

Mr. CHARNOCK'S Paper.

THAT I might avoid Distractions, and be compos'd as much as is possible at the Time of my Execution, I thought it much more proper to communicate this to the Sheriffs, than to give myself the Uneasiness of speaking, leaving it to them to publish (if they should think convenient) for the Satisfaction of the World; and in what I have to say, I have taken as much Care as I could to be short, that I might not lose time in my greatest Concern.

As concerning an Invasion intended by King *James* upon *England*, there was certain Intelligence of it from abroad, I presume every Body was satisfy'd, and to the facilitating of which, I own that myself and some others did agree upon the Undertaking to attack the Prince of *Orange* and his Guards, for which I am now to suffer; but I think myself obliged, by all the Ties imaginable, both of Conscience and Honour, to declare, that as for any Order or Commission of King *James's*, for assassinating the Prince of *Orange*, I never saw nor knew of any, but have had frequent Assurances of his having rejected such Proposals when they have been offer'd.

I confess, I did hear that there was a Commission arriv'd for levying of War; and which was natural to believe, if the King was in such a Readiness to come over as was reported; but if there was any such Authority as that, I declare I never saw it.

As to what regards the Body of the *Roman* Catholicks, I must do them this Justice, and which I dare be positive in, that they had no manner of Knowledge of this Design; nor do I believe it was communicated to any other Party of such as are reputed the King's Friends, but carried on merely by a small Number, without the Advice, Consent or Privy, of any Parties whatsoever.

I ask Forgiveness of all the World for what Offences or Injuries I have done to them; and I am (I bless Almighty God) in perfect Charity with all Mankind.

ROBERT CHARNOCK.

Mr. KING'S Paper.

I Am now, within a few Moments of Eternity, brought to this Place by the just Hand of God, in Punishment of all my Crimes, but particularly of that of which I have been lately arraign'd, and for which I stand here condemned; but I hope that Goodness of God, which has given me a Sense of my Wickedness, will accept my Repentance, and shew Mercy on me; which I

hope to obtain, through the Passion and Merits of my Redeemer, upon whom I entirely cast myself.

And that I may find his Mercy, I think myself obliged to do Justice to my Neighbour, that so none may suffer wrongfully on my Account. And, therefore, as I am soon to answer the Truth of what I say before the Tribunal of God,

First, I declare, that I never saw any Order or Commission for King *James's* promoting the Assassination, for which I am condemned; neither do I know of any such Order or Commission.

Secondly, That this Design was not undertaken with any general Knowledge or Approbation of any Body of Men, either Catholick or Protestant.

Lastly, That I did not engage in it on Presumption of any King-killing Principles that could justify such an Undertaking, but was drawn into it by my own Rashness and Passion; for which, and all other Sins, I heartily beseech God to forgive me.

And I hope, that such who think the Misfortune of their Imprisonment or Trouble is derived from my having been engag'd in this Enterprize, or such to whom it has any ways given Scandal, that they will admit me to their Pardon, as I freely and heartily forgive all Mankind. In this Disposition of a sincere Repentance, and true Charity, I commend my Soul into the Hands of God, and hope to find Mercy from him. And for this I beg all your Prayers.

EDWARD KING.

Mr. KEYES'S Paper.

I Am going to appear before the living God; I trust in his Mercy that he will forgive all my Sins committed to this last Moment of my Life. God is just in all his Judgments, and I accept of this Death as the Punishment of my Iniquities. I forgive all my Enemies, and hope, through a hearty Repentance, and the Merits of my Saviour to obtain Mercy.

Have Mercy on me, O Father of Mercy, and thro' thy only Son forgive me all my Sins.

THOMAS KEYES.

After which they were executed as Traitors, and their Quarters expos'd about the City.



CLIV. *The Trial of Sir JOHN FREIND, Knight, at the Old-Baily, for High Treason, March 23. 1695. 8 WILL. III.*

Monday, March 23. 1695.

At the Sessions-House in the Old-Baily, this Day came on the Trial of Sir John Freind, Knight, for High Treason, upon an Indictment found by the Grand Jury for the City of London, upon the Sessions of Oyer and Terminer and Gaol-Delivery of Newgate, on Saturday the 21st Instant.

Clerk of Arraignments.



R Y E R, make Proclamation.

Cryer. Oyez, Oyez, Oyez, All Manner of Persons that have any thing more to do at this general Sessions of the Peace, Sessions of Oyer and Terminer, holden for the City of London, and Gaol-Delivery of Newgate, holden for the City of London; and County of Middlesex, adjourned over to this Day; Draw near, and give your Attendance, for now they will proceed to the Pleas of the Crown for the said City, and County; and God save King William.

Cl. of Arr. Make Proclamation again.

Cryer. Oyez, You good Men of the City of London, summoned to appear here this Day, to try between our Sovereign Lord the King, and the Prisoner that is to be at the Bar; answer to your Names as you shall be called every Man at the first Call, upon Pain and Peril that will fall thereon.

Then the Petty Jury were all called over, and the Appearances of those that answered to the Call were recorded.

About Ten a Clock the Lord Chief Justice Holt, the Lord Chief Justice Treby, Mr. Justice Nevill, and Mr. Justice Rokeby, came into the Court; and there being a great Confluence of the Nobility and Gentry there present, the Prisoner was order'd to be brought to the Bar: Which was done accordingly.

Cl. of Ar. Sir John Freind, hold up thy Hand.

Freind. My Lord, I humbly move that I may have one William Courtney (who is to be a principal Witness for me at my Trial, and is now a Prisoner in the Gatehouse) sent for.

* Sir John Holt. * L. C. Just. Is he your Witness, Sir John?

Freind. Yes, my Lord, William Courtney is his Name.

L. C. J. Sir John, why did not you send; and desire this before?

Freind. My Lord, I did not hear of him while last Night; and I humbly beseech your Lordship, that you will please to let him be sent for.

The Judges consulted among themselves.

L. C. J. Look you, Sir John Freind, I'll tell, if you'll appoint your Agent to come hither, you shall have an *Habeas Corpus ad testificandum*: But indeed you might have sent this Morning; and then the Writ might have been got ready.

Freind. My Lord, I did not know so much; for it was last Night before I understood that he was to be a Witness.

L. C. J. You might have sent last Night, or this Morning, and you should have had a Warrant for the Writ.

Freind. I assure your Lordship, I did not know so much.

L. C. J. Well; send your Agent, or your Solicitor, and you shall have a Warrant for the Writ.

Freind. I beseech your Lordship, that he may be sent for, and that the Messenger may make haste.

L. C. J. Let your Solicitor come to my Clerk, and he shall have it.

Freind. My Lord, if you please to give a Rule of Court for it, I suppose it may be done presently.

L. C. J. No, no, Sir John, it must be by Writ, the Keeper of the Gatehouse else cannot bring him.

Fr. My Lord, that will be a long time before it can be done, I desire nothing but that I may have him here to give his Evidence for me.

L. C. J. It will be got ready presently; I believe he will be here Time enough for you to make use of his Testimony.

Fr. But, my Lord, suppose he should not be here: It would be a great Hindrance to me, and a greater Injury to my Trial.

L. C. J. No, no, Sir John, you need not fear any thing of that Nature, we are not in such Haste; we will not spur you on: But the Warrant shall be made; and do you make what Haste you can to get the Writ, and your Witness brought.

The Lord Chief Justice gave order to Mr. Mason his Clerk, to prepare a Warrant for an Habeas Corpus, directed for the Keeper of the Gatehouse, to bring William Courtney immediately hither to give Evidence.

Cl. of Ar. Sir *John Freind*, hold up thy Hand. *(Which he did.)*

You stand indicted in *London* by the Name of Sir *John Freind*, late of *London*, Kt. for that, Whereas there had been for a long time, and yet is, an open, and notoriously publick, and most sharp, and cruel War by Land, and by Sea, had, carried on, and prosecuted by *Lewis* the *French* King, against the most Serene, most Illustrious, and most excellent Prince, our Sovereign Lord *William* the Third, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, &c. All which time the said *Lewis* the *French* King, and his Subjects were, and yet are Enemies of our said Lord the King that now is, and his Subjects. You the said Sir *John Freind*, a Subject of our said Sovereign Lord the King that now is, of this Kingdom of *England*, well knowing the Premises, not having the Fear of God in your Heart, nor weighing the Duty of your Allegiance, but being moved and seduced by the Intigation of the Devil, as a false Traitor against the said most Serene, most Clement, and most Excellent Prince, our said Sovereign Lord *William* the Third, now King of *England*, &c. your Supreme, True, Natural, Rightful, Lawful, and Undoubted Sovereign Lord; the cordial Love, and the true, and due Obedience, Fidelity and Allegiance, which every Subject of our said Sovereign Lord the King that now is, towards him our said Sovereign Lord the King, should and of right ought to bear, withdrawing, and intending utterly to extinguish, and contriving, and with all your Strength, purposing, designing, and endeavouring the Government of this Kingdom of *England*, under our said Sovereign Lord the King that now is of Right, duly, happily, and very well Established, altogether to Subvert, Change, and Alter, and his Faithful Subjects, and the Freemen of this Kingdom of *England*, into intolerable and most miserable Slavery to the aforesaid *French* King to subdue and bring, the first Day of *July*, in the seventh Year of the Reign of our said Sovereign Lord the King that now is, and divers other Days and Times, as well as before as after, at *London*, in the Parish of *St. Peter Cornhill*, in the Ward of *Lime-street*, falsely, maliciously, devilishly, and traiterously, did compass, imagine, contrive, purpose, and intend our said Sovereign Lord the King that now is, then your Supreme, True, Natural, Rightful, and Lawful Sovereign Lord, of and from the Regal State, Title, Honour, Power, Crown, Command, and Government of this Kingdom of *England*, to depose, cast down, and utterly to deprive; and our said Sovereign Lord the King to Death and final Destruction to put, and bring, and the aforesaid *Lewis* the *French* King, by his Armies, Soldiers, Legions, and Subjects, this Kingdom of *England* to invade, fight with, overcome, and subdue, to move, incite, procure, and help, and a miserable Slaughter among the Faithful Subjects of him our said Sovereign Lord the King, throughout this whole Kingdom of *England*, to make and cause; and that you the said Sir *John Freind* to the aforesaid Enemies of our said Lord the King that now is, then, and there during the War aforesaid, Traiterously were adhering and assisting; and the same your most impious, wicked and devilish Treasons, and traiterous Compassings, Intentions, and Purposes aforesaid, to fulfil,

perfect, and bring to effect; and in Prosecution, Performance, and Execution of that traiterous Adhesion, you the said Sir *John Freind*, as such a false Traitor, during the War aforesaid, to wit, the same first Day of *July*, in the Year aforesaid, at *London* aforesaid, in the Parish and Ward aforesaid, and divers other Days, and Times, as well before as after, there and elsewhere in *London* aforesaid, falsely, maliciously, advisedly, secretly, and traiterously, and with Force and Arms, &c. with one *Robert Charnock* (late of High-Treason, in contriving, and conspiring the Death of our said Sovereign Lord the King that now is, duly convicted and attainted) and with divers other false Traitors, to the Jurors unknown, did meet, propose, treat, consult, consent, and agree to procure from the aforesaid *Lewis* the *French* King, of his Subjects, Forces, and Soldiers, then and yet Enemies of our said Sovereign Lord the King that now is, great Numbers of Soldiers and armed Men this Kingdom of *England* to invade and fight with, and to levy, procure, and prepare great Numbers of armed Men, and Troops and Legions against our said Lord the King that now is, to rise up and be formed, and with those Enemies at and upon such their Invasion and Entry into this Kingdom of *England*, to join and unite, Rebellion and War against him our said Lord the King, within this Kingdom of *England*, to make, levy, and wage, him our said Lord the King so as aforesaid to depose, and him to kill and murder; and moreover with the said false Traitors, the same first Day of *July*, in the Year aforesaid, at *London*, aforesaid, in the Parish and Ward aforesaid, Traiterously you did consult, consent, and agree to send the aforesaid *Robert Charnock* as a Messenger from you the said Sir *John Freind*, and the same other Traitors unknown, unto and into the Kingdom of *France*, in Parts beyond the Seas, unto *James* the Second, late King of *England*, to propose to him, and desire of him to obtain of the aforesaid *French* King, the Soldiers and armed Men aforesaid, for the Invasion aforesaid to be made; and Intelligence and Notice of such their traiterous Intentions, and Adhesions, and all the Premises unto the said late King *James* the Second, and the said other Enemies and their Adherents, to give and exhibit; and them to inform of other particular Things and Circumstances thereunto relating; as also Intelligence from them of the said intended Invasion, and other Things and Circumstances concerning the Premises, to receive, and the same to you the said Sir *John Freind*, and the said other Traitors in this Kingdom of *England*, to signify, report and declare, in Assistance, Animation, and Aid of the said Enemies of our said Lord the King that now is, in the War aforesaid, and to incite and procure those Enemies the more readily and boldly to invade this Kingdom of *England*; and the Treasons and traiterous Contrivances, Compassings, Imaginations, and Purposes of you the said Sir *John Freind* aforesaid, to perfect and fulfil, and all the Premises the sooner to execute, manage and perform, you the said Sir *John Freind*, during the War aforesaid, so as aforesaid continued, to wit, the same first Day of *July*, in the aforesaid seventh Year of the Reign of our said Lord the King that now is, at *London* aforesaid, in the Parish and Ward aforesaid, falsely and traiterously did procure and obtain to your self, and did receive

ceive and accept of a certain Commission or Writing purporting itself to be a Commission, under and from the aforesaid James the Second, late King of England, to constitute you the said Sir John Freind to be a Colonel of Horse in the Army by you and the other false Traitors against our said Lord the King that now is, within this Kingdom of England to be levied and formed; and in pursuance of the said pretended Commission by you the said Sir John Freind so obtained and accepted of and your Treasons and all your traitorous Intentions aforesaid, the sooner to execute, perform, fulfil, and perfect, you the said Sir John Freind afterwards, to wit the same first Day of July, in the seventh Year aforesaid, at London aforesaid, in the Parish and Ward aforesaid, Falsly, Maliciously, Advisedly, Secretly, and Traiterously, divers Soldiers, and armed Men, and ready to be armed, with Force and Arms, &c. to raise, and list, and War and Rebellion against our said Lord the King, within this Kingdom of England to make and wage; and to and with the said Enemies of our said Lord the King, Foreigners and Strangers, Subjects and Soldiers of the said Lewis the French King, being about to invade this Kingdom of England, at and upon their Invasion and Entry into this same Kingdom, then shortly expected to be made, themselves together with you the said Sir John Freind to join and unite, and in Troops and Legions to form, did raise, list, and retain, and did procure to be raised, listed, and retained; And divers Sums of Money, in and about the raising, listing, and retaining of the aforesaid Soldiers, and Men armed, and ready to be armed upon the Account aforesaid, upon the aforesaid first Day of July, in the seventh Year aforesaid, at London aforesaid, in the Parish and Ward aforesaid, falsly, maliciously, and traiterously, did give and pay, and cause to be paid; and those Soldiers and Men, for the Treasons, Intentions, and Purposes aforesaid, then and there, and long after you had in readiness. As also the same first Day of July, in the seventh Year aforesaid, at London aforesaid, in the Parish and Ward aforesaid, divers Horses, and very many Arms, Guns, Carbines, Pistols, Swords, and other Weapons, Ammunition, and warlick Things, and military Instruments, falsly, maliciously, secretly, and traiterously you did obtain, buy, gather, and procure, and cause to be bought, gathered, obtained and procured, and in your Custody had and detained, to that Intent to use the same in the said Invasion, War and Rebellion, against our said Sovereign Lord the King that now is, Him our said Lord the King of and from the Regal State, Crown and Command of this Kingdom of England to depose, cast down and deprive, and him to kill and murder, and all the Treasons, Intentions, Contrivances and Purposes of you the said Sir John Freind, as aforesaid, to fulfil, perfect, and fully to bring to effect; against the Duty of your Allegiance, and against the Peace of our said Sovereign Lord the King that now is, his Crown and Dignity; as also against the Form of the Statute in this Case made and provided.

What say'st thou, Sir John Freind, Art thou guilty of this High-Treason whereof thou standest Indicted, or Not Guilty?

Friend. Not Guilty, my Lord.

Cl. of Ar. Culprit, How wilt thou be tried?

Friend. By God and my Country.

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

Freind. I don't know any thing of it, I am as Innocent as the Child unborn.

The Warrant for the Habeas Corpus was signed by the Lord Chief Justice Holt, and delivered to the Prisoner, who sent it away to the Crown-Office by his Solicitor, to get the Writ sealed.

Freind. My Lord, I have something to move, if your Lordship please to hear me, and the rest of my Lords the Judges; That if any Matter of Law doth arise upon my Trial, I may be heard by my Council, that you may not destroy me without Law.

L. C. Just. Look you, Sir John Freind, if any Matter of Law do arise at your Trial; and you will tell us what that Matter of Law is, and the Court see that it is a Matter of Doubt, we can, and ought, and no question shall assign you Council; but that is time enough when such Matter does arise.

Freind. My Lord, It is well known to your Lordship, and all the Court, that I am not a Lawyer; but, I hope, as you are of Council for the King as Judges of Law, so you will be of Council for me; for I am not a Lawyer, and cannot know whether any Matter that arises be Law or no; and therefore I humbly beseech your Lordship to be so just and kind, as to tell me whether it be Law or not Law, and I submit myself to your Lordship's Direction.

L. C. J. Sir John Freind, We are bound to tell you when any thing of that Nature appears before us, and to let you have all the Benefit of the Law that possibly you can have; for we are obliged to be indifferent between the King and you.

Freind. My Lord, I don't question it. I desire also I may have Pen, Ink, and Paper.

L. C. Just. Yes, yes, by all means.
(*And he had them.*)

Cl. of Arr. Cryer, make Proclamation.

Cryer. Oyez: You good Men of the City of London, summoned to appear here this Day, to try between our Sovereign Lord the King, and the Prisoner that is at the Bar, who have been called, and made Default, answer to your Names, and save your Issues.

Then the Defaulters were call'd over.

Cl. of Arr. You the Prisoner at the Bar, these Men that you shall hear call'd, and personally appear, are to pass between our Sovereign Lord the King, and you, upon Trial of your Life and Death; if therefore you will challenge them, or any of them, your Time is to speak unto them as they come to the Book to be sworn, before they be sworn.

Cryer. Call Thomas Clark.

Freind. Pray, Sir, how many may I challenge?

L. C. J. Look you, Sir John, you may challenge, that is, except against 35, without shewing any Cause: If you don't like them to be of the Jury, you may refuse them; and as many others, as you have Cause to except against.

Fr. My Lord, I humbly beseech you, that because perhaps I may mistake in numbering, that I may have timely Notice before the 35 be excepted against, or else it may occasion me a great deal of Prejudice.

L. C. J. Sir, the Clerk shall take care of that, he shall inform you how many you challenge, and you shall receive no Prejudice of that Kind, or by any Slip in Point of Form.

Cl. of Ar.

Cl. of Arr. Cryer, call *Thomas Clark*.
(*Who appeared.*)

Fr. Pray, Sir, must I not see the Gentleman?

L. C. J. Yes, yes, by all Means.
(*He was shewn to him.*)

Fr. You may swear *Mr. Clark*; I do not except against him. I desire but honest Gentlemen, and I shall come off I warrant you: I am as innocent as the Child unborn.

L. C. J. Swear *Mr. Clark*.

Cl. of Arr. Hold him the Book; (*which was done*) look upon the Prisoner; You shall well and truly try, and true Deliverance make between our Sovereign Lord the King, and Prisoner at the Bar, whom you shall have in Charge, according to your Evidence. *So help you God.*

Cl. of Arr. *Nathan Green*.

Fr. I except against him.

Cl. of Arr. *Thomas Emms*.

Fr. I accept of him for a Juryman, I have nothing to object against him. (*He was sworn.*)

Cl. of Arr. *Francis Byer*.

Fr. Pray let me see him (*he was shewn to him*) I do except against him, I challenge him.

Cl. of Arr. *Benjamin Dry*.

Fr. I except against him.

Cl. of Arr. *James Demew*.

Fr. I accept him, I have nothing to say against him, I would have him to be a Juryman.

Mr. Demew. My Lord, I am not a Freeholder.

L. C. J. Sir *John*, do you challenge him peremptorily, or do you challenge him for Cause?

Fr. My Lord, I do not challenge him at all, I accept of him.

* *Sir Thomas Trevor* * Mr. Att. Gen. If he have no Freehold, we that are for the King will except against him; for I would not have any Body that is not a Freeholder serve upon the Jury.

Cl. of Arr. *Henry Hunter*.

Fr. Pray, my Lord, is this Gentleman that was called before laid aside? He is not one that I challenge.

L. C. J. No, no, he is challeng'd by the King's Council, as no Freeholder.

Fr. Then he is only set aside, I suppose; I speak it for this Reason I would not be mistaken in my Number.

L. C. J. Care shall be taken of all that, he is not to be reckoned as one that you challenged, he is challenged for want of Freehold by the King's Council.

Cl. of Arr. What say you to *Mr. Hunter*?

Fr. I accept of *Mr. Hunter*, let him be sworn.
(*Which was done.*)

Cl. of Arr. *John Cox*.

Mr. Cox. My Lord, I have no Freehold in *London*.

Mr. Att. Gen. Then let him be set aside.

Cl. of Arr. *George Bodington*.

Fr. I except against him.

Cl. of Arr. *John Hedges*.

Fr. I except against him.

Cl. of Arr. You challenge him, Sir, do you?

Fr. Yes, yes, I do.

Cl. of Arr. *John James*.

Fr. I challenge him.

Cl. of Arr. *Thomas Poole*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *Peter Parker*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *George Grove*.

Fr. I except against him, for I have him not in my Pannel.

L. C. J. How comes that?

Fr. I can't tell, my Lord, I have been kept alone while *Saturday* last, only that worthy Gentleman (*bowing to Mr. Baker*, the Prosecutor for the King) was with me to give me Notice of my Trial before.

Cl. of Arr. *Nathaniel Wyerfdale*.

Fr. I challenge him.

Cl. of Arr. *Samuel Blewitt*.

Fr. I challenge him.

Cl. of Arr. *James Bodington*.

Fr. I challenge him.

Cl. of Arr. *John Wolfe*.

Fr. Sir, I do assure you I have him not in my Pannel, upon my Word. I challenge him.

Cl. of Arr. *Samuel Jackson*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *Nathaniel Long*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *Richard Chiswell*.

Fr. I challenge him.

Cl. of Arr. *George Child*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *William Walker*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Arr. *John Wills*.

Fr. I challenge him.

Cl. of Arr. *John Hibbert*.

Fr. I challenge him.

Cl. of Arr. *John Pettit*.

Fr. I challenge him.

Cl. of Arr. *James Robinson*.

Fr. Sir, he is not in my Pannel upon my Word.

Cl. of Arr. He is in the Original Pannel.

Mr. Sheriff *Buckingham*. My Lord, here is the Original Pannel, and here's his Name here; and there is not a Person in this Pannel, but what was originally put in, except it be about five or six at the End, and this is none of them.

Fr. I challenge him.

Cl. of Arr. *Thomas Hollis*. [*He did not appear.*]

L. C. J. Pray, Sir *John*, who had you that Copy from? Who gave it you?

Fr. My Solicitor.

Mr. Trotman. My Lord, he had none from me I am sure: I received the Pannel from the Sheriff, but no Body, from Sir *John*, was ever with me for a Copy.

Fr. My Lord, my Solicitor brought it to me on *Saturday* Night.

L. C. J. Who is your Solicitor, that gave you that Copy?

Fr. His Name is *Mr. Burleigh*, my Lord.

L. C. J. Where is he? Let's see this *Mr. Burleigh*.

Fr. My Lord, he is gone to the Crown Office it seems, for the *Habeas Corpus*.

Mr. Justice *Rokeby*. It is your own Solicitor that has put the Abuse on you, if it be so.

Cl. of Arr. *Thomas Hollis*. (*He did not appear.*)

L. C. J. Pray, Sir *John Freind*, how many have you in all?

Fr. In Number, my Lord? would you have me tell you how many I have in Number?

L. C. J. Aye, in Number in your Copy of the Pannel.

Mr. Sh. *Buckingham*. In the Pannel there are above Fourscore.

Fr. I have Seventy one, my Lord.

[*Then Thomas Hollis appeared.*]

Cl. of Ar. Do you challenge him, Sir?

Mr. Sh. *Buckingham*. Pray let the Secondary produce his Pannel that he had from my Brother and me, and I am sure the Court will find they were all named in that Pannel.

Mr. *Trotman*. My Lord, I have the Pannel, but they never came to me for a Copy, as I expected: I had got one ready; if Sir *John Freind*, or any Person for him, had sent to me, they might have had it.

Mr. Sh. *Buckingham*. And these People that are not in Sir *John Freind's* Pannel, are none of the half Dozen that were added, when we came to the Knowledge of them, that they were Freeholders.

L. C. J. When were they added, Sir?

Mr. Sh. *Buck*. They were added on Friday in the Afternoon, and it seems he never came for the Pannel to the proper Officer, and those that he objects against were not added, but are in the original Pannel.

L. C. J. Truly I can't see any Body is to blame in this Matter but your own Solicitor.

Mr. *Trotman*. My Lord, I assure you I had made a Copy, and wondered I did not hear of them: I do not know where he got this Copy.

L. C. J. *Treby*. In Truth if you would not send to the proper Officer for a Copy, when you might have had it, you must be content with what you have; for no Body is bound to give you a Copy unless you ask for it.

L. C. J. Well, what say you to *Thomas Hollis*?

Fr. I challenge him, my Lord, for he is not in my Pannel.

Cl. of Ar. *John Sherbrook*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Ar. *James Blackwell*.

Fr. He is not in my Pannel, upon my Word, my Lord.

L. C. J. I can't help it, he is in the Sheriff's Pannel that is returned here.

Fr. I challenge him.

Cl. of Ar. *Thomas Gardner*.

Fr. I accept of him.

Mr. *Gardner*. My Lord, I am no Freeholder in the City.

Mr. *Justice Rokby*. Mr. *Gardner*, have you not lately conveyed away your Freehold?

Mr. *Gard*. No, indeed, my Lord, I never had any.

Cl. of Ar. *William Prince*.

Fr. I accept of him. (*He was sworn.*)

Cl. of Ar. *John Simons*.

Fr. I challenge him.

Cl. of Ar. *Robert White*.

Fr. I challenge him.

Cl. of Ar. *Joseph Morewood*.

Fr. I accept him; his Name is *John* I suppose, for so it is in my Pannel.

Cl. of Ar. No, it is *Joseph*.

Mr. *Morewood*. My Name is *Joseph*.

Fr. Well, Sir I accept of you, I don't question but you are an honest Man. (*He was sworn.*)

Cl. of Ar. Cryer, countez. *Thomas Clark*.

Cryer. One, &c. (*So of the rest to the last.*)

Cl. of Ar. *Joseph Morewood*.

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

The Names of the Jury were these.

<i>Thomas Clark,</i>	<i>Nathaniel Long,</i>
<i>Thomas Emms,</i>	<i>George Child,</i>
<i>Henry Hunter,</i>	<i>William Walker,</i>
<i>Thomas Poole,</i>	<i>John Sherbrook,</i>
<i>Peter Parker,</i>	<i>William Prince, and</i>
<i>Samuel Jackson,</i>	<i>Joseph Morewood.</i>

Cl. of Ar. Cryer, make Proclamation.

Cryer. Oyez. If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney General, or this Inquest now to be taken, of the High-Treason whereof the Prisoner at the Bar stands indicted, let them come forth, and they shall be heard; for now the Prisoner stands at the Bar upon his Deliverance: and all others that are bound by Recognizance to give Evidence against the Prisoner at the Bar, let them come forth and give their Evidence, or else they forfeit their Recognizance; and all Jury-men of London, that have been called, and have appeared, and are not sworn, may depart the Court.

Cl. of Ar. Sir *John Freind*, hold up thy Hand, (which he did.) You that are sworn, look upon the Prisoner, and hearken to his Charge: He stands indicted by the Name of Sir *John Freind*, late of London, Knight, (*prout* in the Indictment, *mutatis mutandis.*) And against the Form of the Statute in that Case made and provided. Upon this Indictment he hath been arraigned, and thereupon hath pleaded Not guilty, and for his Trial hath put himself upon God, and the Country, which Country you are; your Charge is to enquire, Whether he be Guilty of the High-Treason whereof he stands indicted, or Not Guilty; if you find him Guilty, you are to enquire what Goods and Chattels, Lands and Tenements he had at the Time of the High-Treason committed, or at any Time since; if you find him Not Guilty, you are to enquire if 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, nor that he did fly for it, you are to say so, and no more, and hear your Evidence.

Mr. *Mountague*. May it please your Lordship, and you Gentlemen of the Jury; This is an Indictment of High-Treason, that is brought against Sir *John Freind*, the Prisoner at the Bar, for associating with, and aiding the King's Enemies, with a Design to procure an Invasion from France, and to raise a Rebellion within this Kingdom, and this was to depose the King, and to restore the late King *James*; and in order to the effecting these his wicked Purposes, the Indictment sets forth, That the first of July last, he did meet, and consult, and agree with one Mr. *Charnock* (a Gentleman since tried, convicted and attainted of High-Treason) how they should procure an Army from France, to come and invade this Kingdom: And should raise a sufficient Number of Men, to facilitate the Landing of the French; and the Indictment particularly charges the Prisoner at the Bar, with sending Mr. *Charnock* into France, to the late King *James*, to acquaint him with the Design, and to desire him to procure a great Number of Forces from the French King, to come here, and land within this Kingdom: And the Indictment does likewise charge him with procuring and receiving a Commission from the late King *James* to constitute him, the Prisoner at the Bar, a Colonel of Horse; and likewise with laying out, and expending, and paying several Sums of Money in listing and keeping Soldiers and Men in pay under him, which were to be in his Regiment; and with laying out several Sums of Money in buying Arms and Horses for this Invasion and Rebellion that was thus designed to be made, and raised with-
in

in this Kingdom. To this, Gentlemen, he has pleaded Not Guilty; we shall call our Witnesses, and prove the Fact, and we do not doubt but you will find him so.

Freind. Prove this if you can; it cannot be.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury; the Prisoner at the Bar, Sir *John Freind*, stands indicted of High-Treason, in compassing, and imagining the Death of the King, and likewise in adhering to the King's Enemies.

Gentlemen, the Overt Acts laid in the Indictment to prove this Treason, are these:

That the Prisoner at the Bar did accept a Commission from the late King *James*, to raise a Regiment of Horse in this Kingdom, in order to join with the *French*, when they invaded it; and there were several Meetings, and Consultations between him, and several others whom you will hear named by the Witnesses, upon which it was resolved to send a Messenger, one *Charnock* into *France*, to desire the late King *James* to prevail with the *French* King to get a Number of Men, in all 10000, with an Assurance, that they would assist him with a Number of Horse when he came: And in Pursuance of this Design, the Prisoner at the Bar did raise Men, and pay some Sums of Money for their Subsistence, and listed, and had them in Readiness; and provided Horses and Arms. These are the Overt Acts laid in the Indictment; the Evidence that will be produc'd to you, to prove this Treason, and these Overt Acts, will be in this Manner.

Gentlemen, you will see by the Evidence, that there has been a Design and Conspiracy on Foot for several Years, to assassinate the King's Person, and to have an Invasion from *France* at that Time, by armed Force here to subdue this Kingdom. The Prisoner at the Bar, Sir *John Freind*, I think about two Years ago had a Commission sent him from the late King *James*, to raise a Regiment of Horse: There was several other Commissions sent likewise, but one was sent to the Prisoner, which he accepted of; and in Pursuance of it, he appointed several Officers, and listed several Men for that Purpose, and expended several Sums of Money for the raising, and subsisting of them.

Gentlemen, you will hear that his Lieutenant-Colonel was to be one *Blaire*, and his Major was to be one *Slater*; and this *Slater's* Father was a Clergyman, and he undertook to bring in a Troop of Clergymen that had refused to take the Oaths. One of his Captains was one *Evans*; one *Richardson* was another; and there were several other Officers whom you will hear named by the Witnesses, that were appointed, and engag'd to make up the Regiment.

Gentlemen, you will hear further by the Witnesses, that about *May* or *June* last, they having raised a considerable Number of Men, there were several Meetings had between the Prisoner at the Bar, and several other Persons, in order to send some Person over to get Forces from *France*, to invade this Kingdom. The first Meeting, that you will hear of, was at the *Old King's-Head* Tavern in *Leadenball-Street*, and there were present the Prisoner at the Bar, my Lord of *Aylesbury*, my Lord *Montgomery*, Sir *John Fenwick*, Sir *William Perkins*, Mr. *Charnock*, (who was lately condemned and executed

for the Design of murdering the King) Mr. *Porter*, and one *Cook*. At that Meeting you will hear what their Debates were, and what their Resolutions: After several Debates, who they should send, they resolved to send Mr. *Charnock*, to go into *France*, to desire the late King *James* to get 10000 Men of the *French* Troops, to land upon our Coasts about 8000 Foot and the rest Horse and Dragoons: And they did impower him in their Names, to assure the late King *James*, that they would, whenever he landed with his *French* Troops, be ready to assist him with near Two thousand Horse among them.

Upon this, Gentlemen, Mr. *Charnock* undertook to go upon this Message: But about a Week after they met again, for he was unwilling to go upon such an Errand, without having a full Resolution and Assurance from these Gentlemen that were thus engaged, that he might satisfy the late King what they would certainly do. So they met again about a Week after, and that was at a Tavern in *St. James's-Street*, near Sir *John Fenwick's* Lodgings, one Mrs. *Montjoy's*; there was the Prisoner at the Bar, my Lord of *Aylesbury*, and most of the same Company that were at the Meeting before: And Mr. *Charnock* desired to know, if they did agree to what had been proposed and resolv'd on before; for he was unwilling, and did not care to go without a full Assurance of the Performance. They did all agree, and desired that he would go with all Speed, and that he should assure King *James*, they would be ready to meet him, if they had Notice where he would land.

