

Order of the King, Dauphin, Count of *Provence*, *Phelypeaux*, and sealed with the Great Seal on yellow Wax.

Registered and read at the Requisition of the King's Attorney-General, to be executed in their full Form and Tenor, and Copies compared, to be sent to the Bailiwicks and Stewartries of the District of this Parliament, to be there likewise read, published, and registred, with Orders to the Deputies of the King's Attorney-General, to see it done and executed, and to certify the Court thereof within a Month, conform to the Arret of this Day. At *Paris*, in Parliament, May 31, 1724.

Sign'd, *Ysabeau*.

They began in *France* immediately to put in Execution this rigorous Edict, which gave great Uneasiness even to the foreign Protestants who travelled or traded in that Kingdom; whereupon Baron *Hop*, Embassador from the States General of the United Provinces, thought fit to demand some Explanation of the said Declaration, and presented the following Memorial concerning it to the Court of *France*.

The Memorial of M. Hop, Embassador from the States-General to the Court of France, in Favour of the foreign Protestants, with Respect to the King's Declaration of the 14th of May.

THE King's Declaration of the 14th of May last, on the Head of Religion, gives foreign Protestants, settled in *France*, the more Reason to be uneasy, because it contains no Exception as to them; so that they think themselves no longer able to continue their Commerce with the same Safety and Freedom as before; for this Declaration seems in Effect to plunge them in the same Circumstance which they were in after the Repeal of the Edict of *Nantes*. The late King explain'd his Intentions so clearly, by an Edict dated at *Fontainebleau*, in *October*, 1685; that they then thought they could not stay with Safety in the Kingdom, and were preparing to return to their own Countries, when it pleased his Majesty to give them fresh Encouragement to stay, by an Arret of the 11th of *January*, 1686, permitting Merchants, and all other foreign Protestants to come into the Kingdom with their Wives and Children, Domestic,

sicks, and others of their Country, together with their Goods and Merchandize, there to stay, pass and repass to and from the Towns and other Places thereof, with the same Freedom as before; provided only, that they did not take along with them any of his Majesty's Subjects, nor exercise their Religious Worship in the Kingdom. After this, came out another Arret of the 28th of June, 1686, which confirm'd the former, and amplified and extended the favourable Clauses now mention'd. The chief Motive of these two Arrets was, to give an Opportunity to Strangers to continue their Commerce with all Manner of Freedom.

For, besides that Commerce is the Fruit of Treaties, and the Band of Peace, it may be said, That the Kingdom reaps almost all the Benefit of it; because on one Hand, the King's Subjects share the Profit of it with Foreigners, while the latter spend the greatest Part of their Profits by their Stay in the Kingdom, and contribute no less than the Native Subjects to the Preservation of its Plenty.

The same Motive subsists even to this Day, but the Arrets which were the Security of Strangers, are no longer in Force, they being as it were, tacitly repealed by the Declaration of the 14th of May last.

'Tis true, That they have Treaties in their Favour; but this is not sufficient to establish their Tranquillity, because the Conditions of such Treaties being known only to a few of the Subjects, leave them exposed to a World of Accidents that are unavoidable; for preventing of which, they most humbly beseech his Majesty, That he would please to explain his Intentions in such a Manner, as may leave no Room to doubt of the Protection which he shall be inclined to grant them hereafter.

For this End, they desire, That his Majesty would be pleased, by some Declaration, confirming, as far as may be necessary, the Declarations and Arrets formerly pass'd in their Favour, to permit again all Merchants and other foreign Protestants to come into the Kingdom, to reside there, to pass and repass with all Safety from one Place to another, with their Wives and Children, Domesticks, and others of their own Nation, their Goods and Merchandize, and to depart the same with entire Freedom, together with such of their Children as may happen to be born to them in France, during their Stay, who shall have the same Liberty to enjoy

joy the same Privileges as their Parents, on Condition only, that they do not exercise their Religious Worship any where in Publick, besides at the Houses of Embassadors, or Ministers of the Protestant Powers, in whose Chapels they shall be permitted to assist at Divine Service, as heretofore; as also to celebrate Marriages among themselves, and to baptize their own Children.

Foreign Protestants have the greater Reason to hope that his Majesty will grant them their Demands, because his Subjects enjoy the same Privileges with full Liberty in Protestant Countries, where the publick Exercise of their Religion is not authoriz'd by the Laws, and because the Privileges now desir'd, are no others than what he has been pleas'd to let them enjoy heretofore.

And this mutual Toleration is so necessary to Commerce, that it is its very Basis or Foundation, and without it 'tis morally impossible it should continue or prosper. For this Reason, the Protestant States, who above all Things recommend Liberty and Property in Commerce, have at all Times so religiously observed it, that there is no Instance where any Foreigner ever suffer'd the least Vexation, either in his Person or Effects, on Account of his Religion. Therefore the foreign Protestants have Reason to hope, that his Majesty will grant them the same Security and Protection in his Dominions.

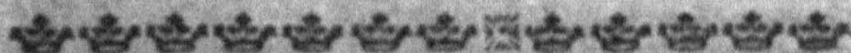
The Inhabitants of *Alsatia* being in the utmost Consternation by Reason of the above Declaration, least it should be put in Execution against them likewise, who are but new Subjects of *France*, and whose Liberties are grounded on Treaties; whereas those of the antient Subjects have no other Foundation but the Good-Will of their Sovereign; the Court of *France* thought fit to remove the Uneasiness of the *Alsatians*; and the Count de *Morville*, Secretary of State, wrote the following Letter to the Marshall *Du Bourg*, Governor of that Province.

The Count de Morville's Letter to the Marshal Du Bourg, in Relation to the Protestant Inhabitants of Alsatia.

I HAVE sent by the King's Order, to the Magistrates of *Colmar*, the Declaration concerning the Protestants, in order to be registred and published there; and

and I have since been inform'd, both by the first President and the Attorney-General of the said Town, that it has been registr'd accordingly: But that the Subjects of that Province, that are of the Confession of *Augsburgh*, and who, by the Treaty of Peace, are allow'd the free Exercise of their Religion, have been put thereby under the greatest Consternation, by Reason that the said Declaration contains no Exception with Regard to them: I had no sooner represented this to the King, in Presence of the Duke of *Bourbon*, but his Majesty order'd me to let you know, that his Intent was not to disturb them in the Exercise of their Religion, but to let them enjoy the same Liberty as they had before the said Declaration, and to maintain them in the Rights they enjoy, by Virtue of the Treaties wherein they are comprehended. For this Reason, you are to notify this his Majesty's Royal Intention through all the Extent of your Government, in order to quiet the Minds of those Protestants that have made themselves uneasy without just Ground, and to act in Concert with *M. de Harlay*, to whom I write this Day upon the same Subject.

I am, &c.



S C O T L A N D.

HAVING through the whole Course of these Registers given an Account of the annual Proceedings of the General Assembly of the Church of *Scotland*, we think it convenient to pursue the same Method.

On the 14th of *May* the said Assembly met at *Edinburgh*, and chose for their Moderator, *Mr. William Wishart*, Principal of the University of that City. Then his Majesty's Commission appointing the Earl of *Finlater and Seafeld*, his High Commissioner, was read, as was likewise his Majesty's most gracious Letter to the Assembly; whereupon the High Commissioner made a Speech to the Assembly, which was answer'd on their Part by the Moderator; and a Committee was appointed to draw up an Answer to his Majesty's Letter; which Answer being reported on the 16th, was unanimously approv'd. The said Speech and Answer are as follow:

His

His Majesty's High Commissioner the Earl of Finlater and Seafield's Speech to the General Assembly of the Church of Scotland, May 14, 1724.

Right Reverend, and Right Honourable,

I AM convinced that you have with great Pleasure and Gratitude heard his Majesty's most gracious Letter.

He expresses his Satisfaction in the prudent and moderate Proceedings of former Assemblies, he reposes entire Trust and Confidence in your Loyalty and Fidelity to his Royal Person and Government, and has commanded me at the opening of this Assembly, again to renew the Assurances he has so frequently given of his firm and steady Resolution to protect and maintain the Presbyterian Government of the Church of Scotland, as established by Law.

His Majesty recommends, that you will take Care to promote Religion and Piety; and that you will use your Endeavours to prevent the Growth of Popery and Immorality; and that you will in all Things that come before you, act with that Calmness and Moderation, which is so necessary to preserve the Tranquillity and Peace of the Church, and most proper and becoming a Christian Assembly: And I have no Doubt of your ready Compliance with what his Majesty has recommended in so pious and Religious a Manner.

We all ought to be most thankful to God, who has plac'd his Majesty on the Throne, and by special and remarkable Acts of Providence, has preserv'd and protected his sacred Person and Government, against all the Attempts that have been made by a Popish Pretender and his Adherents; and has effectually defeated all their wicked Designs; and it is by his Majesty's Government, and the Establishment of the Succession in his Royal Family, that all our Religious and Civil Concerns can be continued and preserved against Popery and Arbitrary Power.

I am most sensible of the great Honour his Majesty has conferr'd on me, in appointing me to represent his Royal Person in this Assembly.

I am fully instructed to give you all Encouragement in the Prosecution of what his Majesty has so graciously recommended, and in all other Things that may tend to the Prosperity of the Church.

