

might have been brought or afforded for a Penny; and I know no body is the better for it, but that Traitor JAMES Duke of York.

So you see, Gentlemen, he takes hold of every little Occasion, if he can but happen upon an Opportunity, such as this was in an open Coffee-house, to recast his Malice upon His Royal Highness. And sure there can be no greater Imputation of Scandal brought upon any Man than this upon the Plaintiff. That the first and greatest Subject of the King of England's should be taxed with the greatest Crime in the Law, Disloyalty and Treason to his Sovereign. And so at once not only chargeth him with being perfidious to his only Brother, against that Affection which by Nature he is obliged to pay him, and which all that know any thing, cannot but observe to have always been extraordinary; but also touches that which is much dearer to him than his Life, his Honour, by charging him with the foulest of Crimes, Treason and Breach of his Allegiance, which as a Subject he owes to his Sovereign. And thus besides the Defendant's Confession by this Judgment you have the very Words proved that are in the Declaration.

The next Witness is one Mr. *Whaley*, and he gives you an Account of another Passage which I cannot but take notice of by the way, to shew you what a wonderful Christian Temper this Man is endued with. Mr. *Whaley* says, That being at the Bishop of *Ely's* House upon a Publick Festival either of *Easter* or *Whitsuntide*, (and he is sure it was one of those two, *Because*, says he, *I never use to receive the Sacrament in London, but upon one of those two Days; and therefore I take it upon me to say, it was one of those two Days that I heard these Words*) *Oates* having, it seems, received the Holy Sacrament at the Bishop of *Ely's* Chapel with Mr. *Whaley* that Day. When a body would have thought that if Mr. *Oates* would have been believed to be so hearty and pious a Protestant as he pretends to be, he should have remembered that he ought, according to the Protestant Doctrine, to have left behind him at his Approach to the Altar, all Malice and Rancour, and Ill-will and Hatred to every body: But you see what kind of Deportment his was.

For after such time as he had been at the Sacrament, he takes occasion without any Provocation to fall foul immediately upon His Royal Highness, giving him the Name of a *Profligate Wretch*, and then particularly he comes to say, *The Duke of York was a Traitor*. This Gentleman being concerned, as every honest and loyal Man ought to be, and I hope every good Subject is, and ever will be, to hear so great a Prince, the King's only Brother, so traduced and vilified, reproved him for it; but so far was he from taking the Correction due to his extravagant Tongue in a becoming manner, that he presently (as the Gentleman phraseth it) calls for his Myrmidons, two Fellows that he had along with him to come to him, upon which the Gentleman was pleased to say to him, *Nay, good Mr. Oates, you need not be in so very much Fear of your self as to call for your Men, no body here intends you any Harm*. Nay certainly, Mr. *Oates* did apprehend himself to be secure from all manner of Correction, or he would

never have been so impudent to speak such Words.

But you will no doubt take notice, as all Men cannot but do, of what an excellent Gospel-Spirit, what a delicate Christian Temper the Man is of, after the receiving the Sacrament, that very Morning to come and belch out such extravagant Words of Calumny and Reproach.

And it seems this Person had obtained to make such a wonderful Figure in the World, that every body was afraid to speak to him; for you hear what the Witness says when he came to beg the Bishop of *Ely's* Pardon for being so loud and hot at his Table, the Bishop gave him Thanks for it, and told him, *None of us dare speak to him*. Such a considerable Man hath he been, that he might rail against the King, and the Duke, and the Government without Controul. He was got into such a Post that no body durst meddle with him, but he must have liberty to say any thing of any body. To what an Height of Corruption were we grown, that we could suffer such a Fellow's Insolence, at which no Man living that has any spark of Modesty or Loyalty left in him, but must blush and tremble.

Then they produce to you one Mr. *Johnson*, who gives you an Account that after some Discourse between him and the Defendant *Oates*, about the Duke of *York*, he immediately told *Johnson*, *That the Duke was either to be hanged or banished; it seems he was so ill a Man in his Eye, but of the two, hanging was the fitter for him*. So the Doctor sheweth what a wonderful Kindness and Affection he has for the Duke, and what Thoughts he has of his great Deserts.

Mr. *Bowring* is the next Witness, and he comes and tells you, That the Doctor could not be prevailed with to dine with the Gentlemen of the Parish of *Foster-Lane*, because some of them had dined with the Duke, which he calls *Dining with the Devil*. It seems he made as tho' he would preach there to them, he got up into the Pulpit and took a Text, and pretended to preach, and if he would have preached according to the Duty of a Church of *England* Divine, he was by that to have preached not only Obedience and Submission to Authority; but Respect to Superiors, and Charity among all Subjects towards one another; and if he did preach it, it was worse in him not to practise it. But you see after he had performed his painful laborious Preachment, after he had taken such a wonderful deal of pains, as no doubt he did in instructing his Auditors, what his Language is in Answer to a Civil Invitation to Dinner by the Church-Wardens: *Have any of you dined with York at the City Feasts? And they not answering, but being silently amazed at the impertinent Impudence of the Question, why truly he would not dine with those that had dined with the Devil*. It seems His Royal Highness had been pleased to honour some Societies of Loyal Men in the City of *London* with his Company at some Entertainments they made, and that is a great Offence to the Defendant; and as for those that had received that Royal Favour from His Highness, he takes notice of them as such whom he would neither eat nor drink with, for truly they had eaten and drank with the Devil; but

but immediately the Doctor, in his great Zeal and wonderful Concern for the Protestant Religion, broke up from the Company, would neither eat nor drink with them, but chose rather to dine at a private *Brasier's* by *London-Wall*; a properer Place in good Truth for him, than any such Conversation they offer'd him.

Then further to shew what mean Thoughts he had of the Plaintiff, Mr. *Fairfax* he comes and testifies, That there being some Talk of a Presentment or Indictment against the Duke of *York* by the Grand Jury here, but that meeting with a Disappointment, he met *Oates*, and asked him, *What he would do, for*, says he, *now you are Non-suited?* That is, You have happened not to obtain the End that you designed: *Oh*, says *Oates*, *No matter for that, that is all one, we will at him next Sessions; and for my part, I will have no more regard to him than I would to a Scavenger.* Nay, and because they should see the very utmost of his Malice, and the low Thoughts he had of His Royal Highness, as if it had not been malicious enough to have compared him to a Scavenger of *London* or *Westminster*, no, that was a Station too honourable for him in his Thoughts, but he must necessarily be compared to a Scavenger of *Kent-street*; which we all know to be one of the meanest, filthiest, and most beggarly Parts of the Town.

The next piece of Evidence is, that which is given by one Mr. *Philips*, and when he came to him, he began to have some Reflections about the House of Commons and the Duke; and truly he did not doubt but he should see him at the Bar of the House of Commons; and it would be no Disparagement to him to come there, for there were a great many Members there that were as good Men or better than he. And even by this Fancy of his he would fain degrade His Royal Highness; for in case he had him in no other Consideration but as a Peer, he should know that no Peer of this Realm can be forced by any Vote or Order of the House of Commons to come to their Bar. But he had a mind to take off his very Privilege of Peerage, and it would be no lessening of his Greatness, since that House had in it many Members better Men than the Duke himself. I presume he meant some particular Friends of his own in that House.

The next Man is one Mr. *Afblock*, and he tells you, That because he would engage all People into an Hatred of the Duke's Person, he must, as a thing of the greatest Consequence in order to it, make it be believed, that the Duke had a great Hand and Concern in the dismal Fire of *London* in Sixty six, that thereby he might make him obnoxious to the Rancour and Malice of all that suffered in that dreadful Calamity. And with what handsom Expression he clothes it? *He fired the City of London, he is the Son of a Whore, and we will have him hanged or sent out of England for it, whenever a Parliament meets.*

So that here is not only a Personal Reflection, and Malicious Indignity done to His Royal Highness, but carries in it a great Reflection upon His Sacred Majesty himself in his Relations, and he is not contented only to belch out his Venom and Malice against those that

are alive, but even against those that are dead too. For you see it is a most foul Imputation and Slander against Her late Majesty the Queen Mother to our Sovereign and His Brother, by calling him the *Son of a Whore*; which is an Expression of that impudent and insolent Nature, as is not fit to be mentioned in a Civil Government.

These things I think my self obliged to take notice of for Example's sake, and to induce all People to consider to what a height of Corruption we were grown when such Scoundrel Fellows as this dare to take such base Words into his Mouth, of the Royal Family.

Then comes Captain *Cressett*, and he gives you an Account, That when His Royal Highness and the Dutches were going last to *Scotland*, as the Captain return'd from the Duke's Lodgings, he met with the Defendant, who fell upon him, *What, you have been with JAMES?* It seems he was one of his intimate Acquaintance, and very familiar he was with his Name. Indeed a Man would have thought, if in case he had spoke as one Man ought to speak of another, that he had been speaking of one of his Myrmidons, and it would have been a very hard matter to have known who else he meant by that familiar Appellation. Says the Captain, *What James? Why York.* And he was very kind that he gave him that Addition to let him know what *JAMES* he meant; but when the Captain chid him, and told him, *Sure you might either say the Duke of York, or His Royal Highness,* then immediately, instead of that, he flies out, *He is a Papist, he is a Traitor, and I hope to live to see him hang'd, and you will go near to lose your Reputation if you go so often thither.*

So that I perceive, if he will not be advised by this Gentleman, he should lose all his Credit; and yet I presume it is wonderfully for the Advantage of Mr. *Cressett* to lose the Credit he could get by any Characters or Commendations such an one as he could give him.

Then Captain *Cressett* kindly advised him to take care of injuring his Party by his Passion and his indecent Behaviour, and told him, it would turn to his Prejudice at last. And truly now, I think, if all his Party were in his Condition, and made to smart for the Lavishness of their Tongues, I think it were a good Accomplishment of his Prophecy, and if we were rid of them, we should be more at Peace. And we may without offence hope to see that sooner, than what the Defendant says he hoped to see.

The next is Sir *William Jennings*, who tells you of a Passage at the Parliament at *Oxford*, which shews his wonderful Gospel and Christian Temper. When a Company of Gentlemen were met together to drink a Glass of Wine, and were wishing Health and Long Life to His Sacred Majesty, His Royal Highness, and the Royal Family, he would not be contented to refuse the Glass, but to shew how wonderful a Christian Spirit he was of, and to evidence his true Protestant Charity (and by his Carriage who was one of the Heads of the Faction, we may guess at the Temper of all the Party) he cries out, *He has ruined the Nation, and if there be any hotter Place in Hell than other, I hope the Devil will preserve it for him.*

I presume his great Conversation with him he spoke of, hath given him some Intelligence there is in Hell some hotter Places than others, and who they are reserved for. But, Gentlemen, I speak not this that I think any thing that is thus proved by the by, doth in the least aggravate the Damages, for the Words in the Declaration are as bad as bad can be; but to let you see the Disposition of this Man that has been so much admired and courted:

After him comes Mr. *Warcup*, who tells you, he was not in the Room with *Oates* when the last Words were spoken, but coming in immediately after, they all told him the same Words, and he afterwards meeting with *Oates*, and reproving him for his indecent Behaviour and Expression, instead of any Remorse or Concern that he had upon him, by reason of his having spoken such Words, he doth still add to it, *The Duke of York is a Traitor, he is in the Plot; and because you take his Part you are a Yorkist, and we will be even with you for it at one time or another.* So he threatens him only for asking him why he behaved himself in such an indecent manner towards His Royal Highness.

The last Witness Mr. *Chapman*, is produced to shew what Mind he continues in. After all this is past, and a body would have thought he might by this time have been brought to some Consideration and Submission to Authority; yet you see how the Man is. The Witness tells you since the beginning of this Term, the Declaration being delivered, and by the Course of the Court he ought to Plead within such a Time, the Attorney goeth to him for a Plea, in order to make his Defence if he could in

the Action now before you, but he lets Judgment go by Default; and so far is he from repenting of what he had formerly done, that he persists in it, and tells him, *Are you the D U K E's Attorney? Yes. Well, I care not a Farthing for the D U K E nor his Attorney neither; it may be I may be in here for 100,000 l. (and that I believe is one of the truest Things he ever spoke in his Life) but suppose I be, I do not doubt but when a Parliament meets, a Time will come, when some other People may come in my Place.* But truly since he has declared his Hopes, I think it may not be amiss for us to declare ours too; and for my Part, to say I hope I shall never see such a Parliament.

Mr. Under-Sheriff. Lay your Heads together, Gentlemen, and consider of your Verdict.

They did so standing at the Bar.

Mr. Under-Sheriff. Are you all agreed of your Verdict?

Omnes. Yes.

Mr. Under-Sheriff. Who shall say for you?

Omnes. Foreman.

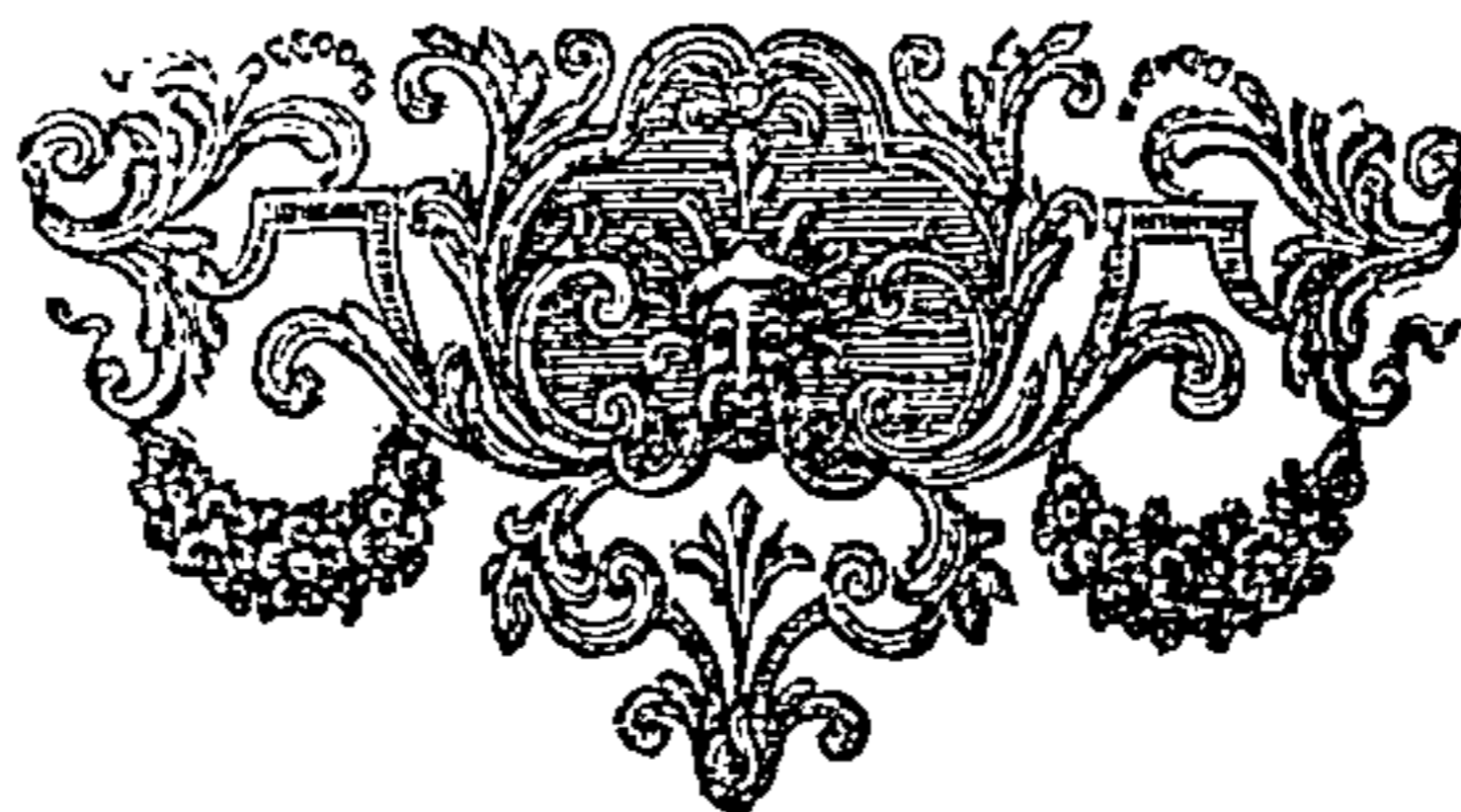
Mr. Under-Sheriff. What Damages do you find?

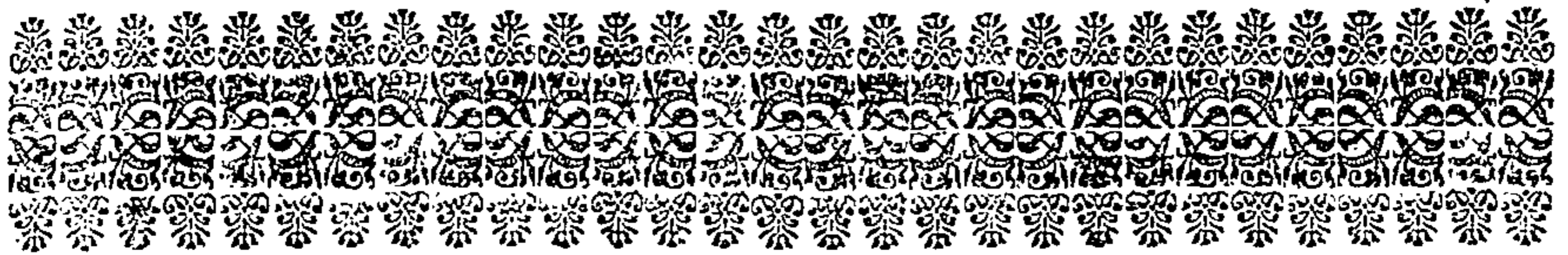
Sir Charles Lee. Full Damages, an Hundred Thousand Pounds.

Mr. Under-Sheriff. What Costs?

Sir Charles Lee. Twenty Shillings.

Which VERDICT being Recorded in an Inquisition indented, taken under the Hands of all the Jury, was afterwards annexed as the Return to the Writ of Inquiry.





CXXX. *The Trial of THOMAS ROSEWELL, * a Dissenting Teacher, at the King's-Bench, for High-Treason, November 18, 1684. Mich. 36 Car. II.*

Die Jovis 23. Oct. An. Dom. 1684.

THIS Day, being the first Day of the Term, Mr. Attorney-General moved the Court of *King's-Bench* for an *Habeas Corpus*, directed to the Keeper of the *Gatehouse*, to bring up the Body of *Thomas Rosewell*, Clerk, to be arraigned upon an Indictment of High-Treason, found against him at a late Sessions of *Oyer and Terminer*, held at *Kingston* in the County of *Surrey*; and it was desired returnable to Morrow, but was not taken out till that Day, returnable *immediatè*, and upon *Saturday* it was returned.

Die Sabbati 25 Oct. 1684. B. Regis.

Dominus Rex vers. Rosewell.

THIS Day Mr. *Rosewell* was brought upon the Writ of *Habeas Corpus*, to the Bar of the Court of *King's-Bench*, and was thus Arraigned:

Clerk of the Crown. Thomas Rosewell, Hold up thy Hand. [*Which he did.*] 'Thou standest indicted by the Name of *Thomas Rosewell*, late of the Parish of *Rotherhith*, in the County of *Surrey*, Clerk; For that thou, as a false Traitor, against the most Serene and most excellent Prince our Sovereign Lord *Charles* the Second, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. thy Supreme and Natural Lord; not having the Fear of God in thy Heart, 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 a true and faithful Subject of our said Sovereign Lord the King doth, and of right ought to bear towards him, altogether withdrawing; and contriving and intending to disturb the Peace and common Tranquillity of this his Kingdom of *England*, and to sow Sedition and Rebellion within the Kingdom, and to depose our said Sovereign

Lord the King from the Stile, Honour and Regal Name of the Imperial Crown of this Realm, and to bring our said Sovereign Lord the King to Death, and final Destruction, the 14th Day of *September*, in the 36th Year of the Reign of our said Sovereign Lord the King that now is, at the Parish of *Rotherhith* aforesaid, in the County of *Surrey* aforesaid; didst propose, compass and imagine to sow Sedition, and raise Rebellion against our said Sovereign Lord the King, within this Kingdom of *England*, and to make a miserable Slaughter among the Subjects of our said Sovereign Lord the King, and to cause our said Sovereign Lord the King to be deposed from the Regal State, Title, and Honour of the Imperial Crown of this Realm, and to put to Death, and final Destruction, our said Sovereign Lord the King; and the Government of this his Kingdom of *England*, at thine own Will and Pleasure to change and alter; and the State of this Kingdom of *England*, in all its Parts well order'd and constituted, to overthrow and subvert; and to levy War against our said Sovereign Lord the King, within this Kingdom: And to compleat thy said most wicked Treasons, and traiterous Purposes, and Imaginations; and to raise Discord between our said Sovereign Lord the King and his People, Thou the said *Thomas Rosewell*, the aforesaid 14th Day of *September*, in the 36th Year aforesaid, at the Parish aforesaid, in the County aforesaid; falsely, unlawfully, seditiously, maliciously and traiterously, in a certain unlawful Assembly, and in the Presence and Hearing of divers Subjects of our said Sovereign Lord the King, then and there unlawfully and seditiously, and against the Laws of this Land, assembled and gathered together; didst speak, assert and declare, *That the People* (meaning the Subjects of our said Sovereign Lord the King) *made a flocking to our said Sovereign Lord the King, upon pretence of healing the King's-Evil, which he* (meaning our said Sovereign Lord the King)

* Burnet's *History of his own Times*, Vol. I. p. 597. *Med. Rep.* 52.

‘ King) could not do; but that we (meaning thy self, and other traitorous Persons, Subjects, of our said Lord the King) are they to whom they (meaning the Subjects of our said Lord the King) ought to flock, because we (meaning thy self, and the said other traitorous Persons) are Priests and Prophets, that by our Prayers can heal the Dolours and Grievs of the People. We (meaning the Subjects of our said Sovereign Lord the King) have had two wicked Kings (the most Serene Charles the First, late King of England, and our said Sovereign Lord the King that now is, meaning) together, who have permitted Popery to enter in under their Noses; whom (meaning the said Charles the First, late King of England, and our said Sovereign Lord the King that now is) we can resemble to no other Person but to most wicked Jeroboam: And that if they, (meaning the said evil-disposed Persons then and there, so as aforesaid with thee unlawfully assembled, and gathered together) would stand to their Principles, thou (meaning thy Self) didst not fear, but they (meaning thy Self, and the said evil-disposed Persons) would overcome their Enemies, (meaning our said Sovereign Lord the King and his Subjects) as in former Times, with Rams-horns, broken Platters, and a Stone in a Sling; against the Duty of thy Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the Form of the Statute in that Case made and provided.’ How say’st thou *Thomas Rosewell*; Art thou guilty of this High-Treason whereof thou standest indicted, and hast been now arraigned, or not Guilty?

Mr. Rosewell. My Lord, I humbly crave the Favour to speak a Word.

Mr. Just. Holloway. What is it you would say, Sir? You must Plead.

Mr. Rosewell. My Lord, my Charge is very high; and I bless my God, I am not conscious to my self of any Guilt as to those Things, that you have heard read, and charged upon me—

Mr. Just. Holloway. If you will Plead, Sir, to this Indictment, so; that is all you have to do now.

Mr. Rosewell. My Innocence is my great Comfort under the God of Heaven; who knows they have laid to my Charge Things that I know not. I do protest my Abhorrence of these Things alledged to be said by me against my Sovereign, whom I honour in my Heart, and daily pray for; I bless my God for it.

Mr. Just. Holloway. I hope then your Innocence will clear you. But we have nothing to do now but to take your Answer to this Question, Whether you are Guilty, or not Guilty, of what you stand indicted for.

Mr. Rosewell. I humbly crave your Lordships Patience a little. Pray, my Lord, give me Leave—

Mr. Just. Holloway. Sir, you will be heard whatever you have to say, at the time of your Trial.

Mr. Rosewell. Pray hear me a few Words, my Lord; I would not trespass upon your Patience; I have but a few Words to say.

Mr. Just. Walcot. You must plead, Guilty, or not Guilty, first.

Mr. Rosewell. My Lord, I beseech you—

Mr. Just. Holloway. Sir, We cannot hear you in a Case of so great weight and moment as this, till you have Pleaded. You will have time enough at your Trial to make your Defence; and all we can do now is to take your Plea of Guilty, or not Guilty.

Mr. Rosewell. May it please your Honours, You are sensible of my great Weakness and Ignorance in Matter of Law, and Things of this Nature; I therefore humbly beg I may have Counsel to assist me in this Business.

Mr. Just. Walcot. If there be any thing of Matter of Law doth arise upon your Trial, the Court will assign you Counsel.

Mr. Just. Holloway. We cannot assign you Counsel at present, for we have nothing to assign it upon. If there do any Question of Law arise in your Case, then the Court will (as they are bound to do) take care of you, that you suffer no Prejudice for want of the Assistance of Counsel; and in Matters of Fact upon your Trial, the Court are of Counsel for you.

Mr. Rosewell. I humbly thank you, my Lord; I hope you will pardon my Weakness and Ignorance. I crave the Favour to have a Copy of my Indictment.

Mr. Just. Holloway. We cannot allow it. You cannot be ignorant of that, it has been denied in many Cases of late.

Mr. Just. Walcot. We cannot grant it, except *Mr. Attorney* will consent to it.

Mr. Just. Holloway. You must positively say Guilty, or not Guilty. Sir *Samuel Astry*, call him to his Plea.

Clerk of Crown. How say’st thou, Art thou Guilty, or not Guilty?

Mr. Just. Holloway. Look you, Sir, you shall not be straitned, you shall have convenient Time to consider what Defence you have to make. In the mean time, we have nothing to say, but to know of you what you Plead; Guilty, or Not Guilty.

Mr. Att. Gen. If you desire to have the Words read again to you, you shall. *Sir Robert Sawyer.*

Mr. Just. Holloway. Ay, with all our Hearts.

Mr. Rosewell. I thank you, Sir, and my good Lords. I desire, if you please, to have it read in Latin.

Mr. Just. Holloway. Read it in Latin.

[Which was done.]

Clerk of Crown. How say’st thou, Art thou Guilty, or not Guilty?

Mr. Just. Holloway. Now what do you say to it, Are you Guilty, or not Guilty? for indeed we cannot spend our Time impertinently, we have other Business. Here is a Question you ought to make a direct Answer to, one way or other.

Mr. Rose-

Mr. Rosewell. My Lord, I humbly crave the Favour it may be read once more in English.

Mr. Att. Gen. Sir Samuel Astry, Read the Words without the Innuendo's.

[*Clerk of Crown reads.*] *That the People made a flocking to the King, upon pretence of healing the King's-Evil, which he could not do; but we are they to whom they ought to flock, because we are Priests and Prophets, who can heal their Grievs. We have now had two wicked Kings together, who have permitted Popery to enter under their Noses, whom we can resemble to no other Person, but to the most wicked Jeroboam: And if you will stand to your Principles, I do not fear but we shall be able to overcome our Enemies, as in former Times with Rams-Horns, broken Platters, and a Stone in a Sling.*

Mr. Just. Holloway. Now you hear your Charge, both in Latin and English; Pray, therefore, let the Court know what you do Plead; Guilty, or not Guilty to it.

Mr. Rosewell. Not Guilty, my Lord; and I bless my God for it.

Clerk of Crown. Culprit, How wilt thou be Tried?

Mr. Rosewell. By God, and my Country.

Clerk of Crown. God send thee a good Deliverance.

Mr. Rosewell. These are Things that my Soul abhors, I thank my God.

Mr. Att. Gen. Mr. Justice Holloway, will you please to appoint some time for his Trial?

Mr. J. Holloway. What time would you have, Mr. Attorney? When can you be ready, Mr. Rosewell?

Mr. Rosewell. I desire, my Lord, it may be on the 19th of November.

Mr. J. Holloway. What Day of the Week is that?

Mr. Clerk. Upon Wednesday.

Mr. J. Holloway. Are there no Arguments appointed for that Day?

Mr. Clerk. There is a Jury of Northamptonshire, for that Day.

Mr. J. Holloway. Then it cannot be that Day.

Mr. Rosewell. Then, if it please your Honours, I desire it may be the next Day; upon Thursday.

Mr. Att. Gen. When it is most convenient for the Business of the Court.

Mr. J. Holloway. Sir Samuel, you will see when it will be most convenient at the Return of the Venire.

Cl. of Crown. Must I return it?

Mr. Att. Gen. No; The Sheriff must: And the Course is to make it returnable the same Day the Cause is tried.

Mr. Rosewell. My Lord, I humbly desire I may have Counsel allowed to come to me.

Mr. Att. Gen. You can have no Counsel allowed you.

Mr. Rosewell. My Lord, I request that my Friends may be allowed to come to me in the mean time; I have been a Prisoner above this Month, and not permitted to see my Friends, nor they to see me.

Mr. J. Holloway. What Friends would you have?

Mr. Rosewell. My Relations.

Mr. J. Walcot. That Relations is a large Word.

Mr. Att. Gen. Truly, Sir, I think he may have liberty to discourse with any Person in the presence of the Keeper. I shall not oppose that.

Mr. Rosewell. Yes, my Lord, I desire no otherwise.

Mr. J. Walcot. Who do you name to come to you?

Mr. Rosewell. I have poor Children, that desire and long to see me.

Mr. J. Holloway. Who do you say, you would have come to you?

Mr. Rosewell. My Wife and Children, my Lord, that are my Bowels.

Mr. Att. Gen. In the presence of the Keeper I cannot oppose it.

Mr. Rosewell. Will your Lordship please to allow Counsel to come to me?

Mr. J. Holloway. We cannot do it by Law. The Court is to be of Counsel for you when you come to your Trial. The Court will not suffer any thing to be done to your Prejudice against Law.

Mr. Rosewell. Is there any Statute, my Lord, that forbids the giving of Counsel?

Mr. J. Holloway. The Law forbids the allowing of Counsel in Capital Causes; unless where Matter of Law doth arise.

Mr. Rosewell. My Lord, as I remember, *Fitzharris* had Counsel allowed him.

Mr. J. Holloway. That was in a different Case, in a Matter where there were Special Pleadings; this is a General Issue.

Mr. Att. Gen. That was in a Matter of Law; that was insisted upon, but it is not so here: If this Gentleman had any Matter of Law to Plead, he should have Counsel assign'd him too. But, Sir, I think *Tuesday* the Eighteenth of *November* will be the freest and most convenient Day.

Mr. J. Holloway. Let it be that Day then.

Cl. of Crown. The Eighteenth of *November* is the Day of your Trial.

Mr. Rosewell. But, my Lord, was not Counsel allowed him before his Trial came on?

Mr. J. Holloway. Yes; but that was upon a Special Plea, of a Matter in Law.

Mr. Rosewell. I hope you will consider my Case as of one that knows not the Law.

Cl. of Crown. *Tuesday* the Eighteenth of *November* is the Day.

Mr. Rosewell. My Lord, I humbly request the Favour that any Person that can speak of my Integrity, may come and testify for me.

Mr. Att. Gen. Ay, ay; you may have *Subpœna's* out of the Office for any body, who you will, that are to be Witnesses for you.

Mr. J. Walcot. The Officers of the Court will do all things that are requisite and legal for you.

Mr. J. Holloway. Then take back your Prisoner, Keeper.

Mr. Att. Gen.

Mr. Att. Gen. I do not know truly, whether the Practice of the Court is not to commit to the *Marshalsea*, being the Prison of the County of *Surrey*.

Cl. of Crown. Sir, it may be one or th'other way, as the Court thinks fit. As long as the *King's-Bench* sits in *Middlesex*, he may be Prisoner still in the *Gate-house*.

Keeper. Then the Rule of the Court is that he shall come agen then.

Cl. of Crown. Yes, he is, by Rule to appear here the 18th of *November* next.

Wherupon he was carried back to the Gate-house.

Die Martis, Nov. 18, 1684.

THIS Day the Prisoner was brought, by Rule, from the *Gatehouse* to the Bar of the *King's-Bench* Court to his Trial, at which all the Judges of the said Court were present.

Cl. of Crown. Thomas Rosewell. Hold up thy Hand. [*Which he did.*] Those Men that thou shalt hear called, and do personally appear, are to pass between our Sovereign Lord, and thee, upon the Trial of thy Life and thy Death: If therefore thou wilt challenge them, or any of them, thou art to speak unto them as they come to the Book to be Sworn. *Sir George Sheeres, Baronet.*

Mr. Rosewell. My Lord, I would humbly crave the Favour of your Lordship, that I may have the Use of Pen, and Ink.

* *Lrd Chief Just.* Ay in God's Name, let him have Pen and Ink.

Cl. of Crown. Swear *Sir George Sheeres, Baronet.*

Mr. Rosewell. I beg I may have Pen, Ink and Paper, before he be Sworn.

L. C. J. Ay, let him.

Crier. Look upon the Prisoner. Sir, you shall well and truly try, and true deliverance make between our Sovereign Lord the King, and the Prisoner at the Bar, whom you shall have in Charge; and a true Verdict give according to your Evidence. *So help you God.*

[*Jurat' Sir George Sheeres.*]

Mr. Rosewell. My Lord, I challenge him.

