſons, that they have contradicted one another. It hath been proved that this was a deſigne ; that they were tampered withal ; that they complained they were in poverty, that they wanted maintenance ; and they did confeſs they were tempted to come over to ſwear againſt Proteſtants : and now the Lord knows they have cloſed with it, and they begin with me. I hope the Jury have taken notice that I have contradicted them ſufficiently in what they have ſworn ; and that it is not poſſible, if I had a grain of ſence, for me to diſcover my ſelf to be ſuch an one to *Haynes* that was an *Iriſh*-man, and ſhould ſpeak all the Treaſon that he hath galloped through at firſt ſight, that as ſoon as ever I ſaw him, that I ſhould ſpeak ſo to him ; I hope you will conſider whether it conſiſts with common Reaſon, when there could be no probability of making any uſe of him in the world. My Lord, all my Witneſſes that I have brought, your Lordſhip can, and I hope will ſum them up better than I can ; for I declare it, I have been ſo concern'd, that I have not been able to write half of it down. But I think there is never a man that hath ſworn againſt me, but hath been ſufficiently confuted by perſons of integrity and honeſty, men of Principles, and men of Religion ; they are ſuch, my Lord, that make Conſcience of what they ſay : they are perſons altogether unknown to me, moſt of them, as to what they had to ſay, it was what they offered voluntarily ; and I am certain they have had nothing but their bare Charges, if they had that, for their pains in coming hither ; and, my Lord, there is no probability that they ſhould come and atteſt any thing that is falſe, for me who am a ſtranger, for nothing : No man is a Knave for nothing, as I believe theſe men are not. My Lord, I do declare it, I was bred a Proteſtant, and have lived ſo ; I am ſo to this very day ; I have been a lover of the Church of *England*, and of all the fundamental points of Doctrine believed in it ; I own the ſame God, the ſame Saviour, the ſame Goſpel, and the ſame Faith ; I never had a prejudice againſt any man in the Church in my life, but ſuch as have made it their buſineſs to promote the intereſt of the Papiſts, and ſuch I muſt beg leave to ſay there are amongſt them : for there is no Society in the world, without ſome bad men ; and theſe do promote the intereſt of the Papiſts, by dividing the Proteſtants, and allowing none to be true Proteſtants but thoſe that are within the Church of *England* eſtabliſhed by Law ; which is a Notion ſo wide I could never cloſe with that. I never had a prejudice againſt any man but a Knave in my life. I have heard, I confeſs, ſome of the Diſſenters, and I have found very honeſt, juſt, pious, godly men among them ; men free from Oaths and all Debauchery ; men that make a Conſcience of what they ſay : not like ſome perſons that ſay they are of the Church of *England*, that carry themſelves in their lives and actions, ſo as that no credit can be gained to the Church by them. My Lord, I have been an hearty man againſt the Papiſts ; I have been an hearty man as any perſon of my condition, for Parliaments, which I look upon to be my Birth-right, and under God Almighty, the Bulwark of our Liberty ; and I am ſorry if any man ſhould be an inſtrument to create a miſunderſtanding betwixt the King and the

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Parliament: for I always thought I ſerved my Country, when I ſerved the Parliament, and I ſerved my King when I ſerved my Country. I never made any difference between them, becauſe I thought them both one. I had the honour to be entruſted by them before, and upon that account *I* came voluntarily down hither. *I* rid my own Horſe, *I* ſpent my own Money, and eat my own Bread; *I* was not beholding to any man for the value of ſix pence all the while *I* was here. My Lord, *I* have ever ſince the Plot hath been diſcovered, endeavoured with all my heart, and all my power, to detect and come at the very bottom of it: *I* have ſpared for no time nor pains, what lay fairly in my way, in every thing to encourage thoſe that diſcovered the Villanies of the Popiſh Plot againſt the life of the King, and for the ſubverſion of the Religion and Government eſtabliſhed by Law. Now certainly it is not ſtrange to the world; for *I* think all Chriſtendom is aware how plain the Popiſh Plot hath been proved. Theſe men that ſwear againſt me, were they that uſed to follow me ſometimes; they would ſay, It was th y that had come to ſave our lives, and yet we let them want Bread. That Argument, my Lord, was ſo fair, that *I* thought it unreaſonable to ſee them ſtarve: And *I* have ſaid ſometimes to ſome honeſt conſiderable men, That it was hard they ſhould have this to ſay of us, That they ſhould want Bread to eat that were the Kings Evidence, to detect a Popiſh Plot wherein we our ſelves were concerned; and that when they had ſaved our bloud in our veins, they ſhould be ſuffered to ſtarve. And one time, *I* think, ſome three or four Gentlemen of the City did give me 42 *s.* or 40 *s.* and 18 *d.* or thereabouts; which *I* did diſtribute amongſt them: and they never came to me in my life, but to ſeek Relief, they knowing that *I* had a general Acquaintance. And ſometimes they thought it might be fit to petition the Common Council of the City of *London* to take care of them: Sometimes they would ſpeak to me to ſpeak to particular men that care ſhould be taken of them. At other times indeed it was not this ſort of diſcourſe they had with me; but they would pretend they had ſomething to diſcover of the Popiſh Plot, and ſo they would apply to me as a man of ſome Acquaintance. And the firſt time *I* ſaw *Haynes*, was upon ſuch an account, the beginning of *March* laſt, and it was thus: *I* was at *Richard*'s Coffee-houſe at *Temple-bar*, where *Macknamarra* did deſire me to go out, and *I* ſhould hear ſuch a piece of Roguery *I* never did hear in my life, againſt my Lord *Shaftsbury*. So *I* did go out with them, and *I* called Captain *Brown*, who is ſince dead, to go with me; and we went to the *Hercules* Pillars, and *Haynes* there diſcovered what *I* told your Lordſhip before, a deſigne to deſtroy the Parliament at *Oxford*; an Army that was to land in the North, and another in *Ireland*, and the Duke of *York* was to be at the head of them. My Lord, after *I* had heard all out, he did deſire us all to conceal what he had ſaid till the Parliament ſat, and then he would not onely diſcover this, but much more. He at the ſame time told us, that there was a deſigne of *Fitzgerald*'s againſt my Lord *Shaftsbury* to take away his life, and he was employed to come to his Cozen *Macknamarra* to get him over to joyn in the deſigne, and he ſhould never want for money, if he would but come over and do as they would have him. After he had diſcovered h mſelf, Sir, ſaid *I*, You are a ſtranger to me; and *I* never ſaw him before in my days; if he had ſeen me *I* can't tell: But, Sir, ſaid *I*, either this is true, or this is falſe. If it be true, ſaid he, 'Tis all true, and much more. So he up and told us much of *Coleman*, and of the Reconciliation between the Duke of *Ormond* and the Duke of *York*, and how he came to be Lord Lieutenant of *Ireland*, and how *Plunket* came to be Primate, and by means of whom, and the Letters that paſſed, and how ſo much a year was given to *Plunket* for carrying on the Correſpondence; and he told us ſo much, that *I* did wonder to hear any man talk after that rate. After *I* had heard what he had to ſay, *I* told him, Sir, ſaid *I*, this is either true or falſe that you have ſaid: if it be true, my Lord *Shaftsbury* ſhall know it to night; for *I* will not conceal ſuch a thing concerning a Peer of the Realm: and if it were a colour, he ſhould know of it. And *I* did ſend him word that night; and, ſaid *I*, Sir, you ought to go, for your own ſecurity and ours too, to ſwear it before a Magiſtrate. Said he, If *I* ſhould, *I* ſhould be diſcovered. Said *I*, *I* can't think you would be diſcovered; if you ſwore it before Sir *George Treby* or Sir *Robert Clayton*, they will not diſcover you. So he agreed he would ſwear before Sir *George Treby*; and he did go accordingly: But he being out of Town, *I* cannot have the Affidavit to produce it. There was a Letter ſent laſt Saturday-night to Sir *George* to *Briſtol*, and *I* hoped he might have been here to day. This was the firſt Acquaintance *I* ever had with *Haynes*. The next time *I* heard of him, was upon this occaſion. *Ivy* comes to me in *Richard*'s Coffee-

houſe,

houſe, and, ſaid he, Yonder is the man that made that diſcovery, which *I* told you before that *Haynes* had ſaid to me; it was about a month or three weeks before the Parliament was at *Oxford.* After the Parliament was diſſolved at *Oxford*, *Ivy* comes to me, and *I* think it was betwixt the two Terms wherein *Fitz-harris* was arraigned and tried: *I* know not the names of them; but he comes to me and tells me he had been with my Lord *Shaftsbury*, and that there was a Friend of his that would confirm all that *Fitz-harris* had diſcovered concerning the Murder of Sir *Edmundbury Godfrey*; and, ſays he, My Lord of *Shaftsbury* hath ſent me to you to acquaint you with it. Where is your Friend, ſaid *I*? He is without, ſaid he. So we went out of the Coffee-houſe; and when we came out of doors, there was this *Haynes*: we went to the Crown-Tavern without *Temple-bar*; it was in the Forenoon. When we came there into the Room, he examined all the Corners, and Cupboards, and places about the Room, to ſee that no body was there. When he thought all was ſecure, he began to tell me he had been to acquaint my Lord *Shaftsbury* that there was a Friend of his that would diſcover the whole Intrigue of the Murder of Sir *Edmundbury Godfrey*, all that *Fitz-harris* had ſaid, and much more: and he deſired me that *I* would intreat my Lord *Shaftsbury* to be inſtrumental to get him his Pardon before he diſcover'd particularly. Then *I* told him, *I* think 'tis convenient, ſaid *I*, that you diſcover ſomething in Writing, and give under your hand what you can ſay. He was not willing to do that. Can you believe, ſaid *I*, that my Lord of *Shaftsbury* will betray you? Says he, *I* will not truſt any body; *I* ſhall be aſſaſſinated. Said *I*, If you will not give it to any body elſe, Will you give it to Mr. *Michael Godfrey*, Sir *Edmundbury Godfrey*'s Brother? you can have no jealouſie of him that he will ever diſcover you. Said he, If my Lord *Shaftsbury* will engage to get me a Pardon, *I* will tell the whole truth. Said *I*, *I* will go to my Lord and acquaint him: So *I* went to both my Lord and Mr. *Godfrey*; and Sir *Edmundbury Godfrey*'s two Brothers both met me at my Lord of *Shaftsbury*'s houſe. This is the thing that he tells me; he would have me get my Lord's Protection and a Pardon for Treaſon: but the real truth is, he ſent me upon this Errand. So *I* came to my Lord *Shaftsbury*, and the two Mr. *Godfreys* were in the Room; and after *I* had told my Lord what diſcourſe *I* had with him, ſays my Lord, *Colledge*, Theſe *Iriſh*-men have confounded all our buſineſs; and thou and *I* muſt have a care they do not put a trick upon us: This may be a trick of the Papiſts to ruine us; and if they have ſuch a deſigne, if they will not put it upon you and *I*, they are fools. Upon your Lordſhip, ſaid *I*, they may; but *I* am a poor inconſiderable fellow. Says my Lord, I'll tell you, Mr. *Godfrey*, Mr. *Colledge* hath not onely been an honeſt man, but an uſeful and an active man for the Proteſtant intereſt. So *I* told my Lord how far *I* had gone with him, and that *I* deſired it might be put in Writing. Says my Lord *Shaftsbury*, If he will put it in Writing, *I* will go once again; for *I* have been ſince *I* ſaw the Fellow, with my Lord *Macclesfield*, and my Lord Chief Juſtice *Pemberton*, and my Lord Chancellor, and *I* have told them that there is ſuch a perſon in general, but *I* knew not the man; as indeed my Lord did not, for onely *Ivy* was the perſon between them that my Lord knew: And *I* told them, ſays my Lord, that he can confirm all that *Fitz-harris* has ſaid concerning the death of Sir *Edmundbury Godfrey*, and that he would prove my Lord of *Danby* was in it, if he might have his Pardon; and my Lord ſaid, They promiſed to ſpeak to his Majeſty that it might be granted. But ſome time the latter end of the week *I* heard it would not be granted; and both of theſe men followed me to know what they ſhould do. Said *I*, My Lord *Shaftsbury* knows not but that it may be a Trick; and ſaid *I* to *Ivy*, *I* wonder why he ſhould conceal it all this while, being a neceſſitous man, and 500 *l.* proffered by the King in his Proclamation. Why, ſays *Ivy*, do you think there is no truth in it? ſays *I*, 'Tis not my Judgment, but my Lord *Shaftsbury* and Mr. *Godfrey*'s Judgment too. He anſwered me again, *Fitz-harris* hath deſired he may have a Pardon granted for himſelf and a Frenchman; and if ſo be there were nothing in it, Do you think he would move for a Pardon? Says *I*, Did Mr. *Fitz-harris* move for *Haynes* Pardon? How do I know

that, ſays *Ivy* again: *Fitz-harris*'s Wife told me ſo. Says *I*, Let me ſpeak with *Fitz-harris*'s Wife, let me hear her ſay ſo, and *I* will believe you. The next day he did bring her to me to my houſe: And this was the time and the occaſion that brought *Fitz-harris*'s Wife, and *Haynes*, and *Ivy*, and Mr. *Fitz-harris*'s Maid to my houſe; and *I* never ſaw *Fitz-harris* in my days, till his Trial, nor had any Communication with him. But, my Lord, ſhe did talk with *Haynes*, and confirmed it to me, That her Husband had deſired a Pardon for him: Why then, ſaid *I*, he would do well to diſcover what he knows to my Lord *Shaftsbury*; for *I* was with my Lord, and he ſays he will meddle no more, unleſs he will give it under his hand what he has to ſay. And he did confeſs to me in my own Yard, for there we were together, That he ſaw my Lord of *Danby* come into the Chappel at *Sommerſet*-Houſe, when the Body of Sir *Edmundbury Godfrey* lay under the Altar.

L. C. J. Here hath been nothing of this made appear by proof.

Colledge. My Lord, I onely tell you which way they introduced themſelves into my Acquaintance.

