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The third part of No Protestant plot

Robert Ferguson

1899

THE
THIRD PART
OF
No Protestant Plot

WITH
Observations on the PROCEEDINGS
UPON THE
BILL of INDICTMENT
AGAINST THE
aa Cooper
E. of Shaftsbury:

AND
A Brief ACCOUNT of the CASE
OF THE
EARL of ARGYLE.

LONDON:
Printed for Richard Baldwin.



THE
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TO the READER.

TIS not more out of Respect to our own Innocency, and the Honour of our Religion, that these Papers come abroad into the world, than it is from that Love and Respect which we bear to the King, whose Interest in the hearts of his People is greatly supplanted and undermined, by the courses which have been lately taken to destroy his Innocent and Loyal Subjects, upon a forged and groundless pretence, That they are engaged in a Conspiracy against his Person and the established Government. For some men, whose crimes have made them obnoxious to the justice of Parliaments and the severity of the Laws, could bethink themselves of no other way to escape the punishments which they have deserved, but by possessing the King, That the Peers and Gentlemen of England, who are most likely to call them to an account, while they are complaining of their Misdemean-

injury and Offences, are themselves combined to destroy both the Regnant Prince and the Monarchy. The hazards which our Names, Fortunes and Lives are brought into, do not so much afflict us, as to see the King lose the Love and Confidence of his People at home, be forced to abandon his Allies abroad, and leave his Crown and Dignity, as well as these Nations, exposed to the Power and Ambition of a neighbouring Monarch. Nor can we express greater Fealty to the King, than by plainly informing him, that he hath no Enemies save the Papists, unless it be in the imaginations of ill men, who to render themselves innocent, would make others guilty. And were they capable of being instructed, to forbear the prosecution of their forged Plots, upon the Baffles which they have received upon prosecutions, supported meerly by perjury and falsehood, we would have had that compassion for the honour of the Government and the safety of the Nation, as to have suppressed these sheets. But seeing they obstinately perse-
vere

were in their malicious designs, and are as industrious as ever, to bribe and hire mercenary Rascals to swear Treason against the best and most loyal Subjects which His Majesty hath, as well as against the chiefest Patriots of our Religion and Liberties; We hope the world will pardon us, in defending our own integrity, and exposing their rage and wrath. And let me assure them, that while they fondly imagine they work underground, we are able to trace them in the steps which they take. 'Tis not above a week or two ago, that by offers of five hundred pound a man, they attempted to suborn several persons to swear Treason against the Earl of Essex, the Earl of Shaftsbury, and others. Nay, we could tell them of a Consult which they had, to examine and digest the forged Evidence, which by great expence, and mighty labour, they had procured, & how they went away wonderfully disturbed that it would not answer their desires, nor support the design which they were upon. As the people of England are not of a temper, to suffer

them

their throats to be cut in a way of massacre, without a manly and generous resistance; so they are not of a complexion, to lose their Lives unjustly, by a legal process, without speaking in their own defence. What we have here written, is with a freedom that becomes innocent persons, tho' we must acknowledg, that we have fallen short in the air and stile that are proportionate to so just a cause. The righteousness and innocency of our case, needs no pickquancy, and it were but to obscure and darken our Loyalty, to make it resplendent by colours. But if our Enemies persevere in their ways of impudence, we hope all mankind will acquit us, if from henceforth we lay aside bashfulness and modesty.

E R R A T A.

Page 8. l. 20. r. ministred. p. 18. l. 23. r. another. p. 25. l. 17. r. proofs.
 p. 26. l. 28. r. over all. p. 27. l. 27. r. secure. p. 32. l. 7. r. fill. p. 44.
 l. 23. r. both. p. 45. l. 14. r. superstrucing. p. 51. l. 18. r. process. p. 58.
 l. ult. del. as. p. 59. after bitterness put for. p. 64. l. 23, and l. 24. r. cre-
 dible. p. 69. l. 6. r. Truth. p. 71. l. 3. after with, r. it. p. 73. l. 7. dele all.
 p. 85. l. 23. after Rasal put; p. 85. l. 17. after of put. p. 87. l. 24. r. Mrs.
 p. 89. l. 1. for conceived. r. could. Ibid. l. 21. for an, r. a. p. 93. l. 28. for a
 man, r. that a man. p. 103. l. 24. for both, r. not only. p. 104. l. 27. for
 f. 10 y. p. 131. l. 2. r. Memoirs. p. 133. l. 26. for the, r. this. p. 139. l. 17.
 b. fore to add is. p. 142. l. 20. r. line.

HOW much the *Papists* are not only justified in destroying those who differ from them in Faith and Worship, but obliged by the Principles of their Religion, to extirpate all Christians, who have withdrawn from the Communion of their Church; we may be easily informed, if we would but give our selves the trouble of consulting the *Canons* of their *Councils*, the *Decrees* of their *Popes*, and the publick Writings of their most approved Authors. Nor is there any crime or villany so tyrannous and barbarous, but it becomes sanctified, and is declared meritorious, provided it be found subservient to so useful and pious Design, as the rooting out those whom the Papal Church hath judged and pronounced Hereticks. For besides, millions of Men and Women professing and obeying the Gospel, that have been destroyed in other Nations, for no other offence, but because they dissented from the Church of *Rome*; there have several hundred thousands been murder'd, kill'd and massacre'd in these three Kingdoms, meerly because they could not believe as the pretended Church-Catholick doth. And as neither Obedience, or Loyalty towards Magistrates, nor Righteousness towards fellow-Subjects, have contributed any thing towards the security of the Lives of *Protestants*, ! when the *Papists* have apprehended themselves able, and found that they were countenanced by Authority to destroy them; so no Obligations by Oaths or Promises, have been sufficient to restrain those of the Papal Communion from washing their

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hands

hands in the Blood of Innocents; but in defiance of all that ought to be preserved sacred, they have first murder'd them, and then not only gloried in their bloody and cruel Exploits, but in the falshoods and perjuries by which they wheedled honest and credulous people within the Circle of their power and rage. And while those of that Religion retain the same Principles, which influenced men of the *Romish* Belief, to such inhuman and barbarous Actions heretofore; the *Protestants* of this Age have no reason to expect more mercy, or fairer dealing from them, than our Forefathers and Predecessors received at their hands. And sure the *Papists* must esteem the *Protestants* of these Nations an Unthinking sort of people, and very ignorant of the Transactions

See the three great Questions concerning the Succession, p. 19.

of their own, as well as former days; otherwise they would not have the Impudence to affirm in Print, *That as there were but 277. that suffered in all Queen Maries Reign upon the pretence*

of Religion; so above 200. of them were profligate Persons: And that instead of the vast numbers alledged to have been massacred in the last Rebellion in Ireland; There were slain on both sides, during the whole Rebellion, not above 36000. and this in a War set on foot for their Liberty and Estates, not for Religion. Whereas all men that are not wilfully ignorant, know that the *Irish* never enjoyed more liberty as to their Religion, or more security as to their Persons and Estates, than immediately before they broke out into that horrid Rebellion, wherein they perpetrated such salvage and bloody Cruelties, as no part of the Pagan World could parallel. Nor were the quiet and tranquillity which they then possessed, the fruits only of a Connivence from the Government, but the effects of many Acts of Grace, which had a little before past in favour of the *Irish Papists*.

And

And as that Rebellion sprung from no other cause, but the obligations which those of the *Roman Religion* are under, by virtue of the Doctrines and Principles of the Papal Faith, to root out Hereticks ; so we are well assured from impartial *Historians*, and authentick Records , that they Murdered above *Two hundred and fifty thousand* in that Kingdom, without any other provocation save that they were Protestants. And instead of Two hundred seventy seven, whereof above *Two hundred* are said to have been *profligate persons that suffered during the reign of Queen Mary* ; there were, according to the truest account , no fewer than 284. Honest and Conscientious Christians, that in little above five years were burnt at the stake for the profession of the Gospel, besides those that were driven into exile, and such as dyed in prison meerly for being Protestants. Nay, the Author of the Preface to Bishop Ridley's Book *de Cena Domini*, who is commonly supposed to have been Grindal, that was afterwards Archbishop of *Canterbury*, a person who by his circumstances and troubles in the time of that Bloody Reign, and by his station and quality under Queen *Elizabeth*, had as fair advantages as any, of being informed concerning the number of those that suffered, tells us that there were above *Eight hundred* put to most cruel kinds of death for Religion in the first two years of Queen *Maries* persecution.

Yea, so pestilent and infectious a thing is *Popery* , that when once it hath insinuated it self into, and possesseth the minds of Princes, it not only infatuates them to depopulate their Kingdoms, by destroying and driving into banishment the best and most useful subjects of their dominions ; but it so far *fascinates* them, as to make them forget their own protection and defence, as well as to abandon the safety and preservation of those of their people that agree with them in the same belief ; and to chuse rather to ex-

pose their Crowns, Territories, and Subjects, to be subdued and conquered by an Aspiring and Rival Monarch, or to enforce their subjects, pursuant to principles of self preservation, to revolt and rebel, than they will be persuaded and prevailed upon to exercise Indulgence, Compassion, and Forbearance to Protestants, tho' at the same time they cannot but know that the people whom they persecute, would sacrifice their Lives and Fortunes in the defence and service of their Persons and Dignities.

Thus the Second and Third *Philips* of *Spain*, chose rather to embroil the *Low-countries* in an expensive and bloody War, and at last to lose the Obedience of Seven intire Provinces, and see them shake off their dependency upon the *Spanish* Monarchy, and establish themselves in an Independent and Sovereign Government, than to allow and permit that People to differ and dissent in matter of Religion from the Church of *Rome*. And as the Revolt of those Provinces, which was occasioned meerly by the Persecution of Protestants, proved at first the great obstacle to *Spain's* obtaining the Universal Monarchy, which they were in a condition to have bidden fair for, had not that War and the withdrawment of so many great and rich Countreys interposed; so the expence of Wealth and Consumption of men which the *Spaniards* were at during those long and bloody troubles, with the loss of the Provinces which renounced their Allegiance to *Spain*, and erected themselves into a *Free State*, hath laid the foundation of abridging the Interest of that Crown in *Europe*, and is like to issue in the ruine and subversion of that Mighty and Large Monarchy.

Thus likewise the present *Emperor*, notwithstanding the urgency of his Affairs through the impression which the *French* have made upon *Germany*, rather than abate the persecution of his Protestant *Hungarian* subjects, he hath
hitherto

hitherto chosen to venture the ruine both of the Empire and his own Hereditary Countreys. And tho' that poor people have been always ready to render an intire obedience to his Imperial Majesty, and strengthen and encrease his Armies with a brave and large Military Force to oppose and withstand his Enemies, provided only that their Religion and Legal Rights might be secured unto them ; yet that Prince through the influence of the Popish Clergy, and especially of the *Jesuits*, hath preferred the exposing himself and all *Germany* to the Power and Ambition of *France*, rather than gratifie the Requests of his Protestant subjects, albeit the whole which they have demanded and insisted upon, was stipulated unto them by the Oaths of his Ancestors. And seeing his own Necessities, and the sober Counsels of his best Friends, have at last brought him to terms of Agreement with that people, I shall only wish that they may not through the liberty which the Popish Religion giveth him of violating Promises made to Hereticks, be departed from and forgotten as soon as the apprehension of the danger he is in from the *French* bloweth over and vanisheth.

I might also here add , That there is a certain Gentleman in the world, who tho' he have at present no other pretence to the Government of Affairs, save what he enjoys by the Favour and Indulgence of his Prince ; yet through his being corrupted and infected with Popish Principles, he seems to prefer the entangling Three Powerful and Opulent Kingdoms in Intestine Wars, or the leaving them naked to the Invasion of a Mighty and Ambitious Neighbour, than lose the opportunity of extirpating the Northern Heresie , and reducing the Nations, where his Counsels and Interest can prevail, into a Vassalage to the Triple Crown.

And we may yet more fully satisfy our selves, what we are to expect from Papists, and what their Religion guides them unto, and justifieth them in, if we will but consider what the Sufferings of the Protestants in *France* at present are, and what methods are pursued for the extirpating of them. For as all the persecution which they undergo, is commenced against them for no other cause but barely that of their Religion ; so to give the *French* King his due, he is so just as to acknowledg it, and scorns to palliate the true cause of their Oppressions, Banishment, and Slaughter, by pretending that they have conspired against his Person and Government, and that their Assemblies for the Worship of God, are intended for, and employ'd in the stirring up Sedition. He is so generous, as not to mention the several Wars which those of the Reformed Religion undertook and managed for their own defence against *Charles* the Ninth, *Henry* the Third, and *Lewis* the Thirteenth ; but he tells them that they have been always very loyal to him, and that he apprehends no trouble or danger from them on the account of their Principles ; only he is resolved not to suffer any in his Dominions who will not embrace the Popish Religion ; and that they must either renounce the Faith which they profess, or submit to be destroyed. It would require a *Volume* rather than a *Paragraph*, to recount the many late *Edicts* which have been published against them, and the several steps and methods which have been taken to ruine them, without their being guilty of any other crime or provocation, save their having withdrawn themselves from the Communion of the Church of *Rome*. Thus the King hath not only demolished an infinite number of Churches, and suppressed the exercise of Religion where it had for a long time been legally enjoyed ; but the Protestant Ministers are every where exposed to be proceeded against and punished, whensoever any suborned wretch shall

shall but depose, that they delivered something in their Sermons that was scandalous upon the Church of *Rome*. And they have not only ordered, under great and severe Penalties, That no Papist shall turn *Protestant*, and that none who have forsaken the Protestant Religion, tho' out of infirmity, lightness or fear, shall return to it again; but they have also ordained, That the Children of *Protestants* shall be admitted to abjure their Religion at seven years of Age, and in case they have no mind afterwards to live with their Parents, that their Fathers and Mothers shall be obliged to maintain them wherever they please to continue or be. It were endless to recount the hardships which the Protestants in that Kingdom are under; for besides their being turned out of all offices, wherein they got a Subsistence for themselves and Families; their Wives are not to be brought to bed, but by Midwives or Chyrurgeons that are *Papists*; nor their Children taught, unless it be meerly to read and write, save by Popish Schoolmasters. Nay, as if it were not enough to forbid them to be Stewards, Bailiffs, Solicitors, Registers, Clerks, Notaries, and to remove them from all Employments in the Affairs of the *Finances* or Customs, and turn them out of all Military Commands by Sea and Land; they have commanded all Chyrurgeons, Apothecaries, Watchmakers, and divers other Artificers, to shut up their shops, which is in effect to require them, either to turn *Papists*, or to subject them to starve. And to all the other miseries, which that poor people are made liable unto for their Religion, this is not the least, that they will not suffer them to die in quiet, but have enjoined, that when they are sick, they shall suffer themselves to be visited by a Popish Magistrate in the presence of two Popish Witnesses, without allowing any *Protestants*, tho' their nearest Relations, to be by. And as we may easily apprehend, that

that their errand is either to disturb them, that they may not expire in quiet; or by the utmost Cunning and Art to prevent them from departing in the same Faith, which they had all their days professed; so they think it not only a lawful, but a meritorious Act to say, that they died in the Faith of the Church of *Rome*, tho' they know the contrary to be true. And thereupon they take away all their Children to breed them in the Popish Religion, and seize the Estate to preserve it, as they pretend, for the Children of such Catholick Parents. In a word, the sufferings and calamities of the Protestants in *France*, are grown to such a height, that many thousands have forsaken their native Country, Relations, Friends and Estates; and the rest are ready to do the like, were they not debarred all ways of departure and escape. And as the severities exercised against those of the Reformed Religion in that Kingdom, are but a Copy of what we in these Nations are to look for, in case we should come under a Popish Prince; so the time hath been, that the Rulers of these Kingdoms, and such as Minister at the helm of of publick Affairs, would not have silently lookt on, and suffered those of the same *Faith* with themselves, to be thus oppressed and destroyed for no other Reason, but meerly because they are *Protestants*. Nor will it be hereafter to the Honour and Reputation of some people in the World, That the first *Edicts* of any fatal Consequence to the *Hugonets* in *France*, bore date in 1660. as if the *French* King had presumed upon the Connivence of his Neighbours, and therefore adventured to begin the Persecution which hath been by several steps advanced all along since, and is at last arrived at inexpressible, as well unsupportable severities and rigours. And I may say, that it is not without grief and sorrow, that they who love his Majesty, are necessitated to observe, how through the
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influence of ill men about him, he hath suffered himself to be persuaded to neglect interposing so effectually in behalf of that people, as was expected from a Prince professing the Protestant Religion, and whose interest it is to show himself upon all occasions the Patron and Defender of all the Reformed Churches. And whosoever they were that advised His Majesty to abandon the concerning himself in the favour of Protestants beyond the Seas, they neither consulted the Glory and Honour of their Prince, nor yet the Maxims which His Royal Father, as well as others who have swayed the *English* Scepter, were guided by. And tho' no good subject can think of the Usurper *Oliver Cromwell*, but with an abhorrency of the Crimes which he was guilty of towards the Royal Family and these Kingdoms; yet all the World took notice, and continues to acknowledg, both with what Sympathy, Courage, and Zeal, he appeared in behalf of the Protestants in *Piedmont*, when their Prince the Duke of *Savoy* had employ'd Forces, and given Orders to extirpate them; and how by a Letter to the late *French* Cardinal, he check'd and stem'd a Persecution which some Protestants in the South of *France* were likely to have fallen under. The poor *Hugonots* did not only long ago foresee all that hath hitherto overtaken them, but they likewise made some near His Majesty acquainted with it, and were ready to have proposed such measures as would have been able to have prevented their own sufferings, and the disturbance which the *French* Monarch hath given since to *Europe*, had they been believed and hearkned unto. But alas! instead of taking that poor people into our protection and care, or entring upon those Counsels with other Princes, which the preserving the Peace of *Europe*, and the securing unto the *French* Protestants the liberty of their Religion called for, all the Intelligences we received were commnicated

to the *French* King, upon which they became not only discouraged from placing any confidence in our Ministers for the future, but one poor Gentleman who had ventur'd to treat with a certain person near his Majesty, had the misfortune to be broken upon the Wheel, and some others are forced upon the like account to live in perpetual Exile from their Country. And yet even they by whom they were betray'd dare not say, that ever they found them enclined to depart from their Allegiance unto their own King, or to enter into any Confederacies unbecoming good Subjects and natural *Frenchmen*; but that all which they aimed at, and were willing to have transacted about, was only, that in preserving their Loyalty to their Prince, they might not be suffered to be sacrificed and rooted out merely for their Religion.

Nor are the Stipulations of Kings, or the established Laws of Kingdoms, any security unto *Protestants* for their Lives or their Religion, if once the *Papists* esteem themselves furnished with a sufficient Power, and a seasonable Opportunity to subdue and extirpate it, or them. For as the Pope can Absolve all such Princes from the Promises and Oaths which they make to their Subjects; so it is a known Principle of the *Romish* Church, That no Faith is to be kept with Hereticks. And where the Prince, by not having the whole Legislation in himself, is restrained from repealing *Old*, and Enacting *New* Laws at his pleasure, he will either mould and influence those who have a share with him in the Legislation, to a compliance in what he designs; or he will venture at the trampling upon all Laws, and through the efficacy of the Principles of the *Popish* Religion, will pursue the Extirpation of Heresie, in defiance of all Boundaries prescribed unto him by the Law. For what greater assurance could the *Protestants* in *France* have for the Liberty of their Religion,

gion , and the preserving unto them all the Rights and Priviledges of *Frenchmen* , than they enjoyed by that *Edict* of *Henry* the fourth, commonly stiled the *Edict* of *Nantes*, from the City where the King was, when it was concluded ; and yet notwithstanding that *Edict*, they are treated as if they were neither Christians nor *Frenchmen* ; being deprived of all that was therein granted unto them, and brought to suffer every thing which that *Edict* was purposely made to defend them from. For whereas by the said *Edict* they have a great number of Churches allowed unto them for the open exercise of their Religion ; and it is ordained, that it shall be left free for any *Papist* to turn *Protestant*, and that those of the Reformed Religion shall be as capable of enjoying publick Charges, Honours, Royalties , and of exercising any Art or Trade , as the Roman Catholicks themselves shall be, and that there shall be no difference betwixt *Protestants* and *Papists* as to the security of their Lives, the ways and means of their subsistence , their authority over, and freedom of educating and disposing their Children ; yet through an implacable hatred which *Popery* inspireth men with against all that differ from them in Religion, they are rob'd of all that was therein established in their favour, and subjected to all the mischiefs which the fury of their malicious enemies, and the power of a Prince guided by Father *le Chaise* the Jesuit, can inflict upon them. And as the *Edict* of *Henry* the fourth, tho confirmed by *Lewis* the thirteenth, proves no security to the *French* Protestants against the present Persecution which they are groaning and perishing under ; so it is to be feared, that the Laws which the Protestants in other parts of the world do trust unto for the preservation of their Religion, Lives and Legal Rights, will be as insignificant to the securing these unto them, in case they

should fall under the power of a *Popish* Prince, or that the Counsels of Ministers *Popishly* inclined should prevail, as the *Edict* of *Nantes* hath been to the *Hugonots*. For it is observable, that as the *Scots* have at all times testified as much Zeal for the Reformed Religion as any people in *Europe* have done, so they took care to establish the continuance of it to them and their Posterity, by as good Laws as any Nation in the world could; yet upon finding how useless such Laws, as I shall name, are unto the ends for which they were made and enacted, there is a wonderful Jealousie possesseth the generality of that Kingdom, That nothing can preserve them from being enslaved again to *Popery*, but His Majesties outliving the Duke of York. For it is Ordained by

James 6. p. 6. the Law of Scotland, That no man is to
Act. 9. bear any publick Office within that Realm,
but such as profess the Protestant Religion:

James 6. p. 3. And that none who shall not make profession
Act 47. of the said Religion, shall be reputed a Loyal
and Faithful Subject to the King, but be
punishable as a Rebel: And that whoever shall at any time
happen to Reign and bear Rule over that Realm, shall at the
time of his Coronation, and the receipt of his

James 6. p. 1. Princely Authority, make his faithful Pro-
Act. 8. mise by Oath, in the presence of the Eternal

Charles I. p. God, That during the whole course of his life,
1. Act. 4. he shall serve the same Eternal God, according
to the uttermost of his power, as he hath re-

quired in his most holy Word, revealed and contain'd in the
old and new Testaments, and shall according to the same main-
tain the true Religion then professed and received within that
Realm, &c. And therefore seeing these Laws have not

been so observed, but that one who doth not profess the
Protestant Religion, hath contrary unto them wrought
himself

himself into the chief administration of Affairs there under His Majesty, hath presided daily in Council, and sate as the Kings Commissioner in Parliament; they begin to apprehend that other Laws may prove as ineffectual for the securing the Protestant Religion to the Nation, as these have been to the excluding one from the highest Places of Authority and Trust under the King, who hath not declared himself for the Protestant Religion, as the foresaid Laws do require.

Besides, it is not to be questioned but that the Protestants of this Kingdom in the time of *Edward* the sixth, thought they had gotten their Religion so established by Laws, that there was no fear of the reintroduction of Popery, whoever should afterwards ascend the Throne; and yet Queen *Mary* was no sooner come to the Crown, than contrary to the Law of the Land, as well as her promise to the *Suffolk*-men who had espoused her Title and Quarrel against the Lady *Jane*, she published a Proclamation to forbid and inhibit all Preaching and Expounding of the Scripture, without her special License. Which was to subject the Reformed to punishment if they offended, whereas the Papists were sure not only to be pardoned in case they transgressed, but were thereby in effect countenanced to restore the *Romish* Worship and Service. And when a Parliament was called, there was not only violence used in divers places, to hinder the Commons from assembling to chuse, and the election of several who were judged fit for the Queens turn, promoted by force and threatnings; but there were many false Returns made, and some duly elected forcibly turned out of the House. Upon which all the Laws against Popery came easily to be repealed, and new Laws made for the suppression of the Reformed Religion, and the persecution of Protestants. Which as it serveth to convince all that have
not

not wilfully shut their eyes against light, and who are not resolved with a brutish obstinacy to withstand reason, what we are to expect from a Popish Successor, notwithstanding all the Laws which we enjoy for our security; so the rage wherewith the Papists are at present transported and inflamed against the Protestants of these Kingdoms, and the temper of the Gentleman whom they labour to see advanced to the Throne, may cause us reasonably to fear and apprehend severer persecutions in case he should attain the weilding of the *British* Scepter, than ever our forefathers under Queen *Mary* suffered or met withal. For the *Scheme* which he hath set in *Scotland*, while he is but a Subject, and greatly restrained by the Wisdom, Goodness, and Authority of His Majesty, from accomplishing half of what we are to suppose him inclined unto by his Principles, may sufficiently satisfy all mankind what he is like to prove, should he ever come to act with an uncontrolled liberty, and have an opportunity to display the complexion of his mind. His proceedings against the Earl of *Argyle*, do not more surprise all the World, than they proclaim how little he values the Lives of the Greatest and most Innocent Peers, if they will not become subservient to his Interest, and instrumental in his Popish and Arbitrary Designs. And as the Earl's offering to explain in what sense he was willing to take the Test, is a thing which no Law can justly forbid, and which a Cobler might have done in *England*, in the like case, without being so much as liable to a rebuke; so it is not unworthy of the knowledg of the World, that he communicated the Explanation to his Highness beforehand, and desired to know whether he might not be allowed to take it with the Proviso's which he afterwards mentioned in Council. And as the Duke did not prohibit, but seem'd to permit, at least to connive at what was proposed; so it is remarkable, that the said Earl

Earl was suffered to take his Place in Council after he had taken the Test in the sense which that Explanation did import. But his Interest in the Kingdom, and his stedfastness and zeal for the Protestant Religion, administering matter of dislike and jealousy, seeing nothing more material or really Criminal did occur, were thought fit, after some Nocturnal thoughts, and private Consults, to be laid hold upon for the ruining a Person, vvhom as they could not manage to the service of their purposes, so they dreaded the prejudice he might do them by running cross to their Designs.

Nor is the Earl of *Argyles* entertainment more severe in having that called Treason, vvhich the common reason of mankind, and all the Lavv of the World justifies; than it is expressely contrary to the Lavv and Practise of *Scotland*, to condemn, attaint, and forfeit any, unless they either are or have been in actual Rebellion, but such as are personally present, or have had Warning given them to appear. But the unprejudiced Severity vvhich this Great and Wise Nobleman hath had measured unto him, may be a Warning to all His Majesties Protestant Subjects, what they are to expect, if this *Commissioner* in *Scotland* arrive once to be King of *Great Britain*, *France* and *Ireland*; and how little the Laws which we so much rely upon, will avail us, if we be found to thwart his will and humour.