L. C. J. That you cannot do now he is Sworn.

Mr. Rosewell. I was surprized, my Lord; I did not know it.

L. C. J. I cannot help it, *Mr. Rosewell*, you must mind your Business. We cannot unswear him agen. Go on.

Cl. of Cr. *Sir St. John Broderick.*

Crier. Look upon the Prisoner, Sir; You shall well, &c. *Jurat' Sir St. John Broderick.*

Mr. Rosewell. I challenge him.

L. C. J. You cannot Sir; he is Sworn now.

Mr. Rosewell. I beg your Lordship's Pardon, I was surprized.

L. C. J. Let us not spend Time in such Talk as is to no Purpose; I tell you we cannot unswear him.

Mr. Rosewell. I desire, my Lord, my Challenge may be received, I was going to speak—

L. C. J. It cannot be after he is Sworn; we cannot make a New Law for you. Mind what was said to you; if you have a mind to challenge any body, you must challenge them before they come to be Sworn.

Cl. of Crown. *Sir Robert Knightley.*

L. C. J. Mind the thing you are about, Man: Speak now, if you have a mind to challenge him.

Mr. Rosewell. I do not challenge him.

Cl. of Crown. Then Swear him.

Crier. Look upon the Prisoner, &c.

[*Jurat' Sir Robert Knightley.*]

L. C. J. Pray now mind the Thing you are about; you are looking about you for some private Mark, or Hint to be given you by some body, and so lose your Time of Challenging. You must challenge them as they come to the Book to be Sworn, and before they are Sworn.

Mr. Rosewell. I beg your Lordship's Pardon; I was minding to set down the Names in my Paper, because I am to take notice of those I challenge for their Number.

L. C. J. You shall have all the fair Advantages that the Law will allow; you shall have your full Number to challenge, which you may do peremptorily, and without Cause as to 35; and as many more as you can with Cause.

Mr. Rosewell. Is there any one to note the Number?

L. C. J. There shall be sure to be notice taken that you be not surprized that way. You shall have all fair Advantages, I tell you.

Mr. Rosewell. I humbly thank your Lordship.

Cl. of Crown. *Sir William Elliot.*

Crier. Look upon the Prisoner.

Mr. Rosewell. I challenge him.

Cl. of Crown. *Sir George Woodrooffe.*

Mr. Rosewell. I challenge him.

Cl. of Crown. *Sir Cornwall Bradshaw.*

Mr. Rosewell. I challenge him.

Cl. of Crown. *Sir Thomas Bludworth.*

Mr. Rosewell. I challenge him.

Cl. of Crown. *Anthony Thomas, Esq;*

Crier. Look upon the Prisoner.

Mr. Rosewell. I do not challenge him.

Crier. You shall well and truly, &c.

[*Jurat' Anthony Thomas.*]

Cl. of Crown. *Francis Brend, Esq;*

Mr. Rosewell. I challenge him.

Cl. of Crown. *John Weston, Esq;*

Mr. Rosewell. I challenge him.

Cl. of Crown. *James Reading, Esq;*

Mr. Rosewell. Is it *Mr. Justice Reading* of *Southwark*?

L. C. J. Do you challenge him or not? you may if you will.

Mr. Rosewell. My Lord, my Reason is, I have heard much of him, but never had an Opportunity to know him till now. I have no Exception against him.

L. C. J.

L. C. J. Then Swear him.

[Which was done.]

Cl. of Crown. Thomas Newton, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Thomas Vincent, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Ambrose Muschamp, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Ralph Freeman, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Joseph Reeves, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Anthony Rawlins, Esq;

Mr. Rosewell. I do not challenge him.

[He was sworn.]

Cl. of Crown. Thomas Overman, Esq;

Mr. Rosewell. I have no Exception against him.

[He was sworn.]

Cl. of Crown. George Meggot, Esq;

Mr. Rosewell. I challenge him.

L. C. J. Crier, Besure you bid them look upon the Prisoner; and the Prisoner look upon them, that he may see what he does.

Crier. I do so, my Lord.

Cl. of Crown. Samuel Lewin, Esq;

Mr. Rosewell. I have nothing to say against him.

[He was sworn.]

Cl. of Crown. Lawrence Marsh, Esq;

Mr. Rosewell. My Lord, I desire to know how many I have challenged.

L. C. J. He shall tell you. Count them.

Cl. of Crown. Twelve. What say you to Mr. Marsh?

Mr. Rosewell. I challenge him.

Cl. of Crown. Ambrose Brown, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Halsey, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Auburn, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. Henry Flood, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Parsons, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Pettyward, Esq;

Mr. Rosewell. I do not challenge him.

[He was sworn.]

Cl. of Crown. Richard Coldham, Esq;

Mr. Rosewell. I do not challenge him.

[He was sworn.]

Cl. of Crown. Robert Sanders, Esq;

Mr. Rosewell. I challenge him.

Cl. of Crown. John Heather, Esq;

Mr. Rosewell. I do not challenge him.

[He was sworn.]

Cl. of Crown. John Austin, Esq;

Mr. Rosewell. Pray, Sir, doth this make Twelve if he be sworn?

Cl. of Crown. Yes, Sir.

Mr. Rosewell. Then I do not challenge him.

[He was sworn.]

Cl. of Crown. Crier, count these. Sir George Sheers.

Crier. One, &c.

Cl. of Crown. John Austin.

Crier. Twelve, good Men and true, stand together and hear your Evidence.

V O L. III.

The Twelve Sworn were These,

Sir George Sheers,	} JURY.	Thomas Overman,
Sir St. John Broderick,		Samuel Lewin,
Sir Robert Knightley,		John Pettyward,
Anthony Thomas,		Richard Coldham,
James Reading,		John Heather, and
Anthony Rawlins,		John Austin.

Clerk of Crown. Thomas Rosewell, Hold up thy Hand. [Which he did.] Gentlemen, you of the Jury, look upon the Prisoner, and hearken to his Cause. He stands indicted by the Name of Thomas Rosewell, &c. (Prout in the Indictment, *mutatis mutandis*.) — Upon this Indictment he hath been Arraigned, and thereunto hath pleaded not Guilty; and for his Trial hath put himself upon God, and his Country, which Country you are. Your Charge is to enquire whether he be Guilty of this High-Treason, in manner and form as he stands indicted, or not Guilty. If you find him guilty, you are to enquire what Goods or Chattels, Lands or Tenements, he had at the Time of the High-Treason committed, or at any Time since to your Knowledge. If you find him not guilty, you are to enquire whether he fled for it; if you find that he fled for it, you are to enquire of his Goods and Chattels as if you had found him guilty. If you find him not guilty, and that he did not fly for it, you are to say so, and no more, and hear your Evidence. Crier, make Proclamation.

Crier. O yes, O yes, O yes; If any ore can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney-General, or this Inquest now taken, of the High-Treason whereof the Prisoner at the Bar stands indicted; let them come forth, and they shall be heard: And all manner of Persons, that are bound to give Evidence on the behalf of our Sovereign Lord the King against the Prisoner at the Bar, let them come forth and give their Evidence; for now the Prisoner stands at the Bar upon his Deliverance: Or they forfeit their Recognizance.

Mr. Phipps. May it please your Lordship, and you Gentlemen of the Jury —

Mr. Rosewell. Hold! Hold! I crave the Favour that the Indictment may be read in Latin.

L. C. J. Ay, with all my Heart, let it be read in Latin.

[Which was done.]

Mr. Rosewell. My Lord, I humbly crave leave to speak a Word or two.

L. C. J. What would you have?

Mr. Rosewell. I beg your Patience for a Word or two. I find, my Lord, as I told my Lords upon the Day of my Arraignment, that my Charge is very black, and high: And truly if I were guilty of those Things that are laid to my Charge —

L. C. J. You are now going to be tried for them. I hope you are innocent.

Mr. Rosewell. I humbly thank your Lordship: I beg you would hear me but a Word or two.

6 M

L. C. J.

L. C. J. You must keep up to the Method of Proceedings, your time is not yet come. What is it you would have?

Mr. Rosewell. My Lord, my Soul abhors these Things, I thank my God for it. I was going to speak to your Lordship, to know whether the Words of a Natural, or a Mad-man be Treason in Law.

L. C. J. No.

Mr. Rosewell. Then, my Lord, the Ground of the Question is this, I find by Recollection and Consideration of the Words laid to my Charge, that my malicious Enemies have accused me of what any Man in his Senses, —

L. C. J. This is not proper, Mr. Rosewell, at this time; for this is but an Anticipation. You must hear what is first proved against you. We must keep up to the Forms of Law, you shall have your full time to be heard whatsoever you will say for your self; but you must not anticipate the Cause with previous Discourses.

Mr. Rosewell. I would only assert my own Innocency.

L. C. J. Not yet; you must not do it, nor you shall not do it. When it comes to your turn to speak, you shall have liberty enough to make your Defence as long as you will. Go on, Sir.

Mr. Phipps. May it please your Lordship, and you Gentlemen that are sworn: The Prisoner at the Bar, *Thomas Rosewell*, stands indicted, That he, as a false Traitor, not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil, and endeavouring to disturb the Peace and Tranquillity of the Kingdom, and to depose the King, the 14th of September in the 36th Year of this King, at the Parish of *Rotherhithe*, in your County; did falsely, maliciously, and traiterously, purpose and imagine to raise a Rebellion within the Kingdom, and to deprive the King, and depose, and put him to Death and Destruction, and the Government to change and alter, and to levy War against the King within the Kingdom: And these wicked Purposes to bring to pass, he the said *Thomas Rosewell*, the said 14th of September in the Thirty sixth Year aforesaid, at the Place aforesaid, falsely, unlawfully, maliciously, seditiously and traiterously, in a certain unlawful Assembly, then and there congregated, did say and declare, *The People make a flocking to the King, upon Pretence of Healing the King's Evil, which he cannot do; but we are they to whom they ought to flock: For we are Priests, and Prophets, that can heal their Grievances. We have now had two wicked Kings together, who have permitted Popery to come in under their Noses; and whom we can compare to none, but the most wicked Jeroboam. But if they would stand to their Principles, he did not doubt, but they should overcome their Enemies, as in former Times with Rams-horns, broken Platters, and a Stone in a Sling.* And this is laid to be against the Duty of his Allegiance, against the Peace of the King, his Crown and Dignity; and against the Form of the Statute in that Case made and provided. To this Indictment he has pleaded not guilty;

If we prove him guilty of this Matter, you are to find him guilty.

Mr. At. Gen. May it please your Lordship, and you Gentlemen of the Jury; these traitorous Words, that the Prisoner at the Bar is accused of, were spoken of in a Sermon, or Preachment at a Conventicle. And though the Gentleman does pretend to much Innocency; yet you will find that in open Defiance of the Law, he takes upon him to Preach against the Law, not only of the Land, but even against the Laws of Almighty God: For he takes upon him to be a Preacher against a Rule, than which nothing is more plain in all the Word of God, viz. *That he should not speak Evil of Dignities, nor revile the Prince of his People.* He knows this to be the Rule of the Scripture; and yet in his constant Discourses, (as we shall prove) he makes it his Practice to revile the Government on all Sides. And by these doings at this Day, Gentlemen, you will easily understand what the Designs of these Conventicles are; only to nurse up People in Sedition, and train them up to Rebellion; that they may be ready to break out into it when their Teachers advise them to it. We shall call our Witnesses, and prove to you, That this is, and has been the constant Tenor of his Discourse, viz. Reviling of the Government, and there is almost no Text of Scripture, but, in his Way of perverting it, he has turned against the Government. We shall shew this to be the habitual Course and Practice of him who pretends to be so honest, and so innocent a Man. Crier, Call *Elizabeth Smith*, — *Hilton*, and *Farrar*.

Then some of the Council at the Bar, being talking among themselves, the Lord Chief Justice reproved them for it.

L. C. J. Look you, Gentlemen, you must not have Interlocutions among yourselves. And you, Gentlemen of the Jury, I must tell you, If any one whisper any of you, you ought to acquaint the Court with it. It is your Duty to be directed by the Court, and the Evidence. Here is a Man's Life in Question, and that is a very weighty Thing: And you must not take any private Insinuations, but only hearken to your Evidence, and mind what is spoken publicly, that the Prisoner may be able to give answer to it.

Mr. Rosewell. I humbly thank your Lordship.

Mr. At. Gen. Where are Mrs. *Hilton* and Mrs. *Smith*?

[*They were all sworn.*]

Mr. Rosewell. I do humbly request one Favour of the Court.

L. C. J. What would you have?

Mr. Rosewell. I humbly beg they may be examined *separatim*.

L. C. J. They shall.

Mr. Rosewell. I humbly thank your Lordship.

L. C. J. Who do you begin withal, Mr. Attorney?

Mr. Jones. My Lord, we shall begin with Mrs. *Smith*.

L. C. J.

L. C. J. Then you must make way, that the other Witnesses may go out of hearing. You Crier, make way for them; and see that they be set where they may not hear.

[Which was done.]

Mr. At. Gen. Come, Mrs. Smith, pray give my Lord and the Jury an Account whether you have been at any Meeting, where this Gentleman has been. Whether you know him; and what you heard of him.

Smith. I heard him say this——

L. C. J. Hold a little. What is this Woman's Name, Elizabeth Smith?

Mr. At. Gen. Yes, my Lord. Were you by at any of his Conventicles?

Smith. Sir, I have been ever since the 20th of July, 'till that Day for which he was taken, but one Sunday.

Mr. At. Gen. Give my Lord an Account of what you heard.

Smith. Yes, Sir.

L. C. J. Where was it that his Meeting-House was?

Smith. He had several Houses, private Houses and a publick House of his own.

L. C. J. Where? In what Place?

Smith. In Salisbury-street, near his own Dwelling.

L. C. J. Where is that?

Smith. In Rotherbith.

L. C. J. You were frequently there, you say?

Smith. Yes, my Lord.

L. C. J. What number of People might be there, as you guess?

Smith. I believe there might be Four Hundred People, or Three Hundred commonly.

L. C. J. What sort of People were they?

Smith. Men and Women, House-keepers.

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

Smith. I can give you an Account of his Sermons several Days.

L. C. J. Do so.

Smith. The first Notice that I took of any thing concerning the Government, was upon the 17th of August, and that was concerning His Majesty; and then in his Prayer after Sermon, he wished he might not offend God in not praying for the King; but that it might please God to open his Eyes, and the Times might turn.

Mr. At. Gen. What other Things have you heard him say?

Smith. The next time that I heard him was the next Sunday again, and that was in West-lane, in a House there, and then he was speaking of Sodom and Gomorrah, and he brought in this Proof, not doubting but if there had been ten righteous Persons, the City had not been destroy'd: But he did not mean Recorders, nor Lord-Mayors.

Mr. Roswell. What Day was that, Mistress?

Smith. The 22d of August.

Mr. At. Gen. Well, what did you hear him speak, upon the Day in the Indictment, the 14th of September?

V O L. III.

Smith. He said, *The People made a flocking to the King, to cure the King's-Evil, which he could not do; but, says he, we are they they should flock unto, for we are Priests and Prophets, that by our Prayers can cure their Grievances.* He said, *We have now had two wicked Kings together, which have permitted Popery to come in under their Noses, and could be compared to nothing but to most wicked Jeroboam.* And then, after he had preached a good while, again he said, *If they would stand to their Principles, he did not fear but they should overcome their Enemies, as in former Times, with broken Platters, Rams-Horns, and a Stone in a Sling.*

L. C. J. When was this?

Smith. This was upon the 14th of September.

L. C. J. Where was it?

Smith. At one Captain Daniel Weldy's House.

L. C. J. What is he, a Seaman?

Smith. Yes, and he pray'd for him, being then at Sea, and his Son both, who was ill.

L. C. J. How many do you think might be present there at that time?

Smith. There was a low Parlour full, and a little Room up six Steps; and where he preached was up one pair of Stairs, there was a large Room and a Garret.

L. C. J. Where did he stand?

Smith. In the Door-case of that Room, that the sound might go up and down.

L. C. J. How many People in number might there be think you?

Smith. I cannot tell, my Lord; a great many.

L. C. J. How many, as nigh as you can guess, or think?

Smith. Several Hundreds of them.

L. C. J. Do you know any of them? Were they People of any Quality?

Smith. Yes, I know a great many of them; several of them are in the Court, and about the Hall now.

L. C. J. Who stood at the Door and let you in?

Smith. One Mr. Paul Shed; and he was angry at my coming with Pattens, for they made an Impression in the Ground, and gave notice to others, that there was Company there: And I promised him I would come no more with them.

Mr. J. Walcot. Was he Door-keeper? What is he?

Smith. A Brasier, I think.

Mr. J. Holloway. Had you any notice of a Conventicle that was to be there?

L. C. J. Ay; Tell us how you came thither.

Mr. Recorder. How came you to find it out that there was a Meeting at such a Place?

Sir Thomas Jenner.

Smith. At first I found it by dogging of People as they went along; and afterwards, there were People set commonly at a Place called *Cherry-garden Stairs* to give notice; and sometimes I asked there, and sometimes I went to Mr. Shed's House to enquire.

L. C. J. Shed, you say, was present there then?

Smith. Yes, he let me in.

L. C. J. What, he was the Man that managed the Conventicle. He was Clerk, I suppose; was he not?

Smith. I never heard him say Amen; but I have heard him expound in the Conventicle sometimes.

L. C. J. Oh, he was a Journeyman Preacher it seems.

Mr. Recorder. Pray was there any store of Watermen and Seamen there?

Smith. Yes, abundance from *Rotherbith*, or thereabouts.

L. C. J. Which way came all the People that were there?

Smith. From *Deptford* and *Rotherbith*, and all thereabouts.

L. C. J. Was it near the Water-side?

Smith. Yes, not far from it.

L. C. J. Well, Mr. Attorney, have you any more Questions to ask her?

Mr. At. Gen. No, I think not. *Mrs. Smith*, you have heard him, you say, at other Days; how did he use to treat the Government in his preaching at other times?

Mr. Rosewell. My Lord, I beseech your Lordships to tell me whether these Questions are proper to be put, it not relating to the Matter that I am accused of?

L. C. J. Yes, yes, to give an Account of the Disposition of your Mind; very proper as can be.

Mr. Rosewell. Because it is not part of my Charge, and I cannot be prepared to answer it.

L. C. J. When the King's Counsel have done with her, you may ask her any Questions; but you must let them go on first.

Mr. At. Gen. My Lord, it is charged that he spoke these Words with a traiterous, malicious Mind; and what better Evidence of such a Mind than his usual Discourses?

Smith. The 31st of *August*, I heard him preach at *Paul Sheds*'s House; and there he preached that there was a certain great Man, that lived at the Upper-end of *Grace-church-street*, about this time Eighteen Years ago; I name no body, says he, you all know him whom I mean: And there came a certain poor Man to him; he was not a poor Man neither, but a Carpenter by Trade, one that wrought for his Living, a labouring Man; and told that great Man, if he would take his Advice, he would tell him how to quench the Fire; but he pish'd at it, and made light of it, and would not take his Advice. Which if it had not been for that great Man, and the Lord Mayors and Sheriffs that have been since, neither that Fire in *London*, nor the Fire at *Wapping*, nor the Fire at *Southwark*, had gone so far, or come to what they did.

L. C. J. There was a great Man that lived at the Upper-end of *Grace-church-street*!—Who did he mean by that?

Mr. Recorder. He meant, we suppose, Sir *Thomas Bloodworth*, that was Lord-Mayor at the Fire-Time.

L. C. J. He did not live there then.

Mr. Recorder. It seems he said so.

Mr. At. Gen. Pray *Mrs. Smith*, let me ask you one Question. How far were you off from him; and where did you sit this 14th Day of

September, when you heard him say those Words you speak of?

Smith. I sat upon the Bed, and he was standing at the Door.

Mr. At. Gen. My Lord, we have done with this Witness at the present.

L. C. J. Now, *Mr. Rosewell*, if you will, you may ask her what Questions you please.

Mr. Rosewell. My Lord, I was before going to beg your Pardon for my Weakness, being altogether unacquainted with these Things; and that you would look upon me as one that is *inops consilii*, and pardon any thing that comes from me impertinently. I cannot speak to her as a Lawyer to sift her, and search out the Truth; will your Lordship give me leave to speak to her as a Divine?

L. C. J. Ask her what Questions you will, but we will not have any of your Preachments here. You must consider where you are, you are not now in your Pulpit, but at the Bar; I assure you we do not intend to make a Conventicle of the *King's-Bench* Court.

Mr. Rosewell. My Lord, I meant only to endeavour to convince her, by putting some Questions, like a Divine, to her. For I pity them, tho' they envy me; and I bless my God, have pray'd for them many times since my Imprisonment.

L. C. J. Well, well; do not stand to commend yourself now, this is not your time of making your Defence: Only, if you will ask this Witness any Questions, you may.

Mr. Rosewell. You are under an Oath, Mistress.

Smith. I am so, Mr. *Rosewell*.

Mr. Rosewell. Are you sensible what an Oath is, and the great Obligation you are under by it to testify nothing but the Truth? As you will answer it to the great God—

L. C. J. Look you, *Mr. Rosewell*, ask her any Questions to the Business that she has here testified; but do not preach to her. It is not your Work to Catechise the Witnesses, that is the Duty of the Court, and we shall, no doubt, take care to do our Duty. And I will tell her, to save your Preachment, she is in the Presence of the great God of Heaven and Earth, before whom we must appear at the Great Day of Judgment, to give an Account of every Word we speak. And you are under an Oath, and if in Case you tell one Tittle of a Lye in your Testimony against the Prisoner at the Bar, who stands now to be tried for his Life, it will be Just with the Great God to sink you down into Hell-Fire immediately. Therefore, I require you, upon your Oath, not to speak one Word but what is Truth.

Smith. My Lord, I assure you, I will rather say less, than add any one Tittle.

L. C. J. *Mr. Rosewell*, ask her what you will, but do not give yourself, nor us, the trouble of a Preachment to teach her the Obligation of an Oath; for she very well knows it seems what it is, and says she will rather speak less than more than the Truth.

Mr. Rosewell. I humbly thank your Lordship for what you have said to her. *Mrs. Smith*, Pray was you at *Rotherbith* the 14th Day of *September*?

Smith.

Smith. Yes, that I was.

Mr. Rosewell. Did you come alone? or, who came with you?

Smith. *Mrs. Hilton* came along with me, and another Gentlewoman, and *Mr. Shed* let us in all together.

Mr. Rosewell. Who is that *Mrs. Hilton*?

Mr. Att. Gen. You will see her by and by,

Mr. Rosewell.

Mr. Rosewell. Where did you meet together?

Smith. *Mrs. Hilton* lay with me all Night, and we were together the Day before.

Mr. Rosewell. What time did you come thither, pray Mistress?

Smith. I came thither before Seven of the Clock, before you came, Sir.

Mr. Rosewell. And I pray whose House came you to at *Rotherhitb*?

Smith. We were informed it was Captain *Weldy's* House.

Mr. Rosewell. Are you sure it was his House?

Smith. As they did tell us, it was Captain *Daniel Weldy's*.

Mr. Rosewell. I pray Mistress what Room were you in there?

Smith. We were up one pair of Stairs. There is a little Room we come at sooner; but we were in the Room with the Bed; and there was one *Mr. Atkinson* there that was in Mourning, and there were two or three Boys of his with him that sat upon the Bed, and their Shoes were plucked off, that they might not dirt the Bed; and I gave him his Boys Shoes from under the Bed.

Mr. Rosewell. Pray where did I stand, Mistress, do you say?

Smith. In the Door-Cafe.

L. C. J. What Boy is that you speak of?

Smith. Two Boys that came in with one *Mr. Atkinson*; his Relations, I suppose they were.

Mr. Rosewell. Pray how did the Service begin?

Smith. You took your Text out of the 21st of *Genesis*; that was the Chapter to the best of my Remembrance.

Mr. Rosewell. But I ask you *Mrs.* how did the Worship, the Service begin?

L. C. J. You mean your Prayer, you do not use to call it Service.

Smith. You made a Prayer.

Mr. Rosewell. Was it begun with a Chapter, or a Psalm, or how?

Smith. There was no Psalm; a long Prayer you made, as you used to do formerly.

Mr. Rosewell. How long was that?

Smith. It was always used to be about three quarters of an Hour long.

Mr. Rosewell. Was there any Chapter read?

Smith. There was no Chapter before you took your Text, as I heard, and I was there before you.

Mr. Rosewell. Upon what Occasion then were these Words spoke, if there was no Chapter read?

Smith. I say there was none till you took your Text, and then you spoke those Words.

Mr. Rosewell. But how came those Words in?

Smith. You always took a whole Chapter, and expounded all along.

Mr. Rosewell. A long Text for one Sermon, Mistress.

L. C. J. Yes, yes, We know you have a fine way of Preaching.

Mr. Rosewell. Well, Mistress. Upon what Verse of the Chapter were these Words spoke, about flocking to the King to cure the King's Evil?

Smith. I cannot be punctual to the particular Verse.

L. C. J. Nay, I suppose you seldom keep to your Text. I am sure there was never a Verse in any Chapter that warranted the speaking of any such Words as these.

Smith. My Lord, I cannot be punctual to the particular Verse. It was within five or six Verses of the beginning, I believe.

Mr. Rosewell. Then upon what Occasion came in the Words about the two wicked Kings?

Smith. In Preaching you brought it in by other Proofs.

L. C. J. Why, Man, there can be no Occasion for speaking of those Words. You spoke them without any Occasion at all. No body can tell what Occasion you had to speak them.

Mr. Rosewell. But, my Lord, I suppose there may be some coherence in my Discourse. I would know how they were brought in?

L. C. J. Who can tell the Occasion? Do you ask me what Reason any Man has to speak Treason? I tell you there is none at all to be given for it.

Smith. One of your Proofs in your Preaching was concerning *Dalilah* and *Sampson*, and you brought in that Proof concerning the King's using of Women, it was out of the *Judges*. And he said he did not question, but that in the end the Whores would serve the King, as that Whore *Dalilah* did *Sampson*.

L. C. J. Was this at the same time, upon the same Day?

Smith. Yes, it was upon the 14th of *September*.

Mr. Rosewell. If it please you, my Lord, these are not Words that are charged in the Information———

L. C. J. You draw it upon your self by your Questions.

Mr. Rosewell. If they were spoken; (upon that *Hypothesis*, I say, if they were spoken; but I deny the *Thesis*, I abhor the thoughts of them.) I would know how they were brought in, under what Verse?

L. C. J. Ay, I take you right as to that, you do deny it; and they are not in the Indictment.

Smith. I cannot be punctual as to the Verse.

Mr. Rosewell. Pray upon what account did come in the two wicked Kings?

Smith. I cannot tell the Verse, truly.

Mr. Rosewell. How came in that about *Jero-boam*?

L. C. J. How can she tell how you bring in Treason?

Mr. Rosewell. My Lord———

L. C. J. Nay, pray, Sir, hear me a little. You shall have all the Liberty to defend your self that the Law can allow of. We are accountable to the Law upon our Oaths to do Justice, and are as much accountable to Heaven for our Actions, as you or any Prisoner that comes to this Bar is to the Law for your Actions. But do you

you ask what Reason you spoke Treason for? I tell you no Reason can be given for it.

Mr. *J. Holloway*. Do you think any of your Auditors can give an account of the Connexion of your whole Sermon?

L. C. *J.* When you talk besides the Cushion, do you think any Man alive is able to give an account how you come to ramble and talk Treason?

Mr. *Rosewell*. Can you tell, Mistress, when that was spoken, of standing to their Principles, and the Rams-horns, &c.?

Smith. That was at the latter end of your Sermon.

L. C. *J.* When you had said there were two wicked Kings, then presently you were for standing to your Principles, and overcoming your Enemies.

Mr. *J. Holloway*. It seems she was very intent upon your Sermon.

L. C. *J.* For my part, I wonder she can remember so much as she does. It is much she can remember such Stuff as this.

Mr. *Rosewell*. The God of Truth, my Lord, I hope will manifest the Truth. Pray, Mistress, were these words spoken one just after another in my Discourse?

Smith. No, they were not; but they were all spoken at that time.

Mr. *J. Holloway*. Have you done with her?

Mr. *Rosewell*. No, my Lord, I humbly beseech your Favour and Patience a little. Pray Mistress *Smith* did you write?

Smith. I did not write till I came home, and after I came home I did write it down. Several that were there did write down your Sermon.

Mr. *Rosewell*. Several of whom do you mean?

Mrs. *Smith*. Several of your Congregation, Sir.

Mr. *Rosewell*. Did your Companions write? and pray where did you first write down these Words?

Smith. After I came Home I set them down, Word for Word to a Tittle, as they were spoken, as near as I could remember, what you spoke.

Mr. *Rosewell*. Was any body with you when you set them down?

Smith. Yes, my own Family saw me write them down: and the other Witness was with me; and afterwards we went to the *Bull and Mouth*, the Quakers Meeting-House.

Mr. *Rosewell*. What other Witnesses were by when you set them down?

Smith. There was my Husband, my Apprentice, and my Child.

Mr. *Rosewell*. And did you set them down just exactly, as you have sworn them upon this Indictment?

Smith. Yes, to the best of my Knowledge.

Mr. *Rosewell*. Upon your Oath in the presence of the great God, did you set them down as they were spoken?

Smith. Yes, I tell you.

L. C. *J.* Ay, I would ask you that Question; Did you (I speak to you as in the Presence of the great God, and upon your Oath) set down his Words just as he spoke them in Substance?

Smith. Yes, I did to the same Substance as near as I could remember.

Mr. *Rosewell*. Pray what other Words were spoken between these Words in the Indictment, if they were not all spoken together?

Smith. One thing I do remember more, that you said that Day. You said there was a Word they called Canting; but for your Part you did not understand what it meant, unless it were this; You said, you chanced to go by one of the great Churches; where peeping in, you saw a Man with a white Surplice, and the Organs were going, and they were canting, and singing the *Litany*, the *Creed*, and the *Ten Commandments*, with a Ha-ha-ha-ha-ha. For your part, you were ashamed to hear it: and this you said was all the Canting you knew.

Mr. *Att. Gen.* You will draw this upon your self.

Mr. *Rosewell*. I am sorry to hear this indeed, my Lord.

L. C. *J.* So am I too, with all my Heart, I'll assure you.

Mr. *Rosewell*. You say you set down the Words the same Day, when you came Home?

Smith. Yes, I resolved so to do, when I came away from the Meeting, to write them down as soon as I came home.

Mr. *Rosewell*. Did you confer with any body about these Words?

Smith. Not till I came to a Justice of Peace, and discovered it.

Mr. *Rosewell*. What Justice of Peace was that whom you discovered it to?

Smith. The *Recorder of London*.

Mr. *Rosewell*. And you swear these were the Words that I spoke?

Smith. Yes, as near as I can remember.

L. C. *J.* If she swear the substantial part of them, it is enough, tho' the very exact Words she doth not swear: For the Words are laid in this Indictment in *Latin*, and by way of Assertion.

Mr. *Rosewell*. Your Lordship will pardon my Weakness, I am ignorant of the Law.

L. C. *J.* And we will take care you shall have nothing done to your Prejudice that is against Law.

Mr. *Rosewell*. I humbly thank your Lordship. Mistress *Smith*, upon your Oath you say Mr. *Shed* was at that Conventicle?

Smith. Yes, he let me in at the Door, and was angry with me that I would come so near the Place with my Pattens; he said it might give occasion of Suspicion.

Mr. *Rosewell*. You were saying you heard him expound. Where was that, pray?

Smith. Yes, that I did, at Mr. *Crookshank's* House; and I heard him another time—

Mr. *Rosewell*. What was the Day in *August* that you say you came first to hear me?

Smith. I do not say it was in *August*, but in *July*, that I came first to hear you, the 20th of *July*.

Mr. *Rosewell*. You say I preached in the publick Meeting-Place; What Day was that pray?

Smith. The 10th of *August*, to the best of my Remembrance; it was the fourth Sunday, as I remember, that I heard you there.

Mr. *Rosewell*. Have you not sworn against Conventicles in other Places?

Smith. Yes.

Mr. *Rosewell*. What Conventicles?

Smith. If my Lords please to ask me, I shall give an account.

Mr. Rosewell. Have you, or have you not?

Smith. Yes, several; tho' I never heard any thing spoken in any of them against the King, but at yours.

Mr. Rosewell. Did you swear a Conventicle against one *Mr. Hales*?

Smith. I swore it by Confession.

Mr. Rosewell. Were you at that Conventicle?

Smith. No, I was not, but I swore it by Confession.

Mr. Rosewell. What day was that Conventicle?

Smith. As they told us, it was the 13th of July.

Mr. Rosewell. Was there any thing done upon that Conviction?

Smith. Yes, he paid his Money that was set upon him, and never made any Appeal; his Wife confessed it.

Mr. Rosewell. What other Conventicles have you been at?

Smith. Concerning you, do you mean?

Mr. Rosewell. No, any other Conventicles of the *Fanaticks* that you have sworn against?

Smith. I do not know whether that be a proper Question.