Pray, Gentlemen, observe the Time when these Meetings were. It was in *May* or *June* last, soon after the King was gone to *Flanders*; and they thought this a fit Opportunity, when the King's Forces were drawn out of *England* into *Flanders*, for carrying on the Campaign, then was the proper Time, according as they discoursed the Matter, the People being as they said, generall dissatisfied, and but few Forces in *England* to oppose them.

Mr. *Charnock* accordingly went over into *France*, and about a Month after return'd again, and acquainted them that he had told King *James* their Resolution, and how they would assist him, and what they desired of him, and, in Short, had delivered his Message: But what King *James* told him, he thank'd them very much for their Kindness and Readiness to assist him; but at that Time the *French* King could not spare any Forces, nor could it be all that Summer, and so there was nothing to be done; and thereupon it rest'd 'till the last Winter.

Then, Gentlemen, you will hear, that the last Winter the Design was renewed again, about *January* last: For Sir *George Barclay* came over from the late King, being a Lieutenant in his Guards there, and then they entered into a Conspiracy to assassinate the King; and that was to be done first, to facilitate the Invasion, which was to follow immediately upon the Execution of the Assassination: For they thought they could have no Assurance of Success in their Invasion, as long as the King lived; and I hope every one will take Notice, how precious that Life is to us, when it is so apparent to all the World, that our Enemies cannot hope for

for any Success to their Enterprizes and Designs to destroy us, but by taking that Life away.

Gentlemen, this very Conspiracy, you will hear the Prisoner at the Bar was acquainted with, and privy to, even this Assassination; tho' indeed you will hear he did not much approve of it, because he thought it would be a Disservice to the late King's Affairs; but he was at several Meetings with Mr. Porter, and Mr. Charnock, and Sir William Perkins, and several others that were Conspirators in that Design, and was acquainted with it, as you will hear by the Evidence.

Gentlemen, you will hear further, that about January last, the Invasion being intended to be quickly made, the Prisoner at the Bar, Sir John Freind, had frequent Meetings with Blair, that was Lieutenant-Colonel, and other Officers, to consider and prepare how to be in a Readiness. About that Time the Prisoner at the Bar, Captain Blair, and one Captain Ridley, met at a Place in Exchange-Alley, and there they discoursed among one another; and there Ridley said, there was a considerable Roman-Catholick that was sent to King James, and he would bring the last Orders; and Sir John Freind said he knew of it very well, it was so, and he hoped he shou'd have them brought very quickly.

At another Time, the Prisoner at the Bar, and Blair his Lieutenant-Colonel, met at Jonathan's Coffee-House, and the Prisoner took him up in his Coach, and carried him along with him, and there they had a great Discourse of the Affairs of the Regiment. The Prisoner at the Bar, Sir John Freind, told Blair they must be very good Husbands of their Money: For if the Invasion should miscarry, he should not have Money enough to carry on his Trade, but he would take Care about some Officers that had not Money to mount themselves; but a great many were to prepare for themselves at their own Charges, and for those that were to be under them. They had likewise then some Discourse about the Thoulon Fleet coming about, and that he thought it not adviseable 'till the Thoulon Fleet came round. He said he would not put a Foot in the Stirrup 'till that were done; and that he would keep out of the Way 'till all was in a Readiness, and advised Captain Blair to do so too.

Gentlemen, you will find it further proved, that about May last, the Prisoner at the Bar paid 20*l.* to this Captain Blair, who had laid out Monies in the Affairs of the Regiment, and this was to reimburse him what he had so laid out; and it was in this Manner: You have all heard, I suppose, of one Colonel Parker, who being taken upon his coming over from France, was a Prisoner in the Tower, but made his Escape from thence, to which Escape the Prisoner at the Bar was privy. This Escape cost 300*l.* as you will hear, and the Prisoner laid down 100*l.* of it. But this was to be repaid him again: But how was it? There was one Johnson a Priest, a Conspirator likewise in this Design of Assassinating the King, and he undertook and promised, that the late King should pay this 100*l.* And accordingly one Piggott went over into France, and had this 100*l.* paid him by King James, to repay it to Sir John Freind: But he thought fit to keep the Money, and Sir John Freind cou'd not get it of him,

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and he durst not ask it, because he knew the Consideration was not fit to be made publick. But he told Captain Blair; I cannot pay you the Money out of my own Pocket; but Piggott ought to pay me, who has receiv'd this Money of mine. If you will prevail with Johnson, who got this Money from the late King to be paid to Piggott, to persuade Piggott to pay 20*l.* I will allow it in Part of the Money he is to pay me, and you shall have it. Captain Blair did prevail with Johnson to persuade Piggott to pay this 20*l.* and Captain Blair did receive it, and Sir John Freind did agree to allow it to Piggott out of the 100*l.* due to him.

Gentlemen, at another Time, about Christmas last, there was another 20*l.* paid by Sir John Freind's Order and Direction, by Piggott to Blair upon the same Account, by the Mediation of Johnson the Priest; and this was paid and allow'd, as being laid out in the Affairs of the Regiment before, he being intrusted as Lieutenant Colonel, to look after the Regiment.

Gentlemen, I have now open'd the Substance of the Evidence; the Particulars you will hear from the Witnesses themselves. If I have open'd it amiss, you will take Care, when the Witnesses are produced, to observe what they say, who will tell you what really was done, and will rectify any Mistake of mine: For I would have no such Mistake do the Prisoner at the Bar any Prejudice.

Mr. Sol. Gen. [Sir John Hawles.] Gentlemen, Mr. Attorney has open'd the Nature and Course of our Evidence so fully, that I shall make no Repetition of any of the Particulars; but call our Witnesses and prove it in Order as it hath been open'd. And first, we call Captain George Porter.

(Who came in.)

Freind. My Lord, before Mr. Porter is sworn, I desire to know whether he is a Roman Catholick, or a Protestant?

L. C. J. Why do you desire that? Is not a Roman Catholick a Witness? Though he be a Roman Catholick, that's no Objection to his being a Witness.

Freind. My Lord, I desire to ask him the Question, whether he be a Roman Catholick or no?

L. C. J. Sir John Freind, it is not a proper Question.

Freind. My Lord, a Man ought to know what Profession they are of, that are Witnesses against him for his Life.

L. C. J. Will you ask him whether he be a Christian or no?

Freind. My Lord, I desire to know whether he be a Papist or a Protestant.

Mr. At. Gen. If Mr. Porter be willing to tell you, he may; but it is not a proper Question.

L. C. J. Especially before he is sworn; he is not intitled to ask any Questions whatever, till he be sworn.

Freind. My Lord, I beseech you let me have the Question answered.

Mr. Sol. Gen. Sure you don't consider, that the Answer to that Question is to accuse himself; you don't consider the Consequences of it.

Freind. Pray, my Lord, let me have my Right.

L. C. J. The Question is whether it is your Right or no.

Freind. My Lord, I would not trouble the Court

Court if I could help it, but my Life and All is at Stake, and I must make the best Defence I can.

L. C. J. Indeed your Question is improper in itself; but if he have a Mind to tell you, and answer voluntarily, he may.

Freind. I humbly beg your Lordship that he may answer the Question.

L. C. J. I cannot see you have a Right to have this Question answered you.

Freind. Mr. Porter, you are a Gentleman, and I desire you will answer whether you be a Roman Catholick or not?

Mr. Sol. Gen. Before he does answer, I desire he may be acquainted with the Danger: He was bred a Protestant, no doubt, and then turning Roman Catholick, he subjects himself to a very severe Penalty.

L. C. J. Sir *John Freind*, I told you your Question was not proper to be ask'd.

Freind. Pray, my Lord, let him answer the Question, it will be of great Use to me in my Tryal; pray let me have my Right.

L. C. J. You shall have all the Right done you that can be; but in the first Place, if a Man be a Roman Catholick, notwithstanding his Religion, he is a good Witness: And besides that, it may be, his answering the Question may subject him to several Penalties; at least he is liable to Prosecution upon several Acts of Parliament that are very penal; and therefore it is by no Means to be ask'd.

Freind. My Lord, I pray only that he may answer the Question.

L. C. J. No Man is bound to answer any Question that tends to make him accuse himself, or subject him to any Penalties.

Fr. My Lord, I do with Submission desire it, and it is no great Matter for him to say whether he be Papist or Protestant.

L. C. J. If it be no great Matter, then why do you insist upon it? But perhaps it may be a great Matter in the Consequence of it to him; a Man therefore is not obliged to answer any such Questions.

Fr. I beseech your Lordship, let him answer the Question.

L. C. J. You have my Opinion; if you will, you shall have the Opinions of the rest of the Judges: My Opinion is, That the Question ought not to be answer'd.

L. C. J. Treby. Since your Lordship's Pleasure is, That we should deliver our Opinions upon this Point, I must declare, I am of the same Opinion, That no Man is bound to answer any Questions that will subject him to a Penalty, or to Infamy. If you should ask him, whether he were a Deer-stealer, or whether he were a Vagabond, or any other Thing that will subject him to Punishment, either by Statute or by Common-Law, whether he be guilty of a Petty Larceny, or the like, the Law does not oblige him to answer any such Questions.

Fr. Well; I hope the Jury will consider it, that he will not answer the Question; and therefore they are to take it for granted that he is so.

L. C. J. Treby. And now to this present Purpose, to ask a Man whether he be a *Popish* Recusant, is to subject him to Danger: For when you ask him that Question, if he were not bred up in that Religion, then for him to own himself of that Religion now, is to own as great a Crime as that you are charged with. If it were not so,

but he was always bred in that Religion, yet there are very great Penalties that he is subject to, as, the Confiscation of two third Parts of his Estate, and several other Things that he may be liable to, if he should disclose that upon his Answer to the Question, which without this Discovery could not be prov'd perhaps. We must keep the Law steady and even between the Prisoner and the Witnesses.

Mr. Justice Newil. I am of the same Opinion, it does subject him to a Penalty; and unless he will voluntarily answer it of himself, I think it cannot be demanded of him: For he may subject himself to a Prosecution by it.

Mr. Just. Rokeby. I think, it is not a Question that can of Right be imposed upon him; he may answer it, if he will; but he is under no Obligation to answer it, because it may tend to accuse himself of a Crime for which he may be prosecuted, and likewise will subject him to other Penalties, which the Law cannot compel him to subject himself to.

(Then Captain Porter was sworn.)

Freind. I hope, Gentlemen of the Jury, you'll consider this.

Mr. Sol. Gen. Mr. Porter, do you know Sir *John Freind*, the Prisoner at the Bar?

Capt. Porter. Yes, Sir.

Mr. Sol. Gen. Pray then will you give my Lords and the Jury an Account what Meetings you have had with him, where those Meetings were, and when, and what pass'd between you, about inviting the *French* over hither, or for a Rising here.

Capt. Porter. My Lord, about the latter End of *May* last or the Beginning of *June*, we had two Meetings, one was at the *King's-head* in *Leadenhall-street*, the other at Mrs. *Mountjoy's* in *St. James's-street*. At the first Meeting there were present my Lord of *Ailesbury*, my Lord of *Montgomery*, Sir *John Freind*, Sir *William Perkins*, Sir *John Fenwick*, Mr. *Cook*, Captain *Charnock*, and myself; after Dinner Mr. *Goodman* came in: Now at both those Meetings it was consulted of, and agreed, to send Captain *Charnock* into *France* to King *James*, to desire him to borrow of the *French* King 10000 Men to come over hither, 8000 Foot, 1000 Horse, and 1000 Dragoons. Captain *Charnock* said, he did not care to go upon a foolish Message, and therefore desired to know what they would have him to acquaint King *James* with, and assure him of. They all agreed to meet the King whenever they had Notice of his Landing, with a Body of 2000 Horse; of which every one in particular was to bring their *Quota* where-ever he would appoint.

Mr. Attorn. Gen. When was the second Meeting?

Capt. Porter. That was at Mrs. *Mountjoy's*.

Mr. Att. Gen. But I ask you when it was? how long after the first?

Capt. Port. I believe it was about a Fortnight after, or so.

Mr. Att. Gen. What was that Meeting for?

Capt. Port. The second Meeting was to confirm the first. Captain *Charnock* informed me, that he was to go within three or four Days, and therefore desired to have a Meeting before he went.

Mr. Att. Gen. What Discourse was there at that

that second Meeting? What Occasion was there for it?

Capt. *Port.* Capt. *Charnock* desired the Meeting once more before he went, to see whether we all kept our Resolution.

Mr. *Soll. Gen.* Pray, what do you know of Sir *John Freind's* agreeing to raise a Regiment of Horse?

Captain *Port.* I know nothing of that Matter, but what I have heard several People talk; but I have heard him say he would be as ready as any Man, whenever the King came; and I have heard from Capt. *Charnock*, and from Sir *William Perkins*, that he had a Commission to be a Colonel of Horse.

Mr. *Att. Gen.* Pray, Sir, upon that second Meeting, who were present?

Capt. *Port.* I told you, Sir, the Prisoner at the Bar was present at both Meetings.

Mr. *Soll. Gen.* Who else were there?

Capt. *Port.* My Lord of *Ailesbury*, Sir *William Perkins*, Capt. *Charnock*, and I cannot tell whether my Lord *Montgomery* and Mr. *Goodman* were there; Mr. *Cook* and myself were there, but the Prisoner at the Bar I am sure was there.

Mr. *Soll. Gen.* Pray, Capt. *Porter*, will you remember and recollect yourself, who were at the first Meeting?

Capt. *Port.* I have named them already, Sir.

Mr. *Soll. Gen.* Name them again then.

Capt. *Port.* My Lord of *Ailesbury*, my Lord *Montgomery*, Sir *John Freind*, Sir *William Perkins*, Sir *John Fenwick*, Capt. *Charnock*, Mr. *Cook*; and myself; we dined there, and after Dinner Mr. *Goodman* came in.

Mr. *Att. Gen.* Pray, Sir, when did you see Mr. *Charnock* after this, and what Discourse had you with him about his Journey and the Success of it?

Capt. *Porter.* I never saw him till 3 or 4 Days after our Riot Business in *Drury-lane*, upon the Account of which I had been a Prisoner in *Newgate*.

Mr. *Att. Gen.* Well, and what did he say to you?

Capt. *Porter.* He told me that he had been in *France*, but that King *James* told him, the *French King* could not spare so many Men that Year; and withal, that he had been with Sir *John Freind*, and the several other Persons, with Messages from the King, but I do not know whether he had been there or no, only as he told me, that he had been, and brought that Answer.

Mr. *Att. Gen.* Pray now tell us, what other Meetings you have had about this Matter this Winter.

Capt. *Porter.* I was once with Sir *George Barclay* and Sir *John Freind*, at the *Nagg's-head* in *St. James's-street*; I cannot tell what Discourse they had, they whispered among themselves.

Mr. *Att. Gen.* Who else was there?

Capt. *Port.* There was Sir *George Barclay*, Sir *William Perkins*, myself, Mr. *Ferguson*, and one *Humes*.

L. C. J. Where was that, do you say?

Capt. *Port.* At the *Nagg's-head* in *St. James's-street*.

Mr. *Att. Gen.* Was there any Body else there that you can remember?

Capt. *Port.* Capt. *Charnock* came in after Dinner, but I cannot say he din'd there.

Mr. *Att. Gen.* And who else do you remember?

Capt. *Port.* There came in one *Harrison* after Dinner; he is a reputed *Romish Priest*, and goes by the Name of *Johnson*.

Mr. *Mountague.* Pray, Capt. *Porter*, what was that Meeting for?

Capt. *Port.* They had several Whisperings among themselves, but what they discoursed of I cannot tell.

Mr. *Mountague.* Pray, did Sir *John Freind* say any Thing that you heard at that Meeting.

Capt. *Port.* Sir *George Barclay* did say, that some People that were not so violent had written over into *France* to stop this Business; upon which, said I, I hope you will have no Letter to Night. Upon which Sir *John Freind* said, is there any thing that is hid behind the Curtain? If there be, I am not fairly dealt withal; I will proceed no further.

Mr. *Att. Gen.* If Sir *John Freind* has a mind to ask him any Questions, he may.

L. C. J. Pray, Capt. *Porter* let me ask you this Question, Did all that were present at the first Meeting, at the *King's-head* in *Leadenball-street*, agree to send Mr. *Charnock* into *France* to the late King?

Capt. *Port.* Yes, my Lord.

L. C. J. All of them?

Capt. *Port.* Yes; we desir'd Captain *Charnock* to answer to the King for us that we would meet him at the Head of 2000 Horse.

L. C. J. Did Sir *John Freind* agree to it?

Capt. *Port.* Yes, I do positively affirm he did.

L. C. J. Then the second Meeting, which, you say, was at Mrs. *Mountjoy's*, what was said then?

Capt. *Port.* We did agree all, That Capt. *Charnock* should go on with the Message that was resolved upon at the first Meeting; and we would go on with the Business, and he said he would go away in two or three Days.

Mr. *Att. Gen.* Will Sir *John Freind* ask him any Questions?

Fr. I will only ask him, if they have done, whether he has any thing more to say.

Capt. *Port.* No, Sir.

L. C. J. The King's Council have done with him.

Fr. Then, my Lord, I will hear all they can say, and when I have heard the whole Evidence, I shall know how to answer to it.

L. C. J. Before you go, Captain *Porter*, I would ask you, What Answer Mr. *Charnock* brought back from *France*?

Capt. *Port.* I say, I did not meet with Captain *Charnock*, 'till after I came out of *Newgate* for the Riot Business, and then he told me, he had been there, and he had acquainted the several Gentlemen with the Messages he had brought from King *James*, who thank'd them for their Kindnesses, but the *French King* could not spare so many Men that Year.

Mr. *Sol. Gen.* Then the next that we call is *Brice Blair*, (who was sworn.) Pray, Sir, do you know the Prisoner at the Bar, Sir *John Freind*?

Capt. *Blair.* Yes, my Lord; and I am very sorry to come on such an Account as I do now against him. I am sorry for it with all my Heart

Mr. *Att. Gen.* Well, Sir, pray will you give

an Account what you know of Sir *John Freind's* having a Commission from the late King to be a Colonel of Horse, and when it was, and how; pray tell my Lord and the Jury the whole Matter.

Capt. *Blair*. All that I can say to this Business is written in my Paper, and I refer to my Paper.

Mr. *At. Gen.* You must not refer to your Paper, Sir, you must tell all what you know.

L. C. *J.* He may look upon any Paper to refresh his Memory.

Capt. *Bl.* I did see the Commission, Sir, and I did read it.

Mr. *At. Gen.* What Commission was it, Sir?

Capt. *Bl.* It was a Commission from King *James*, to Sir *John Freind*.

Mr. *At. Gen.* Where did you see it, Sir?

Capt. *Bl.* I saw it in his Lodgings at the *Strand*, when he lived near the *Strand* in *Surrey-street*.

Mr. *At. Gen.* Who shew'd it you?

Capt. *Bl.* He shew'd it me himself.

Mr. *At. Gen.* What was it for?

Capt. *Bl.* It was for raising a Regiment of Horse.

Mr. *At. Gen.* When was it that you did see it? How long ago was it?

Capt. *Bl.* It is well near two Years ago, or thereabouts, as I remember.

Mr. *At. Gen.* Who was to have been Colonel of that Regiment?

Capt. *Bl.* He was nominated to be Colonel of it himself in the Commission.

L. C. *J.* Who was the Commission directed to?

Capt. *Bl.* It was directed to him, to Sir *John Freind*.

L. C. *J.* Well, and what was done upon it? who were to be the Officers?

Capt. *Bl.* He promised me to be his Lieutenant Colonel; and I had the same from Mr. *Harrison*, and there were several Letters that I saw, that came from my Lord *Melford* and Secretary *Carroll*, who were with King *James*.

Mr. *At. Gen.* Which other Officers were there appointed?

Capt. *Bl.* There was one *Richardson* was to be one of his Captains, and there was one Mr. *Fisber* was to be another, and one *Hall* another; *Fisber* was to be his eldest Captain, and one Capt. *Evans* was to be his Captain Lieutenant, and one Captain *Vernatti* was to be another.

Mr. *At. Gen.* Do you remember who was to be his Major?

Capt. *Bl.* No, Sir, I think I cannot be positive as to that. I spoke to Capt. *Barnesley*, that had been a Lieutenant in King *James's* Service, to be a Lieutenant, and sometimes he accepted, and sometimes he refused it.

Mr. *At. Gen.* Pray, what did you do as Lieutenant Colonel upon this Matter?

Capt. *Bl.* I endeavour'd all I could to get Officers for them; and to raise Troops. I endeavour'd to get what Men I could myself.

Mr. *Sol. Gen.* Pray what did you do? what Officers did you procure for him?

Capt. *Bl.* I told you *Vernatti* and *Fisber*, and one Mr. *Hall* that lives at *Deal*.

Mr. *At. Gen.* What Troops did you get under you? Did you engage any to serve under you?

Capt. *Bl.* What? I my self, Sir, do you mean?

Mr. *At. Gen.* Yes, I do.

Capt. *Bl.* Yes, Sir, I did.

Mr. *At. Gen.* Can you name any of them?

Capt. *Bl.* Yes, Sir, if I make use of my Paper.

Mr. *Sol. Gen.* You may make use of your Paper to refresh your Memory.

Capt. *Bl.* There is a Paper of Names that I gave in before the Council.

L. C. *J.* Mr. *Baker*, have you his Paper there? let him see it to refresh his Memory.

Mr. *Baker.* I have none of the Papers, my Lord; they are all sent before the Council.

Mr. *At. Gen.* Pray, Sir, can you tell who was to have been your Lieutenant in your Troop?

Capt. *Bl.* One Mr. *Bertram*.

Mr. *Mountague.* You say, Sir, you were constituted Lieutenant Colonel; pray, who constituted you, and made you so?

Capt. *Bl.* I had only a Promise of it from Sir *John Freind*.

Mr. *At. Gen.* Pray, did you lay out any Monies for Sir *John Freind*? or did he ever pay you any Money afterwards?

Capt. *Bl.* Yes, I have had several small Sums of Money from Sir *John Freind*.

Mr. *At. Gen.* Pray, what was it for?

Capt. *Bl.* It was to drink with the Men that belonged to the Regiment, and encourage them.

Mr. *At. Gen.* Pray, did Mr. *Piggott* pay you any Sums of Money? and by whose Order?

Capt. *Bl.* Yes, he paid me first 20 *l.* and afterwards he paid me another 20 *l.*

Mr. *At. Gen.* By whose Order was that, Sir?

Capt. *Bl.* It was by the Order of Sir *John Freind*.

Mr. *At. Gen.* Pray, Sir, how do you know that Sir *John Freind* order'd him to pay it you?

Capt. *Bl.* Because it was the Money that *Piggott* had received to repay Sir *John Freind*, what he had advanced for the furthering of *Parker's* Escape out of the *Tower*.

Mr. *At. Gen.* How do you know that he advanced any Money for procuring *Parker's* Escape?

Capt. *Bl.* He told me so himself.

Mr. *At. Gen.* How much did Sir *John Freind* say he advanced for that Purpose?

Capt. *Bl.* He told me 100 *l.*

Mr. *At. Gen.* How did he tell you he was to be paid it again?

Capt. *Bl.* He told me that King *James* ordered the Payment of it at *France*, when *Piggott* went over, which was immediately afterwards; and I had of that, first 20 *l.* and afterwards 20 *l.* by the Order of Sir *John Freind*.

Mr. *Sol. Gen.* Pray, Sir, did Sir *John Freind* tell you what *Piggott* had received in *France*?

Capt. *Bl.* Yes, he said *Piggott* had received 100 *l.* in *France*; and he did not pay it him, but if I could get 20 *l.* of him, he would allow it.

Mr. *At. Gen.* Pray about what Time was it that the first 20 *l.* was received?

Capt. *Bl.* I have set it down in my Paper; there it is.

Mr. *At. Gen.* But can't you tell about what Time it was?

Capt. *Bl.* It was about last *May* or *June*, the first 20 *l.* was paid.

Mr. *At. Gen.* When was the last 20 *l.* paid?

Capt. *Bl.* It was after I was sick, about *Michaelmas*.

Mr. *Cowper.* Pray, Sir, who was by when the last 20 *l.* was paid?

Capt. *Bl.* Mr. *Piggott* paid me the last 5 *l.* of it, (for I received it at several Payments from Mr. *Piggott*)

Piggott) but the last 5*l.* was before Sir *John Freind*, at *Jonathan's* Coffee-House.

Mr. *Sol. Gen.* Pray, do you know any thing of Sir *John Freind's* Receiving any Letter from King *James*?

Capt. *Bl.* Yes, he told me he had a Letter from King *James*?

Mr. *Sol. Gen.* How long ago was that?

Capt. *Bl.* Truly, I cannot tell.

Mr. *Sol. Gen.* I don't ask you the precise Day, but was it within a Twelvemonth?

Capt. *Bl.* Yes, I believe it might be thereabouts.

Freind. My Lord, I desire he may speak out; for I don't hear half he says.

L. C. *J.* Repeat it to him again.

Capt. *Bl.* Sir, you told me you had received a Letter from King *James*.

Freind. My Lord, I shall answer to all this afterwards.

Mr. *Sol. Gen.* Pray, had you at any Time any Discourse with Sir *John Freind* about one *Slater*?

Capt. *Bl.* Yes, I had.

Mr. *Sol. Gen.* Pray tell what that was.

Capt. *Bl.* He told me he was to bring him in several Officers; and that he had intended to make two Lieutenant-Colonels, whereof Captain *Slater* was to be one; but when he saw I was not satisfied with that, he said he should command a Troop of non-swearing Parsons, and they should be an independent Troop.

Mr. *Sol. Gen.* You say that *Slater* was to command that Troop.

Capt. *Bl.* Yes, and it was to be an independent Troop.

Mr. *At. Gen.* I think you say that he and you met at *Jonathan's* Coffee-House.

Capt. *Bl.* Yes, we did so.

Mr. *At. Gen.* Pray what Discourse had you there?

Capt. *Bl.* I called him aside and desired to speak to him; and it was when Mr. *Fisher* told me of this Plot, and desired me to speak to him, a little before this horrible Conspiracy broke out. And I told him what I heard from *Fisher*, and from *Harrison* the Priest about it; and he told me that he had heard of it, and he was afraid it would ruin King *James*, and his Affairs.

Mr. *At. Gen.* What was it that you told him you had heard.

Capt. *Bl.* This last horrid Thing, the Conspiracy against the King's Life.

Mr. *Cowper.* Was it before it broke out that he told you he knew of it?

Capt. *Bl.* Yes, it was shortly before it broke out.

Mr. *At. Gen.* Pray, did you meet with him again? And did he carry you in his Coach at any Time?

Capt. *Bl.* Yes, he did, Sir.

Mr. *At. Gen.* What Discourse had you then, when you was with him in the Coach?

Capt. *Bl.* He took me in his Coach to *St. Martin's le grand*, and, says he, I will do nothing 'till the *Thoulon* Fleet meet with the *Brest* Fleet; at that Time, perhaps, we shall be all taken up; but, says he, you may sculk about the Town better than I can; and therefore I'll keep myself private; and we must be as good Husbands of our Money as we can; for Money will be very scarce. What do you think you shall need, says he? Truly, Sir, says I, I can't tell; that must

be according as I am mounted: For I found I had a few indigent Officers at that Time.

Mr. *At. Gen.* Pray, what were you to do?

Capt. *Bl.* We were to sculk up and down; and when he asked me what Money I should need, I told him I could not tell; for there were several indigent Officers, most of which begg'd at that Time; and here is a Letter that I had from Sir *John Freind*, to confirm my receiving Money from him.

Mr. *At. Gen.* Is that Sir *John Freind's* own Hand?

Capt. *Bl.* Yes, Sir, it is.

Mr. *At. Gen.* Then put it in, give it hither.

(*It was delivered in to the Attorney General.*)

Mr. *Sol. Gen.* Pray, what have you heard Sir *John Freind* say of Sir *John Fenwick's* being concerned in this Matter?

Capt. *Bl.* I heard him say, that he believed, that he should command the Party that he was engaged in, and that Sir *John Fenwick* had Four Troops of Horse, that lay near *Reading*, to be employ'd.

Mr. *Sol. Gen.* For what Purpose?

Capt. *Bl.* To be in Readiness upon the Descent.

Freind. Gentlemen of the Jury, I can't hear a Word, I hope you hear.

Mr. *At. Gen.* Pray, Sir, look upon that Letter; you say you had that Letter from Sir *John Freind*, pray, who is that *H.* mentioned in it?

Capt. *Bl.* It means *Harrison*, alias *Johnson*, the Priest.

Mr. *At. Gen.* Pray, what was that Letter written for?

Capt. *Bl.* It was about the last 20*l.* that I was to receive from *Piggott*.

Mr. *At. Gen.* Is that Sir *John Freind's* Hand?

Capt. *Bl.* Yes, I think so.

Mr. *At. Gen.* Have you seen Sir *John Freind* write?

Capt. *Bl.* Yes, I have seen him write, and I think it is the same Hand.

Mr. *At. Gen.* Then we desire it may be read.

Then a Juryman desired he might be asked, Whether he saw Sir John Freind write that Letter?

L. C. *J.* What say you, did you see him write that Letter?

Capt. *Bl.* No, my Lord; it came to my Lodging.

Mr. *At. Gen.* Did he ever own to you he had writ you such a Letter?

Capt. *Bl.* Yes, he did.

Mr. *At. Gen.* Pray, let it be read; read it all, for it is but short.

Cl. of Ar. (Reads.)

For Captain *Blair*, These.

S I R,

Tuesday Morning.

YOU may much wonder you have not received an Answer of yours before now: I have been afflicted with the Gout in my Hand and Foot, that I have not been able to put Pen to Paper; (I thank God) I am somewhat better, and do hope to be in London a Thursday next, about the Hour of Twelve, at *Jonathan's* Coffee-House, if the Weather do not prevent me; if it do, I shall not come before Monday following: I do desire you for to meet me about that Hour; for it is not convenient for to write a Note to Mr. *H.* for some Reasons I shall

shall give you, when I see you. I wish you good Health. I am,

S I R,
Your affectionate Friend and Servant,
JOHN FREIND.

Juryman. Pray, Sir, what Date is it of?

Cl. of Ar. It has no Date but *Tuesday* Morning.

Mr. At. Gen. Did Sir *John Freind* meet you on the *Thursday*, according to this Letter?

Juryman. My Lord, I desire he may be asked, How this Letter came to him, whether by the Penny Post, or how?

Capt. Bl. I don't know, I believe it was by a Porter: It came first to me when I was in Bed, and my Wife brought it up to me.

Mr. At. Gen. Pray, Sir, answer my Question. Did Sir *John Freind* afterwards meet you at *Jonathan's* Coffee-House, according to this Letter?

Capt. Bl. Yes, Sir, he did.

Mr. At. Gen. And did you there speak about the Business that's contained in that Letter?

Capt. Bl. Yes, Sir, and accordingly I had the Order.

Mr. At. Gen. What Order?

Capt. Bl. An Order for the 20 *l.*

Mr. Sol. Gen. Captain *Blair*, do you remember that you dined with Sir *John Freind*, near the *Exchange*, in *January* last?

Capt. Bl. Yes, I think I did, Sir.

Mr. Sol. Gen. What Discourse was there between you then? Who was with you besides you Two?

Capt. Bl. I must refer that to my Paper.

Mr. Sol. Gen. Well then, what Discourse was between you and Sir *John Freind* there?

Capt. Bl. It is down in my Paper.

Mr. Sol. Gen. Do you know one Capt. *Ridley*?

Capt. Bl. Yes, Sir.

Mr. Sol. Gen. Was he at any Time present when you and the Prisoner at the Bar were together.

Freind. My Lord, I cannot hear a Word he says.

L. C. J. Here is great Noise indeed, and he, it seems, is not well, and speaks but low; pray, order Silence in the Court.

(Which was done by Proclamation.)

L. C. J. Look ye, Sir *John Freind*, he speaks of a Letter that you sent to him that bears Date some *Tuesday* Morning, that you would be in Town, and meet him at *Jonathan's* Coffee-House upon *Thursday* following, at Twelve a Clock; and that Letter was read, and he says he met you accordingly, and there was Order taken for the Payment of the last 20 *l.* This is that he says; Did you hear it?

Freind. No, my Lord, I did not.

L. C. J. That is what he said. Then go on: You say he met you at *Jonathan's* Coffee-House according to that Letter.

Capt. Bl. Yes, my Lord.

L. C. J. What was done there, when you met?

Capt. Bl. Nothing but the Order.

L. C. J. Who did he give the Order to?

Capt. Bl. He gave the Order to *Harrison*.

L. C. J. Why, was *Harrison* there?

Capt. Bl. Yes, he came there before I came away.

L. C. J. But you say he gave the Order to *Harrison*?

Capt. Bl. Yes, my Lord.

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

Capt. Bl. It was to pay me that Money.

L. C. J. What Money was that?

Capt. Bl. It was the last 20 *l.*

Mr. At. Gen. Was the 20 *l.* paid you afterwards?

Capt. Bl. Yes, Sir.

Mr. At. Gen. Who paid it?

Capt. Bl. Mr. *Piggott*; he paid me the last 5 *l.* of it before Sir *John Freind's* Face.

L. C. J. Was this the first 20 *l.* or the last, do you say?

Capt. Bl. It was the last.

L. C. J. What was this Money paid for?

Capt. Bl. I believe it was to support me to go about the Business of the Regiment.

L. C. J. You believe; that's not enough: But are you sure it was so?

Capt. Bl. Yes, I am sure it was for that.

L. C. J. Had you ever demanded Money of him before?

Capt. Bl. Yes, I had.

L. C. J. For what was that Money that you demanded?

Capt. Bl. It was to drink with the Men that were brought in; to cherish, and keep them together.