L. C. J. You may obſerve what you will upon the Evidence, as we told you; but you ramble from the matter you are to ſpeak to. And as we told Mr. Attorney, that what he ſaid ſhould go for nothing, unleſs he made it out by proof; ſo muſt we ſay to you, what you ſay goes for nothing, further than you have proved it. Now you have quitted the Proof quite, and not ſpoke to that, but run into other ſtories. I would have you keep your ſelf to your Proofs, and make your Obſervations upon them.

Colledge. 'Tis, as I humbly conceive it, to my purpoſe, but I hope my ignorance may excuſe me, if I erre. I tell you the truth of things, thus it was.

L. C. J. Truth! Why if yours or any man's word in your caſe ſhould go for truth, no man that ſtands at a Bar, could be convicted: for every man will ſay he is an honeſt man, and all the plauſible things in the world. Make you your Obſervations upon the Proof, that is proper for you to do; and urge it as well as you can, and to the beſt purpoſe you can: but to tell us long ſtories of paſſages between you and others that are not a whit proved, that is not uſual, nor pertinent.

Colledge. I thought it had been to the point, when this man pretends to have a familiarity with me, to ſhew how his Acquaintance begun.

Mr. Juſt. *Jones.* Why do you think 'tis an Anſwer to him in what he proves upon his Oath? Have you proved one jot of it? not that I have heard. 'Tis your part to ſum up the Evidence on your own ſide, and to anſwer that which is proved upon you, if you can. Do that, and we will hear you ſpeak to it as long as you can. But to tell ſtories to amuſe the Jury with that are not proved, and to run out into rambling diſcourſes to no purpoſe, that is not to be allowed, nor never was, in any Court of Juſtice.

Mr. Juſt. *Raymond.* Not one of your Witneſſes have mentioned any thing that you ſay.

Mr. Juſt. *Levins.* I wonder, Mr. *Colledge*, you ſhould forget your ſelf ſo much: for you found fault with Mr. Attorney at the beginning for opening the Evidence, and you were told, and the Jury were told at your requeſt, that what he ſaid, and did not prove, paſſed for nothing. But I muſt tell you, 'tis much worſe in your caſe: for Mr. Attorney onely opened what he might prove afterwards, but your Obſervations are upon what hath been proved already; and yet you run out into ſtories of what hath not been proved at all, after your Proof is paſt.

Colledge. Sir, I could not prove this otherwiſe than by *Ivy*, who hath been ſworn againſt me.

Mr. Juſt. *Jones.* Would you have the Jury to believe you upon your word?

Colledge. There is no more than his Oath againſt me; and why my Oath, being an Engliſh-man and a Proteſtant, ſhould not be taken as well as his that is an *Iriſh*-man and hath been a Papiſt, I know not.

L. C. J. You go upon that ground that your word is to be taken, as appears by your

your defence ; but I muſt tell you, all the courſe of Juſtice were deſtroyed, and no Juſtice againſt Malefactors were to be had, if the word of him that is accuſed ſhould paſs for proof to acquit him.

Colledge. My Lord, I have given your Lordſhip an account of theſe fellows Converſations ; and what other Proofs to make, I know not : for I knew not what they would ſwear againſt me, and I had not Witneſſes in my Pocket to confront them.

Mr. Juſt *Levins.* Well, the Jury have heard it over and over again, firſt upon your requeſt, that nothing is to be taken notice of that is not proved.

Colledge. Pray, my Lord, then as to *Haynes.* My Lord, I do obſerve that there was a Witneſs for me that did prove, he owned he was one that was employed to make a Proteſtant Plot, and another that did hear him Swear, dam him, he would Swear any thing againſt any body for Money, for it was his Trade.

Mr. Juſt.*Levins.* Now you are right ; ſpeak as much as you will as to your proofs.

Colledge. My Lord , I think *Turbervile* and *Dugdale* Swear as to the tenth of *March* in *Oxon* ; I deſire it may be proved I was in *Oxford* the tenth of *March.*

Mr. Juſt. *Jones.* You yourſelf came down the middle of *March.*

L.C.J. I do not remember that they ſaid the tenth of *March.*

Colledge. Did not the Indictment ſay ſo ?

Mr. Att.Gen. It is only in the Indictment.

L.C.J. As to the time mentioned in the Indictment, it is not material ; that is the conſtant rule in Tryals upon Indictments ; as if an Horſe be laid to be ſtole the tenth, if it be proved the priſoner ſtole it at another day, it will be ſufficient, the time is not material ; the queſtion is whether the Indictment be true in ſubſtance. *Mr.Colledge*, my Brothers will all tell you that the Law is ſo.

Mr. Juſt.*Levins.* Though it is laid the tenth of *March* , yet if it be proved the firſt or twentieth before or after, it is all one ; ſo the thing be proved, they are not bound to a day.

Colledge. My Lord, the punctilio's of Law I know not, but it was the twenty fourth or twenty fifth er'e I came down.

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

Colledge. Dugdale ſays I meant by the word *Rowley*, the King.

Mr. Juſt. Jones. He does ſo.

Colledge. How does he come to know, that by that word I meant the King ?

L.C.J. That we did ask him, and he ſays you uſed ſo to expound it.

Mr. Juſt. *Jones.* Why look you, he ſaid you and he uſed to have frequent Communication concerning the King , and you did moſt frequently ſpeak of the King by the name of *Rowley.*

Colledge. But I ſay, my Lord, I never ſpake of the King by the name of *Rowley* in my life.

Mr. Juſt. *Jones.* You ſay it, and he Swears the con'rary.

Colledge. I don't remember that he ſays I declared it ſo, but he ſaid, I meant it ; for if I had declared it , then it had been the ſame thing for me to have named the King downright.

Mr. Juſt.*Levins.* Look you *Mr.Colledge*, as to that, when any Witneſs had done his Evidence, you had liberty to croſs examine him.

L.C.J. Would you have him called up again to clear this ?

Colledge. Yes, if you pleaſe.

L.C.J. Stand up *Mr.Dugdale.* I underſtood by you Teſtimony, when *Mr.Colledge* and you diſcourſed of the King , you ſometimes diſcourſed of him by the name of *Rowley*, and that he explained that name to be the King.

Mr.Dugdale. The firſt time I ever heard what *Rowley* meant , was from him ; for I asked him what he meant by the name of *Rowley* ; I heard it before , but I did not underſtand it.

Mr. Juſt. *Jones.* Where was it ?

Mr.Dugdale. At *Richards* Coffee-houſe.

Mr.

Mr. Juſt. *Jones.* What was the anſwer he made you?

Mr.Dugdale. He ſaid it was the King.

Colledge. Upon what occaſion did I explain it to you?

Mr.Dugdale. Upon the account of the Pictures.

Colledge. I know not which of the Pictures has the name of *Rowley* in it.

Mr.Dugdale. It was when we were talking of one of the Pictures you brought in *Rowley*, and *Mick* and *Mac* was the Duke of *York*. and *Rowley* was the King.

Colledge. Upon what Picture was it, that I took occaſion to explain the name *Rowley* to you?

Mr.Dugdale. I am not certain.

Colledge. Remember you have an account to give as well as I.

Mr.Dugdale. You have ſo many Pictures that I can't remember them; you have ſhewed me more than have been produced in Court.

Colledge. Where had you that Picture from me that they call *Raree Shew?*

Mr.Dugdale. Truly I received of them twice at *Richards* Coffee-houſe.

Colledge. Twice, do you ſay?

Mr.Dugdale. Yes, two of them at two ſeveral times; for you having promiſed me one, you brought it according to your word.

Colledge. When was that?

Mr.Dugdale, I did not keep an account of the day of the Month; and another I do remember at the *Green Dragon* Tavern you thruſt into my pocket, and *Mr. Baldwin* was by at that time. And ſaid he, *Mr.Colledge,* You will be ſo open, that you will come to be diſcovered at laſt.

Colledge. Then will I be willing to dye for it, if he and I and *Mr.Baldwin* were at the *Green Dragon* Tavern together. When was it that I gave you any Pictures there? was it ſince the Parliament at *Oxon?*

Mr.Dugdale. Do I charge you ſince the Parliament?

Colledge. I never ſaw *Raree Shew* before the Parliament at *Oxford.*

Mr.Dugdale. I do not ſay it was that; you gave me one of the others.

Colledge. 'Tis ſtrange you will ſtick to nothing; When was it we were at the *Green Dragon* Tavern?

Mr.Dugdale. We were there before the Parliament ſat at *Oxon*; it was ſince *Chriſtmaſs.*

Colledge. What Picture was it I gave you there?

Mr.Dugdale. It may be I can't remember which of them it was, it was not *Raree Shew*; I ſuppoſe you gave me one of them concerning the Biſhops, where you put Biſhop *Mew* kiſſing the Popes Toe; for it was a Biſhop with a patch on, and that you told me was Biſhop *Mew.*

Colledge. I put it, did I make it?

Mr.Dugdale. You ſaid you were the Author.

Mr. Juſt. *Jones.* *Mr.Colledge,* Will you conſider upon what *Mr.Dugdale* was called up about, the Expoſition of the Name *Rowley?*

Colledge. I did examine him, and he hath contradicted himſelf; for he hath ſaid at the *Green Dragon* Tavern I gave him a Picture of *Raree Shew.*

Mr. Juſt. *Jones.* He ſaid no ſuch thing, he ſaid he did not know which it was.

Colledge. I am certain he meant that then when he ſpake it; for he named it before, that he had two from me at *Richards* Coffee-houſe, and one I thruſt into his pocket at the Tavern; and I ſay, I never was at the *Green Dragon* Tavern with *Mr.Dugdale* and *Mr.Baldwyn,* nor in the Tavern theſe three quarters of a year.

Mr. Juſt. *Levins.* *Mr.Colledge,* you were in the right way juſt now to manage your Evidence, in oppoſition to the other Evidence; go on in that way.

Colledge. My Lord, I don't know well what was ſaid, for I could not hear half, nor write a quarrer of it; but, my Lord, I hope your Lordſhip hath taken Notes of it, and will remember it for me. You are my Counſel as well as my Judges.

L.C.J. In matter of Fact we are.

Colledge.

Colledge. My Life and your Souls lye at ſtake to do me Juſtice; therefore I hope you will take notice of what I have not had the opportunity to write down. I have obſerved that every one of my Witneſſes have ſpoken materially to contradict what they have ſaid, to prove that this was done for Money, and that there hath been Confeſſions from every man of them; that they were hired to do it; that they did it for a Livelyhood; and one of them ſaid, It was a good Trade, dam him, he would do any thing for Money: And I hope then you will conſider the improbability, that I ſhould ſpeak to an *Iriſh* man who I had never ſeen before in my life; and that I ſhould at the firſt daſh utter all that Treaſon that he gives in Evidence, I think it cannot conſiſt with any man's underſtanding to believe me ſo mad or ſo weak.

Mr. Juſtice Levinz. That is as to *Haynes* only.

Colledge. As to *Smith* now I ſuppoſe it does not come within the reach of the Statute; for the Dinner that was made by Alderman *Wilcox*, was made before laſt *July* was twelvemonth; all the Witneſſes do ſay it was before *Chriſtmas*, and Dr. *Oates* ſays it was in the Summer; I know it by a very good obſervation, becauſe I went to *Aſtrop* Waters after that, and I ſaw Sir *Creſwell Levinz* at the *Wells*: Now Sir you were there before this time twelvemonth. So then whatever he ſays I ſaid to him there, I cannot be charged withal by the Statute, more or leſs, if I had never a Witneſs againſt him; but I have Witneſſes that have contradicted him ſufficiently that he is forſworn in that; and if ſo, he is not to be believed in any thing elſe; for he ſays, he and I went to the *Coffee-houſe* together, and we diſcourſed ſuch and ſuch things, which is not above half a Bows ſhoot, and he made it I ſay a quarter of a miles diſcourſe; if I had had all the talk, the diſcourſe could not be ſo long, tho' he had ſaid never a word: So you ſee what a kind of Witneſs he is. And Dr. *Oates*'s Brother did ſay, That I did go along with Dr. *Oates*, and offered to be one of his Guard, and I did ſay ſo, and went along with them, but Mr. *Smith* he came after. And as to what he ſays he is ſufficiently confuted, that is, about the going into Cabals after Dinner; for it is proved, That I fell aſleep behind the Table, and Dr. *Oates* was diſcourſing with Mr. *Savage* upon points of Divinity; but I took no notice of it, neither did I ſee *Smith* any more, but he went away, and ſo did the reſt of the Company. But, my Lord, when *Haynes* was taken, *Smith* comes to me that day to my Houſe at the *Ditch-ſide*, and ſends in a man for me, his man; I was writing in my Parlour, and drawing the Deſign for Wainſcotting *Alhallows* Church, a Platform for it; his man told me, His Maſter would ſpeak with me, and *Haynes* was taken that morning: But as I underſtand ſince, it was by agreement and his own conſent, tho' he hath pretended otherwiſe. You hear, ſays he, *Haynes* is taken? Yes, ſays I, I do, he hath been ever ſince 9 a Clock before the Secretary upon Examination, and he was till 5 a Clock at night examining, ſaid he: I believe he confeſſes a great deal, ſaid I: Of what, ſaid he? Of ſome deſign of the *Proteſtants*, ſaid I: What, againſt the Government? I do not know what they may affright him into; he is a great Rogue if it be true all that he hath ſaid of himſelf: He ſays, He was concerned in the *Fire* of *London*, and knew of a Deſign to deſtroy the *Proteſtants* then; of a Rebellion that was to be in *Ireland*; of *Plunket*'s being made *Primate*, and a great many of thoſe things: So that if he ſpeaks truth, he hath been a great Rogue, and as he hath pretended alſo, he was a great Coward. So then I believe he may ſay any thing to excuſe himſelf; ſays Mr. *Smith*, I wiſh you are ſafe: This was the very night before I was taken.

Mr. Juſt. Jones. Have you proved any thing of this?

Colledge. My Lord, Pray give me leave to tell you what is proof.

Mr. Juſt. Jones. You are not to repeat this, unleſs you prove it, Sir.