Mr. Rosewell. What say you, *Mistress Smith*?

L. C. J. No, no; that you must not ask her, that is to accuse her self.

Mr. J. Holloway. You must not ask her to any thing but that you stand here charged with.

L. C. J. You must not ask her any thing that may make her obnoxious to any Penalty.

Mr. J. Walcot. Do you ask her any other Questions?

Mr. Rosewell. I will presently, my Lord, I beg your Patience.

L. C. J. Ay, ay, take your own time.

Mr. Rosewell. Pray, *Mistress Smith*, were you a Witness against a Conventicle at one *Mistress Batho's*?

Smith. Yes, that I had by Confession of her own Mouth.

Mr. Rosewell. Was there not some Money offer'd her—

L. C. J. That is not to be asked, you must not ask her any Question that may make her accuse her self criminally.

Smith. Never by me, *Mr. Rosewell*.

Mr. Rosewell. I beg your Lordship's Pardon—

L. C. J. I'll tell you the Reason for it, and it is that which ought to be satisfactory to you or any body. They are not bound to answer any Questions that you ask the Witnesses, whereby they charge themselves with any Crime, or by answering may subject themselves to any Penalty. Whether it be so, or no, you must not ask them, but prove it.

Smith. I never did offer any, my Lord.

Mr. Rosewell. I thought I might offer any thing against what she had sworn.

L. C. J. Prove what you can in your Time; but do not ask her any such Questions. The Law is so, and the same for you as it is for every body else.

Mr. Rosewell. *Mistress Smith*, you swear these Words were spoken in the Forenoon upon that place, the 21st of *Genesis*, one after another?

Smith. Yes; those Words, as near as I can speak them, were spoken then.

L. C. J. Are those the Words you heard at that time?

Smith. In Substance they are, my Lord; as near as I can discover.

Mr. Rosewell. I have no more Questions to ask her at present, my Lord.

Mr. Att. Gen. Pray, *Mistress Smith*, since he has started such a Question; Have you been tamper'd with, and been offer'd any Money; and what, and for what?

Smith. There came one *Cartwright*, and one *Norton* to me one Day, I cannot give an account exactly what Day it was; and first they spake to me about *Mistress Batho's* Business, and afterwards they fell into Discourse about *Mr. Rosewell*, and they told me, They wonder'd I would have my hand in any Man's Blood. Said I to them, Suppose you had heard what I did, what would you have done? Says *Mr. Norton*, you had better take 20 Guineas, and not appear against him, said he; not that any body, that I know of, that he is concerned with, will give you that sum of Money, but you had better take it. Says I, What is the Truth no Money nor Gold shall buy me off from telling. What was Truth I would speak, and no more; and I had already given Evidence of it, and would not retract it. Said *Mr. Cartwright* then to me, But if you had not discovered it, no body else would. Said I, Yes, others heard it as well as I.

Mr. Att. Gen. Has any body else tamper'd with you? have you had any Letter sent to you?

Smith. Nothing till Yesterday Morning: A Letter came then.

Mr. Att. Gen. What was that?

Smith. I suppose my Lord saw it.

Mr. Att. Gen. Ay, but you must tell the Jury what it was.

Smith. One came to my Brother's, and brought a Letter thither, which I read over; and he said to my Brother, if I could be any ways Assistant to *Mr. Rosewell* in not coming in against him, I might have 200*l.* paid down to Morrow, not that *Mr. Rosewell* knew of it, or would give it me, but it was a wager that was laid. Some laid he would be hang'd, and some laid he would not; and so he said he would come and give me an account who it was that spoke to him.

Mr. Att. Gen. My Lord, we have done with her now. Call *Mistress Hilton*.

Mr. Rosewell. Will your Lordship please to indulge me so far, that I may ask her another Question or two?

L. C. Just. What is it you would have, Sir.

Mr. Rosewell. I desire her before she goes out to recollect one thing.

L. C. J. Nay, nay, she shall not go away: If you have a mind to ask her any thing before she goes away, do so; or she shall come again, if you have any Questions to put to her.

Mr. Att. Gen. My Lord, she is big with Child, and cannot well crowd in and out.

L. C. J. If she be with Child, then let her sit upon the Stool there.

Mr. Rosewell. With your Lordship's Indulgence, I would ask *Mistress Smith* this Question; The Gentlewoman that was with you, *Mistress Hilton* I think you call'd her, did she agree with you as to the same Words, and as to Time and Place?

Smith. If you please to examine her, I suppose she will give you an account.

Mr. Rosewell. Then I would ask her this Question, with your Leave, my Lord; whether was that other Gentlewoman with you in the same Room?

Smith. Yes, she was, and sat upon the Bed with me, and I pulled her by the Sleeve when the Words were spoken, to take notice of them.

Mr. Att. Gen. Come, Mistress *Hilton*, give my Lord and the Jury an account; have you been at this Conventicle at any time, and what have you heard there?

Hilton. I came to Mistress *Smith's* on Saturday Night, and on Sunday Morning I went with her to this Place; I was never there before in my Life, they said it was one *Daniel's* House, one Captain *Daniel's*; it was near *West-Lane* in *Rotherhithe*. And when we came there, there was one that Mistress *Smith* knew, that stood at the Door, they call him *Paul Shed*, a little Man: And when we came to the Door, he said to us, Pull off your Pattens, says he, for they will give too much Occasion of Distrust of Peoples coming: So we pulled off our Pattens, and said we would take care the next time. When we came in, we went through a kind of a Hall, and when we came there into the Hall, there were a little Parlour against it: We went up the Stairs, and when we came up Stairs, there were two more Rooms; that Room we came into was hung with sad-colour'd Paper, and upon the Left-hand there stood a Sweetwood kind of Chest, a little Cabinet, and a little Glass over that. *Mr. Rosewell* came, and stood at the Entrance in of the Door; so there was a little Child in bed when we came up, and we sat down on the other side of the Bed; and the Child was taken out of the Bed presently afterwards. *Mr. Rosewell* preached upon the 20th or 21st Chapter of *Genesis*, I cannot be positive which of them, but one of them it was—

Mr. Rosewell. But upon your Oath cannot you tell which it was?

L. C. J. You must not interrupt her, Sir; you shall have your time to ask her what you will.

Hilton. It was the 20th or 21st of *Genesis*, I will not be positive which of them it was. But the thing was as to *Abraham* and *Sarah*; that was the Contents of the Chapter that *Mr. Rosewell* was then pleased to preach upon. After he had took his Text, and preached a little while, he said, *The People went flocking to the King to cure the King's Evil, which he could not do; for they ought to flock to them, that were Priests and Prophets, who by their Prayers could cure their Grievances.* Then he preached a great while of the Chapter following agen; and then says he, *We have had two wicked Kings that have suffered Popery to come in under their Noses, which I can compare to nothing but the most wicked Jeroboam.* There was another King named, and I think it was *Rehoboam*. I cannot be positive as to that, but *Jeroboam* I am sure was named. Then he said, *If the People would stand to their Principles, he did not question but to overcome all their Enemies with broken Platters, Rams-Horns, and a Stone in a Sling.* These were the Words *Mr. Rosewell* was pleased to say.

L. C. J. Can you remember what day of the Month this was?

Hilton. It was the 14th of *September*, my Lord. *L. C. J.* Do you remember what number of People were there?

Hilton. I believe there were four or five hundred People; there was a Garret full, and two Rooms below, the Parlour full, and the Hall full; and one *Paul Shed* (as *Mrs. Smith* told me his Name was) let us in. I did not know any of them; nor ever had Convicted any of them; that was the first time I ever was at a Meeting in my Life, and I had enough of it then.

L. C. J. You say you came on Saturday Night to Mistress *Smith's* House?

Hilton. Yes, my Lord.

L. C. J. What time that Night?

Hilton. About eight or nine o' Clock.

L. C. J. What time in the Morning did you go along with her to this place?

Hilton. We went by seven o' Clock in the Morning.

L. C. J. Did *Mr. Rosewell* come before you, or after you?

Hilton. No, he came presently after we were there.

L. C. J. Do you remember any other Words he utter'd there that Day?

Hilton. He was pleased to talk of several things between whiles in his Sermon; among the rest, I heard him speak about Canting. He said there was a Word they called Canting, but he did not understand what that Word meant, except it were the Fellows in their white Gowns. For he was going by one of their Churches, where he heard them sing the *Lord's-Prayer*, the *Creed*, and the *Ten Commandments*, with a Ha-ha-ha-ha; for my part, says he, I was ashamed to hear it.

L. C. J. Do you remember any other part of the Discourse?

Hilton. He had a great many other of those things, that I cannot now remember; it affrighted me to hear it, out of my Wits.

L. C. J. Where did you go from thence?

Hilton. We went Home to *Mrs. Smith's*. It was two o' Clock, and we had not eat a bit of Bread all the while; and as soon as she came Home, Mistress *Smith* took her Pen and Ink presently, and writ down those Words; her Husband and I, and she, were together; and when we had done this, we went to the *Quakers* Meeting.

L. C. J. What *Quakers* Meeting is that?

Hilton. It is that by *Cheapside*; I do not well remember the Name, I think it was called the *Bull and Mouth*.

Mr. J. Holloway. What time of the Day was it that the Meeting was done at *Mr. Rosewell's*?

Hilton. We came from *Mr. Rosewell's* a little after two o' Clock.

L. C. J. From Seven to Two did he hold? that is pretty long winded.

Hilton. No, he went into Dinner, and left us there, and abundance in the Congregation eat Sweet-Meats, or Biskets, or such things as they had. But I am sure we had nothing there. I was never among you before, nor ever Convicted any of you.

Mr. Rosewell. I humbly beseech your Lordship to make her sensible of the Obligation she is under by her Oath.

L. C. J. Ay, Ay; I will. Look you Mistress, you must take notice, here is the Life of a Man in question, which is a thing of great Considera-

Consideration. And for you to have any concern in taking away the Life of a Man, if it be upon false Grounds, is a very dismal thing; besides, that there is a thing which is yet of greater Weight and Moment to you your self, it concerns your own immortal Soul. You must consider what Guilt you contract upon your self, if you tell a Lye; but there is a much greater Guilt contracted, if you offer to swear a Lye in a Court of Justice, upon a Cause of this Concernment. Consider, I tell you, you are in the Presence of Almighty God, that seeth into the Hearts of all Mankind; that is the Avenger of all Lying and Perjury; that may justly sink you into Hell, if you offer to swear a Falshood. Therefore, I charge you, in the Name and Presence of that great God, the Judge of Heaven and Earth, to answer me truly to this Question: Are these things that you have sworn here true?

Hilton. My Lord, they are every Word true. There is a Gentlewoman here, one *Mrs. Collingwood*, that shall witness, I set them down that Day; and went away to the Recorder, and gave him an Account of them.

Mr. At. Gen. Well, if you have done, go over.

L. C. J. No, hold, Sir, will the Prisoner ask her any Questions?

Mr. Rosewell. Yes, my Lord, with your Leave.

L. C. J. Ay, in God's Name, what you will, that is fitting to ask.

Mr. Rosewell. Mistress, what is your Name?

Hilton. My Name is *Hilton*.

Mr. Rosewell. Was your Name ever *Shastoe*?

Hilton. Yes, but my Name now is *Hilton*.

Mr. Rosewell. Or otherwile *Smith*, I suppose: for I have heard so.

Hilton. No, Sir.

Mr. Rosewell. Then *Mrs. Hilton*, upon the Oath you have taken (for I hope you have observed what my Lord has said to you about the Sin and Danger of false swearing.)——

Hilton. *Mr. Rosewell*, God forbid I should stand here to tell such a Lye as this; if it were not all Truth to my Knowledge, I would rather speak less than more.

Mr. Rosewell. Were you at *Rotherhitb* that 14th Day of *September*?

Hilton. Yes, I was. I was with *Mrs. Smith* at her House over Night, and went with her to *Rotherhitb* at Seven o'Clock next Morning.

Mr. Rosewell. Whose House were you at there?

Hilton. I cannot say whose House it was of my own Knowledge, for I was never there before in all my Life; but they said it was one *Captain Daniel's* House.

Mr. Rosewell. What Street was it in?

Hilton. I do not know what Street it was in, it was near *West-Lane*.

Mr. Rosewell. What kind of Buildings were there in the Street?

Hilton. Over-against it, a little way from the House, is a Bridge, that we went over; I believe it may be some ten or twelve Doors from the House.

Mr. Rosewell. In the Street, you say, over-against the House?

Hilton. A little way from it. *Mr. Rosewell*, if you do remember (I can remember these things very well) there were Shutters in the

Windows, and the Sun came in, and you were afraid lest the People that went by should hear you. *First*, There was not light enough, and you desired that one part of the Shutters might be opened; which was done: And then you desired that half might be shut again, for fear the People should overhear you.

Mr. Rosewell. What kind of Entrance is there into the House?

Hilton. There is an Entry, and from the Entry we went into a little Hall, the Rooms were but of a low Height.

Mr. Rosewell. Was it in an upper Room, or a lower Room that I preached?

Hilton. It was in an upper Room, you were up two pair of Stairs, the Chamber was hung with sad-coloured Paper, and a sad-coloured Bed was in the Room; upon the Left-hand, as you stood, there was a Chest of Sweet Wood stood, and a little Cabinet upon it, and a Glass over that; and upon the Right-hand, on the side of the Chimney, was a Closet; I took very good Notice of all these things.

Mr. Rosewell. Two pair of Stairs, upon your Oath, you say it was?

Hilton. Yes, it was two pair of Stairs, upon my Oath, Sir.

Mr. Rosewell. How many Steps, *Mrs. Hilton*, were there?

Hilton. They were low Stairs, eight or nine to a Pair, I think; I did not number them, *Mr. Rosewell*.

Mr. Rosewell. The other says, there was a little Room up six Steps; and that I was but one pair of Stairs high.

Hilton. And there was a Garret, my Lord; which I am sure there was above four Hundred People there at that Meeting.

Mr. Rosewell. Did you see that Number of People there?

Hilton. Yes, I did.

Mr. Rosewell. If you were within in the Room, how could you see them all there that were below, and in the Garret, as you say?

Hilton. When you went down to refresh your self, to Dinner, as I suppose; said I to *Mrs. Smith*, for the Lord's sake, let me go out, for I am affrighted out of my Wits to hear such Stuff as this.

L. C. J. Frightful Stuff indeed.

Hilton. Says she, You cannot go out till they all go; there is no Body to let you out; but I would fain have been gone out thence.

Mr. Rosewell. What time did you come thither, say you?

Hilton. We came by Seven o'Clock in the Morning.

Mr. Rosewell. How did the Exercise begin?

Hilton. Between Seven and Eight.

Mr. Rosewell. I do not ask you what time, but how it began?

Hilton. You made a kind of a Prayer, I do not understand your way, for I never was used to your Meetings, I never was at any before in my Life. You took your Text (I cannot be positive which, but it was) either out of the 20th or 21st Chapter of *Genesis*.

Mr. Rosewell. But can you remember these Words, and not the Chapter?

Hilton. I can tell you more that you said, if you please.

Mr. Rosewell. *Mrs. Hilton*——

L. C. J. Let her go on; you ask her a Question, and will not stay for an Answer, but go to another thing. She is telling you what was done.

Hilton. This I am positive in, it was the 20th or 21st Chapter of *Genesis*: the Story was about *Abraham* and *Sarah*, how he bid her call her self his Sister.

Mr. Rosewell. That is the 20th Chapter.

L. C. J. Nay, I suppose you can remember the Text better than this Woman.

Hilton. I believe it was the 20th, that you did most expound upon that Day; for you said at last *Abimelech* made *Abraham* a Present, which you did think might be about 20 Guineas.

Mr. Rosewell. I see you are thorough-paced.

L. C. J. Methinks she brought away much of your precious Stuff for one time, upon my word.

Mr. Rosewell. How long did you stay there, *Mrs. Hilton*?

Hilton. I staid there from the time you came in till the end of all; about eleven or twelve o'Clock you went down to Dinner; They that were there staid till you came up again, which was in the Afternoon; and then you began upon a Text which you took in the *Psalms*, I think; I cannot positively say where; but a new Text you did take, that you did.

Mr. Rosewell. In the *Psalms* did you say?

Hilton. And if it please you, Sir, I never saw you but then, and now, in my Life.

Mr. Rosewell. What Habit was I in?

Hilton. You had a Camlet Cloke on that had an Eye of blue in it, and a mourning Hatband about your Hat; and upon the Bed-side by me sat *Mr. Atkinson* in a mourning Cloke, and his two Boys.

Mr. Rosewell. There was some Stop or Pause you say; you call it a Dinner?

Hilton. You went to Dinner, I suppose; I know not where you were.

Mr. Rosewell. Pray how did the Exercise begin in the Afternoon?

Hilton. I cannot very well tell.

Mr. Rosewell. Was you there to the End of it?

Hilton. To the very end of all.

Mr. Rosewell. What *Psalms* was read, or what Chapter that I preached upon?

Hilton. Sir, I cannot remember what your *Psalms* is. These are the Words that you said, and that you preached. Sir, I cannot remember how all these came in, nor all the Stuff that was said.

L. C. J. She says she cannot remember all your Stuff.

Hilton. I was never used to a Conventicle in my Life: and I would I had not been there then.

Mr. Rosewell. What was the Text I preached upon?

Hilton. In the Morning it was, I tell you, the 20th or 21st Chapter of *Genesis*. But the Heads of your Sermon, and after you had talked about the King, and all those things, was about *Abraham* and *Sarah* ———

Mr. Rosewell. But what was the Text in the Afternoon?

Hilton. I cannot tell that truly.

Mr. Rosewell. Then upon what Occasion were those Words in the Morning about flocking to the King to cure the Evil?

Hilton. Sir, you said ———

L. C. J. How can any Body tell what occasion you could have. You had no occasion from that Text, nor any other Text that I know of, to talk of the King, or the King's Evil.

Mr. Rosewell. But I speak of the Coherence of the Discourse, my Lord.

L. C. J. You preach without any Coherence, or you never had been brought here. When you give your self the Liberty to talk of these things, you ramble from your Text.

Mr. Rosewell. I mean by it, my Lord, what Part of the Chapter it was that did lead to it.

L. C. J. No Man living can tell; it was the Devil led you to talk Treason: The Indictment tells you so, that you had not the Fear of God before your Eyes, but were moved and seduced by the Instigation of the Devil to do it. Who leads People to do all sorts of Wickedness but the Devil? You can give no Reason for it your self, nor no one else.

Mr. Rosewell. Were these Words delivered in the Forenoon Discourse?

Hilton. I do not know what you call Forenoon, or Afternoon: I am sure we had no Dinner.

Mr. Rosewell. But was it all before, or after I broke off, and went down?

Hilton. Before, Sir.

L. C. J. She says it was before you went to Dinner; but for her part she had no Dinner at all, she says. If you have done with her, then go on, *Mr. Attorney*.

Mr. Att. Gen. Where is *Mrs. Joan Farrar*?

Farrar. Here I am, Sir.

Mr. Att. Gen. Pray, will you tell my Lord, and the Jury; were you present at this House when *Mr. Rosewell* preached there?

Farrar. Yes, Sir, I was.

Mr. Att. Gen. What did you hear him say?

Farrar. Do you ask me of the 14th of September first, Sir?

Mr. Att. Gen. Yes.

L. C. J. Why? were you there at any other time?

Farrar. Yes, several times.

Mr. Att. Gen. Well, take your own way of delivering your Evidence, and give an Account what you know of the Prisoner.

L. C. J. But, hark you, be sure you tell nothing but what is Truth. You must consider, here is the Life of a Man at the stake, and your own immortal Soul is at stake too. You are in the Presence of the great God of Heaven and Earth, that seeth into all your Actions and Thoughts, and searcheth the Hearts of all Mankind, and therefore have a care of contracting any Guilt upon your self by telling any Lye; be sure to say nothing but what is Truth.

Farrar. Sir, I was not in the Room with him; I was in a Parlour or Hall, what do you call it, a low Room; and he was up Stairs above it.

Mr. Att. Gen. But were you in the Congregation? Were there any other of the Hearers in that Room among whom you were?

Farrar. Yes; Sir; there were a great many of them there, Sir.

Mr. Att. Gen. Well, what did you hear him say?

Farrar. Sir, concerning the Evil was the first

first thing I heard him say ; and he made it so, that it was not the King that cured it, but it was they, they should flock to. It is we they should flock to, says he ; for we are they which are the Priests and the Prophets, that by our Prayers do cure the Grievances of the People.

Mr. Att. Gen. What did you hear him say more in that Discourse ?

Farrar. The next that I observed was, he said, we had had now two wicked Kings together ; but I could not tell who he compared them two wicked Kings to ; but he bid the People stand to their Principles, and in time they should overcome their Enemies.

Mr. Recorder. Pray, have you heard him at any other time ?

Farrar. Yes, I have heard him at other times.

Mr. Recorder. Did you take notice of any thing he said against the Government ?

Mr. Rosewell. I beseech your Lordship, may these leading Questions be asked ?

L. C. J. Yes, I have told you already ; to shew your Practice. It is not at all a leading Question. What did you hear him say at any other time about the Government ?

Farrar. In a Mill, it was by *Rotherhitb-Wall*, at one *Hudson's*, he prayed that he might not offend the Lord in not praying for the King ; but the Lord might please to open his Eyes, or turn the Times.

L. C. J. Can you remember when that was ?

Farrar. It was the 17th Day of *July*,—no, of *August*, to my best Remembrance ; and upon the 17th Chapter of *Genesis*.

L. C. J. That he preached upon there, did he ?

Farrar. Yes, Sir.

L. C. J. Did you hear him say any thing at any other time ?

Farrar. Yes, Sir.

Mr. Recorder. What do you remember about People in Scarlet ?

L. C. J. Tell us what you have heard him say else.

Farrar. At *West-lane* end, at one *Paul Shed's*, I heard him preach concerning the Fire of *London* about eighteen Years ago. That there was a certain great rich Man, that lived in *Gracechurch-street* ; he said, he needed not name him, he supposed they all knew who he was ; and he said there went a poor Man to him, not a poor Man neither, but a *Carpenter*, an House-keeper, a labouring Man, and told him how to quench the Fire ; and then he preached, that if it had not been for that great Man, that Fire had not been, nor the Fires in *Southwark* or *Wapping*, if it had not been for the Lord Mayors and Sheriffs since.

L. C. J. Have you any more to ask her ?

Mr. Recorder. What have you heard him say else ?

Mr. Att. Gen. No, my Lord, we have done, I think.

L. C. J. Answer my Brother *Jenner's* Question.

Mr. Recorder. What about People in Scarlet ?

Farrar. Then after he had preached concerning the Fire, he said it was a fine Sight to see Fools in Scarlet Gowns ; and he heard the *Recorder* was to be made a Judge.

L. C. J. He hears strange Stories it seems. What do you make of this, Brother *Jenner* ?

VOL. III.

Mr. Rosewell. God forbid ; my Lord, this should be true.

L. C. J. You see she swears it.

Mr. J. Withins. *Mr. Rosewell*, will you ask her any Questions ?

Mr. Rosewell. Mistress, you say you were at the Meeting on the 14th of *September* ; pray in whose House was it ?

Farrar. It was at a House at the end of *West-lane* ; there are a Row of Houses that face to the Fields.

Mr. Rosewell. But whose House was it ?

Farrar. They said it was one *Daniel's* House.

Mr. Rosewell. In what Room of the House were you ?

Farrar. In the lower Room.

Mr. Rosewell. Did you see me there ?

Farrar. Sir, you were gone up Stairs before I came in.

Mr. Rosewell. You did not see me there upon your Oath ?

Farrar. No, my Lord, I did not see him.

L. C. J. She said at first, you were gone up before she came, and she was in a lower Room.

Farrar. But I knew his Voice.

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

Farrar. Yes, Sir ; I had heard him several times.

Mr. Rosewell. Did not you tell some Body that you heard none of these Words ?

L. C. J. Were you asleep all the while ?

Farrar. No, Sir, I was not asleep, I did not sleep while I was in the Room. I never slept in your Presence in my Life.

Mr. Rosewell. Were you there at the beginning ? What time came you in ?

Farrar. Sir, I believe you had read half your Prayer ; I was at the beginning of the Sermon.

Mr. Rosewell. Who came along with you ?

Farrar. I came alone ; my Child was not well, and so I came late.

Mr. Rosewell. What was the Chapter I was upon ?

Farrar. It was upon the 21st of *Genesis*, Sir.

Mr. Rosewell. Upon what Verse of the 21st of *Genesis*, was it that you heard these Words ?

Farrar. I cannot tell what Verse it was.

Mr. Rosewell. I ask, my Lord, because I went distinctly upon Verses.

L. C. J. Prithee, Man, I care not how thou went'st on.

Mr. Rosewell. Cannot you tell how they came in ?

Farrar. No, Sir.

L. C. J. Nor any one else, I dare say, how such Words can come in.

Mr. Rosewell. Were the Words spoken together in that Exercise that you have sworn ?

Farrar. Yes, in that Exercise.

Mr. Rosewell. How long did you stay there ?

Farrar. Till you had done, I believe it was Two o'Clock.

Mr. Rosewell. Was it in the Forenoon ?

Farrar. We had no Dinner at all ; I cannot tell what you call Forenoon, or Afternoon.

Mr. Rosewell. Was it all spoken upon that Chapter, upon your Oath ?

Farrar. Truly, Sir, I think it was upon your first Text.

L. C. J. If you have done with her, let her go over.

Mr. Att. Gen. We shall call one or two more of

of his Auditors at other times, that will give some account of his Way. Where is your Man, Mr. Atterbury? What is his Name?

Mr. Atterbury. Peter. But here is one of the Witnesses.

Mr. Att. Gen. Swear him then. What is his Name?

[He was sworn.]

Mr. Atterbury. Robert Cook, he says.

Mr. Recorder. Were you an Officer in this Place?

Cook. Yes, in St. Mary Maudlin's I was; Saint Mary Magdalen Bermondsey Parish.

Mr. Recorder. Were you at the executing of any Process against Rosewell's Conventicle?

Cook. If it please you, my Lord, I had a Warrant from Sir Thomas Jenner, to serve at one Weldy's House, a Bricklayer in Rotherhith; and when I came to the House to serve it, there was abundance of People, and a great Riot was made, but no Blows I confess; but a great Tumult of People, that had not I, and the Beadle, one Samuel Bonnet by Name, caused the People to stand clear, I do not know but there might have been Mischiefs done. Of which we upon that gave an account to Sir Thomas Jenner, and he hath bound some of the People over to the Sessions.

L. C. J. What do you mean by this, Gentlemen?

Mr. Att. Gen. My Lord, we have done; this is only about some Disturbances that the King's Officers meet with, in executing Process against these Conventicles.

L. C. J. But what is this to the Prisoner?

Mr. Att. Gen. Here are some would have him called; but I confess we cannot make any use of his Evidence against the Prisoner, only as to what is hinted in the Indictment, that he did it to disturb the Peace ———

L. C. J. Pish, that is nothing, the Officer did his Duty; but what is that to this Business? Have you done, Gentlemen, for the King?

Mr. Att. Gen. Yes, my Lord, we have done.

L. C. J. Then, Mr. Rosewell, now is your time to make your Defence; and you shall have time to make it as full as you will.

Mr. Rosewell. My Lord, may I have the Favour to have the Indictment read again in Latin?

L. C. J. Yes, yes, if you will. Read it again.

Mr. Rosewell. I humbly thank your Lordship, only the Words, my Lord.

Cl. of Crown [reads.] *In quadam illicita assemblea, in presentia & auditu diversorum subdit' dicti Domini Regis, adtunc & ibidem illicite & seditiose assemblea' & congregat', asseruit & declaravit quod populus (subdit' dicti Domini Regis nunc, innuendo) coadunationem fecere (Anglice made a flocking) dicto Domino Regi nunc, sub pretextu sanandi morbum regni (Anglice the King's Evil) quod ipse (dictum Dominum regem nunc, iterum innuendo) facere non potest; sed nos sumus illi (seipsum Thomam Rosewell & al' seditiosas & proditor' person' innuendo) ad quos illi (ligeos subdit' dicti Domini regis nunc, innuendo) debent accedere (Anglice flock to) quia nos (seipsum predict' Thomam Rosewell & al' sedit' & proditor' person' iterum innuendo) sumus Sacerdotes & Prophetæ, qui precibus dolores ipsorum (ligeos subdit' dicti Domini regis nunc, iterum innuendo) sa-*

naremus. Nos (subdit' & ligeos hujus regni Angliæ innuendo) habuimus nunc duos iniquos reges (Serenissimum Carolum primum nuper regem Angliæ, & dict' Dominum regem nunc, innuendo) insimul, qui permiserunt Romanam superstitionem (Anglice Popery) ingredi (infra hoc regnum Angliæ, innuendo) in eorum conspectu (Anglice under their Noses) qui (predictum Carolum primum nuper regem Angliæ, & dictum Dominum regem nunc, innuendo) assimilari possunt ad nullam personam nisi ad nequissimum Jeroboam. Et si ipsi (divers' maledisposit' & sedit' person' adtunc & ibidem cum prefat' Thomam Rosewell illicite & seditiose assemblea' & congregat' existen' innuendo) ad fundamenta' ipsorum permanerent (Anglice would stand to their Principles) ipse (seipsum Thomam Rosewell innuendo) non timebat quin ipsi (seipsum Thomam Rosewell & predict' maledisposit' & sedit' person' sic ut prefertur assemblea' innuendo) inimicos suos (dictum Dominum regem nunc, & ligeos subdit' ipsius Domini regis nunc, innuendo) vincerent, sic ut in pristino tempore cum cornibus ariet', patinis fractis (Anglice broken Platters) & lapide in fundo (Anglice Sling) &c.

Mr. Rosewell. If it please you, my Lord, that which I object against and desire to be satisfied in by your Lordship, is this; I am charged with speaking Words about flocking to the King to cure the King's Evil; and it is in the Indictment called *Morbus Regni Anglici*, that is the Disease of the English Kingdom ———

L. C. J. No, no; It is *Morbus Regni, Anglice* the King's Evil.

Mr. Rosewell. I do not understand how *Morbus Regni* can be the King's Evil.

L. C. J. Therefore because there is no apt Word in the Law for that Distemper, they help it up by the Word *Anglice*, to shew what they meant.

Mr. Rosewell. But, my Lord, I understand there are proper Words for the Disease; as *Struma*, and *Scrofula*, those are proper Words for it, not *Morbus Regni*.

L. C. J. Not at all in Law, those may be the Words used among Physicians; but in legal Proceedings we are to keep up exactly to the legal Names and Phrases; and where we have not an usual Word, then we help it up by *Anglice's*: and so we here express that very Distemper, which is called by the Name of the King's Evil, by a Word framed as near to a Law Phrase as we can; and to shew our meaning in it, we add, *Anglice* the King's Evil.

Mr. Rosewell. My Lord, is that the Phrase that is proper for it in Law?

L. C. J. Yes, yes, it is very well expressed to shew what is meant.

Mr. Rosewell. But, my Lord, *Morbus Regni* is in *English* properly the Disease of the Kingdom.

L. C. J. It is so, the Disease of the Kingdom; if they had gone no further, but left it there, it might have had such an Interpretation put upon it. But because the Words are so ambiguous in *Latin*, they are reduced to a certainty, by putting an *Anglice* to them.

Mr. Rosewell. I thought it had been *Anglici*. My Lord, there is another Phrase that I object against it, says, *Nos habuimus nunc duos iniquos Reges insimul*. My Lord, this cannot be understood of two Kings one after another; but *insimul* makes it to be both at once.

L. C. J.

L. C. J. No, we have had now together two wicked Kings.

Mr. Rosewell. That we do not use to express so in *Latin*.

L. C. J. The Words do thus found in *English*.

Mr. Rosewell. Here are two Words *Insimul* and *Nunc* that do signify the present time. My Lord, I am now only speaking all this while upon the *Hypothesis* that these Words were spoken by me; for I still do and always must deny the *Thesis*.

L. C. J. We take it so.

Mr. Rosewell. It should have been *Successive*.

L. C. J. Then it had not agreed with your Words. For the Witnesses swear that you said, We have now had two wicked Kings together, and not successively.

Mr. Rosewell. If that be an Anglicism, this cannot be true *Latin*.

L. C. J. Nay, if it be a Blunder in the *Latin*, it was a Blunder of your making; for you spoke it so in *English*, and the Indictment in *Latin* must exactly pursue your *English*.

Mr. Rosewell. Then, my Lord, here is another Expression, that they suffered *Romanam superstitionem*, Popery, to come in.

L. C. J. Ay, is not that well expressed?

Mr. Rosewell. My Lord, there may be Superstition in the Worship of the Church of *Rome*, and yet that not be the thing we call Popery.

L. C. J. There may so, you say right; but then this comes under the same reason, as the former Phrase you objected against about *Morbis Regni*. Because *Romana Superstitio* is such a general Word, and because there are several Superstitions in the *Romish Church*, abundance of them; and this may make it uncertain; and because we have no other Word to express what we call Popery by, therefore there is an *Anglice* put in, to shew what is meant.

Mr. Rosewell. Then, my Lord, it is said *in eorum conspectu*: is that right, my Lord?