L. C. J. To what Purpose were those Men kept together?

Capt. Bl. They were for his Regiment.

Mr. Sol. Gen. Pray, had Sir *John Freind* any Occasion to pay you any Money upon any other Account?

Capt. Bl. No, Sir, not out of that 100 *l.*

Mr. Cowper. You do not understand the Question. Had you any Dealings with Sir *John Freind*, but about this Matter concerning the Regiment?

Capt. Bl. No, never in all my Life.

Mr. At. Gen. Well, Sir, do you remember your meeting with Sir *John Freind* when one *Ridley* was there?

Capt. Bl. Yes, it was at the Chop-house.

Mr. At. Gen. Give an Account what pass'd there.

Capt. Bl. Mr. *Ridley* said, A Gentleman was lately gone over to *France*, about Ten Days before; and Mr. *Ridley* said, he was a very sensible Gentleman, a Roman-Catholick, an ancient Man, about Threescore Years of Age, what he was, I can't tell: He said, he believed he should bring the last Orders.

Mr. At. Gen. What did Sir *John Freind* say?

Capt. Bl. Sir *John Freind* said, He knew of it; but he named no more.

Mr. Sol. Gen. What was the Effect of those Orders, as you understood?

Capt. Bl. I cannot tell that, Sir, indeed.

Mr. Sol. Gen. Did you know Mr. *Charnock*?

Capt. Bl. Yes, I did.

Mr. Sol. Gen. What do you know of his going to *France*?

Capt. Bl. I met him upon the *Exchange* the last Summer, and I told him, I expected not to have seen him here at that Time, I thought he had been abroad; he told me he was come from *France*, but who sent him I cannot tell, I do not know upon my Life.

Mr. Sol. Gen. Pray, what has Sir *John Freind* said to you about *Ferguson*? Whether was not he to have been an Officer in his Regiment?

Capt. Bl. No; but Sir *John Freind* said, he would join, and Mr. *Ferguson* himself has told me so.

Mr. At. Gen. When did he tell you so?

Capt. Bl. A good while ago.

Mr. At. Gen. How long ago?

Capt.

Capt. Bl. Two Years ago, and above.

Mr. Sol. Gen. Did Sir *John Freind* tell you any thing about *Ferguson*, that he would bring in any Men?

Capt. Bl. Yes, he said he would bring in a great many.

Mr. At. Gen. Will the Prisoner ask him any Questions?

L. C. J. Sir *John Freind*, will you ask this Witness any Questions?

Freind. Yes, my Lord, I shall by and by, if they have done with him.

L. C. J. Yes, they have done with him.

(Then he paused, and perused his Papers.)

Freind. First, as to the Commission you charge me with, that I should receive a Commission from King *James*; I desire to know, whether it was signed, or sealed, and what Date it was?

Capt. Bl. I cannot tell the Date, indeed, Sir *John*; for I never thought to come here upon such an Account as this: But I think it was in Paper, signed above *James Rex*, and below, By his Majesty's Command, *Melford*; and a little Seal upon the Margin.

Freind. This is the hardest Thing in the World upon a Man; here you have charg'd me with Money to subsist and encourage Soldiers.

Capt. Bl. Yes, Sir.

Freind. I would only say this; you were recommended to me for a very honest Man, and you have come to me several Times, and told me, Sir, my Necessities are very great, I am ready to starve, I have a great Charge; for God's Sake will you be pleased to bestow something upon me, to relieve my Necessities? It's true, I have given you Money several Times, but I never gave it for any other Use but Charity; God knows my Heart. I desire you, to conder with yourself and answer it. There is a God above where you must give an Account as well as I, and I hope you will consider of it. Pray declare the Truth, Whether you have not writ those Lines to me several Times, that you were ready to starve, and begg'd of me to relieve your Necessities?

Capt. B. I have so, Sir, I acknowledge it.

Freind. Pray take me right, and was not that Money I gave you, only upon pure Charity?

Capt. B. Yes, you did give me Charity, but I had expended so much Money in your Business, that reduced me to that, God knows my Heart. I have laid out many a Pound upon this Affair.

Freind. It is the hardest Thing in the World; this is a Roman Catholick too.

Capt. B. I am sure it cost me many a Pound more than ever I had of you.

Freind. You say you list'd a great many Men, who were the Men? What are their Names? who were they For?

Capt. B. I have given a List of them to the Council.

Freind. Who are they? for God knows, I know nothing of them.

L. C. J. You have a List there, let it be produc'd.

Capt. B. I gave it to the Council; and, Sir *John*, I brought in several Officers to you.

Mr. At. Gen. Remember, and name as many as you can.

Capt. B. I have named the Officers already.

Mr. At. Gen. Name them again.

Capt. B. Did not I bring Captain *Fisher* to you? and did not you promise to make him your eldest Captain?

Freind. No, you never did.

L. C. J. These are Questions of your own asking, so you must hear him.

Capt. B. I brought Captain *Fisher* to you, and accordingly we dined at Captain *Simons*'s, and there was Captain *Ridley*, Mr. *Richardson*, and Mr. *Fisher* and you talked together, and you list'd to him, and in my own Hearing you promised he should be eldest Captain, upon Condition, that he would bring in a Troop; and this is true, so help me God.

Freind. Pray, where are your Men? and what are your Men that you list'd?

Capt. B. I never spoke of List'ing, I only spoke of Encouraging?

Freind. Did not you say you had list'd a great many Men for to be of my Regiment?

Capt. B. No, Sir, I did not.

Mr. At. Gen. I think you do mistake, Sir *John*, he did not say List.

Capt. B. I had Money from you upon the Account of Encouraging, and Treating, and Drinking with a great many of the Men: And you said it was impossible to keep them together, but that I must have Money to treat them, and drink with them; but you desired me to be as good a Husband as I could.

Freind. I never said so; these are very hard Things upon me.

Capt. B. Did not I bring Captain *Cole* and Captain *Neale* to you, and his Brother-in-Law Mr. *Robinson*, and Mr. *Gellibrand*? and did not we dine together?

Fr. I know nothing of all this, I declare to you.

L. C. J. If you will ask him any more Questions, do.

Capt. B. I brought those three Gentlemen, and we dined together.

L. C. J. Where did you dine then?

Capt. B. At *Hackney*, when Sir *John* lived there, at his own House.

Freind. When was it?

Capt. B. It is above a Year ago. Pray, Sir *John*, don't think to dash me out of Countenance, tho' I am very Ill; I speak nothing but the Truth, and therefore I will not be dash'd out of Countenance: You know what I say to be true; you then drank a Glass of Wine to Capt. *Cole*: And did not you promise him, because he was one of your Mother's Name, that he should have a Place in the Excise next one of the Commissioners. Says I, Sir *John*, what will you give me? O, says he, you shall have the Regiment, Man. This was before *Robinson*, his Mother-in-Law, and Mr. *Gellibrand*.

L. C. J. Who was to have the Place in the Excise?

Capt. B. Captain *Cole*.

Freind. I know not a Word of all this.

Mr. J. *Rokeby*. Capt. *Blair*, be not dash'd, but speak the Truth, and you need fear nothing.

Capt. B. This, I say, was before Mr. *Robinson* and Mr. *Gellibrand*.

Fr. I don't know *Gellibrand*, nor none of them.

L. C. J. Was that *Cole* to be any thing in the Regiment?

Capt. B. Yes, he was to have been a Captain, and to bring in a Troop.

Mr. At. Gen. Sir *John*, will you ask him any more Questions?

Freind. No, I must depend upon the Jury, for I cannot remember half what he has said.

Mr. Sol. Gen. Do you remember any Discourse between

between you and him, about some brisk Men that were to follow him?

L. C. J. But before you ask him, Mr. Solicitor, we must know whether he will ask him any more Questions, for he is now his Witness. Do you ask him any more Questions, Sir *John*?

Freind. I can ask about no more than what I hear.

L. C. J. But ask him what you will.

Freind. My Lord, I have not heard half what he has said, I hope the Jury will take Care in it.

L. C. J. Some Part of it was twice repeated to you.

Freind. As to that, my Lord, I would ask him a Question or Two. Was that my Letter?

Capt. B. Yes, it was.

Freind. Did you see me write it?

Capt. B. No, it came to my Hands by a Porter, as I believe, when I was in Bed, my Wife brought it up to me.

Freind. What was that Letter for?

Capt. B. In order to pay the last 20*l.* and I did see a Return of a Letter that you writ to King *James*.

Mr. At. Gen. Who shewed you that Letter to King *James*?

Capt. B. He shewed it me himself.

L. C. J. How long ago is that?

Capt. B. A Year and a half ago, as near as I can remember.

L. C. J. Did he say any Thing of an Answer he had to it?

Capt. B. Yes, but I cannot remember what it was directly.

Juryman. He was pleased to say he saw a Letter from King *James*.

L. C. J. No, no, Sir, it was a Letter to King *James*.

Juryman. My Lord, I desire he may be ask'd, if he knows the Contents of that Letter?

L. C. J. Did you see him write the Letter, or did he shew you the Letter he had writ?

Capt. Bl. I did not see him write the Letter, I see his Hand to the Letter, and he shewed me the Letter, that he said he had written to King *James*; and there is this particular Passage to confirm it, it was at Mr. *Piggott's* Mother's House; I dined with him there that Day, and when he shewed me the Letter, I told him I was so well pleased with the penning it, that I believed Mr. *Ferguson* had a Hand in it; and he was very angry, that I should think, he was not able to write, and did not write the Letter himself.

Juryman. My Lord, since it seems he perused the Letter, I desire he may be asked, whether he can remember the Contents of that Letter, or any of it?

Capt. B. Really, my Lord, I cannot tell that particularly: But I am apt to think it was about the Business of the King, and about the Regiment.

L. C. J. Can you tell truly any of the Contents of it?

Capt. B. That it was about the Affairs of the Regiment, I am positive.

Mr. Cowper. My Lord, before he goes away (that the Jury may not go away with a Mistake,) I desire it may be observed, he does not say, he saw Sir *John Freind* write the Letter.

L. C. J. No, no, but that he shewed it him himself.

Freind. When was that Letter writ that I shewed to you?

Capt. B. It was about a Year and a Half ago.
Freind. I declare in the Presence of God, I never writ one.

Juryman. He says you shew'd him the Letter, therefore it is very fit we should see it.

L. C. J. Nay, Sir, you must not talk to the Prisoner; if you have any Questions to ask, you must propose them to the Court.

Freind. I declare in the Presence of God, I never writ any such Letter, as this he now charges me with.

Capt. B. And I do declare in the Presence of God you shewed me such a Letter.

Freind. Yes, you may, but I am a Protestant, you are a Papist, you may do any thing.

Mr. Att. Gen. You may ask any Questions of him, Sir *John*, but you must not rail at the Witness.

Freind. But when you charge me with the writing of a Letter to King *James*, I ought to speak to it. It seems I am not to ask whether he is a *Papist*.

Mr. Att. G. He says, you shew'd him a Letter, that you said you had written to King *James*, which he read, and liked the Penning of it so well, that he thought *Ferguson* had a Hand in it; at which you were offended that he should think you could not write such a Letter yourself.

Freind. I declare in the Presence of God I never writ any such Letter.

Mr. A.G. I suppose you'll disprove him by and by.

Freind. I can have no Witnesses to this Matter.

Mr. Att. Gen. And you can't expect your own Denial should go for Proof. If you will ask him no more Questions, let him go down and ease himself.

Freind. He must not be asked whether he is a *Papist*, but I hope you will take Notice, Countrymen, that these Witnesses are *Papists*, and they think they merit Heaven by swearing against Protestants, whom they call *Hereticks*.

L. C. J. Indeed Sir *John*, I don't hear you: Pray speak so loud that the Court may hear what you say.

Freind. I will my Lord; I say he is a Roman Catholick, and I have Witnesses to swear he is so, and desire I may prove that he is a Roman Catholick, and therefore he is not to be heard against a Protestant.

Mr. Att. Gen. Then the next Witness we call is Mr. *Bertram*. (*Who was sworn.*)

Freind. But I have not done with Mr. *Porter*.

L. C. J. Well, you shall have him by and by, let the King's Council go on in their Method.

Mr. Att. Gen. Pray, Mr. *Bertram*, do you know Captain *Blair* that was here just now?

Bertram. Yes.

Mr. Att. Gen. How long have you known him?

Bertram. About Eight or Nine Years.

Mr. Att. Gen. What Discourse have you had with him about any Regiment that was to be raised for the late King *James*?

Bertram. Captain *Blair* had told me for two Years last past, that Sir *John Freind* was to have a Regiment of Horse, that were to be raised, and lie posted about the Town, and Captain *Blair* was to be Lieutenant Colonel to the Regiment, and I was to be Lieutenant to Captain *Blair* in his Troop.

Mr. Att. Gen. My Lord, we only call him to confirm what Captain *Blair* has said, that he was to be his Lieutenant, and that this was talked of

two Years before. Did he tell you Sir *John Freind* was to have a Regiment of Horse?

Bert. Yes, Sir, and he obliged me to bring in as many Men and Horses as I could into this Regiment, and he told me Capt. *Fisher*, Capt. *Vernatti*, and Capt. *Cole* were to be Captains in the Regiment.

L. C. J. And what were you to be?

Bertram. A Lieutenant.

L. C. J. To whom?

Bertram. To Captain *Blair*; he has told me so several Times, and talked to me about the Affairs of the Regiment a great deal, that I cannot now remember, relating to that Purpose.

L. C. J. This is no Evidence against Sir *John Freind*; he is only called to confirm the Testimony of Captain *Blair*; that *Blair* spoke of it long before he gave his Evidence, and so it is not a new thing now invented by him.

Mr. Sol. Gen. Sir *John Freind* did ask what Men he had engaged, and among others he named this *Mr. Bertram* to be his own Lieutenant, and he now tells you *Blair* promised him so to be two Years ago, and then told him Sir *John Freind* was to have a Regiment.

Freind. Do you know me, Sir?

Bertram. No, Sir, I never was in your Company in my Life; I only tell you what I have heard from Captain *Blair*; I do not know that ever I saw your Face.

L. C. J. His Evidence, Sir *John Freind*, hurts you not, as to any particular Thing that he knows against you; he is only brought to confirm what Captain *Blair* said, that he was to be his Lieutenant in his Troop.

Mr. At. Gen. Then, my Lord, we leave it here.

L. C. J. Look ye, Sir *John Freind*, the King's Council have done, and now you may speak, and say what you have a Mind to say in your own Defence.

Mr. J. Rokeby. And call what Witnesses you have a Mind to call.

Freind. My Lord, in the first Place, I desire to know whether *Mr. Courtney* is come.

L. C. J. Your Solicitor can best tell that.

Freind. I perceive he is not come.

L. C. J. Well, go on: I suppose he will not be long before he comes, we will stay for him.

Freind. My Lord, I must wait for my Witnesses: But in the mean Time, as to *Mr. Porter's* Evidence, I own I was at the Meeting at the King's Head in *Leadenball-Street*; I declare I was at that Place, and there were some Gentlemen there, but how many or whom I cannot say; but I declare there was not one Word spoken there of any raising of Men, nor any thing of that Nature, that he speaks of, but only we were drinking a Glass of Wine, and eating a Dish of Meat together, and Sir *John Fenwick* at that Time coming in, said to us, I desire you to come to our End of the Town, and take a Dish of Meat with us. And there was nothing spoke of any Thing relating to the Government. Gentlemen, these are Papists, and I am a Protestant, they don't care what they say, for they think they merit Heaven by destroying Protestants; and they are not to be believed: and that is the Reason that I was not to ask them the Question, for by Law they are not Witnesses, and for that I appeal to your Lordship.

L. C. J. H. Why are they not Witnesses?

Freind. Nay, I appeal to your Lordship.

L. C. J. H. Truly I think they are Witnesses, I know nothing to the contrary.

Freind. My Lord, Papists are not good Witnesses against Protestants for this Reason that I shall tell you; I am advised, my Lord, that a Papist is not a good Witness to prove a Protestant a Traytor within the Stat. of 25 of Ed. 3.

L. C. J. H. Who says so?

Freind. My Lord, I desire to know whether there is such a Statute?

L. C. J. H. Yes, no doubt of it, there is such a Statute as that of the 25 Ed. 3. about Treasons.

Freind. Pray, my Lord, does not that make it so?

L. C. J. H. No indeed, I know no such Thing.

Mr. Sol. Gen. That cannot be, my Lord, that any such Thing should be, for all were Papists then, there was no such Thing as a Protestant in the Time of Ed. 3.

Freind. My Lord, there is the Statute of the Third of James the First, Cap. 4th. and other Statutes made in the Time of King Charles the Second, particularly in the 30th Year of his Reign Cap. 2d. whereby it is plain they are not to be believed against Protestants, because they believe them Guilty of damnable Heresy; and by those Statutes they are reputed Infamous.

L. C. J. Where is your Statute?

Freind. My Lord, I have no Statute-Book, I desire it may be inquired into, this Advice was given me by my Lawyer; I am no Lawyer myself: there is the Statute of 3 James the First, Cap. 4. and the next is 30 Car. 2. Cap. 2.

L. C. J. Well the Statute-Book shall be looked into.

Freind. My Lord, the Person is not come, who is to give Evidence against Captain *Blair*, the principal Witness, he is a Prisoner at the Gate-house, and your Lordship was pleased to say you would have Patience till he came.

L. C. J. Yes, yes, we will stay a while.

Freind. I pray my Lord do, for it will be very material for me.

L. C. J. Treby. Have you any thing to fill up the Time with in the mean Time?

(Then *William Courtney* appeared.)

L. C. J. Is your Solicitor returned with this *Habeas Corpus*?

Freind. I believe he is in or about the Court, but I cannot get him to me the Croud is so great.

(After much ado *Courtney* came in.)

L. C. J. Is this the Witness you would have?

Freind. Yes, my Lord, it is.

L. C. J. Then what do you say to him?

Freind. My Lord, must I ask him the Questions?

L. C. J. Yes, you must propose your Questions to the Court, and they will ask them of the Witnesses. If this be the Person you speak of, you had best examine him.

Freind. *Mr. Courtney*, I desire you would speak what you know of Captain *Blair*.

Courtney. Gentlemen, I have been a Prisoner in the Gate-house about a Month, and while I was there Captain *Blair* at the same Time came in as a Prisoner, as mentioned in the Proclamation; being my old Acquaintance, (I was in Bed, being in upon some other Accounts) and when they told me Captain *Blair* was brought in, I desired him to come into my Chamber. I told him I was sorry to see him there; I told him I hoped he was none of those concerned in this Plot; he said he was in the Proclamation, but that he was innocent, and knew nothing of the Plot, nor of the Assassination, nor any thing like it; there were several other Persons in that Place at the same Time,

Time, and he said he was as innocent as the Child unborn.

Freind. Did he mention any thing of me then?

Courtney. At that Time he said nothing of you.

Freind. Pray, Sir, do you believe he is a *Roman Catholick*?

Courtney. I do not know his Religion indeed.

Freind. But don't you know him to be a *Roman Catholick*?

Courtney. He bore the Character of one, but I never saw him at any Church.

Mr. J. Rokeby. Pray, Sir, how long have you known Captain *Blair*?

Courtney. By sight, I have known him 6 or 7 Years.

Mr. J. Rokeby. Pray, upon what Account did you call him Captain?

Courtney. It was a common Name among all the Company: He was called so.

L. C. J. What all the Time that you knew him?

Courtney. Yes, all the Time that I knew him, I knew no other Name that he had.

Freind. But did not you hear that he was reputed to be a *Roman Catholick*?

Courtney. I have heard that Character of him among those that I have known, but I have very little Knowledge of his Religion.

L. C. J. Is this what you can say?

Courtney. There are several others that were Witnesses of this, as well as I; I never saw you, Sir *John Freind*, before in my Life, to my Knowledge, nor ever spoke to you.

Freind. Sir, a Note was sent to me, that you could do me some Service, and that was the Reason I sent for you. I desire *Mr. Carpenter*, *Mr. King*, and *Mr. Payne* may be called.

L. C. J. Have you done with this Man then?

Freind. Do you know Captain *Porter*, Sir?

Courtney. Yes, I do, Sir.

Fr. Sir, do you know him to be a *Roman Catholick*?

Courtney. Sir, I have heard that he has such a Character.

L. C. J. What Character has he?

Courtney. That he is a *Roman Catholick*.

L. C. J. That's only by Hear-say.

Freind. My Lord, I have done with this Man.

L. C. J. If you have done with him, then the Keeper may carry him back again.

Courtney. Sir, I have something else to say.

Fr. My Lord, he says he has something else to say.

L. C. J. Then set him up again: (*which was done.*) Well, Sir, what is it you have more to say?

Courtney. Two or three Days after that Time, there was a Prisoner then in the Gate-house, who was an Ensign in the Army, was reading the *Flying-Post* in my Chamber, and in that *Flying-Post*, there was News that Capt. *Blair* was making a great Discovery, and that he had accus'd Sir *John Freind*, for having receiv'd a Commission for a Regiment in which he was to be Lieutenant Colonel, and said a great deal about that Regiment, how he had received Subsistence Money for them from Sir *John Freind*. A little after Captain *Blair* came into the Room, and ask'd me if I had got the News; I told him yes; and Captain *Blair* then ask'd what was the Import of it? I told him it was there, that he was making a great Discovery, and particularly, that he was to be Lieutenant-Colonel to Sir *John Freind*, and had receiv'd Subsistence Money from Sir *John Freind* for the Men

of the Regiment. Captain *Blair* answer'd; that they might put what they would in the News, but he knew nothing of it, nor did not receive any Money; and this was a great Surprize upon me, and upon those others that heard him, when we were told he was to be the main Evidence against Sir *John Freind*.

Freind. Well, Sir, do you know any thing else?

Courtney. Captain *Blair* was bemoaning himself afterwards, that he went against his Conscience in this Thing, and his Wife told me that he was very much concerned, because he was going to do this against his Conscience, and she was sure it would break his Heart.

Fr. Do you know any thing more?

Courtney. And he told me in his Chamber upon *Friday Night* last, about Nine a-Clock I came to see him, he lay upon his Bed very ill, and his Wife was with him; I ask'd him how he did, and he clapt his Hands, and said he was very ill. Pray, said I, what ails you? Sure you have gotten some very great Cold. Oh! no, says he, Life is sweet, I don't know what it is I ail, but were it not for Life, I should never do what I do.

L. C. J. Did he tell you, he went against his Conscience?

Courtney. His Wife and he spoke at first, that he went against his Conscience, and he believed his Conscience was in a miserable State, and this I spoke innocently among some of the Prisoners, and I did not know that it was taken Notice of, but it seems some Body has acquainted Sir *John Freind*, and so I am brought here; I know nothing of being a Witness, I assure you.

Mr. Just. Rokeby. Pray, who were present when this Discourse was between you and *Blair*? You say there were two other Persons present when this Discourse was between you, and Capt. *Blair* and his Wife, who were those two Persons?

Courtney. What Discourse do you speak of, my Lord?

L. C. J. You said there were two Persons in your Chamber.

Courtney. Does your Lordship mean at the Reading of the *Flying-Post*?

L. C. J. Yes.

Courtney. My Lord, this Gentleman that I was speaking of was lying down upon the Bed, and Captain *Blair* came into my Room just after the News was read, and ask'd me, if I had got the News, I told him yes, he ask'd what was the Import of it? I told him, they said he was making a great Discovery, and particularly against Sir *John Freind*.

L. C. J. Well, and who were there then?

Courtney. This Ensign that is now a Prisoner in the Gate-house, who I suppose can say the same Thing.

Mr. At. Gen. Pray, my Lord, let Mr. *Blair* be call'd while he is here, and let him know what this Witness says, that the Court and Jury may know what he has to say to it.

L. C. J. Yes, pray let Mr. *Blair* be brought in again (*which was done.*)

L. C. J. Treby. Now, let Mr. *Courtney* repeat what he said now before about Captain *Blair's* Declarations to him.

Courtney. My Lord, I tell your Lordship, there was one *Tooley* a Prisoner in the Gate-house; when he heard the *Flying-Post* cry'd, bought it, or it was order'd to be bought, and it being brought into my Chamber, I desir'd him to read it, and I

was walking about the Room: In the mean Time Capt. Blair came in, and ask'd if we had got the News? we said yes; and he ask'd what News there was in it? I reply'd, It is said that you are making a great Discovery, that you were to be Lieutenant Colonel to Sir John Freind, and had receiv'd a great deal of Subsistence Money for the Regiment: Says he, They may put what they will in their News, but I know of no Regiment, nor any Subsistence, nor of any Commission. The Man that read the Book, will say the same that I do.

Mr. At. Gen. When was this?

Courtney. This was one Day when the Flying-Post came out, the last Saturday but one I think.

L. C. J. But you talk'd of something he should say to you of going against his Conscience?

Courtney. That was upon Friday Night last, I came to see Capt. Blair, and his Wife was with him, and Captain Blair was very ill, and clapping his Hands, and groaning, and moving himself, and in a very miserable Condition, truly I thought he was giving up the Ghost. I ask'd him upon what Account he was so sad, and told him I thought he had got some great Cold; he told me No. Well, said I, Captain Blair, I understand you are going to morrow to Hicks's-Hall, and I pray God direct you. Says he several Times, I pray God direct us all; Life is sweet. Oh! says his Wife, dear Sir, he would never do it, but to save his Life; but it goes against his Conscience: So said I to him, you have had the Character of an honest Gentleman; I hope you will shew yourself such, and I pray God direct you: I wish no Man's Blood may lie at your Door. Says he, I am an unfortunate Man, that is the thing that troubles me, or something to that Purpose; which shewed all the Remorse of Conscience which could be in the World. I spoke of this innocently among the Prisoners, and it seems, it was communicated to Sir John Freind, and so I am brought here to testify it.

Mr. At. Gen. Pray what say you to this, Capt. Blair? you hear what he says; do you give an Account what you know of it.

L. C. J. You hear what Discourse he says he had with you, what say you to it?

Capt. Bl. My Lord, this Gentleman crowd'd himself in upon me, my Wife was with me, and he told me he had a Cup of Brandy, which would be good for me if I had a Cold. God knows my Heart, I desired no Company might come to me. Says he, Capt. Blair, I have heard you have been an honest Gentleman all along, and you are going to Hicks's-Hall to-morrow, and a great deal of such Discourse as that, and I pray God Almighty direct you: That's all that I know pass'd. I was very ill, very sick, as I am far from being well now; but as for any thing of Remorse of Conscience, as I hope for Mercy and Salvation, I never express'd any such thing to him.

L. C. J. Did your Wife say, that you were troubled, that you were going to do that which went against Conscience, and you would not do it but to save your Life?

Capt. Bl. No, I am sure she did not.

L. C. J. Did that Gentleman thrust himself into your Company, or did you desire him for to come to you?

Capt. Bl. No, he thrust himself into the Room.

Courtney. The Sink was hard by, and I heard Captain Blair groan, and so I went in to see him; every Body had Access to him.

Capt. Bl. Pray, where is the Keeper?

Keeper. Here I am, Sir.

Capt. Bl. Did not I beg of you for God's Sake, that no one should come to me but my Wife?

Mr. At. Gen. If the Keeper of the Gate-house be there, pray swear him.

(The Keeper of the Gate-house was sworn.)

Mr. Sol. Gen. What do you say as to Captain Blair's desiring that no Body should come to him, but his Wife?

Keeper. No Body was to come to him unless they forced themselves upon him.

Mr. Sol. Gen. Do you know of that Man's coming to him?

Keeper. No, Sir, I know nothing of it.

Capt. Bl. I always desir'd to have the Door lockt with the Key on the Inside, that no Body might come to me but whom I had a Mind to.

Keeper. He did so, because he was ill, and no Body did come to him that I know of.

Capt. Bl. My Wife being with me came to me to the Bedside, while this Man was with me, and I was lying upon my Back; and said she, for Christ Jesus's Sake, dear Blair, do not speak any thing.

L. C. J. When was this?

Capt. Bl. When this Gentleman was with me, she desired me not to say any thing before him; because said she, I do not know but he may be a Trepan.

Courtney. Upon the Word of an honest Man, and my Reputation is as dear to me, as yours is to you; she said nothing of that. She told me, you were going to do that which was against your Conscience, and you would not do it but to save your Life.

Mr. At. Gen. Pray, what is this Man committed for, you Keeper?

Keeper. He is committed for Suspicion of Treason.

Courtney. I have been taken up five times upon Suspicion, and this last Time I was committed to the Gatehouse.

Mr. At. Gen. Where do you live, Sir?

Courtney. In Old Southampton Buildings.

Mr. At. Gen. How long have you lived there?

Courtney. I have lodged there about four Years and an half; there are several Persons can come and give a Testimony of me.

Mr. Sol. Gen. How came you, Sir, to be brought as a Witness here?

Courtney. I was surpriz'd at it: for my part what I did was by way of Pity, seeing him in such a Condition; I pitied your Soul, because you and your Wife both shewed so much Trouble and Remorse of Conscience: As for Sir John Freind, I never saw him till to Day in all my Life, that I know of.

Mr. At. Gen. What Countryman are you Sir?

Courtney. I am an Irishman born.

Mr. At. Gen. Have you any Estate in Ireland?

Courtney. No, Sir, I have not.

Mr. Sol. Gen. Pray, How came you to go to Mr. Blair?

Court. I have known him a long time; I have been often in his Company at the Coffee-house; I cannot say I am intimately acquainted with Capt. Blair, but only as I have seen him in the Coffee-house a great many Times.

Mr. Sol. Gen. But I ask you how you came to go to him; because it seems he desir'd no Body should come to him but his Wife?

Courtney. He may say what he pleases; for he lay first in one Room, and then in another, and he could never go to the necessary House, but he

must go thorow my Room; but if you please to send for Mr. *Tooley* and Capt. *Courtney*, they will say and swear that these things pass'd in their Presence, or to the same Purpose, except what pass'd between him and me in his own Chamber. Ensign *Tooley* did read the Paper of the Flying Post; and as for what he said of his knowing nothing of the Plot, it was talked of up and down in the Prison, and so it came to me; and I invited him into my Chamber, as my old Acquaintance; though I was not very familiar with him; and as he declared, he knew nothing of the Matter.

L. C. J. You hear what he says; Capt. *Blair*, did you tell him you knew nothing of the Plot?

Capt. *Bl.* Yes, I believe I might at first; as we were talking when I first came in, and I told him the Truth: For I was innocent as to the Assassination, for indeed I was so, and as to the Invasion there was only some general Discourse, and I was not willing to explain myself among such People as they were, when they asked me any Questions about it: I had to do with the King and Council.

L. C. J. Sir *John Freind*, have you any more Witnesses to examine?

Freind. Yes, my Lord, I desire Mr. *King* may be called. [*Which was done, and he appeared.*]

L. C. J. There he is, Sir, what would you ask him?

Fr. I desire to know of him, whether he does not know Captain *Blair* and Captain *Porter* to be Roman Catholicks, and whether he does not know me to be a Protestant.

King. I am of Opinion Mr. *Porter* is a Papist; he was always taken to be so at *Epsom*, where I used to go, and where he used to go, and he was never look'd upon as a Protestant.

L. C. J. And what do you take Sir *John Freind* to be?

King. I take Sir *John Freind* to be a Protestant; so he is, and so he ever was.

Fr. But when you have been in my Company, and they have been speaking of the Government, what have I said or done?

King. Whenever they started any reflecting Words upon the Government, he was used to say, Forbear, I do not admit of any such Discourse.

Mr. *Att. Gen.* How long have you known him?

King. He has been my Acquaintance this fifteen Years, and married a Relation of my Wife's Husband. [*At which there was very great Laughing.*]

King. I mean her former Husband.

L. C. J. He has reconcil'd the Matter very well for this Point; for he tells you he meant her first Husband.

Freind. Ay, my Lord, no doubt of it, he will recover it; it was her former Husband. Mr. *King* don't you mean it was her former Husband?

King. Yes, Sir, I have told you it was so; her former Husband's Name was *Thomas Case*.

L. C. J. Mr. *Tanner*, you are to look upon two Statutes, the one is 3 *Jec.* 1. *Cap.* 4. and the 30th *Car.* 2. *Cap.* 2.

King. My Lord I have heard him say, if I had not taken the Oaths to King *James*, which Oaths are binding to my Conscience I could as freely take the Oaths to the present Government, as any Man in *England*; but I will live peaceably and quietly under the Government: but because I do not take the Oaths, I am double-taxed, and I will pay it.

Freind. My Lord, I desire Capt. *Kaines* may be call'd, [*Who appeared.*]

L. C. J. What do you ask him, Sir?

Fr. Capt. *Kaines*, I desire to know of you, whether Mr. *Porter* and Mr. *Blair* are Roman Catholicks; and I desire you to speak as to myself, what I am.

Kaines. They are so reputed to be at *Epsom*; it was always so reported there; and I have been acquainted with Sir *John Freind* several Years, being concern'd together in the Train'd-bands of the Tower-Hamlets, and I have been in his Company several times since the King came in, and never heard him give any reflecting Language against the Government in my Life.

L. C. J. Have you done with him, Sir?

Fr. My Lord, I did not hear him; but I suppose he has declar'd, as to Capt. *Porter* and Capt. *Blair*, that they are Catholicks.

L. C. J. He says, *Porter* and *Blair* are reputed Papists; and he has known you a long time, and been concern'd with you in the Train'd-bands, and never heard you reflect upon the Government since the King came in.

Fr. My Lord, I desire to know, whether he believes me to be a Protestant?

Kaines. I did always take Sir *John Freind* to be a Protestant.

Fr. Then, next, I desire Mr. *Carpenter* may be call'd. [*Who appeared.*]

L. C. J. What do you ask him, Sir?

Fr. I desire, Mr. *Carpenter*, that you will acquaint the Court, whether you know Capt. *Porter* to be a Roman Catholick, and what you know of me.