And as Laws are no security to Protestants against the Malice and Cruelty of the Papists, when once they are armed with Force and Power sufficient to destroy them; so neither the Liberty and Priviledges which the Papists are suffered equally to enjoy with our selves, nor the Favours and Civilities which we have been ready upon all occasions to heap upon them, can restrain or hinder our being ruined, whensoever they are furnished with an opportunity to attempt and accomplish our extirpation. The Bloody Cruelties

elties of Queen *Mary* to the *Suffolk* Protestants, who in effect set the Crown upon her Head, and the barbarous Severities exercised at present against the *Hugonots* of *France*, who not only with the expence of their Treasure and Blood established *Henry* the 4th on the Throne of *France*, when the Princes of *Lorraine* would have excluded him, but by their Courage and Valour preserved the Sovereignty unto him, that at this time persecutes them, when the Prince of *Conde* would have wrested the Government out of his hand, are so many uncontrollable Arguments and Demonstrations, that no Merits or Services can secure Protestants from the Rage and implacable Malice which the Popish Religion inspireth men with. And as the *Irish* Massacre ought never to be forgotten by the Protestants of these Dominions, so it had this ingredient to aggravate the Barbarity of it, that it was perpetrated at a season, when instead of having any reason to complain of their usage by the *English*, they were in the quiet possession of equal Priviledges almost with themselves. But if we will descend to the present time, and take a view of what the condition of the Papists hath been since His Majesties happy Restoration, we shall easily perceive, what an ungrateful generation of men they are, and that they are not capable of being obliged by kindneses. For, to begin with the *Irish* Papists, who of all men deserved least lenity from a Protestant Government; it is remarkable that notwithstanding the Rebellion, wherein they had been engaged, and the infinite slaughters which they had committed in a time of Peace, without the least provocation administred unto them; yet there hath not any Law been made against them since the King's Return, save one against their living in Walled Towns, which was suspended by His Majesties Command expressed in a Letter to the

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Lord Deputy and Council from being put in execution. And as to the ancient Laws which vvere in being and force against them, that vvhole Kingdom swarming with Priests and Friars, and their celebrating Mass every where with as much opennes as the Parochial Ministers do preach the Word, or read the Liturgy, are undeniable Evidences how little those Laws have been applied to their hurt or prejudice. Nay, they have been not only connived at in the re-introduction of the vvhole Popish *Hierarchy* into that Kingdom, and allowed the holding a Publick Assembly of the Papal Clergy by a Commission from the Duke of *Ormond* in the year 1666. for their Sitting; but they have equally, vvith His Majesties Protestant Subjects, been advanced to severall places of Civil Power and Trust, so that when the Plot was to have been executed in *England*, Anno 1678. there were no fewer than fifteen *Sheriffs* in *Ireland*, who were either professed and avowed *Papists*, or such as bred and educated their Children in that Religion. And yet while this Forbearance and Tenderneſs have been expreſſed to the *Papists*, such of His Majesties *Protestant* Subjects as in that Kingdom dissent from the Established Rites and Ceremonies of the Church, have fallen under the misfortune of having an expreſs Law made against them, and divers Loyal Subjects, who profess the *Protestant* Religion in all its Doctrinal Articles, have been prosecuted to Fine and Imprisonment upon it. And as to the *Papists* in *England*, they were so far for many years after His Majesties Restoration, from having any new Laws made against them, that they never felt the weight of the old ones. For saving the open exercise of their Religion, whereof they have been restrained, they enjoyed the same safety as to their persons and estates, which the Kings Protestant Liege people did. Nay, many of them besides their having the personal favour of the Prince equally with
D others,

others, they were admitted into Places and Employments of Profit and Trust. And tho by their late Hellish Plot they are made liable to some Tests, or to be disabled from sitting in Parliament, and rendred uncapable of publick Trusts; yet notwithstanding the provocation which the Nation might have justly conceived against them upon the account of that Damnable Conspiracy; there hath not to this day been any new Laws made against them for their Religion; nor can they with any truth and justice complain of the rigorous execution of those which had been enacted before. Whereas notwithstanding the agreement that is between all His Majesties Protestant Subjects in the Fundamental points of Religion, those that are called Protestant Dissenters have not only been prosecuted since His Majesties Restoration, upon ancient Statutes which were purposely made & intended against none but Popish *Recusants*, as well as upon that of the 35 of Queen *Elizabeth*, which being also made upon the dangers that the Kingdom was in from the *Papists*, as appears by the Speeches and Debates of the greatest Statesmen who were in that Parliament, seems to have been originally designed against none but them [*vide Townsend Historical Collect.*] but there have besides been no fewer in one kind and other, than five several new Laws, and these none of the gentlest, enacted against them. And while the *Papists* have hardly felt the severity of the Laws, which are in force against Popish Recusancy; the Protestants have unconceivably suffered by virtue of the *Laws* made against Dissenters from the Government, Discipline, Rites and Liturgy of the Church; and upon a Law for *Regulating Corporations*, whereof the most material terms were judged inconvenient, burdensome and grievous, when intended to have been imposed upon others in the form and manner of a Test.

Now.

Now having suggested these things both in the fewest words I can, and with all imaginable regard and attendance to Truth; we shall in the next place with the like sincerity and briefness, intimate and recount what Plots, Conspiracies, and Designs, the Papists have of late years been engaged in, and pursued, to the subversion of our Religion, and the destruction of our Lives and Liberties, notwithstanding the tenderness of the Government towards them, and the excellent Laws which we are provided with and enjoy, both for the security of all these unto us, and for our protection from the Machinations of all *Popish* Enemies. And tho' the methods wherein they have acted, and the steps they have taken, have been so secret as well as various, that it is impossible fully to trace and display them; yet so much is obvious to all who do not wilfully shut their eyes, that by relating only what we demonstratively know, we may be able to form a judgment concerning their Councils and Actings, which lye more concealed and hid. It is to the influence which the *Papists* have had upon our Publick Ministers, that we owe the Enacting of those Laws, which as they were directly calculated to ruin many of His Majesties *Protestant* Subjects, so they have weakned the whole Reformed Interest in these Kingdoms, by encreasing our Differences, and inflaming Jealousies, Heats and Animosities amongst us. And if it was not from some of our Councillors being under their Guidance and Conduct, that we embarkt in a bloody and expensive War with our *Protestant* Neighbours, Anno 1665. both to the weakening them and our selves, and the giving opportunity to a *Popish* Prince to aspire to a formidable growth; It was certainly from the Power and Interest which they had in some trusted with the manage of our Affairs, that the *Triple League* came to be dissolved, an Alliance contracted with

the *French*, and a Second War, wherein we were abandoned and betray'd by our new Confederate, begun *Anno* 1672. against the *Dutch*. I will not deny but the Grounds and Causes of our quarrelling then with them, might be weighty and just ; yet seeing it appears since by the Declarations which the *French* King caused to be made by his Ambassadors to the *Emperour* and the *Pope* ; that his invading them at that time by agreement and concert with us, *Was to extirpate those Hereticks, and destroy Heresie* ; I suppose our Ministers may not only find reason to believe, that *Popish* Councils did more influence our Resolves and Affairs of State, than they were aware of ; but to wish they had not encouraged His Majesty to that War, and rather to have sought to adjust differences betwixt them and us in an Amicable way. And since our being through that ascendancy which the *Papists* have over some great Persons near His Majesty, engaged in a close and strong Conjunction with the *French* King ; It is not to be imagined what advancement the *Papists* have made to the ruining of the *Protestant* Interest through all *Europe*, as well as in these three Nations. For as the *Popish* Clergy do universally apply themselves to the promoting the Grandeur, Empire and Sovereignty of *France*, in hopes that he will enslave all those to their Religion, whom he subdues to an Obedience to his Scepter ; so they have all along, by the impressions which they make upon our Ministers, been endeavouring to prevail over us, not only to remain Neutral, while he is pursuing his Conquests, but to contribute to his Victories, by aids of Men and Ammunition. Nor is it an inconsiderable step and advance, which by keeping us linkt to *France*, the *Papists* have made to the ruin of these Nations, in that they have hereby caused a wonderful misunderstanding between His Majesty and his People, and

and filled the best and wisest of the King's Subjects with jealousies, that it is through a concert with that foreign Monarchy, that Parliaments are either Called, Prorogued or Dissolved. And as the *Papists* in these Nations are emboldned by the Confederacy between us and *France*, to maintain an intimate and dayly Correspondence with that Court; so it is justly to be apprehended, that they have made themselves sure of Supplies of Power and Succour from thence, whensoever they shall judge it convenient to set upon destroying our Religion, and altering the Government. But besides all which they have either endeavoured, or been able to effect towards the destroying us and the Reformation in these Nations, through the influence which they have had upon Ministers of State and Publick Councils; they have entred into Conspiracies for the overthrowing Religion and extirpating *Protestants*, wherein we are inclinable to believe, none have been trusted but themselves. And as the Burning of *London* in *September 1666.* was the first plain and uncontrollable Evidence, that the freedom of their own consciences, and the private liberty of their Religion, would not content them; but that they were implacably bent upon the ruine of all His Majesties Liege people, who differ from them in Principles of Faith and Worship; so we are well assured, that their Malice and Rage had not terminated in the firing our Houses, but that they would have mingled the blood of the inhabitants with the ashes of their dwellings, had not the courage and spirit of some of their own party failed them, and had not the Citizens been awaken'd to a sense of their danger, and appeared resolute to sell their Lives at a dear rate. And tho we are most ready to believe that none had a hand in the contrivance and execution of that Villanous Design, but the *Papists*; yet the rescuing some out of the hands of Officers and others,

who

who had been taken in the very act of throwing Fireballs, and dismissing divers without prosecution, against whom the same Fact was sworn, clearly argues, that the Authors and Instruments of that horrid Crime, had many great and potent Friends, who were forward to protect them from the punishment and demerit of it. But the Papists having miss'd the opportunity of cutting the throats of the Hereticks, when they were under a consternation and amazement; and finding that the Flames of *London* had enlightned many concerning their Designs, who were before both secure and posselt vvith more favourable thoughts concerning them, and perceiving that notwithstanding the Mercinariness of the Members of the Long-Parliament, there vvas no hope of biassing them by Bribes and Pensions either to establish Popery by a Law, or so much as give an universal Toleration to the *Roman Catholics*; they arrived at last to these Devillish Resolutions, of Murdering the King, and Massacring all the considerable Protestants in the Kingdom. This vvas the Plot into vvwhich all their Contrivances at last resolved, and vvwhich they had determined to have executed in the latter end of 1678. For the constant expence vvwhich they vv ere at in carrying on the Conspiracy, being grovvn so burdensome, that they could not much longer maintain and support it; and the Parliament being after the breach of the Triple League, and the formidable grovvt h of *France*, become less manageable to the subserving their more calm and leisurely Designs; and finding vvithall, that the Nation begun to fear and apprehend that the Papists had some extraordinary thing in agitation; but especially the jealousy and dread they vv ere in lest His Majesty might uotlive the Duke of *York*, in vvhom they placed all their hopes of obtaining the re-establishment of their Superstition and Idolatry, should he once ascend the Throne, vv ere the

the motives and inducements upon which they determined to defer and adjourn matters no longer, but to put all upon one desperate and bold adventure. Nor could they ever expect to be in circumstances which could promise them a greater moral certainty of success, than they were in at that time. For as the Power, Forts, and Strength of the Nation, were either in Popish hands, or entrusted to such whom they might so far rely upon, as not to fear any considerable opposition from them; so the Duke of York, who is known to be a person as zealous for the Papal Cause, as any of themselves, was ready to have assumed the Crown; and if not inclined to authorise directly what the Papists were to do, yet forward enough, as well as capable through his possessing the Regal Power, to fright Protestants into a quiet submission to the Swords of their Enemies, or declare them Rebels, that should dare to arm for self defence. And as there was no less than *Twelve hundred thousand pounds* payable at that time into the Treasury, being the money which was granted for the carrying on a War against *France*, the thoughts whereof expired with the passing of the Bill; so there was a formed Army of *Thirty thousand men*; which having been raised upon the same pretence, would have been ready to have received and obeyed the Commands of the King that was designed to succeed. And if the *Romish* Conspirators in conjunction with that Army, should have proved too few to dispatch and extirpate the Hereticks in these Dominions, all things were so well adjusted, the Peace of *Nimmeguen* being at that time so near a conclusion, that the *French* King, whom for divers years the Papists have depended upon, and accordingly interested him in all their Councils, could without the abandoning his concerns abroad, have assisted and supplied them with large and powerful succours. Nor is

it to be imagined, how the murder of the King, which as it was to have been the first *Scene* of this new *Tragedy*, was also to have been charged upon the Phanaticks, would have enraged one half of the Protestants against the other. For having obtained Mr. *Claypool* to be imprisoned about that time in the *Tower*, upon a forged accusation of his having said, That he, and Two hundred more had resolved to kill the King, they thereupon reckoned, that could they but succeed in the designs which they had formed against His Majesty, the Protestant Dissenters would both undergo the *scandal* and *odium* of it, and feel the revengeful resentments of the Nation. And then after that many of the Protestants had embrued their Hands, and dyed their Swords in one anothers blood, it was determined, that the rest should fall as a Sacrifice, to be offered up by the Roman Catholicks to the Holy See. Thus according to the best Rules and most solid Foundations that men are to judge of the success of Designs, they might very rationally think themselves secure of effecting and accomplishing whatsoever they intended. Nor was the King ever in a more perfect security, or they who were destined to be slaughtered with him, less provided of means for their defence.

But God would not abandon his Worship and Truth, nor surrender an infinite number of innocent people to the rage and fury of the enemies of his Name and Glory: For it is to him alone, that we owe the discovery of this Papal Conspiracy which as it hath filled all Europe, as well as these Three Nations with wonder and horror; so the truth and reality of it is supported, and put beyond all doubt and question, by the most convincing, and uncontrollable Evidence that a Matter of Fact is capable of. The King hath testified his belief of it by several Proclamations, Four several Parliaments, upon the most impartial enquiry which

which they could make, have declared, that they are fully assured there was such a Design, the Conspirators own Letters and Papers confirm and justify the Depositions of the Witnesses who detected it; the flight of some, and Condemnation of divers of the principal Criminals, have reconciled it to the belief of all who were not either interested in it, or did not at least wish, that it might have succeeded. Yea, the preparations of Horse and Arms, which the *Papists* had been known to make before hand, proclaim aloud the Design upon which they were at so vast an expence; and the murdering one Minister of Justice, and doing all they thought needful to Assassinate another for discharging their Duty in the detection of it, are so many undeniable Evidences of their being guilty of what they are accused of. But notwithstanding the Wickedness of vvhhat was intended, and the clearness of the Proof to convict them; yet such is their Influence upon Publick Ministers, and so great is their Power in all our Councils, that vve can neither obtain the having the principal Conspirators brought to Legal Trial, nor procure any effectual provision tovwards the saving our selves, and securing our Religion from their Cruelty and Rage. Instead of seeing them prosecuted according to the demerit of their Crimes, or finding any proportionate means used to discourage and check their Designs, we have not only beheld such Justices turned out of the Commission of the Peace, who vvere most zealous against *Popery* and Arbitrariness; but we have seen four severall Parliaments Dissolved before they could bring Offenders to Justice, make a due and thorough inspection into the Plot, or put the Kingdom into a posture of Safety from the dangers vvhich threaten it from *Popish* Councils, and the claim vvhich a *Papist* may pretend hereafter to the Throne. And vvhathsoever His Majesties care

and zeal have been either for the Discovery of the Conspirators, or the bringing them unto condign Punishment ; yet his Royal Intentions have been so ill seconded, that several Priests, as well as others vvho stood accused, have been first harboured near his Royal Palaces, and then conveyed beyond Sea in Yachts belonging to some that are nearly related unto his Royal Person. The dread of displeasing one Gentleman, doth so prevail over the Obedience vvhich every man owes the King, that vvhen His Majesty had commanded by his Proclamations that all the *Papists* should be disarmed, scarce one of a thousand had so much as a Pistol or Sword taken from him. Our Lieutenants and Justices have been under those impressions of fear, lest they should offend great men, that neither the regard which they ought to bear to their Native Country, and the Religion which they seemingly profess, nor the tenderness which they are bound by their Fealty and Allegiance to have for His Majesties Safety and Life, have been powerful enough to cause them to keep that hand over the Papists, which the Laws of the Land do at all times require, and which the present circumstances we are in from those of that Religion, render most indispensably necessary. Some are enclined to believe, that it is not the least of the Earl of *Argyle's* Crimes, that he was the only man of Quality in *Scotland*, who after the Discovery of the Plot, took out a Commission for disarming the Papists. And it is not improbable, but that the Authority which he hath in the *Highlands*, and overawe the Papists there by vertue of his being Lord *Justiciary* in those parts and his being able upon any occasion to check and bridle the Marquess of *Huntley* from attempting any thing to the disturbance of the Kings Peace, and the prejudice of the *Protestants*, was one main reason and ground of his late Prosecution. However this is not unworthy of our observation,

vation, that My Lord *Mac-Donals* invading the Shire of *Argyle* with an armed Force, merely for being required by the foresaid Earl, to deliver up his Arms, was never called to an account, yea scarce ever received a *Reprimand* from those in Authority under His Majesty in *Scotland*, tho' when he had a *Herauld* sent to him by the Council, requiring him to disband his Forces, he tore his Coat from his back, and sent him home to *Edenborough* with all the marks of contempt to them, and disgrace to the Officer. But may be, that Lord being a Papist, his Religion is judged enough by some to atone for his Treason. But as a further evidence that the Papists, notwithstanding their late horrid Conspiracy, have been both protected from the Justice of the Law, and left still in a capacity to execute their Designs against the Hereticks, it is remarkable, that tho' a Proclamation was published in *Ireland* for searching the houses of all *Roman* Catholics for Arms, yet when the Sheriff of the County of *Galloway* went in pursuance thereof to search the Earl of *Clanrickards* house, where, as he was informed, all the *Papists* in that County had lodged their Arms, the said Earl produced a Warrant from my Lord Lieutenant the Duke of *Ormond*, that his House should not be searched. And do we not therefore upon the whole see, that whereas the Papists were in a wonderful consternation upon the first Discovery of the Plot, as apprehending from the knowledg which they had of their own Guilt, what they deserved to have inflicted upon them, how they are of late not only grown secure and jolly, but more rampant and insolent than ever?

Nay, so great is their Interest and Power, by means of the Duke of *York*, and such whom he either overaweth or otherwise influenceth, that they do not only escape the punishments which they are liable unto for their Treasons; but they have obtained to have the Laws made

against Protestant Dissenters, to be executed with the utmost Rigour and Severity, while in the mean time themselves are as good as connived at in the violation of all the Statutes Enacted against Popish Recusancy. For this cannot be thought to proceed originally from the King, being so inconsistent with that Princely Wisdom which he hath always manifested, when not over-ruled by the importunity of Ill Men. How unlikely is it, that a Prince who receiveth and indulgeth Foreign Protestants, should at the same time encourage the distressing his own Subjects, that do no otherwise differ from the Church of *England*, than as those Foreigners do? Nor can it be the advice of any sincere and true Protestant, to have the Laws executed at this season and juncture against *Phanatics*, it being so apparent a weakning of the whole Reformed Interest in these Kingdoms, and a betraying all the *Protestant* party into the power and hands of their worst Enemies. And seeing none but the *Papists* can reap any benefit or advantage by it, it must be they and none else that were the first Authors, and continue to be the promoters of such Councils. And as some of these Laws were procured by the means of Sir *Thom. Clifford*, Sir *Thom. Strickland* and others, who have since appeared to be *Papists*; so it is not unpleasant to observe how they have endeavoured to get them either suspended or executed, according as this or that have lyen in an usefulness to their Designs. Nor can we otherwise believe, but that as some of our Ministers obtain'd them to be dispensed with 1672. in favour of the *Papists*, so others pursue the having them put in execution in 1682. out of friendship to the same people. Thus the Laws, which were pretended at first to have been made for the preservation of the Church of *England*, have been from time managed to set forward the concernments of the Church of *Rome*, and
advance

advance the projections of the *Papists*. Accordingly we have beheld them suspended for divers years, when both most of the *English* Clergy were earnest to have had them executed, and when the execution of them seemed to lye in a subserviency to support the grandess of the Church; But now when neither the Church can be able to subsist, nor are any means left to the preservation of the *Protestant* Religion, unless Moderation and Lenity be exercised to Dissenters, we are made daily and sad Spectators of Oppression, Spoil and Havock brought upon a quiet, industrious and useful people, by the execution of these very Laws. And we may be sure the *Papists* hug and solace themselves, to find that through the Ascendency which they have over some Publick Persons who influence all our Counsels, they can apply the Laws to the ruin of many *Protestants*; and in revenge for their having escaped their murderous and bloody hands, engage the Government and Authority of the Nation against them. Nor is it less than a matter of Triumph to them to think, that when the Commons of *England* in Parliament assembled had not only read and committed a Bill *For the uniting His Majesties Protestant Subjects*; but Resolved it as the Opinion of that House, *That the prosecution of Protestant Dissenters upon the penal Laws, is at this time grievous to the Subject, a weakning to the Protestant Interest, an encouragement to Popery, and dangerous to the peace of the Kingdom*; they should not only be able to alienate and exasperate us more from and against one another, than ever we were, but procure one Protestant to prosecute another upon the Penal Laws, to the scorn and contempt of the Wisdom of Parliaments, and the proclaiming to all the world of how little esteem and value their Counsel and Advice are. What effect these proceedings upon the Penal Law against Dissenters may have upon others,

thers, who are not Phanaticks, is not easie to be thoroughly apprehended ; but it is certain that the *English* are naturally inclined to censure whatsoever is extremely rigorous, and to compassionate such as suffer merely for Religion, & not for Crimes against the peace and safety of the Government. How soon did the Nation grow dissatisfied with the Cruelties of *Queen Mary* ; and even they who had no Religion themselves, came to abhor the seeing their Countrey-men burnt for Principles which had no influence upon the subversion of Thrones, and disturbance of Societies ? Yea, tho her second Parliament revived the old Laws against Hereticks ; yet the minds of men were so much altered in a little time, that the *Commons* in the third Parliament of that *Queen*, would not pass a Bill which was brought in for incapacitating those from being Justices of the Peace, that were suspected to have been remiss in prosecuting Hereticks. And it is remarkable, that not only our late Parliaments were for the mitigation of the Laws against Dissenters, and for the uniting all His Majesties Protestant Subjects ; but even the Long Parliament, which had been the Authors of all the new Laws against Phanaticks, saw a necessity, if they would preserve our Religion, and the Lives of Protestants from the dangers which threatned them by means of the Papists, to take other measures than they had acted by before, and to recur to Methods of Lenity. Accordingly the House of *Commons*, in the Session that was held *February* 1672. sent up a Bill to the *Lords* in favour of Dissenters, and about the Union of Protestants. Nor is it to be imagined what jealousies it raiseth in the minds of most people concerning what they and all Protestants are to fear in case of a Popish Successor, by seeing many of the soberest in the Nation, and who agree with the present Church in all Doctrinals of Faith, and Essentials of Worship, so severely treated and prosecuted

cuted under a Protestant King, only because of their differing from those of the established National way in some little and inconsiderable things. And by how much all this rigor against Protestant Dissenters is thought to have its rise from the counsels and importunity of the Duke of York, by so much are all thinking men possess'd with astonishing apprehensions of the Cruelties which they must expect to undergo, if he come once to wear the Crown. For being universally supposed and taken to be a Papist, and thereupon of a Faith altogether opposite to ours; so we are not now to learn, that the very principles of his belief will oblige him to extirpate all that will not own the *Tridentine* Creed. Yea, such people as dare speak their thoughts, do commonly say, That the reason why the Duke adviseth His Majesty to courses so contrary to the Meekness and Compassion of his Royal Breast, as well as the whole tenor of his Reign hitherto, is that he may darken and eclipse the Glory of His hitherto merciful Government, and by putting him upon austerities towards subjects who profess the same Religion that their Prince doth, justifie himself hereafter in all the Slaughters and Barbarities which by virtue of the malicious ferment of Popery, he may be inclined to perpetrate upon those whose Religion he so implacably abhors, as he doth that of Protestants. But would it not be worthy of the serious consideration of those at the Helm, That it is not only the Dissenters who suffer by the Execution of the Penal Laws; but the whole Nation which participates in the profits and advantages of their Industry. More especially all they who have any relation unto, or such as manage any Commerce with them, do all bear a common share in their Calamities. And besides the recentments which will spring up in the minds of men, by seeing an innocent people harass'd, whose Lives tho they do not imitate, yet they cannot but

Commend ; will it not be apt to impress their hearts with secret disgusts, to see a Body of men ruined and impoverished, in whose hands three parts of four through the whole Kingdom have less or more of their Interests involved ? And whereas none save the Informers are either desirous or likely to gain by these violent courses, the King being too generous as well as good ; to sell his Treasury with the spoil of the oppressed ; would it not become our Publick Ministers to consider, whether it be a congruous and wise thing, to glut and satisfy the Avarice of an idle and unprofitable sort of people, not only at the cost and expence of many honest and industrious Families that will be ruined, but at the vast diminution of the Trade of the Nation, and proportionably the lessening the King's Profit and Revenue ? Nor are such as do fully conform to the Worship, Discipline and Ceremonies of the Church offended as well as surprized, at the seeing Distresses levied upon their harmless Neighbours, only for their Consciences towards God ; but they are wonderfully alarm'd at the manner in which they are daily disseized of their estates, being without the Enquiry and *Verdict* of a Jury. Such was the care of our Ancestors for the security of our Estates as well as our Lives, that by that which is consign'd to us as the *Common Law* of the Land, we have this fence and bulwark to guard our Property, That we ought not to be dispossessed either of the whole or any part, but upon a hearing and trial by a Jury. I know that by the *Acts for preventing and suppressing Seditious Conventicles*, such and such Officers as are therein named, have a power given them to levy the respective Fines that are imposed upon Offenders, without the Enquiry or *Verdict* of a Jury ; but I also know, that an Act of Parliament hath not heretofore been sufficient to justify and protect those, who have invaded

vaded the Properties of men and disseized them of their Estates, without a previous and Legal Trial. Tho' *Em-
pson* and *Dudley* thought themselves secured by the Au-
thority of a Statute made in the 11 *Hen.* 7. in what they
did of this kind, yet that Act was not only repealed in
the 1 *Hen.* 8. for being contrary to the just Rights of the
Subject, and the Common Law of *England*; but they
who ventured to act upon it to the oppression of the
people, were Condemned and Hanged for so doing. And
as the counsel and advice for the execution of the Penal
Laws upon Dissenters, at a season when both our Lives
and Religion are in eminent danger and hazard by reason
of the Plots and Conspiracies of the *Papists*, can proceed
from no other persons but such as favour *Popery*, and
would promote the bloody Designs of the Church of
Rome; so who knows but that the *Phanaticks* being a
surlly people, may by way of reprisal Indict many of his
Majesties Conformable Subjects upon other Penal Statutes,
to which either upon one score or another, most of them
will be found liable. And as it would savour of too great
Partiality in the Government to grant a *Noli prosequi* for
the Relief and Protection of such, should they come to
be prosecuted, when at the same time it is found coun-
tenancing and encouraging the prosecution of Dissenters,
upon Laws which are not in themselves better, more just
or usefuller to the preservation of the publick Peace, and
the maintenance of good Manners; so it would be little
for the reputation and credit of such as superintend and
guide affairs, to see the whole Kingdom turned into a
Cock-pit, and one Subject scratch, pluck and harass an-
other. Nay, were the *Phanaticks* inclined to retaliate
upon others, what is daily measured out unto themselves,
they want not considerable advantages from Statutes, of
lessening, if not wholly destroying, some considerable
F branches

branches of His Majesties Revenue. For besides the damage and prejudice it would give the King in the matter of the *Excise*, should Alehouse keepers be Indicted upon the *Statute* of the 21 of *James*, *cap. 7.* where it is Ordained, *That whosoever sells a Pot or Quart of Ale for above a Penny, shall for every such offence forfeit twenty Shillings*, and which the *Act* of the 22 and 23 of this King can no ways relieve them from, seing the Clause by which they were indemnified from that Penalty is wholly expired: I say, besides this, the *Act* concerning the *Excise* is not so discretely and carefully penned, but that occasion may be taken by a discontented people, to dispute and debate the validity of it in some particulars, which if carried, would altogether overthrow it. Nor is it improbable, but that the Severity which the Dissenters suffer and undergo upon the Statutes against *Conventicles*, may so awaken and provoke them to enquire into the Nature, Form and Quality of those Laws, that upon a Legal and fair hearing they may be found to have no concernment in them, or the Penalties of them. For as they seem not to come within the reason of those *Acts*, because they were made, as the Title and Preface to them do declare, only to *prevent and suppress Seditious Conventicles*, which the Dissenters by assembling for the Worship of God, according to the revelation of his Word, are no ways chargeable withal; so it doth not plainly appear, that the body of these *Acts* which subject those only to Penalties, *Who worship God in other manner, than according to the Liturgy and Practice of the Church of England*, doth any ways extend unto them. The Disciples of Christ and all Christians may be as truly and rationally accused of disobedience to their Teacher and Saviour, whensoever they are found praying in any other words than those contained in the Lord's Prayer, seing Jesus Christ
that

hath bid us *Pray after that manner* ; as the Dissenters can be justly Informed against or Indicted , *For worshipping God in other manner than according to the Liturgy*, merely because they read not the Prayers of the Church. And to all that hath been said , I hope this may be modestly added , That should the Phanaticks by the execution of the Penal Laws be driven to extremities , and left destitute of all other means of relieving themselves, they may possibly become so far exasperated and incensed , as to question and bring into debate the validity of the principal Laws upon which they suffer. For tho' I do not take upon me, nor presume to say any thing against the Force and Legality of them ; yet no man can undertake what a rich and courageous people may do, that is hamper'd by and infested upon them. And should the Parliament that met the 8th of *May*, in the 13th of this King, be found to have exceeded the time which the the Act of the Sixteenth ; *Car. cap. 1. For preventing of Inconveniencies happening by the long Intermission of Parliaments*, had appointed and limited for their continuing to sit, before they once thought of Abrogating and Repealing that Statute, which they did not till the *Session* that begun the 16th of *March* in the 16th of *Car. 2.* then the Laws by which the Phanaticks are Disturbed, Fined and Imprisoned, will not be found to have the Legality, Force and Power that some men do imagine. But the *Papists*, who at the bottom are the promoters of the present Severities against Dissenters, are no ways solicitous concerning the Inconveniencies which may ensue ; all they aim at is to alienate the hearts of the People from the Government, inflame Differences and Animosities among *Protestants*, foster Jealousies in the King of the Loyalty of his Subjects, and by all this to render us the easier a prey unto themselves.