L. C. J. Yes, *Anglice* under their Noses.

Mr. Rosewell. That is in their Sight.

L. C. J. Pray, how would you put that into *Latin*, Under their Noses?

Mr. Rosewell. My Lord, if I should speak according to the other parts of the *Latin* of this Indictment, which your Lordship says must exactly pursue the *English*, I would render it *sub naribus illorum*.

L. C. J. Such People suffer Conventicles under their Noses, *in eorum conspectu*.

Mr. J. Holloway. 'Tis not your Nose that sees.

L. C. J. Suffer Rebellion under your Noses; are these things *Sub naribus*, or *in conspectu*?

Mr. Rosewell. My Lord, this could not possibly be spoken of the late King, and this King; when the precedent King died a professed zealous Protestant; and his present Majesty has so often, and earnestly declared against it.

L. C. J. We know that very well; but yet withal we know 'twas the Pretence of Popery and Arbitrary Power, and those things, that brought that blessed Martyr to the Scaffold; and the great Cry now at this Day by all factious, and seditious busy Fellows, is against Popery; as if it were just breaking in upon us, and the Government abetted it; when it is all false, nothing more untrue; the Indictment calls it so, says these Words are spoken *falso*, & *malitiose*; and all Treasons are so.

Mr. Rosewell. Then, my Lord, there is another thing, *Si ipsi starent ad Fundamentalibus eorum, Anglice*, If they would stand to their Principles, or Principals; for I know not how it is in the Indictment. Pray, my Lord, how comes *Fundamentalibus* to signify Principles?

L. C. J. Their Principles, that is, their Foundations, or Fundamentals. *If the Foundations be destroyed, what can the righteous do?* says the Psalmist. The *Latin Bible* expresseth it by *Fundamentalibus*.

Mr. Rosewell. Then it is *si ipse* in the third Person; now, my Lord, in common Sense that must needs refer to the two wicked Kings that were spoken of just before, or to the King, and his Subjects spoken of afterwards; and then sure it cannot be Treason.

L. C. J. No, *they*; that is, I and you that are here. 'Twas spoken to your Congregation. If they would stand to their Principles, then come the broken Platters, &c.

Mr. Rosewell. If it were spoken to them, and of them, it must have been *you* or *we*. Then it is added in the end, my Lord, *Fractis Patinis*, broken Platters: Your Lordship has remembered me of that Word. My Lord, I did hear that Mistress *Smith* did swear at *Kingston Assizes*, it was *Pewter Platters*.

L. C. J. I do not know what she swore there; now I am sure she swears as it is in the Indictment.

Mr. Rosewell. Mistress *Smith*, Pray did not you swear it was *Pewter Platters* at *Kingston*?

Smith. No, I never said otherwise than I do now, and that is, broken Platters.

Mr. Rosewell. I did hear she swore *Pewter* then. But, my Lord, I conceive, if it refers to me, and the People that were there, it should have been, as the former Sentence is, in the first Person; *We* have had, &c. but here it is changed into the third Person, and therefore cannot be so meant.

L. C. J. But it plainly speaks its own meaning, that it is meant of the People there.

Mr. Rosewell. My Lord, then as to the *Imuendo's*, I see there are Eight or Ten of them. Whether are these to make such a Construction of a man's meaning, which doth not otherwise sufficiently appear, as to bring a man under the guilt of Treason?

L. C. J. I tell you the meaning is plain; if you and we, such false Traitors as are said to be there assembled with you, will but stand to our Principles, we shall overthrow and destroy our Enemies with broken Platters and Rams-horns.

Mr. Rosewell. It is said here *ipse non timebat quin*—Of whom should I speak that *ipse*?

L. C. J. You were speaking of your self and your Congregation.

Mr. Rosewell. But that is in the third Person, and the singular Number.

* Mr. Sol. Gen. No, the Jurors that find this Indictment say, that he said *Mr. Finch. so, and that must be in the third Person.

Mr. Rosewell. That is not according to the rest.

Mr. Justice *Withins*. *They*, is the People with him; and *he*, is he himself; that is plain, and can have no other Construction.

Mr. Rosewell. Now, my Lord, will your Lordship

ship please to accept a free Declaration of the Truth of this matter?

L. C. J. Ay, ay, go now to the Fact; now we are got over the Exceptions to the Indictment. To answer the Fact is most proper at this time.

Mr. Rosewell. Then here in the Presence of the great God of Heaven, the righteous Judge of all the Earth; before whom you and I, and all that are here, must one Day appear, at that terrible Bar of impartial Justice (and a glorious Tribunal it will be) to give an account of all things that we have done in the body, whether they be good or evil: and I am told by my blessed Redeemer (who shall also be my Judge that Day) that an account must be given of every idle Word that I shall utter, how much more for Lying and Perjury, and False-witness bearing? as your Lordship (I humbly thank you for it) did very seasonably suggest to those that have witnessed these things against me; I say, in the Presence of that great God, and this Honourable Bench of Reverend Judges, and you Gentlemen of the Jury, and my dear Countrymen, that have been now sworn, as well as returned by the Process of Law for that end; I do here most solemnly declare the Truth unto you, as in the Presence of this God I shall answer it hereafter. And I shall begin with the latter part of these Words first, where this Indictment ends; for that seems to refer to some things of the late Times, and also to my Treasonable Intentions now. My Lord, and dear Countrymen, because I heard something mentioned as to the late unhappy Civil Wars in these Nations; I can declare, my Father was no ways concerned in those Wars, for he was dead before they began; and I was then but a Child, and did not understand the thing. But for the Death of the King, (Death did I say? that is too soft a Word; the Murder, the barbarous Murder of his Majesty King *Charles* the First, whom I had once the Happiness to see the Face of, or rather the Unhappiness to see in respect of his Condition at that time; being at Dinner under a Tree, with some few Persons about him, which very much affected my Heart, tho' then but young. So far was I from being one that would compare him to *Jeroboam*, &c. as your Lordship will hear, that) I always bewailed and abhorred that Act. For my present Sovereign, I declare in the Presence of God, I honour him with my Soul, and daily pray for him; and if I could do him any real good, I would sacrifice my Life most cheerfully to do it; I would die at his foot to do him any real good. My Lord, I was once threatned with the loss of my Life for declaring for His Majesty in his Exile; when, it is well known, few durst appear in those Days on the behalf of an injured Prince. It was objected against me, that I never prayed for *Oliver Cromwell*, that had usurped the Government. My Lord, I knew he stood upon a false Bottom; he was an Usurper. And for declaring, that the Kingdom would never be at Peace till the Right Heir, our Sovereign that now is, were restored to his Right, I was threatned that a Gibet should be set at my Church Porch, and I hanged upon it, or at my own Door. I preached upon that place of Scripture, *Ezek. 21.* and the 27th Verse, *I will overturn, overturn, overturn; and it shall be no more, until he come*

whose Right it is, and I will give it him. And I declared in my Sermon the several overturnings, that God had given them then in Power. And tho' they threatned me, yet God preserved me then here at Home, as he did my dear Sovereign abroad; for whom I have prayed many hundreds and thousands of times. And it is well known, immediately after his Majesty's happy Restoration, I did upon one of His Majesty's Days preach upon that Subject: *For the Transgressions of a Land many shall be the Princes thereof.* I preached concerning the Excellency of Monarchy, which I shewed to be the chiefest and best of Governments, practised almost every where: And I proved it from the Example of the great God of Heaven, the Monarch of all the World, down to some of the meanest Species of Creatures. I shewed it was the Government God had set up in his Church, appointing the Lord Christ to be the King there: Among the Angels there was the Prince of them: Among the Celestial Bodies, the Sun in the Firmament—

L. C. J. *Mr. Rosewell*, I am very unwilling to give you any Interruption, because of the Condition you stand in, being a Prisoner pleading for your Life, upon an Accusation of High-Treason. But I tell you, these things that you have now insisted upon are not at all to the purpose, as to what you are brought here for. You are not here arraigned for your good Works, but for your evil Works. If you commend your self for two Hours together, it signifies not one Farthing; and the Gentlemen of the Jury must let it go for nothing. It only serves to please your Humour of talking, and captivate the Auditory; but it is not at all to the purpose. Keep close to the matter, that it is incumbent upon you to answer; to the Business you are upon here. It is our Duty, who are upon our Oaths, and who are accountable to the Government and the Law for what we do, to see that things be done according to Law. You are not here called in Question for your good Works or Actions; but for Treasonable and Seditious Words. I would to God, you had never done worse than what you have said of your self. But here is an Indictment for Traiterous Preaching at one particular Place and one particular Time; answer to that. The Jury must go, not according to your way of speaking; but according to the Evidence, relating to the Matters laid in this Indictment. Do not talk of your Preaching for Monarchy; and your Overturn, Overturn, Overturn, for if this be true, that the Witnesses have sworn against you, you have at once overturned all the good you ever did, or said in your Life before.

Mr. Rosewell. My Lord, I know very well, one such evil Action is enough to marr a Life of former good ones. But this that I have said was to shew how inconsistent those things that they have sworn, are with my constantly declared Judgment and former Practice.

L. C. J. There are abundance of People, to whom the King has formerly extended Mercy, not only his Pardon, but even all the Promotions their ambitious Fancies could make them pretend to: But 'tis well known, the Devil has not had more ready Instruments to carry on bloody designs for the Murdering this

Gracious

Gracious King, their Princely Benefactor, than these very Men that were thus gratified and advanced by him. Therefore, we can say nothing to what is alledged of former Loyalty; the Devil surprizes Men into these things; they do them, as the Indictment says, by the Instigation of the Devil. Keep to the Matter before you.

Mr. *Roswell*. Well then, my Lord, to cut short. As to the Business since his Majesty's Return: I have been a constant Observer of his Days; and particularly the 30th of *January* I have always observed as a Day of Humiliation: And I did upon one of those Days preach upon that Text——

L. C. J. And all this signifies just nothing, and upon that Day you went to a *Conventicle* against the Law, and preached there; which shews, what a conformable Man to the Government and the Law you are. You can have your Congregation of Hundreds of People, and I know not what; now I tell you all this makes nothing against you, nor doth all your Commendation make any thing for you.

Mr. *Rosw.* My Lord, I do not know any Law of the Land that is against Preaching the Gospel.

L. C. J. Yes, in *Conventicles* to preach, is against the Law of the Land.

Mr. *Roswell*. My Lord, I humbly conceive it is the Circumstance of Number that makes the Transgression.

L. C. J. It is not only a Circumstance, but the Substance to preach in a *Conventicle*, and all against Law.

Mr. *Roswell*. If you call that a Transgression to preach the Gospel, I humbly acknowledge myself a Transgressor.

L. C. J. I tell you it is a Transgression; but it is not such a Transgression as that for which you are here indicted: But because you commend your self so much; a Man, I must tell you, that every Day doth notoriously transgress the Laws of the Land, need not be so fond of giving himself Commendations for his Obedience to the Government and the Laws.

Mr. *Roswell*. My Lord, I was only saying that upon the 30th of *January* I preached upon that Text; *1 Tim. ii. 1, 2. I exhort therefore, that first of all Supplications, Prayers, Intercessions and giving of Thanks be made for all Men; for Kings and all that are in Authority; that under them we may lead quiet and peaceable Lives, in all Godliness and Honesty.*

L. C. J. Amen! I say to that Petition.

Mr. *Rosw.* Amen! I am sure I say to it, with all my Soul; and it is my daily Prayer to my God for my Sovereign. And here I shewed, that it was the Duty of Subjects to pray for their Prince——

L. C. J. I tell thee, I care not a Farthing what thy Text was; nor thy Doctrine; I wish you had been at Church tho', and been conformable to the Laws. But this is nothing to our Business.

Mr. *Roswell*. I had therein a sharp Reproof and Invective against those that instead of praying for their Civil Head, cut it off; and those that design and plot against the Government.

L. C. J. You did abundance of good by your Sermon, no doubt; I shall not now stand to examine that.

Mr. *Roswell*. So far was I from harbouring any Traiterous Thought——

L. C. J. Come, Come; All this is besides the Cushion; come to the Matter that is here before us, Man. I would not restrain you of any part of your Defence, either in Time, or any thing else; but let us not have the time taken up with that which no way concerns our Question. Our Business relates to what was said at your Meeting, at that Time the Witnesses speak of.

Mr. *Roswell*. Then, my Lord, as to the Truth of this particular Case, I shall now declare all that past then; as in the Presence of that God who searcheth the Heart, and trieth the Reins, and who shall judge us all. Upon the 14th Day of *September* last, I did preach to some People that were met at a Friend's House, one Capt. *Daniel* in *Rotherhithe*: and as my Course hath been to expound the Scriptures (to make them understand them) I was, my Lord, that Day upon the 20th Chapter of *Genesis*. The Chapter is about *Abraham* and *Abimelech* King of *Gerar*. Now, my Lord, will you please that I shall deliver to you what was said, by repeating it by Word of Mouth, or read it?

L. C. J. No, no; I do not desire any of your Expositions, or Preachments: Answer to the Indictment, and what is charged upon you there.

Mr. *Roswell*. My Lord, I am about it, in telling you what was really said; and I ask the favour of delivering in Court what I then delivered to them. My Lord, it was thus: In the 2d Verse it is said, *And Abraham said of Sarah his Wife, She is my Sister*; from whence I observed, that he had been guilty of this once before, in the 12th Chapter, when he told the very same Lye to *Pharaoh* King of *Egypt*. And thence I raised this Note, *That a Good Man, or a Friend of God, might fall into the same Sin once and agen*. And in proof of it, I brought three or four Instances. That of *Lot* in the foregoing Chapter, his falling twice into the same Sins of Drunkenness and Incest with his own Daughters. That of *Sampson*, in the 16th of *Judges* (and there came in the mention of *Dalilah*, that she spoke of, which she only remembers the Name of, and not the Truth of the Quotation) That of *Peter's* denying his Master, Once, twice, and agen; first, with a Lye; secondly, with an Oath; and thirdly, with an Imprecation. But the Proof which they in this Point have most distorted, is that of *Jehoshaphat*, who sinfully joined with two wicked Kings: First, with a wicked Father *Abah* in his Expedition into the Land of the *Syrians* against *Ramoth-Gilead*, *2 Chron. 18th* Chapter; for which he is reprov'd as a great Transgressor, and threatned by the Prophet in the 19th Chapter, and the beginning: And yet he afterwards joined with another wicked King, *Ahaziah*, *Abah's* wicked Son, to go to *Tarsish*; as we may see in the 20th Chapter, and the latter end. And here, my Lord, is the whole of the Business concerning the two wicked Kings. In the Presence of the Holy and Great God there was not one word spoken of the Kings of *England*, either King *Charles* the First, or his present Majesty. This was as to the two wicked Kings. And then, my Lord, I came to the 7th Verse, which has these Words, *He is a Prophet, and he shall pray for thee, and thou shalt live*. Upon this I observed, *That the Prayers of God's Prophets have been very prevalent for*

the healing, and helping of others in a time of need. And three Proofs I brought of this: The last of which, was that of the Prophet *Isaiab's* praying for King *Hezekiah* in the time of his great and dangerous Sicknes. But that which has reference to this Business, was that out of the *1 Kings 13.* and the beginning; *When the Propbet came to Bethel, and there rebuked Jeroboam, and prophesied against the Altar there; Jeroboam put forth his hand, and shook it at him, and said, Lay hold of him; upon which the King's hand was dried up. Thereupon the King intreated the Propbet, that he would pray unto the Lord his God for him, that his hand might be restored, which the Propbet did; and the King's hand was restored again, and became as it was before.* And here is the Business of *Jeroboam*. In the Presence of God, I speak it, there was not any the least Comparison of my Dear Sovereign to that accursed wicked Prince *Jeroboam, who made Israel to sin*: No, my very Soul trembled at the Thoughts of it when I heard it. Upon this Head I had this Sentence, or Observation (which I will give you to a Word) If I were to die the next Moment, and appear before the glorious Tribunal of the Heavenly Majesty, I tell not the least Lye, or Equivocation, or Prevarication, *That a Godly Man's Prayer is a sovereign Cure of the King's Evil; whereby the meanest, or the poorest Christian may gratify, and serve the greatest Monarch.* And this is not my Saying neither, but the saying of an Expositor upon that very place of Scripture, out of whom I did quote it. Nor did I speak of it, or he write of it, with respect to that particular Disease, that the Indictment calls *Morbis Regni*, but the King's Evil as the King's own Disease, in reference to *Abimelech*; who was King of *Gerar*. For it followeth in the Close of the Chapter, *God heard Abraham's Prayer, and healed Abimelech and all his House.* But as for that Word they speak of; *of the Peoples flocking to his Majesty to cure the King's Evil, which he could not do; and that we were Priests and Propbets to whom they must come for Cure;* in the Presence of the Eternal God there was not a Word of it. Then, my Lord, for that of the Rams-horns; I shall observe how that came in by and by; but first I will premise, That all this that has been now spoken of, was upon the Exposition of that Chapter in the Morning. In the Afternoon I preached upon a particular Text; I began with the reading of a Psal'm, and a Chapter; and so far I conceive it was after the manner and usage of the Church of *England*, which enjoins the reading of the Scriptures as Part of its Worship. I preached upon the 11th of the Epistle to the *Hebrews*, and the 12th Verse (though one of the Witnesses said it was a Psalm)——

L. C. J. She would not be positive, but she thought a Psalm, she could not tell.

Mr. Rosewell. My Lord, it was the 11th of *Heb. ver. 12.* the Words are these, *Therefore sprang there of one, and him as good as Dead, so many as the Stars of the Sky in multitude, and as the Sand which is by the Sea-shore innumerable.* Upon which I had this Note, *That the great God can effect great Matters by very small and unlikely Means*: As here (of one) what was less than one? None at all: And *this one too as good as Dead*; and yet from him to raise as many as the Stars in the Sky, and the Sands on the Sea-shore. What great things did God effect by the Rod of *Moses*? which was but a lit-

tle Wand in his Hand, and yet a Sign and Symbol of Authority; *as our Sheriffs white Staves are.* Never was there any great Plague to be sent upon the Enemy of God, and his Church, *Pharaoh* and his *Egyptians*; but upon the stretching forth that little Rod, it came. And so, at the Siege of *Jericho*: What dreadful Dilapidations in that great City, did the Sound of the Rams-horns make? What a terrible Army of the Enemies of the *Israelites* did *Gideon's* small Host destroy, with a few broken Pots or Pitchers? (much less did I mention Platters, or Pewter Dishes; as I have been informed they first swore). And what a tremendous Champion did *David* strike down with a Stone in a Sling? And what a glorious Work did our Lord *Christ*, the Son of *David*, do in his curing the Blind Man with a little Clay and Spittle; more likely to dam up the Eyes of one that could well see, than to open the Eyes of one that was born blind. Now here, my Lord, is the whole truth in the Presence of the Eternal God. Here your Lordship sees is mention made upon the second Verse of the Twentieth of *Genesis* of two wicked Kings; but how, not (as they have represented it) with any Reflection upon the Kings of *England*: Nor were they spoken in that order as they have sworn them; but as I have now repeated them. Here is mention of healing the King's Evil, and of *Jeroboam*; but no way in that manner as they lay. And here is likewise mention of Rams-horns, broken Pitchers, and a Stone in a Sling; but not with the least application to the Government, or reference to it, or Reflection upon it, or the King: and this is the Truth. I have made an ingenuous Confession of the whole as it passed, that your Lordship may see how much I am abused by these false Wretches. And if they have so good Memories as really and indeed to remember what was then said, their Memories and their Consciences cannot but go along with me, and confirm what I have said; that all that was spoken by me that Day, was, as I have related it, without the least Reflection upon, or Application to his former Majesty and our present Sovereign, or either of them, or any thing relating to the Government. And if you be not convinced here, I am sure there will be a Day come wherein you will find and see, that these are none of the King's Friends, but his Enemies, that thus have falsely accused an innocent, faithful, loyal Subject of Treason; a Crime which my very Soul abhors the thoughts of. In Proof whereof, if your Lordship will give me leave, I will now call my Witnesses to testify the Truth of all this Matter. And after this free and ingenuous Confession of the Truth, and what the Witnesses I shall call will testify about it, I hope, and trust in my Good God, that he will let you, my Dear Countrymen, see the Truth and Sincerity of my Heart in whatever Words were spoken by me. Had I been guilty of those Things that are laid to my Charge, I were not worthy to live. Pray *Mr. Crier*, call *Mr. Thomas Hudson*.

L. C. J. Ay; Come call your Witnesses.

Mr. Rosewell. My Lord, One thing I would desire to speak to your Lordship. Your Lordship was speaking, that what I declared of my former Loyalty was nothing to what the Witnesses have deposed; My Lord, I have read in a true History (I think the Scriptures will be owned by all Persons that are here to be such)

of two false Witnesses, they were such; they are called Sons of *Belial* (I pray God these be not accounted Daughters of *Belial*) that swore *Naboth did blaspheme God and the King*. Doth your Lordship believe it?

L. C. J. What would you have of us, Man, by that Question?

Mr. Rosewell. I am confident, my Lord, your Lordship, and the Court, do not believe he did so.

L. C. J. The Scriptures tell us it was not true; Do you think we do not believe the Scriptures, because we do not hear you preach in your Conventicles? We do believe the Scriptures, Man; and we believe too they have been perverted by you, and other People, to very ill Purposes. Yes, I do remember the Story of *Naboth*; and to shew you that I can remember some Holy History as well as you; I can tell you of another Story, and that is the Story of *Susanna*, and the Elders, and there was Circumstance of Time and Place testified to; but it seems they were defective in their Proof, and thereby discovered. You would do well to detect the Witnesses, if you can, in some Contradiction, or Falshood; that will do you more Service, than all your Harangues and Speeches.

Mr. Rosewell. The God of Heaven will do it this Day, I trust; for to him I have opened my Cause.

L. C. J. Well, well, call your Witnesses, and prove what you can.

Mr. Rosewell. My dear Redeemer himself was served so; nay condemned by the Testimony of false Witnesses. [*Mr. Hudson came in.*]

L. C. J. Come, here is your Witness; What say you to him?

Mr. Rosewell. *Mr. Hudson*, were you present at the Meeting at *Rotherhithe* on Lord's Day the 14th of *September* last?

Mr. Hudson. Yes, Sir, I was so.

Mr. Rosewell. Here is *Mrs. Smith* hath sworn that since the beginning of *August*, we had a Meeting in our Publick Meeting-House: Was there any, pray Sir?

Mr. Hudson. There was none such, that I know of.

Mr. Rosewell. She swears, that we were at the House of Captain *Daniel Weldy's* the 14th of *September*. Was it so?

Mr. Hudson. No, Sir.

Mr. Rosewell. What place was it then?

Mr. Hudson. It was one Captain *Daniel's*.

L. C. J. That is the same, as they say.

Mr. Rosewell. The first Witness, *Mrs. Smith*, said Capt. *Weldy's*; indeed, the other said, Captain *Daniel's*.

L. C. J. She said she was told so, but she could not tell; but she remembers you prayed for him, and his Child too, who was then ill.

Mr. Rosewell. Pray Sir, as to the Truth of the Business; Did you hear me speak of two wicked Kings? That, my Lord, came in, I say upon the second Verse of the 20th of *Genesis*, which I then was expounding.

L. C. J. Nay ask him in general what he heard you say? and whether he heard you say any thing of two wicked Kings, and what it was?

Mr. Rosewell. Ay, about *Abah*, and *Abaziab* his Son—

L. C. J. Nay, nay, I must have none of those Things, we must have fair Questions put; for,

as you see we will not admit the King's Counsel to put any Questions to the Witnesses, nor produce any Witnesses against you, that are leading, or not proper, so nor must you: But if you have a mind to ask him any Questions, what he heard concerning two wicked Kings generally; do so.

Mr. Hudson. Upon the 2d Verse he was then.

L. C. J. Of what Chapter?

Mr. Hudson. Of the 20th of *Genesis*. I was then in the Place, and writ. He was upon the second Verse, and concerning *Abraham's* denying of *Sarah* his Wife. Says *Mr. Rosewell*, Doth *Abraham* here fall agen into Lying? I thought he had smarted enough in the 12th Chapter, for the same he told to *Pharaoh*: And doth he fall again, and not take warning by it? From that you may take notice, that *the best of God's Children may fall agen and agen into the same Sin*. And there you quoted what Mischief good *Jehoshaphat* had like to have brought upon himself, by joining with two wicked Kings: First, with wicked *Ahab* king of *Israel*; and, after he was reprov'd for it by the Prophet, yet he fell into the same Sin agen, by joining with *Ahab's* wicked Son King *Abaziab*. And so he quoted *Sampson*, who got Mischief by taking a Wife among the Daughters of the *Philistines*; and yet after he had felt some smart and hurt by it, yet like good *Jehoshaphat*, and good *Abraham*, he falls into the same Sin agen, by going to *Tinnab*, and taking *Dalilah*.

Mr. Rosewell. What said I, pray, upon the Seventh Verse?

Mr. Hudson. The seventh Verse was concerning God's appearing to *Abimelech* in a Dream; where God says, *He shall pray for thee, for he is a Prophet, and thou shalt be healed*. And there *Mr. Rosewell* spoke concerning the Worth and Value of the Prayers of God's Prophets; wherein he instanced in one thing, that they were good to cure the King's Evil. And he quoted several Texts of Scripture of the Worth and Value of them; and among the rest was that in the First Book of *Kings*, the 13th Chapter, and the 6th Verse, wherein the Prophet came to reprove *Jeroboam* at the altar at *Bethel*; and the King stretched forth his Arm, and bid lay hold on him, and the King's Hand was dried up: Upon which the King said to the Prophet, *Intreat now the Face of thy God for me*, and he did so; the Prophet prayed unto the Lord, and the King's Arm was restored whole as the other. And he did quote that of *Hezekiah* too.

Mr. Rosewell. My Lord, this Man did take Notes; and therefore may be the more exact.

Mr. Hudson. Yes, my Lord, I have my Notes, and can read them at large; and I did generally write, my Lord.

Mr. Rosewell. Then pray, *Mr. Hudson*, will you declare, whether you heard any thing in that Exposition or Discourse, concerning Rams-horns, broken Platters, and a Stone in a Sling?

Mr. Hudson. That was in the Sermon, Sir; in the Afternoon.

Mr. Rosewell. She swears it was all in the Morning Discourse.

Mr. Hudson. There was not such a Word in that, as I know of. The Sermon was not in the Morning; you did only expound, as you used to do in the Morning.

L. C. J. If you have done with him, I would ask him a Question or two. Hark you, Sir, Pray what time did this Exercise begin?

Mr. Hudson. It begun about Eight o'Clock.

L. C. J. What number of People do you think there were there?

Mr. Hudson. I cannot judge how many they were.

L. C. J. How many do you think?

Mr. Hudson. I believe there were a matter of Forty or Fifty there.

L. C. J. No more than Forty or Fifty?

Mr. Hudson. Alas, we could see but in one Room.

L. C. J. What Room were you in?

Mr. Hudson. I was in one of the Chambers.

L. C. J. How many Pair of Stairs high?

Mr. Hudson. Two Pair of Stairs high.

L. C. J. Did you see Mr. Rosewell?

Mr. Hudson. No, I could not see him at all.

L. C. J. Was there ever a Bed in the Room where you were?

Mr. Hudson. No, my Lord, there was not.

L. C. J. Was there a Dinner-time between?

Mr. Hudson. There was at Noon a Resting a little while.

L. C. J. Did Mr. Rosewell go down?

Mr. Hudson. Yes, my Lord, he did, I believe, go down Stairs.

L. C. J. Do you remember any thing that was spoken of *Sampson* and *Dalilah*?

Mr. Hudson. Yes, as I said before, there was about *Sampson's* going down to *Tinnab* to take *Dalilah*; shewing his falling, how he fell twice into the same Sin.

L. C. J. Did you hear any Discourse about Canting? Did you observe he used that Word Canting?

Mr. Hudson. No, not that Day, as I know of.

L. C. J. Did you ever hear him use that Word?

Mr. Hudson. Yes, I did one Day.

L. C. J. Ay; What did he say that Day about Canting?

Mr. Hudson. I am not able to tell you very exactly.

L. C. J. You must, you must indeed.

Mr. Hudson. I do assure your Lordship, I know not how to repeat his Expressions about it.

L. C. J. For look you, Sir; though you are not upon your Oath, because the Law doth not allow it; yet the same thing that I told those Witnesses before, the same I must tell you; you must consider, Friend, you come here to serve no Turn, nor Party; you are in the Presence of the great God of Heaven and Earth, who will call you to Account for every thing you testify here; and therefore without any Subterfuges tell us the Truth, and the whole plain Truth without Welt or Guard.

Mr. Hudson. My Lord, I will not deny one Tittle of the Truth, nor tell any thing that is untrue, I know I am in the Presence of a great Court of Justice, and in the Presence of the God of Heaven.

L. C. J. Tell us then, what the Prisoner said about Canting.

Mr. Hudson. He was speaking of the wicked Men of the World, that when they spoke concerning serious Religion, called it Canting, and says he, What is Canting? Canting, says he is a whining Tone.

L. C. J. Did you hear him speak any thing concerning Organs, and Surplices, and white Gowns?

Mr. Hudson. No, my Lord; nothing of Surplices nor white Gowns.

L. C. J. Nor any thing concerning Organs?

Mr. Hudson. No; but something he had concerning the Cathedrals, and their canting Tone there.

Mr. Rosewell. Will your Lordship accept an ingenuous Confession from me my self about this Matter?

L. C. J. No, no, Mr. Rosewell, that will not be Evidence; you can neither acquit, nor condemn your self by these Things either confessed or denied. It is your Witnesses that I must ask, and that I expect an Account from. Therefore I ask you, Friend, and pray recollect your self, How was it that he talked concerning the Canting in Cathedrals?

Mr. Hudson. Truly, my Lord, I cannot give a better Description of it than I have done. For I neither do particularly remember what time it was that I heard him use that Expression, nor can I tell you where it was; neither where, nor when.

Mr. Rosewell. Shall I tell your Lordship the Occasion—

L. C. J. Why do you think I believe any Word you say, notwithstanding any Imprecations or Asseverations you make about your self? It must neither weigh with the Court nor the Jury; we must go according to the Evidence. St. Peter himself, that you say you talked of, denied all with a great many Asseverations; but that Denial did not make him Innocent, no it was his Sin. So all your Imprecations, and Asseverations, and Affirmations of your own Innocence, do not signify one Farthing to this Cause.

Mr. Att. Gen. Hark you, Mr. Hudson; Let me ask you one Question, Pray when Mr. Rosewell had explained those Texts of Scripture, did he not use frequently to make Application of his Quotations?

Mr. Hudson. Yes, my Lord.

Mr. Att. Gen. Then, pray Sir, after he had spoken of the two wicked Kings, how did he apply that?

Mr. Hudson. My Lord, I will tell you how he applied it. After he had made those Quotations, says he, Take notice, if *Abraham* fell, and good *Jehoshaphat* fell, and *Sampson* fell, and *Peter* fell, then what are we? *Let him that standeth take heed lest he fall*: and that was the Application he made of it.

Mr. Att. Gen. Do you speak to all that Mr. Rosewell spoke in that Discourse at that time touching these Matters?

Mr. Hudson. No, Sir, not all; I cannot remember all: But the Substance of the distinct Heads I do remember.

Mr. Rosewell. Then about the King's Evil; how did you apprehend it was meant?

Mr. Hudson. My Lord, I do not believe he spoke it with respect to that Disease which we call the King's Evil; because he spoke it with reference to the Disease that the King was under.

Mr. Rosewell. Did you hear any thing about Twenty Guineas?

Mr. Hudson. No, I did not hear a Word of any Guineas that Day.

Mr. Sol. Gen. Did

Mr. Sol Gen. Did you hear him say any thing about the Peoples flocking to the King?

Mr. Hudson. No indeed, Sir, not I.

Mr. Rosewell. Pray, *Mr. Hudson*, did I name the Word *Priests*?

Mr. Hudson. No, Sir, I did not hear you name *Priests*, but *Ministers* and *Prophets*; and what a Judgment it was to have the *Prophets* taken away.

Mr. Att. Gen. Pray recollect your self; Is that a Phrase they use, *Ministers* and *Prophets*; or do not they call themselves *Priests*?

Mr. Hudson. *Ministers* and *Prophets*, my Lord, are the usual Words.

Mr. Att. Gen. *Priests* is the Word I am told they have.

Mr. Rosewell. Then, Sir, pray will you give an Account how that about the *Rams-horns* came in?

Mr. Hudson. That my Lord was upon that Text, 11 *Heb.* 12.—

Mr. Rosewell. Do you remember what time it was; Forenoon, or Afternoon?