Colledge. He ſpake cautiouſly to me, as if he would have intimated to me, he would have had me run away. Said he, I believe you are not ſafe, I would have you take care of your ſelf, for you were concerned with him. Now, my Lord, if I had been a guilty perſon, I had time enough to get away; and to prove this, I can only ſay, this was betwixt him and I. But, my Lord, you hear Dr. *Oates* ſays, that this very *Smith* did ſwear he would have my Bloud, and that was upon this occaſion of my vindicating *Sampſon*, whom he had ſtruck and abuſed; and I asked, Why he did it? Said he, I value no man's Life, if he affront me, if 'tis any man in *England*, I value him not. My Lord, upon this occaſion the words riſe between us; and when he came out of doors, and was going away, Dr. *Oates* ſaid, He ſwore he would have my Bloud, and that was the occaſion of his ſpeaking that Blaſphemy.

Lord Ch. Juſt. Dr. *Oates* did ſay ſo.

Mr. Juſt. Levinz. Well you are right now if you will go on in that way.

Colledge. My Lord, This is for *Smith* and *Haynes*, that *Haynes* ſhould ſay it was a good trade, and dam him, he would ſwear any thing for money, and that *Smith* ſhould ſwear dam him he would have my blood. I cannot ſum up the reſt of them for I have not them here.

Mr. Juſt. Jones. There is *Turbervile*, and *Dugdale*, and *Smith*; we will help you as to the perſons.

Mr. Juſt. Levinz. Pray keep to the buſineſs, and do not run out.

Colledge. Pray my Lord, I have one thing to ſay about *Smith*; he ſayes I ſhewd him my Arms, which I have had for any time almoſt theſe 3 years, ever ſince the Plot brake out. I have been Armed ready to oppoſe the Papiſts, and I did my duty in the City in perſon in the Trained bands, but *Smith* ſays theſe Arms were to deſtroy the Kings Guards, but he does not prove that I was Confederate with any other perſon, but inſtead of that there were other perſons that ſay with his own mouth, that he did not believe there was any Proteſtant Plot; nay, he did believe I ſaid it only in wantonneſs. This is all, then how probable was it, that I my ſelf ſhould ſeize the King, or deſtroy his Guards.

Mr. Juſt. Jones. You remember Captain *Brown*, Captain *Chuton*, and Don *Lewes*, Mr. *Colledge*.

Colledge. Did he ſwear they were all in my company at *Oxon*?

Mr. Juſt. Jones. Yes, *Dugdale* did.

Colledge. My Lord, Captain *Brown* and *Lewes* were friends to my Lord *Howard*, with whom and other Company I came down to *Oxon*, and they lay with me at the *Chequer*, and they were in my Company becauſe they were Gueſts in the Houſe, and we came along together, but he does not ſay they were either of them Armed more than my ſelf, nor was he ever in company with us, how then does he know we were in a Conſpiracy?

Mr. Juſt. *Jones.* Becauſe you told him at *London* firſt that they were ſuch perſons.

Colledge. I never ſaw *Lewes* in may days till I ſaw him that morning I came down from *Oxon*, and *Brown* I was not acquainted with a fortnight before. This is a truth, but however they have ſworn a Plot upon me at *Oxon*, and then come and prove I declared theſe were the men, and ſpoke ſuch and ſuch words at *London*; I deſire your Lordſhips Judgment in this matter of Law, whether what be done at *London* can be ſufficient matter of proof in Law to maintain an Indictment againſt me at *Oxon*? And if not; they do not prove legally that I have ſpoken ſuch words. Beſides I conceive 'tis not a good proof, becauſe there is but one Witneſs.

L. Ch. Juſtice. Yes, look you, there are two Witneſſes, *Dugdale* and *Turbervile*, as to what you ſaid at *Oxon*, and two Witneſſes as to what you ſaid at *London*, *Haynes* and *Smith*, who teſtifie what you ſaid you would do at *Oxon*. Now in caſe you came to *Oxon* with any ſuch intention, that coming to *Oxford* is an overt-Act, and the witneſſes that ſpeak what you ſaid in *London*, is Evidence to maintain the Indictment here, and to prove what your intention was.

Colledge. Does that become an overt-Act if I go to *Oxon* upon an honeſt occaſion, any other occaſion, tho' I had ſaid thoſe words before.

L. Ch. Juſtice. If you came with that intent to joyn with others, and with a real purpoſe to ſeize the King, that is the Overt-Act, and the words before prove the intention.

Mr. Juſt. Jones. He declared it himſelf by his words.

Colledge. Smith ſays that about a week after *Wilcox*'s dinner, I diſourſed with him at the Ditch ſide, that comes not within the compaſs of the Statutes. Then there is twice of the 3 times he ſpeaks of, the laſt day I do not remember when it was.

L. Ch. Juſtice. All was in *London* that *Smith* ſpeaks of you.

Colledge. How comes that to be proof here, then nothing he ſays is to go for any thing.

Mr. Juſt. Jones. Nothing will ſerve your turn; we have declared our Opinions once already, that if the Witneſſes ſwear true, here are two witneſſes; nay, if one were of what was done at *London*, and the other of what was done at *Oxon*, if they be to the ſame Treaſon they are two Witneſſes in Law.

Colledge. My Lord, I obſerve one thing upon *Turbervile*'s Evidence, he ſwears there was a diſcourſe in the Room when *Brown* was upon the Bed, but afterwards if your

Lord-

Lordſhip minds it, he ſays, I diſcourſed with him as he and I lay upon the Bed. Before he ſaid when *Brown* lay upon the Bed, and in the Room, and afterwards when we lay upon the Bed.

Mr. Juſt. Jones. Both the one and the other.

Colledge. But he ſaid ſaid firſt one way, and then the other.

Mr. Juſt. Jones. Whilſt *Brown* lay upon the Bed, and when he was gone, whilſt you both lay upon the Bed.

L. Ch. Juſtice. We will do you no wrong, therefore if you will, *Turbervile* ſhall ſtand up and clear it.

Colledge. My Lord, I believe thoſe that have taken the paſſages can prove he contradicted himſelf in that.

L. Ch. Juſt. He ſaid both. But the Jury have taken notes of the Evidence, and will take notice of it.

Colledge. As to Mr. *Maſters*, the Evidence he gives was, he ſays that he and I ſhould diſcourſe of the Parliament in 40.

Mr. Juſt. Jones. And the juſtifiableneſs of the late King's death, that they had done nothing but what they had juſt cauſe to do.

Colledge. He ſwears that I did ſay to him, that the late Parliament did not cut off the Kings head.

Mr. Juſt. Jones. And you ſaid the laſt Parliament that ſate at *Weſtminſter*, was of the ſame opinion with that in 40.

Colledge. I dare appeal to Eſq; *Charlton*, in whoſe ſhop the diſcourſe was. I did not know that Mr. *Maſters* was to be an Evidence againſt me, and truly they have taken that courſe with me, by which any man may be deſtroyed with half this Evidence, were they of good Credit, let his Innocence be what it will. I have been uſed ſo barbarouſly in the *Tower*, kept from all Converſation, and ſo in an utter ignorance of what was ſworn againſt me; for elſe I could eaſily have diſproved Mr. *Maſters*, if I had been in *London*, and had liberty to provide for my defence; but they have taken a courſe to prevent that, and brought me hither becauſe 'tis impoſſible I ſhould here defend my ſelf.

L. Ch. Juſt. You have not offered at any Witneſs to Impeach Mr. *Maſters* Credit.

Colledge. Mr. *Maſters* diſcourſe he ſpeaks of was in Mr. *Charlton*'s ſhop, I durſt have appealed to him about it, for I know if he were here he would do me right. Mr. *Maſters* did ſay the Parliament cut off the late Kings Head. We held a diſpute upon that which I was not willing to enter into; I ſaid they did not, and we did then diſpute whether they began the War againſt his Majeſty: I ſaid they did not that I knew of, neither were they the perſons, but the Papiſts that began that War and that broke off the Treaty at *Uxbridge*, and that the Papiſts carryed it on to that ſad iſſue, and put it upon the Proteſtants, that they had the *odium* of it, but it was another ſort of men that carryed it on. I ſaid that I did always underſtand that Parliament to be an honeſt Parliament, that minded the true Intereſt of the Nation, and much of the ſame opinion with the Parliament that ſate laſt at *Weſtminſter*. But before I ſaid this, I ſaid they were perſons altogether innocent of the Kings murder, and raiſing the War againſt the King, I did always underſtand that ſo the Parliament in 40 were.

L. Ch. Juſt. But they were guilty of a Rebellion, and are declared ſo by Act of Parliament ſince His Majeſty came in.

Colledge. My Lord, I am unacquainted with the Law, I ſpeak only my ſenſe of it. And my Lord, I did excuſe them as to the Murder of the King, and the beginning of the War, that according to my underſtanding they were not Guilty of it, and from thence I did maintain they were an honeſt good Parliament, and much of opinion with the Parliament that ſat laſt at *Weſtminſter*, which was for the true Intereſt of the Nation.

L. Ch. Juſt. And was that the true Intereſt of the Nation, to cut off the King's Head?

Colledge. I did argue that with him ſome time, and I did tell him that it was the Papiſts that did all the Miſchief.

Mr. Juſt. Jones. But he ſayes no, upon his Oath, that when he had ſaid, the Parliament begun the Rebellion, and the Parliament did cut off the King's Head, you ſaid the Parliament did nothing but what they had juſt Cauſe for, and the Parliament that ſat laſt at *Weſtminſter* was of the ſame mind.

L. Ch Juſt. Thoſe were his words.

Colledge. Pray let him be called again.

L. Ch. Juſt. Let Mr. *Maſters* ſtand up again.

Colledge. Pray Sir relate the whole diſcourſe that paſſed between you and I, whether I did not argue with you it was not the Parliament cut off the Kings head, nor begun the War, but the Papiſts.

Mr. Maſters. No, you did not ſay any ſuch thing. We had a great deal of diſcourſe in the Shop, and under the Arch, and the thing that was ſaid, Mr. *Colledge*, was this. You did ſay to me that you did juſtifie the late long Parliament of 40, and their proceedings, and you ſaid they were a Parliament that did nothing but what they had juſt cauſe for: ſaid I, how can you be ſo impudent to ſay ſo, when they raiſed the Rebellion againſt the King, and cut off his head: ſaid he again, they did nothing but what they had juſt cauſe for, and the Parliament that ſat laſt at *Weſtminſter* were of the ſame opinion.

Mr. Juſt. Jones. I did you no wrong in repeating the evidence, you ſee, Mr. *Colledge.*

Colledge. Did I not firſt diſpute with you that they did not begin the War, nor cut off the King, but the Papiſts did it.

Mr. Maſters. Look you Mr. *Colledge*, you would have had it the King began the War.

Colledge. Don't you ſay ſo, for I ſaid the Papiſts began the War. Sir ſay no more to me than what you will anſwer to God Almighty; for I always ſaid the Papiſts did all the miſchief in the late times: and I wonder Sir you would not be ſo juſt to his Majeſty as to detect me for what I ſaid then, if you apprehend it to be as you now ſay; but I am ſure you did not, nor could not.

Mr. Maſters. Mr. *Colledge*, it was ſo far from that, that I was afraid it was of dangerous Conſequence, and I gave ſome Perſons of Honour an accompt of it, and I was ſent to but on Friday laſt, to know what it was was ſaid, and I was deſired and commanded to come down hither.

Colledge. Pray Mr. *Maſters*, you are upon your Oath, do me but Juſtice, and ſpeak upon your own Conſcience; look you to it that you ſpeak the truth.

Mr. *Maſters.* I will do you all the right I can in the World.

Colledge. Then before the Court do you declare whether we did not diſcourſe at that time as I ſaid, for this diſcourſe was at Mr. *Charlton*'s ſhop at the further end.

Mr. *Maſters.* No it was at the entrance into the ſhop, Mr. *Colledge*; and did not we go into the Arch and talk there.

Mr. Serj. Jefferies. Mr. *Maſters* don't trouble your ſelf, your Reputation is not upon the Level with that Gentlemans.

Colledge. I deſire he may ſpeak the very truth and nothing but the truth.

Mr. Maſters. I do as near as I can, and do you no wrong; you did not in your diſcourſe ſay the Parliament did not begin the War, nor cut off the King's Head.

Colledge. You did ſay to me they did cut off the King's Head, and I told you no, the Papiſts did.

Mr. Maſters. I think you did ſay that the *Papiſts* had an hand in it; but, Sir, you have left out the moſt material part of our Diſcourſe, which was, that you ſaid they did nothing but what they had juſt cauſe for.

Colledge. I do ſay, and it was my ſence always, That the Parliament did not cut off the King's Head, for they were long out of doors before that came to paſs, and a new unhappy War was begun.

L. Ch. Juſt. The War was a Rebellion on the Parliaments part, let us not mince the matter, and ſo it was declared by Act of Parliament; and if you argued after that rate, it ſhews your temper, and that you are a very ill man; for they that juſtifie ſuch things as to the time paſſed, would lead us to the ſame things again if they could. Therefore don't go about to palliate it, *ad faciendum populum* here, 'tis nothing to the matter, but only to ſhew your Principles, and the Jury have heard what Mr. *Maſters* ſays.

Colledge. I was then a Child, and do not know all the paſſages, but I ſpeak my ſence.

L. Ch. Juſt. You ſhould not have juſtified ſuch things.

Mr. Juſt. Jones. Who appointed the High Court of Juſtice that tryed the King and condemned him, but the Parliament?

Mr. Juſt. Levinz. It was the Garbage of that Parliament I am ſure, that is the *Rump*, but they called themſelves the Parliament of *England*, and the Parliament it was that begun the War.

Colledge. My Lord, I did not know, nor don't know that it is proved yet, that the Parliament were thoſe that did cut off the King's Head. I don't know, Mr. *Maſters* is

pleas'd

pleas'd to say this of me; but I thought no evil, nor did he understand it so I believe at that time, for he did not seem to take advantage of my Discourse. I know he talked violently and passionately with me, as he used to do; and for Mr. *Masters* to say this of me now, is a great unkindness; for I thought he was so much a Gentleman, that if I had spoken any thing that had not become me, he would have taken notice of it then.

Mr. Serj. Jefferies. He did then he tells you.

Colledge. Had I known of it, I am sure Mr. *Charlton* would have done me justice, and set things right; but this I say, I did first excuse the Parliament from being concerned in the Murder of the King, or that they did begin the War, but the *Papists* did it: If it were otherwise, it was more than I understood; and after that I said, I thought that the Parliament that sate last at *Westminster*, did stand up for the Peoples Rights, after the same manner that the Parliament in 40. did.