Carpenter. I have been at *Epsom* several Summers, and usually am there in Summer-time, and he was so reputed there: But as to Sir *John Freind*, I have known him above these twenty Years; I keep a Brew-house, as he does, and we have been concerned together, and have had several Occasions, upon the Account of Trade, to meet him upon Particulars of Appraisement, when any Partners came in, and I never knew him but very orderly and civil; I never heard him reflect any thing upon the Government but was always peaceable and quiet: He was always looked upon as a Protestant, and went to Church. That's all that I can say.

Freind. My Lord, as to the Statute-Book, will your Lordship please that the Statute-Book be sent for?

L. C. J. Yes, yes, we do not forget it. Have you any more Witnesses? Call all your Witnesses, and we will consider of that afterwards.

Fr. I desire Mr. *Hawkins* may be called.

[*Who appeared.*]

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

Fr. I desire you, Mr. *Hawkins*, to give an Account what I am; whether you know me to be a Roman Catholick or a Protestant?

Hawkins. I have known Sir *John Freind* these twenty odd Years, and have had Dealings with him many times before the Change of Government, and since, I never heard him reflect upon the Government; nor never heard him to speak slightly of it: And as to his being of the Protestant Religion, I do know as much as any Man, as much as another; I alway believed him to be a Protestant of the Church of *England*, as good as any Man alive; he always went to Church.

L. C. J. What, since the Revolution?

Hawkins. I have not been so conversant with him since that, because I went out of Town, and liv'd out of Town; but I believe there are those

at *Hackney*, that can give an Account of that Matter.

Fr. I desire Major *Mould* may be called?

L. C. J. Then I suppose you have done with Mr. *Hawkins*?

Fr. Yes. (*Then Major Mould stood up.*)

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

Mould. My Lord, I have known Sir *John Freind* many Years, above these twenty Years, and I always look'd upon him as a sincere Protestant; and I have often been in his Company since the Revolution, and I never heard him speak diminishingly of the Government. I believe him to be as good a Protestant as any in *England*.

L. C. J. How! as any in *England*? That's a great Character.

Fr. Then, I desire Dr. *Hollingsworth* may be called? [*But he did not appear.*]

Fr. Then, my Lord, I desire Mr. *Lupton* may be called.

L. C. J. There is Mr. *Lupton*, what would you have with him?

Fr. I desire he will give an Account what he knows of me, what Religion I am of.

Lupton. My Lord, as to Sir *John Freind*, I have known him this ten Years; he was pleas'd to employ me as a Chaplain in his House a considerable Time, both before and after the Revolution; and after the Revolution we always us'd the Prayers according to the Church of *England*, and we did always pray for the present King, and the late Queen *Mary*, at which Sir *John* was many times present.

Mr. Att. Gen. How long is it since you left him?

Lupton. About four or five Years, as I remember: Then Sir *John's* Family lessened; he was pleas'd to say to me, Mr. *Lupton*, I am going to *Tunbridge*, and my Family lessens, (this is about five or six Years ago,) and I shall have no Occasion for you at present; but if ever I make use of a Chaplain again, I will make use of you: This he was pleas'd to say.

L. C. J. How long is it, do you say, that you have left him?

Lupton. About five Years; and as to any Objection of his being a Papist, I have often discours'd with Sir *John Freind* about the Popish Religion, and he has often spoken with Detestation of the Principles of the Papists.

Freind. What have you heard me speak of the *French*; and about any thing of an Invasion, how I would venture my Life for the Protestant Religion, or any thing of that?

Lupton. I have often heard you say, as to the present Government, that though you could not comply with it, yet you would live peaceably under it. When we have been talking of these Things, you said you never would be in a Plot; and tho' you could not comply with the present Government, yet you would never concern yourself in any Design against it. For my part, my Lord, I know nothing by him, but that he is an honest and a worthy Gentleman, tho' he be so unfortunate to be under this Accusation.

Fr. I desire Mr. *Hoadley* may be called.

[*Who appeared.*]

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

Fr. Pray, Mr. *Hoadley*, will you give an Account to the Court what you know of my being a Protestant, and of my Life and Conversation?

Hoadley. I believe Sir *John Freind* is a very settled Protestant in the Church of *England*; and I have

Reason to believe so, because I have frequently discours'd with him, because I have had a Couple of Children that were his Nephews, upon whose Account I have been forced several times to wait upon him; and he has often said he never would be in any Plot, and his Words that he us'd to me were really very remarkable, *Catch me in the Corn, and put me in the Pound.*

L. C. J. What were his Words, Sir?

Hoadley. He us'd to say he would never be in any Plot; for, says he, *Catch me in the Corn, and put me in the Pound*: and I have heard him express himself with a great deal of Detestation of King-killing, and those Principles of the Papists, the Assassinating of any crowned Head.

Mr. Att. Gen. Pray, Sir, how came you to discourse with Sir *John Freind* about King-killing and Plots? You are a Schoolmaster it seems, how happen'd this Sort of Discourse between you?

Hoadley. There will be Discourses about these Things sometimes.

Mr. Att. Gen. But, pray, how was the Discourse introduced? What was the Occasion of the Discourse? Sure there was some Occasion extraordinary for him to express himself to you.

Hoadley. I cannot remember the particular Occasion, but such Discourse there was.

Mr. Att. Gen. Pray, how long ago is this time that this Discourse was?

Hoadley. I believe it was five or six times within these two Years.

Mr. Att. Gen. What, have you had the same Discourse five or six times one after another?

Hoadley. I cannot say that; but those us'd to be his Words.

Mr. Att. Gen. What in common Discourse?

Hoadley. He said he would never be in any Plot.

Freind. My Lord, I can bring a great many more Witnesses of this kind, and I believe I could have a thousand to prove me a Protestant.

L. C. J. Call whom you will, Sir *John*, we will hear them.

Fr. My Lord, I am very loth to trouble you.

Mr. Justice Rokeby. No, it will not be reckon'd any Trouble, we will hear all your Evidence.

Freind. There is one Mr. *Willis* and one Mr. *Hemings*; but I desire it may not be forgotten as to the Acts of Parliament, for they are very material for me, as I shall shew by and by.

(*Mr. Willis appeared.*)

L. C. J. Well, what say you to this Gentleman?

Fr. Mr. *Willis*, I desire you'd give an Account to their Lordships, what you think of me, as to my being a Protestant, and how I have behaved myself in every Respect all along.

Willis. My Lord, I have always taken it for granted, that those that come to Church are Protestants; and I did always take Sir *John Freind* to be a Protestant. The Acquaintance I had with him was since he lived in the Parish of *Hackney*, and we have had some Converse together; and there have pass'd friendly Visits between us; and I do not remember any Discourse while I was there that tended to the Government one Way or another. I was never very often with him, but his Discourse was always very obliging, discreet, and prudent, whenever I was there.

L. C. J. Pray, Sir, when did you see him at Church?

Willis. Truly, my Lord, I cannot call to mind when it was.

L. C. J. Cannot you name any time?

Willis.

Willis. He may be at Church sometimes, and I not see him; our Seats are at a Distance from one another, and there are Pillars between, that one can't see every Body; and I cannot call to mind when I did see him last at Church.

L. C. J. Has he been there within this Year or two?

Willis. He has been gone from *Hackney* a Year and above.

Mr. Mountague. Pray can you say you have seen him at Church within these four Years?

Willis. Truly I cannot call to mind whether I have or no.

Freind. I desire *Mr. Hemings* may be called. I could call a great many more, but they are much to the same Effect as these are.

L. C. J. Call whom you will, *Sir John*, if you think fit to call them, we will hear them.

Fr. Being they are not here, I will not trouble you farther; it is all to the same Purpose.

L. C. J. Well, take your own Course; if you'll call them, the Court will be sure to hear them.

Fr. But, my Lord, here is one Thing that I must desire your Lordship's Direction in: If these Gentlemen, my Lord, *Capt. Porter* and *Capt. Blair*, who are the two Witnesses, and none but those two, against me, if they are Papists, they are not good Witnesses against a Protestant, to prove him a Traitor within the Statute of the 25th of *Edward* the Third. For the Statute says, He that is indicted must be proveably attainted; which cannot be by the Evidence of Papists, and those that refuse to take the Oaths of Obedience, which are required to be taken: And therefore I humbly beseech you, that you will please to tender them the Oaths, for there is a Statute in the 3 *Jac.* I. *Cap.* 4. which appoints the tendering of the Oaths to them.

L. C. J. That is not our Business at this Time.

Fr. Then I must beg your Pardon that they are not substantial Witnesses; for this is the Law, as I am inform'd. I humbly submit to your Lordship, whether this be not the Law. I only speak it to know whether it be convenient for me to rehearse it. I ask'd the Question before they were sworn. I know not whether it be convenient for me to move it now.

L. C. J. Ay, ay, it is very convenient now; now is the proper Time.

Freind. Before ever they were swore I would have ask'd them the Question, whether they were Papists or not, but it was not allowed, it was over-rul'd: Now, my Lord, there is such a Statute, and I humbly beseech you to tender them the Oaths, and that would be a Demonstration, that they were Papists, and then they could be no good Witnesses.

L. C. J. You say well, if we could find such a Statute, that no Papist should be a Witness; but there is no such.

Freind. My Lord, I beg your Pardon, and I hope you will not take it amiss; I offer what I am advis'd to offer.

L. C. J. No, no, by no Means, there will be nothing taken amiss.

Freind. For the Statute of the 25th of *Edward* the Third, and that of the 30th of King *Charles* the Second, and that of the 3d of King *James* the First, *Cap.* 4. here it is plainly demonstrable, that Papists are not to be believ'd against any Protestant, who is with them esteem'd a damnable Heretick; and then they believe the Pope and their Priests

can absolve them from all Oaths, and they are declared to be given to Evasions, and Equivocations, and mental Reservations, and can have Dispensations for all their Villanies; and therefore they are not to be credited: Their Evidence is of no Value, unless they will in this Manner upon their Oaths renounce these Principles: Therefore I humbly beg they may have the Oaths tender'd them.

L. C. J. That is not our Business now.

Freind. And, my Lord, your Lordship was pleased to promise me that if any Matter of Law did arise, my Council should be heard.

L. C. J. First, let us know, whether there be any such Law as this you mention, or to any such Purpose.

Freind. My Lord, I desire my Council may come in, and speak to it: For my Life is in Danger, and so is every honest Gentleman's Life every Day. I am as clear as the Child unborn, I have no Witnesses to prove any thing, and therefore I desire my Council may be heard.

L. C. J. If the Court did think there were any Colour in this Objection that you make, we would let you have Council: We would do it; nay, we are desirous to do it if it could.

Freind. What, my Lord?

L. C. J. To allow you Council, if there were any Colour in this Objection in Relation to Papists not being Witnesses. I would be glad to see the Council that would own this Objection; but indeed, I see no Colour in it: The Statute shall be produced that you quote, and then we shall see, whether there be any thing like it in that Statute. Pray will you read those Words that you say are in that Statute to that Purpose.

Freind. I am not so expert to know the Words before and after; and therefore I think it is requisite I should have Council.

L. C. J. It is supposed you have had Council, and I suppose your Council that have advised you to make this Objection, have instructed you whereabouts in the Statute it is.

Fr. My Lord, I desire my Council may be call'd in and heard to it.

L. C. J. I tell you, that by Law we cannot hear Council to any such Matter that has no Colour of Objection in Law in it; tho' for my Part, I wish we could, because I would fain hear what any Council can say to make out such an Objection, that Papists are not good Witnesses.

Fr. My Lord, I wish you would hear my Council to it.

L. C. J. Look ye, *Sir John Freind*, you have desir'd that this Statute may be turned to, and you desire to have them read, and they shall be all read from the Beginning to the End.

Fr. I desire the Statutes of the 25th of *Edward* the Third, the 3d of *K. James* the First, *Chap.* 4. and the 30th of *K. Charles* the Second, may be read.

L. C. J. What Chapter is that of the 30th of *K. Charles* the Second.

Fr. Really it is not put down in my Paper.

L. C. J. Then look out the Chapter, while he is reading the other. Look ye, Gentlemen of the Jury, *Sir John Freind* does desire the Statute of the 25th of *Edward* 3. may be read, which is the Statute about Treasons, and the Statute upon which he is indicted, and it shall be read, therefore pray hearken to it.

Cl. of Ar. (*Reads it.*) This is made in the 25th Year of King *Edward* the Third. *A Declaration which*

which Offences shall be judged Treason. Item, Whereas divers Opinions have been before this Time, in what Cases Treasons shall be laid, and what not.

Fr. My Lord, I beg the Favour I may speak one Word before it go on to be read.

L. C. J. Yes, with all my Heart.

Fr. I speak it, my Lord, because it will be to the very Thing now in Question; I am advised that Consultation to levy War is no Treason, without Rebellion and Insurrection; and inviting Men to come from beyond Sea is no Treason, unless a Foreign Prince be invited to come with his own Subjects; for *English, Scotch, and Irish* are not Enemies, but Rebels, and to be dealt with otherwise; therefore I leave it to your Lordships, for I am no Lawyer, only I am advised to insist upon these Things.

Then the Statute of the 25th of Edward 3. about Treasons was read throughout, only about the middle the Prisoner made some Interruption.

Fr. I believe this Statute is not the Statute I go upon; that which I mainly insist upon, is the Statute of the Third of King James the First, Cap. 4.

Mr. Just. Rokeby. This is the same Statute you are indicted upon, the great Statute for Treasons; and as to your Objection last mentioned, what is Treason and what is not, he is not yet come to that Part.

Fr. Well then, let him go on with it.

(It was read to the End.)

L. C. J. Now it has been read, is this the Statute you would have?

Freind. There must needs be a Mistake as to the Chapter, it is set down the 25th of Edward 3. but there is no Chapter.

L. C. J. Yes, this must be the Statute, it relates to Treasons, and it has those Words in it, that what you read out of your Papers relates to. Well, that we may go on in Order of Time, what Statute of King James is it that you mention?

Fr. It is the 3d of King James 1. Cap. 5. it is upon Account of tendering the Oaths appointed to be taken by that Statute, and (reading out of a Paper) to tell the Court that they ought to have the Oaths tendered them.

L. C. J. That is the Business of another Time; read the Statute.

Cl. of Ar. An Act for the Discovering and Repressing Popish Recusants. What Part is it?

Fr. Truly, my Lord, I can't tell.

L. C. J. It is a long Statute, but if he'll have it read, it must be read all.

Fr. My Lord, I would not give the Court any Trouble, but it is about having the Oaths tender'd to them.

Cl. of Ar. I believe this is the Paragraph, And for the better Trial how his Majesty's Subjects stand affected in Point of their Loyalty and due Obedience, &c.

(A great Part of the Statute was read, relating to that Matter.)

L. C. J. What else would you have read, Sir John Freind?

Fr. I only gather from thence, that no Roman Catholick is capable of Swearing against a Protestant, because the Pope and the Priests can absolve them from their Oaths.

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

Fr. My Lord, I only speak this as to Roman Catholicks, they do not regard an Oath against a Protestant, because they have their Priests that can absolve them, and therefore how such a Man's

Oath can weigh any thing, I cannot apprehend; therefore if I have omitted any thing, I hope your Lordship will supply it, as you are my Council; for you are a Council for me, as well as the King.

L. C. J. Yes, yes, I would help you in any thing I could.

Fr. My Lord, I thank you, I desire you to help me, for I am as innocent as the Child unborn, whatsoever these Men have sworn: These are hard Things that are laid upon a Gentleman, and no Man is safe at this Rate, they being sworn by two Papists, who will swear any thing against Protestants.

L. C. J. Look ye, Sir John Freind, have you any Witnesses to produce, that these two Men have any Displeasure or Malice against you, that they should accuse you falsely?

Fr. My Lord, I am sorry I have not my Witnesses; I have been so kept up; that I had not Time for People to come to me; I had not my Council come to me before Saturday.

L. C. J. How happen'd that?

Fr. My Lord, there was a Mistake in that, I think it was Friday, either Friday or Saturday; I had them not till Friday in the Afternoon: I was kept so close that none were permitted to come at me: On Thursday I had an Order, but there was a Mistake in the Order, and I desired to get another Order, but I could not get any Body to get another Order for me, to have my Friends to go and enquire into Things, or else I should have found out enough Witnesses.

Mr. Att. Gen. I am sure he had an Order for Council, at the same Time that Notice was given him of his Trial.

L. C. J. When was that?

Mr. Att. Gen. On Tuesday, my Lord.

L. C. J. What say you to it, Mr. Baker?

Mr. Baker. My Lord, I did attend Sir John Freind on Tuesday last, to give him Notice of his Trial as this Day; and I at the same Time told him if he would name his Council to me, I would procure an Order for them to come to him. The next Morning he was pleased to name to me Sir Bartholomew Shower; I took the Liberty to tell him, that he being so concerned at the House of Lords, and at the Committee about Parliamentary Business, some other Persons that had named him of their Council, notwithstanding Orders were procured for him to go to them as their Council, yet by that Means they were disappointed of him, and great Delay was given to the Prisoners; and therefore I desir'd him to consider of it, and to send to Sir Bartholomew Shower, and any other Council that he had a Mind to, and know their Pleasures, whether they would attend him; and if he would send me Word; I would procure an Order for him. But not hearing from him, I went on Wednesday to him again, and he said he had sent to Mr. Northey, but he would not come to him till he had spoke with Sir Bartholomew Shower, but he would send me Word that Night, yet he did not. But the next Day came Mr. Burleigh to me to the Duke of Shrewsbury's Office, and brought me the Names of the Persons that he would have assign'd him of Council, and immediately I procured an Order for it, and away he went with it. This was upon the Thursday; Mr. Welden, and Mr. Cresset, or one of them were named in the Order, I am not positive which, and Mr. Underbill, and Mr. Burleigh were to be admitted

mitted to him. Mr. *Burleigh* had the Order, if he did not carry it to him I can't help that.

L. C. J. When was that Order for the Council?

Mr. *Baker*. It was upon *Thursday*, my Lord.

Fr. My Lord, may I speak?

L. C. J. Yes, yes, what you will.

Fr. My Lord, the Reason why I had not my Witnesses was this: There was a Gentleman, one Colonel *Cash*, Lieutenant to my Lord *Lucas*, he undertook to go, and put in his Name, and three more, one *John Neale*, and one *Phillips* to have an Order to go about to look after my Witnesses; but they did not put in any one of their Names, but they took up and secured my Kinsman *Cash*, and put him into the Messenger's Hands, and would not suffer me to have any of his Assistance; therefore I saw what a Design there was upon me.

Mr. *At. Gen.* As for Mr. *Cash*, there was very good Reason for it, he was secured for Suspicion of Treason.

L. C. J. If you had wanted any Witnesses, and had not been so fully prepared as you expected to be, you should have moved before the Trial came on to put it off.

Mr. *Just. Rokeby*. But my Lord put a Question to you before, Can you shew any Reason why these Persons should have any Malice against you?

Freind. My Lord, I was not so much a Lawyer as to know these Things; but it's a hard thing, that a Man that's innocent must suffer at this Rate: I have been disappointed in every thing; for these Gentlemen have not been permitted to answer, whether they are Roman-Catholicks or no.

Mr. *J. Rokeby*. Nor have your Witnesses prov'd that they are Roman-Catholicks, but only that they are reputed so.

L. C. J. Well, I can't tell what Avail that would have been of, if they had been proved so. Have you any more to say, Sir *John Freind*?

Fr. No, my Lord, I leave it to God, and you, and the Jury to consider of it.

Mr. *Sol. Gen.* May it please your Lordship, and you Gentlemen of the Jury, I am of Council in this Case for the King, against Sir *John Freind*, the Prisoner at the Bar; and it comes to my Turn to sum up the Evidence that has been given. Sir *John Freind*, the Prisoner at the Bar, cannot but own, that he hath hitherto had a very fair Trial, and he shall have no Reason to complain, that I do him any Injury in my Part. I am sure both he, and you, and all of us, very well remember, when Persons of as good Quality as he is, or better, had not the same Usage or Liberty of Defence, in such Cases as this Gentleman has had: And though all Things are very well now, yet the Time was, within all our Memories, when Innocency was no Safety for a Man's Life, much less for his Liberty; and when those two are taken away, and are invaded, Property signifies nothing. The Time was, when the Protestant Religion, and the Church of *England*, of which the Prisoner boasts himself to be, (and for a very good Reason, because it is the best of Religions,) I say, the Time was, when that was in Danger; and when Popery (for which he now reflects upon the Witnesses) was like to have over-run both us and it; and if his Majesty, with the Hazard of his Life, and at a great Expence, had not rescued us, there is nobody

doubts, but that all that we feared at that Time, would have been made good upon us ere now. And it is a melancholy thing to consider, that there should be a sort of People amongst us, so in Love with what we then dreaded, as to be continually endeavouring to bring it about again. And it is an ungrateful thing, when his Majesty ventured his Life then, and has done it several Times since to defend us, and does all that he can to keep our Enemies at a Distance, there should be a Party of Men, that do what they can to invade their Country, to destroy his Majesty's Subjects, and to fall upon himself, when he is present amongst us. I will not accuse the Prisoner at the Bar particularly, though it is plain he knew of it.

Fr. Know of it? I declare before God, and the World, I know nothing of it.

Mr. *Sol. Gen.* This, if it were among Equals, were certainly a most ungrateful thing, when another Person is fighting in my Defence, that I should design against his Life, or when he does what he can to protect my Estate, I should be invading and spoiling his.

Gentlemen, if the Prisoner at the Bar is not Guilty of what he is accused of, and what you have heard the Witness give Evidence of, then nothing of this doth relate to him: But if what has been given in Evidence against him is true, then the Prisoner at the Bar is one of those Persons, that has done all he can to make this Country, which has been the Place of Retreat for all Protestants to fly to, from Persecution in their own Countries; I say, to make it as unsafe for them, as that from which they came.

Gentlemen, The Evidence against him is, first, Mr. *Porter*, and he gives it in Evidence, that at the *Old King's Head* in *Leadenhall-street*, there was a Meeting of the Prisoner, and *Porter*, and several others, in order to consider the best Means, how to bring back the late King *James*; and they concluded at last, that the best Means would be to send some body into *France*, to advise the late King *James* to borrow of the *French King* 10000 Men, 1000 Horse, 1000 Dragoons, and 8000 Foot, and that he should make what Speed he could to land with them here; and to encourage and invite him to do so, they promised him their Assistance, and they did not doubt, but to be ready to meet him with 2000 Horse at his Landing.

Gentlemen, The Person that was pitched upon to go upon this Errand, was Mr. *Charnock*, a Person lately executed for the Treasons of which he was attainted. Mr. *Charnock* was diffident whether this was the Effect of sober Consideration, and therefore would not undertake to carry this Message, 'till there had been another Meeting of the same Persons; to see whether they continued in the same Mind. Another Meeting accordingly was appointed, and agreed upon, and that was at Mrs. *Mounjoy's* Tavern at St. *James's*, and there, he says, there were almost all the Persons that were in *Leadenhall-street*; and at that Meeting the Question being ask'd, Whether they were of the same Opinion, that Mr. *Charnock* should go to *France* to the late King upon that Message, that I told you of before, they did all agree to abide by the old Resolution; that he should go, and make as speedy a Return as he could, and bring back the late King's Answer.

Captain *Porter* tells you, that Mr. *Charnock* did go to *France*, and comes and brings Word back, that the *French* King could not at that Time spare that Force that was then desir'd; and so it was delay'd at that Time, because the *French* King was not at Leisure then to employ his Men in this Service; but it was likely to have taken Place, but very lately, if the Providence of God had not prevented it.

Gentlemen, our next Witness is Captain *Blair*, and he tells you, That about Two Years ago, Sir *John Freind*, the Prisoner at the Bar, shew'd him a Commission that he had received from the late King *James*, to raise a Regiment of Horse, of which he was to be Colonel; that this was signed *James Rex* at the Top, and countersigned by my Lord *Melford*, and it was in Paper. And that there was a great many Consultations between Sir *John Freind*, himself, and others, about the Raising of this Regiment, and providing Officers for it. He tells you he was to have been Lieutenant Colonel, and was to procure as many Officers and Troopers as he could; and he tells you, he did procure several Officers; and he names them; one *Pisber* was to be eldest Captain, one *Vernatte*, and one *Hall*, and one *Bertram*, and that *Bertram* was to be Lieutenant to *Blair* in his own Troop.

Gentlemen, a great deal of the Evidence which Captain *Blair* has given, is indeed out of Sir *John Freind's* own Mouth, and that is as strong an Evidence as possibly can be given; and he does for that Purpose tell ye, that he said one *Evans* was to be a Captain of Horse, and one Colonel *Slater* was grown so much in Sir *John Freind's* Favour, that he rivalled Captain *Blair*, in the Opinion of Sir *John Freind*; and Sir *John Freind* for that Reason would have two Lieutenant Colonels, whereof *Slater* was to be one. Captain *Blair* says, he took that amiss, that any one besides himself should be in that Post, and resented it to Sir *John Freind*; and therefore Sir *John Freind* found out another Office for *Slater*; and that was to be a Captain of a Troop of Horse, that should consist of Non-swearing Parsons, and which were to be an independent Troop.

Gentlemen, He tells you that he did list several Men, but the particular Persons, tho' he has named the Officers, he did not so distinctly remember, but they are in the Paper that he delivered to the Council, which he has not about him: He tells you, that Sir *John Freind* told him, that one *Richardson* was another Captain of Horse, and the like of one Mr. *Cole*, that he was to be a Captain likewise.

He also acquainted you, Gentlemen, that he did receive from Sir *John Freind* several Sums of Money, and he acquaints you in particular with the Manner how; he says that Sir *John Freind* had expended 100 *l.* towards the 300 *l.* that was paid for the Escape of Colonel *Parker* out of the *Tower*; and that Sir *John Freind* was to be reimbursed by Monies that were to be transmitted from King *James* at *St. Germain's*. He tells you that *Piggott* had received the Money, but did not deal with Sir *John Freind* so fairly as to pay it to him; but when Captain *Blair* was pressing on Sir *John Freind* for some Money, Sir *John Freind* was contented that he should have 20 *l.* provided he got it from *Piggott* out of this 100 *l.* Captain *Blair* had not Interest enough it seems to get it himself from *Piggott*, but he applies

himself to one *Harrison* or *Johnson*, (for it seems he goes by both those Names) a Priest, who had an Interest in *Piggott*, by which Means he got 20 *l.* of *Piggott*; and this he says was in *June* or *July* last.

Then, Gentlemen, he tells you afterwards, he was pressing upon Sir *John Freind* to have another 20 *l.* and Sir *John Freind* was contented he should have it, provided he had it from *Piggott*, and he produces ye a Letter that was from that very Person, the Prisoner at the Bar, which is to that Purpose; excusing himself that Captain *Blair* had not heard from him, but that he would meet him at such a Time, and at such a Coffee-house. The Matter indeed is not directly express'd in Words, but at the Time and Place the Prisoner did meet *Blair*, and there was *Harrison* and this *Piggott*, and there 5 *l.* of the last 20 *l.* was paid him; and the other 15 *l.* was paid him afterwards; and he swears these Two Twenty Pounds were paid to him by Sir *John Freind*, upon Account of the Charge that *Blair* had been at in drinking with and treating those Men who were to be engaged with Sir *John Freind* in his Regiment.

Gentlemen, he tells you likewise, that Sir *John Freind* told him he had written a Letter to King *James*, and he shewed him this Letter, and this was at that *Piggott's* Mother's House; and when *Blair* read it, he tells you he thought it was so well penned, that he did apprehend *Ferguson* must have a Hand in it, and that it was none of Sir *John Freind's* own; and that upon this Sir *John Freind* was angry, that he should suspect that Sir *John* was not the Writer of this Letter; all this shews an Intelligence with King *James*, and makes out all the rest of the intended Invasion by King *James*, and a *French* Force here.

Captain *Blair* likewise tells you, Gentlemen, that Sir *John Fenwick* had Four Troops of Horse, as Sir *John Freind* told him, by way of Encouragement, which were all ready for the Service; and that *Ferguson* undertook to bring a Number of Men, and was to be one himself in that Party; and all this was to be put in Practice when the *Thoulon* Fleet came about, and join'd the *Brest* Fleet. And lastly he tells you, when he went in the Coach with Sir *John Freind*, Sir *John* told him they must act very warily, and be very good Husbands, for in truth it had cost him so much, that if the Fleet did not come soon, or the Design should miscarry, he should want Money to carry on his Trade. All this positive Evidence is of the Witnesses own Knowledge, from the Prisoner's own Mouth.

Against this Evidence, Gentlemen, he takes Exception; that the Two Witnesses are Roman Catholicks; but this is no Exception to their Evidence at all; for it was never yet allowed, or indeed objected, that I know of, before, that Roman Catholicks were not good Witnesses. A Roman Catholick may be an honest Man, notwithstanding his Religion: But, I think, that every body knows that Men who have been ill in other Things, tho' Roman Catholicks, may, as to those particular Things, be good Witnesses. Nay, not long ago, but on *Wednesday* last we produced some Witnesses, who were Roman Catholicks, and yet allowed for good Evidence, tho' engaged in that horrid Conspiracy against the Life of the King; and if any thing would have taken off their Evidence, certainly the Guilt of such a

Crime would do it, more than the Pretence of any particular Persuasion of Religion. Nay, I must crave Leave to say farther, that this Argument is so far from making him no Witness, that it makes it the more likely he does speak the Truth, and therefore is a good Witness. For tho' Roman Catholicks may be honest Men, yet they are more likely to engage in such a Design than any other Men. And I think I may very safely add, Sir *John Freind* would not have found so many that he could engage in such a Business as this, that were of any Religion but the Roman Catholick, and therefore he applied himself to these Persons, as most likely to embark with him on such a Bottom.

Gentlemen, as to what *Courtney*, that was brought from the *Gate-house*, says about his Discourse with Captain *Blair* in the Prison; Captain *Blair* has upon his Oath declared, that he did not go so far as to say, he did any thing against his Conscience, but only *Courtney* bid him take care what he swore, and press'd him no farther. He pretends he came casually into *Blair's* Chamber, but it is plain he intruded into his Room; for it is sworn by the Jaylor, and *Blair* himself, that he had given Directions none should come into his Room but his Wife, so that does not discountenance the Evidence of *Blair* at all, and if you do believe what our Witnesses have said, Captain *Porter* and Captain *Blair*, then Sir *John Freind* is guilty of all the Crimes that are charged upon him in this Indictment, and I hope you'll be so just to your Prince, to your Country, and to yourselves, as to find him Guilty accordingly.

Mr. *Cowper*. If your Lordship pleases, spare me a Word on the same Side. My Lord, I do not trouble your Lordship out of an Apprehension that there is any thing necessary to be said to the Court in this Matter, or for the Satisfaction of the Jury, but, if possible, that we might convince the Prisoner at the Bar, that he has had no hard Measure, in this Prosecution, meted to him, but that he is proved Guilty of the Crime of which he stands accused, and that really there is no Weight at all, in the Defence which he has made.

The first Part of it goes to discredit one of our Evidences, Captain *Blair*, from some Discourse that he would object to have pass'd between him and the Person here produced, in the Prison of the *Gate-house*. And the first Part of that Discourse was, upon *Blair's* first coming into the Prison; and as to that Time, the Objection amounts to no more than this; that Captain *Blair* would not confess, when he was pump'd by a Fellow Prisoner, that he was engaged in so horrid a Design: What Weight there is in such an Objection, truly I cannot see, but will leave it to any Man's Judgment to consider, That a Man, when he is freshly taken upon such an Occasion, does not immediately confess his Guilt to every Body that meets him, nay, to Persons that would not have lik'd him for making such a Confession, but perhaps would have destroy'd him in Prison for so doing.

The other Discourse was upon *Friday*, the next Day, I think, before Captain *Blair* went to *Hick's-Hall*, to his Examination; and then he intrudes himself into *Blair's* Chamber, when he lay very ill upon the Bed, accosts him with a Cup of Brandy in his Hand, and with good Advice at the same Time, that he should take

great Care in what he should say at *Hicks's-Hall*, and the like: And then Captain *Blair*, it seems, did express some Reluctancy in the Thing he was going about, as if it were against his Mind and Inclination. If that were true, (though Captain *Blair* denies it positively upon his Oath) yet it was no more than, I am willing to observe for the Prisoner, Captain *Blair* did express here, when he first came into Court; and it is no more than what is natural, since the Prisoner had been his Friend and Intimate, and he was going to depose that against him, which was likely to prove fatal to him.

My Lord, As to another Part of his Defence, it consists chiefly in this: The Evidence brought to prove, that the King's Witnesses are reputed Roman Catholicks, and that the Prisoner is a reputed Protestant of the Church of *England*. If that be true too, all that can be rationally and fairly collected from thence is this, that they (the Witnesses I mean) when they engaged in such a black and execrable Design, might be very good Papists; but I am sure it will be agreed, That the Prisoner in so doing was a very bad Protestant.

My Lord, he objects to their Evidence this likewise, That, if they be Papists, they may be absolv'd by the Pope, or their Priests, though they should swear falsely. Possibly that may be so, for ought I know; I confess, I am not very well acquainted with the Principles of that Religion: But this I dare say, that every one, who has heard what has been sworn by them, will think it so great a Disservice to the Popish Cause and Interest, that it will be one of the last Things their Priests will ever absolve them of.

My Lord, there's another Matter the Prisoner has thought fit to insist upon; he has brought two or three Clergymen to depose, that when ever he discoursed with them (it seems at all Times) he was talking about being in a Plot, and very readily told his Resolution not to be in any. It seems it still swam uppermost; his Professions were made very causelessly: For they all say nothing introduc'd them; but of his own meer Motion he was always declaring he was not then in a Plot, nor ever would be. I have heard, that one Way, weak Men and Children often discover their Knowledge of a Secret intrusted to them, is, by a repeated and unnecessary declaring, that they know nothing of the Matter.