Mr. Hudson. I do remember it was in your Sermon in the Afternoon. The Words are these, *Therefore sprang there even of one, and him as good as Dead, so many as the Stars in the Sky in multitude, and as the Sand by the Sea-shore innumerable.* From whence he raised this Note, or Doctrine; That the great God could by very small Means bring great things to pass. And then he came to prove his Doctrine, by several Instances. Says he, What Works did God do by *Moses's* Rod? And by *Gideon's* broken Pitchers, routing a whole Army? What great Works has God done by small Means? That by the sounding of *Rams-horns* the Walls of *Jericho* should fall down? And what great Wonders he wrought when *David* slew the tremendous Giant *Goliath* with a Stone out of a Sling! And what great Works and Wonders did the Son of *David*, our Lord *Jesus Christ* do, in opening the Eyes of him that was born blind, with a little Clay and Spittle? The Application of that was, *A little Grace*—

L. C. J. We do not desire to hear your Applications.

Smith. My Lord, if your Lordship please, *Mr. Hudson* used to expound himself.

Mr. Hudson. My Lord, I used to repeat what I writ, in my own Family, that is all.

L. C. J. Yes, no doubt he is a most excellent Expositor; there are several People take upon them to expound, that can neither read, nor write. But pray, Friend, let me ask you one Question more; Was the Captain, at whose House you were the 14th of *September*, at Home or at Sea?

Mr. Hudson. My Lord, he was not at Home, but at Sea; and is still at Sea.

L. C. J. Do you remember that he prayed for him at that time?

Mr. Hudson. Yes, my Lord, 'twas his common Practice to pray for the Family wherever he came.

L. C. J. And did he pray for his Son that was sick?

Mr. Hudson. I cannot tell whether he were sick, or no, I do not remember that; but he prayed for the Father and all his Children, the whole Family.

Mr. Rosewell. Pray did you hear any one Word mentioned of the Kings of *England*, or of his

present Majesty, but only in Praying for him; as I bless God I daily do, that God would give him Grace, and all good Things here, and his Glory hereafter?

Mr. Hudson. Not one Word did I hear named of the Kings of *England*; nor of any Kings, but those mentioned in the Scriptures, that were quoted, the Kings of *Israel*, and the like.

Mr. Rosewell. Was there any Word spoken about Popery being permitted to come in under their Noses?

Mr. Hudson. Not one Word of that was spoken, that I know of.

L. C. J. Did you hear the King of *England* mentioned at all that Day?

Mr. Hudson. Yes, in his Prayer. It was his constant course to pray for the King.

L. C. J. Ay; what did he pray for?

Mr. Hudson. He used to express himself very heartily in Prayer, that God would enable him to rule and govern the People under his Charge, and bless him. And he used to say, God forbid that he should sin against God in neglecting to pray for the King.

Mr. Rosewell. It was *Samuel's* Speech to *Saul*. Pray, Sir, did you hear that?—

L. C. J. Nay, nay, ask him what he did hear you pray.

Mr. Rosewell. Did I pray about opening the Eyes—

L. C. J. But you must not open your Witnesses Eyes: Do not lead him.

Mr. Hudson. It was his Common Practice to pray for the King, that God would preserve him from all his Enemies.

L. C. J. And we say the same thing too.

Mr. Hudson. And that God would remove all Evil Counsellors from him.

L. C. J. Ay, no Question.

Mr. Hudson. And establish his Throne in Righteousness, and lengthen his Life, and prosper his Reign; and he used to pray as heartily and as favourly for the King, as ever I heard any Man in my Life.

L. C. J. So there was praying in this Hall, I remember, for his late Majesty; for the doing of him Justice: We all know what that meant, and where it ended.

Mr. Rosewell. *Mr. Crier*, pray call *Mr. George Hall*. [*Who came in*] *Mr. Hall*, Were you present this 14th Day of *September* at *Rotherhitb*?

Mr. Hall. Yes, Sir, I was.

Mr. Rosewell. When I expounded upon the 20th of *Genesis*?

Mr. Hall. Yes, you did so, Sir.

Mr. Rosewell. Pray will you inform my Lords what you heard me say?

Mr. Hall. I will inform them to the best of my Memory.

L. C. J. What Trade are you, Friend?

Mr. Hall. I am a Mealman, my Lord.

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

Mr. Hall. The 14th of *September* last it was my Lot to hear *Mr. Rosewell* expound the 20th Chapter of *Genesis*; as it was his usual Course to expound a Chapter.

Mr. Rosewell. It was not of Choice, but taken in Course. And pray what do you remember was said by me about two wicked Kings?

Mr. Hall. Sir, I remember you brought a Scripture concerning *Jehoshaphat* joining with two; first of all with wicked *Ahab*, and afterwards

wards with wicked *Abaziab* his son; and you proved it out of 2 *Chron.* 18th Chap. and 19th and 20th Verses.

Mr. Rosewell. Do you remember there was any one Word spoken of the Kings of *England*?

Mr. Hall. There was not one Word of his present Majesty, nor his Father, nor any of the Kings of *England*; but of the Kings of *Israel*, *Ahab* and his son,

Mr. Rosewell. Well then, concerning *Jeroboam*, what do you remember of that?

Mr. Hall. As to *Jeroboam*--* You were expounding from the 7th Verse of the 20th Chapter of *Genesis*---And in the opening of that 7th Verse among several Texts of Scripture, *Mr. Rosewell* had this Note, —Hold—*Jeroboam*.—

L. C. J. Ay, about *Jeroboam*.

Mr. Hall. My Memory fails me—

L. C. J. Ay, so I perceive it doth wonderfully.

Mr. Hall. As to *Jeroboam*, he brought a Text from the 2d Book of *Kings*, the 13th, and the former part of the Chapter. There was a Man of God that came to *Bethel*, and prophesied against *Dan* and *Bethel*, and there were these Words, that *Jeroboam*—

Mr. Rosewell. He had his Hand dried up—

L. C. J. What do you mean by that? If your Witness be out in his Story, must you prompt him? Go on, Friend.

Mr. Hall. He prophesied, that the bones of the Priests should be laid upon the altar and burnt, as we read in that Text of Scripture, 2 *Kings* 13. and the beginning. And *Jeroboam* was there, and put forth his Hand—and bid some body take hold of him—whereat the Hand of *Jeroboam* dried up.

Mr. Rosewell. If it please your Lordship, I will call another.

L. C. J. Ay, ay, you may set him going, for he is out.

Mr. Hall. If it please you, I can go a little further. I have something to say as to that—

L. C. J. You had best go out, and recollect your self; you have forgot your Cue at present.

Mr. Rosewell. *Mr. Crier*, pray call *Mr. James Atkinson*.

[*Who came in.*]

L. C. J. You, *Mrs. Smith*, I will ask you, (I will not ask him himself, because he may accuse himself by it). Is this the Miller, at whose House one of the Meetings was?

Smith. No, my Lord, the former Witness *Hudson* is the Miller where he preached.

L. C. J. Well, what do you ask this Witness?

Mr. Rosewell. *Mr. Atkinson*, were you at our Meeting the 14th of *September* last?

Mr. Atkinson. Yes, I was there the 14th of *September*.

Mr. Rosewell. Were you there at the Beginning?

Mr. Atkinson. I was there from the Beginning to the End.

L. C. J. Pray, what Trade are you, Sir?

Mr. Atkinson. My Lord, I am a Mathematical Instrument-Maker.

Mr. Rosewell. What Chapter was I upon?

Mr. Atkinson. The 20th of *Genesis* in course,

and not out of Choice. His usual Custom was to expound a Chapter before he preached.

Mr. Rosewell. Pray, what do you remember was said by me of two wicked Kings?

Mr. Atkinson. Of two wicked Kings! I remember that was upon the second Verse; how *Abraham* said of *Sarah* his Wife, *She is my Sister*: And upon that *Mr. Rosewell* had this Note, That a Child of God may fall into the Commission of the same Sin again and again, after he had been reprov'd and smarted for it. And he quoted several Instances: As that of *Lot*, committing Incest over and over again; that of *Peter*, denying his Lord three Times; that of *Sampson* out of *Judges*, taking two Wives among the *Philistines*, one after another; and then quoted that of *Jehoshaphat* joining with two wicked Kings; *Ahab*, in the 2d of *Chron.* 18. Chap. and afterwards, tho' reprov'd by the Prophet *Jehu*, he joined with *Ahab's* wicked Son *Abaziab*.

Mr. Rosewell. Pray, what did you hear of the King of *England*?

Mr. Atkinson. Not a Word, unless it were in his Prayer; in which he always used to pray earnestly for the King.

Mr. Rosewell. What do you remember was spoken about the King's Evil?

Mr. Atkinson. There was an Expression concerning the Evil, upon the 7th Verse; *He is a Prophet, and he shall pray for thee, and thou shalt be healed*. And he had this Expression, or to this same Effect, for I hope you cannot expect I should speak every Word exactly; but I shall endeavour to speak the Sense, and the Truth, as near as I can, and nothing else. He said, the Prayers of God's Prophets were very prevalent for the healing and helping others in time of need. And he quoted several instances; as that out of the Prophet *Jeremy*, 27th Chap. and 18th Verse, to the best of my Remembrance. And he also quoted that of the 1 *Kings* 13. concerning *Jeroboam*. The Prophet came to reprove him, and *Jeroboam* stretched out his Hand against him, and it dried up; and then he desired of the Prophet to pray for him; which he did, and his Hand was healed.

L. C. J. Look you, what you say may be true, and so may what they say too; for he might say both. You used to say abundance of good things, as well as some bad ones; therefore I would ask him this Question, whether he heard any thing of the King's Evil, or that had any Reference to the King of *England*?

Mr. Atkinson. This is all that I heard that comes to my Memory concerning the King's Evil: *That a godly Man by his Prayers may help to cure the King's Evil, and thereby the poorest Christian may gratify the greatest King*, as says our *English* Annotator upon that 7th Verse; but I never understood him to mean it of the Disease of the King's Evil.

Mr. Rosewell. Do you remember that I preached in this Discourse about Rams-horns, or broken Platters?

Mr. Atkinson. I did not hear of any such thing upon all that Chapter.

L. C. J. But did you hear him speak of any such thing at all that Day?

Mr. Atkinson. Yes, my Lord, I did.

L. C. J. Come then let us have it. What was it?

Mr. Atkinson. His Course was, after the Exposition, to preach a Sermon.

Mr. Rosewell. Was

Mr. Rosewell. Was it in the Forenoon, or in the Afternoon?

Mr. Atkinson. It was after the Exposition; he prayed, and then ceased for a quarter of an Hour.

Mr. Rosewell. Was it distinct in the Afternoon?

Mr. Atkinson. It was another distinct Discourse after the People had received some Reflection in the Afternoon; I cannot tell exactly the time. But the Discourse was preached from *Heb. 11. 12.* I suppose that I need not repeat the Words.

L. C. J. No, no, I care not for that.

Mr. Atkinson. But he thence raised this Doctrine, *That the great God can effect great Matters by very unlikely means;* and he instanced in several Particulars to prove it. As the Miracles of God wrought by *Moses's Rod;* and the Walls of *Jericho* falling down at the sound of Rams-horns, in the 6th of *Joshua;* and then he quoted that of *Gideon,* a dreadful Rout of a great Army, by a few Earthen Pots and Pitchers; and what a tremendous Champion did *David* smite down with a Sling and a Stone?

Mr. Rosewell. I have this one Question more to ask you; did you hear me speak any thing of standing to their Principles?

Mr. Atkinson. Not one Word; and I was there all that live long Day, from beginning to end.

L. C. J. Then, Sir, I would ask you a Question or two, if *Mr. Rosewell* have done with you?

Mr. Rosewell. I have, my Lord.

L. C. J. Pray, what Room were you in?

Mr. Atkinson. I was in the same Room that *Mr. Rosewell* was, he stood at the Door.

L. C. J. What, one Pair of Stairs?

Mr. Atkinson. Yes.

L. C. J. Is there not another Room between the Floor, or the ground Room, and that you were in?

Mr. Atkinson. Yes, Sir; there is another little Room, a little lower than that.

L. C. J. Was there a Bed in that Room you were in?

Mr. Atkinson. Yes, Sir.

L. C. J. Did you sit upon the Bed?

Mr. Atkinson. I did sit upon the Bed sometimes.

L. C. J. Had you a mourning Cloke on that Day?

Mr. Atkinson. Yes, I had.

L. C. J. Had you a mourning Hatband?

Mr. Atkinson. Yes, I had.

L. C. J. Do you remember who sat by you?

Mr. Atkinson. No, my Lord, I do not know.

L. C. J. Do you remember any Body gave you your Boys Shoes from under the Bed?

Mr. Atkinson. Yes, my Lord; but I cannot tell who.

L. C. J. Well then, I ask you, did you hear any mention made that Day about *Dalilah* and *Sampson*?

Mr. Atkinson. Yes, my Lord.

L. C. J. You did?

Mr. Atkinson. Yes, my Lord, as an Instance of a good Man's falling twice into the same Sin.

L. C. J. Did you hear any mention made at that time concerning any other matter that you remember?

Mr. Atkinson. My Lord, that of *Sampson* and *Dalilah* was one of the Instances that I repeated before.

L. C. J. *Mrs. Smith,* was it the same Day that he spoke about Canting?

Smith. Yes, it was.

L. C. J. Do you remember, Friend, any thing that was spoken by him that Day concerning Church-musick?

Mr. Atkinson. No, my Lord, not a Word that Day that I know of.

L. C. J. Did you hear any thing about Canting that Day?

Mr. Atkinson. No, not a Word.

L. C. J. Did you hear him talk any thing of Surplices or white Gowns?

Mr. Atkinson. No, my Lord, not one Word all that Day; but that of *Sampson* and *Dalilah,* my Lord——

L. C. J. You remember that?

Mr. Atkinson. Yes, it was one Instance of a good Man's committing the same Crime once and agen:

Mr. Rosewell. Yes, I own it, it was so; but not as the other Witnesses swear.

Mr. Atkinson. Truly, my Lord, I would not tell one tittle of a Lye; to the best of my Remembrance——

Mr. Sol. Gen. Pray, Sir, let me ask you one Question: I see you are very perfect in the Proofs of the Sermon, did you take Notes that Day?

Mr. Atkinson. No, I did not, Sir.

Mr. Sol. Gen. Can you remember then any one Observation that he made upon any other Verse? Pray what Observation did he make upon the eighth Verse?

Mr. Atkinson. None at all.

Mr. Sol. Gen. What upon the 12th or 13th Verses?

Mr. Atkinson. I cannot tell; I can upon the 5th.

Mr. Rosewell. Will your Lordship give me leave to acquaint you with that?

Mr. Atkinson. He only explained that which was difficult; but when it was a little Historical, he only read it. But what he observed upon the second and the seventh Verses, was the substance of the whole Exposition almost.

Mr. Att. Gen. Has no body read the Notes of that Sermon to you since?

Mr. Atkinson. I endeavoured to recollect myself, after I heard *Mr. Rosewell* was accused; and writ, what I could remember, down.

Mr. Att. Gen. But did any body read their Notes to you since?

Mr. Atkinson. No, indeed, there has no body read any Notes to me.

Mr. Att. Gen. Upon your Oath how came you to remember the word *Tremendous*?

L. C. J. He is not upon his Oath, Mr. Attorney.

Mr. Atkinson. Because when he made such short Notes, I endeavoured to remember them; I thank God I have a pretty good Memory.

Mr. Att. Gen. Ay, upon my Word, a very strong one.

Mr. Atkinson. He did use the Word *Tremendous* Champion.

Mr. Recorder. Had you and *Mr. Hudson* any Discourse about this Matter since?

Mr. Atkinson. Yes, Sir, we might talk what we did remember to one another.

Mr. Sol. Gen. Did he write down the Sermon?

Mr. Atkinson. Yes, I suppose he did; but I did not sit by him.

Mr. Rosewell. Mr. Crier, Pray call *Mr. William Smith.*

[Who came in.]

Mr. Smith. Were you at this Meeting the 14th of September last?

Smith. Yes, I was, Sir.

Mr. Rosewell. Pray will you acquaint my Lords, what you heard me say there? What Chapter did I expound?

Mr. Smith. The 20th Chapter of *Genesis*.

Mr. Rosewell. What do you remember of it?

Smith. I remember the Chapter concerned *Abraham* and *Abimelech*.

Mr. Rosewell. What did you hear of the People's flocking to the King to cure the King's Evil?

Mr. Smith. I heard no such Word.

Mr. Rosewell. Or that his Majesty could not cure the King's Evil?

Mr. Smith. No, Sir, not a Word of it.

Mr. Rosewell. Did you hear any thing at all concerning the King's Evil?

Mr. Smith. Sir, you did quote something out of the Annotator about the King's Evil.

Mr. Rosew. Do you remember what that was?

Mr. Smith. I cannot remember it fully at length, Sir.

Mr. Rosewell. Pray did you understand it as meant of the King's Evil; or of the Evil of *Abimelech* King of *Gerar*?

Mr. Smith. I did not understand it of the Disease so called; but of the Evil of *Abimelech*.

Mr. Rosewell. What did you hear concerning Priests and Prophets?

Mr. Smith. You said it was the Function of the Prophets to pray for the People.

Mr. Rosewell. What do you remember was said of two wicked Kings?

Mr. Smith. You did make mention of two wicked Kings, *Abab* and *Abaziab*; that *Jehoshaphat* sinned, in joining with them one after another.

Mr. Rosewell. Was there any thing of the Kings of *England*, or of my Sovereign?

Mr. Smith. No, not at all, Sir.

L. C. J. Did you hear any thing concerning *Jeroboam*?

Mr. Smith. Yes, that *Jeroboam* stretched forth his Hand, and his Hand withered; and the Prophet prayed for him, and his Hand was restored.

L. C. J. Did you hear any thing in the Exposition of broken Pitchers; I mean in the Forenoon?

Mr. Smith. No, I think not.

L. C. J. What did you hear of them? and when?

Mr. Smith. To the best of my Remembrance it was in the Afternoon; That God could do great matters by small means; and you quoted several things. I did not stand well, so that I could not hear all the Particulars.

L. C. J. But what did you hear?

Mr. Rosewell. Pray did you hear any Word of standing to their Principles; or of overcoming, that Day?

Mr. Smith. No, I did not.

Mr. J. Holloway. It seems you did not stand in a good Place to hear.

Mr. Rosewell. Mr. Crier, Pray call Mr. *William Bates*.

[Which he did, but he did not appear.]

Crier. He is not here, Sir.

Mr. Rosewell. Pray, Sir, call Mr. *George Hales*

[Who came in.]

Were you this 14th Day of September at this Meeting, Sir?

Mr. Hales. Yes, I was, Sir.

Mr. Rosewell. Were you there from the Beginning to the End?

Mr. Hales. Yes, I was, Sir.

Mr. Rosewell. Pray then will you tell my Lord what you heard me say, with reference to flocking to the King, or curing the King's Evil.

Mr. Hales. I heard nothing that you should say of Peoples flocking to the King; but you were speaking of the King's Evil, and that was thus: My Lord, it was from the 7th Verse of the 20th Chapter of *Genesis*, *He is a Prophet, and shall pray for thee, and thou shalt be healed.* God is speaking to *Abimelech* in a Dream; and after a little Paraphrase upon the Words, Mr. *Rosewell* said, That a godly man's Prayer was a Sovereign Cure for the King's Evil; and quoted some Scripture Instances, as in *1 Kings*, where God having sent a Man of God to reprove *Jeroboam* for his Idolatry, he stretched out his Hand, and his Hand withered; and he desired the Prophet to pray to the Lord his God, that his Hand might be restored; and accordingly it was accomplished.

Mr. Rosewell. Did you hear any thing of the Kings of *England*?

Mr. Hales. No, not one Word all that Day; only you prayed for His Majesty, as you used to do.

Mr. Rosewell. What do you remember was said about Rams-horns?

Mr. Hales. I remember you were preaching out of the *11 Heb. 12.* and the Words were these, *Therefore sprang there of one, and him as good as dead, as many as the Stars in the Sky for Multitude, and as the Sand upon the Sea-shore innumerable.* From whence he had this Observation, *That God is able to bring great Matters to pass by small Means.* And so accordingly Mr. *Rosewell* instanced how the Walls of *Jericho* were shook down by the sounding of Rams-horns; or something to that Purpose.

Mr. Rosewell. What do you remember of broken Platters?

Mr. Hales. I remember you brought in an Instance concerning *Gideon*: and I think it was thus, that by breaking a few earthen Pitchers he routed a great Army.

Mr. Rosewell. And so of a Stone and a Sling. But was there any thing of standing to Principles?

Mr. Hales. Not a Word.

L. C. J. As you heard?

Mr. Hales. That I heard.

L. C. J. Or that you remember?

Mr. Hales. Yes, my Lord. But you said, What a tremendous Champion did *David* slay with a Sling and a Stone?

L. C. J. Did you take Notes?

Mr. Hales. No, my Lord.

L. C. J. Then pray how came you to remember that Word Tremendous?

Mr. Hales. I do remember he did use that Word.

L. C. J. Have you had any Discourse about this matter since?

Mr. Hales. Yes, I have.

L. C. J. With whom?

Mr. Hales.

Mr. Hales. With several Friends.

L. C. J. Did you discourse with *Atkinson* about it?

Mr. Hales. Yes, I did.

L. C. J. Did you with *William Smith*?

Mr. Hales. No; I do not remember I did.

L. C. J. Did you discourse with *Hudson*?

Mr. Hales. I cannot say I did.

Mr. Att. Gen. Nor you cannot say you did not.

L. C. J. Did you hear any Notes read?

Mr. Hales. I think I did.

L. C. J. Whose Notes were they you heard?

Mr. Hales. *Thomas Hudson's* Notes, I think; I am not sure of it.

L. C. J. It is so hard and difficult to get out the Truth from this sort of People; they do so turn and wind. How long after the Sermon was preached was it that you heard the Notes read?

Mr. Hales. I was in the Country when *Mr. Rosewell* was taken; and when I came home again, I heard of it.

L. C. J. But you did not remember it till after he was taken?

Mr. Hales. No, my Lord; and I read the Chapter my self, and remember'd these things.

Mr. Sol. Gen. Pray is the Word Tremendous in *Hudson's* Notes, or no?

Mr. Hales. I cannot tell whether it be, or no.

Mr. Att. Gen. Pray, when was the next Day after this?

Mr. Hales. I cannot tell, I was in the Country.

L. C. J. Did he take Notes in Long-Hand, or Short?

A Stranger that stood by. In Characters, my Lord.

Mr. Att. Gen. Have you not heard him preach since that time?

Mr. Hales. Sir, I went into the Country soon after.

Mr. Att. Gen. Where was his Text at any other time, can you tell?

Mr. Hales. No, I cannot readily.

Mr. Att. Gen. Nor what he discoursed upon?

Mr. Hales. As to any particular time I cannot.

Mr. Att. Gen. Do not you remember his Text at any other Time?

L. C. J. When was the time before this 14th of September, that you did hear him preach? You have heard him before?

Mr. Hales. Yes, my Lord, I have.

L. C. J. Was that upon a Sunday?

Mr. Hales. Yes, it was.

L. C. J. Did you hear him the Sunday before?

Mr. Hales. Yes, I did.

L. C. J. Well, what did he preach upon then?

Mr. Hales. This I know, that in his Course of Reading and Exposition, he was upon the 19th of *Genesis*.

L. C. J. What was his Discourse upon that Chapter?

Mr. Hales. That I cannot tell.

L. C. J. Nor the Day afterward?

Mr. Hales. No, my Lord.

L. C. J. Upon my word you have a lucky Memory for this purpose; to serve a turn, it can just hit to this very Day. You are very punctually instructed.

Mr. Sol. Gen. Do you remember any other

part of the Sermon of this Day than what you have related?

Mr. Hales. Yes.

L. C. J. Ay; tell us what you remember besides.

Mr. Hales. I must consider a little; I am not so ready at it.

L. C. J. Ay, come let us hear it.

Mr. Rosewell. These Things he might have more occasion to recollect by reason of my Charge.

L. C. J. You say right, just occasion for this Purpose. But I thought these Men that have such stupendious Memories, as to tell you they remember the Chapter, and the Verse, and particular Words, when it serves a Turn, might remember something before or after, at least in the same Sermon. Why do you think they were enlightened to understand and remember that one Day more than any other? They can remember particularly as to such things, and can clan it together to answer such particular Questions; but as to any thing before or after, they are not prepared.

Mr. J. Withins. Have you any more Witnesses, *Mr. Rosewell*?

Mr. Rosewell. Mr. Crier, pray call *Mr. John Wharton*.

[Who came in.]

Mr. Justice Holloway. Where do you dwell, *Wharton*?

Mr. Wharton. At *Rotherhithe*.

Mr. J. Holloway. What Calling are you of?

Mr. Wharton. A Gardiner.

Mr. Rosewell. Were you at the Meeting the 14th of September?

Mr. Wharton. Yes, I was, Sir.

Mr. Rosewell. What do you remember, pray, of the Exposition then concerning Flocking of the People to the King to be cured of the King's Evil?

Mr. Wharton. Sir, I do remember upon your Exposition of the 20th of *Genesis*, you were speaking concerning *Abimelech* King of *Gerar*; and you took your Exposition thus. That *Abimelech* had taken away the Wife of Faithful *Abraham*, that I do remember very well; and that you did say in your Exposition, that the Prayers of the Prophet were prevalent for the curing of the King's Evil. And then you brought your Proof, to the best of my remembrance, concerning King *Jeroboam*; that *Jeroboam* stretched out his hand against the Prophet of the Lord, and that the King cried, Lay hold of him, when he came to cry against the Altar at *Bethel*, and his Hand dried up; whereupon the King desired the Prophet to pray to the Lord, that his Hand might be restored; and he did so. This was the Exposition that you made upon that Verse in Part.

Mr. Rosewell. Do you remember any thing of comparing the King of *England* to *Jeroboam*?

Mr. Wharton. I do not remember any such Passage.

Mr. Rosewell. Do you remember any thing about two wicked Kings?

Mr. Wharton. I do remember this Passage, concerning *Jehoshaphat*, that he had fallen twice into the same Sin, by taking part, first, with wicked *Abab*, and then with his wicked Son *Absiath*.

Mr. Rosewell. Was there any thing of the Kings of *England* mentioned in this Discourse?

Mr.

Mr. Wharton. No, nothing Sir. It was but an accidental thing that I heard you then. I heard nothing of the King of *England* in your Exposition or Sermon, but only in your Prayer; when you pray'd for his long Life and happy Reign.

L. C. J. Did you ever hear him before that time?

Mr. Wharton. Yes, my Lord.

L. C. J. Did you ever hear him since?

Mr. Wharton. Yes, once since.

L. C. J. Now let us know his Text, and the subject Matter he was upon since.

Mr. Wharton. Truly, as to the time since I did not take much Account; for I did not write.

L. C. J. Canst thou tell us of what past at any time before?

Mr. Wharton. Once before I heard him upon the 19th of *Genesis*, where he made his Exposition—Truly, I have not any Notes——

L. C. J. Then hark you, Friend, have you spoken with any Body since that 14th of *September* that did take Notes?

Mr. Wharton. I am not acquainted much with them that were his constant Hearers, that did take Notes.

L. C. J. But answer my Question that I ask you; did you ever discourse at all about this Matter, and with whom?

Mr. Wharton. I came thither by my self, I say; I had not much Acquaintance with them.

L. C. J. Nay, do not prevaricate, Friend, with the Court, but speak the Truth out plainly. I ask you in the Presence of Almighty God, did you ever speak with any Body since the 14th of *September* about this Business?

Mr. Wharton. Mr. *Hudson* did speak with me about it.

L. C. J. Did he read his Notes to you?

Mr. Wharton. Yes, he did.

L. C. J. It is a strange thing, Truth will not come out without this Wire-drawing. You cannot help this Canting for your Life; this is Canting, if you would know what Canting is. Did you ever speak with *Hales*, or *Atkinson*, or *Smith* about it?

Mr. Wharton. I do not know *Atkinson*, or *Hales*. I know Mr. *Smith*; but I never spoke with him about it; nor he with me.

L. C. J. When was it that *Hudson* and you spoke together of this thing?

Mr. Wharton. It was last *Thursday*.

L. C. J. Did he come to you, or you to him?

Mr. Wharton. I met him.

L. C. J. Where did you meet him?

Mr. Wharton. At *Rotherhithe*.

L. C. J. Did he speak to you of it first, or you to him?

Mr. Wharton. He spoke to me.

L. C. J. Then I ask you (and remember, though you are not upon your Oath, yet you are to testify the Truth, as if you were upon your Oath) did he mention any thing of *Jeroboam*?

Mr. Wharton. Yes, he did.

L. C. J. Of *Jehoshaphat*? and of *Abimelech*?

Mr. Wharton. Yes, he did.

L. C. J. Did you mention any of these things to him?

Mr. Wharton. Yes, Sir, I repeated more then, than I have done now.

Mr. Att. Gen. Was your Meeting accidental, or appointed?

Mr. Wharton. It was accidental in the Street; I dwell below him a great deal.

Mr. Att. Gen. And where was it?

Mr. Wharton. We were talking in the Street.

Mr. Just. Withins. Did not you go into some House?

Mr. Sol. Gen. Had you any Discourse at that time of being present at the Trial of Mr. *Rosewell*?

Mr. Wharton. No, I did not know any thing of it till I saw the *Subpœna*.

Mr. Sol. Gen. Before you discoursed with him, did you remember all these things?

Mr. Wharton. Yes, I could remember them as well as he; and a great deal more then.

Mr. Att. Gen. Then cannot you remember what was done the next Day?

Mr. Wharton. No, I cannot.

Mr. Att. Gen. How came you then to remember so well what was said that Day?

Mr. Wharton. Because there was a remarkable Passage, that I had never heard before expounded. I had not staid at that time, but that he was expounding of a very remarkable thing, which I had never heard expounded before.

L. C. J. Have you any more Witnesses, Mr. *Rosewell*?

Mr. Rosewell. I have some Witnesses to call more, if your Lordship pleases, to testify concerning my Life; and that I always prayed for the King, that God would crown him with Grace here, and Glory hereafter; and that he would remove all his Enemies from him.

L. C. J. Ay, Mr. *Rosewell*, first remove all his Friends from him; and then remove his Evil Counsellors.

Mr. Rosewell. Pray, *Crier*, call Mr. *Charles Arthur*. [But he did not appear.]

Mr. Just. Withins. Come, it seems, he is not here, call another.

Mr. Rosewell. Call Mr. *Tho. Jolliff*.

[Who appeared.]

L. C. J. What do you call this Man to?

Mr. Rosewell. My Lord, this Person I call to testify with respect to my Conversation and Carriage towards His Majesty and the Government.

L. C. J. What is your Name, Sir?

Mr. Jolliff. *Thomas Jolliff*.

Mr. Just. Holloway. Where do you live, Sir?

Mr. Jolliff. In *Mary Magdalen's Parish*.

L. C. J. Why not *St. Mary Magdalen's*?

Mr. Rosewell. He is my Neighbour, my Lord.

L. C. J. But, I suppose, he thinks that would have made the Name so much the longer; or else, he thinks, that there is *Popery* in calling it so.

Mr. Jolliff. No, my Lord, I have called it a Hundred times, and a Hundred times, *St. Mary Magdalen*.

L. C. J. Prithee then do it again, it will never be the worse for thee, I dare say. Well, Mr. *Rosewell*, what do you ask him?

Mr. Rosewell. Pray, Sir, will you testify what you know of my Conversation towards the Government, and particularly towards His Majesty?

Mr. Jolliff. My Lord, in the time of Indulgence I have heard Mr. *Rosewell* once, or twice, or more; and I heard him pray for the King, and the Peace and Welfare of the Nation, as heartily as ever I heard any Minister in *England* in my Life.

Mr. Rosewell.

Mr. Rosewell. Pray, Sir, for my Conversation; Did you ever hear any thing of my Disloyalty or Disaffection to his Majesty, or the Government?

Mr. Folliff. No, Sir, I never heard any thing of any Disloyalty, or any such thing in my Life; but all the Parish will give you an Account, that you have behaved your self as an honest Man; and I never knew that, either in Word or Deed, you were accused of any Disloyalty. And, my Lord, if you please to give me my Oath, I will swear it; for it is the same thing to me to testify here in such a Court under an Oath, or without it; for I ought, I know, to testify the Truth.

Mr. Rosewell. My Lord, I am confident that what he says he would swear; and he is a very honest Man.

L. C. J. Well, *Mr. Rosewell*, if you have any more Witnesses, call them; and make what Remarks upon the Evidence you please afterwards, for this is not the time for making Remarks.

Mr. Rosewell. I humbly thank your Lordship for your great Favour.

L. C. J. I do not speak it to cramp you in your time; but call your Witnesses, and then make what Remarks you will: For, God forbid, we should hinder you from taking your full time; for you stand here for your Life.

Mr. Rosewell. Is *Mr. Winnacott* here?

[*He did not appear.*]

Then pray call *Captain Richard Cotton*.

[*But he did not appear.*]

Call *Mr. Thomas Fipps*.

[*Then Capt. Cotton appear'd.*]

Mr. Rosewell. This Gentleman, my Lord, hath known me for several Years. *Captain Cotton*, I pray, Sir, will you speak what you know of my Conversation, and Life, and Loyalty, with respect to the King and Government?

Capt. Cotton. My Lord, and Gentlemen of the Jury, of late I have not frequented *Mr. Rosewell's* Company, or his Congregation; but when the Door stood open, without opposition, I have been there; and have heard him pray for the King and Government several times; and bless God, that we lived under so peaceable a Prince, when all our Neighbours were in Blood and War.