And since the *Romish* Conspirators were prevented in the execution of the Design which they had so carefully laid, and carried on with so much Industry, Confederation and Expence at home ; and which had it succeeded, they apprehended themselves secure of a Foreign Succour, as well as a Prince of their own Religion to support and justifie ; as they thereupon found themselves rendred both obnoxious to the Justice of Parliaments, and the angry Resentments of the Nation ; so they have been making it their chief business, either to get their own Plot wholly disbelieved, or to forge and sham one upon *Protestants*. Accordingly when they could neither corrupt the Witnesses, who had made the Discovery of their Villanies, to retract their Testimony and renounce their Evidence, nor were able either by the persons whom they had suborned here, or those whom they had brought from beyond Sea, to weaken and defame their Credit ; they do at last entirely betake themselves to the framing a Plot, wherein they would have it believed the *Protestants* are involved and engaged for the subverting of the Monarchy, and altering the Government. And as the endeavouring to impose the belief of such a foolish and obvious Forgery upon the Government and the Nation, is a clear demonstration of the Truth of their own Conspiracy, and the desperate shifts which their Guilt and Fear have driven them unto ; so the entertainment which some have given to so dull as well as *Romantick* a Fable, is both an undeniable Evidence, that there were more accessory to the first Popish Plot, than yet are publickly accused, and that there are a sort of people in the Kingdom, who are only sorry for the miscarriage of it. We might very reasonably have thought, that upon the detection of the *Meal-Tub Sham*, in the year 1679. the Papists would either have been discouraged to forge another

another perfectly of the same Figure and *Make*, in the year 1681. or that the Government would have received the tidings of it with neglect and indignation. For as it is the same Design whereof we are now accused, that we were to have been charged with then; so these very persons whom they have procured Witnesses to swear Guilty of a Design to seize the King at *Oxford*, were the first in the List of Nobles and Gentlemen, whom they were then to have Sworn against, That they resolved to raise a Rebellion against His Majesty, and mustered Forces to that purpose. How strangely are we abandoned to the malice and will of our Enemies, that the Papists having mist the destroying us by a Massacre, they should be permitted by Perjuries and Subornations to pursue our ruine in *forms* of Legal Trial. And as the countenance which the vilest Miscreants have met withal, who tho apparently suborned and hired, have come forth to testifie a Protestant Plot, is an unanswerable Argument under whose conduct and influence some of our Ministers are; so the baffles which the Authors and Managers of this Intrigue have received upon the Three late Adventures and Essays which they made towards the proof of a Protestant Conspiracy, do proclaim aloud what opinion all wise and good men have both of them and this whole Affair. Now tho the judgment of so many Juries upon a full hearing of what our Accusers had to charge us with, be a sufficient vindication of the innocence of all the Protestants of *England* in this matter, as well as of those persons against whom the several Presentments were brought; yet we bear that respect to the Honour of our Religion, the Reputation and Integrity of the last Parliament, as well as the Credit of our own Names, that we cannot believe we have discharged our duty as we ought towards the World, till we have both triumphed over the folly, and exposed the malice of our ene-

mies.

mies to that degree, as to render them the objects of the scorn and hatred of all Mankind. And as we suppose our selves in this Undertaking secure of the Approbation of His Majesty, it being in favour of that Religion which He not only professeth, but whereof He is the Defender, and in behalf of as Worthy and Loyal persons as any in his Dominions; so in performing this most necessary duty, we fear not the anger of Ministers, much less the barkings of little people, being stedfastly resolv'd not to say any thing but what we can approve our selves before God and man for the truth of. Nor can any without an open espousing the Designs of the Papists, be offended that we should vindicate the Loyalty, and Justifie the Innocency of Protestants, which have been so impudently and maliciously aspersed. Yea, it would be a transgression against all the Rules of Justice and Equity, to allow or connive at the branding and arraigning us in daily Pamphlets, if they should not permit us the liberty to detect the Forgeries and Criminations by which our Honour and Lives are invaded and brought into question. And while the *Compendium*, the *Jesuits Plea*, *Staffords Memoirs*, and the *Vindication of the English Catholicks from the pretended Conspiracy against the Life and Government of His Sacred Majesty*, escape the Censure and Animadversion of our Administrators of Justice, it would imply an entertainment of undue thoughts concerning the Justice of the Government, should we not instead of a *Reprimand*, expect their Approbation. Nor will we believe that it was either by the Authority of His Majesty, or the Honourable *Privy Council*, that a *Messenger* and the *Wardens* of the Company of *Stationers*, went to the several *Printing-houses*, requiring them to publish nothing in favour of the Innocency of the Earl of *Shaftsbury*, or in justification of the *Ignoramus* which was brought in by the Jury upon the *Bill* that

was

was preferred against him : but we rather ascribe the Order for so unpreſented and illegal an action, to ſome officious Agent for the Papiſts, or to ſome little Miniſters, who were apprehenſive of ſeeing themſelves laid open and detected, being conſcious of their own guilt in the countenance and encouragement they had given to this Forged Proteſtant Plot, for which many Noblemen and Gentlemen were deſigned to have been deſtroyed. For as there is no Law whereby the coming into mens Houſes, the making a ſearch after Books or Papers which may be in the Preſs, or the laying an Inhibition upon them of printing whatſoever they judge ſafe or convenient, is or can be warranted; ſo it ſeems no way equal and fair, to reſtrain any man from doing himſelf right, when he hath been publickly as well as eminently injured. And truly it looks like an impoſing that upon the implicate Faith of the World, which they know themſelves unable to prove ; or it argues a diſtruſt either of the goodneſs of their Cauſe, or that it hath not been managed with integrity and candor, when they are unwilling to admit both ſides the privilege of being openly heard. For tho it may become the Wiſdom of men in Power and Government, to preſerve the Juſtice of Courts, and Reputation of Juries, from being openly arraigned, when an Indictment after a full Enquiry hath been approved and allow'd by ſuch as are the proper and only judges of it; yet ſuch a procedure as the reſtraining men from defending their own Innocency, and vindicating the impartiality of thoſe who acquitted them after a full and Legal hearing, can never adjust it ſelf to the ſenſe or reaſon of mankind. Nor doth ſuch a courſe and method import any thing leſs, than that for having miſs'd the ſatiating their Malice in the Blood of one or two whom they mortally hated, they will purſue their Revenge in endeavour

to blast the Credit, and diminish the value and esteem of all that have been instrumental in preventing and defeating their Intendment.

NOW this Plot for Deposing the King, and altering the Government, whereof *Protestants* were to be Accused and Impeached, was not only so contrived as that it might reach most *English* Peers and Gentlemen, who stood in the way of Popery and Arbitrariness; but the Protestants in *Ireland* were to be brought under the charge and accusation of it. For the Popish Conspiracy having been carried on with the same vigour against the Lives of Protestants and the established Religion in that Kingdom, as it was in this; and the Parliament here being so far satisfied and convinced of the reality of it there, as well as in *England*, as to declare and testifie the belief of it by the unanimous Votes of both Houses; accordingly the Papists in both Kingdoms were equally and by the same Artifices to be relieved from the imputation which lay upon them, and to be rescued from the punishments which the Laws Adjudged and Condemned them unto. Therefore the Protestants in both Nations were to be accused of having forged the *Popish* Plot, and that having thereby amused His Majesty and the people, they have in the mean time been fomenting and promoting a real one of their own. This was that

See No Protestant Plot, First part, p, 33, 34, 35.

which *St. Laurence* the Priest would have Hired and Suborned Mr. *William Smith* to Swear and Depose, and whereof the Evidence was so strong against *St. Laurence* at his Trial, that tho' he was acquitted, yet he is still believed by all impartial men that

that heard it, to have been really guilty. For it is not only reported from thence by persons who deserve to be credited, that such especially were returned upon the Jury, who were known before-hand to have reflected upon Mr. *Smith* ; but it is most certain , that whereas the Prisoner was allowed *five* Council to plead for him, there was none of the King's Council, nor any one man of the Gown besides, that appeared in behalf of the Evidence. Whether they forbore, from an opinion that the Evidence was so plain, that it required no Plea to enforce or apply it ; or whether they did it out of deference to some great men, whom they would not offend , by being concerned in any thing that may prejudice the honour and integrity of the *Papists* ; or whether it was in obedience to the commands of such, who would not have an Intrigue detected, upon the discovery whereof the *Protestants* may come to be thought peaceable and loyal again, as I cannot certainly tell, so I shall not take upon me to conjecture and divine. But besides that which was sworn against *St. Laurence* by Mr. *Smith*, which to any who read it, will appear either the copy, transcript, or counterpart of what they have been doing here , we have other evidence of the *Papists* labouring in *Ireland* to sham off their own Plot , by representing it as a Forgery falsely laid upon them by the *Protestants* ; and their endeavouring to possess the Government with a belief, that during the noise and buz which the *Protestants* had raised concerning a *Popish* Plot , they were themselves embarkt in a Conspiracy against the King and the Monarchy. Thus whereas one Captain *Morley* had appeared before the Committees of Lords and Commons here, and swore two Consults which the *Papists* had in *Ireland*, in reference to the extirpating the *Protestant* Religion in that Kingdom ; they have procured no fewer than six or seven *Irish* Wit-
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nesses,

nesses, not only to Depose against the said *Morley*, That he was Suborned by the Earl of Essex, the Earl of Shaftsbury, Sir Robert Cleyton and others, to Swear Treason against the Duke of Ormond, the Lord Chancellor Boyle, and Sir John Davies; but that he himself had said, the King was an enemy to all Protestants, and deserved to have his Head cut off, as his Father had. Here we have an Epitome and Abridgment of what the whole Popish Party is laying out their Money, improving their Wit, and employing the Power and Interest of their Friends for and about. But why the *Papists* should in all their Depositions introduce the *Protestants* affirming the King to be a Papist, and an enemy to those of the same Religion which he not only professeth, but which he hath sacredly and solemnly Vow'd for ever to protect and defend, I think no wise man is able to tell; unless it be that they have a mind to recriminate upon us, what they have been proved guilty of themselves. It is not yet seasonable to declare by whose means and by what Arts the foresaid Deposition was obtained, nor how *Handland* and *Murphy*, two fellows that came over hither to Swear the Popish Plot, were since their return transformed into Witnesses to prove a Protestant Conspiracy; but all these things must be foreborn till his Majesty in his Princely Wisdom, and from that Justice which he hath hitherto governed his people by, and in the discharge of his promise which his Loyal addressing Subjects, as well as others, do rely upon, be pleased to call a Parliament, and then both all these and many other things will be more fully disclosed and set in a brighter light. In the mean time this must be acknowledged to the Honour of His Majesty, and the Justice of the Council-Board, that tho the foresaid Deposition was received by some in *Ireland* with great fondness, and transmitted hither not only with all expedition

and

and speed, but accompanied with an earnest desire, that the Gentleman might be sent thither; yet the King and Council would neither do so illegal and arbitrary a thing, as to send a person from hence to *Ireland* without his own consent, both born and bred here, and who actually possesseth an estate in *England*. Nor could it be done without great Injustice, seeing the words wherein alone the Treason must lye, were owned to have been spoken above two year ago. And for his being suborned by the Earl of *Essex*, and the Earl of *Shaftsbury*, to Swear Treason against the Duke of *Ormond*, my Lord Chancellor of *Ireland*, and Sir *John Davies*, it is remarkable, that he never testified any thing of that nature against them; and what he did declare in relation to them or any others, he referred himself for the truth of it to the Council-Books of that Kingdom, or to such Depositions which had been either taken by the Council there, or had been transmitted to them by others. And as no man that is Master of sense, and hath any knowledg of those two Honourable Persons, will ever submit his Faith to receive so incredible a thing, as that they should Suborn any man to swear falsely; so Mr. *Morley*, whose credit infinitely surpasseth that of the Witnesses who swore against him, absolutely denies that they ever did, or that he ever spake any such thing concerning them. But they that can first invent, and then get so absurd and impossible a thing as *Transubstantiation* received and believed, may be pardoned both in forging and in hoping to vvin credit to things ridiculously foolish, as well as abominably false. Nor could so dull a Fable proceed from any but people of an *Irish* understanding; neither vwill it obtain with any men, but such as have renounced Reason as vwell as Honesty. But there is yet a third, and that a more signal Instance of the Papists endeavouring to involve the Protestants in

Ireland under the guilt of a Plot against his Majesty, and this displays and unfolds it self in the Accusation sworn against Mr. *Hawkins*. The person charged is known to be an ingenious Gentleman, and one vvho hath always acquitted himself as became Honour, Discretion and Loyalty; only it is his fortune to be a Protestant, and was his unhappiness to be made acquainted vvith some of the Popish Designs against the Government, which instead of furthering or concealing, he communicated to My Lord *Lientenant*. That vvherewith he was charged, doth in all things so quadrate with vvhat we have heard Svorn against Protestants in *England*, that we may boldly say, they vvere all coined in the same Mint. For one *MacGennis* svvears, *That Mr. Havvkins told him, he went for England to establish a Correspondency with my Lord of Shaftsbury, and that he received a Commission from the said Earl for a Troop of Horse; and one Mackoghlin deposeth, That he was to be a Trooper under Mr. Hawkins, and that he had three pounds from him towards the buying a Horse.* The very counterpart and direct parallel of what *Booth* informed against Capt. *Wilkinson*, and vvwhich he and *Bains* would have suborned the Captain to swear against the Earl of *Shaftsbury*, and were both hammered in the same Forge. But as the Devil and the Priests inspire the Papists with falshood and malice, so God to over-rule and defeat their Rage and Treachery, deprives them of common Wit and Understanding, and gives them up to all prodigious folly and madness. For as *Mackoghlin* never spake with Mr. *Hawkins* but once, and that in the presence of another person, and then he only endeavoured to have insinuated himself into his Acquaintance, which Mr. *Hawkins* refused to admit him into; so it is most certain that Mr. *Hawkins* never conversed with the Earl of *Shaftsbury*, nor

so much as at any time saw him. And whereas it was sworn by *Mackennis*, That he should say *he came to London to establish a correspondence with that Noble Peer ; and that he received a Commission from him for a Troop of Horse ;* The whole matter deposed is not only false ; but the condition which my Lord was at that time in, being a Prisoner in the Tower, shows the impossibility that such an Affair should be transacted between them at that season. Nevertheless, that Ingenious and Loyal Gentleman was committed to the Castle of *Dublin* upon that Forged and Ridiculous Information ; and had not the *Protestant Plot* been so far detected, as to be hissed off the stage by several Juries, it might not only have cost Mr. *Hawkins* his Life, but laid a foundation for superinstructing a Conspiracy upon, wherein most Protestants of quality and zeal in that Kingdom would have been included, and first or last charged with the guilt of it. For there were no fewer than between *Twenty or Thirty* mustered up of a sudden to testify a *Protestant Plot* ; persons, who as they believe implicitly in matters of Religion, they would likewise swear so for the Interest and Advantage of St. *Patrick*, and the Holy Church. And besides what they may reasonably be supposed to receive out of the Catholick Treasury for so seasonable and useful a Service as the Swearing innocent Protestants out of their Lives and Estates, they had lately the confidence to petition the *Council in Ireland* that a maintenance might be allowed them from the State. And it seems but just and equal, that they should be afforded the same encouragement, which those listed and employed upon the like Service in *England* have ; and that they should have some consideration for the sale of their Souls, tho they will be so reasonable as not to keep up that Commodity to the price which it goes at and is valued here. And where-

as fellows not only of a meer *Irish* understanding and breed, but such as had conversed all their days in Bogs, and whose most refined and improved knowledg is how with handfomeness to steal Horses and Cows, might be found deficient in art and cunning to manage this Meritorious work of Swearing with some consistency to themselves and one another; there are some lately arrived there from hence, who having been trained and instructed here by the grand Masters of the Forgery and *Affidavit*-School, may be able to edifie and discipline those raw blades in the necessary Virtues of Perjury and Impudence, and acquaint them with the laudable method of rehearsing the Depositions which had been given them to *con*, without administering any *symptoms* of their speaking by *rote*. But their understandings not being so docile and flexible as their Consciences, they make daily some unfortunate and fatal misadventure. And their having publickly accosted the greatest persons with rude and insolent *Menaces*, and their having threatned to accuse every one whom according to their knowledg of the measures of the World, they do but apprehend to have offended them, they have already so enfeebled their Credit with all sorts of men, that they are altogether become useless and unserviceable. It is far from my intention to bring all the natural *Irish* under this Character; for tho most of them who continue Papists, would esteem it not only venial, but meritorious to cut a Protestants throat; yet there are thousands of them who from some principles of Mankind and Bravery, do detest the destroying Protestants in the base and creeping ways of Subornation and Perjury. And we desire to be pardoned for this severe Censure which we have fastned upon the Rascality of the *Irish* Nation, seeing besides the impressions we retain of them by the remembrance of the *Irish* Massacre, and the fresher intelligence

gence we have received of their regardlessness of Truth and Justice, from the manage of themselves before the Court of *Claims*, we have been lately enabled to form an opinion of the *Herd and Hive* of that people, by the observations we have made of those few that have flown over histher, and especially by the little *Colony* which Justice *Warcup* is Governour and Overseer of. However as I rejoyce at the present stemming that Deluge of Sin and Misery which was there so nearly threatening innocent and loyal Protestants, had not some baffle befallen those suborned *Affidavit* folk, and did not a notorious infamy attend their testimony; so I beseech Almighty God to prevent the consequences and effects which the countenancing such a course, should it again revive and prosper, would in all probability be followed and attended with. For as the *English* Protestants in that Kingdom do thoroughly know the humour, principles and inclinations of the *Popish Irish*, and how absolutely they are under the conduct, and at the disposal of their Priests; so by being less numerous than the Papists, they are both more apprehensive of, and watchful against ruine and danger, and cannot but construe this method of destroying them, as much more pernicious than a new War or Rebellion in that Barbarous and Bloody people would be.

But tho the late Sham pretended Protestant Plot was so laid and contrived by the Papists, as to comprehend under the infamy and guilt of it, the chiefest persons in *Ireland* who profess the Protestant Religion, or have any regard for the Liberties and Rights of Mankind; yet the primary and main end of this horrid Papal design, was to ruin and destroy the Principal Patriots of the Reformation, and civil Liberties in *England*. For upon the Fate of the Protestants here, depends the safety or extirpation of all in these

these Kingdoms, who profess separation from the Communion of the Church of *Rome*. For the Protestants are not only most numerous here, and best able to defend themselves, in case a *Massacre* should be attempted upon them by the Papists, but it was a Parliament in *England* that Voted and Published the reality of a present Popish Conspiracy, that did proclaim to all the world the dangers which his Majesty and Loyal Subjects are in, from men of Papal Principles, that caused some of the principal Conspirators to be arraigned and condemned, and which hath been endeavouring to hinder a Popish Successor from coming hereafter to ascend the Throne. And therefore, tho' few elsewhere, that are either of any note for zeal to their Religion, or worth saving for their ardour and courage for civil Right, were to escape being entangled in the dangers, and loaded with the reproach which they hop'd to bring upon all the Protestants of these Dominions, by a forged pretence and charge of our being embark'd in a Conspiracy to depose the King, and alter the Government; yet it was mainly the Peers, Gentlemen, and others in *England*, who are resolved, not only to live and die in the Protestant Faith themselves, but to do all they can to transmit it as an inheritance to their posterity, that this *Sham* was calculated to retch and overthrow. And albeit there have been but few hitherto named and accused, yet could the Witnesses have been but once believed, they would have soon sworn all into the same guilt, whom either out of malice, or for the facilitating the Introduction of Popery, and arbitrary power, they had a mind to get destroyed. For whatsoever hath been either published in allowed Writings, or affirmed in Courts of Judicature, concerning the narrowness of this pretended Conspiracy, and that they know of no Protestant Plot, but that

that only a few discontented, or desperate persons, had been designing Treason against His Majesty; yet the matter is in reality quite otherwise; and this is only alledged to lessen the horror of people at first, and to prevent the effects of their indignation, should they understand the unlimitedness of Papal Rage. Nor have the Contrivers and Managers of this *Sham*, been Masters of so much Wit, as to conceal the boundlessness of their Wrath, and how extensive they purposed to render this *Protestant Plot*. For by making *Oxford* the Scene where the King was to be apprehended, and that at a time when he was surrounded with all his Guards, they do plainly tell all the world, that had they obtained the Evidence to be credited and allowed in relation to any one person of quality, they would have soon brought the Lives and Fortunes of thousands to lye at their discretion and mercy. Admit but once that His Majesty was to be seized, when encompassed with so great and well disciplined a force, and it will necessarily follow, that there must have been a very great number of Protestants engaged for the accomplishing of it. Nay, the very Depositions of the Witnesses themselves, as they are communicated to the world in Print, in the *Trial of Mr. Stephen Colledg*, and in the *Proceedings upon the Bill against the Earl of Shaftsbury*, do sufficiently proclaim, that there were not only many Protestants of an inferior Rank, but many of the principal Peers and Gentlemen in *England*, that were designed to be brought within the circle and compass of this Protestant Plot. Nor is it likely, that having designed to bring so many under the guilt of the *Sham Meal-Tub Conspiracy*, they would now abate in the number which they purposed to destroy. For besides the advantages which they enjoy, through having Counsellors more to their *gust*, they have either wheedl'd or brib'd ma-

ny of our high-flown Church-men, if not with a satisfaction to glory, yet with an abject silence to connive at our ruin. But the bounds which the Papists intended to set to their own malice, in forging & *shamming* upon the world, that the Protestants had combined to depose the King, may be best and most easily collected from the Testimonies of the Witnesses in the fore-mentioned Treatises. Accordingly we are told by *Dugdale*, *That Colledg not only advised*

See the Tryal of
Stephen Colledg,
p. 19.

him to go with Horse and Arms to Oxford, because he expected there would be something done there; but he further says, That he heard several Parliament-men talking before that Session, of a disturbance that was likely to happen at Oxford, and that it would be therefore best to leave some Parliament-men at home in every County, who might manage the people. And Smith not only affirms, that Colledg told him, how the Parliament was a-

Ibid. p. 28.

greed to seize the King; and that in order thereunto, all the Parliament-men were to come to Oxford well armed, and accompanied with Arms and Men; but that the Earl of Shaftsbury should declare unto him, how the

See the Proceedings upon the
Bill against the
Earl of Shaftsbury,
p. 19.

Parliament-men, who came out of the Country, were well provided with Horse, Arms and Men; and that if the King offered any violence to them, they might oppose him; for the like had been done in former times. And Haynes deposeth,

That Colledg should tell him, Unless the King should suffer the Parliament to continue to sit at Oxford, they would seize him, and bring him to the Block, as they did the Logger-head his Father; yea, that my Lord Shaftsbury

Colledg's Tryal,
p. 30.

ry should declare, *Unless the King granted the Pardon which was demanded for the said Haynes, they would raise the whole Kingdom against him* Booth likewise swears, *how my Lord Shaftsbury told him, That he and others had considered with themselves, that it was fit for them to have Guards at Oxford; and that to this purpose he had establisht a matter of Fifty men, persons of quality, and that he had entrusted Capt. Wilkinson with the Command of them; and in case any violence should be offered by the King, they would repel Force with greater Force.* Now tho' all this be nothing but a bundle of forged lies; yet it plainly declares, that no fewer than all the men of quality in *England*, who are zealous for the Reformed Religion and Civil Rights; yea, the whole Body of sincere Protestants were to be drawn and hook't within the verge of this Plot, and all their Lives and Fortunes brought to lye at the favour of the Government upon the pretended guilt of it. For no man can think, that the blood of the Earl of *Shaftsbury* and my Lord *Howard*, would have attoned for so general and universal a Conspiracy, could they but once have enjoyed the good fortune to have had credit given to these fellows Testimonies. The designs which the Papists proposed unto themselves, in their forging of this Conspiracy, were greater than to be compassed and accomplished by the murder of Three or Four men in the way of legal proofs. For as nothing less was aim'd at by means of this *Sham* Plot, than the destroying all who withstand the Introduction of Popery, and the establishment of a Popish Successor; so, many hundreds were to be taken out of the way, besides those apprehended and accused, ere ever the people of this Kingdom

Proceedings up-
on the Bill a-
gainst the Earl of
Shaftsbury, p. 37.

Ibid. p. 21.

could be expected quietly to submit to be Papists & slaves. But because the foregoing Depositions do only speak in general of a Conspiracy wherein the Parliament and Nobles were engaged, in conjunction with my Lord *Shaftsbury*, to apprehend and cut off the King, we shall therefore give an account, from the Attestations of others, of some few more, who besides those publickly named, were to have been charged with, and perished under the pretended guilt of this forged Plot. And as we are assured from the mouth of a Gentleman of great Reputation and good Quality, that *John Smith* said to him, he could swear *Treason* against a hundred Protestants; so *Thomas Samson* hath deposed upon Oath, That *John Macknamarra* told him, that *Edward Ivie*, *Bryan Haynes*, *John Smith*, and *Edward Turbervile*, did intend to swear *Treason* against *Sir Patience Ward*, *Sir Robert Clayton*, *Sir Thomas Player*, *Mr. Bethel*, who was then *Sheriff* (of London), *Coll. Mildmay*, & others. Yea, to that confidence were the mercenary perjured Rogues arrived of their being able to destroy men upon the suborn'd Testimonies that had been dictated unto them, that one *Mr. Shewin* informs upon Oath, his having heard *John Macknamarra* and *Edward Turbervil*, offer on the 11th of August last, to lay a wager, That *Mr. Sheriff Bethel*, *Mr. Best*, and divers of the London-Jury, which had brought in an *Ignoramus* upon the Bill against *Stephen Colledg*, would be hang'd before Christmas last. And that the world may be fully convinced, how the Papists, and the Tools of one quality and another, which they work by, designed to extend the guilt of this pretended Protestant Plot, we shall subjoyn the Deposition of one *Ashlock*, who said, That *Edward Ivie* immediately after *Colledg's Tryal* told him, That as they had gotten the said *Colledg* to be cast and condemned, so they were resolved to have the *Duke of Monmouth*, and other Lords, to drink
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of the same cup, and to taste Colledg's fate. So that no man who is a *Protestant* ought after the knowledg of this, to believe himself safe, or that he is exempted out of the number of those upon whom the *Papists* under the pretence of a *Protestant* Plot, hoped to have wreck'd their Malice and Rage. For they that dare entertain thoughts of destroying a Prince, whom his greatest Enemies can charge with no fault, save that he is a *Protestant*, and zealous for the King's preservation and glory, are not to be supposed to harbour any thoughts of Compassion and Mercy towards Protestants of an inferior rank. Shall neither the Honour which the D. of M. hath brought to His Majesty and the Nation by his foreign Atchievements, nor the peace and establishment which he restored to the King and Throne by his prudent and valorous subduing Insurrections at home, be sufficient to protect him from the danger and infamy of a Scaffold, no more than they were able to secure him from being excluded his Father and Prince's presence, and deprived of those Offices which his Merit rendered him worthy of, had he not any nearness by Nature and blood to His Majesty to plead for him? Will nothing satisfy the *Romish* Crew, unless they can bring the King to forget the Affections of Father, as well as the Justice of a Monarch, and make him abandon a person to their treachery and implacable wrath, whom he is obliged by the Laws of nature to protect as his son, & whom he is bound by the Laws of *England* to defend him as his Subject? And as all men discern, whose Interest hath been served, and whose revenge gratified in all the mortifications of this Loyal and Innocent Duke; so we can easily guess, in whose behalf, and for the promoting of whose concerns this whole Protestant Conspiracy was invented and forged. And having succeeded so well already, as by their meer importunities

nities to alienate his Majesty from a person whom he once seemed to value and love, they are encouraged to hope the King will be prevailed with, by suggestions of Treasonable Crimes, to sacrifice him to their indignation and ire.