My Lord, in the next Place for his Defence, he just offered a Point of Law; but the Court so well satisfied him in that, that I think he waved it. He alledged, that a bare Conspiracy to levy War is not Treason; and the Court did him right in declaring (as God forbid but they should) that it is not Treason: But I desire the Gentlemen of the Jury would consider that the Prisoner at the Bar is not accus'd barely of a Conspiracy to levy War, but you are told to what End that War was to be levied, to join the late King upon his Descent into this Kingdom with a *French* Power, in order to drive his Majesty out of the Kingdom, and to depose him from the Crown; which is a Killing him in the Eye of the Law: And that is High-Treason by whatever Means they intended to effect it; whether by War or a Stab, or any other Manner, it is indifferant

In the next Place, my Lord, I would not take Notice of another Part of his Defence, which had been better let alone, wherein he admits that he was present at the two Meetings he is accused to have been at by *Porter*; but he only differs in one Point, that there was nothing talked then but general and indifferent Discourse. The Witnesses have sworn what the Discourse was, and you will weigh the one against the other; his Affirmation of a Thing unlikely in Defence of himself, and what is deposed upon Oath by the King's Witnesses to the contrary.

My Lord, there is one thing more I would take Notice of, and that is the Evidence of Mr. *Bertram*, which we do not produce as a direct Evidence against the Prisoner at the Bar, but as a Confirmation of what was sworn by *Blair*. And it does shew that the Matter sworn by *Blair*, was not of late devised out of Malice, or otherwise, to destroy the Prisoner; for that *Blair* acquainted *Bertram* with, and discoursed him about the principal Matters of Fact, that are now sworn, at least Two Years ago; and besides his Evidence and the Evidence of *Blair* concur in this Particular, that he was to be Lieutenant in *Blair's* Troop.

My Lord, such a Concurrence of Evidence and other Circumstances in this Matter, greatly increase the Weight of the Proof against the Prisoner, especially when there is nothing material alledged by him in his Defence, and therefore I shall trouble your Lordship no further.

L. C. J. Look ye, Gentlemen of the Jury, Sir *John Friend*, the Prisoner at the Bar is indicted for High-Treason. The Treason that is mentioned in the Indictment is Conspiring, Compassing, and Imagining the Death and Destruction of the King. To prove the Conspiracy and Design of the King's Death, there are two principal Overt-Acts that are mainly insisted upon. The one is the Consulting and agreeing with divers others to send Mr. *Charnock* into *France* to King *James*, to desire him to persuade the *French* King to send over Forces here to assist them; who were to furnish other Forces for the raising of a War within this Kingdom, in order to depose the King; and accordingly Mr. *Charnock* was sent upon that Design. The other Overt-Act is the Prisoner's having a Commission from the late King, and preparing and directing Men to be levied, and to be ready to be in a Regiment, of which Sir *John Friend* was by that Commission to be Colonel, and this was always to assist in the Restitution of King *James*, and in order thereunto in the Deposing and Expulsion of King *William*.

These Gentlemen, I tell you, are the two Overt-Acts that are principally insisted upon; and to prove Sir *John Friend* guilty of these there are two Witnesses that have been produced, the one is Capt. *Porter*, who speaks to the first, the other is Capt. *Blair*, who speaks to the second.

Captain *Porter* tells you, that the latter End of *May*, or the Beginning of *June* last, that he and Sir *John Friend*, and others that he mentioned, were at the *King's-head Tavern* in *Leadenball-street*, and there they entered into a Discourse about the Returning of the late King *James*; and they did consider among themselves which was the most effectual Way, and what were the most probable Means to have him restored: And thereupon it was agreed among them, that they would send

a Messenger into *France* to him, to desire him that he would solicit the *French* King to furnish him with 10000 Men, to be sent into *England*, 8000 Foot, 1000 Horse, and 1000 Dragoons; and they did agree, that when these Forces were sent, consisting of this Number of Men, then they would be ready to meet and join them with 2000 Horse, every one of them was to furnish his Quota; to which Sir *John Friend* did expressly agree. The Messenger that they agreed to send was with them in Company, and heard the Consult, which was Mr. *Charnock*, who was lately tried and since executed.

This being at that Time determined, Mr. *Charnock* intended to go upon the Execution of that Design, and made ready for his Journey: But before he went, he had a Desire to meet with the Company again, and have a further Discourse upon this Matter, to see whether they did persevere in the Resolution they had so taken. There was another Meeting about a Week or a Fortnight after, which was at Mr. *Mountjoy's*, a Tavern in *St. James's-street*, where met Sir *John Friend*, Captain *Porter*, and divers others of the Company that were before at the *King's-head*. And there they entered into a Debate of the Matter again; the Question there was, whether Mr. *Charnock*, should be sent into *France*, as it was formerly agreed, and there it was again determined he should go, to which he agreed, and Capt. *Porter* says, that he did go about two or three Days after.

Mr. *Porter* tells you farther, that about the time that Mr. *Charnock* came back, Mr. *Porter* was in Prison, and he did not see him upon his first Return, but afterwards he met and spoke with him, and asked him what was the Effect of his Negotiation, and Mr. *Charnock* told him, that he had done as he was directed; that he had been with King *James*, and he had spoke to the *French* King, but the Answer returned was this, That the *French* King had Occasion for his Forces that Year to be otherways imployed, and therefore he could not afford such a Number of Men that Year; and Mr. *Porter* ask'd him whether he had been with the rest of the Gentlemen, and acquainted them therewith; and he said he had. This is the Substance of Mr. *Porter's* Evidence; whereby you may perceive what the Meetings were for, what Resolutions were there taking, and what was the Issue and Effect of them.

The next Witness is Capt. *Blair*, and his Evidence goes to the other Part, that is, to Sir *John Friend's* having a Commission from the late King *James*, and engaging him and others to be in his Regiment, whereof Sir *John* was to be Colonel, and the providing of Officers. And for that the Evidence stands thus.

Captain *Blair* tells ye, that about two or three Years ago, he was with Sir *John Friend* at his Lodgings in *Surrey-street*, and there he did produce a Commission that he had from King *James* to be Colonel of a Regiment of Horse; he was to raise it himself, and was to appoint, and provide what Officers he thought fit. He says, he read the Commission and it was signed at the Top *James Rex*, and countersigned at the Bottom *Melfort*; this he is positive in, and farther that Sir *John Friend* did promise that he should be Lieutenant-Colonel of this Regiment, and also desired that Captain *Blair* would get as many Men as he could, and that there were other Officers that were appointed in that Regiment, and particularly one

Fisher was brought to Sir *John Freind* by Captain *Blair*, to be his first Captain, and one Colonel *Slater*, who was much in Favour with Sir *John Freind*, was to have been another Lieutenant Colonel; for, said Sir *John Freind*, I have a mind to him to be my Lieutenant Colonel, and though you are so too, yet it is no Matter if we have two in this Regiment; at which *Blair* took very great Offence, and expressed as much to Sir *John Freind*, whereupon Sir *John Freind* told him, it should not be so, but said he would make another Provision for Mr. *Slater*; that he should be a Captain of an independent Troop, that should be composed of Non-Swearing Parsons, and that shall satisfy him.

And Sir *John Freind* did intrust Captain *Blair* with the providing of Men and managing of them. And Captain *Blair* tells you, he was at a great deal of Charge, and laid out diverse Sums to care for them, and keep them together, and wanting Money to proceed in that Affair, he came to Sir *John Freind*, and made great Complaints, that he wanted Money to carry on the Design, by obliging the Men to keep together, and therefore pressed to Sir *John Freind* to furnish him with some Money; says Sir *John*, There is 100 *l.* due to me, because I laid down 100 *l.* to further the Escape of Colonel *Parker*, and *Piggott* has received it, and had Directions to pay it me, but I cannot yet get it. You shall have 20 *l.* out of that 100 *l.* if you can get it. Well, but how is that 20 *l.* to be had? It seems there was one *Harrison* or *Johnson* a Priest, who had some Interest in this *Piggott*, and he was to help him to it; and thereupon the 20 *l.* was actually paid the latter End of *June* or the Beginning of *July* last. This 20 *l.* he swears he did receive upon that Account, by the Direction of Sir *John Freind*, to be so employed as you have been told.

Then Captain *Blair* had Occasion for more Money, which was some time after *Michaelmas* last, which was to be employed as the former was: and he was very importunate to obtain it of Sir *John Freind*; at length he did obtain it, as he tells you, and the Manner how. He produces a Letter under Sir *John Freind*'s own Hand, which seems to be an Answer to a Letter that Capt. *Blair* had sent to him before, he thinks it to be his own Hand, for he is acquainted with his Hand-writing. But that is not all to prove it his Hand, for the Contents of the Letter are remarkable, which are about the Payment of Money to *Blair*: The Letter bears Date on a *Tuesday* Morning, and is directed to Captain *Blair*; and a Porter brought it, as he thinks, to his House; and thereby it was appointed they should meet on *Thursday* next at *Jonathan*'s Coffee-house about the Hour of Twelve. And accordingly Captain *Blair* came to *Jonathan*'s Coffee-house, where he accordingly met with Sir *John Freind*, and there was *Harrison* the Priest, and *Piggot*, and there he does receive a Sum of Money upon the same Account: So that now the Proof of this Letter does not depend barely upon the Knowledge of the Hand, but the Contents of it, and the subsequent Meeting at the Time and Place mentioned in the Letter, is a great Evidence that it was Sir *John Freind*'s Hand-writing, and more Money is proved to be actually paid in the Presence of Sir *John Freind*, which is the most material Part of the Evidence. And you are told further, that as Sir *John Freind* and Captain *Blair* were going together in a Coach, from *Jona-*

than's Coffee-house to *St. Martins le grand*, there was a Discourse between them; and Sir *John Freind* said, For his part he would not stir till such time as the *Thoulon* Fleet was come about, and joined with the *Brest* Fleet. That he did think he was in Danger of being apprehended when it came about, and therefore Captain *Blair* was to sculk till then, as he himself told him he would do, but yet he should get what Men he could. And this is a great Argument of his being concerned in the intended Invasion, and that his making Preparation for his Regiment, had Relation to the *French* Invasion which was expected.

It seems two Years ago, there being a great Intimacy between *Blair* and Sir *John Freind*, as appears by all the Evidence, *Blair* was acquainted with this Design. For you are told of the Letter that was writ by him to King *James*, which he shewed to Captain *Blair*, and it was concerning his Regiment; he says, that Sir *John Freind* own'd he writ that Letter himself, that *Blair* did read the Letter and finding it so well penn'd, he said, that he thought *Ferguson* had a Hand in it, at which Sir *John Freind* was angry; but *Blair* says, the Letter was concerning the Regiment of which Sir *John Freind* was Colonel.

Then, Gentlemen, you have *Bertram* called to prove, that *Blair* did tell him, that he was to be his Lieutenant Colonel, which was long before there was any Thoughts of any Discovery of this intended Invasion, and before the Discovery of the Plot of Assassination, which Sir *John Freind* did own he had some Knowledge of, but he disliked it, and said it would ruin King *James*'s Affairs. So that, Gentlemen, I think this is the Sum and Substance of the Evidence that has been given upon this Occasion against Sir *John Freind*, to induce you to believe him to be guilty of this Crime with which he now stands charged.

But now you are to consider what Sir *John Freind* says on behalf of himself. In the first place, he makes an Objection against the Credit of all these Witnesses, that they are not to be believed, because, says he, they are known or reputed to be Roman Catholics and Papists, and their Consciences and their Oaths are large, especially when they think they can do an Injury to any Protestant; and therefore they are not to be allowed as Witnesses, at least their Credit is not sufficient to induce a Jury to believe them. At first indeed, he urged there was a Statute and a Law that did disable them from being Witnesses; but I must tell you there is no such Statute, nor indeed is their being Papists any Diminution at all to the Credit of their Testimony: For Papists are legal Witnesses, and though there are severe Laws to punish them for their Non-conformity to the Church of *England*, and for other their Popish Practices; yet I know of no Law that renders them infamous, or incapable of being Witnesses. For you are to consider Papists are Christians, and swear by the same Evangelists that Protestants do; and as for that Supposition, that they look upon Protestants as Hereticks, and can have a Dispensation for any Oaths that they take against them; you are to consider, as it has been very well observed by the King's Council, that they are never like to obtain any Dispensation or Pardon, if they should forswear themselves to defeat the Designs of the Popish Party; and therefore it is a very inconsiderable Objection, and in this Case hath no Weight.

But then he does insist upon it, that Captain *Blair* is not to be believed; and there are two Objections he makes against him. First, That he did deny that he knew any thing of the Plot. For *Blair* being upon this Occasion brought Prisoner to the *Gate-house*, and afterwards upon a Discourse of some News in the *Flying Post*, wherein it was mentioned, that Captain *Blair* had confess'd all, and made a full Discovery, and thereupon he should say, He was innocent of the Plot, and knew nothing of it. You, Gentlemen, are to consider the Weight of this Objection. First, Suppose he had said so, it might be, he was not willing (as he was not oblig'd) to own it, and would not confess it at that time, and to those Persons. It was not his Interest and Prudence to be too open; and therefore it does not follow, but because a Man would not trust others with his Confession, but deny'd his Knowledge of a Plot when there was no Occasion for him to own it, that now he swears it positively, therefore he should swear falsely.

But Secondly, Captain *Blair*, who was called for the Vindication of himself, and his Testimony, has upon his Oath declared to you, that he did not say he knew not any thing of the Plot, but did deny any Concern in, or Knowledge of the Assassination. Now this Business, for which Sir *John Freind* is tried, is not for being a Party in the designed Assassination, but of a Design with Force to depose the King, and restore King *James*.

Then as to the other Matter that was upon *Friday* Night last; *Courtney* the Witness says, that he came to Captain *Blair's* Chamber, and took Notice of his being to be a Witness at *Hicks's-Hall* the next Day, and said, I pray God direct you; and he says his Wife, then present, said it was against his Conscience, and he seem'd to be in very great Trouble about it, and own'd as much. But now Captain *Blair* himself, being examined upon his Oath, does deny positively, that either he or she said any such thing as that it was against his Conscience: He says, that *Courtney* got in to him on Purpose to surprize him, and he was aware of it, and his Design being to keep himself free from all Company, he gave Directions to the Keeper (as the Keeper himself swears) to let no Body come to him but his Wife; and Mr. *Courtney* intruded himself upon him.

Besides, Gentlemen, you are to consider the Probability of that which Mr. *Courtney* saith: When a Man is to be a Witness the next Day upon a Bill of Indictment before a Grand Jury, that he should be so indiscreet, as to tell any Body he was going to swear against his Conscience, is strange and very unaccountable. You are therefore to consider of this whole Matter, what Evidence Captain *Blair* has given, and the Import of it, and the Weight and Credibility of that Evidence which is given against him.

Then Sir *John Freind* insists upon another Matter: Says he, I am a Protestant, and it is not likely, that I that am a Protestant should conspire with Papists against Protestants; and for that he has called eight Witnesses, who tell you they have known him, some twenty Years, some more, others ten, and that they have frequently conversed with him, and never knew that he was ever popishly affected, and they have been frequently in his Company since the Revolution, and

they never knew that at any time he reflected upon the Government; nay, I think one said, that once he did reprove a Man for talking undecently of the Government; that he used constantly to go to Church four or five Years ago (though there is no Account of that since). And particularly there is one Mr. *Lupton* that was his Chaplain, and he tells you he was in his House; and there he read the Common-Prayer in the Family since the Revolution, and pray'd for the King and the late Queen, and Sir *John Freind* was often present at the Prayers, and particularly when he prayed for the present King, and the late Queen; but he says he himself has been gone thence five Years, and has been little conversant with him since.

There is another Witness tells you, he has been in Sir *John Freind's* Company divers times, whom he believes to be a Protestant of the Church of *England*, and hath had a Discourse concerning the present Government; and that Sir *John Freind* said, that tho' he could not take the Oaths, and thereby conform to the Government, yet he was resolv'd to live quietly under it; and would not engage in any Manner of Plot; for he that catch'd him in the Corn should put him in the Pound.

This is the Sum and Substance of the Evidence on both Sides; and you, Gentlemen, are to consider the Weight of this Part of his Defence too; whether it be a sufficient Answer to the Evidence given against him, and has Weight enough to out-balance what the Witnesses for the King have sworn? For although he was a Protestant, yet it is plain he had no great Liking to the Government; and therefore would not take the Oaths; and though he was present at the Common-Prayer, when the King and Queen were prayed for, yet whether he joined in those Prayers is very uncertain. There are a great many, who are not very well affected to the present Government, that come to Church, and are present at the publick Prayers; but it may be a very great Doubt whether they join in their Prayers for the present Government or no; his Conscience that scruples the taking the Oaths, might scruple that too; but whether Sir *John Freind's* being a Protestant, and his Declaring he would never be in a Plot, be a sufficient Proof, that therefore he never was in one; and that his former Discourse of that Kind should discredit these Witnesses, that have sworn he has been so much concerned in a Plot, you are to consider; and comparing the Weight and Nature of the Evidence on the one Side, and the other, it must be left to your Determination.

Then there is another Thing that he did insist upon, and that is Matter of Law. The Statute of the 25th *Ed. 3.* was read, which is the great Statute about Treasons; and that does contain divers Species of Treason, and declares what shall be Treason. One Treason is the Compassing, and imagining the Death of the King; another is the levying War: Now, says he, here is no War actually levied; and a bare Conspiracy or Design to levy War, does not come within this Law against Treason. Now for that, I must tell you, if there be only a Conspiracy to levy War, it is not Treason: But if the Design and Conspiracy be either to kill the King, or to depose him, or imprison him, or put any Force or Restraint upon him, and the Way and Method of effecting of these, is by levying a War, there the Consulta-
tion

tion, and the Conspiracy to levy a War for that Purpose, is High-Treason, tho' no War be levied: For such Consultation and Conspiracy is an Overt-Act, proving the Compassing the Death of the King, which is the first Treason mentioned in the Statute of the 25th of *Ed. 3.* For the Words of that Statute are; *That if any Man shall compass, or imagine the Death of the King.* Now because a Man designs the Death, Deposition, or Destruction of the King, and to that Design, agrees and consults to levy War, that this should not be High-Treason, if a War be not actually levied, is very strange Doctrine, and the contrary has always been held to be Law. There may a War be levied without any Design upon the King's Person, or endangering of it; which, if actually levied, is High-Treason; but a bare Designing to levy War, without more, will not

* Rising with Force to pull down all Inclosures, to expell Strangers, to pull down Bawdy-Houses. is levying of War, and Treason; but a bare Purposing and Designing to raise such a Force, for such a Purpose, is not Treason.

be Treason. As for Example; if Persons do assemble themselves, and act with Force in Opposition to some Law, which they think inconvenient, and hope thereby to get it repealed; this is levying a War and Treason, though purposing and designing it is not so: So when they endeavour in

great Numbers with Force to make some Reformation, of their own Heads, without pursuing the Methods of the Law, that is a levying of War, and Treason, but the Purposing and Designing it, is not so.

But if there be, as I told you, a Purpose and Design to destroy the King, and to depose him from his Throne, or to restrain him, or have any Power over him, which is proposed or designed to be effected by War that is to be levied, such a Conspiracy and Consultation to levy War for the bringing this to pass, is an Overt-Act of High-Treason. So that, Gentlemen, as to that Objection, that he makes in point of Law, it is of no Force, if there be Evidence sufficient to convince you, that he did conspire to levy War for such an End.

Gentlemen, the Evidence you have heard what it is, you may consider the Weight of it, and the Circumstances that do attend it; and likewise the Answers that have been given by the Prisoner to invalidate that Evidence, and to prove the Improbability of what they have testified against him. You have heard, I say, the Evidence on the one Side, and the other; if you are not satisfied, that what the Witnesses have sworn is true, that *Sir John Freind* did engage in such a Design for such a Purpose, then you are to acquit him; but on the other Side, if you believe that *Sir John Freind* is guilty of what the Witnesses have deposed against him, then you are to find him Guilty.

Juryman. My Lord, we desire we may have that Letter with us that was produced here.

L. C. J. No, no, you cannot have it by Law.

Juryman. May it not be left with the Foreman, my Lord?

L. C. J. No; but you may look upon it in Court before you go away, if you will.

Then the Letter was banded to the Jury, and one of them banded it to the Prisoner.

L. C. J. Why do you do so? You should not give the Prisoner the Letter.

Juryman. It was done to see whether it was his Hand; and we desire, if there be any Body here that knows his Hand-writing, or that saw him write it, may be produced.

L. C. J. Why? Did not he own the Letter to the Witnesses afterwards? It was sworn to you he did; and that he met according to the Appointment in the Letter, and that Money was paid.

Then the Jury withdrew to consider of their Verdict, and an Officer was sworn to keep them according to Law, till agreed; and about Quarter of an Hour afterwards they returned into Court, and the Prisoner was brought to the Bar.

Cl. of Arr. Gentlemen, Answer to your Names. *Thomas Clark*—

Mr. Clark. Here.

(And so did all the rest of the Twelve.)

Cl. of Arr. Gentlemen, are you agreed of your Verdict.

Jury. Yes.

Cl. of Arr. Who shall say for you?

Jury. Our Foreman.

Cl. of Arr. *Sir John Freind*, hold up thy Hand, *(which he did)* Look upon the Prisoner: How say ye, is he guilty of the High-Treason whereof he stands indicted, or Not guilty?

Foreman. Guilty, my Lord.

Cl. of Arr. What Goods or Chattels, Lands or Tenements, had he at the Time of the High-Treason committed, or at any Time since?

Foreman. None to our Knowledge.

L. C. J. *Jaylor*, look to him, he is found Guilty of High-Treason.

Cl. of Arr. Then hearken to your Verdict as the Court has recorded it. You say that *Sir John Freind* is guilty of the High-Treason whereof he stands indicted, but that he had no Goods, nor Chattels, Lands, nor Tenements, at the Time of the High-Treason committed, or at any Time since, to your Knowledge.

L. C. J. Discharge the Jury.

Cl. of Arr. Gentlemen, the Court discharges you, and thanks you for your Service.

L. C. J. Then we had best to adjourn the Court till to-morrow Morning.

Cl. of Arr. *Cryer*, make Proclamation.

Cryer. Oyez, Oyez, Oyez: All Manner of Persons that have any thing more to do, at this General Sessions of the Peace, Sessions of Oyer and Terminer, holden for the City of *London*; and Gaol-Delivery of *Newgate*, holden for the City of *London*, and County of *Middlesex*, may depart hence for this Time, and give their Attendance here again, to-morrow Morning at seven of the Clock, and *God save the King.*

Then the Prisoner was carried back to Newgate, and was brought the next Day to the Bar to offer what he had to say for Stay of Judgment; and afterwards received Sentence of Death, as a Traitor.



CLV. *The Trial of Sir WILLIAM PARKYNS, Knight, at the Old Baily, for High-Treason, March 24. 1695. 8 W. III.*

Tuesday, March 24. 1695.

This Day the Trial of Sir William Parkyns, Knt. came on at the Sessions-House in the Old-Baily, for High Treason.

Clerk of the Arraignments.



RYER, make Proclamation.

Cryer. Oyez, Oyez, Oyez. All Manner of Persons that have any thing more to do at this General Sessions of the Peace, Sessions of Oyer and Terminer, holden for the City of London; and Gaol-Delivery of Newgate, holden for the City of London, and County of Middlesex, and were adjourned over to this Day, draw near, and give your Attendance, for now they will proceed to the Pleas of the Crown for the same City, and County; and God save the King.

Cl. of Ar. Middlesex. Cryer, make Proclamation.

Cryer. Oyez, You good Men of the County of Middlesex, summoned to appear here this Day, to try between our Sovereign Lord the King, and the Prisoner that shall be at the Bar, answer to your Names as you shall be called, every Man at the first Call, upon Pain and Peril shall fail thereupon.

Then the Jury that were returned in the Pannel, were all called over and the Appearances of those who answered to the Call, were recorded.

About ten of the Clock the Judges (to wit) the Lord Chief Justice Holt, the Lord Chief Justice Treby, and Mr. Justice Rokeby came into the Court.

Cl. of Ar. Set Sir William Parkyns to the Bar. *(Which was done.)* Sir William Parkyns, hold up thy Hand.

Parkyns. My Lord, if you please, I humbly beg the Favour of one Word before I am arraigned. My Wife coming to see me in my Distress, sent up a Trunk of Linnen for our Use, and the Sheriffs of London have seized it, and do detain it. It has Linnen in it, and all her necessary Things, and all Things have been torn from me, since I was apprehended, but what is there; I have nothing to subsist upon but what is there; for no Money can I get from any Body, no Body will pay us a Farthing.

Mr. Sheriff Buckingham. My Lord, we were sent for to Mr. Secretary Trumball's Office, and when we came there, there was a Trunk that had been seized, as belonging to Sir William Parkyns; and when we came thither it was opened, and there was in it some Household Linnen, and some Plate? and Mr. Secretary Trumball was pleased, after having searched the Trunk, to seal it up, and deliver it to my Brother and me, to be kept; and this is all we know of it.

* L. C. J. Where was this Trunk * Sir John seized? Holt.

Mr. Sh. Buckingham. We found it in the Secretary's Office, and it was delivered to us there, and we gave a Receipt for it to bring it down again when called for? we did not seize it.

L. C. J. Look ye, Sir William Parkyns, your Trunk was seized I suppose in order to search for Papers.

Parkyns. Yes, I believe it was; but I hope it shall be delivered back now they have found nothing in it, and I have nothing else to subsist upon but what is there.

L. C. J. Is there any Plate there? What is there in the Trunk?

Mr. Sh. Buckingham. There is some Diaper and Damask Linnen, a Carpet, and some Pieces of Plate, two or three hundred Ounces of Plate, for ought I know. We had it from the Secretary's Office; we did not seize it.

[Then the Judges consulted among themselves.]

L. C. J. He ought to have his Plate to sell, to support him that he may have Bread.

Parkyns. Will your Lordship please to direct the Sheriff to deliver it back.

L. C. J. Well, some Care or other shall be taken in it.

Parkyns. My Lord, I have nothing to subsist upon, unless I can make something of what is there; I have a Wife and four Children, and nothing to subsist upon.

L. C. J. Let your Wife make Application for it at the Secretary's, it cannot now be done here. Why did you not make Complaint of it before? If you had, Care had been taken in it.

Park. I was told there was a Petition; for, my Lord, I was a close Prisoner, and they told me there was a Petition; but my Wife never mentioned any thing of it to me while afterwards; and they talk'd of an Order of Council that they had for the Sheriff's seizing it; but when I came to enquire into it, there was no Order about it, but only to search and examine it.

L. C. J. Well, some Order shall be taken about it.

Mr. Sh. Buckingham. My Lord, we have given a Receipt to the Secretary for it.

L. C. J. But he must have wherewithal to subsist and buy him Bread while he is in Prison.

Mr. Sh. Buckingham. My Lord, I see Mr. Burleigh there, who was Sir John Freind's Solicitor; I would humbly move your Lordship, that it may be inquired into, how he came by the Pannel of the Jury yesterday? For it seems to reflect upon us, as if we had given the Prisoner a wrong Pannel.

Mr. Just. Rokeby. No, I think there can be no Reflection upon you; but I think it would be very proper to have the Matter examined.

L. C. J.

L. C. J. Ay, let *Burleigh* come in; [*which he did.*] Pray, how came you by the Pannel which you gave to Sir *John Freind*?

Burleigh. My Lord, I had three several Copies sent me by Sir *John Freind's* Friends, to the *Horn Tavern* about three or four a Clock, and I deliver'd one of them to Sir *John Freind*; but he had one before I delivered mine.

L. C. J. Who sent them to you, or brought them to you?

Burleigh. I had them brought to me by a Porter.

Mr. *Baker.* You know you might have had it from the proper Officer, for asking.

Burl. I had them brought me from Sir *John Freind's* Friends.

L. C. J. Can you tell who had it from the Sheriff?

Burl. My Lord, I know not: I had three Copies sent me in a Quarter of an Hour's Time; whence they came I know not; the Sheriff knows me, and every Body else.

Mr. *Sh. Buck.* I do know you, and would have you be fair in your Practice.

Mr. *Baker.* The Inquiry is made, because a false Copy is put upon him; you might have had a true Copy, if you had applied yourself right.

Burl. I sent to Mr. *Farrington* for it.

L. C. J. The Sheriff delivered it the Secondary, who is the proper Officer.

Mr. *J. Rokeby.* Sir *John Freind* said he had it from him yesterday.

Burl. But he had one before; how he came by it, I can't tell; nor whence those came that were brought to me.

Mr. *J. Rokeby.* If you will not take care to go to the right Place, it is no Body's Fault but your own, if you suffer by it.

Burl. I was with my Lady, and delivered a Petition for this Trunk.

L. C. J. But it seems it was under the Conu- zance of the Secretary, and Direction was given to go thither; some Care or other must be taken in it, and shall; but go on now to Arraign the Prisoner.

Cl. of Arr. Hold up thy Hand, (*which he did.*) Thou standest indicted in *Middlesex*, by the Name of Sir *William Parkyns*, late of the Parish of *St. Paul Covent-Garden*, in the County of *Middlesex*, Kt. For that, Whereas an open, and notoriously publick, and most sharp, and cruel War, for a long time hath been, and yet is, by Sea and by Land had, carried on, and prosecuted by *Lewis the French King*, against the most Serene, most Illustrious, and most Excellent Prince, our Sovereign Lord *William the Third*, by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. During all which Time, the said *Lewis the French King*, and his Subjects were, and yet are Enemies of our said Lord the King that now is, and his Subjects, You the said Sir *William Parkyns*, a Subject of our said Sovereign Lord the King that now is of this Kingdom of *England*, well knowing the Premises, nor having the Fear of God in your Heart, not weighing the Duty of your Allegiance, but being moved and seduced by the Instigation of the Devil, as a false Traitor against the said most Serene, most Clement, and most Excellent Prince, our said Sovereign Lord *William the Third*, now King of *England, &c.* your Supreme, True, Natural, Rightful, Lawful, and

Undoubted Sovereign Lord; the cordial Love, and true and due Obedience, Fidelity and Allegiance, which every Subject of our said Lord the King that now is, towards him our said Lord the King, should bear, and of Right ought to bear, withdrawing, and utterly to extinguish, intending and contriving, and with all your Strength purposing, designing and endeavouring the Government of this Kingdom of *England*, under him our said Lord the King that now is, of Right, duly, happily and very well established, altogether to subvert, change and alter; as also the same our Sovereign Lord the King to Death and final Destruction to put and bring; and his faithful Subjects, and the Freemen of this Kingdom of *England*, into intolerable and most miserable Slavery, to the aforesaid *French King*, to subdue and bring; the first Day of *July*, in the seventh Year of the Reign of our said Sovereign Lord the King that now is, and divers other Days and Times, as well before as after, at the Parish of *St. Paul Covent-Garden* aforesaid, in the County aforesaid, falsely, maliciously, devilishly and traiterously did compass, imagine, contrive, purpose, design and intend our said Sovereign Lord the King that now is, then your Supreme, true, natural, rightful and lawful Sovereign Lord, of and from the Regal State, Title, Honour, Power, Crown, Command, and Government of this Kingdom of *England*, to depose, cast down, and utterly to deprive; and the same our Sovereign Lord the King, to kill, slay, and murder; and the aforesaid *Lewis the French King*, by his Armies, Soldiers, Legions, and Subjects, this Kingdom of *England* to invade, fight with, conquer, and subdue, to move, stir up, procure and aid; and a miserable Slaughter among the faithful Subjects of our said Lord the King throughout all this whole Kingdom of *England*; to make and cause; and that you the said Sir *William Parkyns*, to the aforesaid Enemies of our said Lord the King that now is, then and there, during the War aforesaid, traiterously were adhering and aiding; and the same most abominable, wicked and devilish Treasons, and traiterous Compassings, Contrivances, Intentions, and Purposes of yours aforesaid, to fulfil, perfect and bring to effect; and in Prosecution, Performance, and Execution of the traiterous Adhesion aforesaid, you the said Sir *William Parkyns*, as such a false Traitor, during the War aforesaid, to wit, the same first Day of *June* in the Year aforesaid, at the Parish aforesaid, in the County aforesaid, and divers other Days and Times, as well before as after, there and elsewhere in the same County, falsely, maliciously, advisedly, secretly, and traiterously, and with Force and Arms, with one *Robert Charnock*, (late of High-Treason, in contriving and conspiring the Death of our said Sovereign Lord the King, that now is, duly convicted and attainted) and with divers other false Traitors, to the Jurors unknown, did meet, propose, treat, consult, consent, and agree, to procure from the aforesaid *Lewis the French King*, of his Subjects, Forces, and Soldiers, then and yet Enemies of our said Lord the King that now is, great Numbers of Soldiers and armed Men, this Kingdom of *England* to invade and fight with, and to levy, procure and prepare great Numbers of armed Men, and Troops, and Legions against our said Sovereign Lord the King that now is, to rise up and be formed; and with those Enemies

at and upon such their Invasion and Entrance into this Kingdom of *England*, to join and unite; Rebellion and War against him our said Sovereign Lord the King, within this Kingdom of *England*, to make, levy, and wage; and the same our Sovereign Lord the King so as aforesaid to depose, and him to kill and murder. And further, with the said false Traitors, the same first Day of *July*, in the Year aforesaid, at the Parish aforesaid, in the County aforesaid, traiterously you did consult, consent, and agree to send the aforesaid *Robert Charnock* as a Messenger from you the said *Sir William Parkyns*, and the same other Traitors unknown, as far as, and into the Kingdom of *France*, in Parts beyond the Seas, to *James* the second, late King of *England*, to propose to him, and desire of him to obtain of the aforesaid *French* King, the Soldiers and armed Men aforesaid, for the Invasion aforesaid to be made; and Intelligence and Notice of such their traiterous Intentions, and Adhesions, and all the Premises to the said late King *James*, and the said other Enemies and their Adherents, to give and exhibit; and them to inform of the said Things, Particulars, and Circumstances thereunto relating; as also Intelligence from them of the late intended Invasion, and other Things and Circumstances concerning the Premises, to receive, and them to you the said *Sir William Parkyns*, and the said other Traitors in this Kingdom of *England*, to signify, report and declare, in Assistance, Animation, and Aid of the said Enemies of our said Sovereign Lord the King that now is, in the War aforesaid, and to stir up and procure those Enemies the more readily and boldly this Kingdom of *England* to invade, the Treasons and traiterous Contrivances, Compassings, Imaginations and Purposes of you the said *Sir William Parkyns* aforesaid, to perfect and fulfil, and all the Premises the sooner to execute, manage and perform, and the Invasion aforesaid to render and make the more easy, you the said *Sir William Parkyns* afterwards, to wit, the 10th Day of *February*, in the Year aforesaid, at the Parish aforesaid, in the County aforesaid, and divers other Days and Times, as well before as after, there and elsewhere in the same County, falsely, maliciously, advisedly, secretly, traiterously and with Force and Arms, with the aforesaid *Robert Charnock*, and very many other false Traitors, to the Jurors unknown, did meet, propose, treat, consult, consent and agree, him our said Sovereign Lord the King that now is, by lying in wait and deceit, to assassinate, kill and murder; and that execrable, abominable and detestable Assassination and Killing the sooner to execute and perpetrate, afterwards, to wit, the same Day and Year, there traiterously you did treat, propose and consult with those Traitors, of the Ways, Methods, and Means, and the Time and Place where, when, which Way, and how our said Sovereign Lord the King, so by lying in wait, the sooner might be killed and slain, and did consent, agree and assent with the same Traitors, that forty Horsemen or thereabouts of those Traitors, and others by them and you the said *Sir William Parkyns*, to be hired, procured and paid, with Guns, Carbines and Pistols, with Gun-Powder and Lead-Bullets charged, and with Swords, Rapiers and other Weapons armed, should lie in wait and be in Ambush our said Lord the King in his Coach being, when he should go abroad, to attack, and that a certain and competent Number

of those Men so armed, should set upon the Guards of our said Lord the King then and there attending him, and being with him, and should over-power and fight with them, whilst others of the same Men so Armed, him our said Lord the King should kill, slay, and murder; and that you the said *Sir William Parkyns*, then and there, did take upon you to provide five Horses for those Men which should so kill and murder our said Sovereign Lord the King; and also that you the said *Sir William Parkyns*, your Treasons, and all your traiterous Intentions, Designs and Contrivances aforesaid, to execute, perpetrate, fulfil and bring to Effect, afterwards, to wit, the Day and Year last aforesaid, at the Parish aforesaid, in the County aforesaid, divers Horses, and very many Arms, Guns, Carbines, Rapiers and Swords, and other Weapons, Ammunition and Warlike Things, and Military Instruments, falsely, maliciously, secretly, and traiterously did obtain, buy, gather, and procure, and to be bought, obtained, gathered, and procured did cause, and in your Custody had and detained with that Intention them in and about the detestable, abominable and execrable Assassination, Killing, and Murder of our said Lord the King, and the Invasion aforesaid, as aforesaid, to use, employ and bestow; and also your Treasons and all your traiterous Intentions, Purposes, and Contrivances aforesaid, to execute, perpetrate, fulfil and fully bring to Effect; you the said *Sir William Parkyns*, afterwards, to wit, the Day and Year last aforesaid, at the Parish aforesaid, in the County aforesaid, falsely, maliciously, advisedly, secretly and traiterously, divers Soldiers and Men Armed, and ready to be Armed, after the said detestable, abominable and execrable Assassination, Killing, and Murder of our said Sovereign Lord the King, so as aforesaid should be done, perpetrated and committed, to rise, and muster; and War and Rebellion within this Kingdom of *England* to make and wage, and with the Enemies of our said Lord the King, Foreigners and Strangers, Subjects and Soldiers of the said *Lewis* the *French* King, being about to invade this Kingdom of *England*, at and upon their Invasion and Entrance into this Kingdom then expected to be shortly made, themselves, together with you the said *Sir William Parkyns*, to join and unite, and into Troops and Legions to form, you did levy, list, and retain, and did procure to be levied, listed, and retained, and those Soldiers and Men for the Treasons, Intentions and Purposes aforesaid, then and there, and afterwards in Readiness you had, against the Duty of your Allegiance, and against the Peace of our said Sovereign Lord the King that now is, His Crown and Dignity; as also against the Form of the Statute in this Case made and provided.