Mr. Rosewell. Pray, Sir, have you ever heard, that either in Word, or Deed, I should ever declare against his Majesty, or the Government?

Capt. Cotton. No, I never heard any such thing in my Life; but what I heard now upon this Trial up and down the Hall, as I was walking below.

Mr. Just. Withins. How long ago is it, that you speak of, *Mr. Cotton*?

Capt. Cotton. I was abroad most of the time at Sea; but this was three, or four, or five Years ago.

Mr. Just. Withins. What time was that?

Capt. Cotton. It was in the time of the Indulgence.

Mr. Just. Withins. Ay, then it may be, he could speak kindly enough of the Government.

Mr. Rosewell. He has known me these ten Years. Have you not, Sir?

Capt. Cotton. Yes, I believe I have, ever since you came thither.

[*Then Mr. Fipps came in.*]

Mr. Rosewell. This Gentleman hath known me several Years, have you not, Sir?

Mr. Fipps. Yes, Sir.

Mr. Rosewell. Pray, Sir, will you give my Lord and the Court an Account what you know of my Life and Conversation, and of my Loyalty or Disloyalty to the King or Government?

Mr. Fipps. My Lord, I have known this Gentleman divers Years. He lived in *Wiltshire*, and there he had the Reputation of a very honest Man, a good Scholar, and a pious Man. I never heard him preach in my Life, because I never go to Conventicles; but I have been in the House, where I have heard him pray in the Family; and there he prayed very earnestly for the King and Government, for the Prosperity of it. Since I came to *London*, he came to *London* too, and has been here in *London* about ten Years; and has been often in my Company since, and in the late Times, *the Bethelish Times*, when every Body did take Liberty to say what they would of the King and Government; I have been often in his Company, and heard him speak with a great deal of Respect of the King, and of the Government, and thank God for the Liberty he did enjoy, and the Protection he had from the Government; but I never heard him speak an ill Word of the Government in my Life; and I have known him as much (I believe) as any other Man that was not his Hearer; he was always reputed a very ingenious Man; and that is all I can say. I never heard or knew any thing of ill of him in my Life.

Mr. Rosewell. Pray call *Mr. Caleb Veering*.

[*Who came in.*]

Sir, you have known me several Years. Pray be pleased to testify to my Lord, and the Court, what you have known of my Conversation, with respect to his Majesty and the Government?

Mr. Veering. My Lord, I have known *Mr. Rosewell* these several Years; and I have been in Company with him upon the Occasion of receiving Money on Account of Rent for a Friend of mine; and likewise have heard him formerly, when he preached publicly; and never heard any thing from him that reflected upon the Government, or shewed any disrespect to the King. I have heard him pray often very heartily for the King, and he never meddled with any publick Business, nor spoke of any News while I was concern'd with him.

Mr. Rosewell. Pray, Sir, did you ever hear of any ill I should speak of my Sovereign?

Mr. Veering. I have heard him often pray for the King and Government; and I never heard any Man say that he did otherwise, or that ever he spoke an ill Word concerning any of them.

Mr. Rosewell. Call *Mr. John Hitchcock*—

[*Who came in.*]

Sir, you are a Gentleman that have known me for several Years; pray, will you testify what you have known concerning me? And if you have heard or known any ill of my Conversation towards the King, pray speak it out, and let me be shamed before God, and this great Assembly.

Mr. Hitchcock. I have known him, my Lord, several Years, and have heard him formerly, though not of late; and when I heard him, he used constantly to pray for the King and Government; I never knew him to speak any thing against the King and Government in my Life; but always spoke very worthily of them.

Mr. Rosewell. Have you heard me often pray for the King?

Mr. Hitchcock. I have so, Sir, a great many times.

Mr. Rosewell. How long is that ago?

Mr. Hitchcock. About two or three Years ago, my Lord; and I never knew him to be but a very worthy Gentleman.

Mr. Rosewell. Pray call *Mr. Michael Hinman*—
[*Who came in.*]

My Lord, here is another Gentleman that hath known me several Years. Pray, Sir, will you speak what you know of my Conversation, with Respect to His Majesty, and the Government?

Mr. Hinman. My Lord, I have known him many Years, and been in his Company several times, and never heard him speak any thing of ill relating to the King or Government.

Mr. Rosewell. Pray, Sir, have you not been (upon some Occasions) present where I have prayed?

Mr. Hinman. Yes, Sir, I have heard you pray; and I have heard you pray for the King very heartily.

Mr. Rosewell. Have you heard of any Evil I should either say, or do? Or any thing by Word or Deed, against the King or Government?

Mr. Hinman. No, never in all my Life, one way or other.

Mr. Rosewell. Pray call *Mr. Nicholas Wanley*.
[*Who came in.*]

Sir, you have known me for these many Years; pray will you be pleased to speak the Truth of what you know of my Conversation, with respect to the King and Government.

Mr. Wanley. My Lord, I have known the Prisoner at the Bar several Years; I have been frequently in his Company; and never heard him speak an ill Word against the King or Government in my Life: But have often heard him wish, that the King might live, and have a long and prosperous Reign: I never heard him say one ill Word of the Government in my Life; but always, when he spoke of it, it was with all the respect that any Person could do.

Mr. Rosewell. Did you ever hear from any other Person, directly or indirectly, that I have spoken reflectively upon His Majesty?

Mr. Wanley. Never in my Life, my Lord.

Mr. Rosewell. One way or other?

Mr. Wanley. No, not any way at all.

Mr. Rosewell. Pray, call *Mr. John Strong*—
[*Who appeared.*]

Sir, you are a Gentleman that have known me many Years too, ten or twelve Years, I believe.

Mr. Strong. Yes, Sir.

Mr. Rosewell. Pray, will you tell my Lord, and the Jury, what you know of me with respect to my Behaviour in Word, or Deed, in reference to his Majesty, or the Government?

Mr. Strong. Sir, I have heard you teach several times formerly; I was not at this time indeed (for which you now stand accused) at that Place: but I never heard you speak a Word against his Majesty, or the Government. But you always prayed very earnestly for his Majesty.

Mr. Rosewell. Did you ever hear that I should say any thing ill of the King, or Government?

Mr. Strong. No, never.

Mr. Rosewell. Call *Mr. John Cutloe*—
[*Who appeared.*]

Sir, You have known me too, very many Years; What do you know, pray, concerning my Behaviour towards his Majesty and the Government?

Mr. Cutloe. My Lord, I never knew him speak one Word disrespectfully of the Government, or the King, in my Life; tho' I have known him some Years.

Mr. Rosewell. Did you ever hear from any Body else, that I did speak ill of the King or Government, directly or indirectly?

Mr. Cutloe. No, never a Word; I assure you, Sir.

Mr. Rosewell. Have you been where you have heard me pray for his Majesty?

Mr. Cutloe. Yes, Sir; I remember at *Bristol* once occasionally I heard you in the time of Liberty; otherwise I cannot say I have heard you: But I never heard any thing against the Government; but you always behaved your self Loyally and Peaceably that I know of.

Mr. Rosewell. Call *Mr. Charles Melfum*—
[*Who appeared.*]

My Lord, I call this Gentleman, who will acquaint you that he lived with me many Years in an honourable Family, a Person of Quality of this Nation, one of the *Hungerford's*: Where, my Lord, I was Tutor to Sir *Edward's* Son for near Seven Years; a Gentleman well known for his great Loyalty to the King and Government: So that if I had been such an Enemy to the King, or so disaffected as these People would make me to be, sure he would never have entertained me. Pray, *Mr. Melfum*, will you please to acquaint my Lord, and the Jury, how many Years I was in that Family?

Mr. Melfum. Seven Years; and I was above Fourteen my self.

Mr. Rosewell. Pray, what do you know of my Carriage in that honourable Family, with respect to the King and Government?

Mr. Melfum. As far as I know for my Life, I will declare. I do not remember he did trouble himself, or meddle or make with any Man's Business but his own. He was a Man that kept much to his Study: And when he came up to Prayer, he prayed heartily for the King; and had the good Word of all his Neighbours thereabout.

Mr. Rosewell. Have you often heard me pray for the King?

Mr. Melfum. I have heard him a Hundred times pray for the King; I never miss Prayers when I was at Home; and it was his constant Practice.

L. C. J. Did he pray in the Family then?

Mr. Melfum. Yes, he did.

L. C. J. Did he use to go to Church?

Mr. Melfum. Yes, he went to Church, to the beginning of the Prayers; he did frequently attend Divine Service.

L. C. J. Did he receive the Sacrament in all that time?

Mr. Melfum. Yes, I believe he did; I cannot say it directly.

Mr. Rosewell. I was a constant Attender upon the Publick Ministry. It is now above a Dozen Years ago; it was in the Year 1664, my Lord, and so downward. Sir, You know I was a constant Attendant upon the Ministry of the Church, and the Worship of God there.

L. C. J. Did you ever hear him make use of the *Common-Prayer* himself in the Family?

Mr. Melfum. I cannot say he did.

L. C. J. Well; have you any more Witnesses, Sir?

Mr. Rosewell. Yes, my Lord. Pray call Mr. Robert Medham.

[Who appeared.]

Here is another Gentleman, my Lord, that lived in that Family. Pray, Mr. Medham, how long did you live in that honourable Family?

Mr. Medham. About four Years.

Mr. Rosewell. Was that in the time that I was there?

Mr. Medham. Yes, it was.

Mr. Rosewell. Pray then, Sir, will you declare what you know of my Conversation in that Family with respect to the Publick?

Mr. Medham. My Lord, it is a great while ago; but at that time Mr. Rosewell did always keep to the Parish-Church. He was Chaplain to my Lady Hungerford; and always pray'd for the King at every time of Prayer.

Mr. Rosewell. Did you ever hear that I should speak or declare any thing against the King, or Government, in all my Life, all my time, or your time that I was there?

Mr. Medham. I must needs say, I never did hear any such thing in my Life.

Mr. Just. Holloway. But it was not the Prayers of the Church that he used?

Mr. Medham. I cannot say that.

L. C. J. Did you ever hear him use the Prayers of the Church?

Mr. Medham. The Prayer that I heard, was that which was usually made in the Family.

L. C. J. But pray, speak plain; Did he use the *Common-Prayer*?

Mr. Medham. No, my Lord; I cannot say he used the *Common-Prayer*.

L. C. J. I tell you what I mean; Did he pray out of the Book of the *Common-Prayer*?

Mr. Medham. No, my Lord, I cannot say that.

L. C. J. Dost thou take his *EXTEMPORE* Prayer to be the Prayers of the Church?

Mr. Just. Withins. My Lord, he does not know the difference, I believe; I believe he does not go to Church.

Mr. Medham. Yes, I used to attend upon the Publick; and so did Mr. Rosewell.

Mr. Just. Withins. Well, Sir, have you any more Witnesses?

Mr. Rosewell. Yes, my Lord: Pray call Mrs. Anne Broadhurst.

[Then Mr. Winnacott appeared, and offered himself.]

Mr. Winnacott. My Lord, I heard I was call'd; and am come as soon as I could get in.

Mr. Rosewell. Ay, Mr. Winnacott, you have known me many Years; I desire you would testify what you know concerning my Conversation and Behaviour.

Mr. Winnacott. Formerly, when I heard him, I never heard him speak a Word against the King or Government; and it is some three Years ago, since I heard him.

Mr. Rosewell. Have you heard of any Evil that I have said or done against the King, or the Government?

Mr. Winnacott. No; but I have heard him often pray for his Majesty.

Mr. Just. Withins. Well, there is your other Witness Anne Broadhurst; what ask you her?

Mr. Rosewell. My Lord, this was a Servant that lived several Years in my Family. Pray, Nan, how many Years did you live there?

Anne Broadhurst. Four Years, my Lord.

Mr. Rosewell. Pray declare what you know of me in my Family, with respect to the King and Government.

Anne Broadhurst. I have generally heard you twice a Day pray in your Family; and I never heard you pray in my Life, but I heard you pray as earnestly for the King as you did for your own Soul. This I can declare during the time that I lived there.

Mr. Rosewell. Did you ever hear me speak Evil of the King in my Family; or reflectively upon the Government?

Anne Broadhurst. No: You always pray'd for the King (as I say) as earnestly as for your Self, or your Family.

Mr. Rosewell. If you know any ill Carriage in Word or Deed towards my Sovereign, I desire you to speak it out, without favour or affection, or any respect to me in the World.

Anne Broadhurst. No, I never did; but have often heard you heartily pray for him.

Mr. Just. Withins. Pray, how long ago is this?

Anne Broadhurst. Two Years ago I lived with him.

Mr. Rosewell. Pray, tell my Lord again, how long it was, and when that you lived there.

Anne Broadhurst. I lived there four Years; and it is two Years ago since.

Mr. Just. Withins. Pray, how often were you at Church in that time?

Anne Broadhurst. When I had occasion to go, I did go; but I did usually hear my Master, when I dwelt with him.

Mr. Just. Withins. Well, who is your next Witness?

Mr. Rosewell. Call Anne Manning.

[Who came in.]

You lived with me in my Family several Years?

Anne Manning. Three Years, Sir.

Mr. Rosewell. Pray, will you declare what you know of my Carriage and Behaviour towards the King and Government, in my Family, while you were there?

Anne Manning. My Lord, he prayed for the King, for his long Life, in his Family Duties, Morning and Evening; and in private, when Nobody heard him but myself.

L. C. J. What! you and he were at Exercise together?

Anne Manning. My Lord, I have gone by his Study-door, and have heard him pray for the King's long Life, when he knew not that any Body heard him.

Mr. Rosewell. This, my Lord, is more than I expected; for I little thought that any Body could give a Testimony of my private Devotion; tho' I never then omitted to pray for the King, and never shall as long as I live.

Anne Manning. My Lord, he pray'd as heartily for the King's Life as for his own Soul; and I have heard him often praying, and desiring God to preserve him in his Kingdom, and give him long Life; and have heard him insist upon that Scripture, *Speak not Evil of the King, no, not in thy Bed-Chamber; for the Birds of the Air shall declare it.*

Mr. Rosewell. Pray speak the Truth. Did you ever hear me utter an ill Word, or Reflection upon His Majesty, or the Government?

Anne Manning. No, my Lord, he was always mightily for the King.

Mr. Rosewell. Speak the Truth of what you know; I hope you would speak the Truth, and nothing more than the Truth, as if you were upon your Oath.

Anne Manning. I do speak the Truth, and it is what I can declare, and would, if I were to die the next Moment; and I can safely swear it.

Mr. Rosewell. Then, pray, call *Isabella Dickeson*——

[*Who appear'd.*]

My Lord, surely I would not speak Evil of his Majesty, or the Government, in publick in the Congregation, when I prayed for him in my Family and my Closet. But here's another Servant that liv'd in my Family: Pray will you speak what you know concerning my Behaviour in my Family, with respect to the King and Government?

Isabella Dickeson. He used to pray twice a Day in his Family, Morning and Evening, and he always pray'd earnestly for the King, for his good Health, long Life, and Prosperity.

Mr. Rosewell. Did you ever hear me speak any Evil of the King or Government in any Respect?

Isabella Dickeson. No, never, Sir, in my life; nor do I believe you ever had an evil Thought of the King.

Mr. Rosewell. Pray then will you call *Mr. James Atkinson*?

Mr. Just. Withins. We have had him already, and I suppose he is gone; he is not here.

Mr. Rosewell. I call him now to testify another Thing, if your Lordship pleases; and he is at hand, my Lord, I suppose.

L. C. J. You should examine your Witnesses together, but we will not surprize you; we will stay.

Mr. Just. Holloway. Pray call any Body else, in the mean time, if you have any other.

L. C. J. Nay, Brother, it may be he hath observed a Method to himself; he is for his Life: let him take it.

[*Then Mr. Atkinson came in.*]

Mr. Rosewell. That which I call you now for, Sir, is to testify what you heard upon the 30th of *January* from me, about praying for the King, and all that are in Authority.

Mr. Atkinson. My Lord, he kept that Day, the 30th of *January*, as a Day of Fasting and Prayer; and he preached from that Text on the *1 Tim. ii. 1. Pray for Kings, and all in Authority*: And then he did assert that Kingly Government was most agreeable to the Word of God, and the Constitution of the Government of *England*, which was the best in the whole World; and had been so approved by Writers, both Foreign, and of our own Country: And he did urge it as a Duty incumbent upon all People to pray for the King, and Magistrates, that they might live a peaceable and quiet life under them in all Godliness and Honesty.

[*Then he seem'd a little faint and stopp'd.*]

Mr. Rosewell. Pray, Sir, will you recollect yourself. My Lord will indulge you a little.

Mr. Atkinson. I have been acquainted with *Mr. Rosewell* these ten Years.

Mr. Rosewell. But pray, Sir, what do you remember of the Application of that Sermon up-

on the Text about praying for Kings, and all in Authority?

Mr. Atkinson. That Persons were to pray for them, and to obey them, and that it was their Duty. This is all that I can remember.

Mr. Rosewell. What do you remember of my Invectives against those that practis'd the contrary?

Mr. Atkinson. Why truly, as to those Things, he did highly condemn those Persons that had any way acted against it. And I have heard him, both in publick and private, inveigh against those that had any hand in the Murder of the late King, and condemned the Fact as a diabolical Design.

Mr. Rosewell. Is *Mr. Smith* there?

Mr. Atkinson. I was very ill on Sabbath-day last, and I thought I should not have come out now; and I would not, to the best of my remembrance, speak a Lye, as I am in the presence of this honourable Court, and in the presence of God, to whom I must give an Account another Day.

Mr. Rosewell. God will reward you for what you come to do for an innocent Person this Day.

Mr. Atkinson. I never heard an ill Word against the King or Government drop from *Mr. Rosewell* in my Life. I am not upon my Oath, but know my self to be bound to declare and tell the Truth, and nothing but the Truth.

Mr. Rosewell. I am confident, my Lord, he would not speak what he would not swear.

L. C. J. The Jury are Judges of that, *Mr. Rosewell*, I must leave it to them.

Mr. Rosewell. Pray, *Mr. Atkinson*, was *Mr. Smith* with you?

Mr. Atkinson. Yes, and I have sent one to call him.

Mr. Rosewell. Pray, Sir, let me ask you as to what *Mistress Smith* says, that I should say of the Recorder being made a Judge?

Mr. Atkinson. I never heard you speak any such Words in my Life.

Mr. Rosewell. Upon the last Day of *August* last, at *Mr. Shed's* House, she says, that I did use that Expression.

Mr. Atkinson. As to *Shed's* House, I was then sick, and was not there. If my Lord will give me leave to look upon my Note-book, I can tell what Day I was there.

Smith. It was at one *Daniel Weldy's* House, as I think, that you spoke about the Mayors and the Sheriffs; but what you said about Fools in Scarlet Gowns was at *Shed's* House.

Mr. Rosewell. Was there any Meeting at the Meeting-House, since *July* last, upon the Sabbath Day?

Mr. Atkinson. Truly, I be not able to remember; but if my Lord please to give me leave to look upon my Note-Book, I can give an account; for I writ down every Day the Place where we met.

L. C. J. Prithee, look upon thy Note-Book; for I have a mind to know something out of that Note-Book. Prithee tell me what was insisted upon the 14th of *September*.

Mr. Atkinson. My Lord, I only have a Note of the Day, of the Place, and of the Text.

Mr. Rosewell. Pray, Sir, did you hear me speak of a Great Man in *Grace-church-street* at the upper end; and that if it had not been for him, the Fire had been quenched?

Mr. Atkinson.

Mr. Atkinson. I never heard that Expression from you in all my life.

[Then Mr. Smith came in]

Mr. Rosewell. Pray, did you hear any such thing, Mr. Smith?

Mr. Smith. No, my Lord.

Mr. Rosewell. My Lord, I can bring all the rest to testify the same thing, if your Lordship will let me call them over again.

L. C. J. Do as you will. I would not restrain you from any thing of a legal Indulgence, that is fit to give to any Man in your Condition.

Mr. Atkinson. What day of the Month do you say it was, Sir, that she said you spake of the Recorder?

Mr. Rosewell. The 31st of August, I think.

Mr. Atkinson. At that time I was sick, and was not there.

Mr. Rosewell. Pray, Mr. Smith, have you ever heard me preach upon the 30th of January?

Mr. Smith. Yes, Sir; I have heard you upon that Day, and upon that Text, that we should pray for Kings, and all in Authority. You kept it as a Day of Humiliation, and you abhor'd the Action of that Day. It was kept very solemnly, for the bewailing the horrid Murder of our late King. And you were so far from giving any Countenance to the Action of that Day, that you detested it, and preached very much against it, and you have always preached up kingly Government.

Mr. Atkinson. Sir, you were asking me, if there were a Meeting since July, in the Meeting-house.

Mr. Rosewell. Yes, because she says there was one upon the 10th of September.

L. C. J. If you look upon your Notes again, Mr. Rosewell, you'll find it was the 10th of August.

Mr. Rosewell. Where were you upon the 10th of August?

Mr. Atkinson. I was at home sick then; it is written down, your Lordship may see it.

L. C. J. Do you take notice where you heard the Meeting was, when you were sick?

Mr. Atkinson. Yes, my Lord, I have a short Note of it.

L. C. J. Where was the Meeting then?

Mr. Atkinson. In the Meeting-house, as I heard.

L. C. J. Pray, recollect your self, and look upon your Book, how is it enter'd there?

Mr. Atkinson. My self at home the 10th of August.

L. C. J. When didst thou take that Note, upon your Word now?

Mr. Atkinson. When my Family came home, some body did tell me that day, or the next day.

L. C. J. Well, where was it the time before?

Mr. Atkinson. The 3d of August, at Mr. Crookshank's; the Text was the 11 Heb. 7. The 10th at the Meeting-house, my self at home; and Canticles the 7th and 13th.

Mr. Rosewell. My Lord, these Gentlewomen, say, they were at several Meetings. I desire, my Lord, that these Witnesses may be call'd.

L. C. J. Call whom you will. Who do you call first?

Mr. Rosewell. Thomas How. My Lord, I could bring Hundreds of Witnesses as to this Point.

L. C. J. Well, there is Thomas How; to what purpose do you call him?

Mr. Rosewell. My Lord, to testify that she should swear before Sir George Treby; that Mr. How was at a Conventicle such a time, when he was not. And therefore I desire him, that he would please to testify the Truth of that matter.

Mr. How. My Lord, I will testify the Truth as far as I know it; she sent three Ten —

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

Mr. How. So they said.

L. C. J. That is no Evidence; and I care not what they said: if you know any thing your self of your own Knowledge, speak it.

Mr. How. They offered —

L. C. J. I tell you their offering signifies nothing.

Mr. How. My Lord, it is an Year and an half ago.

L. C. J. Let it be never so long ago, if it be only what they said, it signifies nothing, it is no sort of Evidence; but if you can say any thing of your own Knowledge, you say well; in God's Name we will hear it.

Mr. Rosewell. Then, my Lord, some Questions I desire I may have leave to put to Mr. Recorder.

L. C. J. If Mr. Recorder be ready to answer your Questions, with all my heart.

Mr. Rosewell. Mr. Recorder, I desire you would please to do me the Justice to testify whether you know any thing concerning Mistress Bathoe.

L. C. J. Who is she?

Mr. Rosewell. My Lord, it is whether there was not a Conventicle sworn before Mr. Recorder against one Mistress Bathoe.

Mr. Recorder. I can't well tell, Mr. Rosewell. There was a Conviction before me (as I remember) of one Mistress Bathoe for a Conventicle; and, as I take it (as the Witness told you just now) she had it from her own Confession.

Mr. Rosewell. Do you know any thing, pray, Sir, of a Composition that was made upon that Conviction?

Mr. Recorder. No, Sir; you don't think, sure, that I make Compositions; or know any thing of them.

Mr. Rosewell. Was not the Money, Sir, paid back again?

Mr. Recorder. Not a Penny that I know of; or any Agreement for it.

Mr. Rosewell. Pray, Sir, will you acquaint the Court, how that Matter was really?

Mr. Recorder. Mistress Bathoe came to me, and said, she was mistaken; if any such Words did pass from her; for indeed there was never any such Conventicle, as Mistress Smith swore she had confess'd. Upon that I sent for Mistress Smith, and bid her consider of it, whether there was really any such Conventicle: and Mistress Bathoe had brought her Appeal, and it is depending now, and will be heard the next Quarter-Sessions.

Mr. Rosewell. Pray, Sir, did you tell her, that she might have her Money again?

Mr. Recorder. I did tell her, Mistress Smith was mistaken, and did not insist upon it, and she would have her Money return'd again.

Mr. Rosewell. Pray, Sir, did you send your Warrant for one Cartwright under your hand?

Mr. Recorder.

Mr. Recorder. You ask me a hard Question; I might send a Summons for several Persons, I cannot remember all their Names.

Mr. Rosewell. By whom, I pray, Sir?

Mr. Recorder. I can't tell who I send all my Summons by.

Mr. Rosewell. Was it not by these two Women, Mistress Smith and Mistress Hilton?

Mr. Recorder. I can't tell; it may be it might be so.

Mr. Rosewell. Pray, Sir, what did you say to Mr. Cartwright, when he came thither?

Mr. Recorder. I can't remember particularly.

Mr. Rosewell. Sir, did you not ask him what he had to say against these Witnesses that are produc'd against me?

Mr. Recorder. My Lord, I remember, when Mr. Cartwright came to me, I did ask him some such Question; for they had told me that he had, by a Person, been tampering with them, to take them off from prosecuting a great many Persons.

Mr. Rosewell. By whom were you told so, Sir?

Mr. Recorder. By themselves. I know nothing of it: But I tell you the reason why I sent for him; because they told me, they went in Danger of their Lives; that they could not walk the Streets in Safety, but they had Stones thrown at them; and they were reproach'd as common Informers, and were beset hard with Applications of Money, to take them off from prosecuting. And, among the rest, they complain'd of one Cartwright, that he had been dealing with them; and it was upon that account that I sent for him, to know what he had to say against them; and he satisfied me, that he had nought to say against them.

L. C. J. These Questions, Mr. Rosewell, perhaps, may be better let alone.

Mr. Recorder. I have seen a Letter that does threaten them very much; but I cannot say whence it comes.

Mr. Rosewell. My Lord, I desire to ask Mr. Recorder, whether or no he did not send for some of my Witnesses.

Mr. Recorder. I don't know your Witnesses, Sir.

Mr. Rosewell. Did you send for one Richard Gibbs of Rotherhitb?

Mr. Recorder. Yes, he was Constable at Rotherhitb.

Mr. Rosewell. Pray, Sir, upon what account did you send for him?

Mr. Recorder. I did it, because I heard the Constables of your Side durst not execute their Warrants, for fear of the Rout of the People.

L. C. J. I tell you, these Questions were better let alone.

Mr. Rosewell. Mr. How, that which I call you for, is, whether Mrs. Smith has not offered to swear before a Justice, that you were at a Conventicle, when you were not?

L. C. J. She says she does not know any thing of her own Knowledge.

Mr. Rosewell. She offered it a Year and a Quarter ago, before Sir George Treby.

L. C. J. Were you by, when she offered any such thing?

Mr. How. I was by, when she was before Sir

How, for being at such a Conventicle; but I was not the Man, she said.

Mr. Rosewell. My Lord, she had sworn it.

L. C. J. No, no, she had not sworn it, she only offered it, and for ought I perceive, she is a very careful Witness, to see that she does not fix upon the wrong Person.

Mr. Rosewell. Then if it please your Lordship, I desire John Townsend may be called.

[Who came in]

Pray, will you testify what you know concerning Mrs. Smith's swearing that Mr. How was at a Conventicle?

Mr. Townsend. Sir, I will tell the Truth as near as I can, I cannot tell the Day, it was about a Year and an half since, that he was out of Town of the Lord's Day, and that Day was remarkable; for I met him coming to Town, and it was about Evening, about five of the Clock, and that Day they had brought him some notice of a Warrant for the seizing of his Goods, for that he had been at a Meeting: now he understanding when they were to make Affidavit of it before Sir George Treby. he desired me to go with him thither, and I went with him, and he asked her if she knew the Man. There he was, and I was, and one more, and there came one Stranger: And we went out to the Light, and she look'd upon all of us, and knew never an one of us.

L. C. J. You use to go Conventicles, all of you, I warrant you.

Mr. J. Withins. She was not much out in her Conjecture, I dare say.

L. C. J. But she seems to be very careful, that she did not swear against the wrong Person. And (speaking to Mr. Townsend) If she had sworn that thou hadst been there that Day, I warrant you she had sworn true.

Mr. Rosewell. Is Sir George Treby here?

[He did not appear]

Then I desire Mr. Thomas Harvey may be call'd.

L. C. J. There he is; what do you ask him?

Mr. Rosewell. My Lord, to prove that this Elizabeth Smith swore that several Persons were at several Conventicles, which she afterwards confess'd in truth they were not; and made Applications to compound for the Forfeitures, and they should have their Money again.

L. C. J. Prithee, ask him in general, what does he know of her.

Mr. Harvey. Elizabeth Smith came to a Friend of mine in April, or May last——

Mr. Att. Gen. Were you by?

Mr. Harvey. Yes, I was by. She came to a Friend of mine, I say, and she told him, that she could swear against him, and some others, for a considerable Value of Forfeitures upon Conventicles——

L. C. J. What Friend of thine was this?

Mr. Att. Gen. Where does that Friend live?

Mr. Harvey. In Southwark.

L. C. J. What's his Name?

Mr. Harvey. One Games.

L. C. J. What Trade is he?

Mr. Harvey. A Sail-maker.

L. C. J. Whereabouts does he live in Southwark?

Mr. Harvey. By St. Mary Overy's Dock. And he

he came to me, and desired me, that I would meet and speak with her; I met her, I think it was about the Exchange, at the *Roe-buck*; there was she, and another fellow with her. She told me she could swear against such and such; and desired me to give her a Cup of Drink, which I did; and then she told me her Story, and demanded either 10 or 20 Pounds; and that that should take her off from swearing against them. I told her, I could say nothing to it; but I would acquaint them, which I did, particularly *Mr. Games*. They thought not fit to give her any thing, which Answer I returned to her. She told me she was very Poor, and if she could have but something, she would declare who it was that would swear; but upon reasonable Composition (though she had offer'd to swear) she would not. But she had taken the Copy from a Sister of hers; and, I think, she said her Sister's Name was *Mary Farrar*, as I remember.

L. C. J. Did she offer to swear any thing against you?

Mr. Harvey. No, my Lord.

L. C. J. You know that *Games* very well, don't you?

Mr. Harvey. Yes, my Lord.

L. C. J. Does he use to frequent the Church constantly?

Mr. Harvey. I don't know that, my Lord; I have known him many Years.

L. C. J. Do you live near him?

Mr. Harvey. No, I do not.

Mr. Roswell. Pray call *Mr. John Cartwright*, and *Mr. George Norton*.

[*Mr. Cartwright appear'd.*]

Mr. Cartwright, I desire you would please to testify what you know here concerning *Mrs. Smith*, who hath testified against me.

Mr. Cartwright. My Lord, may it please your Honour; the 22d of *July* last, *Mrs. Smith* and I were together from Seven o'Clock in the Morning, till half an Hour after Eleven; and that Morning we went to a Constable, one *Alexander Verner* in *Aldersgate-street*; and from thence we went to *Moorfields* to look for a Meeting in *Petty-France*; but there was none: And from that place we went into *Moorfields* again, and followed an ancient Man, whom we supposed was going to a Meeting; and this Man we followed the space of almost an Hour's time, that it was almost this time of Day that it now is that I am speaking. That Day she convicted *Mrs. Bathoe* for having a Meeting in her House; when she owned to me, and another Man, that she never was in the House of *Mrs. Bathoe*; and then for the same Morning there was one *Rice Bowing*, that was convicted of a Conventicle at *Bermondsey*, upon her Oath.

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

Mr. Cartwright. As I was told.

L. C. J. But it may be you were told a Lye; you must only speak what you know your self.

Mr. Cartwright. Then, my Lord, several times she has asked me to convict with her, when I never had been at a Meeting; and also, she has offered to convict with me, when I have been there, and she hath not been there; and she also asked my Wife to convict one *Dod's* Meeting at *Shoreditch*, and my Wife refused it, because she was not there.

L. C. J. Were you by when she asked your Wife to do it?

Mr. Cartwright. Yes, and please your Honour.

L. C. J. Who did you tell this first to? Because I see you hunted along with her, why did not you go and complain, when she had several times proposed such a thing to you?

Mr. Cartwright. My Lord, I did not so well understand it at that time.

L. C. J. Who did you first of all tell it to, I ask you?

Mr. Cartwright. I first of all told it to one *Smith*.

L. C. J. Was this before *Mr. Roswell* was taken or after?

Mr. Cartwright. It was afterwards.

L. C. J. Did you go to *Smith*, or did he come to you?

Mr. Cartwright. It was through another's means that I came to speak with *Mr. Smith*.

L. C. J. Who was that?

Mr. Cartwright. It was through a Goldsmith's means.