Having now traced and pursued this forged Plot so far, as to see that it was calculated for no less than the whole Meridian of *Great Brittain*, and that all the Patriots of Religion and Laws in both Nations were to be destroyed under a pretence of being combin'd in it ; we are in the next place to view it in the complexion and figure wherein it opened and unfolded itself against the Right Honorable the Earl of *Shaftsbury*, and those other persons who have been either Indicted, or only Committed for an alledged accession to it. And as the Papists very well know, that none had more opposed and disappointed them in all their Idolatrous and Arbitrary Designs, and consequently deserved more to feel the first and early effects of their wrath, than that wise and great Peer ; so they prudently foresaw, that should they adjourn their Revenge against him, till they had made an experience of the credit of their Witnesses upon some other considerable persons, he would by his Abilities and Industry not only have easily detected and exposed the whole Intrigue, but have broken the *Machine* by which they had projected both to overturn Religion and Property, and extirpate Protestants in these Nations. Accordingly they thought it their best course to assault him by way of surprise, and to hurry him to Prison upon an Accusation of a Conspiracy, which people would be astonished at the noise of, but had not enjoy'd time to inspect and unravel. And we may rationally conceive the Papists believed, that the Convicting My Lord *Shaftsbury* upon a charge of Levying

vying War, and Conspiring to seize the Person of the King, would be a kind of Moral Proof against every other person whom they should think fit to have afterwards accused of the same Crime. For how easily would they have perswaded the world, that a person of his great Sagacity and exact Conduct, would never embark in so vast an attempt, without a proportionate number of persons engaged with him, who for their Power, Quality and Interest might be supposed capable to effect and carry it. And they would have pleaded, that such whom his artificial Glosses and plausible Reasonings had not inveigled into Treason, the esteem which he universally hath among all sorts of men, that are not weary of their Religion and Liberties, had sway'd and biaßed them to an implicate concurrence in a Design, which they took not time to consider, and had not Abilities to comprehend neither the dangers, nor consequences and issue of. And how would every man have been exposed and ridicul'd, that should offer to bring the reputation of the Witnesses into suspicion, after they had been allowed for good and credible Evidence against a Peer of the Earl of *Shaftsbury's* bulk and *figure*? Besides, the Papists thought that the destroying this one Nobleman, would have either frightened others to a compliance with them in their Designs, or at least discouraged them from offering to withstand or control the Councils and Projections which they are upon of enslaving these Nations, and extirpating our Religion. These were the Motives and Inducements upon which they singled out this great person, to have him the first man of Quality that should be Indicted of this pretended *Protestant* Conspiracy. For having through the influence which they have over our Ministers, and the power which some of that party have upon His Majesty,

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proceeded so far as to prevail with the King to turn him out of his Councils, and from the administration of his Affairs, for no other reason that the world can take notice of, but because he would not concur with them in their Designs against the Protestant Religion, and the Establish'd Laws; they hop'd that by attacking him at last upon an Accusation of Treason, he might fall a Sacrifice to their Malice and Revenge. And as his loss of the *Chancellorship*, with all the aspersions and obloquy that for divers years fell upon him, are to be ascribed to his Zeal and Activity in promoting the *Bill* for disabling *Papists* from holding any Publick Employment, which pass'd in the *Session* of Parliament that begun *Feb. 4. 1672.* so all the Persecutions he hath lain under of late, and all the dangers which his Life hath been expos'd unto, either by secret *Assassinations*, or *Legal* Forms, are to be entirely attributed to his inspection into the *Popish* Plot, and the endeavours which he hath laid himself out in, for preventing the Subversion of our Religion and Laws, and the ruin of these Nations by the *Romish* Conspirators, and his studying to defeat the hopes they have of compassing all at last by means of a *Popish* Successor. Nor can there be a more indubitable and convincing Argument, that this whole *Protestant* Plot under the pretended guilt whereof this incomparable person and great Peer was to have been destroyed, came out of a *Popish* Forge, and was formed and invented by the *Romish* Priests, than that those of the Papal Religion abroad, and especially the Ecclesiasticks, had both the knowledg of it, and discours'd it to others, before the most inquisitive Protestants in *England* could arrive at any intelligence concerning it. In confirmation of the truth whereof, and for the ampler satisfaction of all mankind, that the *Papists* were the Authors
and

and Contrivers of this Conspiracy, which they labour to sham upon Protestants : I shall subjoin the two following Depositions, which were made upon Oath before a Magistrate of London.

Edward Dover of Stepney in the County of Middlesex, Mariner, aged thirty years, or thereabouts, freely and upon his own motion maketh Oath, That he the said Deponent being in the Port of Bruges in Flanders with his Ship, and in the managing of his business there, being in a publick house, on or about the eighteenth of June last New Stile, he met with one James Morgan, which said Morgan is a reputed Popish Priest, And being his Countryman, and having had formerly knowledg one of another, they entred into the more free discourse ; and among other this Deponent asked the said Morgan, What News from England, Is there an end of the Popish Plot yet? To which the said Morgan answered, What Plot? There is no Plot but a Presbyterian Plot, and that now the Lord Howard one of the greatest of them is clapt up for it ; and by that time you get home, Shaftsbury will be also secured. And further the said Morgan added, that he hop'd ere long to Preach in a publick Pulpit in London, or words to that effect.

Jurat. Aug. 23. 1681.

John Coleuart of the Parish of St. Katherines, in the County of Middlesex, Mariner, aged fifty years or thereabout, freely and of his own motion maketh Oath, that being in Bruges in Flanders with his Ship, in following his business there, was in a publick house on or about the eighteenth of June last, New Style, where he met amongst others with a Popish Priest as he is reputed, called James Morgan ; and discoursing with him of the several affairs of England, and
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of the Popish Plot; he the said Deponent heard the said Morgan among other things say, It was nothing but a Presbyterian Plot; and that the Lord Howard was already secured for it; and that it would not be long before the Earl of Shaftsbury would be also secured, or words to that effect.

Jurat. Aug. 3. 1681.

And as the *Papists* were the Authors and Framers of this Sham Plot, so they have chosen Tools every way adapted for the worst of Villanies, to manage and conduct it. For Justice *Warcup* the principal Broker for Witnesses, and one of the chief Directors of this grand affair is known both at the Council Board, & in the High-Court of Chancery, to be a false and infamous person. Nor is it to be wondered at, that he should become subservient in all base ways to the Malice and Indignation of men, upon the promise and hopes of a valuable Reward, who that he might obtain preferment to places of Trust and Profit, is said to have turn'd Pander to his own Daughter, and have exposed her to mens Lust. But it is long since this Justice was ambitious of being instrumental in the ruin of My Lord Shaftsbury, seeing it was he that introduced *Marliament Needham* to the Earl of Danby, in order to assist in the great Designs which were then in agitation against this Lord's Honour and Life. And as *Needham* in pursuance of this malicious contrivance, wrote both the *Advices to the men of Shaftsbury*, wherein according to his wonted method of treating all he wrote against, he loads this Honourable Person with all the Aspersions his Wit, influenced by the Malice and Revenge of others, could invent and suggest; so I have seen the Instructions that were given about the Arraigning this Peer, upon pretence of his being Guilty of very Criminal matters. But as it is argued, that our Ministers

nisters then were at a wonderful loss for Men of Wit and Conduct to promote their Designs, while they had so many admirably qualified in the want of Honesty, feign they were forced by Money and Flattery, as well as by Promises, which were never perform'd, to bribe over a fellow to defame this Noble Peer, who had not only always scribbled on the other side, but reviled the late King, his present Majesty and Monarchical Government, with the like freedom and equal bitterness, And so ambitious was *Warcup* of being instrumental in the ruin of My Lord *Shaftsbury* at that time of day, that not being trusted nor employ'd in the Design, proportionably to his desires and inclinations, he bespake *Needham* in a Letter to him, which I have seen, to recommend him to the Earl of *Danby*, as a person that would be zealous in agitating and promoting what they were upon. And besides the Evidence that hath been given elsewhere, of Justice *Warcup's* suborning Witnesses to Swear the forged Conspiracy, whereof the Earl of *Shaftsbury* hath been lately accused, I shall here subjoin one further Instance of his Villanous carriage in this affair. For Mr. *Sampson*, among many other things which he hath Deposed upon Oath before a Magistrate in *London*, positively swears, *That Justice Warcup often solicited him with promises of Reward, to be a Witness against the Earl of Shaftsbury and others of the City.* There are also other two, whose Depositions I shall forbear at the present to rehearse, that directly testifie his endeavouring to have Suborn'd them upon the same Design. So deplorable is the case of innocent *Protestants*, that if persons accused do conceal the Witnesses who can discover the Accusations against them, they abandon themselves and

See No Protestant Plot, part I. p. 22, 23.

their own Innocency; and if they publish them, they do become thereby exposed to the Rage of the common Enemy, and are brought into danger of being suborned against themselves. And therefore the world ought to pardon us, if we reveal no more than what is necessary for the vindication of the Innocency of those that have been accused, and the justification of the Integrity of the *Juries* that had the cognizance of the Bills which were presented. The late Proceedings at the Court of the *Verge* against Mr. *Everard*, do declare in the face of all the world, what kind of entertainment they are to expect, who have refused to be Witnesses against innocent men, or who have the courage to detect the subornations of such as traffick and barter for Evidence against guiltless Protestants. But it is no ways strange, that the *Justice* who can muster a Troop of Mercenary Rascals to perjure themselves for the service of the Papists, should procure some of them to venture their Souls upon so necessary a duty, as the preserving themselves and him from the Gibbet, or at the least, the Pillory. Yet even most of these, whom he then produced, are so publicly infamous, that their Testimony will never support an Indictment against any man, before a good and impartial Jury; nor yet impeach the Credit of the person against whom they swear. I know when and where one of them wrote a Letter to the Justice, desiring him to draw up what he pleased, assuring him, that upon easie considerations he would be ready to make Oath of it. Yet after all the pains he hath been at, to protect himself from the punishment of one Crime, by pretrating another, he will not only find, that Mr. *Everard* is able to prove that whereof he hath accused him, by undeniable Circumstances, but he will also find, there are several others, whose Reputation he can no ways detract from,

from, that will be forth coming in due time and place, to lay open, and prove the Villany whereof he hath been guilty, in suborning Witnesses against the Earl of *Shaftsbury*. However, it is no ways fair nor equal, that when Indictments could not be received, neither at the *Old Bailey* nor *Hicks's-Hall*, against the *Justice* and his Complices, for conspiring to take away the Lives of innocent persons, yet a Bill can be immediately admitted in another Court, if the matter and design of it be to stifle the detection, or asperse the Discoverers of this Conspiracy. Nor is *Warcup* the only person that hath been employ'd and intrusted in hiring and suborning Witnesses to swear a Protestant Plot, but there are many others, and even some of the *Gown*, who to gratifie the Papists, and either to make way for their own preferment, in case of a Popish Successor, or to testifie their gratitude to such as recommended them to the Places which they do now possess, have shamefully, and to the dishonour of their Profession, co-operated with the *Justice* in the same villanous design. For besides their secret correspondence, and mysterious traffick with *Haynes* before his being apprehended, which alone is enough to demonstrate their concernment in the whole forgery and intrigue of this Protestant Plot: There is a person, who will appear upon occasion, that will testifie how much a certain Gentleman, retaining to the Law, did endeavour by flattery and promises, to obtain him to become a Witness against the Earl of *Shaftsbury*. It will not at length be found, to have been much to any mans Reputation, to have the glossing, managing, or setting of the Depositions which were brought them by the Masters of the *Forgery Mint*, but it will for ever subject those to a character of Infamy, who contrary to the Justice, Equity and Honour of the Law, wherein they are eminent practicers, have prostituted themselves

selves to be Factors for Perjury. And if men will not be
 brib'd and wheedled to forswear themselves upon so useful
 and sacred a design, as the destroying loyal and harmless
 Protestants, who are guilty of no other Crime, but their
 withstanding the establishment of Popery and Arbitrary
 Power, they are then hector'd and menaced, and in the
 Phrase of our *English Cicero*, threatned with a new sort of
 advancement. Their method is, when they accost a per-
 son, to insinuate into, and perswade him, that he must
 needs know something of the Earl of *Shaftsbury's* designs
 against His Majesty; and that if he will be so ingenuous as
 to confess, he hath an opportunity presented him, both of
 enriching himself, and obtaining the favour of the Govern-
 ment: But then in case the party assaulted, prove so just
 to himself, and the person whom they would decoy and
 Wire-draw him to accuse, as to tell them, he is altogether
 ignorant of any ill design projected or promoted by that
 Noble Peer, he is in the next place told, that they have
 an Information of a dangerous Nature against him; and
 that seeing by declining to inform against my Lord *Shafts-
 bury*, he makes himself unworthy of the Favour and Par-
 don of his Prince, he must therefore expect to feel the ri-
 gor and severity of the Law. This was the course that
 was steered towards Captain *Wilkinson*; and this was the
 way wherein Sir *Richard Graham*, late High Sheriff of
Yorkshire, and Sir *Jonathan Jennings*, a Justice of the Peace
 in *Rippon*, used towards *William Brownrigg*. And as all the
 Nation is sufficiently made acquainted with, and is fully sen-
 sible of what Captain *Wilkinson*, for declining to be a false
 Witness, became exposed unto, so I shall here subjoin the
Mittimus, by which *Brownrigg*, upon his refusing to come
 in as an Evidence against the Earl of *Shaftsbury*, was sent
 Prisoner by Sir *Jonathan*, to *York Castle*, upon a pretence,
 that

that there was an Information of Treason against him, and that it was no more but a pretence, or what is equivalent, a false Information, appears from their discharging him sometime after without any prosecution.

West Rid. Comit. Ebor.

Whereas an Information upon Oath of a Treasonable nature hath been made against Mr. William Brownrigg of Knaresbrough, Attorney at Law : These are therefore in His Majesties Name streightly to charge and command you, or some of you, to take into your custody the said Will. Brownrigg, whom I herewith send you, and him safely keep, till he shall be delivered by due course of Law. Given under my Hand and Seal the 30th day of August, 1681.

Jonath. Jennings.

All men who have any knowledg of the Law of *England* will say, this is a strange and unusual Warrant, and for which Sir *Jonathan* deserves to be called to an account; but the true reason why *Brownrigg* was Committed upon a general charge, was because really there was nothing against him, save that *Baynes* had given Information to some here, who transmitted it to *Yorkshire*, that *Brownrigg* had acquainted Mr. *Stringer*, Servant to the Earl of *Shaftsbury*, that there was a Design carrying on against the Life of his Lord. Upon the whole it plainly appears, that this pretended Protestant Plot, which the Nation hath been so alarm'd with, and filled with the noise of, is nothing but a mere Invention of the Papists, and of some ill men, who under the disguise of being for the Crown and the Church, serve and promote their treacherous and wicked Designs; and that the combination against our Religion, Laws, Lives and Liberties, is as strongly

strongly and effectually carried on under a false Accusation of Treason, as it was heretofore pursued upon the score and account of Heresie. And besides several Informations which are to be met with else-

See no Protestant Plot, part I. p. 25.

where, relating to the concernment of very great men in this Papal *Intrigue*, there are many other Depositions come to our hands, declarative of the same Conspiracy, which to prevent the encreasing our Animosities, and the making the Settlement of the Nation desperate, shall be at this time withheld and remain concealed.

And therefore without any further displaying or prosecution of this, we shall in the next place address our selves to the consideration of the Credit of those Witnesses, upon whose Testimony the whole Fabrick and Structure of a *Protestant Plot* is founded and built. And tho' we are told by the Reverend Judges, *That the Credibility of the Witnesses lies not before a Grand Jury, but that*

See the Proceedings against the Earl of Shafsbury, p. 33.

they are to remain satisfied in having matter that is treasonable, sworn before them by Two Witnesses that are prima facie credibil (where by the way, albeit prima facie credibil, be in the

Print, yet it is not in the Manuscripts which we have had the fortune and opportunity to consult.) I say notwithstanding that we are told thus by the Judges, yet we apprehend our selves justified both by the Law of the Land, and the common Reason of Mankind, in taking upon us to affirm, that no man is to have his Name, Reputation and Honour upon a *Presentment* detracted from, much less his Loyalty to his Prince Impeached upon an *Indictment*, and thereby his Life and Estate brought into danger,

ger, save upon the Evidence of persons of good Credit and moral Fame. The very words of the Statute of the 13 Car. 2. upon which my Lord Chief-Ju- *Ibid.* stice was pleased to say, *That the Indictment against the Earl of Shaftsbury was principally founded, because it not only contains the Treasons declared in the Statutes of the 25th of Edw. 3. but enlargeth them in many particulars*; I say that very Statute requires, that *the Witnesses be lawful and credible*. Besides it is a plain contradiction, that a person should be supposed *credible*, who either never had or hath forfeited his *credit*. No man is capable of proving a Crime *Legally*, but he that is reputed *Morally* honest. All Histories, 'as well *Sacred* as *Prophane*, tell us, How men of depraved Principles, being influenced by those in Power, or bribed and hired by Rewards, have conspired to Swear against the Innocent. Thus was *Naboth* murdered at the instigation of the Court, upon the Testimony of perjured and suborned Witnesses. And as his Crime was his standing for his Legal Right, and not surrendring his Property and Inheritance to the *Despotic* pleasure of the Prince; so he was both Tried and Condemned in the way of a Legal *Form*. Nor ought it to appear strange, to find a guiltless person Accused by false Witnesses of Treason, seeing the Holy and Innocent *Jesus* was Indicted and Murdered for no less Crime, and that by the mouths of two Witnesses, of the very complexion and stamp with ours, and procured in the same way. Whoever hath read *Tacitus* or *Suetonius*, will be supplied with Instances enough, of the slaughter of the chiefest Patriots of the *Roman* Liberty; who were destroyed by the Depositions of false Witnesses, set on and authorised by the commands of Sovereigns, and encouraged by Rewards from the State. Yea, so prevalent are

Malice and Revenge in some, Pride, Envy and Emulation in others, and the love of Profit and Gain in many, that neither the most provident and severe Laws to the contrary, nor the Wisdom and Circumspection of the best and most prudent Administrators of publick Justice, have been able at all times to prevent the ruin of the most useful, eminent and innocent persons, but they have perished under the false Accusations and groundless Calumnies of perjured and wicked Rascals. Thus *Antonio Foscarini*, a Cavalier and Senator of *Venice*, was Anno 1622. seen hanged upon a Gallows upon the Testimony of infamous persons, whereof some turning Accusers, and others Witnesses, they destroyed a *Patrician* of great Merit and Vertue, and brought an aspersion upon the

See Nani's Justice of the *Venetian* Senate. But this
Hist. lib. 5. ought to be added for the Honour of that
p. 180. Republick, that assoon as they had discovered the Conspiracy, under the fraud and

villany whereof he fell, they not only inflicted a most remarkable punishment upon the principal Authors and Instruments of his Murder; but by a publick Declaration they both restored unto him an honourable Name, and to his Posterity the antient lustre of his Family, with an advancement to further degrees of Honour in the Commonwealth. And tho' we hope that God will preserve all the Patriots of our Religion and Liberties from perishing through the Combination of suborned and profligate Wretches, as this unfortunate *Patrician* did; yet we expect from the Justice of His Majesty and the Government, that having a more wicked, large and destructive Conspiracy against innocent persons detected unto them, they will not think it unbecoming the Glory of a Monarchy, to imitate a Republick in all the measures
of

of Equity and Righteousness, as well towards the unjustly accused, as the infamous Accusers.

But to proceed, No mans life were secure, provided the Witnesses would but swear things heinous, and with consistency and boldness, if a Jury were not to judg of their Credibility and Fame. Not only our Laws, but the Laws of all Nations declare some sort of men infamous; and Principles of Natural Light, and Converse among men, instruct us to suspend giving credit to divers, whom the Laws have not branded with that ignominious character. And a persons being Morally flagitious, tho' he be not in a Legal sense infamous, may render his Testimony justly suspected; because he hath abandoned all Principles which may restrain him from speaking falsely. What a ridiculous thing were it to require Grand Juries to use all possible means of discovering whether Indictments and Presentments be true or false, if they are not to judg of the Credibility of the Witnesses, upon whose Testimony they are to give their Judgment and Opinion? Were it not an unjust as well as incongruous thing, to make all Grand Jury-men swear, *They shall present nothing but the Truth, and the whole Truth*, if they be not to enquire how far the Oaths of the Witnesses, upon which their *Verdict* depends, ought to be believed, seeing there are some, that *Ne jurantibus creditur*. Now as to the Witnesses that Swear a *Protestant Plot*, there are in general these Three Things to Impeach the Credibility of their Testimony. First, They are remarkably Profane and Flagitious; and we usually say, that *Justitia cum scelerato non potest habere commercium*, Truth and Righteousness have no place, where Ungodliness and Villany bear sway and reign. They perjure themselves every day over and over out of Wantonness; and is it

not then probable, that they will forswear themselves for profit, especially if they may be protected from the punishment which they become liable unto, upon the account of it. Nor do I know any thing that should check or restrain them; for as they live dreadless of God and Hell, so they imagine that the Interest and Power of the party, whose Designs they promote in swearing a *Protestant Plot*, will be able to defend them from the Gallows and Halter. Their Debaucheries are so signal, beyond those of other men, that wheresoever they come, they are known without enquiry to be the *New Evidence* by their excessive Debaucheries. Their declining to answer Questions put unto them by the Jury, as supposing that by their reply, they may bring themselves under a Subjection to punishment, is demonstrative to all the World how infamous Rascals they are, and how little they ought to be credited. In the second place, They are all of them of a narrow fortune, and most of them miserably indigent. It was their daily complaint a little before they became Evidence to prove a *Protestant Plot*, that they were ready to starve, and wanted bread. The *Civil Law* tells us, that *vili personæ non facile creditur*; *We are not easily to give credit to a penurious person*. And as all Nations take notice, that the Testimony of necessitous persons, ought not to bear much sway with any man; so some Governments have taken care, that such who have not a competency to raise them above the Temptations of Hunger and Want, shall not in any Case that is Criminal, be allowed to be Witresses. The Poet tells us, that *Quantum nummorum quisque habet in arca, tantum habet & fidei*; that is, he who cannot live without being behold-ing to others, ought not to be admitted to have a Reputation to support what he says in a Case that is Important, and

and where he may reap considerable advantage by his Testimony. *Agur* knew what Temptations there were in Penury, and therefore prayed, *That he might not be poor, lest he should take the Name of the Lord in vain.* And the raking of Goals for Witnesses, is an undeniable Argument, that there is little Reality or Trust in that which they are produced for. Nor is it improbable, but that these Rascals finding themselves disappointed both of Pensions from the *Parliament*, and Contributions from the *City*, and having nothing of their own whereby to purchase food and raiment, they thereupon bethought themselves of setting their souls to Merchandise making a Subsistence by the sale of their Consciencies. When they perceived, that by all their Importunities and Petitions, they could not squeeze Mony out of our Pockets, they took up a Resolution in anger and revenge to drink our Blood.

Men that are necessitous, and withal wicked, will undertake to perjure themselves a thousand times over, provided they may be put into a Condition of living in plenty and ease. But this having

*See no Protest.
Plot. part 1. p.
26. and part 2.
p. 10, 11.*

been suggested and insisted upon elsewhere, I shall content my self to have here briefly intimated it. Thirdly, They were the most unlikely of all men alive, to be made acquainted with those things they swore about. No man who is not forsaken of his Reason, would ever believe that they who had discovered the Designs of their own Party, notwithstanding the Oathes of Secrecy which they were under, should conceal a Conspiracy of ours. For the same inducements that led them to discover the *Popish Plot*, must in all mens apprehensions, much more influence them to reveal a *Protestant* one. Is it not enough, that the Authors and Managers of this *Intrigue*, would have us be-
lieved

lieved to be Traytors, but they must proclaim us arrant Fools? Instead of endeavouring to hang us, as Conspirators against the King, they ought to beg us as *Naturals*; and instead of sending us to the *Tower* and *Newgate*, they should send us to *Bedlam*, as the most proper place. If we be so silly as they represent us, we ought not to be indicted, but to have Physick prescribed unto us. And this Affair is not so fit for the *Council Table*, and a Bench of *Judges*, as for a Colledge of *Physicians*, and a Company of *Apothecaries*. Whosoever considers these fellows either with respect to their *Morals*, or their *Politicks*; or takes a view either of their Natural or their Civil Capacity, will easily conclude, that none but men wholly bereft of their Wits would entrust them with the knowledge of a Design which they were in no Condition to further; and which rationally they must be conceived inclinable to betray. And if we should believe that persons who are neither acquainted with the *Histories* of former times, nor have themselves been conversant in any weighty Counsels, or important Affairs, should be guilty of such a folly and madness; yet no man can believe such a thing of the Earl of *Shaftsbury*, whom whatsoever his Enemies think, or say otherwise of him, yet they do all acknowledge him to be a person of great Wisdom, Circumspection and Conduct. When persons of a low Condition, and of such profligate Lives, as the witnesses are known to be, will pretend not only familiar access at all times to a person of high quality, but their being upon the most weighty and hazardous Secrets of one of the wisest of men, it is an Argument that all they say, is Romance and Fiction.

Surely if there had been any Protestant Plot for the apprehending and deposing of the King, either those of the Church of *England*, or the *Fanaticks* would have known
of

of it; but as the latter do absolutely deny, that ever they either had the least access to such a design, or were any ways made acquainted with, so even those of the Church of *England*, who seem most forward, out of hatred to Dissenters, to believe a *Protestant Conspiracy*, yet they are not able, after all their enquiries concerning it, and the great noise and clamour they have made

See No Protestant Plot, part 1. p. 10.

about it, to arrive at any prints or foot-steps of it. There is this to evidence the truth and reality of a *Papish Plot*, That it was detected both by Laicks and Priests of their own Communion; whereas the first and principal Discoverers of this pretended Protestant Combination against His Majesty and the Monarchy, lately were, and may still be suspected to be Members of the Papal Church.

But what we have said against the Credibility of the Witnesses in general, is nothing in comparison of what we have to alledg against every one of them in particular. And we shall take them in the same order, in our exposing of them, as they were rank'd and brought forth by the *Heraulds*, who best knew their Quality, at the *Old Bailey*. And forasmuch as Mr. *Booth* was produced first, we shall accordingly begin with him. Tho' indeed to produce him at all, and especially in the first place, was no less than to discredit the Testimony of all the rest, had they been persons of much better Reputation than they were. And after the many Reflections which I have often made upon the Proceedings of that day, and the manage of them, I cannot but think, that either the Council, for opening, disposing and applying of the Evidence, were strangely infatuated, or that they never intended the Jury should believe one word that was deposed and sworn before them; otherwise they would never have begun with the Testimony

ny of so infamous a fellow. This *Booth* hath been guilty of, and publickly branded vvith all sort of Crimes and Villanies. Having of a *Serving man* or *Steward*, commenced *Parson*, he vvas justly suspended from the exercise of the Ministry, and vvithal turned out of his living, not only for *Symony*, but for *Debauchery*. He hath been also Indicted and Convicted for Clipping and Coining ; and had not His Majesty, upon the importunity of some persons about him, vouchsafed him a Pardon, the *Papists* vvould have been prevented of this Witness against *Protestants* ; for the Rogue had been hang'd long ago. Can any man think, that he is a credible Witness, to prove the best *Protestants*, and chiefest men of Quality of *England*, guilty of Treason, who had been condemned himself, as a Traitor for a crime of the basest and most ignominious kind. I knowv that a Pardon may restore a person to be a Witness in Lavv ; but after one hath been Convicted for Crimes so prejudicial to States and Societies, as Coining and Clipping are, and vvich none are found guilty of, or liable unto, but Villains of the basest Principles and most degenerate Natures, it cannot be supposed, that a Pardon vvill ever give them a fair Reputation in the World, or restore them to any considerable Credit amongst men ; but that notwithstanding their being pardon'd, they will be always lookt upon as fellows inclinable to be easily corrupted, and ready to embark in any ill design. Yea, besides his being Convicted and Condemned for Treason, he hath been also Indicted for Murder ; and tho' he came off, yet all who were present at the Tryal say, The presumption was great, and accordingly preserve in their minds a suspicion of his guilt. For the matter, as it appeared against him, lay thus ; namely, That a certain boy having had occasion to know divers of his wicked and criminal practices, *Booth* thereupon became ap-
pre-

prehensive, that the lad by discovering them, might bring him to the punishments which he knew he deserved ; and therefore having set the youth upon a Horse, he drove him into a River, and pursu'd him to and fro, till he was overthrown and drowned. The positive swearing of a Varlet, upon whom the presumption of so horrid a guilt does lye, cannot in the judgment of all impartial men, so much as fasten a Reproach, much less support an Accusation of Treason against any person. Nor will it in the issue turn to the honour of any, that they have endeavoured to destroy the Life of a great Peer, upon the Testimony of this profligate wretch. I might add to those Crimes whereof he hath been Charged and Arraigned at Bars, his having passed under a suspicion, and undergone Accusations of poysoning not only a Gentleman's Horse, whose Company upon the Road, the designs which he had then in hand, made him desirous to escape and avoid, but of poysoning a young Maid or Girl, from whose death he expected an advantage. But there needs no more to blast the Credit of this wretch, with all that are either wise or honest, save his endeavouring first to suborn Capt. *Wilkinson* to swear falsely against the Earl of *Shaftsbury*, and then deposing Treason against the *Captain*, for not complying in so wicked a design. And for a Jury to believe such a profligate Rascal's Affidavit, were both to bring upon themselves the guilt of innocent blood, and betray their own and other mens Lives into his hands, whensoever it may be profitable to him to swear Treason against them. Upon the whole, As my Lord Chief Justice had some weighty Reasons, why he would not allow the Jury to ask Mr. *Booth*, *Whether ever he had been Indicted for Felony*, so the Jury had sufficient Reasons from common Fame, and the Informations of others, as well as just grounds of suspicion from my Lord's

Inhibition, and the Fellow's avoiding to answer, to believe that he had, and consequently to judge, what little Credit was to be given to his Testimony.