I shall

I shall endeavour, by the Assistance of God, to discharge this Trust with Fidelity to his Majesty, and all due Regard to this venerable Assembly; and shall now, and on all other Occasions, do what is in my Power to give you convincing Proofs of my sincere Attachment and good Inclinations to the Government of this Church.

It is my earnest Desire that all you do in this Assembly, may tend to the promoting of Religion, the Glory of God, the Peace and Prosperity of this Church, the entire Satisfaction of the King, and Good of his People.

The Answer of the General Assembly of the Church of Scotland, to his Majesty's most gracious Letter.

May it please your Majesty,

WE justly esteem it one of the many valuable Blessings which our most merciful God plentifully bestows upon this National Church, that your Majesty is graciously pleas'd on every returning Occasion so readily to countenance our Assemblies.

The Confidence your Majesty is pleas'd in your great Goodness to place in us, founded upon our Behaviour in former Assemblies, fills us with unspeakable Joy. We should do Injury to our holy Religion, act inconsistently with the Duty we owe to the best of Sovereigns, and be wanting to ourselves, if we did not unite with Zeal, and unanimously concur in such Means as shall be deem'd most effectually to tend to the Peace and Welfare of the Church, suppress Irreligion and Profaneness, and prevent the Growth of Popery. We are at the same Time perfectly assur'd, that nothing will ever be wanting on your Majesty's Part towards obtaining these desirable Ends, wherein the Honour of God, and the Well-being of your Majesty's Subjects, are so nearly concern'd.

The Earl of Findlater and Seafield's great Knowledge and Experience, the Zeal and Affection he has upon many important Occasions express'd for your Sacred Person and Government, as well as his Adherence to the Principles of the Church of Scotland, which have recommended him to your Majesty, render your Choice of him, to represent your Royal Person in this Assembly, most obliging and acceptable to us.

That the most High God, who so seasonably brought your Majesty to the Throne for the Support of the Pro-

stant Interest abroad, and the Preservation of the Religion and Liberties of your Dominions, may continue in the most remarkable Manner to preserve your sacred Person, guide your Councils, and defeat the restless Endeavours of your Enemies; that he may pour out his best Blessings on the Heads of their Royal Highnesses the Prince and Princess of Wales, and their Royal Issue, and perpetuate the Succession to the Crown in your Family; and that after a long and happy Reign upon Earth, you may be crown'd with immortal Glory in Heaven, are, and shall be the constant and fervent Prayers of,

May it please your Majesty,

Your Majesty's most faithful, most obedient,

And most loyal Subjects,

The Ministers and Elders, met in this National Assembly of the Church of Scotland.

*Edinburgh, May
16, 1724.*

*Signed, in our Presence, in
our Name, and at our Ap-
pointment, by*

William Wishart, Moderator.

On the 25th of May, the Assembly being met, his Majesty's Commissioner intimated to the Assembly, his having receiv'd a Return from the Viscount Townshend, Secretary of State, bearing his Majesty's gracious Acceptance of, and Satisfaction with the Assembly's dutiful and loyal Answer to his Majesty's Letter.

The Assembly having consider'd the Actions of the late Commission, gave them Thanks for their Prudence, Zeal, Diligence, and Faithfulness in the Affairs of the Church committed to them, with an Exception as to the Case of *Lockmaben*, and the Commission's Register was attested in the usual Form.

Upon Report of a Committee, the Assembly unanimously set aside the Calls of *Lockmaben* to Mr. Carlyle, and Mr. Bunkle, and declar'd their Relations to that Parish void and null; appointed the Presbytery to moderate a new Call, that the free Choice of the Parish might more fully appear, and restored Mr. Carlyle to *Commerterres*, but the Call to *Lockmaben* not to be moderated before the 2d of August. The Assembly found the

Pro-

Procedure of the Presbytery of *Lochmaben*, in planting that Parish, irregular and precipitant; and did admonish them to be more cautious for the future, and recommended to the Synod of *Dramfries*, to bury all the Differences among them in that Matter; and discharged the aforesaid Synod and Presbytery, to insert into their Books any Papers relating to this Affair, not already recorded, that all Memory for the aforesaid Differences may be utterly extinguished.

The Assembly granted a Recommendation for a voluntary Contribution, for helping to rebuild the Harbour of *Aberbrothwick*, lately demolished by a Storm. The General Assembly empower'd the Society for Christian Knowledge, and their Committee, to receive the Sum of 1200 l. Sterling, mortified by *John Raining*, Merchant in *Norwich*, for maintaining a School, and to do every thing in that Matter which the Assembly might do themselves, still observing inviolably the Will of the Mortifier, as express'd in his Testament, without any Alteration; and his Executors were order'd to get the Thanks of the Assembly for their Care in that Matter, and the School is to be called, *John Raining's School*.

May 26. Several Students having the *Irish* Language, were recommended to Synodical and Presbyterian Bursaries, and Synods and Presbyteries were order'd to lay a State of their Bursaries before the Assembly; and the Principals of Colleges, and Professors of Divinity in this Assembly, with the Commissioners from Presbyteries, where the *Irish* Language is spoke, were appointed as a Committee, to take up a List of Probationers and Students of Divinity and vacant Parishes, where Preaching uses to be in the *Irish* Language, and lay the same before the Commission, in order to the supplying of these Places. It was referred to the Commission, to consider what may be proper for Ministers and Church-Judicatories to do for maintaining of the Poor, and restraining vagrant Beggars, and it was recommended to Ministers, Kirk-Sessions, Presbyteries, and Synods, to use all due Means to get every Parish to maintain their own Poor, and to apply to Sheriffs, Justices of the Peace, and Commissioners of Supply, Heritors and Burghs, to put the Laws there anent to Execution.

Intimations were made anent bringing in Collections for a Bridge at *Lathnet*, and a new Erection at *Norristoun*, as formerly recommended. The Procurator and Agent for

the Church were appointed to carry on some Process for settling of Stipends. It was referr'd to the Commission to give the Presbytery of *Strathbogie* Assistance, with Respect to the Annexation of *Kinnore* and *Dumbennig*; and to concur in any Processes for settling Stipends and Salaries to School-masters in Parishes where Popery abounds, and to send Preachers to assist Ministers there. Synods in such Places, particularly in *Murray*, *Aberdeen*, *Argyle*, and *Glenelg*, are appointed to keep a Correspondence, and appoint Committees to visit the several Parishes infested with Popery, or where the Teachers of new Doctrine do haunt, and to assist the Ministers of these Parishes, and the Commission is appointed to concur therein: Also to consider, what may be done to prevent the employing of disaffected Persons as Governors of Youth, and Teachers of Schools; and to see what Method is fit to be taken to keep back Persons from being Members of the Judicatories of this Church, who are not of a fair Character, and do not punctually attend the Dispensation of Gospel-Ordinances, and neglect Family-Worship: As also, an Overture about their signing a Formule, was transmitted to Presbyteries, Application was appointed to be made to the Commander in Chief, against the Immorality of the Soldiery, and a Reference was made to the Commission thereanent.

May 27. The following Act against the Tumults in *Galloway*, was brought in and approved, *Nemine contradicente*, and order'd to be transmitted to the Presbyteries concern'd.

THE General Assembly taking into their serious Consideration the tumultuous unlawful Meetings convoked about *Kirkcubright*, and their illegal Proceedings, in throwing down several Inclosures in these Bounds, pertaining unto others, contrary to the Word of God, and the Principles of our holy Religion, profess'd in this Church; tending to the Destruction of all Order and Government, and of Liberty and Property, and what may draw the Wrath of God upon them and their Families, as well as the Punishments of the Civil Law; to which they have so deeply expos'd themselves, as that the Consequences must utterly ruin them and their Families, unless by their speedy Repentance and Submission, the Government be prevail'd upon to forgive them, or alleviate their Punishments. Therefore the General Assembly

Assembly judge it their Duty, in the Fear of God, and in Tenderneſs to the Welfare of theſe People, to warn all concern'd of the Sinfulneſs and Danger of theſe Courſes; and to exhort and obteſt them, as they tender the Glory of God, the Good of their precious Souls, and of their Civil Interests, and the Peace of the Country, that they ſpeedily deſiſt from ſuch illegal and unwarrantable Practices; as they would not have an active Hand in diſhonouring God, and bringing Ruin upon themſelves and their Families. And the Aſſembly recommends it to, and requires all Miniſters near to the Places where they are aſſembled; particularly in the Bounds of the Synods of *Dumfries* and *Galloway*, in the moſt ſerious Manner, from their Pulpits, to warn the People of the Sinfulneſs and Danger of ſuch Actings, and to exhort and obteſt them, as they have Regard to the Commands of God, the eternal Salvation of their Souls, as well as the Safety of their Bodies and Families, that they deſiſt from ſuch Practices in Time coming, and live quietly and orderly, in Submiſſion to the Laws of the Land, and to their Rulers, who are the Ordinance of God, and particularly in Loyalty and Obedience to our Proteſtant Sovereign King *George*. The Aſſembly likewiſe recommends it to all the Miniſters in theſe Bounds, in their Sermons, Prayers, or private Converſation, to beware of any Expreſſions that may ſeem in the leaſt, to juſtify ſuch Practices, or to alleviate the Guilt of them, or may be interpreted to import, that any ſufficient Ground or Occaſion hath been given to commit ſuch Abuſes. And the Aſſembly earneſtly recommends to the Gentlemen who have been injur'd by theſe irregular Practices, to uſe the greateſt Tenderneſs towards a poor miſſed People, in Order to the reducing them to their Duty. And the Aſſembly appoints this Act to be publiſhed from their reſpective Pulpits, in theſe Bounds, upon the ſecond Sabbath of *June* next, or the firſt Sabbath after this comes to Hand, after Sermon in the Forenoon, with ſuitable Exhortations to enforce the Deſign of this Act. Extracted by me,

Jo. Dundas, Clk. Eſcl. Scot.