How say'st thou, *Sir William Parkyns*, Art thou Guilty of this High-Treason whereof thou standest indicted, or Not Guilty?

Parkyns. Not Guilty.

Cl. of Arr. Culprit. How wilt thou be Tried?

Parkyns. By God and my Country.

Cl. of Arr. God send thee good Deliverance.

Parkyns. My Lord, If your Lordship pleases to favour me with a Word or two.

L. C. J. Aye, What say you Sir?

Parkyns. My Lord, I have been kept in hard Prison ever since I was committed, no Body has been

been suffer'd to come to me till *Friday* last, then my Council came to me; and being charged with many Facts as I see in this Indictment, it will be necessary to have divers Witnesses to clear myself of these Particulars; they are dispers'd up and down, and I have had no Time to look after them, and therefore I beg your Lordship to put off my Trial till another Day.

L. C. J. When had you first Notice of your Trial?

Parkyns. The first Notice of my Trial was on *Wednesday* last, in the Afternoon.

L. C. J. That is a sufficient Time of Notice, sure you might have provided your Witnesses, and prepar'd for it by this Time.

Parkyns. But, my Lord, being kept so close Prisoner, I had no Opportunity for it; for it was not possible for me to get any Body to come to me, till *Friday* Noon, not so much as my Council, and then there was but two Days, *Saturday* and *Monday*, (for *Sunday* is no Day for any Business) and it is impossible for me to be ready in the Manner that I ought to be. It is a perfect Distress, and Hardship upon me, to be put so soon upon my Trial, without my Witnesses, and what should enable me to make my Defence; therefore I humbly intreat your Lordship to put it off till another Day.

L. C. J. What Witness do you want, Sir *William*?

Parkyns. I have divers Witnesses, my Lord, that can give an Account where I was from time to time, but they are many of them out of Town, and I have sent about every Way, but cannot get them together in so short a Time.

L. C. J. When had he Notice of his Trial?

Mr. Baker. On *Wednesday* I told him, that he must expect to be try'd this Day, and withal, that if he would name me any Council, that he would have come to him, he should have an Order next Morning for them.

L. C. J. You were told, it seems, on *Wednesday* that you might have what Council you would.

Mr. Baker. And he had an Order upon *Thursday* Morning for his Council.

Parkyns. I could not have it without Application to the Court at *White-Hall*, and could have no Body come to me till *Thursday*, and it was *Friday* before I could get my Council to me.

L. C. J. You might have sent for your Witnesses on *Thursday*, and employ'd some body about that Matter then.

Parkyns. The Solicitor that I employ'd, was employ'd otherways, and I could not employ any Body else.

L. C. J. Yes, you might have employed any other about that Business.

Parkyns. I had no Body to send, I was kept close, and no Body permitted to come to me.

L. C. J. Your Solicitor you desir'd had Leave to come to you.

Mr. Baker. You know that those you sent for, you had an Order for.

Parkyns. I could not get him till *Thursday* to me, I had no Messengers to send till then.

Mr. Baker. I gave the Keeper Direction, to let him have Persons come to him to send on any Errand.

L. C. J. The Keeper had Orders, it seems, to let any Messenger come to you, and he would have help'd you to some Body to send of this Errand to be sure.

Keeper. I always did it, as soon as I know they have Notice of their Trial.

Parkyns. But the Keeper is not always in the Way, and besides, when I had Notice given me of my Trial, it was Execution Day, and he was not at home that Day.

L. C. J. He names no Witnesses, only he says he has divers Witnesses, neither is there any Oath made of any Witnesses: Pray how long is it since you were committed?

Parkyns. I was committed this Day Fortnight.

L. C. J. Your Commitment charged you with High-Treason, and therefore you knew what you stood accus'd of; were you not committed for High-Treason?

Parkyns. Yes, my Lord, I believe I was.

Mr. Sol. Gen. (Sir John Hawles,) my Lord, he had a very fair Time to prepare for his Defence, for he saw his Name in the Proclamation a good while before he was taken, and there it is declar'd, what he stands charg'd with.

L. C. J. You might have had a Copy of your Commitment, you had a Right to have it, and thereby you might have seen what you were accus'd of.

Keeper. We never do deny it, if it be demanded.

L. C. J. You cannot deny it, you know what Penalty you are under if you do.

Parkyns. No Body was permitted to come to me.

L. C. J. You might have ask'd for a Copy, or any Body else, for you had Notice of your Trial so long ago as *Wednesday* last.

Mr. Baker. I gave him Notice of his Trial on *Wednesday*, and then told him he must prepare for it against this Day; he said he would endeavour to petition for a longer Time, I told him it would be in vain, for he must prepare for his Trial to Day, and could have no longer Time.

L. C. J. Sir *William*, truly we do not see any Reason to put off the Trial upon these Suggestions.

Parkyns. My Lord, it is very hard; then I humbly beg I may have the Favour, that I may have Council allow'd me, I have no Skill in Indictments.

L. C. J. We cannot allow Council.

Parkyns. My Lord, if I have no Council, I do not understand these Matters, nor what Advantage may be proper for me to take in these Cases.

L. C. J. You are not ignorant, Sir *William*, that Council has been always refused when desired in such Cases.

Parkyns. My Lord, there is a new Act of Parliament that is lately made, which allows Council.

L. C. J. But that does not commence yet, Sir *William*.

Parkyns. My Lord, it wants but one Day.

L. C. J. That is as much as if it were a much longer Time: For we are to proceed according to what the Law is, and not what it will be.

Parkyns. But it is declarative of the Common Law, because it says it was always just and reasonable.

L. C. J. We cannot alter the Law till Law-makers do it.

Parkyns. Will your Lordship be pleas'd to let it be read?

L. C. J. Ay, if you have a Mind to it, it shall be read.

Parkyns. Yes, if your Lordship pleases.

L. C. J. Read it.

Cl. of Ar. (Reads.) An Act for Regulating of Trials in Cases of Treason, and Misprision of Treason. —

All the first Paragraph of the new Act was read.

L. C. J. Look ye, Sir *William Parkyns*, this Law has not taken any Effect as yet; but the Law stands as it did before the making of this Act.

Parkyns. But, my Lord, the Law says it's just and reasonable that it should be so.

L. C. J. We go according to the Law as we find it is.

Parkyns. And, my Lord, what is just and reasonable to Morrow, sure is just and reasonable to Day, and your Lordship may indulge me in this Case, especially when you see how streight Notice I have had, and what a little Time has been allowed me, that I am not able to make any Defence.

L. C. J. We cannot make a Law, we must go according to the Law, that must be our Rule and Direction.

Parkyns. Yes, my Lord, but what is just and reasonable, sure is Law: the Law is grounded upon Reason.

L. C. J. The Parliament has thought fit to make such a Law, which is to commence from the 25th of this Month: It is not a Law till the Time comes, that the Parliament hath appointed for its being a Law.

Parkyns. But, my Lord, if my Notice had been a convenient Notice, I had been within the Time limited by the Act of Parliament; and no one can want the Advantage of that Act from henceforward, nor suffer for such Want but my self, which is a particular Hardship upon me.

L. C. J. We cannot alter the Law, we are bound by our Oaths to proceed according to the Law, as it is at present.

Parkyns. Pray, my Lord, let the Trial be put off till another Day then.

L. C. J. You shew no Reason for it; you name no Witnesses that you want, nor have we any Oath as we ought to have in such a Case.

Parkyns. I will do both if your Lordship will oblige me to it.

L. C. J. There ought to be an Oath certainly, but we think you have had fair and convenient Notice: For you have had as much Notice as Sir *John Freund* had, who was tried Yesterday.

Parkyns. As I am inform'd he was charged with single Facts about the Town, but I am charged with many particular Things more than he was.

L. C. J. The Act of Parliament says nothing of Notice of Trial; that still continues as it was before; and you have had very convenient Notice: Go on, Mr. *Hardesty*, to swear the Jury.

Cl. of Ar. Sir *William Parkyns*, you the Prisoner at the Bar, Those Men that you shall hear called and personally appear, are to pass between our Sovereign Lord the King and you upon Trial of your Life and Death; if therefore you will challenge them or any of them, you are to speak unto them as they come to the Book to be sworn, and before they be sworn.

Parkyns. I hope your Lordship will be of Council for me then.

L. C. J. So we will; we will do you all the Right we can. Look ye, you know you may challenge 35 without Cause, and as many as you will with Cause, but no more than 35 without Cause.

Cl. of Ar. Sir *Goddard Nelthorp*.

Parkyns. I except against him.

Cl. of Ar. *Leonard Hancock*, Esq;

Parkyns. I except against him, he is the King's Servant.

Cl. of Ar. *William Withers*, Esq;

Par. I challenge him.

Cl. of Ar. *Samuel Powell*, Esq;

Par. I challenge him.

Cl. of Ar. *William Northey*, Esq;

Par. Well, I don't except against him.

Cl. of Ar. Hold Mr. *Northey* a Book, (*which was done.*) Look upon the Prisoner. 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, according to your Evidence; So help you God.

Cl. of Ar. *Thomas Tench*.

Par. I challenge him.

Cl. of Ar. *John Wolf*.

Par. I challenge him.

Cl. of Ar. *James Bodington*.

Par. I challenge him.

Cl. of Ar. *John Smith*:

Par. I challenge him.

Cl. of Ar. *Edward Gould*.

Par. I have no Exception against him;

(*He was sworn.*)

Cl. of Ar. *John Raymond*.

Par. I challenge him.

Cl. of Ar. *Daniel Thomas*.

Par. I have no Exception against him.

(*He was sworn.*)

Cl. of Ar. *Isaac Honeywood*.

Par. I challenge him.

Cl. of Ar. *William Underwood*.

Par. I challenge him.

Cl. of Ar. *Arthur Bayley*.

Par. I challenge him.

Cl. of Ar. *Nehemiah Erming*.

Par. I challenge him.

Cl. of Ar. *John Webber*.

Par. I challenge him.

Cl. of Ar. *John Cane*.

Par. I have no Exception to him.

Mr. Att. Gen. We challenge him for the King.

Cl. of Ar. *Thomas Glover*.

Par. I challenge him.

Cl. of Ar. *Henry Whitcomb*.

Par. I have no Objection against him.

(*He was sworn.*)

Cl. of Ar. *Timothy Thornbury*.

Par. I challenge him.

Cl. of Ar. *Dormer Sheppard*.

Par. I challenge him.

Cl. of Ar. *John Temple*.

Par. I challenge him.

Cl. of Ar. *Nathaniel Gold*.

Par. I have no Exception against him;

Mr. Gold. My Lord, I am no Freeholder in this County.

Mr. Baker. Nor have you no Copyhold, Sir?

Mr. Gold. Yes, Sir, I have.

Mr. Att. Gen. However, let him be set by.

Cl. of Ar. *Robert Breedon*.

Par. I challenge him.

Cl. of Ar. *Thomas Taylor*.

Par. I challenge him, he is the King's Servant.

Cl. of Ar. *Joseph Blissett*.

Par. I challenge him.

Cl. of Ar. *John Billier*.

Par. I challenge him.

Cl. of Ar. *Francis Chapman*.

Par. I challenge him.

Cl. of Ar. *John Cleeve.*

Par. I challenge him.

Cl. of Ar. *Robert Bampton.*

Par. I have no Exception to him.

(*He was sworn.*)

Cl. of Ar. *William Atlee.*

Par. I challenge him.

Cl. of Ar. *Thomas Sutton.*

Par. I have no Exception to him.

(*He was sworn.*)

Cl. of Ar. *Thomas Edling.*

Par. I have no Exception against him.

(*He was sworn.*)

Cl. of Ar. *Robert Sanderson.*

Par. I have no Exception against him.

(*He was sworn.*)

Cl. of Ar. *Ralph Marsh.*

Par. I have no Exception against him.

(*He was sworn.*)

Cl. of Ar. *Richard Bealing.*

Par. Pray, Mr. *Hardesty*, how many have I challeng'd?

Mr. *Hardesty*. I will tell you presently, Sir. — You have challenged 25.

Par. But there are two that I gave Reason for? Do you put them in among them? that is, Mr. *Hancock* and Mr. *Taylor* as the King's Servants.

Cl. of Ar. You may speak to my Lord about it; but if that be allow'd, then there are but 23.

Par. Well, Sir, Go on then.

Cl. of Ar. *Richard Bealing.*

Par. I challenge him.

Cl. of Ar. *William Partridge.*

Par. I challenge him.

Cl. of Ar. *Nicholas Roberts.*

Par. I challenge him.

Cl. of Ar. *Peter Lavigne.*

Par. I challenge him.

Cl. of Ar. *Joseph Whiston.*

Par. I have no Objection to him.

(*He was sworn.*)

Cl. of Ar. *Andrew Cook.*

Par. I challenge him.

Cl. of Ar. *Samuel Hooper.*

Par. I challenge him.

Cl. of Ar. *Thomas Heames.*

Par. I have no Exception to him.

(*He was sworn.*)

L. C. J. Sir *William Parkyns*, you have challenged two, and have assign'd the Cause of your Challenge, that is, *Hancock* and another, and the Reason of your Challenge is, because they are the King's Servants. I am to acquaint you, that is no Cause of Challenge; but however, the King's Council do not intend to insist upon it, if there are enough besides. They are willing to go on with the Pannel; and I speak this, because I would not have it go for a Precedent, nor have it understood that the Cause you assign is a good Cause: But however, they will not stand with you, if there be enough to serve.

Par. My Lord, I submit to it; the Jury is full, I think.

Cl. of Ar. No, there are but Eleven sworn yet.

Par. But how far have I gone in my Challenges?

Cl. of Ar. There are Four, which you may challenge more.

Par. There are Two allow'd me, tho' it be not a Precedent: Are there Four still?

Cl. of Ar. Yes, you may challenge Four more, and no more, *Edward Thompson.*

Par. I challenge him.

Cl. of Ar. *Nicholas Rufford.*

Par. I have no Exception of him.

(*He was sworn.*)

Cl. of Ar. *Cryer*, countez. *William Northbey.*

Cryer. One, &c. (*and so the rest 'till the Twelve.*)

Cl. of Ar. *Nicholas Rufford.*

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

Cl. of Ar. *Cryer*, make Proclamation.

Cryer. Oyez, If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney-General, or this Inquest now to be taken, of the High-Treason whereof the Prisoner at the Bar stands indicted, let them come forth, and they shall be heard; for now the Prisoner stands at the Bar upon his Deliverance, and all others that are bound by Recognizance to give Evidence against the Prisoner at the Bar, let them come forth, and give their Evidence, or else they forfeit their Recognizance. And all Jury-Men of *Middlesex* that halle appear'd, and are not sworn, may depart the Court.

The Names of the Twelve sworn were these;

<i>William Northbey</i> , Esq;	<i>Thomas Edling</i> , Gent.
<i>Edward Gold</i> , Esq;	<i>Robert Sanderson</i> , Gent.
<i>Daniel Thomas</i> , Esq;	<i>Ralph Marsh</i> , Gent.
<i>Henry Whitcbcot</i> , Esq;	<i>John Whiston</i> , Gent.
<i>Robert Bampton</i> , Gent.	<i>Thomas Heams</i> , Gt. and
<i>Thomas Sutton</i> , Gent.	<i>Nicholas Rufford</i> , Gent.

Cl. of Ar. Sir *William Parkyns*, hold up thy Hand; (*which he did.*) You that are sworn, look upon the Prisoner, and hearken to his Cause: He stands indicted by the Name of Sir *William Parkyns*, late of the Parish of *St. Paul Covent-Garden*, in the County of *Middlesex*, Knight, that whereas (*prout* in the Indictment, *mutatis mutandis,*) and against the Form of the Statute made and provided. 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 inquire, whether he be Guilty of the High Treason whereof he stands indicted, or Not Guilty; if you find that he is Guilty, you are to inquire what Goods and Chattels, Lands, Tenements, he had at the Time of the High Treason committed, or at any Time since: If you find him Not Guilty, you are to inquire whether he fled for it; if you find that he fled for it, you are to inquire of his Goods and Chattels, as if you had found him guilty; if you find him Not Guilty, nor that he did fly for it, you are to say so, and no more; and hear your Evidence.

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

Parkyns. My Lord, your Lordship was pleas'd to say, you would be my Council. I am ignorant in Matters of Indictments, I beg if there be any Fault in it, you will let me know it.

L. C. J. Truly I have observ'd no Fault in it; I do not know of any.

||

Mr.

Mr. *Mountague*. Gentlemen, this Indictment does contain as heavy an Accusation, as can be laid upon any Man, for it not only charges the Prisoner with a traitorous Design of subverting the Government, and raising War and Rebellion within this Kingdom; which was to be done by adhering to the King's Enemies, and promoting a Foreign Invasion, but likewise with a Conspiracy against the Life of the King, which was to have been taken away by a bloody Assassination.

Gentlemen, the Indictment sets forth, That Sir *William Parkyns*, the Prisoner at the Bar, did meet several Times with *Charnock*, and other false Traitors; and there it was consulted, and agreed how they should procure *French* Forces to land within this Kingdom, and then they were to raise Rebellion amongst his Majesty's Subjects, to join with the Invaders. Mr. *Charnock* was sent from the Prisoner at the Bar, and the rest, as a Messenger into *France*, unto the late King *James*, to acquaint him with this bloody Design, and to desire him to borrow of the *French* King as many Troops as he could spare, to make a Descent upon this Kingdom, and they at the same Time were to facilitate the Descent, by getting as many Men as they could to make the Assassination; and the Number of Forty was pitched upon, who were to be provided for that Purpose, of which the Prisoner at the Bar was to find Five, who were to lie in wait with the rest, and set upon the King as he came along in his Coach, upon his Return from Hunting. Some were to assault and attack the Guards, while others were barbarously to assassinate and murder the King in his Coach: and particularly it charges the Prisoner with undertaking to procure and provide Five Horses, and Arms that were to be employ'd in this bloody Assassination; and also with gathering together great Quantities of Arms and Ammunition that were to be used in the Insurrection. To this Indictment the Prisoner has pleaded Not Guilty; if he be not guilty, God forbid he should be convicted: But if he be guilty, and we prove the Fact, the Nation expects that you will do Justice to the King and Kingdom, and find him so.

Mr. *Att. Gen.* (Sir *Thomas Trevor*.) May it please your Lordship, and you Gentlemen of the Jury, the Prisoner at the Bar, Sir *William Parkyns*, stands indicted of High-Treason, for Compassing the Death of his Majesty, and Adhering to his Majesty's Enemies; and the Overt Acts laid in the Indictment to prove this Treason are, That he with others had several Meetings and Consultations about this Design, and sent a Messenger over to *France* to the late King *James*, to procure *French* Forces to invade the Kingdom, to depose the King, and subject the Kingdom to a *French* Power: And likewise that he did enter into a Conspiracy with several Persons for the Assassination of his Majesty's Royal Person. These are the Overt Acts mentioned in the Indictment, to prove this Charge of Treason against the Prisoner.

Gentlemen, the Evidence to prove these Overt Acts, and which we shall produce, will be in this Manner. It will appear that the Prisoner at the Bar, Sir *William Parkyns*, has had a Commission from King *James* to raise a Regiment of Horse, and about *May* last, he with several others had a Meeting at the *Old King's Head* in *Leadenball-Street*, where were present my Lord of *Ailesbury*,

my Lord *Montgomery*, Sir *William Parkyns*, Sir *John Freind*, Sir *John Fenwick*, Mr. *Charnock*, Mr. *Porter*, and one Mr. *Cook*; and *Goodman* came in to them after Dinner. And at that Meeting it was consulted and concerted among them, how they should bring back the late King *James*, and depose his present Majesty; and in order to that, they did resolve to send Mr. *Charnock* as a Messenger to the late King *James*, to desire him to obtain from the *French* King 10000 Men to invade this Kingdom; 8000 Foot, 1000 Horse, and 1000 Dragoons; and to encourage the late King to this, they did assure him by the same Messenger, that they would meet him with 2000 Horse upon his Landing; and they did all undertake and agree that they would do it; and Mr. *Charnock* undertook to go of this Message.

Gentlemen, about a Week after this Meeting, Mr. *Charnock* not being willing to go upon this Errand without a good Assurance, that they intended to perform what they had resolved upon, they therefore had another Meeting of most of the same Persons that were at the former, and particularly the Prisoner at the Bar was one; and that was at Mrs. *Mountjoy's* a Tavern in *St. James's-street*. And at that Meeting they did all agree, as formerly, and continued in their former Resolution, to send Mr. *Charnock* to assure the late King, that they would meet him, according as they had promised, if he would give them Notice where he was to land, and he should not fail of their Assistance. And at these Meetings they did take Notice, that then was the most proper Time for such an Invasion: For the King was gone to *Flanders*, most of the Forces were drawn thither, and the People were dissatisfied, and so it would be the fittest Opportunity to accomplish their Design. And they desired Mr. *Charnock* to make haste to carry this Message, and to intreat King *James* that he would be speedy and expeditious in his Coming, that they might not lose this Season.

Gentlemen, after these Meetings, Mr. *Charnock* did within a few Days go over into *France*, and did deliver his Message to the late King *James*, who took it very kindly, but said that the *French* King could not spare so many Forces that Year, having other Work to employ them about: Upon which, within a Month's Time, or less, he came back again, and brought an Account of his Message to those Gentlemen who sent him. This was in *May* or *June* last, and so the further Prosecution of the Design ceased at that Time.

But Gentlemen, the last Winter it was revived again, and attempted, and carried on very near to the obtaining a fatal Success. And you will hear that the Prisoner at the Bar, Sir *William Parkyns*, has had too great a Hand, and been a very great Instrument in both the Parts of this wicked Conspiracy and Treason; not only in the Invasion, which he with others sent the Messenger over to procure; but also in the other Part, the blackest Part, even the Assassination of the King's Person.

About *January* last Sir *George Barclay*, a Lieutenant of the Guards to King *James* in *France*, was sent over into *England* to engage Persons to join in the Conspiracy and Assassination; and for his Assistance there were sent over with him, and before and after him, some 20 Troopers of the late King's, that were his Guards in *France*. And Sir

Sir *George Barclay*, to encourage the Persons that were to join, and whom he had brought over with him, pretended an Authority to justify it, that is, a Commission from the late King *James*, and he communicates this Design to Mr. *Charnock*, Mr. *Porter*, and several others, and amongst the rest to the Prisoner at the Bar, Sir *William Parkyns*, having a great Confidence in him, and did acquaint him he had such a Commission, and he shewed it him, and that Commission was to levy War against the King's Person; which they took to be a sufficient Authority for them to assassinate the King's Person.

Gentlemen, in order to the accomplishing this horrid Conspiracy, there were several Meetings, and Consultations had, at which the Prisoner at the Bar was present, and very active. Sometimes they met at Captain *Porter's* Lodgings, at another Time at the *Nagg's Head* in *Covent-Garden*, at another Time at the *Sun* in the *Strand*, and another Time at the *Globe* in *Hatton-Garden*, in order to accomplish this Design: And at these Meetings you will hear, they did propose several Ways and Methods for the Execution of it; and several Persons, particularly one of them that have suffered the Punishment of the Law for this, were appointed to go and view the Ground, where the King's Person might most conveniently be assaulted. Mr. *King*, that was executed for it, was one, Captain *Porter* was another, and one *Knightley* was the third; and these did go to see the Ground. And the Day before they went, there was a Meeting, at which was present the Prisoner at the Bar, and others, wherein 'twas concluded upon, that they should go; and they went accordingly to see the most convenient Place for it. They went to *Brentford*, and afterwards to the other Side of the Water to *Richmond*, and survey'd all the Ground, and the Place they pitched upon as the most proper for their Purpose, was, when his Majesty should return from Hunting, to do it in the Lane betwixt *Brentford* and *Turnham-Green*. And accordingly, when they return'd in the Evening, they came by Appointment to the Place where the rest of the Accomplices were to meet, at the *Nagg's Head* Tavern in *St. James's*, and gave an Account of their Proceedings; and at that Meeting likewise was Sir *William Parkyns*, the Prisoner at Bar, Mr. *Charnock*, and several others, and upon the Report of Captain *Porter* and Mr. *King's* Expedition, they did resolve the Thing should be done in that Place, and that it should be done in this Manner.

Sir *George Barclay* with about Eight or Ten in his Party, who were to be chosen out of all the other Parties, were to assault the King's Coach, and endeavour to kill the King, and all the rest that were in the Coach with him, whilst the others in two Parties, were to attack the Guards; and the Number in all was to be about 40. This was fully agreed upon.

And, Gentlemen, the first Time that they resolved to put this traitorous Design in Execution, was the Fifteenth of *February*, which was a *Saturday*, the usual Day that the King was wont to go a Hunting on; but it happened by great Providence that the King did not go abroad that Day.

They had contrived further, to make the Thing sure, that there should be two Persons, whom

they called orderly Men, who should be placed at *Kensington*, to give Notice when the King went abroad; and *Chambers* was one, and *Durance* that was a *Fleming* was another; and *Durance* was likewise employ'd to view the Inns about *Turnham-Green* and *Brentford*, for the Lodging of their Men, who were to be placed Two or Three in an Inn, that they might not be observed.

Gentlemen, the first Day appointed for the accomplishing this Design, which was the 15th of *February*, being over, and they disappointed; yet they did afterwards resolve to go on and execute it. And the next *Saturday*, which was the 22d of *February*, was pitched upon for the Time of Execution; and accordingly on *Friday* the 21st of *February*, the Day before, there was a Meeting at the *Nagg's Head* in *Covent-Garden*; and there was present Sir *George Barclay*, Capt. *Porter*, and several others, and amongst the rest the Prisoner at the Bar was there: They had at first some Discourse among them that they were in doubt, because of the first Disappointment, whether there had not been some Discovery, but that Doubt was soon over; for it was said, it could not be so, for then they should not have been there together. That seemed probable, and the Disappointment was imputed to some Accident, and that gave them new Assurance to go on, and they were resolved to do it in the same Manner, as they had formerly resolv'd, on the next Day, which was *Saturday*.

Gentlemen, at that Meeting Mr. *Porter* acquainted them, that he had the Misfortune to have some of his Horses fallen sick or lame, and he acquainted the Prisoner with it; and Sir *William Parkyns* was careful to supply him with other Horses, and told him, he could get a Note from one *Lewis*, who I think is Major of the Horse to my Lord *Feversham*, to get three Horses, and accordingly he did send a Note for three Horses to Mr. *Lewis*.

Upon the 22d of *February* in the Morning, which was the Time for the Execution of this bloody Conspiracy, they had met together, and resolved to go on with it, and put it in Execution; and that they had Notice from *Chambers*, that the King did go a hunting that Day, and there was great Joy among them all, thinking themselves sure; and so they order'd all Things to be got ready. But afterwards, about One a Clock, there came other News, that the King did not go abroad, but the Guards were all come back in great Haste, their Horses being all of a Foam, and the King's Coaches were sent back to the *Mews*; then they began to be in a great Consternation, and they thought the Thing had taken Air, and was discovered. This, Gentlemen, is a short Account, how it will appear upon the Evidence, as to the Conspiracy of Assassinating the King, and the several Meetings and Consultations about it; at which the Prisoner at the Bar, Sir *William Parkyns*, was present.

But, Gentlemen, there will be a little more Evidence, if it be necessary to confirm this former Evidence; and to shew the Part that the Prisoner at the Bar had in this treasonable, this barbarous Conspiracy: For it will appear, that, as the Prisoner had a Commission from the late King *James* to raise a Regiment of Horse,
and

and had sent a Messenger into *France*, to invite the late King over, with 10000 *French*; so he had made great Preparation of Arms to be ready for that Purpose. About *Michaelmas* last the Prisoner at the Bar sent a Parcel of Goods, as he called them, which were put into Cases, I think they were about eight small Boxes, put into very large Cases, and sent down by his Order into the Country, unto one *Haywood*. It seems this *Haywood* had married Mr. *Charnock's* Sister, and *Charnock* writ a Letter to him, and desired that he would give Sir *William Parkyns* Leave to lodge some Goods there, which were of great Value, and he durst not trust them at his own House in *Warwickshire*, because his Servants were not there to look after them, and accordingly upon that Letter Mr. *Haywood* did give Leave that the Goods should be carried thither, and they were so, and there they were lock'd up privately, and kept till this barbarous Conspiracy was discovered; then you will find the Prisoner at the Bar sent his own Servant down, the *Tuesday* after the Discovery, and gave him Orders immediately (his Name is *Eubank*, and he is the Groom, and looks after his Horses) to go down to *Warwickshire* to one *Evans*, who carried the Goods, and desire him with all Speed to remove those Goods, and to take Care to remove them privately, and to secure them, and to hide them. And Accordingly on *Wednesday* he came there, which was *Ass-Wednesday*; and acquainted *Evans* with what Sir *William* had ordered him, and they went that very Night with a Cart to Mr. *Haywood's*; and though it was late, and they were desired to stay till the next Morning, they would not; they said they could stay no longer, but would remove the Goods immediately; and accordingly they were carried from thence that Night, to Sir *William Parkyns's* own House in *Warwickshire*; and there they were buried in the Garden. These Goods that were of this great Value were put into the Ground to preserve them. But after this Discovery, Sir *William Parkyns* being accused, and his Name put in the Proclamation, and a Search being ordered to be made at his House, these Goods that lay hid at *Haywood's*, and upon the Removal thence were thus buried in the Ground, came to be discovered, and the Cases were broke open, and then they did appear to be Goods of an extraordinary Nature indeed, for you will find they were Horse Arms for Troopers; there were two and thirty Carbines, five and twenty Cases of Pistols, and about forty odd Swords without Hilts upon them, but the Hilts lay loose by them; so that this will make it apparent, without Dispute, how far the Prisoner at the Bar has engag'd in this Conspiracy, and what Preparations he had made for the Execution of it.