The next person who appeared upon the Stage at the *Old Baily*, upon the preferment of the Bill against the Earl of *Shaftsbury*, was Mr. *Turberville*; and accordingly we shall endeavour to satisfy the world, that his Depositions against this Noble Peer ought to be no ways believed or regarded: I love to tread softly upon the grave of the dead, and therefore shall not discover the gross immoralities of his Life; I mean, such as detract from the Reputation of a man's Word and Oath. For being delivered from his malice, I shall not load his Memory, more than the being just to our selves, and the whole *Protestant* party in this Kingdom, makes indispensably necessary. Mr. *Sampson* deposeth upon Oath, That he and Mr. *Turberville* being together, at the Sign of the *Cock*, by the *Pall Mall*, Two or Three days before *Colledg's* Tryal, Mr. *Turberville* told him of a design that was on foot against *Protestants*; but swore, That he knew nothing against the Earl of *Shaftsbury*, the Lord *Howard*, or any other *Protestants*, save only of *Colledg's* idle words, and *Rous's* keeping back the charity of the City from the Evidence. *William Clerk*, Esq; informeth likewise upon Oath, That upon the 5th of July he went to see Mr. *Turberville*; and having found him in a house in *Lincolns-Inn-Fields*, in bed, he told him; That he had heard by Sir *Allen Apfley*, how he, the said *Turberville*, had given Evidence against my Lord of *Shaftsbury*; and that *Turberville* replied to this, He would meet Sir *Allen* any where but at his own house, and would justify, that he was never in Town since my Lord *Stafford's* Tryal; and that he never gave Evidence against the Earl of *Shaftsbury*, neither did he know any thing against him. Nay, there are many other persons of Quality,

lity, such as Sir *Francis Rolls*, *William Herbert*, Esquire, ——— *Hobbs*, Esquire, *John Trenchard*, Esquire, Gentlemen of great Honour and Truth, who do all testify, That after the Commitment of the Earl of *Shaftsbury*, Mr. *Turberville* declared the same to them with many solemn protestations, That he neither was, nor could be a Witness against this Noble Peer. So that the Grand Jury, before whom the Bill against the Earl of *Shaftsbury* was preferred, had just ground for the question which they put to the said *Turberville*; viz. *Whether, having been challenged by some, after my Lord's Commitment, concerning his being a Witness against him, he had not protested before God, and sworn deeply, that he knew nothing against my Lord.* And all men of Judgment and Sense, are wonderfully surprised, both at the *Attorney General's* objecting, *That they were not to be allowed to ask such a question*, and at my L. C. J. insinuating, *That this was no ground to cavil with the Witnesses upon*: (for so, according to our Manuscript, tho' it be in gentler terms in the Print, he was pleased to express it). For as a Jury are to take equal care to defend the Lives and Reputations of the innocent, as to convict such as are criminal and guilty; so they are obliged to take notice of every thing which lies in a subserviency to the discovery of the Truth, which way soever it arrives with them, whether it be upon publick fame, or by the information of particular persons. Seing therefore it plainly appears, that what *Turberville* said in the Court, was contradictory to what he had declared to divers persons elsewhere; and that his Oath at the Bar, was directly repugnant to what he had sworn before divers Gentlemen in other places, we may very reasonably conclude, that his whole Depositions against my Lord, were either the invention of this perjur'd fellow, or that they were dictated unto him by such who had hired and suborned him to come

in as an Evidence, in order to destroy this honourable Peer. But this is not all that we have to offer against the *credibility* of this Witness; for besides this, we have the Testimonies of several honest and reputable persons, of his acknowledging, that he had been often tempted to go off from his Evidence against the *Papists*, and to come in, and depose against *Protestants*. For not only Mr. Broadgate swears,

See Colledg's Tryal, F. 45. *That Mr. Turberville told him, that he had great proffers of preferment and rewards from the Court, if he would go off from what he had said, and*

come upon the contrary, but Dr. Oats affirms, That the said Turberville declared unto him, how

See No Protestant Plot, part 1. p. 26. *Mr. Warcup had offered him any thing he would desire, provided he would swear against the Earl of Shaftsbury,*

my Lord Howard, Mr. Rous and Mr. Whitaker. Yea, his being one of those that subscribed the Petition to my Lord Mayor, the Aldermen, and the Commons of London, in Common-Council assembled, wherein they declare, That the Papists had not only so far wrought upon the necessities of some, as that for a present supply, they had Ship-wrack'd their consciences, but that they were tampering with, and labouring to corrupt others of the most considerable Witnesses; I say his being one that subscribed that Petition, is enough to assure all unbiaſſed persons, how and upon what Motives and Terms he came to be an Evidence concerning a Protestant Plot. And whereas

See the proceedings at the Old-Baily, p. 39. *he had the Impudence to affirm in Court, That tho he signed that Petition, yet he never read it, nor knew what was in it; I shall here subjoin an Information of Mr. Bel-*

lamy, the Scrivener who drew it, which being directly
to

to the contrary, may serve both to overthrow this shameless evasion, and convince the world what a lying infamous Rascal this *Turberville* was. Now the Information which Mr. *Bellamy* hath both given under his hand, and declares himself ready to Depose upon Oath, whensoever he shall be called thereunto, is in the words following; namely, *That Mr. Turberville, Macknamarra, Haynes and others came to his house (being near Guild-hal) the Night before the Common-Council sate, to desire him to draw a Petition to the Lord Mayor, Court of Aldermen and Common Council, for their present support and maintenance. And that when they had given him Instructions, he drew a foul draught thereof, which he read to them the next Morning, as audibly and distinctly as he could; and that they all seemed very well satisfied with it, desiring only that he would add to the last clause of the body of the Petition these words, viz. That they could not be supplied out of His Majesties Exchequer. And that when he had thus perfected the foul draught to their satisfaction, and ingrossed it, he read it to them again with the same plainness and distinctness as before; and that all of them did very well approve of it, especially Mr. Turberville, who was pleased to give it a particular Character.* Now whether we ought to believe Mr. *Turberville*, who swears *That he never read that Petition, nor knew what was in it; but that it was drawn by the order of Mr. Colledg,* or believe Mr. *Bellamy*, who affirms and is ready to depose upon Oath, *That Turberville and the rest gave Instructions for the drawing of it, ordered the foul draught to be corrected by the addition of several important words, had it read to them distinctly and audibly, and gave their approbation of it; I shall refer it to the judgment of all sober, discreet and unbiassed men. Nor is it unworthy of our observation, that when the same*

Petition

Petition was objected against him at *Oxford*, towards the invalidating his Testimony against Mr. *Colledg*, he was provided with no such answer as this, which he retreated to at the *Old-Baily*; which forced My Lord Chief-Justice *North* to endeavour to relieve him, by

See *Colledges* saying, *There was nothing in that Petition,*
Trial, p. 47, 48. *that is a Contradiction to what he then*
Swore. But I humbly conceive all men

will not be of this *Reverend Judges* mind, especially when they consider that *Turberville* and the rest whose hands are to that Petition, do not only therein declare how restless the *Papists* were in tampering with the Witnesses to corrupt them to stifle and discredit the belief of the *Popish Plot*, but that they were labouring to obtain them to impute the same unto, and devolve it upon *Protestants*. And for the shift which *Turberville* hath since betaken himself unto, it is nothing but an evasion, either lately invented by himself, or suggested unto him by those that Suborned him. And yet the Silliness of it is as conspicuous as the Falshood. For as it is incredible that any man should set his hand to a Paper, which he had neither read, nor knew what was in it; so no man that should draw such a Petition, provided he were wise, would admit it, seeing it might give those very persons, at whose desire he had done it, an advantage of turning upon him, to his prejudice. The whole ground and foundation upon which *Turberville* came

See *Colled-* to Swear a *Protestant Plot*, are laid open
ge's Trial, p. and detected to us by Dr. *Oats*. For
 48. the Doctor hath Deposed in Court, that

Turberville justified his Swearing Treason against Mr. *Colledg*, (tho' he had said before, that he would not give any Evidence against him) *Because the*
Citizens

Citizens had deserted him, and God damn him he would not starve. Alas! We poor *Protestants* thought our selves safe in our Innocency, but behold a company of indigent and mercenary Rascals have resolved to Swear us into Guilt, that they might obtain Bread. Upon the whole it doth appear, that the Testimony of *Turberville* ought to be esteemed of no validity: And that the Jury could not in the case of my Lord of *Shaftsbury* do otherwise than they did, notwithstanding the Testimony of this Fellow, without becoming themselves unrighteous and unjust.

The next person that mounted as an *Affidavit*-man against the Earl of *Shaftsbury*, was Mr. *John Smith*, a person every way adapted to compensate the deficiency of truth in what he says, with impudence in the manner of declaring it. And because some who do not thoroughly know the man, seek more especially to countenance the belief of a *Protestant Plot* from his Testimony, we shall be the more careful to unmask him, and give the world a representation of him in his just features, complexion and colours. What truly his Christian Name is, or whether he have any or no, I cannot certainly tell; but I have made a shift of late to learn both his *Surname* and his *Country*; namely that the one is *Ireland*, and the other *Barry*. And seeing that he was not brought to acknowledg the name of *Barry*, but after some tergiversation; I do affirm, that that is the only name he ought to go by, if it were not the temper, humour and interest of the man to walk always in a disguise. And forasmuch as he hath been ambitious to seek a Reputation by pretending himself an *English*-man, I do proclaim to all the world, that he was born in *Connaught*

*See proceedings
against the Earl
of Shaftsbury,
p. 69.*

in the Kingdom of *Ireland*. 'Tis so habitual for some to lie, that no ties nor obligations can make them speak truth. However, he hath not so much dishonoured *England*, by pretending himself a Native here, as he hath our *Lord Jesus Christ*, by giving himself out for a *Christian*. For whereas *England* owns many Villains and flagitious persons for Natural Subjects and free *Denisons*, *Christ* will acknowledge none for *Christians* that only make mention of his Name, when they blaspheme it. But if the world will account him for a *Christian* that swears as often as he speaks, I say, that in all probability, notwithstanding whatsoever he pretends to the contrary, he is truly and really a *Papist*. For Mr. *Sampson* hath deposed upon Oath, That John Smith, Stephen Dugdale and Edward Turberville, having sent for him to the One Tun Tavern in Hungerford Market, on the 23d of September last, Smith begun the Duke of York's Health, swearing, God damn him, that he therefore both loved him, and drunk his Health because he was a *Papist*. I am so far from being angry at his drinking the Duke of York's Health, that out of sincere love to His Majesty, as well as the Protestant Religion, I wish no man may ever have occasion to drink it under a higher Title. All that I would observe is, upon what motive and inducement *Barry's* love to his Royal Highness is grounded and built. To this I shall only subjoin one proof more, of what Religion, whatsoever he pretends, we ought to esteem him to be; namely, that he said at *Newark*, He would sooner hang Ten Protestants than One *Papist*. And his Reason was as considerable as his Assertion, viz. because the Popish principles led them to Treason, which the Protestant principles did not. It would seem, the fellow begun to apprehend, that the Court would grow weary of his confidence and importunity, and therefore he begins to commend principles which
may

may justify his being another *Jaques Clement*, or a new *Ravilliack*. And if he answer the Character I have received of him, there is not a person alive, who is more likely to supply the place, and undertake the Province of the *Four Ruffians*, who were disappointed and prevented in their design against his Majesty, *Anno 1678*. than this lean, long chapp'd *Cassius* featured fellow is; and the rather, to expiate the Crimes against the *Papists* and the D. of *Y.* which he contracted, by pretending to be the Author of a Narrative, which, save the Deposition, was none of his own. But to make a nearer approach to the Credibility (and that I may usurp a modern Phrase), the *Veracity* of this Gentleman, there are no fewer than an hundred Witnesses, who can testify, how he usually reproached the *Irish* Evidence, alledging, that their Credit was so mean, that it would not sustain the Depositions which they had given concerning a Popish Plot; and that all of them were such Mercenary Rascals, as would be induced, and were in a fair way of being prevailed upon to swear, that there was a Conspiracy wherein Protestants were engag'd against the Government. And the morning when *Haynes* was apprehended, and was said to have made a great discovery to this purpose, *Smith* protested to Mr. *Blake*, a *Linnen-Draper* in *Cornhill*, that it was all but *Sham*, and an acting over the *Meal-Tub* design. Nay, the very day that *Everard* and he were called as Witnesses upon the Bill against my Lord *Howard*, he told Mr. *Wilmore*, calling God to witness to the truth of what he said, *That he knew no harm by my Lord Howard, nor by any Protestant in England; and that he knew no Reason, why he and Mr. Everard should be subpoena'd, unless it were to gloss the business, and make Mrs. Fitz-Harris's and her Maid's Testimony go down*

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the better with the Jury. The same he told that very day to Dr. Oats, with this addition, *That he should be a great Rogue, if he swore against any Protestant, whether Lord or other.* And the Evening after Mr. Fitz-Harris was Executed, Smith being in company with Mr. Blake, Mr. Kelsey and Mr. Hamlin, Three persons of unspotted Integrity and good Credit, and being discoursing concerning the Plot which Haynes was reported to have sworn, he ridicul'd it as meer Sham, and perfect forgery. And not only so, but some days after Colledg's Tryal, he affirmed to Mr. Gardiner, a Common Council-man, and to one Mr. Smith, an Apo-

thecary, *That he knew of no Protestant*
 See Colledg's Try- *Plot, neither did he know of any Prote-*
 al. *stant concerned in a Plot, only that Col-*

ledg had spoken such and such words, which for his part he did not believe to be true. Nay, the Monday before the Earl of Shaftsbury was Committed, he sent for a Gentleman, who when there is a just occasion, will be ready to testify it upon Oath; and the Gentleman having met him according to his desire, he not only told him, there was Treason sworn against that Noble Peer, and by whom, but that a certain Lord in the other end of the Town, had been dealing with him to swear likewise against him. Withal, he further added, that he replied to that Lord, and said, He thought he knew the Earl of Shaftsbury as well, and had as much Credit with him, as those whom his Lordship had named for Witnesses against him, and yet he had never heard him say any thing that was Treasonable, nor what had a tendency that way. And this he desired to have communicated to my Lord Shaftsbury that night, saying, it was his interest to know it as soon as might be, seeing there was a great design against his Life. And yet after all these Declarations, made at several

veral times, and to different persons, this impudent and frontless fellow, hath not been ashamed to appear on the publick Stage, and accuse this Honourable Peer of most horrid Treasons. Nor is it difficult to conceive, how this came about: for being a man of no Conscience, and ambitious of Preferment, he was easily perswaded by Justice *Warcup*, upon the promise of a *Deanry*, to undertake the accusing Protestants of a Conspiracy against his Majesties Person and the established Government. He had been often complaining, that he was neither so much regarded at Court, nor rewarded by the Parliament and Kingdom, as he thought he deserved, and had impatiently expected, for the discovery which he gave of the Popish Plot. And therefore being accosted by *Warcup*, with promises of preferment, beyond what he could hope for by adhering to his Evidence against the Papists, he readily complied with the Justice's importunity, and comenceth a Witness on the gainful side. This plainly appears by the information which *Dr. Oats* hath given; namely, *That the Dr. having askt Smith, what he had been at Windsor about? Smith, by way of reply, told him, he had been there about a design which he supposed the Dr. would be glad to come into; and that he might not only learn it of Warcup, but be happy, if he followed his advice therein.* Accordingly, the Dr. being curious to know what this great project, which would render a man happy, should be, he addressed himself to the Justice, who told him, *That there was a design to take off my Lord of Shaftsbury, and that he had brought over Smith, and several others to accuse him, and swear a Protestant Plot.* And if the design against the Lives of Protestants, were to be carried by positive Swearing, there is not a Knight of the *Post* in England that can parallel *Smith* in a bold and daring Affidavit. For he that hath so far abandoned all Mode-

See no Protestant Plot, part 2. p.8. and Colledge's Trial, p. 49.

sty, and renounced all Fear, as not to forbear to say, *That if he pleased, he could prove God Almighty a fool*; will never be startled at Swearing an Innocent and Loyal person, *a Rebel and Traitor*. And he that that is so dreadful of the Tribunal of Christ, as to bid *God damn the Gospel*, will easily dispense with murdering the guiltless. It is not improbable, but that the fellow being originally an *Irish papist*, was nursed with the Blood of *Protestants*; and that therefore he still thirsts after it, as his natural and *genial* drink. He knows how to compensate the want of truth in the matter he is to swear about, by impudence in the manner of declaring what he swears unto. And could he have been but once believed by a Jury, there would no man have been safe, whom he either hated, or whom his Supreme Directors were desirous to have taken out of the way. For there is one Mr. *Shewin* Deposeth that he heard him say, *That had he but the knowledg of Mr. Jenks and several others who had traduced him, he would make examples of them, and not fail to Swear that against them, that should take them off*. And there is a Gentleman of unquestionable reputation, who affirms he heard *Smith* say, *He could swear Treason against an hundred Protestants, had he but other Witnesses to join with him*. Nor did *Smith* think it enough to engage to perjure himself in order to destroy *Protestants*, but he hath turned Suborner of others to do the same. And I suppose I may lawfully and fairly mention *Balron's* Deposition to that purpose. For tho' he be a profligate Villain himself, yet he may be a good Witness against his Complices, and especially such as debauched him into Perjury.

Perjury. That which he Deposeth is briefly this, namely, *That Smith perswaded him to Swear, that Sir John Brooks and others held a Consult at Grantham, and that it was there resolved it was better to seize the King at Oxford, than to let him go; and that if Balron would manage it rightly against my Lord Shaftsbury and Colledge, he would make him for ever.* And seing Mowbray hath been lately produced by Just. Warcup at the Court of the Verge as a good Evidence, I suppose we may likewise produce his Testimony, in proof of *Smith's* being a Suborner. Now he Deposeth, *That Smith importuned him to Swear, That Sir John Brooks had said there would be cutting of throats at Oxford, and that the King would be seized there. And he says Smith added, That the Parliaments denying the King Money, and standing upon the Bill of Exclusion, was pretence enough for any man to Swear, that there was a Design against the King, and that the King was to be apprehended.* And as these Witnesses ought not to be disallowed by the managers of this *Protestant Plot*, seing they are made use of by themselves, so they not only prove *Smith* to be an infamous and suborning Rascal. But besides the Depositions unfold and declare the whole Mystery of this pretended *Protestant Conspiracy*. For whosoever are either against a Popish Successor, or unwilling to give Money till they know how it shall be employed and applied, are to be Sworn against as Guilty of a Design to Depose the King and alter the Government. So that there is no mean, if these men have their Will, but we must either submit to be Papists and Slaves, or else we must be content to be destroyed as Rebels and Traitors, in the way of a Legal Process. I think we may say,

See Colledge's Trial, p. 57, 58.

See Colledge's Trial, p. 59, 60.

say

say now upon the whole of what hath been declared concerning *Smith*, that that man is not careful of his own Credit, who will give credit to this fellows Testimony. And whatsoever Jury should find a Bill upon this Wretches Evidence, may be justly esteemed to put their Neighbours Life in jeopardy, upon the Oath of a suborned and perjured Rogue. Nor can they who shall hereafter bring in a Verdict against Protestants upon *Smith's* Deposition, be thought to have duly regarded or considered the quality of the Witness, or the credibility of the Evidence; but rather be judged by all to have pursued either their own Animosities, or the unjust Quarrels of other men.

The next Witness who at the proceeding at the *Old-Baily* swore against that Honourable Peer the Earl of *Shaftsbury*, was *Brian Haynes*, a fellow stigmatized and branded with the infamy of so many Crimes, that he disgraceth any Cause which he is produced in the favour of. For seeming *Angels* are not to be believed, when they are in fellowship, and speak in consort with Hellish *Fiends*. It were endless to recount the Enormities of his Life, all his days having been spent in wickedness and profligacy. For besides the Thefts and Robberies whereof he was guilty when at liberty: This is remarkable, that when his Debaucheries and Immoralities had lodged him about six years ago in the *Kings-Bench*, so prevalent was the habit of Villany which he had acquired, that among other Rogueries which he practised there, he stole a Tankard belonging to the *Drauer*. And what is this less than committing a Robbery in the sight of the Gallows, which we say is the highest Token of irreclaimable and obduracy in Wickedness. Yea Perjury it self, which

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See John Whaley's *Deposition in Colledge's Trial*, p. 44.

is the most fatal and destructive sin to the Safety and Peace of Mankind, is a Trade which he hath been long accustomed unto. For in a Case between Mr. *Bill* and my Lady *Windham*, divers years since, he gave a false Testimony upon Oath, as he not only afterwards acknowledged to my Lord Chief-Justice *Rainsford*, but for which he craved her *Ladships* Pardon. Nor is there any thing more obvious, than that he swore falsely at *Oxford* upon *Colledge's* Trial. For whereas he there Deposeth upon Oath, *That Colledge* See *Colledge's*
should speak opprobriously of My Lord Trial, p. 31, 31.
Chief-Justice Pemberton, in the Month
of March, before the Parliament sate at Oxford, it is most certain and falls under the knowledg of all *English* men, That that worthy Gentleman of the *Coif* was not made *Chief-Justice* till about the middle of *April* following. So doth God infatuate men when they engage themselves in a wicked Design, that he over-rules them in some thing or other to betray themselves, and beyond their intention to detect the Villany wherein they are concerned. To that prodigious Impudency was that Wretch arrived, that he hath openly professed Swearing and Perjury to be his Trade. For Mr. *Hickman* Deposeth,
 That he heard *Haynes* say to one Mr. See *Colledge's*
Scot a Papist, *God damn him, he cared not what he swore, nor whom he* Trial, p. 30.
swore against, because it was his Trade to get his Money by
Swearing. This brazen-faced Varlet that swears now so positively a Protestant Plot, did not only Depose upon Oath before Sir *George Treby*, *March 6. 1681.* That *David Fitzgerald* was pursuing a Design of skimming the Popish Plot, and forging a Protestant one; but he presented the same in a Paper which remains at the Council-Board, a
 Copy.

Copy whereof as it was extrcted by *William Blathwayt* the 5th of *Octob.* 1681. I shall here annex.

Brian Haynes, of London, Gentleman, Aged Thirty years, and upwards, maketh Oath, That Mr. David Fitz-Gerald, one of the Kings Evidence, told this Deponent, about the latter end of February last, that he the said Fitz-Gerald possessed His Majesty, and also gave it under his Hand and Seal, that the late Plot was a Presbyterian Plot, and invented by the Right Honourable the Earl of Shaftsbury, of purpose to extirpate the Family of the Steward's, and dethrone his present Majesty, and turn England into a Common-wealth, or else set the Crown upon the said Earl's head, which the said Earl told the said Fitz Gerald, did more appertain to the said Earl, than to his present Majesty. And this Deponent further saith, That one Robert Power, agent for the Earl of Tyrone; and likewise the said Fitz Gerald did divers times tamper with the Deponent, to speak with Mr. John Macknamarra, to the end the said Macknamarra would retract his Depositions concerning the Popish Plot, against the said Earl of Tyrone. And that in case the said Macknamarra would deny what he deposed against the said Earl of Tyrone, the said Robert Power and David Fitz Gerald, did to this Deponent promise, the said Macknamarra should be provided for all the days of his Life. And this Deponent further saith, That the said Fitz-Gerald told this Deponent, he wanted but Mr. John Macknamarra to come in and joyn with him, and he would have the Earl of Shaftsbury's head cut off, and sham the whole Popish Plot. By this Deposition we are plainly led into this whole devilish Intrigue, of charging Protestants with a Conspiracy against the Person of the King, and the established Monarchy. For Fitz-Gerald being corrupted by the Papists, and such as manage their designs, to sham off the Popish Plot, and swear one upon Protestants, he accordingly applies himself

self to every person, whom he conceived, with any probability, entertain thoughts of prevailing upon. And by dealing with men of no Principles, and of most profligate Lives, to whom were proposed great Offices and ample Rewards, they have by degrees been able to muster up Nine or Ten Rascals, most of which were before notoriously infamous; and having clothed them with the stile of the King's Evidence, they grow angry that their Testimony is not admitted to the reproach of our Religion, and the destruction of many innocent persons. Yea, this wretch Hayn's confessed to one Mrs. Hall, *That he had been dealt with to form a Presbyterian Plot, and that he was desired to corrupt and suborn one Everard and others to come over and promote the same Design.*

See Col-
ledge's Trial,
p. 42.

And upon the Overtures which had been made him, he not only told one Mr. Titon, *That he could frame a Presbyterian Plot, and that there was Money to be gotten by doing it;* but he acknowledged to one Mr. Richards, *That he was employed and had an hand in putting the Plot upon Dissenting Protestants; and that he was offered a Pardon and 500 l, if he would swear such and such base things,* That is, if he would accuse the Earl of Shaftsbury and other Loyal Patriots of Religion and English Liberties, of being guilty of a Conspiracy against his Majesty, and the established Government. And the Fellow being in great want, and having long before shipwreck't his Conscience, he was easily brought to comply with this wicked and abominable Proposal. For as he told Mombray, *His necessitous Condition made him take desperate Resolutions, and that to make his Fortune, he would swear a Plot against the Presbyterians, in reference to whom any plausible thing would be believed.*

Ibid. p. 43.

And that the World may know of how long standing this forged Conspiracy has been, I shall here add something of *Sampson's* Deposition upon Oath before an *Alderman* of *London*, which may serve further to enlighten this Affair. He swears, *That John Macknamarra told him, that Edward Ivey and Bryan Hayns agreed together in April last, to swear Treason against the Earl of Shaftsbury, and that the Treason which they resolved to swear, was, That the said Earl should say, That this King deserved more to be dethroned than Richard the second; and that he the said Earl would dethrone the King, and make England a Common-Wealth; and that if the Bill against the Earl of Shaftsbury were once found, that then they with Smith, Turbervil, and others would swear Treason against many more.* And as we may be sure, that the Villan's being a Papist, disposed him the more readily to venture upon a Design which was judged so subservient to the *Romish* Interest, so it were worth the while to inform the World with what Court-Ministers, and little Officers he secretly corresponded all the time he pretended to abscond. But as those persons must be left to suffer by Justice of a Parliament, so all the Discoveries relating to a close Converse between those Gentlemen and *Hayns*, must be deferred till this whole matter fall under the Inspection of the Two Houses. But so zealous of a sudden did the Rascal become in ruining Protestants upon this forged Plot, That he not only called the Parliament at Oxford a company of Rogues, because they would give the King no Money; but that by doing Shaftsbury and other Protestants business, they would help him to Money out of the Phanatiks estates; for they would rather damn

Colledge's
Trial, p. 44. *their Souls to the Devil, than that the Catholick Cause should sink.* If men did not chuse the being imposed upon, and
were

were not obstinate against conviction, they might have been satisfied long ago, that there was no Truth nor Reality in all the talk and noise which we have had concerning a *Protestant* Plot; but that it is only the invention of ill men, instructed and acted by the *Papists*, for the retrieving the sinking Cause and Interest of the Catholick Church in these Nations. And they have pitched upon Tools who are either wholly fearless of Damnation, or such who upon a promise of Happiness in this world, are resolved to venture it. So that upon what hath been here with all Truth as well as Brevity represented concerning this Fellow *Haynes*, I hope that at least all the sober part of Mankind will see cause for justifying the late Jury in their not believing his Testimony. Nor have I insisted upon half the Crimes and gross Immoralities of his Life, such as his forging a Letter to one Mr. *Harbottle* of *Lincoln*, in order to cozen a Gentleman of Goods, to the value of 200 *l.* And his marrying one Mrs. *Mansfield*, and then turning her away, after he had lived divers years with her, and spent 500 *l.* which she brought him, pretending she was but his Whore, because they were not married according to the Form of the Church of *England*, but after the *Romish* Fashion; tho' he that is guilty of such things ought not to be believed, unless the matter he swears carry a probability in it, or be rendred morally certain by Circumstances which are either notorious, or otherwise confirmed. No instead of recounting such Wickednesses and Immoralities, I have rather chosen to make him appear an infamous Rascal, and one to whose *Affidavit* concerning a *Protestant* Plot no credit is to be given, by declaring his own acknowledgments of the whole Forgery, and upon what Motives and through whose Instigation he lifted himself for a Witness, and what was the

and which the Managers of this Design proposed ultimately unto themselves, & with respect to which they reckon'd the murdering of innocent men would be esteem'd a holy and meritorious service. And I shall only add to what hath been said, That the wretch plainly contradicted himself in the face of the Court. *For being asked by the Jury, Whether he had not given an Information to a Justice of Peace, concerning some design against the Earl of Shaftsbury, he twice denied his having given such an Information to any, save Secretary Jenkins; yet upon my Lord Chief Justice's telling him, that he did not observe the que-*

See Proceedings at the Old Baily, p. 44, 45. *stion, and proposing it again to him, he at last acknowledged, that he had given an Information to Sir George Treby, how Mr. Fitz-Gerald had both told the*

King, and given it under his hand, That the Earl of Shaftsbury was resolved to set the Crown upon his own head, or otherwise, to turn the Kingdom into a Commonwealth. I wonder how their Lordships, and more especially, how the Kings Council, who seemed to lay great weight upon his Testimony, could forbear blushing, to hear a fellow say, not only once, That he had given such an Information to none, save to Secretary Jenkins, but to add a second time,

Ibid. *No, no; to none except Secretary Jenkins, and yet upon the hint which my Lord Chief Justice gave him, to acknowledg in the next breath, That he had given such an Information to Sir George Treby. And tho' the Court might take no notice of this shameful contradiction, yet we may be sure, that the Jury, as well as a great many Gentlemen besides, did.*

The next person whom His Majesties Learned Council at Law produced as a Witness of my Lord Shaftsbury's being guilty

guilty of Treason against the King and his Government, and upon whose Testimony they not only *stak'd* the belief of a Protestant Plot, but ventur'd both the Honour of the Government, and their own Wisdom and Discretion, was *John Macknamarra*, a fellow of the same stamp with the rest and fashioned in the same mould for the present Design. His early immoralities, as well as the straitness and penury of his condition, gave not only the managers of this *Sham* against *English* Protestants, encouragement to assault him, but rendred him disposed for, and capable of their impressions. For both *John Row* and *Francis Foulk*, Gentlemen of good Quality, and Justices of the Peace in the Kingdom of *Ireland*, do testify, *That he was not only an idle, lying and pilfering boy, but that being put upon his Oath, concerning some goods which he was suspected to have stolen from one of his Masters Daughters, he denied to have taken them, when nevertheless, upon search they were taken about him.* And his progress in Roguery, encreased answerably to his growth in years. For the same Gentlemen do not only declare, *That he and his brother Dennis, used frequently to bring Horses to graze on Camphaire Bogg, which afterwards, upon enquiry, were found to be stolen from some remote places, but that his house was known to be the greatest receptacle in the County of Clare for Rogues and Thieves.* And now finding himself in a Kingdom where he could not subsist by *Horse-stealing*, nor take sanctuary in Bogg when pursued, as he did in *Ireland*, he was glad to find such a Trade set up, as a man might get both Money and Countenance, meerly for forswearing himself, to relieve and advance the Catholick Cause. For that his condition was become extremely necessitous, appears not only from the Petition which he and others presented to the City for a maintenance, but is attested by divers, to whom in converse, he every day complained.

plained of it. And whereas he (as well as the rest) doth pretend, That that Petition spake neither his Language nor Case, but was framed for them by others; particularly, *That Colledg was concerned in promoting that Petition, by my Lord Shaftsbury's advice; and that he neither read it,*

See Proceeding at
the Old Baily, p.
45.

nor knew what was in it. Mr. Samson not only swears, That he saw them dictate it to the Scrivener who drew it, but that John Macknamarra told him, how they intended to evade the stress laid up-

on it, for weakening the credit of their Testimony, by affirming, that it was made for them by the City. And forasmuch as this fellow being questioned by the Grand Jury at Rous's Tryal how he was maintained, had the impudence to answer, That he did then rent a hundred pound per annum in Ireland. That thing is altogether false, as is both attested by Mr. Samson upon Oath, and confirmed by Letters and Informations from persons in that Kingdom, who very well knew the Rascal, and are themselves of unquestionable Honour and Reputation. Such a stranger was John Macknamarra to the reality of a Protestant Plot, or the time when he pretends the Treasonable words were spoken by that Noble Peer, that there are several persons, whom all sober men will give entire belief unto, who not only depose, That he used about that time to aver there was no such thing, but that he also used to fasten very severe Characters upon such as took upon them to say there was. For whereas he swears, That he heard the Earl of

Ibid, p. 44.