The Earl of Finlater's Speech to the General Assembly, when he was pleased to dissolve them.

Right Reverend and Right Honourable,

IT is a great Pleasure and Satisfaction to me, that this venerable Assembly has now ended all that was necessary to be laid before them with such Prudence and Moderation.

And here I cannot but observe, That the Affair which did appear most difficult, and did threaten the continuance of Division and Animosity, was, by the Blessing of God, upon your Endeavours, determin'd with Unanimity, and thereby Peace restor'd to the Parochin and Judicatories of the Church, that were more immediately concern'd therein.

I shall represent to his Majesty the great Duty and Loyalty that has appear'd in all your Proceedings, to his sacred Person and Government; and as at the opening of this Assembly, he did express the entire Trust and Confidence he had in you, I can now say you have fully answer'd his Majesty's Expectation, and you may depend upon the Continuance of his Royal Favour and Protection.

I must recommend to you, when you return to your respective Charges, that you will continue to represent to your People the great Blessings and Advantages this Nation and Church enjoys under his Majesty's Government; and that you will endeavour to convince them, that it is their Interest as well as Duty, to be loyal and faithful to his Majesty, and steady in their Affection to his Royal Family; under which the Protestant Religion and Presbyterian Government, as established in this Church, stands firmly secur'd.

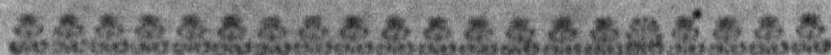
Right Reverend Moderator,

I do, in a most particular Manner, return you and the Right Reverend and Right Honourable Members of this Assembly, my most hearty Thanks for the Regard you have shewn to me; and I think it my great Happiness, that what I have endeavour'd to do in this high Station, has been acceptable to you: And I again assure you, that I shall improve all Opportunities of rendering all the Services and good Offices I am capable to perform, for preserving the Prosperity and Tranquillity of this Church.

The

The Moderator having infilled in a most pathetick Manner, on the Danger of the Protestant Religion, and his Majesty's Government, by the Increase of Popery; and, in the Name of the Assembly, desir'd me to lay before his Majesty the Addresses of the late Commission and former General Assembly on that Subject, I do with great Chearfulness promise to lay these Addresses before his Majesty, and to join my Endeavours, that his Majesty may comply with the Desire of so venerable and loyal an Assembly.

All your Affairs being now ended, I do, in his Majesty's Name, and by his Authority, dissolve this General Assembly, and declare it to be dissolv'd. And in his Majesty's Name, I do appoint and indite the next General Assembly of this National Church, to meet at this Place, upon the first Thursday of May next, in the Year of our Lord 1725.



G R E A T B R I T A I N.

A Bout the Middle of *May* his Majesty was pleas'd to write the following Circular Letter to the two Universities of *Oxford* and *Cambridge*:

The King's Letter to the two Universities.

G E O R G E R.

TRUSTY and well-beloved, we greet you well. We being greatly desirous to favour and encourage our two Universities, those ancient and laudable Nurseries of Piety and Learning, and to enable them more effectually to answer the End of their Institution, by sending forth constant Supplies of learned and able Men, to serve the Publick both in Church and State; and having observed, that no Encouragement or Provision has hitherto been made in either of the said Universities, for the Study of modern History or modern Languages, the Knowledge of which is highly necessary towards compleatly qualifying the Youth committed to their Care for several Stations both in Church and State, to which they may be called; and having seriously weigh'd the Prejudice that has accru'd to the said Univer-

Universities from this Defect, Persons of foreign Nations being often employ'd in the Education and Tuition of Youth, both at Home and in their Travels, and great Numbers of the young Nobility and Gentry, being either sent abroad directly from School; or taken away from the Universities before the Course of their Studies can be there compleated, and Opportunities frequently lost to the Crown, of employing and encouraging Members of the two Universities, by conferring on them such Employments, both at Home and abroad, as necessarily require a competent Skill in writing and speaking the modern Languages. In Order therefore to remedy these and the like Inconveniencies, we have determined to appoint two Persons of sober Conversation and prudent Conduct, of the Degree of Master of Arts, or Batchelor of Laws, or of some higher Degree in one of the said Universities, skilled in modern History and in the Knowledge of modern Languages, to be nominated by us, to be our Professors of modern History; one for the University of *Cambridge*, and the other for that of *Oxford*, who shall be obliged to read Lectures in the publick Schools, at such Times as shall hereafter be appointed. And we have further determined, that each of the said Professors shall have a Stipend of four hundred Pounds *per Annum*, and out of the said Stipend shall be oblig'd to maintain with sufficient Salaries, in the University where he shall be established, two Persons at least, well qualify'd to teach and instruct in Writing, and speaking the said Languages, which said Teachers shall be under the Direction of the Professors respectively, and shall be oblig'd to instruct *gratis* in the modern Languages twenty Scholars of each University, to be nominated by us; and each Scholar so nominated, shall be oblig'd to learn two at least of the said Languages, both the Professors and Teachers taking especial Care that the Times and Hours for the instructing and teaching the said Scholars, be so order'd, as not to interfere with those appointed for their Academical Studies; which Professors and Teachers shall be oblig'd once every Year to transmit an attested Account of the Progress made by each Scholar committed to their Care, to our Principal Secretaries of State, to be laid before us, that we may encourage the Diligence and Application of such amongst them, as shall have qualify'd themselves for our Service, by giving them suitable Employments either at Home or abroad, as Occasions shall offer.

offer. And our Royal Will and Pleasure is, that you forthwith upon the Receipt hereof call a Congregation, in Order to communicate these our Royal Intentions to the University. And so we bid you farewell. Given at our Court at St. James's, the 16th Day of May, 1724, in the Tenth Year of our Reign.

By his Majesty's Command,
TOWNSHEND.

The following Address of the Chancellor, Masters, and Scholars of the University of *Cambridge*, was on the 23d of May presented to his Majesty, by the Reverend Dr. Snape, Provost of King's-College, Vice-Chancellor of that University, attended by the Proctors and several other Members of the same; introduced by his Grace the Duke of Grafton, Lord Chamberlain of his Majesty's Household.

To the King's Most Excellent Majesty,
The humble Address of the Chancellor, Masters and Scholars of the University of *Cambridge*.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, the Chancellor, Masters, and Scholars of your University of *Cambridge*, having been honoured with your Majesty's Royal Letter, which has been read to us in full Senate, intimating your gracious and princely Intentions of establishing, both in this and your other University, a new Professorship of modern History and modern Languages, with an Appointment so ample, as well nigh to equal the Stipends of all our other Professors put together; beg Leave to approach your sacred Person, with the sincerest Assurances of Duty, Loyalty and Gratitude, which such unparallel'd Munificence requires.

Your Majesty, like a common Father that is watchful for the Welfare of his Children, has wisely observed where our greatest Defect lay, and where your Relief could most seasonably be apply'd: we have for many Years, with Grief observ'd, and may now with Assurance, venture to speak out our Grievance, since your Majesty has been pleas'd to enter so far into our Cause as to join in the same Complaint, that foreign Tutors have had so large a Share in the Education of our Youth of Quality, both at Home and in their Travels: And

we are thoroughly sensible, that the Reason why they have been so employ'd, in Preference to Men of far superiour Learning of our own Country, has been the Want of proper Helps towards the attaining those Accomplishments in our Universities, for which your Majesty is now making so honourable a Provision. But we are now firmly perswaded, that when your Majesty's noble Designs shall have taken Effect; when there shall be a sufficient Number of Academical Persons well versed in the Knowledge of foreign Courts, and well instructed in their respective Languages; when a Familiarity with the living Tongues shall be superadded to that of the dead ones; when solid Learning of Antiquity shall be adorn'd and set off with a skilful Habit of conversing in the Languages that now flourish, and both be accompanied with *English* Probity; our Nobility and Gentry will be under no Temptation of sending for Persons from foreign Countries to be entrusted with the Education of their Children; that the Appearance of an *English* Gentleman in the Courts of *Europe*, with a Governor of his own Nation, will not be so rare and uncommon as it has hitherto been; and that your two Universities thus refin'd, and made more compleatly serviceable to the Education of Youth, by your Majesty's most judicious and well directed, as well as liberal Benefaction, will be able to furnish you with a constant Supply of Persons every way qualify'd for the Management of such weighty Affairs and Negotiations, as your Majesty's Occasions may require.

We most heartily beseech the Almighty to prosper this, and all your great and glorious Undertakings; that you may long live and reign, 'till you have receiv'd the fullest Conviction, that your Royal Purpose has not been frustrated, but that this new Institution has prov'd (as your princely Wisdom intended it should) a real and National Blessing.