Mr. Just. Jones. What just after the same manner, in raising War and Rebellion against the King?

Colledge. After I had discoursed it thus, my Lord, as I told you, it could not be understood that I thought that Parliament would cut off the King's Head: And therefore you that are my Jury, pray consider, and take it all together, there could be no such meaning made of my words; for I did not conceive that that Parliament were concerned in those things, but were a Parliament that stood up for the Rights of the People: Now if it were so, then the Parliament at *Westminster* were of the same opinion.

L. Ch. Just. I tell you the Long Parliaments levying War is declared Rebellion by Act of Parliament.

Colledge. My Lord, if there hath been an Act since that says they were guilty of Rebellion, I declare it 'tis more than ever I knew before. This is the first time that ever I heard of it.

Mr. Serj. Jefferies. You are a mighty learned Gentleman to talk of those points indeed.

Colledge. My Lord, I desire to know whether any words that were spoken 6 months before they gave in their Depositions can be a sufficient Evidence in Law against me now?

L. Ch. Justice. 'Tis upon the Act of the 13th of this King you speak.

Colledge. Yes, My Lord, I take it upon that Statute.

L. Ch. Justice. I tell you as to that part of the Statute which concerns Misdemeanors, there is a particular clause for prosecution by order of King or Council; but as to that part of the Statute that concerns Treason, it must be prosecuted within six months, and the Inditement within three months after.

Colledge. What Statute is this Inditement grounded upon?

Mr. Just. Jones. All Statutes that concern Treason.

L. Ch. Justice. Upon the Statute of the 25 of *Edw.* 3. which declares the Common-Law, and the Statute of the 13th of this King, which when you have done, I will have read to the Jury.

Colledge. Then pray my Lord, let me ask you one question, Whether the Statute of the 25th of *Edw.* 3. does not say that there shall be two positive Witnesses to Treason?

Mr. Just. Jones. No, but there is another that does.

Colledge. I am ignorant of the Law, and therefore I ask the question.

L. Ch. Justice. Well, I will tell you, there must be two Witnesses in the Case, but one Witness to one fact at one time, and another Witness to another fact at another time, will be sufficient Evidence to maintain an Indictment of Treason; this was told you in the morning.

Mr. Just. Jones. And it was told you withal, That it was the resolution of all the Judges in the Case of my Lord *Stafford* when he was tryed in Parliament.

Colledge. They proved fact in that Case, writing of Letters, and offering money to kill the King, but nothing of fact is proved against me, but riding into the Country with Arms that I had three years before.

L. Ch. Justice. We will read the Statute of the 13th, wherein words are declared to be Treason.

Colledge. I pray it may be read, if you please. *(which was done.)*

L. Ch. Justice. Look you here, To compass or imagine the imprisonment of the King and to express it by malitious and advised speaking, when proved by two lawful Witnesses, is Treason by this Act.

Colledge. Now, whether you will distinguish, that there must be two Witnesses to di-

ſtinct places or times, or whether the Statute intends two Witneſſes to every particular fact and words.

L. Ch. Juſtice. We told you our Opinion before, That one Witneſs to one fact, and another to another of the ſame Treaſon, was ſufficient. We are upon our Oaths in it, and ſpeak not our own Opinions, but what hath received publick reſolution in Caſes of the like conſequence.

Colledge. What lies before theſe Gentlemen of the Jury as done at *Oxon*, 'tis but upon a ſingle teſtimony.

Mr Juſt. *Levinz.* Nay, Mr. *Dugdale* and Mr. *Turbervile* both ſwear the ſame thing, your deſign to ſeize the King at *Oxon.* And it would be the difficulteſt thing in the world to prove Treaſon againſt any man if the Law were not ſo, and a man might commit all ſorts of Treaſon ſecurely; for to be ſure he would never ſay the ſame things before two Witneſſes in one time, and the King would be in no ſort ſafe; for there would never be two Witneſſes to one and the ſame thing: But that hath been reſolved often and often over and over again, particularly in my Lord *Stafford*'s Caſe, as you have been told.

Colledge. My Lord, you ſay the King is not ſafe upon thoſe terms, and no private man is ſafe in the other way.

Mr. Juſt. Levinz. We ſay that the Law is ſo, and there is good reaſon for it.

Mr. Juſt. Jones. We muſt not alter nor depart from the allowed received Law.

L. Ch. Juſtice. I ſay the thing hath been conſidered in other Caſes, and the Law hath been adjudged and ſetled. It was ſo reſolved in my Lord *Stafford*'s Caſe when the Judges by the command of the Parliament did deliver their Opinion upon that point moved by him.

Colledge. There is nothing of fact proved againſt me but a pair of Piſtols, a Sword, and an Horſe.

L. Ch. Juſtice. We have told you the Law, and anſwered your queſtion.

Colledge. But as the Caſe ſtands, if that be the Law, all Society and Converſation muſt be ruined by it.

Mr. Juſt. Jones. Pray go on, when do you think we ſhall have done elſe?

Colledge. However I do not inſiſt upon that ſo much, as that the Teſtimonies and Oaths of theſe men are altogether invalidated, by ſubſtantial perſons that have here teſtified againſt them. I do declare upon my Salvation, (I have nothing elſe to ſay) I am wholly innocent, and the Jury are my Judges, and I beſeech them, as they will anſwer me at the great day of Judgement, where they muſt appear as ſure as I ſtand at this Bar now, that they do me right, and go according to their own Conſciences; for if a man ſhall be ſworn againſt by ſuch Fellows as theſe are, no man is ſafe.

Mr. Serj. Jefferies. The worſe, the better to be truſted by you.

Colledge. I am ſure it cannot be thought by men of common Reaſon, that I ſhould ſpeak Treaſon at that rate that they have ſworn, and to ſuch men, men of their Profeſſion, *Iriſh* men, and *Papiſts*, Traitors that have declared they have been in all manner of Rogueries, Murders, Plots and Treaſons. Therefore, my Lord, I cannot do any more for my ſelf, becauſe I have no Notes, and cannot recite what hath been ſaid for me or againſt me; but I do depend upon your Lordſhip, and I hope you will inform the Jury rightly, and do me Juſtice; and I do pray the Jury that they will let their Conſciences be ſatisfied, as they are *Engliſh* men, and as they are Chriſtians, to conſider how the Caſe lyes with me, whether there has not been more occaſion of talking of late, and whether a ſlip of the Tongue may be called a premeditated, malicious, adviſed ſpeaking, I mean, my Diſcourſe with Mr. *Maſters*. He talked with me as hot as fire, he was ſo violent, and I did diſcourſe him at that rate I have told you, and that is truth, as I have a Soul to be ſaved: I did excuſe the Parliament, that as I underſtood it, they had no hand in the beginning of the War, or the Murder of the King. My Lord, As for the reſt that have ſworn againſt me ſo deſperately, I muſt ſay, that if the Jury did not as well conſider my Evidence as theirs, yet they might well conſider, whether it conſiſts with common ſence and reaſon, that I ſhould ſpeak to theſe men after this rate, when I could lay no obligation upon them, nor have any confidence in them; neceſſitous perſons, that could not aſſiſt me one Mite, men that were beholding to me to borrow Money of me, and that eat of my coſt, that I had always been obliging to, and not they to me. But I hope I need inſiſt upon this no further; the whole Nation is ſenſible what is doing, and what this does ſignifie: They have begun with me in order to the making of a *Presbyterian* Plot, which they would carry on

to ſtifle the noiſe of the *Popiſh* Plot; and this is not the 1*ſt*. the 2*d*. nor the 10*th*. time that they have been at this Game; how many Shams have they endeavoured to raiſe——

Mr. Att. Gen. Who do you mean by *they*?

Colledge. The *Papiſts*.

Mr. Att. Gen. There is nothing of *Popery* in the Caſe; they are all *Proteſtants*.

Mr. Juſt. Jones. They are all Perſons that have lately receiv'd the Sacrament.

Colledge. They were all *Papiſts*, and I believe are ſo ſtill; for Mr. *Dugdale* did juſtifie to me the Church of *Rome* in ſeveral things: And when I told him that they were all Knaves and Fools that were of that Religion, he told me, that many of their Prieſts were holy good men.

Mr. Juſt. Jones. Have you proved that?

Colledge. I can't prove it, it was betwixt him and me, my Lord.

Mr. Juſt. Jones. Then I hope you have done.

Colledge. If I had ſworn againſt him, he had ſtood in my place.

L. Ch. Juſt. Have you done, Mr. *Colledge*?

Colledge. My Lord, I only deſire the Jury to take all into their ſerious Conſideration; I expect a ſtorm of Thunder from the learned Counſel to fall upon me, who have liberty to ſpeak, and being learned in the Law, underſtand theſe things better than I, who muſt defend my ſelf without Counſel. I know not whether it be the practice in any Nation, but certainly 'tis hard meaſure, that I being illiterate and ignorant in the Law muſt ſtand here all day, they being many, and taking all advantages againſt me, and I a ſingle perſon, and not able to uſe one means or another either of writing or ſpeaking. But, Gentlemen, I do declare and proteſt, as I ſhall anſwer it at the day of Judgement, that as to what theſe people have ſworn againſt me either as to words, or as to any manner of Treaſon againſt the King, the Government, the Laws eſtabliſhed, I take God to witneſs I am as innocent as any perſon upon Earth. And therefore I muſt beſeech you be not frightened nor flattered; do according to your Judgements and your Conſciences; you are to be my Judges both in Law and Fact; you are to acquit me or to condemn me, and my Bloud will be required at your hands. And whatſoever is ſaid to you by others, you are my true Judges, you muſt give an account of the Verdict you give; and therefore you muſt ſee that you do Juſtice, as you will anſwer it at another Bar, where you muſt all certainly appear, and the Lord Almighty direct you that you do me true Juſtice, and I ask no more.

Mr. Sol. Gen. May it pleaſe your Lordſhip, and you Gentlemen of the Jury. Here hath been a great deal of time ſpent, and truly I think for no other Reaſon but to divert you from the matter that is before you, and that you might forget the Evidence that hath been given. And therefore I will briefly repeat it to you, that I may refreſh your memories about what hath been ſworn. Gentlemen, the Crime charged upon Mr. *Colledge* is High Treaſon in imagining and compaſſing the death of the King; the proof of that hath been by a Conſpiracy to ſeize the King here at *Oxon*, which Conſpiracy he declared he was in, by ſhewing Arms prepared for that purpoſe, and by coming down to *Oxon* with that intent, this is the proof of his deſign to kill the King.

Colledge. Is the Conſpiracy proved of that Mr. Solicitor?

L. Ch. Juſt. Mr. *Colledge*, We have had a great deal of patience with you, you have ſpent a great deal of time, you muſt contain your ſelf now, and let them go on.

Colledge. Do not let him do me wrong my Lord.

Mr. Sol. Gen. I will do you no wrong Mr. *Colledge*.

Colledge. Sir, there is no Conſpiracy proved.

L. Ch. Juſt. Look you Mr. *Colledge*, you have taken up a great deal of time, and we have had much patience becauſe we conſider your condition, and had rather hear too much than be hard upon you, and becauſe the Evidence was long and difficult to repeat, now we have heard you, you muſt have patience to hear what the Kings Counſel repeat and obſerve upon it.

Mr. Sol. Gen. As I was ſaying the fact that is charged upon him, is a deſign to kill the King, the manifeſtation of that deſign is by preparing Arms to that purpoſe, and by coming down to *Oxon* to ſeize the King here, and that this was his manifeſt intent to ſeize the King, the proof of it hath been by Witneſſes, that I think by and by you will have no Objections againſt. Theſe Witneſſes were *Dugdale*, *Turbervile*, *Smith* and *Haynes*, theſe are the moſt material Witneſſes to the Treaſon, there are two other Witneſſes indeed, but they are to other circumſtantial matters that I will take notice of to you by and by, and make my obſervations upon them in their proper place.

Mr.

Mr. *Dugdale* was the firſt Witneſs that was produced, and his Evidence is very full, he proves that Mr. *Colledge* declared to him at the Coffee-houſe here, that he was come down with an intent to ſeize the King, that he had an expectation ſome thing would be done, that he was Armed, and that he did adviſe Mr. *Dugdale* to be Armed too, for he was provided for the rooting out of Popery, which he explained himſelf what he meant by it, that was the Church of *England*, and the King and all his Adherents. He came hither Armed for that purpoſe Gentlemen, and did adviſe Mr. *Dugdale* to Arm himſelf too, that he did declare to him the King was a Papiſt, and all his Family were Papiſts, he was as deep in the Plot, and as Guilty of the Murder of Sir *Edmond-bury Godfrey*, as any body elſe. This was what he declared to *Dugdale* here, and this he ſwore to you when he gave his Evidence.

The next Witneſs is Mr. *Turbervile*, and he is poſitive to the matter that is laid in the Indictment, and ſwears to you expreſly, that he did declare to him at the *Chequer-Inn*, that they came down here in expectation of ſome ſport, that ſomething would be done, that they did expect the King would begin with them, but if they did not, they would begin with him, and they would ſecure him till they had brought him to Complyance. He ſhewed him his Arms, that he was ready to ingage in that deſign, and adviſed *Turbervile* to be ready too. And the rather than *Turbervile* ſhould not be ready he offered to procure him an Horſe.

Colledge. Every man had the ſame Armes that I had, and I had had them long before that time.

Mr. Sol. Gen. But every one had them not with the ſame intent, but Gentlemen, becauſe Mr *Colledge* interrupts me with an Objection, I will take notice of it now by the way. He ſays thoſe Armes he had before, and therefore they were not provided for this purpoſe, Gentlemen, we do not pretend to prove when this Trayterous intent firſt began, and how long this deſign hath been hatching, but ſuch a deſign there was, and ſuch a deſign he manifeſted to be in himſelf when he made the Declaration to *Turbervile*, and adviſed him to Arme himſelf, whether he prepared them againſt that time or no is not material, if he had them before, and if he had them firſt innocently, yet if he afterwards deſigned them for ſuch a purpoſe, and ſhewed them in a readineſs for it, that is a ſufficient Evidence to prove this Treaſon.