L. C. J. What is his Name?

Mr. Cartwright. His Name is *Ferne*; he lives in *Newgate-street*.

L. C. J. How came he to understand it, to bring you together?

Mr. Cartwright. Because he understood that I was with *Mrs. Smith* that time that she convicted *Mrs. Bathoe*, and was concerned with her. I did not know any thing of *Mr. Roswell* at that time at all.

Mr. Roswell. Did she not tell you, she would do as much for me?

Mr. Cartwright. She did offer me this; that if I would go and discover any Meeting, she would convict them, though she was not there.

L. C. J. Who didst thou tell a thing of this Nature to? only to *Mr. Smith*, and that Goldsmith?

Mr. Cartwright. I told it first to that *Mr. Smith*.

L. C. J. When these Witnesses and things drop out of the Clouds, I never put any great Value upon them. These come to serve a Turn, and never make any Discovery till you are taken.

Mr. Roswell. My Lord, you may observe it was her common Practice to convict upon a Report, not having any Eye or Ear Witness.

L. C. J. Well, I will observe what he has said; but I tell you what I think of it.

Mr. Cartwright. She has asked me to do it several times.

L. C. J. All that I can say to it, is, it seems she looked upon thee as so very a Knave, as that thou wouldst have done such a thing; and, it may be, she was not mistaken.

Mr. Roswell. Then call *Mr. George Norton*.

[*Who appeared.*]

I call you as a Witness, to declare what you know of *Mrs. Smith's* importuning you or any one to swear against Meetings.

Mr. Norton. Yes, she has offered to swear, but I cannot say with him; for I was not present all the time. All that I can say, is, that she owned she was never at *Mrs. Bathoe's* House.

L. C. J. So she says still; and it agrees with all the rest of the Evidence: It was only Hear-say.

Mr. Roswell.

Mr. Rosewell. Then pray, will you please to call *John Hobson*?

L. C. J. There he is: What say you to him?

Mr. Rosewell. My Lord, I bring this Witness to testify, that *Mrs. Smith* swore there was a Conventicle at such a Place, when there was none.

Mr. Hobson. Sir, there was none since I came into the House, to my Knowledge.

L. C. J. What House?

Mr. Rosewell. At *Mr. Hales's*; she swore there was a Meeting upon the 13th of *July*.

Mr. Hobson. There was none, to the best of my Knowledge.

Mr. J. Withins. We must not convict People of Perjury upon such Evidence. Indict her of Perjury, if you have a mind to it.

L. C. J. Where is the Instrument-Maker, *Atkinson*? Bid him send me his Book.

[*Which was done.*]

L. C. J. Were you at every Meeting always that he preached at?

Mr. Hobson. No, my Lord.

L. C. J. Then there might be many Meetings that you do not know of.

Mr. Hobson. I live next Door to this *Mr. Hales*.

L. C. J. You used to go frequently to hear *Mr. Rosewell*, did not you?

Mr. Hobson. No, Sir.

L. C. J. [*Having looked upon the Book.*]

Was there any Meeting that you know of, the 13th of *July*?

Mr. Hobson. None there: He lives the next Door to me.

L. C. J. Was there no Meeting no where there-away?

Mr. Hobson. Not that I know of.

L. C. J. She swears to that Day, at *Mr. Hales's*.

Mr. Rosewell. Ay, and to the very Place.

L. C. J. Do you know one *Hodgeson*?

Mr. Atkinson. It is *Hudson*, my Lord.

Mr. Hobson. No, my Lord; I do not know him.

L. C. J. Were you ever at his House at any Meeting?

Mr. Hobson. No, my Lord; I never was at any Meeting this two Years.

Mr. Rosewell. He lives next Door to the House.

L. C. J. There may be a Meeting next Door to my House twenty times over, and I not know it.

Mr. Rosewell. Then, pray, call *John Crook*.

[*Who came in.*]

Pray, Sir, do you know whether there was any Meeting at *Mr. Hales's* the 13th of *July*?

Mr. Crook. No; I never heard of any such thing, but what was according to his own use amongst his Family. I live under his Roof, and never yet did know that there was a Meeting there.

Mr. Rosewell. Pray, call *Sarah Whibby*.

[*Who came in.*]

I desire she may be asked, whether *Mrs. Smith* did not swear there was a Conventicle at *Mr. Hales's* the 13th of *July*; and whether there was any such thing.

Mrs. Whibby. There was none.

L. C. J. That you know of, you mean.

Mrs. Whibby. I am certain of it.

L. C. J. How came you to remember the Day particularly?

Mrs. Whibby. I can tell you by a very good Token; because the Chimney of my House was on Fire that Day.

L. C. J. How do you recollect it was the 13th of *July*?

Mrs. Whibby. Because there was a Neighbour of ours, that is a Waterman, that was lent for to wait upon His Majesty; and I went that Day to call him to quench the Fire; not finding him at home, I went further to call more Help.

L. C. J. How can you tell that it was the 13th? It might be the 20th for ought you know.

Mrs. Whibby. No; it was the 13th.

L. C. J. How can you tell that?

Mrs. Whibby. Because there was another Meeting on the 20th Day, for which I paid 20 Shillings; and I can remember my Chimney was on Fire that Day.

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

Mrs. Whibby. It was *Sabbath-Day*.

L. C. J. Why, if my Chimney was on Fire the 14th or 15th, it may be I can remember it a little while, but how came it that you do remember it so long?

Mrs. Whibby. It was the 13th of *July*.

L. C. J. How can you be sure of that?

Mrs. Whibby. Because it was the *Sunday* before the Meeting at *Mr. Bowen's*.

L. C. J. Where was the Meeting that Day your Chimney was on Fire?

Mrs. Whibby. I did not know then; but I knew since, it was at *Mr. Hudson's*.

L. C. J. Then you have been instructed about it. But pray don't think you come here to serve a Turn.

Mrs. Whibby. It was at *Mr. Hudson's*.

L. C. J. Was there a Meeting on the 13th of *July*?

Mrs. Whibby. By Relation there was; but I was not at it.

Mr. Rosewell. My Lord, I bring her to testify there was no Meeting at *Mr. Hales's* that Day.

L. C. J. We know well enough you iniquelings Saints can lye.

Mrs. Whibby. I have answered the Truth as far as I know.

Mr. Rosewell. I only ask her about *Mr. Hales*.

L. C. J. She shall answer such Questions as the Court shall think fit to ask her.

Mr. Rosewell. How far is your House from *Mr. Hales's*?

Mrs. Whibby. Next Door.

L. C. J. How far is your House from *Mr. Hudson's*?

Mrs. Whibby. A great Way.

L. C. J. Was it half so far as you went to fetch the Waterman?

Mrs. Whibby. That was but three Doors off; but *Mr. Hudson's* is half a Mile, I believe, or a Mile.

Mr. Rosewell. Then, pray, call *Anne Collins*.

[*She appeared.*]

Mr. J. Withins. Well; what do you ask her?

Mr. Rosewell. *Mrs. Smith* hath sworn, that there was a Conventicle at *Mr. Hales's* the 13th of *July*; I desire to know of you, whether there was such an one, or no?

Mrs. Collins. The 13th of *July* there was none.

Mr. Rosewell. Upon your certain knowledge?

Mrs. Collins.

Mrs. Collins. Upon my knowledge there was none; I can justify it.

L. C. J. Not there you mean, at Mr. *Hales's*: But do you know there was any, any where else?

Mrs. Collins. No, not to my knowledge.

L. C. J. Do you know Mr. *Hobson*? Was there any there that Day?

Mrs. Collins. I know one *Hudson*.

L. C. J. I thought you had said *Hobson*.

Mrs. Collins. No, it was *Hudson*.

L. C. J. Was there any Conventicle there?

Mrs. Collins. I cannot tell any thing as to that.

Mr. Rosewell. Then, pray, call *Sarah Bathoe*, and *Susan Bathoe*.

[*Sarah Bathoe appeared.*]

L. C. J. Well, what say you to this Witness?

Mr. Rosewell. That which I call *Mrs. Bathoe* for, is to prove that *Mrs. Smith* was mistaken, when she swore that *Mrs. Bathoe* permitted a Conventicle at her House the 20th of *July*: Upon which *Mrs. Bathoe* was convicted, and brought her Appeal.

L. C. J. You do mistake, *Mr. Rosewell*. She says, that *Bathoe* confess'd that there had been a Conventicle at her House, as she heard.

Mrs. Bathoe. She has convicted me.

L. C. J. Ay, but it was upon your own Confession.

Mrs. Bathoe. No, I never confess'd any such thing; for I had none there at that time, nor did confess any such Thing.

L. C. J. Had you ever any Conventicle at your House?

Mrs. Bathoe. That is not it that I am to answer to now. I desire to be excused from answering that Question.

L. C. J. Then I will not believe her, if she talked as long as you preach.

Mr. Rosewell. There was an Appeal brought, my Lord.

Mr. Att. Gen. She is is not a Witness, it is in her own Case. It would be a fine thing if an old Woman's Story should prevail here against positive Testimony.

[*Then Susan Bathoe came in.*]

Mr. Rosewell. *Mrs. Smith* hath sworn, that *Mrs. Bathoe* had a Conventicle at her House the 20th of *July*.

L. C. J. No; she only swears that *Mrs. Bathoe* confess'd it; but herself was not there, she says.

Mr. Rosewell. Did you confess it?

L. C. J. No matter what she says; it all agrees with that Testimony that she has now given: This Matter, it seems, is depending upon an Appeal, and so she testifies for herself. And when I ask her whether she ever had any Conventicle at her House, she will not tell me; which induces a Suspicion, that she does not come for a fair Purpose, but only to serve a Turn.

Mr. Rosewell. Pray, *Mrs. Susan Bathoe*, was there any such Conventicles?

Mrs. Bathoe. There was none.

L. C. J. Why, I tell you, you mistake still. *Mrs. Smith* swears that *Mrs. Bathoe* confessed to her, that she had a Conventicle, but she swears she was not there. And take altogether, seeing she will not answer whether she ever had a Conventicle; and so it may be only a mistake just of the Day: Or she might tell her so, for any thing appears; and for ought I know *Hales* has had Con-

venticles: And what is all this to the purpose of which you are accused?

Mr. Rosewell. Call *Mr. John Ferne*.

[*He did appear.*]

My Lord, I desire *Mrs. Bathoe* may not go away.

L. C. J. Let her stay then. What do you call this Man for?

Mr. Rosewell. It is to prove she has compounded Convictions. Pray, Sir, do you know whether *Mrs. Smith* hath compounded with *Mrs. Bathoe* since the Conviction, to set by the Prosecution; and *Mrs. Bathoe* was prevailed with so to do?

Mr. Ferne. *Mrs. Bathoe* came to me about 8 or 10 Days ago; says she, I must get you to go with me to the Recorder's. I am promised my Money again, that was paid upon the Appeal I brought. I was glad to hear it, and went with her; the Time appointed was five or six o'Clock. I was there a little after five; and *Mrs. Smith* was not there, that was one of the Witnesses upon her Conviction, *Elizabeth Smith*, for I served her with a notice to attend the Recorder. We were there a second Time at the Recorder's Chamber about six o'Clock; she was not come. We waited hard by, and went a third Time; and then she was there, and desired my Sister to excuse her, that she was not there earlier; but she did not doubt but she should have her Money; and waited to see the Recorder. *Mr. Recorder* had several above with him. We waited an Hour, or better. *Mrs. Smith* went up, and my Sister went up with her, or followed her: And, says the Recorder to her, Are not you the Woman that was with me such a Time, with *Mrs. Williams*? Yes, Sir, (says she) I was. Says he, What made you make such haste away? Upon that, *Mr. Courthope* steps forward with the Book; Sir (says he) I have paid it in to the Clerk of the Peace. Then, says the Recorder, It is out of my Hands, I can go no further: but promised afterwards to speak with Sir *William Smith*, the Chairman of the Sessions, about it.

L. C. J. I can make nothing of all this. What a Business is here?

Mr. Ferne. She seems to be a rash Woman, ready to swear any thing.

L. C. J. Oh dear, Sir! and you seem to be a grave, prudential sort of a Man.

Mr. Rosewell. If she did not swear that this Meeting was at *Mr. Hales's*, why was he convicted for that Meeting?

L. C. J. I know nothing of the Conviction at all; it is the first time that I have heard of it.

Mr. Rosewell. Then if your Lordship please, we desire to have the Record of it read; here it is.

L. C. J. Make it appear that she swore, and that what she swore was false; and then you say something.

Mr. Rosewell. We desire to have these Copies of Records read. Here it is *per Testimonium Elizabethæ Smith*, or *per Sacramentum*.

L. C. J. Prove that she swore it.

Mr. Rosewell. My Lord, we had a very gracious Answer concerning the Petition that my poor Wife delivered to His Sacred Majesty in reference to her coming to me; which His Majesty granted with a great deal of Compassion. He remitted it to your Lordship, and your Lordship did second it, for the having the use of what Records should be necessary for my Defence. And upon what Application we made to the

Attorney-General, it was readily granted: But for the searching of the Records, we have desired the Recorder, and cannot have it.

L. C. J. You are much mis-informed in that. I'll tell you how it was: Your Wife, and a young Man came to me, a matter of a Fort-night ago, and did tell me, there were several Records, that were necessary for your Defence, and the Recorder refused to let you have Copies of them. I told her then, God forbid but that you should have all manner of Helps from Records, that were necessary for your Trial; and thereupon I did require my Brother *Jenner*, who is Recorder, to attend to shew Cause, why he did refuse to let you have any Records, that you thought necessary for your Defence: And he gave me this for Answer, That they were Records of Convictions, and were returned to the Sessions of Peace; some to *Surrey*, and some into *Middlesex*, and some were in the Clerk of the Peace's Hands. Whereupon I told your Wife, if she would go to the Clerk of the Peace for Copies of the Records, if they did not readily give you Copies at your Charge, I would make them do it, if she came to complain to me; and if they would not, I would lay them by the Heels. When my Brother *Jenner* came to me, said I, I believe that which they have a mind to, is to know upon whose Testimony the Convictions are made. Now that is no part of the Conviction; and that we thought ought not to be granted. Nor is there any Law for it; for that is to open a Way to the tampering with the King's Witnesses. After this, there was Mr. *Wallop*, that came and moved the Court of *King's Bench* about this matter; and we gave him the same Answer, that for any one to discover the King's Witnesses before they come to Trial, was not to be allowed by Law. If Mr. Attorney had come here, and said, Pray, give us a List of all the Witnesses that Mr. *Rosewell* will make use of at his Trial; we should have denied his Motion. God forbid but that the Witnesses you bring should be heard; and that the Witnesses they bring should be heard; but we must prevent tampering with the Witnesses on all sides.

Mr. Rosewell. If the Witnesses are suppress'd, it is impossible to encounter their Testimony.

L. C. J. What do you mean by suppressing the Witnesses? They are here produced.

Mr. Rosewell. Their Names, my Lord, upon the Records.

L. C. J. Their Names are never exposed, nor ought to be.

Mr. Rosewell. My Lord, it is that which must enable me to make my Defence. If we could have their Names, we could prove them perjured.

L. C. J. It cannot be by Law. You have the same Benefit that all the rest of the King's Subjects have. If any one be convicted of Treason by Witnesses (twenty in Number) we never enter them upon the Record; and if any be acquitted, the Testimony of the Evidence upon that Acquittal, is never entered upon Record. It may be in your Matter, it was not upon the Testimony of Witnesses, that the Conviction was; but upon the Notoriety of the Fact, or by Confession, as in the Case of Mrs. *Bathoe*; that was by Confession, and Witnesses. The Notoriety of the Fact, or the Confession of the Party, are all, and each of them, sufficient to make a Conviction by

Record. You have the same Liberty that every Subject has.

Mr. Rosewell. Mr. *Courthope* is the Recorder's Clerk, that saw the Convictions in the Clerk of the Peace's Hands.

L. C. J. We cannot tell that, without the Clerk of the Peace was here.

Mr. Rosewell. Pray, where is Mr. *Charles Walker*?

[*He appeared.*]

I desire you, Sir, to testify what you know concerning the Conviction of *Elizabeth Smith* upon Mr. *Hales*, for a Conventicle at his House the 13th of July.

Mr. Walker. You had a Copy of it from the Clerk of the Peace; I made it out.

Mr. Rosewell. Of Mr. *Hales* and Mistress *Bathoe*, do you mean?

Mr. Walker. No, only of Mistress *Bathoe*.

Mr. Rosewell. Then I suppose we may have it; and the Clerk will testify it to be a true Copy.

Mr. Walker. This is a true Copy.

L. C. J. Then make what use you please of it. Will you have it read?

Mr. Rosewell. No, my Lord, not yet. If your Lordship please, I desire *Richard Drew* may be called; but however, if your Lordship will, let him read that Passage in it, that I cannot so well read, 'tis in Court Hand.

[*Clerk of the Crown reads.*]

Memorandum quod ad generalem Sessionem pacis pro Com' Midd' septimo die Octobris, tricesimo sexto, &c.

L. C. J. What do you make from this? Here is a Record of the Conviction, which says, that by two credible Witnesses, and the Notoriety of the Fact, she was convicted.

Mr. Rosewell. Pray call *Richard Drew*.

[*Who came in.*]

Pray, Sir, what do you know about Mistress *Smith's* Practice in relation to Conventicles?

Mr. Drew. Upon the eleventh of July last there was an Acquaintance of mine, that she did pretend was at a Meeting——

L. C. J. Who was that that did pretend so?

Mr. Drew. *Elizabeth Smith*; and she would have had some Money of him. He came to me, and asked my Advice. Yes, said I, I think you had better give her Money, than to run the Hazard of swearing against you: So he did. He took me along with him to a Place where they were to meet, where she took ten Shillings, and promised he should come into no further trouble about it.

L. C. J. Had he been at a Conventicle, or not?

Mr. Drew. That I cannot say.

L. C. J. Do you believe he was, or was not?

Mr. Drew. My Lord, I cannot say that he was, or was not.

L. C. J. But that is not the Question I ask you: for you would not persuade him to give her Money, if he had not been at a Conventicle.

Mr. Drew. My Lord, I did not know whether he was, or was not.

L. C. J. I ask you again, did you believe he was, or was not?

Mr. Drew. I believe he might, by his being so willing to take my Advice; though he said it was a base thing to give her any Money in such a matter.

Mr. Rosewell.

Mr. Rosewell. Pray, call *James Howard*.

L. C. J. There he is; what would you have with him?

Mr. Rosewell. My Lord, I crave leave first to ask *Mistress Shaftoe*; are you *Mr. Hilton's* Wife?

Smith. Yes.

Mr. Rosewell. Then I desire *Mr. Howard* may testify what he knows concerning this *Mistress Smith*: But first, which *Hilton's* Wife are you?

Smith. *George Hilton's*.

Mr. Rosewell. What then do you know of her, Sir?

Mr. Howard. I was once drinking a Cup of Ale in *Grub-street*, where she did take a parcel of Money in the Concern of the King, my Lord:

L. C. J. Prithee, speak up: In what Concern?

Mr. Howard. She took a Bribe in the Concern of the King.

L. C. J. What dost thou mean?

Mr. Howard. Of a Person that had been at a Meeting.

L. C. J. Prithee, what Bribe was it?

Mr. Howard. About 11 or 12 Shillings.

L. C. J. Prithee, of whom was it?

Mr. Howard. The Man I never saw, nor the Woman before, I came in by chance.

L. C. J. How long ago is this?

Mr. Howard. About the middle of *July* last.

L. C. J. Who did you discover this matter unto?

Mr. Howard. My Lord, I was only drinking a Cup of Ale; and I discovered it to *Mr. Drew*, that was call'd last.

L. C. J. Was *Mr. Drew* one of them?

Mr. Howard. No: *Mr. Drew* I am acquainted with; he is my Neighbour.

L. C. J. When were you at Church last?

Mr. Howard. The last Lord's Day.

L. C. J. When did you receive the Sacrament there?

Mr. Howard. My Lord, I never did. We have no Parish-Church at present; it is now a building.

L. C. J. Where do you live?

Mr. Howard. In *Mugwell-street*.

L. C. J. Have you no publick Preaching in the Parish?

Mr. Howard. I do hear *Doctor Fowler*, and *Mr. Smythies* too, sometimes.

L. C. J. That is, when there is no Conventicle (I suppose) in the way. That *Mr. Smythies* and *Doctor Fowler* are both very well known.

Mr. Rosewell. Is *Mrs. Anne Fary* here?

[*She did not appear.*]

Pray call *Mrs. Anne Higgenfon*.

[*Who appeared.*]

Do you know *Mrs. Shaftoe*, or *Mrs. Hilton*, as she is call'd?

Mrs. Higgenfon. My Lord, I have very little Knowledge of her; I have known her but a very little while.

Mr. Rosewell. What Testimony can you give of her Conversation?

Mrs. Higgenfon. Since I have known her, I have heard some ill things of her: But I cannot speak to any thing of mine own Knowledge.

L. C. J. Why, so People may say a great many ill things of you that you do not deserve, nor know any thing of.

Mr. Rosewell. Call *Anne Carter*.

V O L. III.

[*She did not appear.*]

I desire *Sir John Talbot* would please to be examined.

L. C. J. Here is *Sir John Talbot* by me.

Mr. Rosewell. Sir, I desire you would please to testify to the Court and the Jury, what you know concerning the Conversation of *Mistress Shaftoe*, otherwise called *Mrs. Hilton*.

Sir John Talbot. She was a Servant, that liv'd in my House a great many Years; but I did not use to converse with her.

Mr. Rosewell. No, *Sir John*; but what do you know of her Conversation while she lived in your House?

Sir John Talbot. All that I know of her, is, she had no very good Character in the Family.

L. C. J. Do you know any thing of your own Knowledge?

Sir John Talbot. As to any thing of my own Knowledge, I cannot speak; it is all no other than Hear-say from all the Family.

L. C. J. But I ask you what you know of your own Knowledge, *Sir John*. Tell us the Particulars you yourself know.

Sir John Talbot. It was the Complaint of all the Servants of the House, that she was guilty of telling Lies and Stories in the Family.

Mr. Rosewell. Was she reported in the Family a frequent Lyar?

Sir John Talbot. She had that Character in the Family; all the Servants complain'd of it. I only know of other things since she was gone out of the Family; and that she has been concern'd in an odd sort of Practice, about attempting to steal away a young Lady.

L. C. J. Do you know of it of your own Knowledge?

Sir John Talbot. I had it from herself, and upon her own Affirmation.

L. C. J. What was that?

Sir John Talbot. It was about the Practice that had been set on foot of cheating People of money for procuring Fortunes; particularly concerning the Daughter of one *Sir Harry Jones*. And there have a great many Gentlemen been abused about Town in that matter, and made believe that this Woman had an Interest in her, and would put this great Fortune into their Hands: I have not been privy myself to any of the Negotiations, but I have understood there were such Practices; there was one *Salem* and she that were engaged.

L. C. J. Look you, *Sir John*, do you know this of your own Knowledge? For we must not hear Evidence to take away People's Reputation by Hear-say: If she hath confessed any thing to you, you may speak that, and let us know it.

Sir John Talbot. My Lord, if it be not too long to give you the Circumstances, how I came to know it; I will tell you what I have been informed about it.

L. C. J. No, that is not Evidence, *Sir John*; unless you know it yourself, or had it by her Confession.

Sir John Talbot. My Lord, I do not come here as a voluntary Evidence, but I am here called upon. And, my Lord, I think I ought to give my Testimony, if a man's lie be concerned.

L. C. J. And so ought we who are upon our Oaths, to insist upon it, that you give legal Evidence, what you know of your own Know-

ledge; and I ask you here again, whether what you relate be of your own Knowledge, or what was by Hear-say?

Sir John Talbot. My Lord, I had notice sent me by a Letter, That there was a Gentleman come to *Thistleworth* with a Coach and four Horses, with a Design to steal Mrs. *Jones*. I cannot remember whether there was any Name to the Letter, but such a Letter was sent, and I was to inquire about it of this *Ellinor Shaftoe*, who was engaged in the Design. I sent to her to come to me, and she did come; and told me that there had been such a Practice of one *Salem*, and she would bring a Gentleman to discover the whole Business, and she did so; and brought this *Hilton* (by whose Name, as her Husband, she owns herself) and he came to me, and gave me a Note of several Gentlemens Names, that were concern'd in it; and, I believe, I have a Book wherein their Names are. I then asked why she did let it so long run, and the Business go on so far? Mr. *Hilton* did confess, that one particular Gentleman had been kept in Treaty, who was a Country-man, and came to live in Town, and was in Town the greatest Part of the Winter upon this Design; and did walk that Way, expecting that this *Nan Carter* should bring down this Heiress, so that they might have an Opportunity to steal her. Mr. *Hilton* had no other way of Application to me, but by this *Shaftoe*; and he confess'd himself, that he was a Party concern'd in the Design.

L. C. J. Ay; but what did *Hilton's* Wife say? For what he said is nothing to the Purpose in this Point.

Sir John Talbot. She is one that I had no Communication with, nor Converse, while she was in my Family, otherwise than as an ordinary Servant; but this same Mrs. *Jones* was my Ward.

L. C. J. Did she confess she had any Design in this matter; or was to have a Reward for setting the matter on foot?

Sir John Talbot. No, my Lord; she did not particularly confess she had any hand in the Design; but it was that, which several other Persons have come and inquired since of my Family about; who have told me, that there was one *Shaftoe*, otherwise *Hilton*, that was concern'd in it.

L. C. J. That is no Evidence, *Sir John*, I must tell you agen.

Sir John Talbot. My Lord, I can't make the Evidence otherwise than as it is. I tell you what I know.

L. C. J. You understand yourself so well, *Sir John*, that you know it is not Evidence; and you are not to talk of what other People have told you.

Mr. J. Withins. How long did she live in your Family?

Sir John Talbot. I can't tell how long, my Lord, but I believe she was there ten Years.

Mr. Just. Withins. That's a strange thing, that you should keep an ill Woman so long.

Sir John Talbot. My Lord, with your Permission, she was a Servant when that Child came to me, and when the Mother died; and my Wife did not think fit to put her away; so she came and staid with the Child as long as my Wife could keep her; but at last she did foment Differences in the Family, Lies, and Stories; and was found to be a Person not fit to live in the

Family; and therefore my Wife was afraid to keep her any longer, and put her away.

L. C. J. Well, Mr. *Rosewell*, have you any other Witnesses?

Mr. Rosewell. Pray call *Anne Dillingham*.

L. C. J. Well, what do you ask her?

Mr. Rosewell. My Lord, I bring this Witness to prove concerning Mrs. *Shaftoe*, alias *Hilton*, that she offered to swear against People, as being at Conventicles, whom she had never seen.

Mrs. Dillingham. She lodged in my House, and is a very ill Woman; and asked me to swear of Meetings, that I never knew any thing of at all in my Life. I never was at Meetings but about Thirteen Years ago. I asked her why I should swear, or what I could swear to? She told me, I should have a share of the Money, if I would swear to what she said, whether it were right or wrong, I should have a share, if I would but swear.

L. C. J. How long ago is this?

Mrs. Dillingham. Two Years ago.

L. C. J. Who did you tell this to first?

Mrs. Dillingham. My Lord, I am subpoena'd here to give my Testimony.

L. C. J. That's true; but who did you tell this, that you talk of, first to?

Mrs. Dillingham. My Lord, I never told it to any body but her, except it was to my own Husband.

L. C. J. But why would you keep this as a Secret, and not tell it to any body?

Mrs. Dillingham. Why, my Lord, I don't speak it for any Malice to her at all, I assure you.

L. C. J. Where do you live?

Mrs. Dillingham. In *Long-Acre*, at the *Golden Ball*.

L. C. J. If you live in *Long-Acre*, how came you to discover any thing of a matter that was transacted at *Rotherbith*?

Mrs. Dillingham. My Lord, I know nothing of it, of my own Knowledge; but what she would have persuaded me to.

L. C. J. But how came she to talk to you about a matter at *Rotherbith*? Or, you to know any thing about her? That I desire to know; and how you came here?

Mrs. Dillingham. One Mrs. *Peirce*, that is a Neighbour, ask'd me what I knew of her; and so would subpoena me, because she lodged at my House.

L. C. J. How long did she lie at your House?

Mrs. Dillingham. I can't tell; I believe about half a Year.

L. C. J. Well, what became of her? How did she behave herself?

Mrs. Dillingham. My Husband turn'd her out of the House, and would not entertain her; because she kept Company with a Man that was none of her Husband.

L. C. J. Why, can you tell when they were married?

Mrs. Dillingham. She went as the Wife of Mr. *George Hilton*, when she was not married.

L. C. J. How! Was she not married then?

Mrs. Dillingham. No, they were not married then. He was not her Husband then. There are a great many of our Neighbours, that can say more than I. She is a naughty, filthy Woman; a very ill Woman; if I should call her

Whore,

Whore, I believe she might trouble me for it; but I believe it to be true.

L. C. J. Have you any more Witnesses, Mr. *Rosewell*?

Mr. Rosewell. No, my Lord; but I hope your Lordship will give me leave to say something to the Court and Jury.

L. C. J. Mr. Attorney, have you any more Witnesses to call for the King?

Mr. Att. Gen. My Lord, we have some Witnesses to support the Credit of these Witnesses that we have produced: But we don't think there is any need; nor that it is any way diminished by the Defence of the Prisoner at the Bar.

L. C. J. Do as you please, Mr. Attorney; go on your own way.

Mr. Att. Gen. No, my Lord; we shall trouble your Lordship no further with any Evidence.

L. C. J. Then, Mr. *Rosewell*, let's hear what you have to say further for your self; for all the Witnesses have been heard, of one side and t'other.

Mr. Rosewell. My Lord, and dear Countrymen, who are to be my Judges in this Cause this Day, what I now speak, is with respect as much to their precious Souls, who are concern'd either in Prosecution, or trying of me, as my own Safety. There is not a Man of you of the Jury, tho' you are Strangers to me, but I would lay down my life to Morrow to save one of your Souls, if I might be an Instrument therein: How much more then all of them, if the Consideration be taken of the Worth of an immortal Soul? Your Lordship knows, and I am sensible, how unfit I am now to do such a thing as this is, in the Company of so many learned Gentlemen of the long Robe. I have betrayed already too much of my ignorance in such Affairs, and I beg your Pardon for it; and I humbly thank your Lordship, and the Court, for the Indulgence that you have shewed towards me in my Infirmities. You are, my Lord, as in the Presence, so in the Place of the great God, the Judge and Lord of all, at this Day: You are *Elohim*, I have said ye are gods; whose Property it is to help the weak, and compassionate the innocent; therefore I make this Apology in reference to my own Innocency, and my great inability to sum up the Proofs that have been in this Cause. If you will put my Weakness in competition with their vast Abilities, who are of Counsel for the King against me, and my ignorance in the Laws of the Land against their great Knowledge; I cannot but expect to be overthrown, notwithstanding my Case is very innocent, and I have declared in the Presence of God the Truth of my Heart this Day. And if I were to be called to the Bar of the great God, the Judge of all the Earth, before I sleep; I should speak the same thing, and must, and no other. I am sensible, a Lye is both a base, and a very wicked thing; and that the Lake that burneth with fire is prepared for all Liars. And I pray God convince these Gentlewomen, wherein they have wronged and abused me; that they may repent of their Sin; which (I bless God) I have prayed for them most Days ever since I was confined, and begged it of God with Tears, in Charity to their poor Souls. And I believe I have prayed more for His Majesty in one Week,

than they have done in all their Lives. They are not the King's Friends, but his Enemies, in bringing such Allegations against those that are his true, faithful, and innocent Subjects, as I am, my God knoweth.

And here, my Lord, I would first observe the Variations that are in their Evidence. In the first place, Mrs. *Smith* swears, That the Text I preached upon was the 21st Chapter of *Genesis*. And here is Mrs. *Hilton* comes, and she swears afterwards, that it was the 20th: herein they vary. Then I suppose, my Lord, if they vary and differ, in Law they are not two Witnesses, but differing so, are both of them incredible: And I think the *Statute Law* of this Land is, that a man must be convicted upon the Oath of two Credible Witnesses.

Next, my Lord, here's Mistress *Smith* swears, that these Things were delivered, which are charged in the Indictment, all together in the Morning-Exercise, in the Forenoon: Whereas your Lordship has heard from several Witnesses (and I do not know one Man of them but fears a Lye; and would have sworn to the Truth of what they have spoken. They tell you) how every Passage that these People would pervert, must come in, and how it was divided. I hope your Lordship will pardon the Infirmity of two or three, a few illiterate Men, that are weak, and could not so well instruct themselves to speak in a Court of Justice upon such an Occasion. But upon the whole matter, they give such an account, all, that it cannot be presumed, or thought, that they should agree to speak any thing that was not true. And I am confident, there is not a Man of them, but would take his Oath (as I said) of the Truth of what he has here declared. And they have declared that there were two distinct Exercises, as I have protested in the Presence of the great God. That in the Morning was upon the 20th of *Genesis*: And the other in the Afternoon (there being an Hour that past between) was upon one particular Verse of a Chapter in the Epistle to the *Hebrews*, quite distinct from the other Discourse that was in the Morning. She not only varies from the Truth, but also from her Fellow-witness, that it was all in one Exercise. This I submit to your Lordship's and the Jury's Consideration (these worthy Gentlemen that are to judge of my Life and Death) whether they are two Credible Witnesses, thus varying.