Permit us further, most Gracious Sovereign, to testify our grateful Sense of two other distinguishing Marks of your Royal Favour so lately conferr'd on your two Universities; the charging your Revenue with new Salaries appropriated to twelve Persons chosen out of each, as Preachers in your Chapel of *Whitehall*; and your generous Resolution of entitling to a Share of such Benefices as are within your Royal Patronage, the Members of the two Universities. We scarce had Time to congratulate one another on Occasion of the two last mention'd

tion'd Favours, when they were follow'd by that new and accumulated Instance of your Goodness, the Erection of a new Professorship.

In Return for such repeated Obligations, we shall not fail to put up incessant Prayers to God, for the Preservation of your Majesty and your Royal Family; and shall always endeavour to contribute, in the best Manner we are able, to the Tranquillity, Peace and good Order of your Government.

May the 19th, 1724.

To which Address his Majesty was pleas'd to give the following most gracious Answer:

I Thank you for this dutiful and loyal Address; and am glad to find that what I propos'd to you in my Letter, meets with your entire Approbation; and doubt not but with your Assistance, my Intentions upon this Occasion, will prove an Honour to the University in general, as well as an Advantage to the particular Members of that Learned Body.

The following Address having been transmitted by the Vice-Chancellor of the University of Oxford, was also presented to his Majesty by the Right Honourable the Lord Viscount Townshend, one of his Majesty's Principal Secretaries of State, on the same Occasion.

Address of the University of Oxford,

To the King's Most Excellent Majesty.

May it please your Majesty,

WE your Majesty's most dutiful and loyal Subjects, the Chancellor, Masters and Scholars of your University of Oxford, do humbly beg Leave to return our most hearty Thanks for your Majesty's most gracious Letter to our Vice-Chancellor by him this Day communicated to us in full Convocation; wherein your Majesty has been pleas'd to declare it to be your Royal Intention to establish in this your University of Oxford, a Professor of modern History, and also under the Direction of the said Professor, two other Persons to teach and instruct in writing and speaking the modern Languages; to the Intent, that the Youth committed to our Care from all Parts of your Majesty's Dominions, may be the more compleatly qualify'd for such Employ-

ments in your Majesty's Service, either at Home or abroad, as your Majesty shall be pleas'd to confer upon them. As we cannot but be deeply affected with this Instance of your princely Favour, in making this new Provision for the Honour and Advantage of this Place; so we must at the same Time most gratefully acknowledge your Majesty's gracious Tenderness towards our ancient Constitution, in directing that the Hours for teaching your Majesty's Scholars the modern Languages be so order'd, as not to interfere with those already appointed for their Academical Studies: And the World must observe, that such is the Nature of this Bounty, that it could not come but from a Prince who is not unwilling that his Actions should be faithfully transmitted to Posterity.

We beg Leave to assure your Majesty, that we will carefully improve to the Honour and Service of your Majesty's Person and Government, all the Advantages arising from this and all other your Royal Favours, and cheerfully embrace every Opportunity given us of deserving the Continuance of them.

** Sealed in the Convocation-House
with the common Seal of the
University, this 19th Day of
May, 1724.*

Which Address his Majesty was pleas'd to receive very graciously.

In the *Historical Register* N^o XXXIII. being the First for the present Year, an Account is given of the Proceedings in Parliament against Francis Lord Bishop of Rochester; but several remarkable Speeches both for and against that Prelate were omitted for Want of Room, which in pag. 99. of that *Register*, we promised to insert as Opportunity should offer: Now, as none of them better deserve to be transmitted to Posterity than that of the Duke of Wharton against the passing of the Bill, in Answer to that of the Bishop of London, of which Notice was taken in pag. 88. of the said *Register*, 'tis judg'd proper to insert the same as follows:

His Grace the Duke of Wharton's Speech in the House of Lords, on the 15th of May, 1723, against passing the Bill for inflicting Pains and Penalties on Francis Lord Bishop of Rochester.

My Lords,

SOME Words which have fallen from the Reverend Prelate, who spoke last (*the Bishop of London*) have made it, in some Measure, necessary for me to trouble your Lordships with the Reasons that induced me to differ from him in Opinion, and to give my Negative to the Bill now depending before us. If I don't misunderstand his Lordship, he was pleas'd to say, 'That Persons without Doors would be apt to cast different Reflections on the particular Behaviour of every Lord this Day; that those who were for the passing of this Bill, would be accused of Malice and Partiality; and those who were of contrary Sentiments would be branded with Disaffection to the present happy Establishment.' For my part, I am far from thinking that Considerations of this Nature will have the least Weight with any of your Lordships; and am very certain, that every one who gives his Vote on this important Occasion, has attended with the greatest Care, to the Evidence that has been given at your Bar, which is the Foundation of this Day's Debate. The Proofs that have been brought to support the Charge, and the Bishop's Defence, are to be thoroughly consider'd; and when your Lordships proceed according to the Rules of Justice, you will not fear nor value any Consequences which may attend the discharging of your Duty. So far I will venture to affirm, that the best Way to shew our Zeal to his Majesty, and the present Government, is to act in all Cases, both in our Judicial and Legislative Capacities, with that Honour and Impartiality, as ought to flourish in this great Council of the Nation. I could have wished the Noble Lords who have given their Reasons for the passing this extraordinary Law, would have entred into the particular Circumstances of this Case, and considered it singly on its own Merits: But instead of speaking on that Head, I cannot but take Notice, That they have wandered from that (which ought to have been their only Consideration) into learned Discourses on Bills of this Nature in general.

I shall

I shall not trouble this House with any Arguments against Attainders. Many Lords, of greater Weight and Abilities than myself, have already spoke fully to this Point in the preceding Debates. I shall only, so far agree with the Reverend Prelate, who spoke before me, that it is proper, that such a Power of punishing by Bill, should be vested in the Legislature, to be exercised on extraordinary Emergences: But then I must add, If ever that Power is abused; if ever it is employ'd to destroy innocent Persons; it is evident, that the Lives, Liberties, and Fortunes of every Subject in *Britain*, are in the utmost Danger, and liable to be sacrificed to the Fury of a Party. It has been admitted, that every Bill of Pains and Penalties is to stand upon its own Bottom; and that the passing of one Act of this Nature, is not to be brought as a Precedent for the supporting of another, unless there be convincing Evidence to enforce each Case. And therefore the proper Consideration now before us, is, Whether the Evidence offer'd against the unfortunate Prelate, is sufficient to induce your Lordships to believe him guilty of the heavy Crimes of which he stands accused? My Lords, I shall take the Liberty of considering the whole Proofs that have been brought on this Occasion, both by way of Charge, Defence, Reply, and Rejoinder. And though I own myself very unequal to this Task; yet since no other Lord, who could do it much better, has undertaken it, I think it my Duty as a Peer, and as an *Englishman*, to lay it before your Lordships in the best Manner I am able. The Method I shall observe for the more clear stating of the Case, shall be to lay every Particular Branch of Evidence before you, and to distinguish the several Parts of the Accusation, and to consider them separately, to avoid Confusion, and to be the more exact in what I have to offer. I must desire your Lordships will pardon me, if I repeat several Arguments that have been used by the Counsel at the Bar; and if I even mention some Things which fell from me in the Debate on Mr. Kelly's Bill, whose Case is very much interwoven with the present; so that it is almost impossible to avoid it.

Before I go any further, I cannot but say, That were these Crimes plainly prov'd against the Bishop of *Rochester*, his sacred Function and Station in the Church, would be Aggravations of his Guilt: But, as this is certain

certain on the one Hand, so on the other, your Lordships will require very clear Demonstration, before you can think it possible for a Bishop of the Protestant Church (who has signaliz'd himself in Defence of the Reformation, and the only one of that Bench where he had lately the Honour of sitting, that ever wrote in Favour of *Martin Luther*) to engage into a Conspiracy for introducing Popery and Arbitrary Power amongst us. The Counsel for the Bill open'd the Charge with acquainting the House, that it was only to be supported by producing of decypher'd Letters full of fictitious Names and cant Words: They were so very fair, as to confess, they had not one living Witness that could charge the Bishop with any thing, nor even so much as a Letter under his own Hand: Therefore, on the first View, this Manner of condemning, on such Kind of Evidence, ought to require our utmost Caution, lest we should establish a Method, which our Enemies may hereafter take to destroy the greatest and most innocent Subject in the Kingdom.