So here are two Witneſſes you obſerve againſt the Priſoner of this matter that is laid againſt him in the Indictment, an intent to kill the King, they both prove it poſitively upon him at *Oxon.* Mr. *Dugdale* ſpeaks to matters precedent to, for he tells you, his diſcourſe before they came down, that they would come down for that purpoſe, that they had an expectation ſome thing would be done, and therefore he came down in an Equipage not ſuitable to his profeſſion, for you ſee he was by Trade a Carpenter or a Joyner, but Armed on Horſeback with a Caſe of Piſtols, things that don't become ſuch men to Travel with, and he did declare to Mr. *Dugdale* for what purpoſe he came down. The next Witneſs is Mr. *Smith*, and Mr. *Smith* is as poſitive and full to this matter of Treaſon as any of the reſt.

Colledge. There is ſcarce a Carpenter or a Joyner in *London* but hath Piſtols when he rides.

L. Ch. Juſt. Mr. *Colledge*, We muſt not ſuffer this, We had ſo much patience with you that we expect you ſhould be quiet now and not interrupt the Counſel.

Colledge. My Lord, Let me not be overborn upon, there is ſcarce a Poulterer in *London*, but what hath Piſtols.

Mr. Sol. Gen. We had great patience with you Mr. *Colledge*, and did not interrupt you I am ſure, but let you ſay what you would. I think I do you no wrong, if I do, I am under the Correction of the Court, they will reprove me if I do that which does not become me.

Mr. Juſt. Jones. Did not you ramble I don't know how, and yet you were ſuffered to go on?

Mr. Sol. Gen. He tells you of a diſcourſe as he came from the Coffee-houſe to go to a Dinner whither he was invited by Alderman *Wilcox*; and the diſcourſe was, That the King was as great a Papiſt as the Duke, and much more to that purpoſe vilifying the King. That Alderman *Wilcox* was a man that gave Money to buy Armes to bring the King to ſubmiſſion. He objects againſt this, and ſays, 'tis impoſſible ſuch a diſcourſe ſhould be, and that all this ſhould be talked in ſo little a time, as in paſſing from the Coffee-houſe to the Crown-Tavern without *Temple-Barr.*

Colledge.

Colledge. Pray remember whoſe Company it was proved I went in, Mr. Solicitor.

Mr. Sol. Gen. But Gentlemen, when you conſider, how buſie a man he was, and how ready at talking of Treaſon, you will not think, but that this man might talk much more than this; but this I mention to do him right, it being one of the Arguments he uſed; and to give an Anſwer to it, tho' when you conſider it, I believe you will think it not to need an Anſwer. But I would do him all the right I can, and now you have heard it, you will conſider the weight of it.

Gentlemen, he tells you of another diſcourſe afterwards that does relate to his being here at *Oxon*, he tells you he had Armes in his houſe, and was ready upon all occaſions, and he ſhew'd Mr. *Smith* his Armes, and told him, theſe were the things that were to deſtroy *Rowley*'s Guards, as he ſaid, which by the Evidence is made to appear he meant the King by that name, his Armes he ſaid were for that purpoſe. That he would go down to *Oxon*, and there he expected ſome ſport, I know not what ſport he thinks there is in Rebellion; you ſee what principles he is of, that does maintain and juſtifie the greateſt and horrideſt Rebellion that ever was in *England*, and ſays they did nothing but what they had good cauſe for. He tells *Smith* that he thought the King would ſeize upon ſome Members, and with that expectation he came down, but he was as ready as the King, and would be one in the ſecuring of him, if he medled with any of the Members. This proof Mr. *Smith* made; and that after the Parliament was diſſolved, he ſaid, that the King ran away, and was very much afraid. This is proved by *Smith* likewiſe, and this *Colledge* did declare after he came to Town. *Smith* proves further, That he did wonder the King did not conſider how eaſily his Father's Head was brought to the Block; and for Mr. *Colledge*'s part he did declare, that he did believe this King would be ſerved ſo ſhortly. And this does confirm what his other Witneſſes have ſpoken of his words at *Oxon*. Thus then there are three Witneſſes, tho' two are enough to convict a man, if they be poſitive to the Treaſon.

Mr. *Haynes* is the 4*th*. Witneſs, and he is as full as any of them. I do but repeat it in ſhort; you have had it ſo often canvaſſed by *Colledge*, that I believe you will eaſily remember it. He did adviſe *Haynes* that he ſhould not value the King at all, for the King ſhould be called to account for all his Actions; he ſaid he would ſeize the King and bring him to the Block as they did his Father, with an undecent expreſſion of that bleſſed King not fit to be repeated. And he ſaid, they did intend when they had cut off him, never any more of his Race ſhould Raign; this it was *Haynes* ſays, tho' there are other matters. I would take notice of one thing more, and I need not but mention it, you will remember it, and that is about the Libel of *Fitzharris*. *Haynes* tells you upon diſcourſe of that Libel, he ſaid, that every word of it was true, as ſure as God is in Heaven. Now that was a Libel made by a Papiſt, an *Iriſh* Papiſt, who hath been Tryed, Convicted, and Executed for it, and the horrideſt Libel it was, that ever was Writ. And this is the Libel which this Gentleman, who is ſo very converſant in Libels, and Books of that ſort, avers to be as true as God is in Heaven. This is the ſubſtance Gentlemen of that proof which hath been made to you; we have other Circumſtances to prove, that as he came down with that intent to ſeize the King, and as he expected what he calls ſome ſport, ſo he did endeavour to begin the ſport, he did quarrel in the Lobby of the Houſe of Lords with *Fitz Gerald*, ſome blows paſſed, and Sir *William Jennings* telling him his Noſe bled, he did declare I have loſt the firſt blood in the Cauſe, but it will not be long before there be more loſt. Thus after he had come down, he endeavoured to begin a Commotion, for from little matters great things do ſometimes ariſe, and when all men were poſſeſt with an Expectation, ſuch as he himſelf did declare, he and others came down with an expectation that the Parliament ſhould be attacked; a little matter, might have begun ſuch a Commotion which no man knows what end it would have had.

Gentlemen, this hath been our proof. Now the Objection made to this proof by Mr. *Colledge*, is, That this is a *Popiſh* deſign to raiſe a new Plot, and caſt it upon the *Proteſtants*, and that theſe Witneſſes are now to deny all the Evidence they have given of

the Popiſh Plot, and throw all upon the Proteſtants. This is that he would perſwade you to believe, but which I think when you do conſider a little of it, it will be impoſſible for you in the leaſt to have ſuch a thought. For what are the Evidence that have proved this? who are they? Men of Credit, that have been Evidences againſt the *Popiſh* Plotters, and againſt men that have ſuffered for that Plot, men that ſtill ſtand to the Evidence they have given, and affirm it every word to be true, and one of the very men that he brought ſays, that they ſtill ſtand to it; for *Turbervile* who was one of the Witneſſes againſt my Lord *Stafford* was tempted by ſome perſons to deny the Evidence he had given againſt the Papiſts, but his anſwer was, no, I can never depart from it, I have a ſoul to ſave, that was true which I ſaid, I cannot deny it. If then the Witneſſes which he would have you believe to be guilty of denying the Popiſh Plott, do confirm what they have ſaid as to that diſcovery, that objection is taken off, and they doe ſtand ſtill to it that every part of it was true, and aver the ſame thing; and yet forſooth theſe men are going about to ſtifle this Plot.

Gentlemen, theſe are the men the whole Nation have given credit to, the Parliament having impeached my Lord *Stafford* upon the credit of them (for it was upon the credit of *Dugdale* and *Turbervile* that they impeached him, for there was not two Witneſſes till *Turbervile* came in and made a Second, and upon their credit) after ſo ſolemn a Tryal where all the Objections that could poſſibly be made were made, the Houſe of Lords thought fit to find my Lord *Stafford* Guilty, and my Lord *Stafford* ſuffered for it, and dyed upon the credit of theſe men. Theſe are the Witneſſes Gentlemen, that this man thinks ought to be blown off with that frivolous Objection, that they are Perſons he would have you believe, who are Guilty of a deſign to throw the Plot upon the Proteſtants. But becauſe he hath deſired to ſave himſelf in an Herd, by numbring himſelf amongſt the Proteſtants. I muſt a little obſerve to you what a ſort of Proteſtant he is, a man he would have you to believe, ſo popular for his Religion, that he hath obtained the name of the Proteſtant Joyner. But when you have conſidered what his Actions are, I believe you will a little ſuſpect his Religion. If the Proteſtant Religion allow any man to vilifie the King, to Arraign the Government, and to throw off all manner of allegiance, then this man is a Proteſtant: but if this be to act the part of a Papiſt, and if the Papiſts could wiſh that ſuch an infamy might be put upon the Proteſtant Religion, that it ſhould juſtifie ſuch a Rebellion as the late horrid one was, and own ſuch a Principle that it is lawful for any Subject to aſperſe and vilifie the King, as this man by thoſe many and ſcurrilous Libels ſeems to do; If they could wiſh this Nation overturned, and the Government in confuſion, and the Church of *England* deſtroyed, the Beſt Bulwark now in the world againſt Popery, and the beſt or only refuge at this day left for the poor afflicted *Proteſtants* abroad. Then whileſt Mr. *Colledge* does thus act the part of a Papiſt, he does very ill to call himſelf a *Proteſtant*. Gentlemen, I cannot but obſerve one thing to you, and it was the Evidence of Dr. *Oates*, when he did firſt diſcover the Plot, and without his Evidence you would eaſily believe the thing. He told you there were two ways they had to accompliſh their deſign, by direct murdering of the King, or if that failed, by putting all things into confuſion here, and raiſing Rebellion and diſturbance amongſt us, and the way to affect that Rebellion it was by having Emiſſaries ſent among us, to work us into a diſlike of the Church, and by that means into a Rebellion againſt the State. That ſome men were ſent abroad for that purpoſe to preach at Conventicles, ſome whereof were catched, and ſome did ſuffer. Now without this Evidence it would not be hard to believe, that ſuch there are, and have been, for all that know the Hiſtory of our Reformation do know that it was an early practice among them, to raiſe Sects amongſt us, to bring confuſion firſt into the Church, and then in the State. And we have already found the ſad effects of it.

Now Gentlemen, if *Colledge* have all this while under the name of a *Proteſtant* acted the part of a *Papiſt*, though I cannot ſay he is a *Papiſt*, nor that he is one of thoſe Emiſſaries, yet I may ſay he is not that good *Proteſtant* he pretends to be. Gentlemen, I muſt now to do him right, come to repeat the Evidence that he hath given againſt our Witneſſes; for Mr. *Haynes* he hath produced ſeveral Witneſſes, one is Mr. *Hickman*, who ſays

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he overheard *Haynes* ſay to one that was his Tenant, that it was his trade to ſwear, and he muſt get money by it. This he overheard him ſtanding and liſtning at a door. You have another man *Lun*, that is the next Witneſs, and he ſays that at the *Fleet-ditch* where he ſaw him, there he declared the ſame thing to him, that he would ſwear any thing for money, and dam his ſoul rather than the Catholick Cauſe ſhould ſink; and now He comes to prove a Plot upon him that is a *Proteſtant*, and in his perſon upon all the Proteſtants of *England*, and this man would fain throw off the credit of the Popiſh Plot, and turn it upon the Proteſtants. But Gentlemen it is ſtrange, that Mr. *Haynes* ſhould have this diſcourſe with *Lun*, the firſt time that ever he ſaw him, for I am ſure his own Witneſs *Lun* ſays it was the firſt time, and that he ſhould immediately talk to him at this rate is ſomewhat ſtrange: But for an Anſwer to it, this *Lun* we have confronted with the Evidence of *White* the Meſſenger, who ſwears, that afterwards meeting him at *Uxbridge*, *Lun* asked him what Gentleman that was, and did not know Mr. *Haynes*, and yet he takes upon him to prove, that he had ſpoke ſuch words to him before. I think there is never another material Witneſs againſt *Haynes* except *Whaley*, who was an under-Officer in the *Kings-Bench*; and he ſays, that *Haynes* while he was a Priſoner there ran away with a ſilver Tankard, but he never was indicted or proſecuted for it, tho' he remained afterwards in the Houſe; and this was 5 or 6 years ago.

Now Gentlemen, I think the nature of this Evidence hath not that weight, as to take off the credit of what this man hath ſaid upon his Oath, eſpecially when this man's Evidence is ſo backed with the Evidence of other men, that I think there is no Objection at all againſt it. For the other Witneſſes, *Dugdale*, *Smith* and *Turbervile*, are men whoſe credit has not been impeached, and they have confirmed in ſubſtance what the Evidence of *Haynes* is; ſo that he does not ſtand alone in what he here ſwears, but 'tis confirmed with concurrent Evidence with it.

Then Gentlemen, for the Objection againſt *Dugdale*, *Turbervile* and *Smith*, they have produc'd Dr. *Oates* to you, and he muſt vilifie the credit of thoſe men, whoſe teſtimony as to what he gave at firſt in diſcovering the Popiſh Plot, received credit by being ſeconded by theſe men. And I cannot but obſerve it as a ſtrange thing, that this man comes now to vilifie the teſtimony of thoſe, who have given evidence and been credited by the whole Kingdom; that he ſhould come here upon the word of a Prieſt to declare, that Mr. *Dugdale* was a man of very lewd Converſation, and was a perſon that had a foul Diſeaſe on him, when he pretended he was poiſoned. I remember this was an Objection that hath been made by the *Papiſts* to him, and I believe you have heard it often out of their mouths; but it is the firſt time that ever I heard it from any one that is a Witneſs of the *Popiſh* Plot, and pretends to ſtand up for the *Proteſtant* Religion. Gentlemen, if any ſuch thing as this could have been made out againſt him, it had been made out ere now, the *Papiſts* would have taken advantage of it; and when the wit of all that Party was bent againſt him, he could not have eſcaped the having it proved. If

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it had been true, yet Dr. *Oates* takes upon him now to vilifie his credit, and takes up thoſe Arguments the *Papiſts* have maliciouſly ſuggeſted, but yet were never able to make out. This looks as if the Doctor were again returning to St. *Omers*, that he is thus going about to diſparage the Evidence of Mr. *Dugdale*, which in great meaſure verified the truth of that diſcovery, which himſelf firſt made of the *Popiſh* Plot.