Gentlemen, it will appear farther against the Prisoner at the Bar, that he hath had a considerable Number of Horses, that have frequently been brought up from his House in *Hartfordshire*, to the *George-Imm* in *Holbourn*.

But before we come to that, I would acquaint you with another particular Part of our Evidence, that is precedent in Point of Time. About *Christmas* last, the Prisoner did acquaint one *Sweet*, who is an Officer in the Excise, (and I am very sorry that we should have any such Officers, that should be thought fit to be intrusted with Secrets of this Nature) Sir *William Parkyns* acquainted this *Sweet*, and gave him an Account that he

had long had an Assurance that King *James* would land, but now he had it under his own Hand, that he would land very speedily, and that he had made Preparations for that Purpose to meet him. That great Things were expected from him; that his own Troop was ready, and it consisted chiefly of old Soldiers; and that several Persons who had been Officers would be Volunteers under him. He said he intended to go into *Leicestershire*, and there he was to meet several Gentlemen from the North, and from the West, to consider, and settle a Correspondence how to meet the late King upon his Landing; and accordingly Sir *William Parkyns* did go, and you will have an Account that he came to *Leicester* on *Friday* Night, one *Scudamore* went along with him, there he staid all *Saturday*, and a good Part of *Sunday*. There came several Persons to him while he was at *Leicester*, particularly one Captain *Yarborough*, the Son of Sir *Thomas Yarborough*, and a Parson, who said they came as far as from *York* to meet Sir *William Parkyns* at *Leicester*; and there was great Resort thither at that Time, as you will hear from the Witnesses. Sir *William Parkyns* came back again from *Leicester* to *Brick-hill* that Night, and returned to his own House on *Monday* Night; and after his Return, he acquainted this *Sweet*, that he had been his Journey to *Leicester*; that he met with several Gentlemen there from the North, and other Places, and had settled a Correspondency, and had found them all fully engaged, and well inclined, all went well, and there was no Danger of any Miscarriage at all; and this was about *January* last, that this Expedition was made by the Prisoner.

And now Gentlemen, as to that Particular about the Horses, which were so frequently brought up this last Winter from his House in *Hartfordshire*, to the *George-Imm* in *Holbourn*, there is one very unfortunate Circumstance that attends this Matter; that is, that these Horses were brought to Town just the several Nights before the King was to be assassinated; for upon *Thursday* the 13th of *February*, he being in Town, sent Directions to his Groom, to bring up three of his Horses on *Friday*, which was the 14th in the Afternoon, and all these Horses were furnish'd with Pistols and Furniture for Troopers; according to those Directions his Servant brought up the three Horses, and he came and acquainted his Master that they were brought up according to his Order; Sir *William Parkyns* was then at his Lodgings, which were in the same House where Mr. *Charnock* did lodge; when his Man had told him the Horses were come, he pretended at first that he had some Thoughts of going out of Town that Evening, but that he had changed his Mind, and would go in the Morning, and he would have the Horses ready against the next Morning, which was *Saturday* the 15th, the first Day upon which the Assassination was intended to be put in Execution.

The next Morning when his Man came to him again, he had changed his Mind, and he would not go out of Town in the Morning, but he would go in the Afternoon; and it will appear that he did not go out of Town that Day, nor the next Day, nor till *Monday*; and then the Design had miscarried by the King's not going abroad a *Saturday*, and the Horses were carried back; and when he went out of Town upon *Monday*, one *Holmes* went along with him, and he went with

with him to his House in *Hartfordshire*; and there he staid until *Friday* after, which was the Day before the next Time that was appointed for the Execution of the Affassination. And upon the *Friday* they came up again, and then there were more Horses, four or five, that were brought up that Day; and all of them with Pistols, and Jack-Boots, and other Furniture and Accoutrements for Troopers; and these came to the *George-Inn*, where *Sir William Parkyns* gave his Man *Eubank* particular Orders, to be very early the next Morning at *Kensington*; that was the 22d, and he was to go, as he told him, to one *Brown*, that he said was concerned in the King's Kitchen, and liv'd two Doors off the Gate that turns up to the King's House, and he was to tell him he was *Sir William Parkyns's* Servant, but that he came from a Man that lodg'd at a Confectioner's House over-against *Gray's-Inn*; in which Place, by the Description of the Person, you will find *Sir George Barclay* lodged.

The Man went accordingly at Eight a-Clock in the Morning to *Kensington*, and inquired out this *Brown*, and met with him, and told him he was *Sir William Parkyns's* Servant, but came from the Gentleman that lodg'd at the Confectioner's in *Holbourn*. *Brown* said he had nothing to say to him, but bid him give him his Almanack, and he writ in it, that he would be in Town in two Hours himself, and wait upon him: And bid him carry that to the Man that lodg'd at the Confectioner's, and this *Brown* by the Circumstances of the whole, must probably be one of the orderly Men who lodg'd at *Kensington*, to give Notice when the King, and the Guards went out.

Sir William Parkyns's Servant came back to the Confectioner's House, and there he met with a Man that went by the Name of *Rogers*; he'll tell you he was a *Scotch* Man, for he spoke broad *Scotch*, and he'll give you a particular Description of the Man, by which I believe it will appear that it was *Sir George Barclay*. *Sir William Parkyns's* Servant, after he had deliver'd his Message to this *Rogers*, came back to his Master, and told him he had done his Errand according as he was order'd, and *Sir William Parkyns* ask'd him what *Rogers* said, and he told him that he bid him tell his Master, if he would come to him he would be ready at home for him. This was upon *Saturday* Morning the 22d of *February*.

About Eleven a-Clock that Day *Sir William Parkyns*, and this *Lewis* that we spoke of before, came to the *George-Inn*, and there *Sir William Parkyns* ask'd his Servant whether he had receiv'd any more than two Saddles, for there were two Saddles sent in thither, according to an Order that had been given, to furnish two other Horses that stood there at the *George-Inn*, and which *Sir William Parkyns* told his Groom belonged to two Friends of his, and bid him be sure to take care of them, and to see them well fed, and order'd two Saddles to be bought for them. *Lewis* said he did think they had more than two, but you will see by the Evidence that this same *Lewis* had provided thirty Saddles for *Sir William Parkyns*; but there seem'd to be a Controversy between them at that Time how many had really been sent in, and *Lewis* affirm'd there was twenty-four, but *Sir William Parkyns* said, I have had but twenty two of the thirty yet, for I have but two brought in here, and I had twenty before. This you will hear fully proved, and I think it is impossible for

any Body to believe, but that all this Preparation of Saddles, Pistols, Boots, and other Things, must convince any Body of the Prisoner's being so far engaged in this Design, that he can never answer it without giving you a very good Account, what this Preparation was for.

Gentlemen, a great Part of this will be prov'd to you by one that acted in it, as a Servant to *Sir William Parkyns*, that is, as to the coming up of the Horses, Jack-boots, Pistols, and other Arms at that Time; and that when on the last *Saturday* it was disappointed, all the Horses, not only those *Sir William Parkyns* brought, but the other two went away in a great Hurry and Confusion, and nothing was ever heard of them more; and that will be prov'd by the Servants in the very *Inn*.

Gentlemen, I have now open'd to you the Nature and State of the Evidence, we will call our Witnesses, and make it out very undeniably, and substantially, and therefore I will not give you any farther Trouble.

Mr. Sol. Gen. Call Mr. Porter (who was sworn.) Mr. Porter, pray will you give the Court and the Jury an Account of the Meeting at the *King's-Head* in *Leadenball-street*; and who was there, and what Resolutions, and Agreements they came to?

Capt. Porter. About the latter End of *May* last, or the Beginning of *June*, there were two Meetings had, the one was at the *King's-Head* in *Leadenball-street*, the other was at Mrs. *Mountjoy's* near *Sir John Fenwick's*. At the first Meeting there was my Lord of *Ailesbury*, my Lord *Montgomery*, *Sir John Freind*, *Sir William Parkyns* the Prisoner at the Bar, *Sir John Fenwick*, Capt. *Charnock*, Mr. *Cock*, and my self. Mr. *Goodman* came in after Dinner, and there we consulted which was the best Way for King *James's* coming in, and we all resolv'd to send a Messenger to him, to invite him over, and to desire him to interpose with the *French* King for the getting 10000 Men, to come over with him, 8000 Foot, 1000 Horse, and 1000 Dragoons. It was then consider'd who should be sent, and all the Company agreed Mr. *Charnock* was the properest Person. Says Mr. *Charnock*, if you send me, pray tell me what Errand I shall go upon: We did likewise then agree, that he should assure the King, if he would come over, at such a Time, we would meet him with a Body of 2000 Horse.

Mr. Att. Gen. Did *Charnock* undertake to go upon that Message?

Capt. Port. Yes, he did, and to propose this Matter to him, that he might propose it to the *French* King for the getting of the Men.

Mr. Sol. Gen. Before you go away, I desire to ask of you one Thing, did *Sir William Parkyns*, the Prisoner at the Bar, agree to the Message?

Capt. Porter. Yes, he did.

Mr. Sol. Gen. Had you any other Meeting about this Business, and when was it, and who was there?

Capt. Porter. My Lord, Capt. *Charnock* said at first he would not go of a foolish Message, and thereupon we all agreed to be at the Head of 2000 Men to meet King *James* at his Landing, and every one should bring his Quota.

Mr. Att. Gen. When was the second Meeting, and where was it, and who were there, and what was agreed upon?

Capt. Por. The second Meeting was at Mrs. *Mountjoy's*, where Captain *Charnock* desired us once more to meet, before he went away to know whether

whether we kept to our first Resolution, and we did agree to what was resolv'd upon at first, and he said he would go in two or three Days time.

Mr. *Att. Gen.* Did the Company agree to it then?

Capt. *Port.* Yes, they did, Sir, all that met at that Time.

Mr. *Sol. Gen.* Pray name them over again, who they were.

Capt. *P.* Sir *William Parkyns* was actually there, and my Lord of *Ailesbury*, and Sir *John Freind*, and Capt. *Charnock*, Mr. *Cook*, and myself; I cannot tell whether my Lord *Montgomery* was there, or Mr. *Goodman*.

Mr. *Att. Gen.* Pray when did you see Capt. *Charnock*, or speak with him, after that?

Capt. *P.* It was when I was in Prison about the Riot, and he told me he had been there; but there would be nothing done in that Matter at present, for King *James* said, the *French King* could not then spare so many Men, though he thanked us for our kind Offer; And he said he had been with my Lord of *Ailesbury*, Sir *William Parkyns*, and the several other People of Quality, which he did not name, and had carried them the particular Messages that he had in command from the King to carry to them.

Mr. *Att. Gen.* Now, pray tell us, what you know about the Design of Assassinating the King, and what Hand the Prisoner at the Bar was to have in it.

Capt. *P.* About some Weeks before I heard of the Assassination, I came to lodge in the House in *Norfolk-street*, where Captain *Charnock* lodged; and where Sir *William Parkyns* lodged when he came to Town. Most commonly we used to go in the Evening to the Tavern, or drink a Bottle of Wine at our own Lodgings; and one Morning I ask'd Mr. *Charnock*, if I should see him at Night? he said he was engaged in private Company for that Night, and he could not go with me to the Tavern. For, says he, there are some Gentlemen that are lately come from *France*, and there is something to be done for the King's Service. If there be so, says I, pray let me be concerned; Says he, they are but newly come, and they will see no Body else but me at present. A little after I fell sick of a Fit of the Gout, and Mr. *Charnock* came to visit me, and we fell into Discourse, and I asked him about those Gentlemen that were come from *France*, what they came about? he told me it was Sir *G. Barclay* that came from *France*, and several other Officers with him, and that he had a Commission from the late King *James* to levy War against the Person of King *William*, or the Prince of *Orange*, as I think it was named in the Commission.

L. C. J. Who told you this?

Capt. *P.* It was Capt. *Charnock*: he desired to know how many Men I could bring. I desir'd a little Time to consider, but I said there would be a great many would join if the King landed, whom I did not think fit to trust with a Thing of this Nature before-hand. Some few Days after, Capt. *Charnock* came into my Chamber, and brought Sir *George Barclay* and Major *Holmes* that said he was come from *France*; and there we had little more but a general Discourse: But a little after that I got well of the Gout, and we had several Meetings at several Places; at the *Globe Tavern* in *Hatton Garden*, at the *Nagg's-head* in *Covent-*

Garden, and at the *Sun* in the *Strand*, where Sir *William Parkyns* was always present. And there we did consult of the best Ways to assassinate the King, as he came from *Richmond* after Hunting. Sir *George Barclay* said, he had received 800 *l.* from King *James's* Secretary towards the buying of Horses, and furnishing both Horses and Men for the Expedition; and it was consider'd of how many Men it would be necessary to bring. The Number agreed upon was about Forty, of which Sir *George Barclay* was to provide Twenty, I promised to bring Seven or Eight, Sir *William Parkyns* engaged to bring Five, whereof three should be mounted, with his own Men, and the other two my Men were to mount upon.

Mr. *Att. Gen.* Do you know the Names of those People that he was to mount?

Capt. *P.* I never had the Names myself.

Mr. *Att. Gen.* Well, what was done after these Consultations?

Capt. *P.* I asked Captain *Charnock* one time, if I might not see the Commission that King *James* had given; he said he had never seen it himself, but Sir *William Parkyns* had. I asked Sir *William Parkyns*, one Evening as we were smoaking a Pipe by the Fire side, whether he had seen the Commission: He said, he had; and that because King *James* would not trust any of his Ministers, it was written and signed with the King's own Hand.

Mr. *Att. Gen.* Pray did he tell you what it was for?

Capt. *P.* He said it was for raising, and levying War upon the Person of the King, but I do not know whether he called him King *William*, or the Prince of *Orange*; but I suppose it was the Prince of *Orange*.

Mr. *Att. Gen.* Pray then give us an Account of your going to view the Ground, where it was most convenient to do the Business.

Capt. *P.* There were several Propositions about the Place where it was to be done, one was to be on the other Side of the Water by Ambuscade in *Richmond Park*, the other was to be on this side of the Water after the King was landed. Sir *G. Barclay* was for that that was upon the other side of the Water; I thought that it would take up too much time to go over thither, that it was better to be done on this side; but because there was Difference of Opinions, it was resolv'd upon that some Body should be appointed to view the Ground; and I was appointed for one, Mr. *Knightley* for another, and Mr. *King* would needs go with us for a Third; and we three did go. We lay all Night at *Knightsbridge*, and the next Day went, and viewed the Grounds on both Sides the River; and came back that Evening to the *Nagg's-head* according to Appointment, where was Sir *William Parkyns* the Prisoner, and Sir *George Barclay*, and Mr. *Charnock*, and we gave an Account that we had view'd both Places: And upon our Report it was resolv'd, that it should be done on this Side the Water, in the Lane between *Brentford* and *Turnham-Green*.

Mr. *Att. Gen.* Are you sure Sir *William Parkyns*, the Prisoner at the Bar, was there, at that Meeting at the *Nagg's-head*?

Capt. *P.* Yes, he was.

Mr. *Att. Gen.* Did he agree to that Resolution?

Capt. P. It was in general agreed to by all that were there.

Mr. Att. Gen. Pray, Capt. Porter, then give us an Account of the Days that were fixed for the Execution of this Design.

Capt. P. There was *Saturday* the 15th, and *Saturday* the 22d, because *Saturday* was the Day the King used to go a Hunting and Shooting.

Mr. Att. Gen. Were there any Men at *Kensington*, to give you Notice when the King went abroad?

Capt. P. There were two Men that had a Lodging at *Kensington*, the one was one *Chambers*, who belonged to Captain *Charnock*, and the other was a *Fleming*, one *Durance*, who came over with Sir *G. Barclay*, and he went every Day, and thrust himself among the Guards to bring Intelligence.

Mr. Sol. Gen. What was the Reason the Design was not executed?

Capt. P. The first Day *Durance* brought Notice in the Morning, that the Guards were gone abroad; and afterwards there came Notice, that the King would not go abroad that Day, for which Reason we adjourned it to the next *Saturday*.

Mr. Att. Gen. What was the Method you was to take in the Execution?

Capt. P. The Method agreed upon was this: There was one *Rookwood* that came from *France* upon this Expedition, he was to command one Party, and Captain *Charnock* and myself were to command another Party, to attack the Guards, and Sir *George Barclay* was to have four Men out of each Party to attack the Coach, while we attacked the Guards.

Mr. Att. Gen. Well, you say the first Day you was disappointed by the King's not going, when was the next Meeting?

Capt. P. The next Meeting was upon *Friday* the Day before the 22d. I was sick all the Week, and I do not know whether I lay a Bed all the Week, or no; but upon *Friday* they met, and it was at the *Sun Tavern* in the *Strand*: There was none but Sir *George Barclay*, Capt. *Charnock*, Sir *William Parkyns*, and myself.

Mr. Att. Gen. What Discourse was there then?

Capt. P. Sir *George Barclay* came in, and said, he was afraid the Thing was discovered; I told him I fancied not, for if it had, we should not have been in that House at that time. Then, says he, let us go on, and try another Day. Sir *William Parkyns* was asked if his Horses were come to Town: He said they were come to Town that Night. Said I, I have had a Misfortune with my Horses, two of them are fallen lame, and won't be fit for Service. Says he, if I had known that, I could have brought more Horses out of the Country: But, says he, I will send to Mr. *Lewis*, who was Gentleman of the Horse to my Lord *Feverisham*, and I believe he can help us to more Horses; he will be with me to-morrow Morning, and I'll get a Note from him for two more. In the Morning I sent to him, and he sent me a Note for two Horses, to mount my Men, and he sent me Word Mr. *Lewis* could help me to two or three others, that they were all three saddled, and one was accoutred with Holsters and Pistols, but the other two had only Saddles. I did not see Sir *William Parkyns* on *Saturday* the 22d, but I met some of my Friends, who were to go along with me upon this Enterprize, and we had first Notice that the Guards were gone abroad, and

that the King would go, at which all were very glad: But when we had Notice that the King did not go, we were afraid the Thing was discovered, and I went out of Town, and I did not see any of them afterwards, till they were taken.

Mr. Att. Gen. Pray Capt. Porter, have you heard any thing from Sir *William Parkyns* of his having a Commission from King *James*?

Capt. P. I have heard Captain *Charnock* ask Sir *William Parkyns*, why he did not go along with us in this Expedition? he said he did not go, because he could not go.

Mr. Att. Gen. Was he not to be one in the Number that was to act in the Assassination?

Capt. P. No, he said he had other Business to do, he had a Regiment to look after.

L. C. J. How many Horses had you from *Lewis*?

Capt. P. I had never a one, only Sir *William Parkyns* sent me Word, if I wanted I might have three, for I had told him I would not send for them, till I heard whether the King went abroad, and then I had Notice that the King did not go.

Mr. Att. Gen. Had you a Note for them?

Capt. P. Not for those three Horses, but *Cranbourn* said he had a Note for two Horses.

Parkyns. Did he say he had a Note from me?

Capt. P. No, I don't say so, Sir *William*; *Cranbourn* told me, he had a Note whither to go for them.

L. C. J. Will you ask him any Questions, Sir *William*?

Par. No, my Lord.

Juryman. My Lord, I desire he may be asked, Whether at any of those Meetings there was any Discourse of the Assassination before Sir *William Parkyns*?

L. C. J. What say you to that, Captain Porter?

Capt. P. Yes, he was at all the Meetings and Consultations.

Jurym. Pray my Lord, I desire to know, whether Sir *William Parkyns* discoursed of it himself, and what he did say about it?

Capt. P. I cannot say exactly, what he did say in particular, only he agreed to it, and was to furnish five Horses for it, and said it was necessary to be done; for it would bring the King in more easily, though he could not personally engage in it himself, because he had other Business, he was to look after his Regiment.

Mr. Sol. Gen. If Sir *William Parkyns* will ask Captain Porter no Questions, we will go on to our next Witness, which is one *Abraham Sweet*, whom Mr. Attorney mentioned.

(He was brought in and sworn.)

Mr. Sol. Gen. Mr. *Sweet*, will you give the Court and Jury an Account, what Sir *William Parkyns* said to you about King *James's* Landing?

Mr. Att. Gen. Pray, will you give an Account what Discourse you had with Sir *William Parkyns*, the Prisoner at the Bar, about King *James's* returning and landing with *French* Forces?

Sweet. Sir *William Parkyns* did tell me, that he did expect King *James's* Landing, and he said his own Troop was composed of old Soldiers.

Mr. Att. Gen. How long have you known Sir *William Parkyns*?

Sweet. This three Years.

Mr. At. Gen. Pray tell the Time when this Discourse was, about what Time was it?

Sweet. This was since *Christmas*, about *Christmas* last.

Mr. At. Gen. Where was it that you had this Discourse?

Sweet. It was about his own House.

L. C. J. What Discourse?

Sweet. We were talking about King *James's* coming.

L. C. J. Who told you that King *James* was coming?

Sweet. Sir *William Parkyns*.

Mr. At. Gen. What did he say?

Sweet. He said he had bought a great many Saddles, thirty Saddles; and that his own Troop was composed of all old Soldiers.

Mr. At. Gen. Did he tell you of any Assurance that he had of King *James's* Landing?

Sweet. Yes, he said he had the King's Word for it.

Mr. At. Gen. Was there any Discourse between you about any Journey that Sir *William* was to take?

Sweet. Yes, he did tell me he was to go into *Leicestershire*, and was to meet several Gentlemen in *Leicestershire*; and he did go, and after he came back again, he said he had met his Friends, and all was well, and that the West was as much inclin'd to King *James's* Interest as the North, and that a Lord's Brother was concerned.

Mr. At. Gen. What other Discourse had you about this Matter?

Sweet. Nothing else, as to Particulars, that I can remember.

Mr. At. Gen. What Orders had you to come up to Town in *February*, and when, and from whom?

Sweet. Sir *William Parkyns* sent for me, and he sent me a Letter about the 11th of *February* that I should come to him the next Day, and I did come the next Day.

Mr. At. Gen. Whither did you come? Where did you find him?

Sweet. At his Lodgings in *Norfolk-street*, at the House where Mr. *Charnock* lodged; and after I had spoken with Sir *William Parkyns* about the Letter which he had sent me to come up, he told me, that the Business that he had designed for me, he did not think fit I should do, because of my Family.

Mr. At. Gen. Pray, what Directions had you from him, what you were to do when you went into the Country?

Sweet. When I went into the Country, he order'd me to go to his House, and send up three of the strongest Horses.

Mr. At. Gen. When was this, do you say?

Sweet. It was in *February*.

Mr. At. Gen. What Time in *February*?

Sweet. The Eleventh or Twelfth, which was *Wednesday*; and at my going away, he told me if I had not a Letter from him, the *Friday* following I should come to Town again. I did come to Town again, and then he asked me, if I had made Provision for my Family? I told him, no; then he asked me, why I came up to Town? he told me I might go into the Country again on the morrow Morning.

L. C. J. What did he tell you?

Sweet. He said I might go back again into the Country. I came upon the *Saturday* Morning to him,

Mr. At. Gen. Pray, what Day was that *Saturday*?

Sweet. I believe it was the 13th or 14th of *February*.

Mr. At. Gen. You say, *Wednesday* was the 12th.

Sweet. Yes, I believe *Wednesday* was the 12th, and I came to Town the *Friday* after that 12th, that was the 14th, and on the *Saturday* I went home again.

Mr. At. Gen. You say you came to him on the *Saturday* Morning, what passed between you then?

Sweet. I went the next Morning to Sir *William Parkyns's* Lodgings, but he was gone out, and had left Word, that I must come again about Eleven of the Clock: I did go about that Time, and he was not come in, and there I met one Mr. *Chambers*, and one Mr. *Lee*, whom I had seen there the Night before.

Mr. At. Gen. And what Discourse had you then with them?

Sweet. We had little Discourse, for I had only seen them the Night before; but I think *Chambers* told me he had been at *Kensington*, and I desired to know what News there; and he told me *William* kept as close as a Fox; and he shew'd me his Wounds, and said those Wounds wanted Revenge.

Mr. At. Gen. Where did he say he received those Wounds?

Sweet. At the *Boyne*.

Mr. Sol. Gen. Pray, Mr. Sweet, did he tell you for what Use his Troop was?

Sweet. He did not tell me positively; but I understood it to be to join King *James* when he landed.

Mr. Sol. Gen. Pray, Sir, where did you dine that *Saturday*?

Sweet. With Sir *William Parkyns*, and Mr. *Charnock*, and *Chambers*, and one or two more that I did not know.

Mr. At. Gen. Will you ask him any Questions, Sir *William*?

Parkyns. Did I tell you, Mr. Sweet, that I had a Troop of Horse?

Sweet. I will tell you your own Words, and no other: You said, Your own Troop was compos'd of old Soldiers.

L. C. J. Pray let me ask you one Question: How many Horses were you to bid the Man to bring up to Town?

Sweet. Three, my Lord.

Mr. At. Gen. And were they not his strongest Horses?

Sweet. Yes, my Lord, they were.

Mr. At. Gen. Did he say any thing to you about Volunteers?

Sweet. Yes, he said there were some Gentlemen that were Captains and old Officers, that would be Volunteers under him.

Parkyns. Pray, where were those Words spoken?

Sweet. Either in your House or in the Garden, I can't tell directly which, but some where about your House it was.

Par. Where is that House?

Sweet. In *Hertfordshire*.

Par. Then I am in your Lordship's Judgment, whether Words spoken in *Hertfordshire* can be an Evidence of a Treason acted here in *Middlesex*?

L. C. J. Sir *William Parkyns*, if there be a Design to kill the King, and there are several O-

vert-Acts to prove that Design, and one is in one County, and another is in another County, the Party may be indicted in either of the Counties, and Evidence may be given of both those Overt-Acts, though in several Counties. It is true, you being indicted in *Middlesex*, makes it necessary that some Evidence should be given of some Things done in *Middlesex*, as there is; as your Meeting at Mrs. *Mountjoy's*, and at the *Nag's Head* in *Covent-Garden*, and the *Sun* in the *Strand*, where were several Consults, which are Overt-Acts of the same Treason; and if Treason be committed in several Counties, the Party may be indicted in any one, and the Evidence may be given of Facts done in all.

Par. Then, Mr. *Sweet*, you do not say that I had raised a Troop, or would raise a Troop.

Sweet. I told you your own Words, that your Troop was made up of old Soldiers.

L. C. J. But yet I must tell you further, Sir *William Parkyns*, if I remember right there is Evidence given of a Discourse you had in *Norfolk-street*, where you lodg'd, and that is in *Middlesex*.

Par. My Lord, I did not observe that he said any thing of me about *Norfolk-street*.

Mr. At. Gen. Yes, this is what he says: You told him you had thought of a Business for him, but you would not engage him in it, because of his Family.

Par. Pray, Mr. *Sweet*, did I tell you any thing what you were to do?

Sweet. No, Sir, you did not.

Parkyns. I hope the Jury will take Notice of that: I did not tell him any thing that he was to do.

L. C. J. Well, that was no great Matter. Will you ask him any more Questions, Sir?

Par. No, my Lord.

Mr. Sol. Gen. Then our next Witness is *James Eubank*.

(*Who was sworn.*)

Mr. At. Gen. Do you know Sir *William Parkyns*?

Eubank. Yes, he is my Master.

Mr. At. Gen. What Servant was you to him?

Eubank. I was Groom to him.

Mr. At. Gen. How long have you been his Groom?

Eubank. Not a Twelvemonth yet.

Mr. At. Gen. Pray, first give an Account what Journey you took with him.

Eub. I went into *Leicestershire* with him.

Mr. At. Gen. Pray tell us what you know of that Matter.

Eub. Yes, my Lord, we went from our own House to *Stony-Stratford*, and there we lay all Night.

Mr. At. Gen. What Time was this?

Eub. I cannot tell the Day of the Month, it was in *January*.

Mr. At. Gen. What Day of the Week was it?

Eub. It was on a *Thursday*.

Mr. At. Gen. And where did you go from *Stony-Stratford*?

Eub. We came the next Day to *Leicester*.

Mr. At. Gen. Who went with him?

Eub. One Captain *Scudamore*.

Mr. At. Gen. How long did you tarry at *Leicester*?

Eub. When we came the next Day to *Leicester*, we staid there till *Sunday Morning*.

Mr. At. Gen. What Company came to your Master when he was at *Leicester*?

Eub. Sir, I am a Stranger, I know none of them, I was never there before.

Mr. At. Gen. Can you remember whether there was one *Yarborough* there?

Eub. There was one that said his Name was *Yarborough*.

Mr. At. Gen. Whence did he come?

Eub. He said he came out of *Yorkshire*.

Mr. At. Gen. Who came with him?

Eub. There was a Gentleman in black Cloaths, that said he was a Minister.

Mr. At. Gen. Did you observe any others that came thither to your Master?

Eub. It was Market Day, and I had my Horses to look after; there were a great many People went up and down Stairs, but whether they went to him, or no, I can't tell.

Mr. At. Gen. When did you come back again?

Eub. We staid there till *Sunday Morning*, and then we came away.

Mr. At. Gen. To what Place did you go that Night?

Eub. To a Town call'd *Brickbill*, and the Night following we came home.

Mr. At. Gen. Who came back with him?

Eub. None but Captain *Scudamore*, who went with him.

Mr. At. Gen. Whither did you go the next Day?

Eub. We came to *Bussy* about 8 a-Clock a *Monday Night*.

Mr. At. Gen. Well, after this, did you bring up any Horses to the *George-Inn* to your Master, and when?

Eub. Yes, three Horses.

Mr. At. Gen. Ay, when?

Eub. I cannot tell the Day.

Mr. At. Gen. What Day of the Week was it?

Eub. Upon a *Friday*.

Mr. At. Gen. What Month was it in?

Eub. Indeed, I can't say that.

Mr. At. Gen. Do you remember *Valentine's Day*?

Eub. Yes, it was upon that Day.

Mr. At. Gen. That is the 14th of *February*, a remarkable Day, and was then of a *Friday*, the Day before the Assassination was to have been executed. Whither did you bring them?

Eub. To the *George-Inn*.

Mr. At. Gen. How were they furnish'd? Were there Pistols upon them?

Eub. No, the Pistols were in Town, and the Horses were sent after my Master.

Mr. At. Gen. Where were the Pistols left?

Eub. Indeed, I don't know.

Mr. At. Gen. Pray, when you came to Town, did you go to your Master, and acquaint him with it?

Eub. Yes, Sir, I did.

Mr. At. Gen. Pray, what did he then say to you?

Eub. He said he thought he should go home that Night.

Mr. At. Gen. Did he change his Mind?

Eub. Yes, for he did not go till *Monday*.

Mr. At. Gen. Did he tell you he should go a *Saturday*?

Eub. Yes, he said he thought he should.

Mr. At. Gen. Did you come to him to know his Mind, and what did he say?

Eub. He said in the Morning, he would go in the Afternoon, but he did not.

Mr. At. Gen. Afterwards when did he go?

Eub. Upon Monday.

Mr. At. Gen. Who went with him that Monday?

Eub. One *Holmes*, a fat, thick Man.

Mr. At. Gen. Well, pray when did you come to Town again?

Eub. Upon the Friday following.

Mr. At. Gen. How many Horses did you bring up then?

Eub. On the Friday following we brought up Four; my Master himself came up with them.

Mr. At. Gen. Who came with him?

Eub. Mr. *Holmes*, and I, and another Servant.

Mr. At. Gen. How were the Horses furnish'd?

Eub. Every Horse had Pistols.

Mr. At. Gen. What did you bring beside? were there any Boots?

Eub. None but what we rid in.

Mr. At. Gen. Where did you leave those Horses.

Eub. At the *George* Inn in *Holborn*.

Mr. At. Gen. What Directions did your Master give you that Night for going the next Morning upon an Errand, and whither?

Eub. I had no Message from him, but there was a Note that I was to carry to *Kensington* to one *Brown*, and I was ordered to go to the Gentleman that lives within a Door or two next the Going into the King's Gate, I forget his Name, but this Man where *Brown* lodged belonged to the Court, some Officer in the Kitchen to the King; either Confectioner, or Cook, or something, and this Man lay there.

Mr. At. Gen. What was your Message to him?

Eub. I was to tell him, that I came to speak with one *Brown*, and that I came from a Gentleman that lay at the Confectioner's in *Holborn* over-against *Gray's-Inn*. I know the Gentleman by Face again if I see him.

Mr. At. Gen. Well, what did he say to you?

Eub. He bid me set my Horse at the *Red Lion*, and he would come to me presently; and so he did. Says he, I have no Business that I need to send; but I'll write in your Almanack, and you may carry it back and shew it him, that I will come to Town betwixt nine and ten o'Clock. I did go back and tell that Gentleman at the Confectioner's.

Mr. At. Gen. What kind of Gentleman was it?

Eub. A lusty Man, with a great Nose, and a black Wig, he speaks broad *Scotch*, and he was a swarthy colour'd Man, and he had a wide Mouth.

Mr. At. Gen. What Age was he of?

Eub. A middle-aged Man.

Mr. At. Gen. Pray, what did he say to you?

Eub. He ask'd me if I had seen the Gentleman. I told him, Yes. He ask'd me what the Gentleman return'd for Answer. I told him, he had writ in my Almanack, which I had shewn him, that he would be in Town between nine and ten o'Clock. He ask'd me then where I was going. I said, to my Master. Says he, tell your Master that I will be in my Chamber ready for him.

Mr. At. Gen. Did you go to your Master, and tell him so?

Eub. Yes, I did.

Mr. At. Gen. And what did he say to you?

Eub. He said he designed to go home in the Afternoon, and therefore bid me go to the Inn,

and make ready the Horses, and know what was to pay for them, and he would come by and by thither.

Mr. At. Gen. Did he afterwards come to the Inn?

Eub. Yes, Sir, about three or four o'Clock in the Afternoon.

Mr. Sol. Gen. Pray, who came with Sir *William Parkyns*?

Eub. One *Lewis*.

Mr. At. Gen. Do you know him?

Eub. I have seen him before with my Master.