Mr. *Wearg* cited two Cases, which he would have us receive as Precedents, to justify the admitting of Circumstantial Evidence: The one was, the Case of *Ashton*, who was condemn'd on Circumstances only; but, my Lords, this was before the Treason-Act was pass'd, which requires two positive Witnesses, and nothing could induce the Legislature to pass that Law, but a thorough Conviction of the Danger that might attend the admitting of any Proofs which were not positive or certain. The second Case he cited, was that of *Harrison*, for the Murther of *Dr. Clinch*, and the learned Gentleman tells you, that it was the pulling out of a Handkerchief that led to the Discovery of that Murther. It is very certain, Circumstances may lead to the Discovery of Evidence; but must be well supported before they can be converted into convincing Proofs. The first Piece of Evidence that was offer'd at the Bar, was the Extracts of Letters from abroad, which this House seems, in some Measure, to have declar'd to be immaterial, when they did not so much as desire to see Copies of the whole Letters, nor the Originals, and even admitted one to be read, which was Anonymous: But it will not be improper to observe, that through this whole Correspondence, the Bishop of *Rochester* is not nam'd. And therefore I cannot see why they took up our Time with reading Papers quite foreign from this Case; especially since
ever

every Body allows there has been a Conspiracy, which is the only Fact to be gather'd from this Correspondence. The next Point which was attempted to be prov'd, was, That Captain *Halfstead* went to fetch the late Duke of *Ormond*, and was at the Deanary with the Bishop before he embark'd; there are also two Letters found in the Bishop's Close-stool; from this Gentleman to his Lordship, which were read, and are only Appointments for Visits, but mention nothing of this Design; and I think, there was a Coachman, that prov'd, *Halfstead* was an Hour with him some Days before he left *London*. This was open'd as a Matter of great Importance; but your Lordships must remember, that the suppos'd Design of *Halfstead's* to bring the late Duke of *Ormond* into *England*, is only prov'd by Hearsay. One of the Crew belonging to the Ship in which he went, has depos'd, that it was the common Report at *Bilboa*, that *Halfstead* came there on that Errand. How far common Fame is to prevail, I submit: But if this Hearsay were true, Is every Person who was an Hour with this Gentleman before his Departure, suppos'd to be privy to this Project? And what a strain'd Construction is it, to insinuate, the Bishop of *Rochester* knew of his Intention, because he receiv'd a visit from *Halfstead*, who was a Tenant under his Bishoprick? And this is the more extraordinary, since it has not been so much as pretended, that any Correspondence has pass'd between the Reverend Prelate and the late Duke. They then produc'd Letters directed to one *Dumvill*, which were decypher'd. And Mr. *Wills* was examin'd to prove, that they were rightly and justly explain'd. It very well deserves your Lordships Consideration, how far this Kind of Evidence is to be admitted: It has appear'd by the Oath of Mr. *Wills* himself, that it is an Art which depends upon Conjecture; for this Gentleman has confess'd, that every Man is liable to a Mistake in this, as well as in other Sciences; he tells you, that he and his Brother Decypherer varied in one or two Instances; He allows, that the Chasms, which they were forc'd to leave in those Letters, might alter the Sense of them. And therefore I cannot but think, that an Accusation grounded on such Proofs, is uncertain and precarious. The Person who is the Decypherer, is not to be confuted, and what he says must be taken for granted, because the Key cannot be produc'd with Safety to the Publick; and consequently (if his Conjectures be admitted to be Evidence) our Lives and Fortunes

Fortunes must depend on the Skill and Honesty of Decyphers, who may with Safety impose on the Legislature, when there are not Means of contradicting them for want of seeing their Key. My Lords, in the Case of *Coleman*, the Key was printed, as has been well observ'd by the Counsel at the Bar, and I am very much surpriz'd, that Gentlemen of such Abilities and Integrity, as the Members of the secret Committee in another Place, (who were so exact as to print the *French* Originals to the translated Letters, that the World might see how just and candid the Prosecutors of the Plot were) did not, for the Satisfaction of the Publick, permit us to see the Key in Print, on the Truth of which, depends such a Chain of Consequences. I own myself entirely ignorant of this Art; but, as I should be very far from condemning a Man on my own Conjecture, I should much less do it on the Conjectures of others. The greatest Certainty human Reason knows, is, A Mathematical Demonstration; and were I brought to your Lordships Bar to be try'd upon a Proposition of *Sir Isaac Newton's*, which he upon Oath should swear to be true; I would appeal to your Lordships, whether I should not be unjustly condemned, unless he produc'd his Demonstration, that I might have the Liberty of enquiring into the Truth of it, from Men of equal Skill? I cannot think any Man will allow Evidence of this Nature to be good: But if in this Case relating to the decypherd Letters to *Dumvill*, your Lordships should admit it, there is nothing mention'd in them that can affect the Bishop, neither is he at all nam'd in them, but they are only brought to prove the Conspiracy in general.

The Examinations of *Mr. Neynoe* are the next Points that are laid before your Lordships: And, I must do the Gentlemen at the Bar the Justice of saying, That they forbore mentioning any thing of them, when they open'd the Charge. They were so sensible that such Proofs could not have the least Weight to affect the Bishop, that tho' in the Case of *Mr. Kelly* they were produc'd against him as very material to support that Bill, yet they did not think proper to name them against the Bishop; which I am thoroughly perswaded, is owing to what appear'd at your Bar, by the Examination of *Mr. Bingley*, and the universal Opinion which every Person seem'd to have of the Villany of *Mr. Neynoe's* Transactions. These Examinations were never

sign'd by the Person, neither was he ever examin'd to 'em upon Oath; so that were they of Consequence, and he a Person of Credit, they could not be admitted to affect any Person whatsoever, in any Court of Justice or Equity. I don't mean, that they could not be read according to the strict Rules of *Westminster-Hall*; which is admitted on all Sides they could not: But I dare affirm, that no Credit can be given to 'em on any Account whatsoever. The Person was closely confin'd, and consequently in the Hands of the Government, so that he was at that Time under the greatest Apprehensions, which might, in some Measure, prevent him from speaking Truth, with that Sincerity and Candour, of which every Person ought to be Master, when he is examin'd on Matters of such nice Nature. Tho' these Papers were entirely given up by the Counsel for the Bill, yet the Extract of them was read, and they are the visible Foundation of this Charge; and if they are insignificant, the whole Accusation falls to the Ground: For the whole Proof of the Bishop's dictating to Mr. Kelly, depends on Mr. Neynoe's bare Affirmation. The whole of what Neynoe says, or is suppos'd to say, is, that Mr. Kelly told him, he wrote the Bishop's Letters for him; Mr. Kelly denies it, and Mr. Neynoe was so conscious that he had been guilty of many Crimes, that he endeavour'd to withdraw from Justice, and the Providence of God, it is said, intercepted him. My Lords, if you will consider the Improbabilities of this Evidence, although it were upon Oath, and sign'd by him, it cannot be supported. He tells you, that he was entrusted to draw up Memorials to the Regent; yet none of those have been produc'd, and yet it is apparent, the Copies of them might with Ease, have been obtain'd, if he had been as thoroughly press'd to deliver them, as he was to declare he wrote them. These Memorials, he said, were wrote by the Order of Mr. Henry Watson, whom he takes to be the late Earl Marishal: And I am certain, your Lordships don't think that Fact material, when you came to a Resolution, that the Bishop of Rochester should not be at Liberty to ask, if Enquiry was made of the said Neynoe, or if he gave any Satisfaction to the Lords of the Council, touching that important Fact of Watson's, whom he took to be Earl Marishal, lying with him several Nights. It was very well observ'd by a learned Gentleman at the Bar, that nobody can believe, the late Earl Marishal would have

have repos'd so great a Confidence in a Person who was entirely a Stranger to him, and of such little Note; and the Jacobite Party must be in a low Condition, when they make Use of such a Creature to write Papers of that Importance. There is so much Improbability in this and other Points, and so much Contradiction in several Parts of his Examinations, that they appear to me, and must to all reasonable Man, as the Dictates of Fear, and not agreeable to Truth. He mentions, that the Reverend Prelate had some Favours offer'd him by the Court; but that cannot be true, and must be added to the rest of these Absurdities.

But what in my Opinion, clears up all these Matters, and makes it impossible for me to give the least Credit to this, or any other Part of the Charge, are, the several Testimonies of *Bingley*, *Skeene*, and *Stewart*. I must observe, that the two first Persons, *Bingley* and *Skeene*, are actually now in separate Custodies, and consequently, could have no Communication one with another. The Third is at Liberty, but his Testimony is so thoroughly supported by Mr. Gordon and Mr. Kynaston, that no Doubt can arise as to the Veracity of it. These Gentlemen, who are in the Hands of the Government, are under Hopes and Fears; and therefore it is certain, when they speak a Language, which perhaps may be disagreeable to those on whom they at present chiefly depend, it must be the Spirit of Truth that prevails. Mr. *Bingley* was before us in the Case of *Kelly*, and was also examin'd at the Bar of the House of Commons, tho' not upon Oath; and tho' he has been more severely treated, as he told your Lordships, and more strictly confin'd since his first Examination, yet he has persisted in his Story; and tho' he was so long at your Bar, and so many Questions put to him, yet he never varied in any one Circumstance, but appeared consistent through the whole Course of his Behaviour. I shall not detain your Lordships with recapitulating his whole Evidence; but your Lordships will remember, he told you, *Neynoe* abounded in Money, which *Neynoe* said (after he was apprehended at Deal) *An Honourable Person* (and on this Occasion, I hope, I may name him) Mr. *Walpole* gave him. And more particularly, he mentions 50*l.* which *Neynoe* said he received the Night before he went to France. *Bingley* told your Lordships, That *Neynoe* had assured him, he used to meet this Honourable Person in the Stable-Yard at Chelsea: And the Er-

and on which he was going to *France*, was, to discover some Secrets relating to Cyphers, which he would have engag'd *Bingley* to have done for him; and particularly to get them if possible, out of *Mr. Kelly*; Which, he said, could he obtain, would be of great Advantage to him. That *Neynoe* had declar'd to him, He would be even with *Mr. Kelly* before he was aware of it, or Words to that Effect; and that *Mr. Kelly* always seem'd averse to any Acquaintance with *Mr. Neynoe*, of whom he entertain'd a mean Opinion. That *Neynoe's* Father refus'd him Money, which makes it highly probable, that his Poverty was the Occasion of his Villany; and that when he was taken at *Deal*, he had declar'd to him, *Mr. Walpole* expected to find the Plot about him; and since *Mr. Walpole* could not, he must make one for him. *Neynoe* told *Bingley*, that this Honourable Person had vow'd Destruction to the Bishop of *Rocheſter*, by saying, he would pull down the Pride of this haughty Prelate; which is sufficient to convince your Lordships, how little Regard ought to be had to the Hearsay Evidence of so false a Wretch.