Againſt *Turbervile*, Gentlemen, I think there hath been very little at all objected that can have weight with you. Mr. *Brodgate*, as I ſuppoſe you obſerve, has ſaid enough to confirm *Turbervile*'s credit; for he hath proved to you, That when he was tempted to renounce his Evidence againſt the *Papiſts*, he refuſed to do it, he had more conſcience than to do it, he knew well enough what he had ſaid was true, and as he had a Soul to ſave, he could not go from it. This is the Evidence that he gives, and which certainly ſerves much to confirm the truth of *Turbervile*, beſides the ſtrict Examination he hath been under, and beyond any thing that Dr. *Oates*, I think, has been able to contradict him in.

Dr. *Oates* condradicts *Smith* about his coming from the *Coffee-houſe* to *Wilcox*'s Dinner. He ſays, he did not come along with Mr. *Colledge*, but *Colledge* came along with Dr. *Oates*, and *Smith* followed them. But, Gentlemen, you hear what *Smith* hath declared upon his Oath, That they came both together out of the *Coffee-houſe*; and you hear what his Witneſs Mr. *Smith* the Councellor ſays: He does not poſitively remember that circumſtance, yet one would think he ſhould; for *Oates* ſays, Mr. *Smith* the Lawyer walked juſt before them, and *Colledge* followed. Mr. *Smith* that is the Witneſs for the King, he ſwears he came along with *Colledge*, but Mr. *Smith* the Lawyer being asked that Queſtion, he does not remember that. Then another thing is, Dr. *Oates* ſayes, when they were there, *Colledge* was ſo far from diſcourſing of any Treaſonable matters, that he was very merry in the Company, and talking innocently, but Mr. *Smith* ſayes, he was ſo far from being merry or talking Treaſon, that he fell faſt aſleep, and ſlept behind the Table. Gentlemen, theſe Objections you ſee what the weight of them is, and how little the Evidence agree one with another, but there is nothing that does contradict Mr. *Smith* in his main Evidence. 'Tis poſſible they may not remember particular Circumſtances, whether Mr. *Colledge* and Mr. *Smith* came together, ſo they might come together for ought they know, and they may not remember any Circumſtance about their retiring, but they can't take upon them to ſwear it is not ſo, and their not remembring it does not prove it was not ſo, and the Circumſtance it ſelf is ſo trivial, that there was no neceſſity they ſhould remember it. So then no Evidence that comes from Dr. *Oates* can take off that that is given by *Smith*, tho' if Mr. *Smith* were out of the Caſe, and Mr. *Haynes* too, yet there is Evidence ſufficient from Mr. *Dugdale* and Mr. *Turbervile* who are not impeached, and are both of them poſitive, both to the Fact and to the place.

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There are two Witneſſes more that I muſt mention, and they are *Balron* and *Mowbray*; They Swear that *Smith* Travelling upon the Road with them, would have Subborned them to Swear againſt *John Brooks*, about a Diſcourſe at ſome place; but it happened Gentlemen, they differ in point of time in their Teſtimony, the one ſaid it was the 25*th.* of *July*, the other was poſitive it was the 3*d.* of *Auguſt*. But I think I need ſay no more to theſe men, but only to deſire you to weigh their Credit. *Balron* and *Mowbray* I confeſs have been Evidence againſt ſeveral men that have been accuſed of the Popiſh-Plot, but they have been ſo unfortunate, as never to gain Credit with any Jury. Mr. *Smith* hath been believed by the whole Court of Parliament; But if there were no more in the Caſe, theſe are two men that never were yet believed, men that have been Sworn in their own Country, where they are well known, and been Evidence upon Tryals, but the Jury have rejected th eCredit of their Teſtimony · But beſides that, comparing the Teſtimonies, and the difference that was between them, is a ſufficient Evidence to Confront all that they have ſaid.

I think Gentlemen, this is the Subſtance of what hath been offered by his Witneſſes againſt the Witneſſes produced for the King, except that of Mr. *Everard*, who ſays ſomething againſt *Haynes*, that *Haynes* ſhould ſay he Swore for Self-preſervation; And againſt Mr. *Smith* he ſays, that he heard him ſay, he did not know of any *Presbyterian Plot.* I believe that may be true, and yet it does not contradict *Smith*'s Evidence againſt *Colledge*; for Mr. *Smith* does not tell you, that he was privy to any ſuch Deſign of the *Presbyterians*, that he knows of any Conſultations that they held, or the ways and means by which they would arrive at the Treaſon Charged upon the Priſoner at the Bar, but his Evidence is, that this man declared there was ſuch a Deſign, that there was a Party would do it, and that he would be ſure to be one, and Armed himſelf for that purpoſe; But his not being Privy to any Plot, or knowing the particulars, is no Contradiction to what he ſaid.

This is that he hath produced for his Defence, and by theſe things he hath endeavoured to take off the Credit of our Witneſſes, and he would have you believe that he is a very good Proteſtant, though he does that which no Proteſtant would do, and which is the Papiſts work; he hath produced you Witneſſes that he has gone to Church, but I do not ſee he hath produced any Witneſſes at all that are now Converſant with him, his own Pariſhoners in *London*; but if he had brought never ſo many Witneſſes of his going to Church, and of his Conformableneſs to the Church, yet if he were Guilty of theſe practices, he muſt give me leave to ſuſpect the Truth of his Profeſſion; and I think it a great piece of arrogance for him to take upon him the Title of a Proteſtant, when he hath abuſed that Title by ſuch unſuitable practices: And Gentlemen, if ſuch practices as theſe are, which we have fully proved, are ſuch as all good men muſt abhor, I cannot but reflect upon the condition of this man, whoſe only hopes is, that you ſhould now forget your ſelves, and become as ill as he is. But as that cannot be preſumed, ſo I ſhall not need to ſay any more to you; you are men of that conſideration that can judge between things, and the appearances of them, and know very well how to give the due weight to the Evidence we have given to you, as well as the Objections made by the Priſoner; and ſo Gentlemen I ſhall leave it to you.

Mr. Serjeant *Jeffries*, May it pleaſe your Lordſhip, and you Gentlemen of the Jury; It hath been a long time that hath been ſpent in the courſe of this Evidence; whether there has been any Art or Deſign in protracting the time, on purpoſe to obtrude upon the patience of the Court, or that you Gentlemen ſhould forget the force of the Evidence that hath been given againſt the Priſoner at the Bar, when there hath been ſo much time taken up unneceſſarily, when there was no occaſion, as I muſt needs ſay, there was not for ſuch a tedious Defence, I leave it to you to determine: But that which was truly intimated by the Court at the beginning of the

Tryal, muſt in the end of this Cauſe be Repeated, and indeed go through it all, that we of the Kings Councel, and what the Priſoner has affirmed, that has not been given in proof, ſignifying nothing, and is not to be any guide at all to you. You are upon your Oaths, and by the Oath you have taken you are bound in Conſcience to give a Verdict according to the Evidence that has been given to you, and that is your guide; ſo that what we opened and have not proved, is no more to be believed then what the Priſoner has ſaid for himſelf in his own Defence; and whatſoever he ſays, if he make not good proof of it, is no more to be regarded, then what we who are for the King have alledged, and not made out.

So then this being in the firſt place premiſed, I ſhall take care as near as I can to ſave the time of the Court, and not to Treſpaſs on your Patience Gentlemen unneceſſarily, in a Caſe whereupon as great a concern does depend, as perhaps ever came to Tryal at any Bar: For I ſay 'tis a Caſe wherein the Life and the Liberty of the King is concerned, and that is the great concern of the Nation; the Religion of the Nation is concerned; I would be underſtood aright, I mean the *Proteſtant* Religion eſtabliſhed by Law; for I know of no other Religion men ought to Sacrifice their Lives and Fortunes for, but the *Proteſtant* Religion eſtabliſhed by Law; and when theſe thing are concerned, 'tis a Caſe of great conſequence: God forbid any perſon, *Proteſtant*, or other, ſhould attempt the Life of the King, and the Subverſion of our Religion, and by Stiling themſelves by the Name of *Proteſtants*, ſhould excuſe themſelves from any ſuch Crimes.

For the Evidence that has been given, I ſhall not enumerate the Particulars againſt the Priſoner at the Bar, other then ſuch as have been omitted, (If I miſtake not,) by Mr. Sollicitor.

In the firſt place there are the things that hapened at *Oxon*, for you have had it already ſufficiently told you by my Lords the Judges who are upon the Bench, and who (under Mr. *Colledges* favour) are the Priſoners Judges in point of Law, as you are his Judges in point of Fact. They have (I ſay) already told you what the Law is in Relation to Treaſons; that in Caſe the Treaſon be in two Counties, if the Witneſſes ſpeak to the ſelf ſame Treaſon, though to different Facts, that will be two Witneſſes to prove High-Treaſon; and that there hath been ſuch a Caſe, the the Priſoner at the Bar, who he ſays is a *Proteſtant* (for his own Souls ſake I wiſh he were a good one) muſt take notice, that *Gavan* the great Prieſt who was Tryed at *Newgate*, and Convicted, by what Evidence? By one of them that is a Witneſs now againſt the Priſoner at the Bar, that is *Dugdale*, his Treaſon was committed part in *London*, part in the Country, of which part *Dugdale* gave Evidence; but being both to the ſelf ſame purpoſe, by the greater part of the Judges, who were in the Commiſſion, and preſent at the Tryal, they were reckoned a ſufficient Teſtimony to prove him Guilty of High Treaſon: And I hope we do not live to that Age, that any *Proteſtant* whatſoever ſhould come to trip up the Heels of the *Popiſh-Plot*, by ſaying, that any of them who ſuffered for it, did die contrary to Law, or without ſufficient proof: For if Mr. *Dugdale* was not a perſon fit to be believed; or if the reſt of the Judges who Tryed *Gavan* were out in the Law, then that man died wrongfully; for he had as much right to have been Tryed according to the Law, as any other perſon whatſoever. Therefore Gentlemen, as to that matter, we muſt ſubmit it to my Lords the Judges, who are to give you an Account what the Law is in all particulars before you; but as to the Fact whereof You are Judges, that is the great matter we ſhall apply our ſelves to, and for that it ſtands thus.

Here is *Dugdale* that does give you an Accompt what his Deſign was in coming to *Oxford*; how he came to be armed as an *Index* (Gentleman) of his mind. And I pray give me leave to put you in mind of one thing. You have firſt a Libel pro-

duced

duced, and read to you; a pretended Letter, wherein there are Quæries that have been taken notice of, and which seem to back the Evidence given by Mr. *Masters*: for there is a Vindication in those Queries of the proceedings of that Parliament of 41. which he has confidence enough now at the Barr to justifie too. But Gentlemen you were told by the Court, and you know it, That that Parliament was guilty of High Rebellion; And even in those Quæries he asperses not only the Government, but every man that has any Concern in it; for it takes notice not only of the King, but of all His Council. Never a Judge nor an Officer in the Nation but is traduced by it; and which is most material, it was the Foundation of that Libel which has been mentioned to you, and which *Fitz Harris* was so justly condemned and executed for; that most Traiterous and Infamous Libel in part of it has these Quæries, and a great Paragraph of this Libel makes up part of that Libel of *Fitz Harris*, which our Witnesses say Mr. *Colledge* was pleased to affirm was as true as God is in Heaven. Another thing is this, This Gentleman whose proper business it had been to manage his Employment at *London* for a Joyner, is best seen in his proper place, using the proper Tools of his Trade. I think it had been much more proper for him, and I believe you will think so too, then to come with Pistols and all those Accoutrements about him, to be regulating of the Government; what have such People to do to *interfere* with the business of the Government, God be thanked we have a wise Prince, and God be thanked he hath wise Counsellours about him, and He and they know well enough how to do their own business, and not to need the Advice of a Joyner, tho' he calls himself *The Protestant Joyner*. What had he to do to engage himself, before his Advice was required? How comes he to concern himself so much that after he had writ this Libel wherein he is pleased to take notice of Tyrants afterwards should go to make a Print, I mean the *Rare Shew*; and when *Dugdale* comes to inquire of him what do you mean by such a thing, *the Tyrant shall go down*? Says he, I mean by that *the King*. And what do you mean by having them go to *Breda*? Why there he explains it, that he puts all the Government, the Lords and the Bishops upon the Kings Back, and being asked what he meant to have done with them, Why the Bishops, and the King, and all were to go to *Breda*. These are the things that himself did acknowledge he was the Author of, and these Prints he did cause to be made, and he is the person that gives you an Account, that it was but the conception and imagination of *Dugdale*, that *Rowley* meant the *King*; but *Dugdale* being called again, he tells you after some time, that he was under some difficulty to know the meaning of it, and then *Colledge* tells him it was meant the *King*, and so he expounded it to him. And so *Smith* tells you of that same name of *Old Rowley* again. Gentlemen, Thus I tell you what hath been omitted. The *Evidence* hath been long, and therefore we must be pardoned, if we can't exactly repeat it. This is the *Evidence* that was done at *Oxon*, the next is Mr. *Smith*, who speaks of what was done in *London*, and he is an Evidence both as to the word *Rowley*, as to the coming with Arms, and as to the declaring to what end he came, and what he had done, Mr. *Haynes* he tells you both before and after the same, and that I must take notice of to you, Mr. *Smith* does particularly say, he used those words, which I hope every honest man, and every good man, that desires to preserve the Government according to Law, will hear with the greatest detestation and abhorrence; he talked of the taking away the Life of the late King of blessed memory at such an impudent rate, that every true *Protestants* Blood would curdle at the hearing of it. And this he said not only to Mr. *Masters*, but he justified it to Mr. *Smith* too.