Shaftsbury speak such and such Traiterous words in March and April last, Mr. Wilmer deposeth, That being in discourse with Macknamarra, about the time that the Indictment was exhibited against my Lord Howard, the said Macknamarra did

did affirm, that he knew nothing against any Protestant in England, and that none would swear any Treasonable Design against them but David Fitzgerald and his crew of damn'd shamming Rascals, who would swear any thing. And Sampson informs upon Oath, That about two days before Macnamarra went to Oxford to Colledge's Trial, the said Macnamarra told him, that he knew the Design against Protestants; but swore God damn him, if he knew of any Treason by any Protestants, or knew of any Plot but the Popish Plot, or if he would swear to any such thing. And as we have all that is needful to convince every man, who is not either a Fool, and not capable of being instructed and undeceived; or else a Knave, who from corrupt Principles and Motives, and in order to Villanous ends, is willing to be imposed upon; that as Macnamarra, by his own manifold Confessions sealed with Execrations and Oaths, knew of no Traiterous Design wherein either the Earl of Shaftsbury or any other Protestant was engaged or concerned; so we are fully acquainted with the methods and ways, and by what means he came to be seduced to appear as an Evidence against that Noble Peer, or to charge a Plot upon His Majesty's Protestant Subjects. For he not only acknowledged to Mr. Samuel Harris, shortly after the said Macnamarra was bail'd out of Newgate, and also at divers times afterwards to Mr. John Wilmer, That Coll. Warcup had been with him, and earnestly solicited him to come to Whitehal, telling him that he might have great advantages by so doing; and that the Justice spake this in such a manner and way, as gave him reason to suspect a Design of frustrating his Evidence against the Papists, and employing him in some very ill Design: But he likewise confessed to Dr. Oates, Mr. Thomas Pain, Mr. Samuel Bull, and several others, That Warcup had offered him several
hundreds

hundred pounds, if he would recant his Evidence against the Papists, fall in with Fitzgerald, and swear Treason against the Earl of Shaftsbury, and other Protestant Lords and Gentlemen. And so gainful did the Justice and these Gentlemen whose Purses, and Treasure, this grand Broker for, and principal director of the Witnesses, hath the use and disposal of for the service of so good and necessary a service, make the Trade of Perjury to this mercenary and suborn'd Rascal, that he hath since not only lived at a high and extravagant rate, spending commonly as Mr. Shewen Deposeth, Eighteen shillings for his own share at an Ordinary, but he hath laugh'd and derided Mr. Bourk, calling him in the hearing of Mr. Samuel Chaffin, a Fool, that he did not put himself into a condition of having Money enough, by closing with him and doing as others did. And besides that, Mr. Brownrigg Deposeth, How he saw two of the Witnesses receive Money from Christopher Williams, servant to Mr. Marriot, both for themselves and other two of the Evidence-Tribe that were not there; Mr. Shewen informeth upon Oath, that having met John Macknamarra at the Golden Posts by Charing Cross on the Tenth of August last, and having asked him why he went so often to Sir L. J. house, the said Macknamarra to intimate his business with that Gentleman, put his hand in his pocket and shok his money. And as we have all the assurance imaginable, that this Rascal Macknamarra and the rest of the Witnesses against Protestants were suborned by Warcup, so we have great reason to believe that they were not only countenanced, but from time to time taught and instructed by persons of higher Quality than the Justice is. For Mr. Shewen swears, That being on the 11th of August in company with Smith and Macknamarra, the said Macknamarra told Smith, That the reason why he could not sooner wait upon him that Morning

ning, was because he had been with Sir L. J. who had given him a long Lesson, which nevertheless he had learned, tho' it was very long. To that height of Impudence and Villany was this Varlet arrived, through the encouragement and protection which he received from some great persons, whom it would have better become to have employed their Authority and Power according to the Rules of Justice and Honour, that as if it had not been wicked and immodest enough to owne his being suborned himself, he made it his business to suborn others. For so much doth *Mombray* Depose against him, who tho' he is become himself one of the Swearing Gang, yet his Testimony is not thereby weakned, but is rather the stronger, being against one of his *Complices*. To that Immodesty and Insolence was this mercenary audacious Wretch grown, that if a person did but decline the gratifying his covetous and insatiable desires, he was prepared immediately to Swear Treason against him. For Mr. *Chaffin* Deposeth, That he heard John Macnamarra say, He would Swear Treason against a Merchant in the City, if he would not give him such a Sum of Money as he demanded of him. Whether upon the whole, the original Authors and supreme Managers of this *Sham* expected to reap any honour to themselves, or credit to the Conspiracy which they would have father'd upon *Protestants*, from the reputation of this Witness, I cannot tell; but I think it is evident, from what hath been said in relation to him, that no unbiaſſed persons, nor wise and honest Juries, could have peace in themselves, nor approve their actings to God and the world, should they in the case before us give faith to this Fellow's Testimony. Nor would I have the Conductors of this malicious and forged Design against the Lives of innocent persons think, but that as we Pro-

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testants

testants are very sensible, how unjustly and industriously they have been pursuing our ruin, so we are not ignorant of their treacherous and wicked carriage, from first to last, in this Affair. For let me tell them, That while they conceive they act behind a *Curtain*, they do but dance in a *net*. And while they imagine, that they remain safe through their standing in the dark, they are both as well known, and their methods as fully understood, as if they had appeared and acted in a meridian light. And whensoever it is a convenient time, there are those in the world, that know how to represent them stript of the mask and disguise under which they have gone.

The next Witness that stepped up to give Evidence against the Earl of *Shaftsbury*, was *Dennis Macknamarra*, John's true Brother in all Wickedness and Perjuries, as well as in Blood. For having acted in co-partnership so long in the Horse-stealing-Trade, they were not to be separated in this new *course* of Livelihood which was proposed unto them, provided they would perjure themselves, and swear Protestants guilty of a Plot. Nor is this a groundless surmise of mine; but Mr. *Samson* hath deposed upon Oath, That both he and others heard *Dennis Macknamarra* say, *That he would swear anything that his Brother John would have him to swear*. And whosoever acts implicitly upon the advice and command of such a guide, ought to be esteemed and judged of, according to the Principles and Practices of his Condu-cter. But besides, the fellow was himself immediately tempted with promises both of a present Reward and a standing Salary, if he would swear Treason against the Earl of *Shaftsbury*, and such others as should be named unto him; and the silly Rascal wanting Wit, as well as Honesty and Conscience, became easily conquered by so suitable as well as great temptations. For the wretch knows no,
Law,

Law but that of his belly, nor understands any more Sense or Reason, than what is declared in the offers of food and money. And we are assured by persons, whose integrity was never suspected, That *Dennis Macknamarra* told them, *he was profer'd great sums of money, to go off from his Evidence against the Papists, and to swear against Protestants.* This is directly and positively deposed against him by Dr. Oats and Mr. Thomas Payne, with this addition, *That Justice Warcup was the man who endeavoured to corrupt and suborn him.* And withal, he laid open to the Dr. the methods and steps in which the Justice did this base and villanous thing. And tho' the success of Warcup's application to suborn him, be now evident in the effects of it, yet I shall give an account of it from *Dennis Macknamarra's* own acknowledgment to Mr. Peter Norris. For Mr. Norris being in company with him, and representing that he wanted money, *Dennis Macknamarra* thereupon replied, *We are all Fools, for David Fitz-Gerald lives like a Prince, wanting neither Money nor Gold, while in the meantime, said he, we can hardly have bread; and damn me, said he, if we had done as he did at first, we had been better than we are; but damn me, we will do it yet;* and with that, the said *Dennis Macknamarra* pulled a paper out of his pocket, and said, *If Mr. Norris would set his Hand to that paper, he the said Macknamarra would warrant him they should do better.* But I shall not deduce, nor pursue what we have against him to any further length; for seeing this little fellow is no otherwise to be considered, than as an *Appendix* of his Brother, we may reasonably therefore hope, that the Credit of the one, as to the supporting the belief of a Protestant Plot, being blasted and overthrown, the Credit of the other runs the same destiny. The Reputation of the Accessary falls with that of the Principal. Yet what we have here offered from

His own acknowledgments, concerning his being suborned, is enough, should he be weighed, as abstracted from any dependance upon his Brother *John*, to render him, and make him appear to be no less in this whole matter, than a perjured and infamous Rascal. And we pity our Adversaries, as driven to very low shifts, in that they had no other to produce, to prove the chiefest men of *England* guilty of Treason, but such foolish wretches as could neither conceal their own Mercinarieness and Perjuries, nor the Villanies of those who had suborn'd and corrupted them.

The next person whom the Managers of the Bill against the Earl of *Shaftsbury* thought fit to venture the Truth and Proof of the Charge against him upon, is *Edward Ivey*, one that is infamous to a very Proverb, and who disgraceth the Name of a Gentleman, by pretending to the Title and Appellation. That he hath been Convicted and Condemned for Robbery, appears from the Certificate which I shall here subjoin.

Somerſet ff. *Ad Affiſas & General. Goal. Delibar. Dom. Regis de priſonet. in ea exiſtent. tent. apud Civit. Wellen. in & pro eadem Com. Die Sabbat. ſcil. Nono die Auguſti. Anno Regni Dom. noſt. Caroli Secund. Dei Grat. Angl. Scot. Franc. Hibern. Regis, Fidei Deſenſor. Decimo quarto, coram Roberto Foſter, Mil. Capital. Juſtic. Diſt. Dom. Regis ad placita, coram ipſo Rege tenend. aſſign. & Johan. Archer Servie. ad Legem Juſtic. &c.*

*Whereas at this preſent Affizes, one Edward Ivey was Indi-
c-
ted for robbing himſelf and his Siſter Joan
Plym-*

Plympton; *This is therefore to certifie, that the said Edward Ivey was Convicted for the same Fact, and had Sentence of Death passed upon him; but afterwards had His Majesties Pardon.*

Vera Copia, ex. per
Fra. Stevens.

He that could be guilty in Robbing his own Sister, will decline nothing that is Criminal, if the committing it be but subservient to his Ambition or Covetousness. For having violated the Obligations of Nature, he can be under no confinement from subordinate Laws. It were endless to recount the Enormities of his Life, whereof almost every Action hath been a Scandal: I shall therefore only detect those Villanies which he hath perpetrated, to the rendring him infamous, as well as the proclaiming him prodigiously wicked. He was no sooner pardoned for one *Felony*, but he committed *another*. For having listed himself for a Trooper and gone to *Portsmouth*, he there married a *second Wife*, tho' his *first* was still living. And finding it was discovered, and that there was a Prosecution commencing against him, he thereupon fled to *Ireland*, being never heard of again in his own Country, till he appeared as one of the King's Evidence concerning a *Popish Plot*. For His Majesty having promised in his Royal Proclamations, that whosoever came in by such a time to detect the Conspiracy of the *Papists* against His Person and the Government, should thereupon be pardoned; this cunning Rascal thought with himself he might safely venture hither, as reckoning that his Felonies would be included in his Pardon as well as his Treasons. To this I might add his having lived some time this last Summer with

with a Woman, whom he swore God damn him he was Married unto, which Woman proved in the end to be another mans Wife, and was accordingly taken out of Bed from him by her Husband on the second of October at Night. But whereas *He said upon Oath at Mr. Rouse's Trial, that he came not over to England to discover the Popish Plot; it is not only known to all who understand any thing of the late Transactions, that this was his pretence, and that accordingly he made a large Discovery; but withal Mr. Sampson also swears, There was twenty Pound allowed the said Ivey by my Lord Lieutenant of Ireland, to defray his passage hither, in order to his revealing the Popish Plot.* Who can blame a fellow of his Principles, that hath a latitude to swear and forswear as he finds it for his interest, if he disclaim the having come hither upon an errand which he is so little thank'd for, and which is not likely to conduce so much to his profit as he imagined it would. The forming a *Protestant Plot*, and suborning others as well as coming in himself to swear Treason against the Earl of *Shaftsbury* and other Patriots of our Religion and Civil Liberties, is a design that will turn to better account and give him an esteem with some men, beyond what ever the former dull Trade would have done. And therefore it is a fitter end, for one of his genius and stamp to bear himself upon as the grand motive of his Journey hither. But whereas *he Swore likewise the time when the Bill was preferred against Rous, that the Earl of Shaftsbury did usually dictate to him the Information he drew up and Deposed concerning the Popish Plot; There are divers persons, and amongst others Mr. Sampson, who do testifie they saw those Informations in his hand, before ever he knew the Earl of Shaftsbury.* And seeing *he further declared at the same time, that some Informations which he had given in*
here

here against the Papists were wholly false; and that he made Oath of them only, because Mr. Rouse would not otherwise give any Money, ought not all Mankind therefore to esteem him as a Villain, and as one that is perjur'd upon Record. Nor could any thing more amaze the thinking part of Mankind, than that when this miscreant had declared himself perjured in open Court, he should yet be produced again the next Sessions; and that against no less considerable person, than the right Honourable the Earl of Shaftsbury is. But whether we are to ascribe it to excess of rage in some men against that Noble Peer, or whether we are to attribute it to a Divine infatuation, upon the Managers of the Bill of Indictment, I cannot tell; but I dare boldly say, That both the Jury, and hundreds in the Court besides, were able to guess at the maliciousness of that Prosecution, and to conclude within themselves, That whatsoever was alleadged to render that excellent Patriot guilty of Treason, was all forgery and groundless invention.

But that we may yet further expose this fellow Ivey, and that at the same time unveil this whole Combination, wherein some ill men have been engaged, in order to the Subversion of our Liberties and Religion, or against the lives of the greatest, and most innocent Protestants; I shall in the next place observe, that he both spake of such a Design while it was in agitation and forming, and embark'd in it upon promises of Reward himself, but endeavoured to corrupt and suborn others to joyn in the same Villany. Accordingly Captain Tarrington informs, That being one morning in bed at Mr. Stephen Colledges, he there heard Mr. Ivey acquaint Mr. Colledg with a Design that was then on foot, for framing of a Plot against Protestants; and that they were to be accused of a Conspiracy against the Monarchy, and for deposing the King. And Mr. John Jenks deposeth, That
Mr.

Mr. Ivey confessed to him, how he had great offers made him, provided he would swear against Protestants. And Mr. Ashlock says, that Ivey one day told him, He had been with the said Lord, and that my Lord Hyde had order'd him to send at any time to him, and he should have money. And the said Ashlock further adds, That he saw a Letter directed to my Lord Hyde from Ivey, which Ivey said was for money. Now that Ivey was necessitous, and the more likely to be suborned for money, to swear any thing that was false, appears not only by the Petition presented to my Lord Mayor, the Court of Aldermen, and the Common Council, which he among others subscribed; but more especially from his own Testimony in Court, at the time when Mr. Rowse was indicted; seeing he then owned, That he had falsely sworn such things merely, because he could not otherwise get money. And that this Protestant Plot was hatched by this hired suborned Rascal and others, who in order to promote the Interest and designs of the Papists, had combined to asperse Loyal Persons with the imputation of Treason, and to make the chief Protectors under his Majesty of our Religion and Liberties, perish in the form and course of Justice, does appears by what Mr. Sampson hath deposed upon Oath, namely, That John Macknamarra told him how he and Ivey, having been with the Earl of Shaftsbury, his Lordship had refused to discourse with them alone, saying, He never discoursed with any but in the presence of his Servants; and that I being thereupon very greatly disgusted, contrived by way of Revenge, to swear High Treason against him. Not but that the Design of accusing my Lord Shaftsbury of Treason, was laid by others, but Ivey being suborned to be a Witness against him, he therefore sought an opportunity of speaking with his Lordship alone, the better to obtain what he should afterwards say against him, to be believed.

ieved. However having upon some instigation or other entertain'd a Resolution of swearing Treason against this Loyal and Noble Lord; his next business was to procure others to fortifie his Testimony, and second him in whatsoever he should say. Accordingly he applies to *Haynes*, assuring him in the names of several Lords, That he should not only have his pardon, but five hundred pounds, provided (as *Mrs. Wingfield Haynes's* Mother-in-Law, told *Mrs. Hall*, and *Mary Richards*) he would fasten a Plot upon Protestants, and swear against several Lords. Nay, Mr. Zell one of Justice *Warcups* present Darlings, and whose Testimony he ought not to decline against *Ivey*, having so lately made use of it in the Court of *Verge*, to vindicate himself; I say, this Zell hath deposed upon Oath, That *Ivey* would have perswaded him to swear High Treason against the Earl of *Shaftsbury*, and by way of Argument to influence him to a compliance, told him, That the *E. of H. my L. H. my L. C. and Mr. S.* were a Committee to give assurances of Pardons, and to allow Gratuities to all that would swear against that Lord, and that there is a Presbyterian Plot. And tho' I am not willing to believe those great Ministers guilty of this which Zell says *Ivey* reported of them, yet it is something strange, that knowing it from Prints as well as otherwise, they have not endeavoured to get that Rogue punished for defaming of them. And I do verily think it would be as much for the Honour of the Government, and for the Reputation of these States-men, to have this fellow, and the rest, who have used the like Language concerning them, either prosecuted by way of Action or Information; as it will prove in the issue that the Attorney General is prosecuting one *Baldwin* for having published a Book called *No Protestant Plot*; wherein so far as very good and wise men can see, there is not any thing

criminal, unless it be a Crime to detect the Designs of the Papists against *Protestants*, and to vindicate the innocency of those, who (as it hath appeared by the verdicts of Juries) were falsely and unrighteously accused. But to return, I suppose from what hath been here declared, and laid open concerning *Ivey*, there will not many be found who are credible persons themselves, that will look upon him hereafter, as a credible Witness in reference to a *Protestant Plot*. Nor is the bringing the Lives of Innocents into hazard, upon the Testimony of a wretch branded with so many capital Offences, and who besides hath been so evidently tamper'd with, to be any other way expiated or attoned for, but by bringing both him and his Abettors to condign punishment.

The last Witness made use towards the proving the Bill against the Earl of *Shaftsbury*, was *Bernard Dennis*, a fellow as lewd in his Morals as any of the rest, and drawn and procured to be an Evidence against *Protestants*, by the same means and arts that they were. Nor is he only an *I-*

See proceedings upon the Bill against the Earl of Shaft. p. 48. *Irish* man, but of one of the most sottish bigotted bloody *Clans*'s of all that Kingdom. And upon the best enquiry I can make, there is not one *Irish* man of his Name in that whole Nation, who is known to be a *Protestant*. I should

not have mentioned this, if the fellow upon being ask'd whether all his Kindred were not Papists, had not answered, *he could not say so*. And yet were he put to it, he will

Ibid. p. 32. not be able to name one Person neither in the County where he was born, where he says *there are so many of them*, nor in the whole Country besides, that is not a Papist, if withal they be not of the most violent and bloodily disposed sort.

And . . .

And whereas he once told Mr. *Wilmore* (they two being discoursing together about the principles of the Papists), that the Papists *valued no more the life of a Heretick, than they did that of a Dog*, it is most probable, that he therein spake the Sense of his Kindred, and published what they had of old infused into him. I will not enquire, what Religion he is of at present, seeing no form nor kind of Religion can give him a Reputation, but he reflects dishonour upon whatsoever Religion he doth profess. Only I wish, that the Papists have not *Sham'd* him upon the Church of *England*, that he may the better, and under the fairer name, Sham a Plot upon Protestants. And who knows, but finding a respect paid to his Testimony at the Tryal of my Lord *Stafford*, because he there professed himself a Papist, he might thereupon hope it would advantage him in being believed against a Protestant, by lifting himself in the Communion of the Protestant Church. The forgery of this Plot would have been too obvious, should *Romish* Priests have come forth, as the principal Witnesses, to prove the best Protestants in *England*, concerned in a Conspiracy against His Majesty and the Government; but the producing none for Evidence, but Members of our own Church, does help to hide and conceal the Villany. And I beg the rather pardon for my jealousy in this matter, because tho' he told the *Jury*, that he had been a Protestant since *February* last, yet he never sought to be received into the bosom of the *English* Church, till about the month of *June*, which was near the time that the Mine which had been long before laid against Protestants, was just ready to spring. Nor were things so much better for the Protestant Interest, and worse for the Popish *Ibid* p. 47. in *February*, than they had been in *November* before, that a fellow who makes Religion always

subservient to his safety and gain, and who had been a Papist in *November*, should think of abandoning the Communion of the Church of *Rome*, for to be taken into the bosom and embraces of the Church of *England* in *February* following. But be he of what Religion soever he pleaseth, I still say, he is a wicked and flagitious fellow. For whereas he acknowledgeth, that in the course of his Travels, he had been in *Maryland*, as well as in divers other Countries, he must give us leave to remember himself of, and acquaint the world with a good token of it. For besides several Debaucheries, and lesser enormities he was guilty of there, he was apprehended not only for felony, in stealing a Watch, but for Sacriledg, in breaking into a Church and carrying away the Communion Plate. But being I grow weary in raking so long in Sinks and Kennels, I shall therefore wave the insisting upon these things, or the deducing them to any further length. Since he came hither, he hath been always extreamly necessitous, but never in greater penury, than immediately before he started up a Witness in this new Plot. For as he wanted bread, otherwise than as he was from day to day relieved by the Charity of such compassionate persons, to whom he bewailed the miserableness of his condition, so I have heard from a good hand, that being arrested for *Fifteen* or *Seventeen shillings*, he was so poor, that he must have gone to the Counter, if a Gentleman that passed by had not out of meer pity sent him a *Guinee* to discharge the Debt and the Serjeants Fees. And how easie was it to corrupt and suborn such a fellow, who as he had no Principles of Vertue or Honour, to preserve him against the temptations wherewith he was assaulted, so the pinching wants, under which he laboured, rendred him a prey to any that would hire him with ready money, or give him any assurance of a plentiful subsistence. Now it

not only appears from the Testimony of Dr. Oats, Mr. Boulter, Mrs. Mary Cox, Mrs. Norton, and divers others, that by his own acknowledgment and confession to them, *both Warcup and Fitz-Gerald had tempted him with great offers of Gold and Silver, if he would depart from his Evidence against the Papists, and swear Treason against the Earl of Shaftsbury, my Lord Howard, and several other Protestants, but it is likewise deposed by Mr. Samuel Oats, that Dennis should say, If the Protestants did not help him to money, it would cause him to do that which he never intended.* But what need I insist upon the Depositions of others, in proof, that he had frequently confessed his being tempted with tenders of great matters, to retract what he had sworn against the Papists, and swear, that the Protestants were embarkt in a Conspiracy against the King, *seeing he himself hath deposed all this upon Oath before Sir Patience Ward, when he was Lord Mayor.* And as this may fully convince all that are not in the Plot themselves, for the destroying such as are the chief Bulwarks, under His Majesty, of our Religion and Liberties, that whatsoever this fellow hath sworn against the Earl of Shaftsbury, or any Protestant else, is all meer Fiction, Romance, and abominable Forgery, so we have besides all this, the Testimony both of Dr. Oats and Captain Tarrington, That this wretch *did protest unto them, at the very time when he told them of his being tempted, that before God, he knew nothing whereof to accuse any Protestant in the world; and that if he should do any such thing, he should be the greatest Rogue under Heaven.* And as their way of living since, and their boasting, of having their Pockets full of money, does plainly proclaim to all Mankind, upon what motives they have perjured themselves, and how well they have been rewarded for their false swearing, so there is one George Dennis, a Gardiner, who

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deposeth, *That to his knowledg, the Witnesses who swore against the Earl of Shaftsbury, had an Hundred, or an Hundred and Fifty Pound a man for so doing ; and that he might have had as much, if he would have Sworn against the said Earl.* Having thus truly and briefly drawn and represented the Witnesses according to their just and true Features, and having fully discovered the Combination which they and others are engaged in against our Lives and Religion, and having particularly detected how these mercenary Wretches have been hired and suborned to swear a Plot upon *Protestants*, which themselves and their Abettors have out of hatred to the *Protestant Religion* and *English Liberties* invented and forged against innocent persons : I shall now leave them thus shown and exposed, to undergo the punishments which these unparalleled Villainies subject them unto ; and in the mean time till the Administrators of publick Justice shall esteem it their Duty and for the honour of the Government, to make their Punishment as exemplar, as their Crimes have been ; I do here set them up as proper objects of the abhorrency and detestation of mankind, and persons not worthy to be believed by any honest rational *Jury* or *Inquest*. And I shall only add, that the late *Grand Jury*, instead of deserving to be censured for returning an *Ignoramus* upon the *Bills* which these Miscreants swore unto, they are rather to be blam'd for not immediately Indicting them of a Conspiracy against the Lives and Honour of Noble and Guiltless Persons. Nor is it enough for a *Grand Jury* merely to reject a *Bill*, which they find promoted from Malice, and upon a Combination ; but they are bound, both by the Laws of God and the Laws of the Land, to Indict the Conspirators and all such as shall appear to have abetted them. And whereas we have
not

not only heard of several other Witnesses, who either had or were ready to Swear Treason against the Earl of *Shaftsbury*, but have been told, that several of their Names had been endorsed on the back of the *Bill* which was preferred against his Lordship, who yet upon second thoughts were blotted out and expunged. We shall only say, that we think it needless to attempt the exposing of those, whom the Managers themselves judged so infamous, that they were ashamed to make use of them. But as we may be sure that they produced all these, whose Credit they could in any degree rely upon, so had they brought an hundred more, whom we might neither have known, nor had opportunity to enquire after, yet finding them in conjunction with such infamous Villains as these we have named, it had been a most unreasonable, unjust, and unwise thing to believe them. But can any man take Mrs. *Teresia Peacock* to be a credible Witness, who besides her being a more common Prostitute than any in the publick Stews, was found to be a false and perjured *hussy* in the Deposition which she gave against My Lord *Howard*, before the Grand Jury at *Westminster*, the last *Midsummer-Term*. For whereas her *Mistress* and *she* had Sworn Treason against that Noble Lord, and accorded in every particular whilst they were together; they plainly contradicted each other, when they once came to be examined apart. For the *Mistress* being ask'd how her *Maid* came to hear My Lord *Howard* speak the Treasonable words which were Sworn and Deposed, replied, that the *Wench* had arrived at the knowledg of them, by standing and hearkning behind a door; but the same Question being proposed to Mrs. *Teresia*, she affirmed she was as much trusted by my Lord, as Mrs. *Fitz-Harris* her self; and that *he* had said so and so to her, pursuant of the intimacy which

which she had with him, and the confidence which he placed in her. Which as it was an uncontrollable Evidence of her having perjur'd her self, so it was a happy means of discovering the Conspiracy against the Life of that wise and generous Lord. And for *David Fitz-Gerald*, there are not only an hundred Testimonies against him, to render him the most profligate and infamous person alive; but the very Witnesses which were produced in Court against the Earl of *Shaftsbury*, have testified to several of His Majesties Justices upon Oath, how he had tampered with them, and what pains he had taken to suborn them. So that I may boldly say, the Managers of this *Intrigue* are liable to be called to account for not prosecuting *Fitz-Gerald* on the Depositions of those, upon whose Testimony they took the boldness to Indict this Great and Noble Peer. And whereas there is one *Sir James Hayes*, who upon his swearing against *Mr. Wilson*, had been represented to the world in more modest terms than he deserves, that nevertheless hath had the

No Protestant
Plot, part 2. p. 11,
12.

confidence to vindicate himself in a publick *Intellegence*, from the Crimes which had been charged upon him. I do therefore affirm, that he was not only guilty of all the Villanies whereof he was there accused, but that there are many more Rogueries chargeable upon him, than were there mentioned. *For besides his having been heretofore in the Kings Bench, for Knavery and Debt, and his being necessitated at present to conceal himself from his Creditors; and his having been reduced to such necessities, as to receive two pence of Mr. Peter the Chyrurgeon by way of relief; I say besides all this, he is not only known to have been one of that Fellowship at the Mews, which was called the Black-guard, and to have cheated divers Tradesmen in*
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and about the City, of Goods to a considerable value; and to have been assistant to Norton, in selling the Privy Garden at Whitehall, by a false Patent, to a Carpenter to build upon; but to have drawn several Bills of Exchange, to the value of Four or Five hundred pounds, on Mr. Roger Moor, Merchant in Dublin, for such sums of money, received of Mr. Henry Crook and Mr. James Wale, here in London, which Bills were all returned protested. In the mean time, let no man think, that this base and profligate fellow, is the Sir James Hays who belonged to Prince Rupert, and who hath married the Lady Falkland, seeing this worthy Gentleman is a person of more Honour and Integrity, than to fall under a suspicion of doing any thing that is ill. And as they, whom I have mentioned, are the Witnesses whom some wise men thought fit to have concealed, when the rest that pretend to swear a *Protestant Plot*, were called forth, and produced upon the publick Stage, so whether the Directors and Managers of this Intrigue, do only reserve them till the much desired season of having Juries who will act implicitly, or such at least, as will prove more favourable to the Design; or whether they have chosen to lay them wholly aside, as being really ashamed of them, I cannot tell. But so secure are we of our own Innocency, and so much above the aspersions of such vile Miscreants, that we neither envy our Enemies the having a thousand of them, nor think either our Lives endangered, or our Reputations lessened, through being sworn against by persons stigmatized and branded as they are.