Mr. Bingley says, That Part of this Account he had given to the Lords of the Council; and I could have wish'd, that this Examination (as well as some others to the same Purpose) had been laid before the Parliament.

Mr. Skeen, who is also in Custody, has depos'd, That he lay in the same House with *Neynoe*, and had some Conversations with him. That *Neynoe* had told him, What he had said of the Bishop of *Rocheſter*, was entirely false. And, That *Mr. Walpole* had offer'd him a considerable Annuity to turn Evidence; and had given him Instructions before he was called in to the Lords, what Questions would be asked him, and what Answers he should make; and threaten'd him, with *Newgate* if he would not comply.

Skeen says further, That *Neynoe* swore, (and I hope, the Reverend Bench will, in such a Case, permit me to repeat the Words) by God, there were two Plots; one of *Mr. Walpole's*, against the Proteſſing Lords, and one of his, to bite *Mr. Walpole* of Money: And this seems to be the only Time, that ever *Mr. Neynoe* averr'd any thing upon Oath. To convince the World, what a Creature this *Neynoe* was, he tells *Skeen* further, That once at *Lord Townshend's* Office he had a great Inclination to inveſtigate the Chancellor of the Exchequer. He tells you, That

That *Neynoe* had wrote a Paper to declare, That all he had said of Lord *Orrery* was false.

The next Witness was, Mr. *Stewart*, who was unfortunately in Custody when *Neynoe* was brought to Town from *Deal*. *Stewart* says, that he slept the second Night with *Neynoe*. That *Neynoe* had told him, *What he said of the Bishop, was false: and that Mr. Walpole had offer'd him a great Sum of Money, if he would swear to what he said, and turn Evidence, which he declar'd he could not do. That Mr. Walpole had taken him into another Room before he was examin'd, and told him what Questions he would probably be asked, and what Answers he should give. He says, That Neynoe told him also, That he had like to have kill'd Mr. Walpole, and so put an End to the Plot: And that Mr. Walpole had given him a Paper of Directions, which he was to answer, in order to be a Witness against the Protesting Lords. As a Confirmation of his Testimony, Stewart says, he told this to Mr. Gordon before Mr. Neynoe was drown'd; and to Mr. Kynaston, before the Meeting of the Parliament.*

Mr. *Gordon* confirms this Part of his Evidence, and assures your Lordships, that he had heard it from *Stewart* before the Death of *Neynoe*. And Mr. *Kynaston*, a Gentleman of an undoubted Character, lately a Member of Parliament for *Sirewsbury*, has assur'd your Lordships, that he was acquainted with *Stewart's* Account of *Neynoe*, before the Meeting of the Parliament; and adds this Circumstance, That when in the Appendix he saw those six Questions printed, he shew'd 'em to *Stewart*, who seem'd rejoiced, and said, *You see, Sir, what I told you is true.* Such concurring Testimonies from Persons kept so separate, and who are speaking against their own private Interest, must have the greatest weight, and must at least prevent any rational and impartial Person from giving the least Credit to the bare Hearsay of this *Phillip Neynoe*.

If any Doubt could remain, as to the Validity of this Testimony, it is sufficiently confirm'd by the Persons brought to disprove it. The Chancellor of the Exchequer himself, does not pretend to deny, that *Neynoe* told these Things, but only adds other Circumstances to convince you of *Neynoe's* Villany; and assures you, that at the Time he was receiving Favours from him, he was thoroughly convinc'd, he intended to cheat him, which was the Occasion of his being apprehended. He own'd the Transactions between them, before *Neynoe* went

went to *France*, and particularly the Money mention'd by *Bingley*, which are Proofs that *Neynoe* must have disclos'd these Secrets, since they could not come from *Mr. Walpole*, and he and *Neynoe* only were privy to it. *Mr. Walpole* has shewn your Lordships the foul Draught of the Questions mention'd by *Stewart*; and when he denies that Part of *Neynoe's* Declaration, relating to the Instructions given him before the Examinations, he owns, he was twice alone with him; once the first Night of his being brought to Town, and the second Time, when he gave him the Paper of Directions, which might be Foundation enough for *Neynoe* to frame so notorious a Falshood.

The Witnesses brought by the Counsel for the Bill, to the Character of *Mr. Bingley*, seem'd rather to confirm it than otherwise; and all agree, they never heard any thing against his Morality. ——— They indeed have said, he bore the Character of a Jacobite, and suffered for having dispers'd a Libel; but *Mr. Baron Gilbert*, who was his Judge when that Punishment was inflicted on him, has told your Lordships, that his private Life was not vilified at his Trial, and that neither Perjury or Forgery was ever laid to his Door. Tho' the Punishment he suffer'd was the Pillory; yet it is the Crime, and not the Punishment, that makes the Ignominy; and for this I can appeal to the learned Judges. In Order to destroy the Evidence of *Mr. Skeen*, they produc'd one *Pancier*, who tells you, That *Skeen* had reveal'd many Secrets to him relating to the Plot; and particularly of a Military Chest, which was collected to carry on these supposed Designs, and support the Jacobites. ——— But I presume, every Body who heard the two Persons at the Bar, could not but remark the Steadiness with which *Mr. Skeen* deny'd these Affeверations, and the Confusion with which the other affirm'd them. *Mr. Pancier* seem'd to drop something which entirely destroys any Credit that could be given to him, by saying, That he had own'd to *Mr. Skeen*, That he was a Friend to this Administration; and yet has sworn, That after such a Declaration, *Skeen* had still persisted in his Story, and reveal'd some Part of this Intelligence to him. How far this is probable, your Lordships are the best Judges. *Mr. Pancier* goes further, and tells you, that Part of this Conversation happen'd in *St. James's Park*, in the Presence of one *Dufour*. This *Dufour* was in the Hands of the Government, and I can't conceive why

why we have never seen him or his Depositions, when it would have been so easy to have brought this corroborating Witness to Mr. *Pancier's* Testimony. I can't but think, that the not producing this Man's Evidence, is a strong Circumstance to convince your Lordships, he did not agree in the same Story with Mr. *Pancier*. They also produc'd *Steen's* Attainder for the *Preston* Rebellion; but there have been many Acts of Grace since, so that he is capable of being an Evidence; and there has nothing appear'd to traduce his Character as a Man of Morals.

In Order to shew your Lordships, That *Neynos* could not possibly make these Confessions to Mr. *Steen* and Mr. *Stewart*; the Counsel for the Bill, maintain, that they will prove *Neynos* and the Prisoners were not together after the first Night. This would be very material, but I think it appears, by the Proofs brought to support this Assertion, that they frequently have convers'd one with another. The first Witness they call'd, was Mr. *Crawford*, the Messenger, in whose House the Prisoners were in Custody; and I can't but say, it seems very odd, they should bring a Man to swear he had done his Duty: He has told your Lordships, that Lord *Townshend* had given him Orders, that *Neynos* should be close confin'd; and if, after that, it should appear, that he had neglected such Directions, there is no question, but that he instantly, and deservedly, would have been remov'd out of his Employment. This Messenger, in this Situation, tells you, That after the first Night, they never convers'd, to the best of his Knowledge. That Mr. *Steen* call'd *Neynos* a Rogue of an Informer; and spoke in very hard Terms of him; which I, indeed, think it appears, the Fellow well deserv'd. *Crawford* says, That Mr. *Neynos* had some Paper, two Sheets of which he found missing. He likewise swears, that Mr. *Stewart* lay upon the Stairs; and owns, he had at that Time, two Servant-Maids. Mrs. *Crawford*, his Mother, swears, that the Prisoners were never together: That she kept the Keys of the Rooms herself, but us'd to send up the Maid, *Hannah Wright*, with the Dinner. ——— Your Lordships will observe, that both this Woman and her Son, swear to the best of their Knowledge only, and are far from positive Witnesses. *Hannah Wright*, when she was first call'd, spoke in the same Language with them, tho' she afterwards recollected herself better. When the Bishop came to