In the next place you have *Turbervile*, who gives you all the reasons, how he did not only tell of these things himself, but encouraged him to prepare himself accordingly, and he gave him a Mark, a Ribbon with *No Popery, no Slavery*. These were Marks whereby they were to be known, and they were to be one and all, as they call it, that, when such a blow was struck, they should be ready to fall in. There is one thing more that I take notice of, that is, what was said by a Gentleman Sir *William*

liam Jennings, which is a Confirmation of all the other Evidence, that Gentleman who hath appeared to you to be a man of Honour even by the Confeſſion of Mr. *Colledge* himſelf, and by his own words, for he ſaid like an honeſt man, and like a Loyal man too, that he would rather engage himſelf in three dangers for the Service of the King at Sea, than come in cold Blood to give Evidence againſt a man for his Life at the Bar. And yet this man who tells you this of himſelf, and that very Perſon whom *Colledge* himſelf calls a *Worthy Perſon*, hath given you this Accompt, that when he told him his Noſe bled, he anſwer'd him, it was the firſt Blood loſt in the Cauſe, but it would not be long e're there was more loſt; an excellent Cauſe for a man to venture his Blood in. When he was told of this, he began to put it off, and to uſe his own words, had a great mind to ſham off the buſineſs, but in Truth there was no Anſwer given to it. Gentlemen, the Objections that have been made againſt the Evidence that have not been taken notice of, I deſire to take notice of. I think againſt three of them there has been only Mr. *Oates*, and Mr. *Oates* I confeſs has ſaid *in verbo Sacerdotii* ſtrange things againſt *Dugdale*, *Smith* and *Turbervile*. I have only the Affirmation of Mr. *Oates*, and as ill men may become good men, ſo may good men become ill men; or otherwiſe I know not what would become of ſome part of Mr. *Oates*'s Teſtimony. And in the next place, if theſe men have not ſworn true I am ſure Mr. *Oates* muſt ſtand alone in the greateſt point, in which all the Evidence agree, that is the *Popiſh* Plot.

But, Gentlemen, I muſt take notice to you, that it is ſtrange to me, that ever you upon your Conſciences ſhould perjure three men who poſitively upon their Oaths deny any ſuch Diſcourſes as Mr. *Oates* ſpeaks of againſt them, I do put that upon your Conſciences whether you upon the bare Affirmation of Mr. *Oates* in this place will convict three men upon whoſe Teſtimony the Lives of ſo many as have ſuffered, have been taken away, and as we *Proteſtants* do believe juſtly. I ſay, whether you will do it upon the bare Affirmation of Mr. *Oates* againſt their Oaths.

In the next place, Gentlemen, I muſt tell you, Beſides the poſitive Evidence of theſe Gentlemen, there is a Circumſtance of improbability in the very words which he ſpeaks of, Will any man tell me, that after ſuch time as men have given their Oaths, as *Smith* had given his that he was concerned, and ſo had *Dugdale* and *Turbervile* too, that theſe men ſhould come and voluntarily tell Mr. *Oates* they were all forſworn, are theſe men ſuch great *Coxcombs* as he would have us to believe? Is it ſo probable a thing, that any men of common knowledge would do it? Do you think a man of that knowledge and conſideration, as *Smith* is an allowed Scholar, and a man of known Learning, and Mr. *Dugdale* who has been reckoned by all men to be a good Evidence; do you take theſe men to be ſuch abſolute Novices, that they muſt ſeek an occaſion to tell him they were Bribed off and were Forſworn? If you can think this, and if a bare Affirmation againſt theſe poſitive Oaths can prevail; Gentlemen upon your Conſciences be it.

In the next place, 'tis a ſtrange ſort of thing to believe that Mr. *Smith* ſhould come out of a *Coffee*-Houſe, where a Quarrel is pretended to have been between him and *Colledge*, but Mr. *Smith* does upon his Oath ſay he never had any ſuch Quarrel with him, and that he ſhould fall a damning and ſinking againſt *Colledge*, and againſt the *Goſpel*, that there ſhould be ſuch impudence in the world in any man as to deſire or wiſh ſuch a thing? Gentlemen, theſe are ſtrange ſorts of Apprehenſions, and men muſt have very ſtrange thoughts, that can ſtrain themſelves up to the belief of them.

In the next place here it is ſaid by the Priſoner, Good Lord! What a condition we ſhall be in! Here is a Plot put upon the *Proteſtants*, I hope in God there is no *Proteſtant* Plot, but I alſo hope the whole Intereſt of the *Proteſtant* Religion is not involved in the Priſoner at the Bar, and all will be deſtroyed, if Mr. *Colledge* dies for his Treaſons. Gentlemen, the Queſtion is not whether there be a *Presbyterian* or *Proteſtant*

teſtant Plot, we declare we know of none, but whether the Priſoner at the Bar have ſpoken ſuch words, and done ſuch things as are Sworn againſt him. And I would fain know what all the Diſcourſes we have had about *Iriſh* Witneſſes and *Papiſts* ſignifie, when in all the courſe of our Evidence, there has been but one *Iriſh*, and never a *Papiſt*. But here have been great Diſcourſes about *Macnamarra* and *Denis*, and what it hath been for, but to make a noiſe, and raiſe a duſt, I can't tell, for in this Cauſe there has not been one *Iriſh* man beſides *Haines*, and never a *Papiſt* throughout the whole Evidence: So that it is eaſie, if men think it will take with the Auditory, for a perſon to cry out, *Oh Lord! we are all like to be undone, here are* Iriſh *Witneſſes brought againſt us*; and yet after all this ſtir, there is but one *Iriſh* Witneſs, and never a *Papiſt*. And as for him, Truely Gentlemen I muſt take notice, that even *Colledge* himſelf, till ſuch time as he was taken, reckoned him an Honeſt man.

Colledge. Never in my Life.

Mr. Serjeant *Jefferies.* It was ſo ſaid. But I do ſay Gentlemen, ſuppoſe (which I do not admit) that the *Iriſh* man he ſpeaks of be out of the Caſe; not that the Country is an Objection againſt any mans Teſtimony, God forbid it ſhould be ſo affirmed; for Truth is not confined to places, nor to perſons neither, but applyed to all Honeſt men, be they *Iriſh* men or others; but I ſay, ſet Mr. *Haynes* out of the Caſe: Suppoſe there was no ſuch man as *Haynes* in this Caſe; yet I muſt tell you Gentlemen, you have as great a proof as poſſibly can be.

In the next place, I muſt take notice to you of ſome Account that hath been given of him by himſelf: It is wonderful ſtrange when there was that kindneſs of intimation given by the Court, that he ſhould do well to prove his Loyalty, as well as his Religion, that he did not produce ſome of his later Acquaintance. If this man that makes himſelf a Proteſtant, would have it believed he is ſuch, I wiſh he would have brought ſome of thoſe men that knew him at *London* to give you ſome account of him, and not to ſtretch backward 16 years to prove his Birth and Education; that is not the beſt account ſure a man can give of himſelf, to ſay after he hath been talking at this diſloyal rate, that he is a good Proteſtant, becauſe he was thought ſo 18 years ago.

Again in the next place, here is an account of the Libels given by the old Woman that is his Siſter: Truly ſhe would have it, and that is another Libel at the Bar, as though the man in the Red Coat with *R. C.* upon it, had dropped this kind of Libel in his Houſe, and ſo he or ſome body elſe put a trick upon him; and becauſe ſhe would inveigle you to ſuch an interpretation, ſhe ſays that they ſtaid behind till the man in the Red Coat had fetched away the Shavings, and ſo here is a new Sham-Plot to be put upon the Priſoner, by dropping Papers in his Houſe; a pretty kind of inſinuation. But Gentlemen, againſt the Evidence of this Woman, you have the very perſon that was there, the Officer, who ſwears that he and his Fellows came before the Watermen into the Houſe: But I ſuppoſe you obſerve how that notable talking Maid and ſhe does agree, for the Maid tells you there came a ſtrange Fellow ſeven weeks before, delivered theſe things into her hands, her Maſter was abroad, and ſhe was not to enquire whence they came, or

what they were, but paid him 6 *d.* for bringing those things. Now 'tis very strange that the Maid should pay for the bringing of those things, and yet after that should imagine that some body else should put them there.

But now Gentlemen, in the next place, I must tell you another thing which I would beg you to take notice of: Here are two Gentlemen, Mr. *Balron* and Mr. *Mowbray*, and they have given you an account that they have been Evidence against the Papists, they did well in it, but it hath been their misfortune hitherto they have not been believed; but whether they have been believed or not before, is no guidance to you at this time, but that which is to guide you is, whether or not they have given you now a Testimony that you in your Consciences can believe. Now can you believe what they have said, nay can you believe it without any Circumstance to confirm it, against those express Objections that arise from themselves, and against the Oath of the person, when the one tells you so exactly of the 25th. 26th. 27th. and 28th. of *July*, and the other tells you that *Smith* took Post, and yet overtook them not till the Sunday after, which was the 3d. of *August*; and when the Almanack is produced, it was so far from making out what they spake of to be the same time, that whereas one said he came to *London* the 28th. the others Almanack says it was the 27th. then pray how do these persons agree, when the one says that Mr. *Smith* talked with him upon the Road the 28th. and the other says that they came to *London* the 27th. These are Circumstances, Gentlemen, that you must weigh, and you may bring the North and the South together as soon as their two Testimonies, they are so far asunder. Besides, Gentlemen, I hope you take notice of a person that was sworn, a person of some quality, a Scholar in the University here, that says *Balron* (though he denied it) did shew him one of these Pictures, and did discover they were Mr. *Colledges*; and *Balron* himself, his own Witness, tells you that he did acknowledge one of those Pictures was his. It appears then how busie he was, and concerned himself in what belonged not to his Profession.

So that upon the whole matter, after this long Evidence that hath been given, I must wholly appeal to your Lordship and the Jury; as to the Law, to your Lordship and the Court; and as to the Fact, to the Jury: for I do not desire any sort of Evidence should be strained against a Prisoner at the Bar, who is there to be tryed for his Life. God forbid if he be Innocent, but he should be acquitted; but on the other side, consider the Murder of that great King of ever blessed memory is before you, and remember that base reflection which the Witnesses tell you of upon that horrid Action; and as a great Evidence, remember that seeming Vindication of it at the Bar, which certainly no *English* man, no Protestant according to the Church of *England*, can hear without having his Bloud stirred in him. And these things are not only testified by *Dugdale* and *Smith*, but by Gentlemen of known reputation and quality; and he hath a little discover'd himself by that defence he hath made against their Testimony. But know, Gentlemen, that the King is concerned, your Religion is concerned, that Plot that is so much agreed to by all *Protestants* is concerned; for if *Dugdale*,

Smith

Smith and *Turbervile* be not to be believed, you trip up the heels of all the Evidence and discovery of that Plot. Then I will conclude to you, Gentlemen, and appeal to your Consciences, for according to the Oath that has been given to you, you are bound in your Consciences to go according to your Evidence, and are neither to be inveigled by us beyond our proof, nor to be guided by your Commiseration to the Prisoner at the Bar against the proof; for as God will call you to an account if you do an injury to him, so will the same God call you to account if you do it to your King, to your Religion, and to your own Souls.

L. Ch. Justice. Gentlemen, I shall detain you but a little, and shall be as short as I can, for your patience has been much exercised already: It is a burden, and a necessary one that lies upon us all, for there is nothing more necessary than that such Tryals as these should be intire and publick, intire for the dispatch of them, and publick for the satisfaction of the World, that it may appear no man receives his Condemnation without Evidence, and that no man is acquitted against Evidence.

Gentlemen, there are these two Considerations in all Cases of this nature; the one is, the force of the Evidence; the other is, the truth of the Evidence. As to the force of the Evidence, that is a point in Law that belongs to the Court, and wherein the Court is to direct you; as to the truth of the Evidence, that is a question in Fact arising from the Witnesses, and must be left upon them, whereof you are the proper Judges.

As to the force of the Evidence in this Case, it must be consider'd what the Charge is; it is the compassing the death of the King, and conspiring to seize the Person of the King, which is the same thing in effect; for even by the Common Law, or upon the interpretation of the Statute of the 25th. of *Edw.* 3. that mentions compassing the death of the King to be Treason, it hath always been resolved, That whosoever shall imagine to depose the King, or imprison the King, are guilty of imagining the death of the King; for they are things that depend one upon another: and never was any King deposed or imprisoned, but with an intention to be put to death, they are in consequences the same thing.

Now Gentlemen, in Cases of Treason the Law is so tender of the Life of the King, that the very Imagination of the heart is Treason, if there be any thought concerning any such thing; but then it must be manifested by some Overt-act, upon the Statute of the 25th. of *Edw.* 3. but upon the Statute of the 13th. of this King, made for the preservation of the King's person, if it be manifested by malicious and advised speaking, 'tis sufficient. This is as to the Charge, and as to the Law concerning that Charge, I must tell you there must be two Witnesses in the Case.

Now then for the force of the Evidence, the question will arise there, whether this Evidence, admitting it to be true, is sufficient to maintain the Indictment; so that if there be two Witnesses, you must find him Guilty. Now as to this, Gentlemen, the Prisoner has before-hand called upon the Court, and had their resolution; and I hope you will remember what hath been said, and I shall have occasion to trouble you the less. There have been six Witnesses produced for the King; there are

too

two of them, Sir *William Jennings* and Mr. *Masters*, that are some way applicable to the Case, though they do not go to the Treason, they are only to inferr the probability of the Treason. This of Sir *William Jennings*, was upon the occasion of the bleeding of the Prisoners Nose, after his quarrel with *Fitz-Gerald*, when he said, *He had lost the first blood, and it would not be long e're there would be more lost*; which shews there were some extraordinary thoughts in his heart, concerning some divisions, quarrels, and fighting that he expected should be. That which Mr. *Masters* has said, (besides what he offered concerning his Principles in justifying the Long Parliament) was this, that when he called him Colonel, *Marry mock not*, said he, *I may be a Colonel in time*; that shews some extraordinary thoughts were in his heart.

Colledge. Will not that bear a more favourable interpretation, my Lord? Must that necessarily follow upon my saying, *I might be a Colonel in time*, and *that more blood would be lost?* if I had expressed it so.

L. Ch. Justice. I say you had some extraordinary thoughts in your heart.

Colledge. I am sure the fittest to explain my own thoughts.

L. Ch. Justice. You would have done well to have explained it which way you expected to be a Colonel.

Colledge. It was not an expectation, for a may be, may not be; my word was, *mocking is catching*: I thought he had called me Cozen.

L. Ch. Justice. Well Gentlemen, these are Witnesses I say that go not to the Treason, but only relate and reflect somewhat to shew there were thoughts in his heart, but no body could tell what they were, or know what he meant by them.