And whereas there are some, either so silly or so knavish, as to say, that by weakning the Credit of the Evidence, concerning a *Protestant Plot*, we do thereby supplant, and in Sir George See Colledg's Tryal, Jefferies Phrase, trip up the heels of all p. 91.

the Evidence and Discovery of a Popish Plot; we presume to say, that they are greatly mistaken; and that tho' they may be so foolish, as to believe such a thing themselves, yet they will find it difficult to impose so ridiculous a Deduction and Inference upon the Thinking and Rational part of Mankind. For this Sham Conspiracy, contrived and carried on by the Papists means against Protestants, is both a most convincing Evidence of the reality of a *Popish Plot*, and that there are some people interested in it, which before we were not aware of. Nor was this Design of bringing Protestants under the suspicion of Treason against His Majesty and the Government, thought of, or undertaken upon any other or lesser account, but in order to protect and defend themselves from the punishments which they know they were justly obnoxious unto, for their own Treasons. And had the Papists been guilty of no other Plot against us before, this alone is enough to tell us, how implacably they pursue our ruine. Yea, we could sooner pardon their attempting to cut our Throats by way of a Massacre, than their endeavouring to destroy us in a course of Law, by accusing us of forged and suborned Crimes. But besides, the *Popish Plot* remains confirmed many other ways, than by the Oral Testimony and Deposition of Witnesses. Do not *Coleman's* Letters effectually prove it, whereof, not only that directed to the Pope's Nuncio, and bearing Date, Aug. 21. 1674. says, *That they had great Designs in agitation, and worthy the consideration of the Nuncio's Friends, and to be supported with all their power; wherein says Mr. Coleman, we doubt not but to succeed, and it maybe, to the utter ruin of the Protestant party, if you joyn with us in good earnest, and cordially second our enterprises*: but in that directed to Father *le Ckeise*, he further tells us, *That they had undertaken a great work, being no less than the entire subver-*
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sion of that Heresie which had for so long a time rul'd over this Northern part of the world. And is not the murdering of *Sir Edmond-bury Godfrey*, both an indisputable Evidence, that there was a Popish Plot, and that their destroying him, was meerly to prevent the discovery of their design for destroying us? Yea, what any pretended to discover of that Plot, was so agreeable to Popish Principles, and did so correspond with the preparations that we had observed them to be making for many years, that were there not one Witness alive, we could demonstrate the truth of a Popish Conspiracy, from Matters, Facts, and such Transactions which were obvious. And as the fellows who have been suborned to swear against Protestants, were not the Original Discoverers of the Popish Plot, so *Dr. Oats*, who did first detect and reveal that Hellish Conspiracy, is both forth-coming, and remains able to support and maintain what he hath deposed. And without doubt, his Testimony will have a greater Reputation than ever, by his withstanding the many and great offers whereby he was tempted to swear Treason against Protestants. For his scorning to be brib'd to swear against us, is a most convincing Argument, that what he swore against the *Papists*, was not a Fiction of his own, invented upon Design of getting money and preferment. Nor is it to be thought, that they who make it their business to disparage *Dr. Oats*, and to lessen his Reputation, should be either careful about the maintaining the belief of a Popish Plot, or of sustaining the Credit of the Witnesses, in order to their continuing Good Evidence in the business of the Popish Conspiracy.

And whereas there are others, and some of them not only men of Quality, but Wit, who say, That the Witnesses having been believed against the *Papists*, they ought

also to be believed against *Protestants*; seeing, as they are pleased to express it, *What is sauce for a Goose is also sauce for a Gander*: I reply, that if Passion, Prejudice and Envy would give these men leave to think coherently, as all sober men use to do, they would soon find such a disparity and difference in these two cases, that there is no reason they should be credited against *Protestants*, because Faith was given to their Testimony when they swore against the *Papists*. For it is one thing to be admitted into the hidden Machinations and Designs of Priests, who were their Confessors, had the direction of their Consciences, and with whom they had been long and familiarly acquainted, and another thing to be made privy to the most important and hazardous Secrets of persons with whom they never had any intimacy, and to whom they never spake, unless it were either concerning what they pretended to know of the *Popish Plot*, or in reference to their getting bread and sustenance allowed them. Surely there is a great disparity betwixt their being believed about matters communicated unto them, before they were known to have deceived those that had put confidence in them; and their being believed concerning Designs, which they say were trusted with them, after all the world knew how they had discovered and betrayed their antient Friends who did rely upon them. Nor is there any parity betwixt the giving credit to men about an affair where both the Matter that is sworn, and the Circumstances by which it is enforced, do demonstrate the truth and reality of what is Deposed; and the receiving their Testimony concerning a business that is full of Contradictions and moral impossibilities. Nay, it is one thing to believe a man concerning a thing, the doing whereof was agreeable to the Principles which he professed, and for the concealing

ling of which he was under an Oath of Secrecy; and another thing to believe him about a matter that was forbidden by the Religion both of those that are said to have trusted him, and which Religion himself had espoused, because it did prohibit such Villanies, and for the concealing whereof he was never brought under any ties and obligations. No person that hath not abjured Honesty and common sense, but must needs acknowledg that there is a great difference betwixt admitting the Testimony of one, who no ways appears to be tampered with, and allowing such an one's Deposition for legal and true, who is known to have been hired and suborned. So that upon the whole, we *shall finde Savce for their Goose*, but in the mean time we desire them *to find savce for their Ganders*. Nor is it equal, that because these Witnesses have been believed about a *Popish Plot*, whereof we are furnished with an hundred Evidences besides their Testimony; that they should therefore be believed in reference to a *Protestant Conspiracy* against His Majesty and the Monarchy, whereof we have no footstep nor symptome, but must take it upon their mere *Affidavit*.

Having now consider'd the quality and the credibility of the Witnesses, we are in the next place to weigh & ponder the matter which they Deposed and Swore. And if our Understanding and Reason do not deceive us, we shall make the whole Forgery palpable, from what they have taken upon them to say against the Earl of *Shaftsbury*, tho' there were no antecedent Reasons for the bringing their credit as to this affair into Suspicion. For if a business Deposed be either contradictory to it self, or morally impossible, or in the principal strokes and lines of it contrary to the universal knowledg of the Nation, or doth interfere with the indelible Principles of the party that is accused,

accused, or be found to thwart the Passions and Resentments which he is supposed to be swayed by, the Forgery does thereby become as obvious to all thinking people, as if they had been present at the *Consults* and *Cabals* where the things to be Sworn were devised, invented and laid. Nor is it unworthy of our Observation, that tho' the Treason which they are pleased to swear and declare, be both so horrid in it self, and importing so great danger to His Majesty's person, yet they did not immediately reveal it as became them to have done. *Bracton*

Lib. 3. cap. 3. says, *That he who doth not discover Treason with all the expedition imaginable, after it once comes to his knowledg, shall not be heard or allowed as a Witness, if he come to discover it afterwards. Si ad tempus dissimulaverit & subticuerit, &c. & post intervallum accusare velit, non erit de jure audiendus, nisi docere poterit se fuisse justis rationibus impeditum.* Now all the Witnesses against the Earl of *Shaftsbury* acknowledg their concealing the Treason for several Months, which they came in at last to accuse him of. And when we consider how much the King's Life, Crown and Dignity were in hazard, if that be true which they Depose, we cannot but judg of the Witnesses as a company of Disloyal Rascals, and that it was not from Principles of Loyalty, nor from a sense of their Duty, that they were brought at last to make this Discovery. Nay their concealing it without any just and reasonable cause so long, is more than a presumption that this Conspiracy, wherewith they charge this Noble Peer and other great and worthy Protestants, is nothing but a late Forgery of their own, and that they take upon them to detect vvhhat never really vvas, upon the Subornation of others, and for the accomplishing some base, mercenary and villanous ends. Nor can there be

be a clearer proof of the Folly of these Fellows and the Falseness of what they swear, than that some of them represent themselves to have discoursed all the while with the greatest Loyalty, when in the mean time they introduce My Lord speaking Treason at every word. We must suppose that man distracted, who should continue speaking Treason for half an hour together, when in the *Interim* all the Answers and Replies of the person with whom he is discoursing, do manifest a firm and steady Allegiance to the King. *Smith's* pretending to have spoken with so much Caution and Circumspection, while as he swears, The Earl of *Shaftsbury* talk'd nothing but Treason, betrays not only the folly of the wretch, but plainly shews, that whatsoever he swore against that Noble Peer, was false, and either forged by himself, or dictated unto him by such as had hired and suborned him. Yea, all that they deposed, appears plainly to be *False* and *Romance*, in that the persons whom they pretend to have been present when the Earl of *Shaftsbury* spake such Traiterous words against His Majesty and the Government, do positively aver, that there was not so much as one syllable of all that said, which these Miscreants have sworn. For whereas Dennis affirms, that Major Manley was in the Room, when my Lord told the said Dennis, That they did really intend to have England under a Common-wealth; and that his Lordship desired Dennis to advise those of his Name, and such as were his Friends in Ireland, to be in a readiness to assist the Common-wealth of England: Major Manley indeed acknowledgeth his being present at that time, when Dennis was with the Earl of *Shaftsbury*, but withal he

See Proceedings at the Old-Baily, p. 24, 25.

Proceedings at the Old Baily, p. 31, 32.

is ready to swear, That my Lord spake not one word to him, except the asking him with some seeming passion and heat, what his business was? And forasmuch as Booth deposes upon Oath, That Captain Wilkinson was several times by, when my Lord Shaftsbury discoursed to the purpose that that Miscreant swore; and particularly, that the business about the Fifty men who were to be my Lord Shaftsbury's Guard, was transacted before the Captain, this Honest and Loyal Gentleman peremptorily affirms, That he was never at the Earl of Shaftsbury's with Booth but once, and that in the hearing and presence of Sir Peter Colliton, and that the whole discourse was about their going to Carolina. The falsehood of the whole matter, which the Witnesses have deposed against the Earl of Shaftsbury, is evidently detected and discovered by this, that whereas one of the Witnesses pretends to have communicated the Treasonable design which my Lord had acquainted him with, that very night which he heard it, to a Club, or Society of Gentlemen, at the Queens Arms in Newgate street; all these Worthy and truly Loyal Gentlemen, do positively and unanimously affirm, that there was no such thing either mentioned at that time, or at any other season discovered unto them. For whereas Smith swears, That my Lord Shaftsbury having told him, the King did walk in the same steps which his Father did,

and would never be quiet, till he came to his Fathers end: and that thereupon, he the said Smith, came immediately and acquainted these Gentlemen with it, who were met at the Queens Arms, they do

all solemnly profess, there was no such thing; and that Smith is a forsworn and perjur'd Rascal in saying so. However, here was a Train laid for the Lives of all those Worthy and Loyal persons, could the wretch have obtained

Credit

Credit with the *Jury*, as to what he Deposed against My Lord. And whereas *Smith* further says the Earl of *Shaftsbury* told him, (that Evening which Major *Manley* brought him from the Club at the *Queens-Arms* to *Thanet-house*) *The King* pamper'd *Fitz-Gerald* to stifle *Ibid.* the Plot in Ireland, and that he was as well satisfied with the coming in of Popery as the Duke of York; and that the Parliament was satisfied he was as much for it as his Brother; (for so the Wretch swore in Court, tho' the last words be left out in the Print) all this, I say, is feigned and invented, seeing Major *Manley*, who was present and by all that time (albeit *Smith* concealed that upon the giving his Evidence) is ready to Depose upon Oath, that there was not one Syllable spoken by my Lord to the purpose which this Miscreant swears. Let us add to this, *Hayns's* Deposing, That he had *Ibid.* a long discourse with the Earl of *Shaftsbury* at a Cooks in *Ironmonger-lane*, in a little Room next the Kitchen, (where by the way, that last expression is left out in the Print) and we shall find this whole Forgery still more obvious and palpable. For as My Lord was never there, except when he dined with divers Noble and Worthy Persons: So besides the improbability of his leaving the company and society of men of the best Quality in *England*, to come and talk with such a Fellow as *Hayns*, and besides the absurdness that is in supposing the Earl of *Shaftsbury* to have staid an hour in a little Room by a Cook's Kitchen; not only the Servants of the house do positively affirm the contrary of all that this Rascal swears, but divers Noble Persons are ready to testify that the Earl of *Shaftsbury* never came down stairs out of the great Room, till he was going away, and that he took Coach immediately, without withdrawing into any Room be-

low: But that which is extravagant beyond all imagination, and which proclaims to every wise man the fallshood of all they have sworn, is *Hayns's* deposing, *That the Earl of Shaftsbury should not only say, There are Families in England which have as much pretence to the Crown* Ibid. p. 27. *as the King; but that the Duke of Buckingham hath in Right of his Mother as good a Title to the Crown, as ever any Steward had.* Is it not enough to introduce the Earl of *Shaftsbury* talking Treasonably, but he must be likewise exposed as talking ridiculously? Surely the Superintenders and Managers of this Plot, in the guilt whereof they would involve *Protestants*, must either be of very weak Understandings themselves, or they must apprehend the generality of Mankind to be so, otherwise they could never hope to impose upon the world by such nonsensical stuff as this is. For besides that no man knows of any Title whereby the Duke of *Buckingham* can pretend to the Crown, the Right of claiming by his Mother, as sprung from the *Plantagenets*, being altogether groundless; so there is not so sublime a Friendship between my Lord *Shaftsbury* and the Duke of *Buckingham*, as that for advancing the Duke to the Throne, my Lord should not only venture his own life & fortune, but disoblige the best Friends he hath in the Nation, and entangle his native Country in Civil War. This misadventure in the Testimony of one of the most considerable Witnesses, betrays not only their Folly, but that the whole Plot, whereof the Earl of *Shaftsbury* hath been accused, is a malicious Forgery, in order to take away the Life of that innocent Peer. Nor can any, who are not willing to sacrifice the *Protestant* Religion, the Liberties of their Country, and the Lives of Guiltless Persons to the Hatred and Rage of the *Papists*, give any Credit to Fel-

lows,

lows, who Swear at so Wilde and Nonsensical a rate. Had the Mercenary vvretches designed to publish themselves for *Liars* and *Impostors* to all the vvorld; they could not have taken a more effectual vvay to do it, than by affirming, that the Earl of *Shaftsbury* should be desirous to enter into a Combination and Conspiracy vvith *Irish* Papists, in order to prevent a Popish Successor, and for preserving the Protestant Religion. For at the same time that *Dennis* chargeth this Noble Person vvith saying, *That he would extirpate the King and all his Family,* he swears, *That he desired him to write to his Irish Popish Friends, to be ready to assist.* And tho' I do not much vvonder to find a *Caitiff* of the size of *Dennis's* Wit and Understanding, swear a business vvhich disproveth it self before all Wise and Rational persons; yet I cannot forbear marvelling, that they vvho view'd the Depositions, and vvere to gloss and enforce the Evidence, vvould suffer such a Deposition to appear upon the publick Stage, vvhich vvould not only make the Forgery notorious, but infallibly expose themselves, as well as the perjur'd Rogues, to the laughter, scorn and detestation of mankind. Nor is it unworthy of remark, that in the expressions which they swear my Lord *Shaftsbury* used, they make him not only forget the Loyalty of a Subject, but the Civility and Breeding of a Gentleman. For the *Terms* wherein they represent him speaking of the King, are besides their being Treasonable, too rude to proceed from any that knows the measures of Civility, or hath been occasioned to speak with any kind of *Decorum*. For not only *Macknamarra* introduceth him calling the King, a *Faithless Person*, and one that was no way to be believed: But *Haynes* will have him both to say, *That the*

Ubi supra, p.
32.

Ibid. p. 28. p. 43. *King had no more Religion than a Horse,*
 p. 27. *and that he was degenerated into a perfect*
Beast, and that he durst as soon be hang'd,
as to meddle with the said Haynes, if he

stuck to his Information about Sir Edmond-bury Godfrey's
Murder. This is a Dialect proper for such Rascals as the
Witnesses to use; but it is not a Style that men of Quality
are accustomed unto, or can allow themselves to speak in.
For how much soever they may be offended with the ways
and methods of Princes, yet they constantly speak of their
Persons with Respect and Deference. Whether are we to
esteem it a Subject fit for our mirth and laughter, or for
our disgust and indignation, to see a Fellow appear at a Bar,
against a Great and Wise Peer, and among other Treason-
able Expressions, whereof he accuseth him, to swear, That
the said Lord put a greater Respect and Valuation upon
him, than he did upon the King himself? Haynes having
sent to the Earl of Shaftsbury, and several other Noble Per-
sons, That he would make considerable Discoveries, if
they would procure him a Pardon, the Rascal swears, That
being in Discourse with my Lord Shaftsbury about that mat-
ter, my Lord should say, If the King would not grant the
Pardon for him, that was desired, they would

Ibid. p. 27, *raise the whole Kingdom against him; and*
that he must not expect to live peaceably in
his Throne, if he did not grant it. For not to insist on
this, That the Earl of Shaftsbury never spake with Haynes,
nor would not so much as see him, both which will be pro-
ved as far as Negatives are capable, can any man that hath
not renounced Sense as well as Conscience, believe that the
Earl of Shaftsbury would put the Life of the King, and
the Peace of the Kingdom in competition with Haynes's be-
ing pardoned or not pardoned? For suppose that the Fel-
 low

low undertook to make very useful and important Discoveries, provided he might have a Pardon; yet we must be Bruits, before we can be perswaded, that a person of Prudence and Conduct should, in case a pitiful wretch were not secured against the danger of the Gallows to which he stood obnoxious, threaten not only to dethrone a Monarch, to whom he lies under many Obligations, besides those of Fealty, but to hurl a quiet and peaceable Nation into War and Blood. And as if it were not enough for these silly, as well as malicious wretches, to make my Lord *Shaftsbury* say a Thousand things which are equally Ridiculous and absurd as they are Treasonable, they will have him to have talk'd of matters ready to be done; which being duly weighed, will be found to have been morally impossible. For so is all that is i sworn against him, concerning a Design to seize the King at *Oxford*, where he was not only surrounded with his Guards, but, as our Enemies must acknowledge, environed with many Loyal Peers and Gentlemen. Nor are we told of any preparations that were suitable to an undertaking which was so difficult in it self, and which would be extreemly fatal to the Authors, if it miscarried. For whereas they depose, *That my Lord told them, the Members came well Horfed and well Armed,* the whole Kingdom knows the contrary. Some of the Members went so ill attended, as that they were not in a condition to secure themselves from being Rob'd by the way. And divers of the most *Martial* persons in the *Oxford House of Commons*, went thither in *Hackney Coaches*, with scarce a Servant a peice to wait upon them. Yea, this very *Earl*, who is said not only to have projected the seizing the King at *Oxford*, but to have corresponded with others, in order to their coming, provided thither with strength and force;

for.

for the accomplishing of it, had neither Coach nor Horse there himself. So ignorant was this Noble Person of any such design, and so unprepared for the execution of an attempt of that nature, that he went down in an hired Coach, and was forc'd to stay there after the Dissolution of the Parliament, till he sent to *London* for Horses, to convey and accommodate him home. Was not the Concourse at *Oxford* much smaller than was reckoned upon, considering the Greatness and Solemnity of the Occasion? It cannot be thought, that the Peers of *England*, and the principal Gentry of the Kingdom, should go to to so *August* and *Solemn* an Assembly, without some Menial Servants to attend them. And if the having supernumeraries in a Retinue, be Foundation to raise a just suspicion of a Plot, the Lords and Commons to whom some give the Character of being more Loyal than the rest of His Majesties Subjects, will be most liable to suspicion. Our Adversaries would greatly oblige us, if they would tell us, where the Forces were raised that were to be employed in this Traterous Fact, and how they remained invisible in their coming together, and parting again. It was the indispensable duty of His Majesties Officers, to have diligently enquired after these things: And surely the Ministers have had opportunity, as well as inclination to have done it long before now. And whereas we are told of *Fifty men, and those persons of quality, who had others to attend them, that were*

Ibid. p. 21. *listed for a Guard to the Earl of Shaftsbury; and that Captain Wilkinson was to have the Command of them; the Captain, whose Word is more valuable than Booth's Oath, does not only deny it, but hath demonstrated, that such an undertaking was inconsistent with the State of his affairs. Yea, the Wretch, altho' he swears, That himself was one of them, and that he had ac-*

cordingly provided Arms and a good Stone-horse; Ibid. p. 27.
 Yet he could neither say, *That he knew one*
man of them, or that ever he conversed with any p. 36.
of them. Nor is the perjurd Rogue able
 to give the world an account where he bought the *Stone-*
horse, which he pretends to have provided in order to the
 Design, nor in what Stable he kept him to be in a readi-
 ness for that Service. Would our Enemies have the
 world believe the incredible Crimes wherewith they
 have gotten us charged? Alas, all men who have either
 a grain of Wit or Honesty left, will sooner look up-
 on them as Malicious and Blood thirsty Impostors. It
 would require a Book, rather than a *Paragraph*,
 throughly to inspect and discourse the *matter* which the
 Witnesses have Sworn, and from thence to unveil the
 whole Mystery, and detect the Forgery of this *Protestant*
Plot. What can be more ridiculous in it self, or more
 discover the Villany of this Intrigue, than to hear a com-
 pany of Wretches swear, that a prudent and wise man has
 been engaged in a Conspiracy to destroy the Monarchy,
 and to establish a Commonwealth, when the doing it were
 to ruin himself and all the *Peerage of England*? No man
 out of *Bedlam* can be so distracted, as to embark in a
 Design which would bring himself into a level with those
 above whom he is raised, and upon whose Resolves those
 of his Order and Rank in the present Government, have
 by the Constitution a perfect *Negative*. Ambition is that
 which usually inspires men to great and hazardous Under-
 takings; and he must be supposed a Fool, that would en-
 gage in an affair that would lessen and degrade both him-
 self and all his Posterity, as well as the Nobility of his
 Country. Nor could he expect any man of Greatness and
 Interest to join with him in a Project so inconsistent with

their Honour and the Figure which under the Established Legal Government they make in the State. Nor is the altering the Monarchy into a Commonwealth more contrary to his Allegiance, than it is repugnant to his Interest and those indelible Principles of Civil Knowledge and Policy which he is imbued with, and hath always professed. What can be imagined more absurd, than that the Earl of *Shaftsbury* and the *Protestant* Peers and Gentlemen of *England* should combine to accelerate their own ruin in Apprehending and Deposing the King, who is our only Security and Protection against *Popery*, Slavery and Arbitrariness? Tho' Princes have been sometimes laid aside by a discontented people, when the people have had a prospect of bettering their Condition under him who was likely to succeed; yet never any conspired to destroy a just and merciful Prince, to make way for one in his room that implacably hated both them and their Religion, and who had resolved and determined their ruin. Nor hath it been ever known, that the same Folly and Madness (especially when the consequences have been fatal and destructive to the first Authors) hath been acted twice in the same Age. And therefore the reviving the memory of the late War, instead of serving to raise Fears and Jealousies of another, doth to all thinking people demonstrate there can be none, unless the *Papists* should begin a Rebellion and Massacre in *England*, as they did heretofore in *Ireland*; and in such a case I know not but that *Protestants* may both endeavour to defend their Lives against the Swords of their Enemies, and to be revenged upon those bloody men. And were not some people forsaken of all Modesty, as they have abandoned all Truth and Justice, they would be ashamed of filling the Nation with Jealousies of a new Civil War; unless they know of such

such who are resolved either to extirpate us, as well as to overthrow all our Rights and Liberties, if by having recourse to Arms we do not defend both our selves and them.

To all that hath been said concerning the Infamy of the Witnesses, and from the absurdity of the matter which they have Deposed, in order to the detection of this forged Conspiracy against *Protestants*; we might still render their Testimony more palpably false, by observing how they studiously endeavour to put an estimate and value upon themselves, beyond what they are capable of having, and all this in order and subserviency to their being the better believed concerning the Treasons whereof they had accused us. For knowing that there was no reason why any Faith should be given unto them, and being apprehensive they would not be believed, how do they endeavour by Protestations and otherwise to support and fortifie their own Credit? Accordingly *Smith*, before he entred upon the giving his Evidence against the Earl of *Shaftsbury*, desired leave to wipe off the Aspersions which lay upon him about *Colledge's Trial*, (*which words by the by, are left out in the Print*) namely, That whereas

it had been reported that he Swore a general Plot against the *Protestants* and the City of *London*, (*instead whereof* *Proceedings at the Old-Bailey,* p. 23.
there is only in the Print, a general De-

sign against his Majesty) he then said that he never swore any such thing, neither could he swear there was a general Design of the City. For not to insist upon this, that he swore at *Colledges Trial*, *That Colledg told him, the Parliament was agreed to seize the King, and that the City was provided*; which is in effect the very things which at the proceedings upon the *Bill* against the Earl of *Shafts-*

bury, he would have vindicated himself from, as aspersions only cast upon him; I say, not to insist upon this, what else meant that Apology, but that he would have retrieved a credit with the Jury, which he knew he had forfeited, and impose an opinion of his Honesty upon them, being jealous that they might think he had lost all pretensions to any such thing. It is also remarkable, and serves to discover their Falshood in what they swore against the Earl of *Shaftsbury*, that they endeavoured to make themselves valuable and worthy to be trusted by great and wise men, by pretending a knowledge of the Transactions of the world, and affairs of Kingdoms, which as they were never capable of attaining, so they had but betrayed their Folly and Vanity in offering to discourse concerning such things to that knowing and sagacious Peer. For to hear *Hayn's* depose, *That he gave my Lord Shaftsbury an account of all Transactions from King Charles the First's Reign, to this very day; and that my Lord was mightily satisfied, pleased and free with him, finding that he was a Traveller;* Is as if he should have told all the world, that what he Deposited against that great man was all Forgery, and that he was only seeking to beget a credulity in the Court, by a vain ostentation of his knowledge in Civil Affairs, and his being qualified to be admitted into the secret and hazardous Counsels of the greatest Statesmen. Alas! an acquaintance with the Occurrences of Princes Reigns, and a being able to declare the affairs of two Regencies in their dependence and order, with the Causes and Reasons of a War which few can penetrate into the grounds of, are not things agreeable to the way of *Hayn's* Education,

tion, nor to be expected from one that is not wonderfully conversant in the Memoire and Registers of Civil matters, and who hath enjoyed an intimate acquaintance with those that were interested in the management both of Civil and Military Concernments. Their Malice and Perjury in this whole Affair, are open and palpable, by their indirect and evasive answers to plain and easie questions. Such was *Booth's* reply to Mr. *Papilion*, who having ask'd him, whether he knew any of the Fifty men which he had deposed were listed under Captain *Wilkinson*, said, *He never directly knew, or conversed with any of them.* And such also was *Haynes's* reply to the question which was put to him, concerning his having given an Information to a Justice of Peace, of a design against the Earl of *Shaftsbury*: for as he wrigled to and fro a great while, before he could be brought to acknowledg it, the answer was neither full nor ingenuous. Again, Their not remembering times and seasons, when such things which they swore should be spoken, or when they gave in their Informations about them, does proclaim the Witnesses to be Impostors, and whatsoever they deposed, to be nothing but Forgery. For several of the things which they declared they could not remember, were such, as it is morally impossible they should forget them. Thus *Haynes* could not tell the time when the Earl of *Shaftsbury* spake the Treasonable words, about making the Duke of Buckingham King: Nor could either *Smith* or *Turberville* tell, when they gave in their Informations against my Lord, nor whether it was before or after his Commitment. Nay, *Smith* could not tell in what month he did it. In a word, the Demeanor

Proce.d. p.
36.