to rejoyn, *Francis Wood*, *Thomas Wood*, and *Mr. Ruffel*, severally say, that this *Hannah Wright* had declar'd to them, that she us'd to let the Prisoners converse together, whenever she had an Opportunity, which was when *Mr. Crawford* and his Mother were out of the Way; and that she us'd to stand upon the Stairs, and give Notice when any Person came, that they might retire into their several Rooms. And the other Maid, whose Name is *Christian*, has depos'd, that *Hannah* gave the Key of *Neynoe's* Room to *Stewart*, and several Times desir'd *Stewart* to go up to him, and that they were together an Hour or more. And when *Hannah* was call'd a second Time, she own'd, she was turn'd away for Suspicion of having help'd *Neynoe* in his Escape; that she has left *Skeen's* Door open, who lay near *Neynoe*; and that there was a large Hole in *Neynoe's* Door, through which they might converse. She said, that *Neynoe* gave her a Paper, which she was to convey for him, but that it was taken out of her Bosom, and burnt by one of the Prisoners. When *Mr. Stewart* said, that he sat upon *Neynoe's* Bed the second Night, and lay in the Garret, where there was a Partition, but a Communication between them; *Hannah* said, she could not be positive to that, but believes it true. *Mr. Crawford*, when he was call'd to that Point, according to his usual Custom, denies it to the best of his Knowledge. Your Lordships will now judge, Whether the greatest Credit is to be given to the Belief of a Messenger and his Mother, who are swearing that they did their Duty; or to the positive Oaths of *Skeen*, *Stewart*, *Gordon*, *Kynaston*, *Francis Wood*, *Thomas Wood*, *Ruffel* and *Christian*, confirm'd by the Confession of *Hannah Wright*, when she came to be cross-examin'd and confronted. This concludes what has appear'd at the Bar, relating to *Mr. Neynoe* and his Transactions; and I am pretty certain, every impartial Body must agree with me, that so far from giving the least Credit to what he says, there have appear'd such Circumstances in the Transactions which are now come to Light, that must make the greatest Caution necessary, before we believe any other Part of the Charge. Your Lordships will take Notice, that *Mr. Crawford* confesses, *Mr. Neynoe* had the Use of Paper, and found two Sheets missing; and *Hannah Wright* owns, she had a Paper from him, which was burnt by one of the Prisoners. This, my Lords, undoubtedly was the Paper relating

relating to Lord *Orrery*, mention'd by *Skeen* in his Evidence.

I am now coming to the great and only Foundation remaining to support this Bill: If *Neymour's* Hearsay is not to be believ'd, which is the Proof that was offer'd to shew, that Mr. *Kelly* was the Bishop's Secretary, and used to write for him; and particularly, that the Bishop directed three Letters, which were wrote in *Kelly's* Hand, and transmitted to *France* under Cover to Monsieur *Gordon le Fils*. Every Body must agree, that unless the Dictating of these Letters be clearly prov'd, the Bishop ought to be acquitted; and when hereafter, this great Affair comes to be canvass'd by Posterity, it will stand or fall, as this Fact shall be strongly made appear. They first read *Plunket's* Cypher, and Mr. *Vauradick* attests it to be his Hand-writing. When this Piece of Evidence was offer'd, People were at a Loss to know what they intended to make of it, and little thought, that they should be drove to make Use of *Jackson*, standing for the Pretender in that Cypher, to shew that the Letter directed to *Jackson* (one of the three beforemention'd, affirm'd to be dictated by the Bishop of *Rocheſter* to Mr. *Kelly*) was to the Pretender; I shall take Notice of this extraordinary Proceeding, when I come to consider those Letters. I shall only say now, that were Mr. *Plunket's* Correspondence to be regarded, the Plot is of a very deep Nature, for he has had the Impudence to insinuate the most ridiculous Aspersions against the greatest Men amongst us. Three of his Letters were read out of Cypher, in two of which Mr. *Johnson* is nam'd, that is Mr. *Kelly*; but neither Mr. *Kelly*, or the Bishop of *Rocheſter* are allow'd Places in his Cypher, and consequently were not in an Association with him. *Johnson* is only spoke of by *Plunket*, when he is mentioning domestick News, and in no other Manner than might be in every News Letter that went by the General Post. In order to shew, that the three Letters sent under Cover to Mr. *Gordon le Fils*, were Mr. *Kelly's* Hand-writing, which they very justly thought was necessary to be made appear, before they prov'd that the Bishop was concern'd in them; they produc'd a Letter of the 20th of *August*, which a Clerk of the Post-Office swears was stop't at the General Post-Office. To convince us this Letter is Mr. *Kelly's* Writing, *Hutchins* the Messenger, says, to the best of his Knowledge, it is Mr. *Kelly's* Hand; and at the same

Time was, he never saw him write 'till after his Commitment, and then he stood by him while he wrote two Letters, one to Lord *Townshend*, and the other to Mr. *Delafaye*; those Letters were produc'd at the Bar, and therefore every Lord in the House is as good a Judge of the Similitude, as the Messenger who has lately been restor'd into Favour, on what Account I cannot tell. If Mr. *Kelly*, during his Confinement, counterfeited and disguised his Hand, then the Messenger's Evidence can't be of any Weight; and if he wrote as usual, then every Person is equally capable of framing an Opinion of it, who sees the three Letters. The next Witness, is *Malone*, who swears, he has seen him direct Letters, but can't tell how long since he saw him write, nor how often. The Persons who contradict this Evidence, are so positive, so clear, and so concurring in their Testimony, that no Doubt can rise upon it. Mr. *Bingley*, when he was shewn this Letter, swears it is not like his Hand-writing. Mr. *Brown*, a Peruke-Maker, well acquainted with his Writing, when he was shewn the Letter of the 20th of *August*, and the Date of it hid by the Counsel for the Bill, (so that he could not know what Paper it was before him) swears it is not his Hand-writing: When the Letter to *Delafaye* was produc'd, he declar'd, that was his Hand-writing: When another Paper was shewn, (I think, it was the Marriage Articles) he said, that was more like his Hand-writing than that of the 20th of *August*, but he did not believe it was wrote by him; and when they question'd him upon the Letter to Lord *Townshend*, he swore it was Mr. *Kelly's* Hand-Writing. Mr. *Pickering*, who had Occasion to know Mr. *Kelly's* Hand, having lent him some Money, and receiv'd several Notes and Letters from him during that Transaction, does agree with Mr. *Brown* in every Particular, and most minute Circumstance; which is a clear and evident Proof, that this Letter of the 20th of *August*, was not wrote by Mr. *Kelly*. The Difference, which they tell your Lordships, they observe between the Cut of the Letters in that of the 20th of *August*, and the others, is, that one is longer and straiter, the other wider and shorter; which is obvious to any Body that will look on both, and is a Confirmation of their Veracity. The Prosecutors of the Plot might have prov'd this better, and not have been driven to the Testimony of a Messenger, to support this great Foundation

of their Charge. It is notorious what Search they have made for Evidence of all Kinds; and as Mr. Kelly was educated in a College, they might easily have found credible Witnesses to that Point, if those Letters had been wrote by him. In the Case of Similitude of Hands, when it has been the most clearly and positively prov'd; as on the Tryal of Colonel Sidney, it has been esteem'd it to be cruel, that a Man should be convicted on such Kind of Evidence; and the Attainder of that unfortunate Gentleman was revers'd for that Reason. In Sidney's Tryal, his Bankers swore, they used to pay Bills drawn by him in the Hand-writing they were shewn, and no Persons could contradict them; and yet the Sentence against him was a great Blemish to that Reign. The Great Lord Chief Justice Holt, in the Case of *Craiby*, refus'd to admit it; and the Lord Chief Baron *Bury*, on *Francis's* Tryal, follow'd that Example. At present there is no Evidence that it is Mr. Kelly's Hand, and there is no positive Proof that it is not. — Therefore, we who live under so equitable, just, and happy a Government, can never convict a Man, in these Days of Liberty, on such insufficient Conjectures.

They next produc'd the three Letters, which, they would insinuate, were wrote by Kelly, and dictated by the Bishop, and which were sworn by the Clerks of the Post-Office, to have been slopt going to *France*. The Bishop desir'd to examine them relating to these Letters being detain'd, and would fain have known who took them out of the Mail; this he thought was proper for him to demand, since he seem'd to insinuate, that he question'd their ever having been in the Post-Office. But your Lordships would not suffer any Enquiry to be made on this Head, and voted it *inconsistent with the publick Safety, and unnecessary for the Defence of the Prisoner, to permit any further Questions to be ask'd in Relation to this important Affair*. These honest Gentlemen, the Clerks of the Post-Office, have depos'd further, that the Papers produc'd, are true Copies of the Originals detain'd by them; tho' at the same Time, they confess, they never examin'd them after they had copied them. They positively swore further, that the Originals were of the same Hand with the Letter of the 20th of *August*, tho' they affirm this barely upon Memory, never having mark'd any Letter in order to know it again; and one of them declar'd

upon Oath, that he did not believe there could be such an Imitation of *Kelly's Hand*, as could deceive him, tho' the whole House agrees, that Hands may be counterfeited, so as to deceive the Men that wrote them. They own, they never compar'd two original Letters between the 24th of *August* and 20th of *April*, tho' they might have kept a Letter one Post, without Prejudice to the Government, in Order to be more certain in their Evidence. Thus should this Bill pass, this Great Man must fall by the Dependence this House must have on the Memory of these Clerks. Mr. *Lewis*, who has long serv'd in the Secretary's Office, tells us, that frequently Letters and Seals used to be counterfeited; and in a more particular Manner, by one *Bracket*, who excell'd so much in this Art, that he has cheated many Persons, and has so far deceiv'd 'em, that they have not known his Copy from their own Originals.