Colledge. Then always they are to be taken in the best sence.

L. Ch. Justice. For the other Witnesses, *Stephen Dugdale*, *John Smith*, *Bryan Haynes*, and *Edward Turbervile*, they are all of them, taking what they say to be true, very full Witnesses. The Prisoner hath objected as to two of them, because they speak to nothing that was done in *Oxfordshire*, but *Turbervile* and *Dugdale* they speak to what was said in *Oxfordshire*. Now for that I must tell you, If you believe any one of these Witnesses, as to what was said in *Oxford*, and any of them as to what was said in *London*, relating to the same Fact of Treason, they will be two good Witnesses to maintain the Indictment, though the one is in the one County, and the other in another; for if a Treason be committed in two Counties, it is in the Kings Election where he will Exhibit the Indictment, and the Evidence from both Counties is good Evidence; that I take for Law, and these four Witnesses, with that consideration that they are true, as I think are full Witnesses to maintain this Indictment.

Why then the next Head is concerning the truth of this Evidence, of which you are to be Judges, and you are the proper Judges whether the Witnesses speak true or no; therefore you must have your own Consciences to direct you in that case, and what I shall say about them, shall be only for your Assistance.

Gentlemen, I shall not take upon me to repeat the Evidence to you, it has been long; and for me to speak out of Memory, I had rather you should recur to your own Memories, and your own Notes: Only I shall say something in general to contract your Consideration of it.

And

And as I told you at first, you must mind nothing of what the Kings Counsel said, for nothing must have Impression upon you, but what they proved; So you are not to consider any thing of the Facts the Prisoner spake of, that are not proved neither; For common Justice is concerned in it, and no Justice can be done at that rate, if the Prisoners own Affirmations or Purgation should be taken. No man ever can be accused but he will be ready to say he is innocent, and say as flourishing and popular things as ever he can for himself. And therefore these things must not weigh with you further, then as what is said, argues upon the Proofs you have had. And you are to consider upon the Proofs what the Prisoner has produced, not what he says; on the other side, for the Proofs you have heard a great many Witnesses in general produced by him, that say he was bred a Protestant, and has been an honest Man, that they knew no ill by him, that will be of little weight in a case of this Consideration, for unless he were a Man that had committed Treason to the knowledge of all the World, there is no Man but can produce Witnesses that know no ill of him, nor any Treason nor Harm in him, therefore the Question will lye upon the credit of the Witnesses produced for the King barely, and that will be the Consideration you are only to have, and you are to weigh them in the Ballance against the Witnesses produced against them.

Now Gentlemen, for these Witnesses I shall not repeat them to you, but only this I shall observe in general, that *Dugdale* and *Turbervile* that are the two most material Witnesses relating to what was spoken in *Oxford-shire*, have the least said against them. I do not remember I profess to you I do not (but your own notes must guide you) that there was any very material thing said against them, except what is said against them by Dr. *Oates*, and Dr. *Oates* does say against *Smith* that he came out of the Coffee-house, and swore damm him he would have *Colledges* Blood, and when he reproved him, and said it was not fit for a Minister of the Gospel to use such Expressions, he said God damn the Gospel, if that be true 'tis a great Reflection upon the Credit of *Smith*. He says as to *Dugdale*, that when he was expostulating with him about his Evidence he excused himself, that he was in want of money, and was pressed to it, and being asked he did say he was pressed to swear against his Conscience, he said yes, and much of the same kind he says as to *Turbervile*, that he said he was disserted and would not starve. Now all these three Witnesses being called upon their Oaths deny, that which Dr. *Oates* Testifies. Now if it were in an indifferent and probable matter to have three Men condemned, and set aside by the Testimony of one is not equal, unless the Man were of mighty extraordinary Credit, and his Testimony of more than ordinary weight. But then I must tell you this matter is very improbable, that after Witnesses had sworn a thing they should voluntarily acknowledg themselves to be forsworn, and that without any Provocation, they should at several times come to this one Man and declare themselves Rogues and Villaines, but if it were probable, here are three Mens Oaths against one Mans affirmation, this I say as to what concerns *Dugdale* and *Turbervile*, I do not see any thing material against them, besides now if you believe them, they are two Witnesses to the full Matter of the Indictment, and two Witnesses to what was done in *Oxford-shire*, and that satisfies all the Considerations of Law.

As to the rest of the Witnesses *Bryan Haynes* and *John Smith*, you have had many Witnesses produced against them, I shall not undertake to repeat the Evidence, 'tis your place and duty to weigh their Testimony, and I shall leave it to your Consideration.

Mr. Just. Jones. I shall add nothing to what my Lord hath said, nor indeed can.

Colledge. My Lord, I wish you would look upon your Notes, you would then find there was much more Evidence, that you have not repeated against *Turbervile* and *Dugdale*, besides what you Lordship urged.

L. Ch. Just. If there be, I refer it to the Memory of the Jury, I can remember no more.

Colledge. I desire nothing but Justice, and true Justice.

L. Ch. Justice. I am sure I design nothing else, you are a stranger to me, I believe I have seen your Face, but I never knew you by name till now. Look you if the Jury be like to stay, they may take something to refresh themselves at the Bar before they go.

Colledge. My Lord I did see when the Bill was brought against my Lord *Howard*, Mr. *Attorny General* and Mr. *Solicitor* were an hour and half with the Grand Jury.

Mr. Serj. Jefferies. You muſt ſay nothing now my Lord has given the Charge.

Colledge. Let me have Juſtice done me my Lord, thats all I crave, that no Body may be with the Jury.

L. Ch. Juſtice. Look you Mr. *Colledge*, they might be with the Grand Jury, but as to the Petty Jury there ſhall be a Bayliff ſworn, and neither Mr. *Attorny*, nor Mr. *Solicitor*, nor no Body elſe ſhall come to them till they be agreed of their Verdict.

Mr. Juſt. Jones. If that be the thing you ask, you ſhall have it according to the Law.

Colledge. And any Friend of mine may be by.

L. Ch. Juſtice. There ſhall be an Officer ſworn to keep them.

Then the Court called for two Bottles of Sack, which the Jury divided among themſelves at the Bar, for their Refreſhment in the preſence of the Priſoner.

After which a Bailiff was ſworn, and the Jury withdrawing to conſider of their Verdict, the Court adjourned for half an hour, and when they returned, Proclamation being made for attendance, the Court ſent to ſee whether the Jury were agreed, who immediately came in to Court.

Cl. of Cr. Gentlemen, are you agreed of your Verdict?

Om. Yes,

Cl. of Cr. Who ſhall ſay for you?

Om. Foreman.

Cl. of Cr. Stephen Colledge, Hold up thy hand, look upon him you of the Jury: How ſay you, is he Guilty of the High Treaſon, whereof he ſtands Indicted, or not Guilty?

Foreman. Guilty.

Cl. of Cr. Look to him Goaler, he is found Guilty of High Treaſon; what Goods, *&c.*

At which there was a great ſhout given; at which the Court being offended, one Perſon who was obſerved by the Cryer to be particularly concerued in the ſhout, was Committed to Goal for that Night, but the next Morning having received a publick reproof, was diſcharged without Fees.

Then it being about 3 a Clock in the morning, the Court adjourned to 10. At which hour the Court being ſate, and firſt Mr. *Aaron Smith* having entred into a Recognizance of 500 *l.* to appear the firſt day of the next Term, at the Court of *Kings-Bench.*

L. Ch. Juſtice. Where is the Priſoner *Stephen Colledge*?

Cl. of Cr. Set up *Stephen Colledge.*

Then the Ptiſoner was brought to the Bar.

Cl. of Cr. Hearken to the Court and hold up thy hand; Thou haſt been Indicted and Arraigned of High Treaſon, and for thy Tryal haſt put thy ſelf upon thy Country, and they have found thee Guilty, what canſt thou ſay for thy ſelf, why the Court ſhould not give Judgment on thee to dye according to the Law.

Colledge. My Lord, I have nothing more to offer, but only that I am innocent of what is laid to my charge; I think it was ſevere againſt me, now contrary to what was ſworn at *London*: They ſwear now, I was to ſeize the King at *Oxon.* In *London* they ſwore I would pluck the King out of *Whitehall*, but 'tis altered ſince, and now 'tis to ſeize the King at *Oxon*, but be it either one or to'ther (for the one is as true as the other, I am wholly innocent of either, I never had ſuch a thought in my Life, God forgive them that have ſworn againſt me, I have no more to ſay, my Lord.

L. Ch. Juſtice. Look you Mr. *Colledge*, it is too late to profeſs your innocence, you have been tryed and found Guilty; but becauſe you ſay it now, 'tis neceſſary for me to ſay ſomething in vindication of the Verdict, which I think the Court were all very well ſatisfied with: There were ſufficient proofs to warrant it, and the Jury did according to Juſtice and right. I thought it was a Caſe, that as you made your own defence, ſmall proof would ſerve the turn to make any one believe you Guilty. For as you would defend your ſelf by pretending to be a Ptoteſtant. I did wonder, I muſt confeſs, when you called ſo many Witneſſes to your Religion and Reputation, that none of them gave an account that they ſaw you receive the Sacrament within theſe many years, or any of them particularly had ſeen you at Church in many years,

or

or what kind of Proteſtant you were. If we look to your Words and Actions, it is true, they did prove this, that you were mighty violent and zealous in crying out againſt Popery and the Papiſts; but if we look to your Actions, they ſavoured rather to promote the Papiſts ends. For I muſt tell you, the Papiſts are beſt extirpated, and ſuppreſſed by a ſteady Proſecution of the Laws againſt them, not by violent cryings out, and puttiug the People into fervent heats and confuſions, for that is the thing the Papiſts aim at; they have no hopes any other way to creep into the Kingdome but by Confuſion, and after the Church is deſtroyed, that is under God the beſt Bulwark againſt them. But you that cryed ſo loud againſt the Papiſts, it was proved here, who you called Papiſts. You had the boldneſs to ſay that the King was a Papiſt, the Biſhops were Papiſts, and the the Church of *England* were Papiſts. If theſe be the Papiſts you cry out againſt, what a kind of Proteſtant you are, I know not, I am ſure you can be no good one, But truly I thought you would have made better proof of that thing, when you called ſo many witneſſes to that purpoſe, and then if we look to your Politicks, what Opinion you had of the King, it was proved by your di courſe, and by witneſſes, that you could have no Exception to their Teſtimony, that you did juſtify the late horrid Rebellion, and the Conſequents of that was the murder of the beſt King in the World, that you ſhould go to juſtify the proceedings of that Parliament, and affirm that they did nothing but what they had juſt cauſe to do. I ſay he that will juſtify ſuch a thing, if there were the ſame Circumſtances, would do the ſame thing again.

Then if we look upon another part of your defence, as to your Arms, it was objected you went armed to *Oxon*, and that was made the Evidence of the Overt Act when you ſaid by words your intentions what you would do, that you would make one to ſeize the King, that you did go armed, you did confeſs I expected you ſhould have ſaid, you only wore thoſe things for your own defence upon the Road as a Gentleman travelling, or went with your Friends to accompany them out of Town, and defend them from Robbery, but you ſaid, you went to Guard the Parliament. I did not underſtand what you meant by it. I do not believe the Parliament ſent for any Guard, or intended to have any Guard. I do not believe that any of them in their Hearts thought they needed a Guard; for I believe there was not a man that had any thing that looked like that, or any thing of that nature. For we ſaw, that when the King by the neceſſity of his Affairs, when the two Houſes diſfered ſo much, was pleaſed to diſmiſs them; they all departed quietly, not a man was ſeen to be diſturbed; there was no appearance of any ſuch thing, and how it ſhould come into your head, that were but a private man to go to guard the Parliament, I much wonder. Suppoſe all men of your condition ſhould have gon to have guarded the Parliament, what an Aſſembly had there been? what a buſtle might they have made, and what confuſion might have been on a ſudden? And though you ſay you are no man of quality, nor likely to be able to do any thing upon the Kings guards or the Kings Perſon, yet if all of your quality had gon upon the ſame deſign that you did, what ill Conſequences might have been of it, we ſee what has been done by *Maſſianello* a mean Man in another Country, what by *Wat Tyler* and *Jack Straw* in this Kingdom, I confeſs I know not what you meant by it, but very ill things might have happened upon it.

So that theſe things when I look upon them, and conſider the complexion of your defence, it makes an eaſie proof have credit. But I think there was a full Proof in your caſe, yet I ſay if there had been a great deal leſs proof, the Jury might with Juſtice have found you Guilty. And becauſe you now declare your ſelf innocent of all you are charged with, I think my ſelf bound to declare here in Vindication of the Country, and in vindication of the Juſtice of the Court, that it was a Verdict well given, and to the ſatisfaction of the Court, and I did not find my Brothers did diſlike it. This I ſay to you out of Charity, that you may incline your mind to a ſubmiſſion to the Juſtice that has overtaken you, and that you may enter into Charity with all men, and prepare your ſelf for another Life.

There

There is nothing now remaining, but to pronounce the Sentence which the Law provides for ſuch an Offence, which is this, and the Court does award,

That you Stephen Colledge *ſhall be carried from hence to the Place from whence you came, and from thence you ſhall be drawn on an Hurdle to the Place of Execution, where you ſhall be hanged up by the Neck, and be cut down alive, your Privy Members ſhall be cut off, and your Bowels taken out and burnt before your Face, your Head ſhall be cut off from your Body, your Body be divided into four Quarters, which are to be at the Kings diſpoſe, and the Lord have Mercy upon your Soul.*

Colledge. Amen. My Lord, I would know what time your Lordſhip is pleaſed to appoint for my Preparation.

L. Ch. Juſtice. That will depend upon the Kings pleaſure, we do not uſe in theſe caſes of high Trea on to precipitate the Execution, but we will leave ſuch Order with the Sheriff to receive the Kings pleaſure and obey it. He will not do it ſo ſudden but that you ſhall have Notice to prepare your ſelf, but it depends upon the Kings pleaſure, for your Body is to be at his diſpoſe.

Then the Court adjourned.

And on Wedneſday 31. *of* Aug. 1681. Being the Day appointed by His Majeſty for his Execution, he was according to Sentence, Executed over againſt the Gate of the Caſtle at *Oxford*.

FINIS.