Mr. At. Gen. What is he?

Eub. They say he is my Lord *Feversham's* Gentleman.

Mr. At. Gen. What did he say to you about any Saddles?

Eubank. They ask'd me what Saddles, and how many had been sent in there; and I said but two.

Mr. At. Gen. What said Mr. *Lewis*?

Eub. Mr. *Lewis* said there must be a Mistake, because my Master said he had but twenty-two, for he reckoned he had more, there should be twenty-four in all.

Mr. At. Gen. Did he say so, or Sir *William Parkyns*?

Eub. It was Mr. *Lewis* that said there were twenty-four, to the best of my Remembrance.

Mr. At. Gen. Where were they sent?

Eub. Indeed I know not, I never saw any of them but those two.

Mr. At. Gen. Who delivered those two to you?

Eub. My Master, Sir *William Parkyns*.

Mr. At. Gen. Who were those Saddles for?

Eub. They were for two Gentlemens Horses that were there.

Mr. At. Gen. Whose Horses were they?

Eub. They were not my Master's, but they stood at that Place.

Mr. At. Gen. Did your Master ever speak to you about them, to look after them?

Eub. He said, if at any time I was there, I should see that the Hoffer gave them their Corn.

Mr. At. Gen. Were they your Master's Horses, or not?

Eub. Not that I know of.

Mr. At. Gen. What Time did you go out of Town?

Eub. I went out of Town with them about four o'Clock in the Afternoon.

Mr. At. Gen. When did you hear from your Master after that?

Eubank. Upon Monday I had a Letter from him?

Mr. At. Gen. What was that Letter for?

Eub. It was to go to my Master's House in *Warwickshire*, to one *Richard Evans* that was his Servant, to whom he sent a Letter.

Mr. At. Gen. What were the Contents of that Letter?

Eubank. I did not see what they were, it was sealed.

Mr. At. Gen. Did you carry that Letter to *Evans*?

Eub. Yes, I did.

Mr. At. Gen. What Time did you come thither?

Eub. I came there a *Tuesday* at four o'Clock.

Mr. At. Gen. What did *Evans* and you do after you had read the Letter?

Eub.

Eub. We went to fetch some Boxes that my Master had order'd *Evans* to fetch home. It was about two Miles, or more from Home, at a Tradesman's.

Mr. At. Gen. What was his Name, was it *Haywood*?

Eub. Yes, I think it was something like that Name.

Mr. At. Gen. Did you go with *Evans* to fetch the Boxes from thence?

Eub. They had a Man that drove the Team to fetch them?

Mr. At. Gen. Were they carried in a Team then?

Eub. Yes, they were.

Mr. At. Gen. Were you there when the Goods were brought back?

Eub. Yes, I was at my Master's House.

Mr. At. Gen. What did they do with them?

Eub. They buried them in the Garden, Sir.

Mr. At. Gen. What, in the Boxes?

Eub. Yes, Sir.

Mr. At. Gen. How many Boxes was there?

Eub. Five or six, I think, I know not what was in them.

Mr. At. Gen. You help'd to bury them, did you not?

Eub. No; but I was there, I saw them buried.

Mr. At. Gen. Did *Evans* tell you what they were?

Eub. *Evans* told me they were choice Goods.

Mr. At. Gen. *Evans* told you so, did he?

Eub. Yes.

L. C. J. What Time of the Day or Night were they fetch'd Home?

Eub. They went away about four o'Clock in the Afternoon.

L. C. J. How far is it from Sir *William Parkyns's* House to *Haywood's*?

Eub. I think about three or four Miles, I can't tell how far exactly.

L. C. J. What Time did they return?

Eub. About ten or eleven o'Clock at Night.

Juryman. My Lord, I understand he says they buried them immediately, was he there, and did he help to bury them?

Eub. No, I did not help to bury them; but I saw Earth put upon them.

Mr. At. Gen. Pray, *Eubank*, let me ask you one Question: The Person that lay at the *Confessioner's*, did you observe whether he had a lame Arm, or no?

Eub. No, I did not take Notice of any such thing.

Mr. Sol. Gen. Will Sir *William Parkyns* ask him any Questions?

L. C. J. What say you, Sir *William*, will you ask him any Questions?

Park. You say one *Holmes* went out of Town with me, pray give an Account what *Holmes* that is?

Eubank. It is Fat Mr. *Holmes*, if it please your Honour, he lives at the *Golden Key* in *Holbourn*.

Park. My Lord, I observe this to distinguish it that it was not, as Mr. Attorney opened it, Major *Holmes* that is in the Proclamation; it was one that us'd to be at my House frequently; he was at my House all the Summer.

Mr. At. Gen. You did well to ask him that Question to explain it.

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

Par. No, my Lord,

Mr. Sol. Gen. Then our next Witness is one *Thomas Hipwell*; (who was sworn.)

Mr. At. Gen. Where do you live?

Hipwell. At _____ in *Warwickshire*.

Mr. At. Gen. With whom do you live?

Hip. I live of myself, Sir.

Mr. At. Gen. Do you know of any Goods that were carried from Mr. *Haywood's* House to Sir *William Parkyns's* House?

Hip. I came from *Litchfield* Fair upon *Ass-Wednesday*, where I had been to carry Goods for my Master _____

Mr. At. Gen. Did not you say you lived of yourself? I ask'd you before, who you liv'd with; who is your Master?

Hip. Mr. *Haywood*.

Mr. At. Gen. You said before, you had no Master.

Hip. That is, when he pleases to employ me, I work for him.

Mr. At. Gen. Pray tell what you carry'd from *Haywood's* House, and who came for them.

Hip. There were, to the best of my Remembrance, either seven or eight Boxes.

Mr. At. Gen. Who came for them?

Hip. There was one of Sir *William Parkyns's* Men, one *Richard Evans*, that was his Servant, and one *Wetstone*, that was Tenant to Sir *William*.

Mr. At. Gen. Well, how did they come, and what did they do?

Hipwell. They brought a Waggon and Two Mares.

Mr. At. Gen. About what Time was it?

Hip. It was about nine or ten o'Clock at Night when they went away.

Mr. At. Gen. What Orders had you from your Master?

Hip. It was near upon seven o'Clock, when the Waggon came, and my Master wish'd me to go to borrow a Mare of _____ at _____ I did so, and I brought the Mare I had borrowed with me home.

Mr. At. Gen. What was that Mare borrowed for?

Hip. I know not.

Mr. At. Gen. What Use was she put to afterwards? What did you see more?

Hip. Why, before the Team came (about a Quarter of an Hour before) to fetch these Goods, my Master told me, that Sir *William Parkyns's* Men were to come to fetch some Bedding and other Goods, what they were he knew not, and he order'd me, when they knock'd at the Gate, to let them in; and I did so.

Mr. At. Gen. Well, Friend, did they carry away any Goods, and what were they?

Hip. They were in Boxes, at first in three Boxes; and then Sir *William Parkyns's* Servant did knock off the outside Lining, which was a Deal Board, and he drew the Nails, and took out of two Boxes three Boxes a-piece, and two out of another: to the best of my Remembrance I think there were eight, but I am not sure whether there were seven or eight.

Mr. At. Gen. Did they carry them away that Night?

Hip. Yes, Sir *William Parkyns's* Man *Richard* and the Tenant carry'd them to the Waggon, and

and I lighted them down with a Lanthorn, according to my Master's Order.

Mr. At. Gen. When, what Day was this?

Hayw. It was *Asb-Wednesday* at Night.

Mr. At. Gen. Then set up Mr. Haywood. (*Who was sworn before.*) Pray give my Lord an Account, when Sir William Parkyns's Goods were brought to your House, who brought them, and what Directions were given about the careful Keeping of them.

Haywood. My Lord, about *Michaelmas* last, Sir William Parkyns's Man came to me with a Letter from one Mr. Charnock, and the Effect of the Letter, was to desire the Favour of me to lodge some Goods of Sir William Parkyns at my House; for he was taking his Servants from his House, and he was loth to leave his Goods in an empty House, and he desired me to let them lie at my House, which I did.

Mr. At. Gen. How were they put up?

Haywood. I think in three Chests, pretty big Chests, nailed up and tack'd; and there was a Bed, and Bedding, and a Piece of Tapestry or two.

Mr. At. Gen. Pray, did that Letter come from Mr. Charnock?

Haywood. Yes, *Evans*, Sir William Parkyns's Man brought it me.

Mr. At. Gen. Pray, Sir, how are you related to that Mr. Charnock? What Kin is he to you?

Haywood. I married his Sister.

L. C. J. You took the Goods into your Custody upon that Letter from Charnock?

Hayw. Yes, my Lord, I did.

Mr. At. Gen. Pray, will you give an Account, whether you were in Town before this Discovery, and had any Discourse with Mr. Charnock or Sir William Parkyns about these Goods? When did you see Mr. Charnock afterwards?

Hayw. I came up to *London* the 16th Day, and I was in *London* the 17th, 18th, and 19th; I think those three Days; and I went to see Mr. Charnock at his Lodgings, but I was hardly with him a Quarter of an Hour: I told him Sir William Parkyns had sent some Goods to my House, and I desired to know when he would fetch them away. Says he, I can't say when I shall see him again. Said I, I shall have some Business at the *Temple*, and I will meet you at the *Temple* Coffee-House. Says he, I will meet; And bring Sir William Parkyns with you if you can, said I: He came about Eight or Nine o'Clock on *Tuesday* Morning; says he, Sir William Parkyns is at my Lodgings, just a going out of Town, and would desire to see you. So I went up, and Sir William Parkyns was ready to go out of Town: I told him I had some Goods of his at my House, and I desired to know how he would dispose of them; what he would do with them: He would take them away, he said, the first Opportunity, or to that Effect.

L. C. J. When was this, what Month?

Hayw. It was in *February* last.

L. C. J. What Day.

Hayw. I think it might be about the eighteenth Day.

L. C. J. It was you that desired to have them taken away, it seems, was it not?

Hayw. I asked him when he would take them away, or what he would do with them.

L. C. J. And what Answer did he make?

Hayw. He said he would take them away the first Opportunity, as soon as he could dispose of them, or to that Effect.

Mr. At. Gen. Now, when you came home, tell us who came for those Goods, and when?

Hayw. I think it was upon a *Sbrove-Tuesday* that I came home, and my Wife said Sir William Parkyns had sent for his Goods, and desired to have them away, but that she had made Answer; I was not at home, but should be at home soon, and then he might have them away. The next Day I came home from *Litchfield* Fair, about Five or Six o'Clock at Night: It was *Asb-Wednesday* at Night when I came home, and the Man came to me between Six and Seven, and told me his Master desired to have the Goods away. I told him he might have them when he would; he said he would have them away that Night. I told him it was an unseasonable Time: But, says he, the Waggon is a coming, and I desire you would give me leave to take them away; which I did: Then he said he had but two Horses, and he desired me to lend him a Horse, which I did, and he took the Goods, and went away with them; but for what he did afterwards with 'em, I know nothing at all of it.

Mr. Sol. Gen. Then swear Mr. Whetstone.

(Which was done.)

Mr. At. Gen. Pray Sir, do you give an Account when you went with *Evans* to Haywood's House, and what happened.

Whetstone. His Man came to me—

Mr. At. Gen. Whose Man?

Whetstone. Sir William Parkyns's Man, to desire me to go to Mr. Haywood's to fetch some Goods of Sir William Parkyns, some Bedding, and some odd Things, which I did; and, said he, I will go the next Way to the House, and I will meet you before you can get thither; and he did meet me half a Mile off the House, and told me I must stay, and not come to the House 'till it was Night, 'till it was later.

L. C. J. Who told you so?

Whetstone. Sir William Parkyns's Man told me so; so he went forwards to the Gate, and then came back, and called me to come in; then we went to the House, and loaded the Waggon with Boxes and Bedding that was there.

Mr. At. Gen. How many Boxes were there?

Whetstone. I cannot tell whether there were seven or eight.

Mr. At. Gen. Whither did you carry them?

Whetstone. We carried them to Sir William Parkyns's House.

Mr. At. Gen. What was done with them?

Whetstone. There they were put into the Ground by the Wall Side, where they were found.

Mr. At. Gen. Why; was you present when they were found?

Whetstone. Yes, I saw them dug up.

Mr. At. Gen. Then you can give us an Account of them; What were they?

Whetstone. They were Arms.

Mr. At. Gen. How many were there? what Quantity?

Whetstone. Truly, I cannot tell.

Mr. Baker. Where is the Constable Thomas Watts?

Watts. Here am I. (*He was sworn.*)

Mr. At. Gen. Are you the Constable?

Watts. Yes, Sir, I am the Constable, and search'd Sir William Parkyns's House, and upon searching in the Garden I found some Arms there.

Mr.

Mr. *At. Gen.* Pray what Quantity of Arms did you find there?

Watts. Four Dozen of Swords, thirty-two Carbines, twenty-five Brace of Pistols.

Mr. *At. Gen.* What kind of Swords were they?

Watts. They were broad Swords, two-edged Swords.

Mr. *At. Gen.* Were there any Hilts to the Swords?

Watts. No, but there was a Box of Hilts that I suppose was prepared for them.

Mr. *At. Gen.* Where did you find them?

Watts. In a Border under the Wall by the Wall Side.

Juryman. Did you see the Boxes broke open, Sir?

Watts. Yes, Sir, I took them and broke them open my own self.

Juryman. Was *Whetstone* by, pray Sir, when they were broke open?

Watts. He was not there by at the first, when we dug them up; but I brought them to my own House, and there I broke them open, and there we saw them.

Mr. *At. Gen.* Will you ask him any Questions, Sir *William*?

Parkyns. No, Sir.

Mr. *Sol. Gen.* Then call *Turton*, *Freeman*, *Fielding*. (*Who were all sworn.*)

Mr. *At. Gen.* Pray set up Mr. *Freeman*.
(*Which was done.*)

Mr. *At. Gen.* Where do you live?

Freeman. At the *George Inn* in *Holborn*.

Mr. *At. Gen.* What are you?

Freeman. I am Hostler there.

Mr. *At. Gen.* Pray do you give an Account what Horses were kept there of Sir *William Parkyns*, and how many?

Freeman. He was a Guest to the House all this last Summer, sometimes more, sometimes less.

Mr. *At. Gen.* How was it last Winter about *February* last, how many Horses had he then?

Freem. He had sometimes three came in, sometimes four, the most that ever he had was five.

Mr. *At. Gen.* What time was that that he had five, pray?

Freeman. To my best Memory it was just the Week before the Disturbance, before the Plot broke out.

Mr. *At. Gen.* Before the Proclamation you mean?

Freeman. Yes, before the Proclamation.

Mr. *At. Gen.* When was it, what Day of the Week was it?

Freeman. They came in on *Friday* Night.

L. C. J. Holt. What; did five come in then?

Freeman. Yes, I think so.

L. C. J. H. Who was with him?

Freeman. I only saw his Groom and another Servant.

Mr. *At. Gen.* How were they accoutred?

Freeman. Four with Holsters and small Pistols, one was a led Mare with a Portmanteau; and in a Horse-cloth wrapp'd up there was one or two Pair of Jack Boots, and, I think, a Collar in one, I cannot tell whether there was one Bridle or two.

Mr. *At. Gen.* When did they go away?

Freeman. On *Saturday* in the Afternoon.

Mr. *At. Gen.* Did you observe any Persons to come there on *Saturday* Morning?

Freeman. There were two Men that were there that rid out between two and three Hours; they rid out between Nine and Ten, and they came in again between Twelve and One; where they had

been I cannot tell, but they had rid pretty hard for the Time they were out, for the Horses came in in a Sweat.

Mr. *At. Gen.* Before this Time that you now speak of, what Horses came up? can you remember how many Horses came up the Week before?

Freeman. The Week before there were some, but how many I cannot remember; they very rarely stay'd above a Night.

Mr. *At. Gen.* What do you know of any other Horses that were left there?

Freeman. There were three Horses that were at our House a Week, that were very good Horses, but I do not know whose Horses they were, nor the Names of the Gentlemen that owned them. The Gentlemen that brought them in paid for the Horses, only the Groom told me his Master, Sir *William Parkyns*, had ordered him to see the Horses fed. I never received a Farthing of Sir *William Parkyns*, but always of the Groom.

Mr. *At. Gen.* Pray, did you observe any particular Horse that was brought in there, a *Roan* Horse?

Freeman. Yes there was one Horse brought in.

Mr. *At. Gen.* From whence did that Horse come?

Freeman. As was told me, from *Montague* House.

Mr. *At. Gen.* I believe you mistake the Place, recollect your self a little.

Freeman. *Somerset* House, I mean; a Porter brought it.

Mr. *At. Gen.* Are you sure it was *Somerset* House?

Freeman. Yes, it was.

Mr. *At. Gen.* Do you know one *Lewis*?

Freeman. I do not know him, perhaps the Tapster does.

L. C. J. Holt. How many Horses came from *Somerset* House?

Freeman. Only the *Roan* Gelding, and a very fat Man mounted him, and rid out with Sir *William Parkyns*.

Par. Pray, Sir, what sort of Horse was that Bay Gelding that you say the fat Man rid upon?

Freeman. I say he rid upon a little *Roan* Gelding about fourteen Hands high.

Par. But the Bay Gelding, how high was that?

Freeman. About fourteen Hand high.

Par. There's your mighty Horse for Service!

Freeman. They were no great sized Horses none of them.

Par. And have not you known these Horses to have been mine a great while?

Freeman. Yes, I have known them to be yours a good while.

L. C. J. H. What; was the *Roan* Gelding Sir *William Parkyns*'s?

Freeman. No, not the *Roan*, but the others; they were no strange Horses, they were frequently there all last Summer; there was no new strange Horse but the *Roan*.

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

Par. No, my Lord.

Mr. *Sol. Gen.* Then set up Mr. *Turton*.

(*Which was done.*)

Mr. *At. Gen.* Pray will you give an Account what you know of Horses that were standing at the *George Inn* in *Holborn*?

Turton. I have known Sir *William Parkyns* to have used the Inn this four or five Years, ever since the Inn was built; and in last *February* he came to Town with three Horses the first Time.

Mr.

Mr. *Att. Gen.* What Day of the Month was that?

Turton. I cannot say what Day of the Month, but it was about the Week before his last coming there, which was just before the Discovery of the Plot.

Mr. *Att. Gen.* Do you know what Day of the Week it was?

Turton. No, truly I do not, for I keep no Account of Horses going in or out. The last time of his coming was with about four or five Horses, to the best of my Knowledge, and that was upon the *Friday* before the Plot broke out; and then upon that *Friday*, Sir *William Parkyns* gave order to his Groom to get the Horses ready against *Saturday* Morning.

Mr. *Att. Gen.* Did he go out with his Horses on *Saturday* Morning?

Turton. He did not go out with all the Horses according as he had given order; but two Gentlemen rid out with two of the Horses, and staid out about two or three Hours, and came in again, as if they had rid pretty hard, the Horses being in a Sweat; and in the Afternoon they all went fairly out of Town, and gave out that they expected to be in Town on *Sunday* or *Monday* following, but they did not return; but then came down one Mr. *Lewis*, I know not that *that* is his Name, only when I formerly belonged to my Lord of *Oxford*, I knew him to be Gentleman of the Horse to my Lord *Feversham*, but I did not know his Name.

Mr. *Att. Gen.* Had you not seen him there before? What time did he come?

Turton. I do not know that I ever saw him there before; he was on *Saturday* in our Yard.

L. C. J. H. You are asked when *Lewis* came?

Turton. The first time I see him was on *Saturday*, in the Yard asking for Sir *William Parkyns*.

L. C. J. H. What time on *Saturday* was that?

Turton. It might be three of the Clock in the Afternoon, about an Hour or thereabouts before Sir *William Parkyns*'s Horses went away; and asking for Sir *William Parkyns*, and he not being there, he returned back again; and after they were gone, he came again, and I told him they were gone, but the Groom had acquainted me, and given me an Account, that he would be there again on *Sunday* or *Monday*. On *Sunday* in the Afternoon about five or six, Mr. *Lewis* came to enquire if Sir *William Parkyns*'s Horses were come to Town; I told him no; and so he came again upon *Monday* Morning betwixt eight and nine of the Clock, and asked me if I heard nothing of his coming to Town; I told him no, I did not hear of his coming again.

Mr. *Att. Gen.* The Horses that came up on *Friday* Night, how were they accoutred?

Tur. Two or three of them had Holsters; I cannot say but for Pistols they had four or five Case.

Mr. *Att. Gen.* Had they no Carbines?

Turton. No, but only Horse-Pistols.

Mr. *Att. Gen.* Did you not observe any other Arms, or other Furniture?

Turton. I did see a Pair or two of Jack-Boots that they rid in, but I did not see any more.

Mr. *Att. Gen.* Were there any that were wrapt up in a Horse-Cloth?

Turton. No, I did not see any, they were not brought into the House.

Mr. *Cowper.* Do you know what time the Horses were saddled that Day?

Turton. No, I did not.

Parkyns. You observed, and said there were two or three Cases of Pistols, did not I always ride with Pistols?

Turton. Yes, you seldom came without two or three Pair when you came with Servants.

Parkyns. And as to the Jack-Boots, you said we rid in them.

Turton. I suppose so.

Parkyns. We alighted at Mr. *John*'s House, and so our Boots were sent thither: And these were small Horses all of them; pray will you tell the Court what siz'd Horses they were, was there ever a great Horse among them?

Turton. Never a one, I believe, that exceeded above fourteen Hands and a half, some under fourteen.

Mr. *Sol. Gen.* Did you see the Roan Gelding? what Size was that?

Turton. A small Pad that might be about thirteen and a half.

Mr. *Att. Gen.* Did you ever see him come with so many Horses before?

Turton. I have seen more at the Sword and Buckler, when I lived there; and he used to inn there.

Mr. *Att. Gen.* How many have you seen at the Sword and Buckler?

Turton. I have seen four or five at a Time, but this is many Years ago, seven or eight Years ago, when he used to keep his Coach and four Horses, and come up with several saddle Horses with him.

Mr. *Att. Gen.* How long have you lived at the *George* Inn?

Turton. About two Years.

Mr. *Att. Gen.* Did you observe any other Horses that stood there?

Turton. There were two that were pretty sizeable Horses, larger than any of Sir *William*'s own.

Mr. *Att. Gen.* Whose were they?

Turton. I cannot tell.

Mr. *Gtt. Gen.* Did any Body own them?

Turton. I don't know who owned them, there was one that paid for their Meat, and took them away.

Mr. *Att. Gen.* Who is that?

Turton. Truly, Sir, I cannot tell, I do not know who he was; I never saw him in my Life.

Mr. *Sol. Gen.* Has Sir *William Parkyns*, any more Questions to ask him?

Parkyns. No, Sir.

Mr. *Att. Gen.* Then, my Lord, we shall call no more Witnesses, unless he gives further Occasion, we leave it here till we hear what he says to it.

L. C. J. Sir *William Parkyns*, Mr. *Attorney General*, and the King's Council have done; now is your time to make your Defence.

Parkyns. My Lord, I rely upon your Lordship for my Defence; for I am ignorant of these Proceedings; I rely wholly upon your Lordship, to give a true Account of them to the Jury: I hope your Lordship is so just, that you will repeat the Evidence to the Jury as it is, and no otherwise. But I do not observe, that as to the Assassination there is more than one Witness, and that is Captain *Porter*: There is not a Tittle more! and as to that, I suppose your Lordship will declare to the Jury, that I was not concerned in it; and Captain *Porter* declares, I was to have no Hand in it, only I was to furnish five Horses, and accidentally I was at some Meetings, but he does not declare that I was to do any thing in particular.

L. C. J. Yes, yes, you agreed upon the Debates to the several Resolutions of Assassinating the King, and said, that it was necessary and fit to take him off.

Parkyns. Still, that is but one Witness, I deny it utterly, and the Law says positively there shall be two Witnesses.

L. C. J. Not to every Overt Act, there is no Law says so.

Parkyns. As to the Assassination there is but one, no other but he; and so as to the Regiment he did not say that I was to raise a Regiment; but that he was told by a Gentleman that I had been desired to be in the Matter, but I would not, because I had engaged in another Business, about a Regiment; but this was all but hear-say.

L. C. J. Yes, he said you owned you had a Regiment. Besides, it is said, you owned you had your Saddles, and your Troop consisted of old Soldiers.

Parkyns. No, Captain *Porter* never said so.

Mr. Att. Gen. That was *Sweet*.

L. C. J. You told *Porter*, you had a Regiment to look after.

Parkyns. Capt. *Porter* is here, I desire he would explain himself.

L. C. J. Yes, and you told *Sweet*, that your Troop consisted of old Soldiers, and that you had bought thirty Saddles.

Parkyns. My Troop, aye! But still there was nothing of a Regiment; nor did they say I had raised a Regiment, or a Troop, or was to raise a Regiment.

Sweet. You told me your Troop consisted of old Soldiers. I did not say that you said you had raised or would raise, but it did consist of old Soldiers.

L. C. J. He says that which makes it plain, that you were to have a Troop, or had a Troop, consisting of old Soldiers, besides Volunteers that had been Officers: and that you had bought a great many Saddles, thirty Saddles; and you were to go into *Leicestershire*, and accordingly you did go, and upon your Return, you did give an Account that all was well, and the *West* was as well inclined to King *James's* Interest as the *North*.

Parkyns. That I went into *Leicestershire*, and met several Gentlemen, and that they were all well inclined; I hope that is no Evidence of Treason against me: every Body ought to be well inclined.

L. C. J. Aye! but they were all well disposed or inclined to King *James's* Interest.

Parkyns. He did not say so; if your Lordship pleases to call him again.

L. C. J. Call him again.

(*Sweet was set up again.*)

Mr. Sol. Gen. What did Sir *William Parkyns* tell you of his Journey into *Leicestershire*?

Sweet. He said he had been there, and had met his Friends, and all was well.

L. C. J. What did he say? Did he name King *James*?

Sweet. He did not name King *James* to me at that time.

L. C. J. What was the Discourse about, that they were all well inclined to?

Sweet. He always named it the King's Interest, and did not name King *James*, but I understood it, and always took it to be King *James* he meant.

Mr. Mountague. What did he say of the *North* and *West*?

Sweet. He said that the *West* was as well inclin'd to the King's Interest as the *North*.

Mr. Att. Gen. What did he say before he went?

Sweet. He told me he was to go into *Leicestershire*, to meet some of the King's Friends.

Parkyns. Pray, recollect yourself, and consider what you say.

Sweet. He said some Gentlemen rid as far to him, as he did to meet them.

Mr. Att. Gen. Was that the Time he talked about the Troop?

Sweet. No, that was before this Time. I cannot remember the particular Time; it was at his own House, and Captain *Scudamore* was with him.

Mr. Att. Gen. When was the Discourse about King *James's* Landing?

Sweet. He told me that he believed now that King *James* would land, he said he had his own Word for it, it was about *Christmas*.

Mr. Att. Gen. What did he say about Preparation for it?

Sweet. He said his own Troop was to consist of all old Soldiers.

L. C. J. Did he tell you he had a Troop?

Sweet. I speak his own Words; he said, My Troop consists of all old Soldiers.

L. C. J. Was it consists, or will consist, though I think there may be no great Matter of Difference in this Case?

Parkyns. Yes, my Lord, but there is a great deal, sure, for *will consist* shews nothing yet done, and all is but Words.

L. C. J. *Sweet*, Answer to Sir *William Parkyns's* Question.

Sweet. I tell your Lordship, I repeat his own Words, my Troop consists or is composed of all old Soldiers.

Mr. Cowper. What did he say of Volunteers?

Sweet. He said, there were some Gentlemen that would go along with him as Volunteers, that had been old Officers.

Mr. Cowper. Pray, let me ask another Question? when he discoursed of the present King, by what Name did he use to speak of him?

Sweet. He called him by the Name of the Prince of *Orange*.

Parkyns. Pray, recollect yourself, *Mr. Sweet*, and think of what you say, since he was declared King, did I ever call him Prince of *Orange*? I am upon my Life, and pray speak nothing but the Truth.

L. C. J. Consider, and answer the Question, what did he use to call him?

Sweet. Truly, my Lord, I am not positive as to that, I understood it so. I never knew that he allowed him to be King of *England*.

Parkyns. Did you ever hear me call him Prince of *Orange*, since he was King?

L. C. J. Look ye, Sir, how long have you been acquainted with him?

Sweet. About three Years, my Lord.

L. C. J. Well, that is long since his Majesty was declared King; have you ever heard Sir *William Parkyns* call this King Prince of *Orange*?

Sweet. I am not positive in that, but I understood he did not allow him to be King.

Mr. Sol. Gen. You frequently discoursed with him about the Government it seems; pray what did he use to call him?

Sweet. I have heard him call him King *William*, and the little Gentleman.

Parkyns.

Parkyns. When ever did you hear me call him the little Gentleman? *Mr. Sweet,* pray, when you are upon your Oath consider well, and recollect yourself, and don't answer rashly and suddenly, but think of what you say. I always express'd myself, when I had occasion to speak of him, and called him King *William*, as other People use to do, I never used the Words, little Gentleman, nor Prince of *Orange* neither.

L. C. J. Did you ever hear him call him otherwise than King *William*?

(He paused a while.)

L. C. J. Pray speak the Truth, and no more.

Sweet. I have heard him call him Prince of *Orange*.

L. C. J. But you have heard him call him King *William* too?

Mr. Sweet. Yes.

Mr. Cowper. But pray, when he spoke of the King, what King did you understand by it?

Sweet. I used to understand King *James*.

Parkyns. What is that to me what he understood?

L. C. J. But I would observe to you one thing, when you came from *Leicestershire*, you talked how well disposed they were to the King's Interest; he says, he understood that King to be King *James*, and you said the *West* was as well disposed as the *North*; pray now were you employed by King *William* to see how the Gentlemen stood affected to him?

Parkyns. No, nor by King *James* neither.

L. C. J. Why then should you concern yourself for the King's Friends, in the *West* and the *North*?

Parkyns. I never was in the *West* in my Life, and therefore I can't tell why I should tell him any thing about the *West*.

Mr. Att. Gen. Pray, Sir, when was it that Sir *William Parkyns* spoke about the King's landing?

Sweet. It was about *Christmas*, he said he believed he would land.

Parkyns. Did I tell you positively it would be so then?

Mr. Att. Gen. He tells you he said you did believe it, for you had it from his own Mouth.

Parkyns. That shews it is not probable I should tell him so, that I should have it from his own Mouth, carries such an Improbability with it, that the Evidence is *Felo de se*, it destroys itself.

Mr. Sol. Gen. He does not say you had it from his own Mouth, but that you had his Word for it, and this being about *Christmas*, long after our King was returned, it could mean no other King but King *James*.

L. C. J. Look you, Sir *William Parkyns*, there is another thing I would observe, why did you send your Man to *Kensington* to one *Brown*? Who is that *Brown*, and what was the Man that lodged at the Confectioner's in *Holborn*?

Parkyns. I cannot tell who it was, I know neither *Brown* nor the other Man, but I sent my Man at the Request of *Mr. Charnock*, who lodged in the same House with me; he desired he might go upon an Errand for him to *Kensington*, and I directed him to go upon such an Errand, for he was formerly *Mr. Charnock's* Servant, and I desired him to go of the Errand if he requested it. Who these Men were, I know not, neither of them, nor any of their Business.

L. C. J. But he was bid by the Man that lodged at the Confectioner's to tell his Master that he would stay within for him.

Parkyns. That might be *Mr. Charnock*, for he was his Servant once.

L. C. J. But he says he carried the Message to you, and you received it. Well, have you any more to say?

Parkyns. My Lord, I think there is but one positive Evidence of any one Overt Act.

L. C. J. Yes, what do you think of the Design of bringing in King *James*, and consulting about it, and assisting in the Invasion, and preparing a Troop, and providing Arms and Horses? Are not these Overt Acts? Do you think your having a Troop of old Soldiers is no Overt Act?

Parkyns. There is no positive Proof of any Troop or any Arms.

L. C. J. It is proved there were Arms sent by you at *Michaelmas* last to *Mr. Haywood's*, *Charnock's* Brother in Law, and these lay there till *Ash-Wednesday* last, after your Name was in the Proclamation, and then they were removed in the Night, and buried at your House, and were taken up there, and here is an Account given what Arms they were, four Dozen of Swords, twenty-five Pair of Pistols, thirty-two Carbines.

Parkyns. First it does not appear when these Arms were bought, nor for what Intent they were brought from *Haywood's*.

L. C. J. But what Use had you, a private Man, for so many Arms? and then your going into *Leicestershire* to meet some Gentlemen, and your giving an Account how they stood affected to the King's Interest, whether that be understood for the Interest of King *James*, I must leave to the Jury, since you give no Account that you were employed by King *William*.

Parkyns. My Lord, I went upon my private Occasions, and then talked of News as other People do.

L. C. J. But when you returned back again, you declared all was well, and gave an Account how Persons were disposed in the *West* and *North*.

Parkyns. Is there any Persons named, or Particulars? Can it be an Overt Act of Treason for me to discover my Acquaintance?

L. C. J. But your going with that Design to engage in an Interest against the King and for the late King.

Parkyns. He does not say discovered my Design. I went to meet with some Friends of my own.

L. C. J. Did he not tell you he was to go into *Leicestershire*?

Sweet. Yes, he did so.

L. C. J. Did he tell you to what purpose?

Sweet. He said he was to go to meet some of the King's Friends.

Parkyns. Did I tell you who?

Sweet. No.

L. C. J. But there was a Lord's Brother, what did he tell you of that?

Sweet. He said all Things were well, and the *West* was as well inclined as the *North*.

L. C. J. To what?

Sweet. To the King's Interest.

L. C. J. Treby. You spoke of a Lord's Brother that was concerned?

Sweet. He said several Persons of Quality in the *West* were concerned, and a Lord's Brother was among them.

Juryman. My Lord, I desire he may be asked, when he said the King would land, what King he meant, whether he named the late King, or King *James*.