There be several other Things, my Lord, that because of my present Infirmity, I may not so readily call to mind; but which ought to be recalled and recollected; as in reference to the Person, whose House we met at; One says it was one Capt. *Daniel Weldy's*: Another that it was one Mr. *Daniel's*. Therein again they vary, in reference to the Person; and if they are out in one Thing, they may be out in another.

Smith. I can say nothing about his Name: I never was there in my Life before.

L. C. J. Mrs! Mrs! You must not interrupt him; he is upon his Defence for his Life.

Mr. Rosewell. Then, my Lord, she says that my Text in the Afternoon was upon a *Psalms*; and there was no such thing, as your Lordship has had it particularly made appear to you. I have ingenuously told you the Text, and the Truth;

Truth; I have spoken it from my heart in the Presence of the great God; and upon what occasion every Passage that they have wrested was spoken: And your Lordship may thereby perceive how most abominably they have perverted my Words. Now, they having wrested my Words, that are innocent in themselves (so far from being Treason, that I do not know there was any Fault or Crime in them; being only plain Scriptural Proofs of Doctrinal Propositions in Divinity, without those Applications that they have pretended to) certainly your Lordship and the Gentlemen of the Jury will consider what is most probable or likely; what they have declared, or what you have heard from the several Witnesses, that have come in to testify concerning me.

My Lord, I was going to speak something to your Lordship of the great Wickedness of their making the Application of what was innocently spoken and meant, to the late King of *England*, and his present Majesty, whom I daily pray for, and always did, whatsoever these Witnesses have declared concerning me. And your Lordship has heard my Maid testify (which I little expected) that I used to pray for the King every Morning and Evening in my own House; and God knows that to him I have addressed myself for him daily: And more than that, she heard me (when I thought none but the God of Heaven himself had heard me) pray for him in my Closet. I would desire your Lordship and the Jury to consider, whether these are not the Criminals (and not I) that have made application of innocent Passages, and wrested the Words, that were plain and innocent in themselves, to a wrong meaning, to make me Guilty of High-Treason; applying them to His Majesty, when I never intended, or thought the least of any such thing.

My Lord, I doubt not but there have been several that have joined in it, that have helped to frame and forge this Accusation against me. And there is that, which I suggested to your Lordship in the Morning, in the beginning of this Cause: These Persons have not only, or so much sworn me a Knave, but a perfect Fool and a Mad-man to speak such absurd, incoherent, inconsistent, solecistical, and nonsensical Things. I believe there is no Man of common Sense and Reason, no Gentleman, that's here this Day, that can imagine that a Person that had the use of common Sense and Reason, should speak such absurd Things as these are. Besides, my Lord, I have brought Witnesses, several of them, to testify there never was any such Thing spoken by me, as they have testified against me, and misapplied. I have likewise produced several Persons to give Evidence of my usual and constant Practice with relation to the King and Government all along; my contending for Monarchy, and against Anarchy, which did too much reign in these late Days of Confusion, which I remember by very sad Experience, tho' I was then indeed but a Child. And when I came to be a Man, I used always to observe the 30th of *January*, and the 29th of *May*; preaching upon those Days, and pressing People to Obedience; and inveighing against those that had acted against their Principles, and were Rebels either against his present Majesty, or had been concerned in that barbarous Act against his Royal Father; which I did utterly abhor.

And, my Lord, methinks it should have been very unlikely that a Man, that should make it his common Practice so to do, as I have testified concerning my self, should fall under such a Suspicion and Accusation, as I now am; or, that such an one should fall into such a Solecism, as the Words that are testified against me must import; it is very unlikely. I leave it to the great God of Heaven to vindicate my Innocency in the Matter; which I do not question but he will do.

Then, my Lord, here are several Gentlemen of the *Church of England*, that have testified concerning my Conversation. They have had Acquaintance with me many Years, some of them near 20 Years; the least, 8, 10, or 12. They never heard an indecent Word, with respect to His Majesty, or the Government, fall from me; any unworthy Reflection upon either of them: But my constant Practice was to pray for His Majesty with all earnestness and solicitude. There are several of them Gentlemen of repute in the City. There are particularly two Persons, that belonged to an honourable Family, in which I lived so many Years, who give a Testimony what my Conversation there was, and my constant Practice of praying for the King, while I was there. This your Lordship, and the Gentlemen of the Jury, have heard and observed, I doubt not.

But, besides that; your Lordship and the Jury, I hope, observe as to these People, who swear against me, what my Witnesses have testified, that they would swear any thing, and forswear it: And what a Character is given concerning one of them particularly, your Lordship has heard from that worthy Gentleman, *Sir John Talbot*, whose Face I never saw before it was in this place. And by the last Witness, you have a Testimony concerning her lewd Conversation. And several other Witnesses prove she would swear any thing for them, if they would swear for her. So that it appears she would, and does swear at a venture such and such Conventicles; only upon hear-say, and meer report: And that she has taken Money, and made some Compositions too. These things I must refer to your Lordship, and these worthy Gentlemen, who are of the Jury.

If then my Carriage and Conversation (so well known in the World) be compared with that Character that is given of these Persons; I must humbly submit it to your Lordship, and the Jury, how far they are to be believed against me; and might argue from the Incredibility of their Testimony: but your Lordship cannot but remark it.

My Lord, it is very strange, that these two Women should exactly remember these Words. They agree in every particular Circumstance. I durst appeal to your Lordship, and the Jury, particularly to the Jury, if now they would undertake to repeat upon their Notes, the Words that have so often been repeated here; and whether there is any of them would be able to agree in all the particular Words? They have an incredible Memory, that could so exactly agree together, that these were the Words. I do humbly submit this to your Lordship. For, my Lord, I lay the stress of my Defence very much, not only upon the incredibility and improbability, but even the impossibility of the Evidence

Evidence that they have given. I humbly submit it, I say, to your Lordship, and these Gentlemen; and leave it with them, and the great God of Heaven, whom I pray to direct them. I hope they will consider the Life of a Man, and the worth of Blood. My Lord, however I am represented this Day, I know my self to be a faithful Subject to His Majesty; and to the great God of Heaven, whose I am, and whom I desire to serve.

My Lord, I will now, if you please, ingenuously confess my Crime, if it were any. I have been frequently preaching in my Congregation, out of the Scriptures, and it is true, as your Lordship sees, the Chapter came then in course to be expounded: Which I used to do, to let the People understand the Scripture, as well as I could; for the People perish for lack of Knowledge; and it is by the Knowledge of Jesus Christ, that they must come to Life and Salvation; for him to know is Life Eternal. It has been my way to Expound the Scriptures to them.

In the Presence of the great God, before whom I speak, to whom I can appeal for the truth and integrity of what I say, that God before whom we must all stand (all, whose Faces I see here shall meet, and see one another at the great Tribunal) it is to this God that I appeal as to the Truth of my Heart in these Things. And, my Lord, I shall continue, as I have done, however God dispose of me, to pray for the Life and Happiness of His Majesty; my usual Prayer, Morning and Evening, being, that God would crown him with Grace here, and Glory and Honour hereafter. And thus I shall do by the grace of God unto my Dying-day; for my Soul does abhor such Things as have been testified against me this Day.

Thus, my Lord, I have dealt as plainly with your Lordship, and the Jury, as I can. My Infirmities are great. I desire to leave my whole Cause with the Lord, and with these worthy Gentlemen my Country-men, who, I do not question, will have a just compassion and consideration of my Case, under these Circumstances wherein I stand, and to all the Circumstances that have been made out in this Cause this Day.

L. C. Just. Mr. Attorney, will you please, or any of the King's Counsel, to say any thing in this Matter?

Mr. Att. Gen. No, my Lord, we leave it entirely to your Lordship.

L. C. J. Gentlemen of the Jury, this Case has held a long time; and, Gentlemen, I must tell you, no body ought to think Time too long in a Case of this Nature, wherein the Government is so much concerned on the one side, and the Life of the Prisoner at the Bar on the other. *Et de vita hominis nulla est cunctatio longa.* I think no Man ought to apprehend his patience too much tired in finding out the truth in the case of a Person that is tried for his Life. However, Gentlemen, by the way, because the Case has been long, it is fit that there should be some recollection made of it; and in order, as near as I can, that I might help your Memories in the Evidence that hath been given, both for and against the Prisoner at the Bar; I would endeavour, as well as I can, to repeat at least the substantial Part of it to you; and in case any thing that is material be omitted, God forbid but it should be supplied by any one that is able for to give any Assistance of that kind; for I cannot pretend to be so exact, as to give an account of the whole Evidence my self. But, Gentlemen, I must

tell you it is a Duty incumbent upon the Court; to give you all the Assistance that can be in a Matter of this Nature, and I will do it with as much Integrity, and with all the Care and Caution of doing no Injury, either to the Prisoner, or to the King, between whom we are to be indifferent, both you, and the Court, as possible can be, that there may be no wrong done on the one side, or on the other; and, according as the Prisoner himself hath said, what I shall speak, I know I speak in the Presence of the great God of Heaven and Earth, who is to be the Judge of all Men. We are upon our Oaths, and you are upon your Oaths; and we are all of us bound by our Oaths that we have taken, to be guided in this weighty Affair (for so I must call it) by the Evidence that has been given to us at this time, both against the Prisoner, and for him. For certainly there cannot be a thing of greater concern, nay, even in point of Compassion, than to see any Man come to be accused of so high a Crime as the Prisoner at the Bar is now tried for. And he must have a strange obdurate Heart and Conscience, that cannot so far participate of the common sympathy of human Nature, and his Fellow-Creatures, as to compassionate any one that stands in such Circumstances as the Prisoner does. But, then on the other hand; the Denials of the Prisoner at the Bar, with all the Imprecations that he has made, and all the Affirmations that he has offered of what he has formerly done; and all these things of his appealing to the great God of Heaven about his Innocency, that I must tell you, of themselves, they are not to weigh with you; for your Business is to know, according to the Oath that you have taken, whether you have Evidence given to you (since you are sworn upon this Trial) to satisfy you that he is guilty according to that Evidence. So that, if the Affirmation of the Person accused, tho' attended with never so many Imprecations one way or other, be offered to Persons, that are in your case, as Jurymen, it is not to weigh with you at all one way or other, if it be only the Affirmation of the Party accused; for if so, then there would never be any guilty Person brought before any Jury whatsoever; or any Criminal could come to suffer any Judgment, or be convicted of any Crime, if his own Affirmations concerning himself, and his own Commendations of himself, would be sufficient to acquit him, and set aside his Accusation. So that now you are to go according to the Evidence offer'd, and so are we, against this Person that is here before you.

Gentlemen, I must say that it is very untoward, and, I hope, by this Cause there will be a warning given, at least, to other Persons, that there have been too many notorious Transgressors of the Law in this Matter of Conventicles. I speak that, not to affect this case at all; but I speak of what the Nation hath had but too woful Experience of, as to these seditious Meetings, that are, and have been continually kept up in opposition to the Laws; and I speak nothing as to the Meeting that was at this time; but I speak it, that others may be warned for future Times; for always Mischief attends the open and publick Transgression of the Law. God forbid, but that People should worship God, and serve him, according to their own consciences; therefore the Law has been so indulgent to them, as to give them leave to exercise their Religion in other manner than as is done in the Church of *England*; provided there be not

any occasion of Tumult; but that there be not above Five, except those of the same Family, meeting together; which you know the Act of Parliament hath provided for. And the truth of it is, the Reason of the Law is very plain: For you all know, who are Gentlemen of Quality, that this Law, as well as another Law, that has so great a relation to the Case before you, does declare, that from these Seminaries of Sedition and Faction Conventicles, and the Clubs and Cabals of discontented, irregular People, disaffected to the Laws both of Church and State, was the great Mischief and Confusion that was brought upon us, and which at length brought us into the Distractions of the late Times.

Gentlemen, I must say likewise this to you, that whatsoever the Prisoner at the Bar thinks now, that blessed Martyr King *Charles* the 1st, was by such means brought to that horrid, accursed, murderous Death and End; I cannot call it less than so, in relation to the Persons that brought him to it, under the Pretence of Religion. It was the Cry of Popery and Arbitrary Power, of which he was no way Guilty, tho' that was insinuated into the Minds of silly People, those ignorant Souls, that were easily captivated with a base Lye; but that was the Occasion. Many of you, Gentlemen, that are yet in being, remember it your selves; and many of you have, and cannot but have seen and read the History of those Times, and have been so conversant with the Practices of these People since, that you are able to make a Judgment in the Matter. All these sorts of Things are but pretences, and fair shews of dangerous and seditious People; that which was most dangerous to us at that Time, and I am apt to believe will be so to the World's end. For when People come to gild over their bitter Pill of Sedition, it is always under pretence of Religion. For, a-lack-a-day, perhaps there were as many Rebels against the late King raised by the beating of the Cuthion in the Pulpit, as by the beating any Drum in the Street; for it is well known these are the Bell-weatherers of the Faction, that under pretence of Religion, come there to incense the People to commit all these Villanies that sometimes they are incited to do, as we know; and to prepare the way to bring us into that condition, that we were in, in the late Times: And particularly, were used as Instruments to bring that blessed Martyr, King *Charles* the First, to the Block. These Pulpiteers took Occasional Texts of binding their Kings in Chains, and their Nobles in Fetters of Iron; and raised up such Doctrines from Texts of Scripture, that were certainly intended for quite far other Purposes, to countenance their Practices, to make People kill and slay God's Anointed, under pretence of saving and protecting the Anointed of God. But who did they mean by it? Pray, how did these People come to take upon them to preach against Popery, when indeed they were preaching down all manner of Religion, under the Pretence of that? So that you grew to have as many Religions, as there were Sects or Dissenters in the Nation; and never any could be tolerated that were not grown into the Party, but they came all into Office, and the more extravagant the more prefer'd; so that without the Blessing and immediate Providence of God, by a second Resurrection, reducing us into some sort of Order, in restoring his Sacred Majesty (whom I pray God grant long to reign over us; and so ought all Loyal

Subjects to pray) what a miserable condition had we been in? And I may call it a second Resurrection, it being the Resurrection of our Religion: we were turned all into Confusion; we had no other Religion, at least apparently predominant, but that that had the strongest Army to support it, and that had force enough to contribute to what the luxurious, debauch'd Professors of it would make to be Religion; for they were the Professors at that time of all things.

Gentlemen, I speak this, because even the Laws, that have been made since the Restoration of the King, have taken notice, that the beginning of all the Mischief hath been this; and that the great Incendiaries of all sorts of Rebellion were these, who took upon them in their Pulpits, under colour of Religion, to countenance Rebellion and Treason, Confusion and Anarchy. Now how far these things have been known to you all, that I must leave to you; and must betake my self a little nearer to the Case, having premised these things; to which I would add this as a Warning to all People, that they would not abet or assist in any Meeting against Law, or that is known to be against Law, whatsoever they think; for there will Mischief come upon it, one time or another, let them pretend what they will. As that Gentleman says, he undertook to expound, and teach his People the Knowledge of the Lord: the Knowledge of the Lord is a very good Lesson to be learnt, and to be taught all People; but, blessed be God, we thank him for it, we have Churchmen of as great Learning (without any reflection upon the Gentleman at the Bar) as he can pretend unto, and men as pious, and virtuous; and perhaps we may say at this time, with a little more Confidence than ordinary, that we have as learned a Clergy as ever was since Religion was known within this Kingdom. And, God be thanked, these Men are not only learned for themselves, but they exert themselves for the good of others, for the Satisfaction of that Duty, in which they are employed, by their due and constant attendance upon the Worship of God, in their places of Worship, the Churches, which are by Law appointed for it; and we need not run into Holes, and Corners, and Conventicles, and Clans, to understand the Word of God, and the Practice of our Duty towards him, or towards Men; because we have Churches to apply our selves to, where we may learn to know God, to obey him, and them that are put in Authority under him; which I am sure is a Duty incumbent upon every Preacher of the Word of God to insist upon, and press, and urge. And I am sure, whosoever preaches at a Conventicle, cannot with a safe Conscience preach Obedience to the Civil Magistrate; because, while they are in that very preaching, they are acting Disobedience against his Laws, in regard what they do, is against the Authority of those Laws under which they live; and no Man can preach well against that, which he knows in his own Conscience, at the same time, he is practising himself.

So that, Gentlemen, I must tell you this is a wonderful dangerous thing; and therefore I give it as a Caution to all People to beware how they break the Laws, by going to such Meetings and Conventicles as these are; for it will have at the long run one time or other a very dangerous Issue. And there is another thing, which is wonderful dangerous too, to see what Shoals and

and Crouds of People come to these sorts of Meetings; People of all sorts of mean Trades and Professions. And how easy is it, if a Man has a mind to insinuate into some silly, ignorant People, common, illiterate Fellows, that can neither write nor read, some of them, yet thereby to feel their Pulse, to see whether they will swallow down such a Thing, or such a Pretence at first? For they did not in the late Times begin with open Rebellion, and preaching the Doctrine of deposing of Princes, or bringing them to the Block; but they tried with several previous Ways, and as the Bait sunk, and was sucked in, they attempted to try further. They applied themselves perpetually to pursue the temper of their Auditory; and therefore we must have a great deal of Care to prevent all such Mischiefs as these are for the future, that they may give no countenance to such, who pretend to be Expositors, but are very ill ones of the Scripture; and thereby instil into the Minds of Men such dangerous and pernicious Doctrines; that the Scripture may not be perverted, to give an Authority to such desperate things as these are; for we have known over and over how easily People are drawn into Mischiefs in this Age, even by the very same Train that they were in the time of the late Rebellion.

Now, Gentlemen, these things being premised, I would take notice to you, that the thing now before you, is a Question of a different Nature from what I have now spoken of. It is not the Question that you are to try, Whether he preached at a Conventicle or not; or whether the doing of that which he did in so preaching, is against the Law or not; but whether he did at any Meeting (especially as to the time that is particularly specified) speak Words of the same substance, to the same effect and intent that are comprised in the Indictment. For though he did preach at a Conventicle, and thereby did transgress the Law; yet in case he did not preach to the substance of what is contained in this Indictment, that hath been read unto you, and that he is accused of, he must be acquitted. That I must declare to you for Law, as no doubt it must be acknowledged to me to be; therefore you are to take care, upon your Consciences, to try and consider whether or no you believe these three Witnesses, that have been produced against him, swear true, or are guilty of wilful Perjury. For, in downright plain *English*, they are guilty of Perjury, if he be not guilty of the Words laid in the Indictment. One of the two is certainly true; either they are guilty of Perjury, or the Prisoner at the Bar is guilty of the Treason laid to his Charge: I pray God direct you in your Enquiry; for it is a Question, I must needs say, of very great Difficulty.

Gentlemen, for the intention of a Man's Heart, I must tell you this for Law, as to the compassing and imagining of the Death of the King, it is not to be discovered but by some Action; some Word, or Overt-Act, there might be to interpret the secret Imagination of the Heart. It is impossible to discover or disclose the Imagination of any Man's Heart, except we be directed to that Discovery by Words or Actions.

Now, Gentlemen, Words that in themselves may bear a good Construction, and are good Words, yet coupled with Actions that are Evil, or other Words that are Evil, these very Words may be a Discovery of the evil Imagination that is in a Man's

Heart. As to express my self in a very familiar Example, for the purpose, that I may make things as plain as I can, for that is my design, and ought to be every one's that is concerned in such a Matter at this. Because we have had some Discourse concerning the late blessed Martyr King *Charles* the First, he was here brought to a Shambles of Justice; for I cannot call it a Court of Justice, however they called it a High Court; and there was a kind of Mockery or Pageantry of a Trial. He was arraigned and tried for Treason, and a new notional Treason, never yet invented nor known of before amongst us, Treason against his People; I say, now and never thought of till these Butcherly Fellows that sprung out of the Shambles, came to put it in Practice; erecting what they called a High Court of Justice, but which was truly to be called a High Court of Injustice; and there they were to have some come and cry Justice, Justice, Justice upon the King. Gentlemen, Justice is a good Word; but if that Word be used and spoken as it was in that case, in order to bring the King to his Death, that which was a good Word, and if otherwise used, had been a proper Word even at that time; that is, if applied to good purpose, to set the King and the Nation free; yet being applied to the bringing that Sacred Martyr to so horrid and barbarous a Death, that was plain downright Treason; and I make no difficulty in the world (nor can any Man that understands any thing) that it was so by Law; and it was an Overt-Act sufficiently indicating the intention of all Persons that were therein concerned to put and bring the King to utter Death and Destruction; and all these Fellows, that made use of that good Word, Justice, Justice, Justice, were all undoubted Traitors; making use of it for that ill Purpose.

Gentlemen, again; suppose if Mr. *Cook* was a Man of Law, that was Solicitor of what they called the Commonwealth at that time, Solicitor to the State (I only speak this to explain my Mind) if he comes (when the King had just ground to dispute the Authority of that Court of Injustice, that he was dragged to, and refused to plead) and does pray Judgment against the King, as he did, and it was proved at his Trial, Judgment alone might be there meant as tending to excuse the King, as well as to sentence him to Death; yet he being there praying Judgment against the King, and which was afterwards at his Prayer so pronounced; that shewed what his Opinion of the Word he used was at that time; and that made him a Traitor, and was an Overt-Act to discover his Guilt.

Why so, Gentlemen, I am to tell you, though there are Words, that may be used in a Scriptural Way very well, and to very good Purpose; yet if they be applied to an ill Purpose, they may be a sufficient indication of a Man's compassing and imagining the Death and Destruction of the King. Therefore, Gentlemen, you are the Judges, whether if in this case, he speaking these Words, of destroying our Enemies, and standing to our Principles, they have not an Allusion to the former Words; and whether they are not Expositors of the Mind of this Person, the Prisoner at the Bar, of compassing and imagining the Death and Destruction of the King; and I do this on purpose to remind you of what is necessary to let you into the Question.

Now for the Testimony against the Prisoner at the Bar you have three Witnesses. First, you have

Mrs. *Smith*, she does directly swear that she did frequently, several times, go between the 13th of *July* and the 14th of *September*, to hear the Prisoner at the Bar preach at several Conventicles or Places of Meeting. She tells you the particular Days: She tells you as to one, that she heard him the 20th of *July*: She heard him another time the 10th of *August*, according to the best of her remembrance. She heard him again the 17th of *August*, the 24th of *August*, the 31st of *August*; and she heard him the 14th of *September*; that is according to the best of her remembrance. She both tells you the Time and the Place, and she heard him preach at these Conventicles. All that she says as to this, is introductive to what she speaks of the 14th of *September*, which is the Day to which the Indictment does refer; and this she does say positively, that upon the 17th of *August*, he prayed that he might be forgiven for not praying for the King; and by that she would have you to understand, as she would insinuate, that he did not use to pray for the King.

Mr. *Rosewell*. [Turning to the Jury.] I made use of the Words of *Samuel*, God forbid that I should cease to pray for him.

L. C. J. Sir, you must not talk to the Jury now; I am directing of them.

Mr. *Rosewell*. My Lord, I beg your Pardon; it was to set the Matter right. It was mis-apprehended.

L. C. J. All this is antecedent to the Matter for which he is accused; and you see his answer to it, from a Text of Scripture that he offers to you, which he did not repeat with dislike to pray for the King; but that he thought it his Duty always so to do.

Then she tells you particularly at another time, which, I think, was at the House of one *Paul Shed*; I cannot particularly tell directly the Name; there was a talk of the Recorder, and of the Lord Mayor of the City of *London*; but that was before this time. And afterwards, the first and the second Witnesses, two of them more, give you an Account tho' they were never there but then: That he began to talk about the Fire, and that he should say there was a great Man at the corner of *Grace-church-street*, I need not name his Name, for you all know him very well; that he met with a poor Man, though indeed he was not a poor Man, he was a labouring Man, a Carpenter; and they began to talk much concerning the Fire, and he did say, that in case it had not been for that great Man, there had been no such Thing as the Fire in *London*; nor if it had not been for the Lord Mayors and Sheriffs afterwards, there had been no such thing as the Fire in *Southwark* and *Wapping*. And I take notice too, that at the same Place, which was *Shed's* House, that they spoke of, there is Mrs. *Farrar*, against whom there is not the least Objection that I can hear of: She agrees both in the Circumstance of Place and Time, and of the Words, and to the Dialogue about *Grace-church-street*, and the Carpenter, and to the previous Words, that he was not a poor Man, and the like, and about the Discourse relating to the Fires of *London*, *Southwark*, and *Wapping*, and likewise relating to the Lord Mayors, and Aldermen, and Sheriffs; these Discourses were at that time.

Gentlemen, the next Testimony you have, is of these Witnesses that speak of the Time that is in the Record; which all the three Witnesses that you have heard, speak to; tho' the most of what

I mentioned before, was another time: And this is at the House of one Captain *Daniel*; one says, Capt. *Daniel Weldy*. But that it was a Captain that was then at Sea, is plain; for this Gentleman himself, Mr. *Rosewell*, does not deny that this was at Capt. *Daniel's* House; and that he did pray for him, as being then at Sea, and for all his Family; and all the Witnesses speak to the same time. Tho' indeed the first Witness did say, that she did not know but it might be Capt. *Daniel Weldy*; but she likewise said, she did not directly know his Name. But she directly swears to the very Words that are mentioned in the Indictment. She does directly swear that Mr. *Rosewell* preach'd upon the 21st of *Genesis*. Says she, as I remember; though Mr. *Rosewell* did think, there was a difference between the Evidence of the one and the other Woman about the 20th or 21st, yet it was only upon her remembrance, as well as she could, and she did not positively swear it was in that place, but according to the best of her remembrance. And the second Witness Mrs. *Hilton*, when she came to swear, she said it was either the 20th or 21st; but in so many Words she did directly swear, that he should preach, *that the People made a Flocking to the King on purpose for the curing of the King's Evil; but the King could not do it; but we are they that the People should flock to for the curing of all their Evils.* Which are the very same Words in Substance that are in the Indictment.

The very same Words in Substance, says that other, the second Witness; the same Day, in the same Place, did I hear Mr. *Rosewell* then speak these Words; and they go further, and the same Witnesses both swear, *Hilton* and *Smith*, that Mr. *Rosewell* should say, *We have had two wicked Kings together, who have suffered Popery to come under their Noses, who can be compared to no other Persons but wicked Jeroboam.* Mrs. *Smith* swears these Words directly, and Mrs. *Hilton* says, she thinks there was the Name of *Rehoboam* mentioned; but she is sure there was mention of two wicked Kings in the same Words as Mrs. *Smith* speaks. They go yet further, and say, both the one and the other of them, that he said, *If the People would stand to their Principles, he did not doubt but they should overcome their Enemies as in ancient Times with Rams-horns, broken Platters, and a Stone in a Sling.* The two Witnesses, both Mrs. *Smith*, and Mrs. *Hilton* swear to the very Words, and at least to the Substance of them; and if there should be some little Variance in some few of the Words, that will signify nothing, if the Substance be the same.

But now, Gentlemen, besides these two Witnesses, there is a third Witness, Mrs. *Farrar*, against whom (that I can see) there is not the least Exception in the World, if you remember any, you would do well to consider of it; you may be better able to recollect what has been spoken or offered, than I can in so long a time; and you ought to endeavour (being Men of Understanding, and good Quality) to refresh one another's Memories, and make what Observations you can; which I perceive you have taken Notes about, some of you at least.

She does directly swear as to the business of the King's Evil, the same Words that the other two have sworn, about *flocking to the King to cure the King's Evil, which he could not do: But they were the Priests and Prophets that could cure the Maladies of the People.* And as to the second Words, she swears that he said, *there had been two wicked Kings that*

that had suffered Popery to come in under their Noses. And she swears in the third place, That there was likewise an Exhortation to stand to their Principles, and that they should overcome their Enemies. She does not indeed particularly tell you about *Rams-horns, and the Platters, and the Stone in the Sling,* but only of standing to their Principles, and overcoming their Enemies: Which I would have you particularly to take notice of, it being the material Part of the Indictment, to make these Words Treason.

Now, Gentlemen, give me leave to tell you, there is great regard, and very great, to be had to the Circumstances in this Case, to see how far these things are to be tack'd together. First, you remember the Witnesses were examined apart; and it does not appear that they have talked together; and there was all the Care taken that possibly could be, they should be out of the Court, and out of one another's hearing; so that there was as much endeavour to detect the Falshood of their Testimony (if it could be) as possible in any case, even in the very most minute Circumstance. Mrs. *Smith* swears, That Mrs. *Hilton* came to her House on Saturday Night; that they went together to the House of this Capt. *Daniel* upon the 14th, about Seven of the Clock; that they were there before Mr. *Rosewell* came in; that there was a Lower Room in the House; and a little higher there was a little Room; and then there was a Room up two Pair of Stairs, where there was a Bed; that Mr. *Rosewell* stood upon the Stairs, but they both sat upon the Bed, together with one of Mr. *Rosewell*'s own Witnesses, which was the Mathematical Instrument-maker, and that he was in a Mourning-Cloke; and that there was particular notice taken of a Pair of Shoes given by Mrs. *Smith* from under the Bed to the Child of that Mathematical Instrument-maker; and that there was Prayer made for Capt. *Daniel*, the Master of the House, who was then at Sea, and for his Child and Family. There were these Circumstances, every one particularly asked of the Witnesses, and sworn to by them in the very same Words, the same manner of Posture, the same Things done both as to the Room, the Bed, who sat upon the Bed, the Mourning-Cloke, the plucking off and delivering of the Shoes; that I may appeal to your Memories, if they did not agree to a tittle exactly.

Then they began to enquire further concerning other Expressions of Mr. *Rosewell* at other times: Something about People in Scarlet, and something about Canting: And Mrs. *Smith* tells you, that he did speak something about Canting; that he was talking concerning that Word; says he, I will tell you what that Canting means: I went not long ago thro' a Cathedral, where the Organs are, and there the People were gathered together, and they were singing the Lord's Prayer, and I don't know what; I heard them sing, and I could not but laugh out; and he broke out in his Sermon into a He! he! he! that is Canting. This, they say, was his Expression at that time.

When Mrs. *Hilton* came in, she tells you the very same Words, even to a very particular Phrase, which I had forgot before, that he saw the Men in white Gowns that were singing, and which he counted canting. It is very true, there is no such thing mentioned in this Indictment; but only it is offer'd by the King's Counsel to shew the Temper of the Man, and how he usually used to preach.

As concerning the Story of *Sampson* and *Dalilab*, that's sworn by both Witnesses, that there was such a Discourse; for he began to talk of our King's keeping of Women, and he hoped that they would bring the same Destruction upon him, that they had brought upon *Sampson*; he hoped it would so fall out with our King. How far it is true (they both having sworn it) you are the Judges; they have directly sworn it, and to all the Circumstances both of Time and Place.

Gentlemen, There is yet another thing that is material too, tho' a small minute Circumstance, and that is about this same *Paul Shed*, that they have spoken of. When the first Witness came in, he chid her for coming in her Pattins, and bid her pull off her Pattins, for they would leave such an Impression there, that People would be apt to discover that there was, or would be a Meeting; and therefore she promised, when she came any more, that she would be sure to leave off her Pattins. And it is proved, that Mrs. *Hilton* and Mrs. *Smith* were in the Room above, and Mrs. *Farrar* was in the Room below, and it does not appear that she was acquainted with the rest. She had heard him several times, and tho' she did not see him that Day, he being up two pair of Stairs higher, yet she swears directly to the same Words, the substantial Part of them that the other two Witnesses spoke of. So that I must say, if in case they have contrived this Story to take away the Life of the Prisoner at the Bar, they have contrived it with all the devilishest Subtilty that ever any could do, or that could enter into the Minds of any People. You are the Judges of the Fact, I pray God to direct you, that you may detect the Truth; far be it from the Court, or any body, to desire, that any thing but Truth should prevail. For it were far better a thousand times that a hundred guilty men should escape, than one innocent man should suffer. But on the other side, far be it from any Man, that is upon his Oath to do his Duty between the King and the Subject, to be moved by Compassion, or any thing of that Nature, to do against the Evidence that is given in open Court; unless he be satisfy'd that the Evidence is false. For in this case, I say again, either you must find the Prisoner guilty of what he stands charged with in the Indictment; or else you must find these three Witnesses guilty of wilful Perjury: And I pray God again to direct you what you are to do in it.

Gentlemen, as to the Testimony that has been offered on the behalf of the Prisoner (I would follow the same Method that has been taken, both in the Evidence given by the King and the Prisoner, as near as we can) First, you have had brought by him half a Dozen (for I would not injure him as near as I could one tittle) that have given you an Account of what he said at that time. There was *Hudson, Hall, Atkinson, Smith, Hales, and Wharton*; I took their Names, as near as I could; and all these People do directly say, they were present at that time, and they heard nothing spoken of the late blessed Martyr King *Charles* the First, or of Reflection upon the Government; but all that was said of the King's Majesty, that now is, was in his Prayer, wherein he did pray for him; that they heard nothing come from Mr. *Rosewell* concerning