Ibid. p. 42,
43.

Ibid. 44.

p. 40.

of.

of the Witnesses carrying things so, as if they would *he-*
ar people into a belief of what they swore, and their an-
 swering the questions proposed unto them, either with
 great difficulty, or with great artifice and cunning, pro-
 claim to all impartial men, that the Design upon which
 they appeared, was very ill, and that they were suborned &
 perjured fellows. There was not that modesty to be seen
 in their Behaviour, nor that simplicity in their Evidence,
 nor that plainness, easiness and directness in their Answers,
 which was agreeable to Truth; but their whole carriage,
 and the manner of their delivering themselves, was starch't
 huffing, artificial, and full of trick.

But whereas there is a Paper stiled, *An Association*, pre-
 tended to be found, among other Writings, in the Earl of
Shaftsbury's Closet, that morning he was apprehended; up-
 on which, great stress is laid towards the proving a Con-
 spiracy of this Lord, and other Protestants, against His
 Majesty and the Government, I shall therefore with all that
 modesty which becomes me, in reference to persons in Au-
 thority, and yet with all that freedom which the Innocency
 of Peers and Gentlemen, unjustly accused, doth require,
 take this Paper a little into consideration, and make some
 just and modest Reflections in reference unto it. *An Affo-*
ciation for the preservation of the King and the Protestant
 Religion, if it be duly drawn, and contain nothing in it
 contrary to the Rights and Prerogatives of His Majesty,
 the Priviledges of Parliament, and the Liberties and Pro-
 perty of the People, will neither be found so new, nor so
 surprising a thing, as that the Grand Juries of the several
 Counties should be influenced and perswaded to abhor it.
 For our Ancestors in Queen *Elizabeth's* time, being appre-
 hensive, that the *Queens* Life, the Peace of the Kingdom,
 and the Protestant Religion, were in danger from the Pa-
 pists,

pists, upon the hope they had of a Popish Successor, in case of the Queens Death, they thereupon entred into an Association, for the preservation of her Majesties Life, and the revenging her Death, if she should have perished by violent hands; which instead of being ridicul'd and declar'd against, was not only unanimously subscribed by the most considerable persons in the Kingdom, but both approved and ratified by an *Act* of the Parliament that next followed. But whether it was, that our Forefathers loved the *Queen*, and were more zealous for their Religion, than we love his present *Majesty*, and are zealous for *ours*; or whether they thought there was more danger to be feared from *Mary*, Queen of *Scots*, who was then the apparent Popish Successor, than we think there is from a Gentleman of the same Principles with her, that hath the same and more palpable pretences to the Crown, I shall not take upon me to determine. However, it is not unknown, that Two severall late Parliaments being convinced of the dangers which His Majesties Life is in from the Papists, that they may accelerate the ascent of one of their own Communion to the Throne, did after mature Debate, and as a Testimony of the greatest Loyalty they could pay His Majesty, come to this Resolve:

Resolved,

That in defence of the Kings Person and Government, and Protestant Religion, the House doth declare, That they will stand by His Majesty with their Lives and Fortunes; and that if His Majesty should come to any violent Death, which God forbid, they will revenge it to the utmost on the Papists.

Yea, the last *Westminster* Parliament, being deeply sensible what Plots the *Papists* were embark'd in for the Destruction

tion of the King, the extirpation of the reformed Religion in these Kingdoms, and the placing the Crown upon the head of a Popish Prince, they ordered a Bill for an *Association* to be brought into the House. And whereas Secretary *Jenkins* deposeth upon Oath, *That*

Proceed. p. 34. tho he heard of such a thing as an Association spoken of about the Town, yet he was not present at the debate, to the best of his remembrance; I shall only say, that either his memory is very slippery, or there are

a great many Gentlemen who have remembred more than is true. For it is not only said, that he was present at the Debate, but that he opposed the Bill as well as he could; and we may be sure no man could do it better, seeing as he

said upon another occasion, he had been all his days employ'd not only in the study of the Laws of his Country, but in the Laws of Nations. There is a story which I do not in the least intend to apply to Sir L. for it may be applicable

to others for misrepresenting him. But the story is, That a Priest being accused after the Assassination of Henry the fourth of France, for having heard in Confession from

Ravilliack, that he intended to murder that great and generous Prince, replied that among other mercies which God had bestowed upon him, He had given him the gift of forgetfulness. But to return; as there was such a Bill brought

into the House of Commons, so it is not only very likely that there were several Copies of it, but we may rationally imagine that there might be several Draughts of Bills prepared, before one could be pitched upon, that would be agreeable to the fundamental Laws of the Land, effectual for

the preservation of his Majesty, and the Protestant Religion, &c. becoming the Wisdom of that House. And as Mr. Attorney General hath been pleased to acknowledg to some Gentlemen, That among other papers seized in the Earl of Shaftsbury's

bury's

bury's Closet, which were brought to him, there were two or three *Bills of Association* different from that read and committed in the House of Commons; all which we may suppose to have contained nothing but what was safe, seeing there have been no endeavours to make my Lord guilty of High Treason upon them; so who knows, but that if this Paper which was read in Court, was found in his Lordships Closet, but that it might be a Draught of a *Bill* for an *Association*, which this Noble Peer as much abhorred as any Country-Jury could. Nor is this so wild a Phansie, as some men out of weakness of understanding, or prejudice of mind, may believe; for seeing there was nothing in the Indictment against this Noble Peer, that either related unto, or was groundd upon this *Paper*, we may very rationally conceive, that the omitting it was built upon some such Reason as we have now suggested. For if one of the ends of the *Association* aim'd at, be, as my *Lord Chief Justice North* was pleased to inform the Jury, *not only to destroy the Mercenary Forces in and about the City of London and Westminster, but to settle the Authority in the Major part of the Members of Parliament during the sitting of it, exclusive of the King*; I can see no reason, unless the Managers knew that they could make nothing of that Paper before wise and honest men, as truly knowing of my Lord *Shaftsbury's* unconcernment in it, why the Indictment should not rather have been superstructed upon it, than upon the Testimony of any of the Oral Witnesses. But besides all this, the bare having a Treasonable Paper in a mans house, which as possibly he knew not whence it came, so he never communicated it to any, to the prejudice of his Majesty and the Government, is not so criminal a matter, as men sway'd meerly by Passion and Hatred, do believe it to be. And were the having seen an ill Paper, or its being found

in a mans Closet, to be expiated with no less than his life, may be very few, even of those that are so clamorous against the Earl of *Shaftsbury*, would prove innocent, or find themselves to be safe. But what if after all the obloquy which this Noble Lord hath undergone, in reference to that Paper, it should appear that he never saw it, nor hath any cause to think it was there, where it was pretended to be found? And I shall the rather enquire into this, and endeavour to unfold it, because my L. C. J. *North* declared, *There was a great matter to be presumed upon it, it having been found under lock and key in my Lords Study.*

For as Mr. *Gwyn* who seized the Paper,
Ibid. p. 34. *would not say, that it is the Earl of Shaftsbury's hand, tho' if he had pleased, he could have said positively that it was not his hand; so I am apt to think, that upon a thorough enquiry into the conduct of this affair, we shall not find reason to be confident, that it was found in my Lords Study. Nay Mr. Gwyn cannot positively swear as to that Paper in particular, That it was taken in the Earl of Shaftsbury's Closet; only swears in general, that the Papers which were put up in a velvet Bag, were seized there.* And it is remarkable, that whereas

Ibid. p. 14. *Mr. Gwyn deposeth, That as soon as he came to Thanet House, my Lord gave him the keys of his Closets, and told him where they were; this could no ways be, seeing the key of one of them, namely, that below stairs, was always kept by some or other of his Lordships Servants; so that Mr. Gwyn could at most but receive it by my Lords order. And as one or other of the Earl of Shaftsbury's Servants had constantly the keeping of the key of the lower Closet, so there were always many Papers of their own in it, it being the Room where they manage*
 most

most of their Business. But that which is most surprizing of all, is, That Mr. Gwyn swears, *There were none present when he put up the Papers besides himself, but my Lords own Servants*; whereas it can be proved by unquestionable Witnesses, that there were no fewer than five or six, such as he brought along with him in the Closet when he was there, and as busie in putting up Papers as himself. And that which still encreaseth our Suspition, that things are not so fair in this matter, as they are represented, is, That my Lord having offered to put his Seal on the Trunk, provided he might first *schedule* and inventory the Papers; Mr. Gwyn positively refused to allow him that Favour, I will not say Right and Justice. And this is a Consideration of that Importance, that if duly ponder'd, my Lord will not be found, according to Law and Equity, accountable for any Paper that was pretended to be taken there. For no man ought to be called to answer for Writings said to be seized in his house, to whom the scheduling of them was refused. When Monsieur *Fouquet* was committed by the *French* King, and all endeavours used to put him to death for Crimes against his Master, which they alledged his own Papers were sufficient to convict him of, yet because they had been taken from him without allowing him to endorse and inventory them, the evidence against him from his Writings was rejected and judged weak and invalid upon that alone account. And yet all the World knows that as the *French* Monarch is more absolute, and less merciful than our King, so their Laws are not more tender of the lives of the Subjects, than ours are. But that some men can allow themselves a great latitude in swearing vhen it is subservient to a Design, appears in that Mr. Blathvwait not only swears that that Paper was put into his

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hand

band by Mr. Gwyn Clerk of the Council, but that
 p. 13. *Mr. Gwyn had seized it among others in my Lord*
Shaftsbury's house; whereas Mr. Blathwaite not
 having been there when the Papers were taken, could
 have only Deposed, had he been careful in what he
 said, that Mr. Gwyn told him so. How could he that was
 not there, Swear so particularly that such a Paper was
 found in my Lord's Closet, unless he swore implicitly and
 upon the instruction of another? He might as well have
 taken his Oath, that they who went to apprehend the Earl
 of Shaftsbury, carried Papers along with them thither, as
 that they found that Paper there and brought it thence.

And whereas Mr. Blathwaite further swears,
 Ibid. p. 13. *That the Trunk wherein the Papers were, which*
was committed to his keeping by Mr. Gwyn,
was sealed, and that it was opened in the presence of Mr. Wil-
son and Mr. Starkey: This seems to be said only by way
 of Artifice, to obtain belief, that the Paper stiled an *Asso-*
ciation, was truly found among my Lord Shaftsbury's wir-
 tings, seeing if the Trunk was sealed, neither my Lord
 or any of his Servants knew of the sealing of it; and they
 who had the Trunk, had also the Seal wherewith it is said
 to have been sealed, in their own custody, and might ac-
 cordingly open it, and either put in or take out what
 they pleased. Upon the whole, Did this Paper contain in
 it the most Treasonable things imaginable, yet it doth
 not appear that the Earl of Shaftsbury is accountable for
 it; or that it is fair, just, or candid, to bring it in Evi-
 dence against him upon a charge of High-Treason, with
 a design and expectation to take away his Life by vertue
 of it.

There is one thing more relating to the proceedings a-
 gainst

gainst the Earl of *Shaftsbury*, which requires some Reflections upon it; and that is concerning the manage and conduct of that business in the *Old-Baily*. I will not usurp that *French Term* which hath been lately naturalized in one of our High Courts of Justice, and say that there was *Chicanery* in it; but things do not appear to have been carried with that equality and impartialness betwixt the King and so great and deserving a Subject, as the Law and common Usage do direct unto, and prescribe. No kind of procedure is further for the King's Honour and Interest, than as it is according to Law, vvhich is the standard of the King's Prerogative, Glory and Safety, as well as the Rule by which we are to be protected in our Reputations and Lives if innocent, as well as cast and convicted, if upon Trial we be found to have Capitally offended. Whatsoever wrong is done against any of His Majesty's Subjects, in the sense of the Law done against the King and the Honour of His Government; seeing he is the Spring and Fountain of Justice to all his People. And it is a great Asperision upon the Justice as well as Goodness of his Majesty, to have things so transacted, as if the King were more concerned to have a person that is barely accused found guilty, than he is to have him appear and be pronounced Innocent. The vindication and defence of the Guiltless, is more the Princes Glory and Interest, than the Conviction and Condemnation of the Criminal. And when any person comes to be accused, all that is for the Honour of the King, is to have the Truth discovered, and Justice impartially take place. And whosoever are produced by the Prosecutors to prove an Accusation or Charge, they are no further for the King, tho' they be called the King's Evidence, than as they declare the truth, and nothing but the truth. And if such Fellows be

found, or justly suspected to swear falsely against the Lives of His Majesties Subjects, they are in reality Witnesses against the King, by endeavouring to destroy his Loyal People, pervert his Justice, and bring his Person and Throne under the Guilt of shedding the Blood of Innocents. Now whereas there are several Statutes, upon which a person is liable to be Indicted for Treason; namely, that of the 25. *Edm. 3.* and that of the 13. of this King, it is no less necessary than just, that the party accused should know upon which of those two Statutes he is Presented and Charged. For seeing the one limiteth both the time of Prosecution and the time of Indictment, while the other leaves the time unfixed and indefinite, it is requisite, that the Jury, who are to enquire upon the *Bill* that stands preferred before them, should distinctly understand upon which of those Law the party is Indicted; for otherwise they cannot tell, whether the Offences whereof he is accused, fall within the time which the latter of those Laws does prescribe and determine.

For tho' as my Lord Chief Justice truly
 Proceedings at said, That what is Treason by the Statute
 the Old Baily, p. of 25. *Edw. 3.* is likewise Treason with
 33. in the Statute of the 13. of this King,
 yet this last Statute provides, That no
 person or persons, shall by Vertue of that Act, incur any of
 the penalties therein mentioned, unless he or they be prosecuted
 within Six months next after the Offence committed, and
 indicted thereupon within Three months after such prosecution.
 Whereas the former Statute of the 25. *Edw. 3.* leaves both
 the Prosecution and Indictment at the pleasure of the Pro-
 secutor, whether he will do it sooner or later. And the de-
 claring, upon which of these Statutes the Earl of *Shafts-
 bury* was indicted, was the more needful and material in this
 case,

case, because the time prefixed by the latter *Statute* was elapsed divers weeks, before any Bill of Indictment was preferred against him. Nor could a Jury upon the best Evidence of the world, find a Bill against him, supposing it grounded upon that *Statute*, seeing the Indictment was not preferred within Three months after my Lord's *Commitment*, which in the Language and Sense of our Law, is a Prosecution. Yea, the making it distinctly known, upon which of these two *Acts* this Noble Peer was *Indicted*, was yet of more concernment to him, as to his safety, and more needful to the *Jury*, for the Guidance and Conduct of themselves in what they were about, seeing words may be brought in, as Evidence of Treason upon the *one Statute*, but signifie nothing, without some further Overt-Act, upon the *other*. For as my Lord Chief Justice very well said, *The latter Law had greatly altered the former, especially in two cases: First, as to the levying of War, and the compassing of the King's Death, these were not Treasons before, unless War had been actually levied, and the designing the King's Death had been declared by an Overt-Act. Secondly, That the imprisoning, or restraining the Liberty of the King, were not of themselves alone high Treason by the old Statute, but were now made Treason by this last Law, during His Majestie's Life.* And as his Lordship added, *That formerly it had been said, and truly enough, That words alone would not make Treason; but by this late Act, words, if they import any malicious design against the King's Life and Government, or any Traiterous intention in the party, such words are Treason within this Act.* Therefore the Evidence brought against the Earl of Shaftsbury, being principally concerning words which he was said to have spoken, the tenderness which the Administrators of publick Justice ought

ought to maintain for the Lives of all men, and the Integrity which they should preserve in the Execution of the Laws, should have obliged them to have been particular and distinct in publishing upon which of the two Laws this Noble Peer was indicted. For if he was indicted upon the first, then bare words without an over-act, were not to be allowed in proof of the Treasons whereof he was accused; and if he was indicted upon the second, then the *Jury* was to take no Cognizance of words spoken, without the Circle and Compass of the time appointed by the Law, for proceeding against him. Nor doth the examining the Witnesses in Court, leave any great Reputation upon the Managment of this Affair. For seeing our Ancestors made it no less than Treason or Felony for a Grand Jury to discover who was indicted before them, or what evidence was given them, it is a most irrefragable Argument, that Witnesses used not anciently to be examined in open Court. And it seems something strange, that another way of procedure should be chosen against a *Protestant* accused of Treason, than hath at any times been used against Papists, indicted of the like Crime. And forasmuch as Bills are to be returned only by the Grand Jury, as found or not found, so it would seem very rational, that they only are to be acquainted with the Depositions upon which the Opinion or Verdict are given. The *Jurors Oath*, namely, *That the Kings Council, his fellows, and his own, he shall keep secret*, tells us what was the ancient usage in this particular. And whereas it *Proceed. p. 7.* was said, *That a Grand Jury is bound to conceal the Kings secrets, so long as he will have them kept secret, but that it doth not deprive the King of the benefit of having them publick.* This seems not to have been spoken by one that had well considered what he so openly

openly delivered. For the King cannot alter or change the usual or common Proceedings of our judicial Courts. Law and Custom hath both settled the power of Juries, and the methods wherein they are to proceed in their Enquiries in order to a Verdict; and the King can neither enlarge or lessen the first, nor yet appoint them to vary in the second. But seeing my Lord Chief Justice North hath been pleased to tell us, *That the Judges having agreed, that the Witnesses should be examined*. Ibid. p. 8. *publickly, we are therefore to acquiesce, we* shall readily obey him, being perswaded that they did in this and all other things, as men that had a regard to their Oath, and not as men bound to their good behaviour, by holding their places *durante beneplacito*. However we may make this use of it, namely, that the Witnesses being taken by a Jury of wise and substantial men, to have foresworn themselves in the face of the Kingdom, we may not only henceforth look upon them as a company of infamous Rascals, but we may very well expect, that the *Attorney General* should prosecute them in his Majesties Name, for combining to destroy innocent persons. But that which doth most surprize all men, in reference to the management of this Affair at the *Old Baily*, was the Kings Council appearing in Court to lead the Witnesses, and not only open, but enforce the evidence. For a Person barely indicted, stands in the sense of the Law probably innocent, till the Bill be found; and therefore no man till then ought to countenance one side more than another. And for the Kings Council to interest themselves so far upon a bare Accusation, as to make the King a Party for, or against the Person who stands charged, would seem to intimate, that there was something else at the bottom of this affair, than merely to have truth or falsehood appear. How easie is it

it by a leading question, both to prompt and direct a Varlet what to say? And what encouragement do Mercenary Wretches take to accuse innocent persons, with boldness and impudence, when they find themselves countenanced in what they swear? How pleasantly did it look, that when *John Macknamarra* had so far shut up his Evidence against the Earl of *Shaftsbury*, as to affirm, he could remember nothing more, to have *Sir Francis Withins* afterwards ask him, *Did you not hear any*

Proceed. at the thing about deposing the King? and *Old Baily*, p. 28. *Macknamarra* thereupon to add, *Yes, he said, the King deserved to be deposed, as much as ever Richard the Second did.* Such things are not for the Honour of the Government, and may subject them that did them, to the Justice of the Law, which it is to be feared, they would have perverted in the Case of my Lord of *Shaftslury*.

I thought to have subjoined an account of the *Additions, Subtractions and Alterations* in the Printed Account of the *Proceedings upon the Bill against the Earl of Shaftsbury*, as they have been compared with the *Manuscripts* which were taken by some of the best Short-hand Writers about the Town: But this Discourse being arisen already to a greater length than was intended, I shall wholly decline the encreasing it by things that are not essential to the vindication of our Innocency, and which possibly would only reflect upon the *Amanuenses* whom the Prosecutors employed. And therefore instead of that, I shall chuse to give the world some further light concerning the affair of the Earl of *Argyle*, his Case being a pattern of what our own may come to be, if the Counsels of a certain Gentleman in the *North* do prevail. No Person of Quality in the Kingdom of *Scotland* had served His Majesty

jeſty with greater Loyalty and Zeal when the King's Affairs were loweſt, than this Gentleman did. And accordingly his Maſteſty, who when left to act ſuitably to his temper and inclinations, never forgets the good Offices of his Friends, was pleaſed to teſtifie what ſenſe he had of my Lord Lorn's Services by a Letter directed from Collen, December 30. 1654. in which having told this Lord, *How he had heard from Middleton, what Affection and Zeal he had ſhewn to his Service, and how conſtantly he adhered to him in all his Diſtreſſes; His Maſteſty was pleaſed graciously to add, that he ſhould find him very juſt and kind in rewarding what he had done and ſuffered for him.* But what this Earl acted and underwent for the King, when his Lordſhip's Father and almoſt all the Scotch Nation had either fallen in with or ſubmitted to the Uſurpers, will better appear by a Paper under Middleton's hand, which I ſhall here annex.

John Middleton Lieutenant-General next and immediate under His Maſteſty, and Commander in Chief of all the Forces raiſed and to be raiſed within the Kingdom of Scotland.

Seeing the Lord Lorn hath given ſo ſingular proofs of his clear and perfect Loyalty to the King's Maſteſty, and of pure and conſtant Affection to the good of His Maſteſty's Affairs, as never hitherto to have any ways complied with the Enemy, and to have been principally Inſtrumental in the enlivening of this late War, and one of the chief and firſt Movers in it; and hath readily, chearfully and gallantly engaged, and reſolutely and conſtantly continued active in it, notwithstanding the many powerful Diſſwaſions, Diſcouragements and Oppoſitions he hath met with from divers hands; and hath in the carrying on of the Service ſhewn ſuch ſignal Fidelity, Integrity, Generoſity, Prudence, Courage and Con-
V
duct,

duct, and such high Vertue, Industry and Ability, as are suitable to the Dignity of his Noble Family, and the Trust His Majesty reposed in him; and hath not only stood out against all Inducements, Temptations and Enticements; but hath most nobly crossed and repressed Designs and Attempts of deserting the Service, and persisted Loyally and firmly in it to the very last, through excessive Trials and many great Difficulties, and misregarding all personal Inconveniencies, and chusing the loss of Friends, fortune and private concerns; and to endure the utmost Extremities, rather than to swerve in the least from his Duty, or taint his Reputation with the meanest shadow of Disloyalty or Dishonour. I do therefore hereby testifie and declare, that I am perfectly satisfied with his whole deportments in relation to the Enemy and their late War; and do highly approve them, as being not only above all I can express of their worth, but almost beyond all parallel, &c.

John Middleton.

What his after-Sufferings for His Majesty were, and how he continued six years a Prisoner under the Usurpers for his Loyalty to the King, I shall content my self to have only barely suggested them. And as no man in all Scotland was more capable of serving his Prince, both by reason of the greatness of his Parts, the height of his Quality, and the largeness of his Interest, than this Noble Lord; so no person of one degree or another, hath at all times, and in various Employments and Trusts, more approved his Zeal and Loyalty to the King's Person and Government, than he hath constantly done since His Majesties Restoration. And if he have offended in any thing, it is by an excess of compliance with his Majesties

jesties Will, having as himself declared in his *Speech* at his *Arraignment*, *served him all along after his own way and manner*. Nor can any wise man believe that what he was accused of High-Treason for, was either a Crime in it self, or would have been charged upon this Earl as an Offence, if His Majesties present *Commissioner* in Scotland, had not upon some hidden and more important motive and inducement, conceived an implacable hatred against him. For the declining to swallow the *Test* abruptly, and without such limitations as might give it both a determinate and a legal sense, cannot be imagined to be more criminal, than altogether to refuse it; which not only many of the *Conformable Clergy*, but divers Peers and Gentlemen, without being accused of High-Treason, have done. And surely it was more becoming a man of Honour and a Christian, to declare plainly and openly, in what sense he could, and was ready to take it, *than to take it with a pious and devout ignorance*, as another Lord of His Majesties Privy-Council did. And as the Council's publishing an Explanation of it, is an unanswerable Argument, that it required some Explication, towards the reconciling it to its self and the Laws of the Land; so wise men are apt to think, that it is as lawful for a person to explain it for himself, as for them to take upon them to explain it for others. But it seems very strange, that it should be Treason in the Earl of *Argile*, to declare in what Sense he would take it, when at the same time others have been allowed to put Senses and Constructions of their own upon it, which were more remote from the meaning of the words than his were. But that the World may be both able to judg of that Affair, and of the hard and unpresidented usage which this Noble person hath met with, I shall *first* subjoin the *Explanation of the Test*, for which he was Accused and Condemned of

High Treason. Secondly, I shall annex an *Explication* which he had prepared of that *Explanation*, and which he threw into such a Texture with the words of the latter, that being read interwoven together, his purpose, meaning and design, will not only more clearly appear, but justify themselves to the minds of all rational men. And I shall add in the last place the *Opinion* of several of the best Lawyers in *Scotland*, concerning the Case of this Great and Loyal Peer.

The Earl of Argile's Explanation of the Test.

I Have consider'd the Test, and I am very desirous to give obedience as far as I can. I'm confident, the Parliament never intended to impose Contradictory Oaths: Therefore I think, no body can explain the Test but for himself. I take it, as far as it is consistent with it self and the Protestant Religion. And I do declare, That I mean not to bind up my self in my Station, and in a lawful way, to withstand or endeavour any alteration I think to the advantage.

vantage of Church or State, not repugnant to the Protestant Religion and to my Loyalty. And this I understand, as a part of my Oath.

The Earl of Argile's Explication of his Explanation of the Test.

I Have consider'd the Test, and have seen several objections moved by others against it; and I am very desirous, notwithstanding of all that I have seen or heard, to give obedience in this and every thing, as far as I can. I am confident, whatever scruples any man doth raise, The Parliament never intended to impose Contradictory Oaths. And because their sense and genuine meaning is the true sense, and seeing the Test that is enjoined is of no private Interpretation, nor are the Kings Statutes to be interpreted otherwise than as they bear to the intent they are made; Therefore I think no body, that is to say no private person, can explain the Test for another, But every man for himself, as he understands it to agree with and suit the Parliaments sense, which is the true sense. I take it, notwithstanding all these scruples made by any, As far as it is consistent with it self; and which is indeed wholly in the Parliaments sense and true meaning, which was the securing the Protestant Religion founded on the word of God, and contained in the Confession of Faith recorded Parl. 1. Ja. 6. And I declare that by that part of the Test, viz. that there lyes no obligation on me, &c. That I mean not to

to bind up my self in my station, and in a lawful way, *still disclaiming all unlawful endeavours* To wish and endeavour any Alteration I think according to my Conscience and Allegiance To the advantage of Church or State, not repugnant to the Protestant Religion, nor my Loyalty, *which I understand no otherwise but the duty and allegiance of loyal and faithful subjects.* And this Explanation I understand as a part ~~not~~ of the Test nor Act of Parliament, but of my Oath that I am to swear, and with it I am willing to take the Test, if your R. H. and Lo. allow me it, or otherwise in submission to the Act of Parliament and your R. H. and the Councils pleasure, am content to be held a Refuser at present.

The Opinion of the Lawyers about the Earl of Argyle's Case.

WE have considered the Criminal Letters raised at the instance of His Majesties Advocate against the Earl of Argyle, with the Acts of Parliament contained and warranted in the same Criminal Letters, and have compared the same with a Paper or Explication which is Libelled to have been given in by the Earl of Argyle to the Lords of His Majesties Privy Council, and owned by him as the sense and explication in which he did take the Oath imposed by the late Act of Parliament; and which Paper is of this Tenor, I have considered the Test, and am very desirous, &c. And likewise having considered, that the Earl after he had taken the Oath, with the explication and sense then put upon it, it was acquiesced to by the Lords of the Privy Council, and the Earl allowed to take his place, and sit and vote. And that before the Earl's taking of the Oath, there were several Papers spread

spread abroad containing Objections and alledged Inconsistencies and Contradictions in the Oath. And that some thereof by Synods and Presbyteries of the Orthodox Clergy, to some of the Bishops of the Church. It is our humble Opinion, that seeing the Earl's design and meanin in offering the said Explication was allenarly for clearing of his own Conscience, and is of no contravention of the Laws and Acts of Parliament, and doth not at all import the Crimes Libelled against him; viz. Treason, Leising-making, Depraving of His Majesties Laws, or the Crime of Perjury: But that the Glosses and Inferences put by the Libel on the said Paper, are altogether strained, and unwarrantable, and inconsistent with the Earl's true Design, and the Sincerity of his meaning and intention in making of the said Explication.

FINIS.