When these Letters, thus attested, came to be read, they are in Cypher, so that it must again depend on the Honesty of a Decypherer, before they can possibly be made treasonable. Mr. *Wills* declares, they were truly decypher'd according to the best of his Judgment and Skill; and that the Number 1278, which is subscribed to the third Letter directed to *Jackon*, stands for the Letter R. But when some Lords ask'd him a Question, which perhaps, had he answer'd, might have prov'd him to be under a Mistake; he refuses to give an Answer, either in the Affirmative or Negative, for Fear of revealing his Art. Your Lordships thought proper to prevent any further Cross-Examination of this Gentleman, by a Resolution. Mr. *Wills* says, he shew'd these Letters decypher'd, to my Lord *Townshend*, before he communicated them to Mr. *Corbierre*, who is a Clerk in the Secretaries-Office, and then he says, that Mr. *Corbierre* and he agreed. Before these Letters can yet prejudice the Bishop, the cant Names in them, must be explain'd according to the Key which the Prosecutors of the Plot have made; and in Order to it, we must believe, that *Jackon* stands for the Pretender, because Mr. *Plunket* gave him that Title in his Cypher. Can there be a greater Absurdity, than to imagine a Person of the Bishop of *Rockester's* Capacity, should borrow a Name of that Consequence, from so insignificant a Wretch as *Plunket*, who it does not appear ever saw him? Indeed, the Counsel for the Bill did not read these Letters against the Bishop, since they had no Proof of his dis-
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ting of them, and they were only read on Account of the general Conspiracy. I must observe, it was a great Artifice of these learned Gentlemen, whenever there was a Piece of Evidence to which the Bishop objected, they constantly pretended, they produc'd it to the Plor in general; for they knew it could not be admitted against the Reverend Prelate; but yet, when they came to sum up, they apply'd them to this particular Case; which is not agreeable to that Candour that is necessary on such Occasions. If your Lordships should be of Opinion that *Kelly* wrote 'em; that they were stopt at the Post-Office; that they were duly copied; that they were truly decypher'd, and the cant Names explain'd; yet still this cannot affect the Bishop, unless it be fix'd upon him that he dictated them: Two of them were sign'd *Jones* and *Illington*, and to induce your Lordships to believe, the Bishop was guilty, as they affirm'd, they endeavour to prove, those Names must denote him. And in Order to it, they read some Letters, affirm'd in the same Manner by the Clerks of the Post-Office, to be his Hand-writing; but first they read a Cypher taken upon Mr. *Dennis Kelly*, and sworn by the Messenger *Hutchins* to be wrote by *George Kelly*. I can observe nothing upon this Cypher, but that the Bishop of *Kochester* is not mention'd in it, which seems very extraordinary, and is not a Proof of the Reverend Prelate's being engag'd in a Conspiracy. The Letters they read of Mr. *Kelly*, are of no Moment, and are only calculated to fix the Name of *Jones* and *Illington* upon the Bishop. They give an Account of his Lady's Death, the Bishop's own Illness, his going to and from *Bromley*; and in some of them, the Dog *Harlequin* is mention'd. It seems repugnant to Reason, that in a treasonable Correspondence of this Importance, a Gentleman should venture his Life to give an Account of the State of one Person's private Affair, and entertain his Friends abroad with no other Business in such a Tract of Time. In the Letters directed to Mr. *Andrews* at the Dog and Duck, which are prov'd to have been receiv'd by Mr. *Kelly*, *Jones* and *Illington* are not nam'd; and those in which we find them, were such as pass'd through the Post-Office, and were attested like those under Cover to *Gordon le Fils*. It is not likely, that in a Transaction of so secret a Nature, Mr. *Kelly* should take such Pains to give such a Description as might give the least Room for a Suspicion that the Bishop was concern'd; much less

less to have mention'd so many Particulars, as it may be suggested he has done, if there could be any Possibility of wresting the Meaning of *Jones* and *Illington*, and interpreting of them to mean the Bishop. *William Wood*, the Bishop's Coachman, is brought to prove the particular Times of the Bishop's being in or out of Town, in order to shew, that they agree with the Times mention'd of *Jones* and *Illington*, in the intercepted Correspondence; and he refreshes his Memory by a Book of *Memorandums*, which might have been destroy'd, if it had been apprehended by the Bishop's Friends, that such Evidence could affect him. What they next attempt was to shew, that the Dog brought over by Mr. *Kelly* from *France*, and which Mrs. *Barnes* swears, that he once told her, was for the Bishop of *Rochester*, was a strong Circumstance to fix the Name of *Illington* on the Bishop. Mrs. *Barnes*, who is under the Custody of a Messenger, is the only Witness to this Point, and what she says, is only Hearsay from *Kelly*: She owns, that *Kelly* never told her so but once, and that was when she thought to have kept it for herself: And indeed, it might be barely an Excuse to prevent his parting with it; for he had promis'd to bring her such a Present before he went to *France*. She owns, that to her Knowledge, the Bishop never saw the Dog, nor sent any Message about it, which seems to be very extraordinary, that if this Present was of such great Consequence, he should not have had Curiosity enough at least, to see it: An Affidavit was read from *Birmingham*, a Surgeon at *Paris*, which says, that he gave this Dog to Mr. *Kelly*, for Mrs. *Barnes*. It is proper to observe another great Improbability, which is, in a Letter wrote a few Days after the Death of the Bishop's Lady, it is said, Mrs. *Illington* was in great Tribulation for the Loss of poor *Harlequin*; and can it be suppos'd, that at a Time when the Bishop was in Affliction for the Death of his Wife, he should indecently discover so much Grief for such a Trifle? I think, this is sufficient to convince any Person whatsoever, that this Correspondence is of a very extraordinary Nature. Mrs. *Barnes* has told your Lordships, that Mr. *Kelly* came from *France* the 11th of *April*.

I am now come to the only Piece of Evidence that seems particularly levelled at the Bishop: Which is, the Proof that has been given of the dictating those Letters; and unless this be clearly and plainly made appear,

appear, I cannot conceive that any thing can be laid to this Prelate's Charge. Unless it is evident, that the Bishop did dictate as alledg'd; I cannot think any of your Lordships can vote him guilty according to the Rules of Justice; for no Man is safe either in his Life, Liberty, or Fortune, if he may be depriv'd of either, on Account of a Correspondence, in which it does not appear he was concern'd. Tho' your Lordships should so far credit the precarious Evidence at your Bar, as to believe, that *Jones* and *Illington* stood for the Bishop of *Rockester*; yet, unless it is plain, that it was with his Privy, it is certainly impossible this Bill should pass; and if it should, it will hereafter be in the Power of any two Men, one at Home, and one abroad, to ruin the most innocent Person, by entring, without his Knowledge, into a Correspondence of this Nature. If the being nam'd in treasonable Letters, be a Crime, though it does not appear it was with the Privy of such Persons, I will submit to your Lordships, how far Men of the greatest Zeal to the present Establishment, are to be affected by Mr. *Plunket's* Insinuations. No Man ought to suffer for the Suggestions of another Person, unless it appears, he has given great Foundation for them. And in this Case, Would it not be most extraordinary and most unjust, to punish this Reverend Prelate for a Crime which there is no Proof he ever committed? I mean, the dictating of these Letters. And if on the other Hand, the unfortunate Circumstances of his Affairs has furnish'd him with Means of shewing, beyond Contradiction, that he could not be concern'd in the Letters of the 20th of *April*, that for a considerable Time before, he could not see Mr. *Kelly*; and that there never was an Intimacy between 'em; then, my Lords, I hope, every Man who gives his Vote for the rejecting this Bill, has the strongest Evidence of his Side to support his Opinion; and need not be afraid or ashamed to own it here, or any where else.

This Part of the Evidence being of great Consequence, I must beg your Lordships Attention whilst I recapitulate the Heads of it as clearly and distinctly, as possibly I can. The first Witness they call'd, was *Flower*, a Chairman, who swears, that he carry'd *Kelly* twice or thrice to the Deanary; but that the Bishop was never at Home, and consequently did not see him. His Partner swore, he had carry'd him, with *Flower*,

one of those Times. The next Person produc'd, was a Porter, one *Vanlear*, who depos'd, that he went about Christmas was Twelvemonth, twice with Messages from *Kelly* to the Bishop; the last of which Times, he carried some Beaver Stockings; that the Bishop sent for him up Stairs, gave his Service to Mr. *Johnson*, and thank'd him for his Present. Mrs. *Kilburn*, at whose House Mr. *Kelly* lodg'd, says, that once a Servant came from the Bishop, to know how Mr. *Johnson* did, and was sorry he could not have his Company at Dinner. *William Wood*, the Bishop's Coachman, says, he once stopp'd in *Bury-street*, but does not know for what; and that the Bishop sent a Servant somewhere, who presently return'd. And, *Lloyd*, who keeps the *Star and Garter* in *Palace-Yard*, has told us, that *Neynoe* once came to his House, and told him, he staid for an ingenious Gentleman, who was gone to the Bishop of *Rochester's* House. This is all the Proof they offered of this Intimacy, from which they would infer, that the Bishop dictated these Letters, and is consequently guilty of the Crimes laid to his Charge.

If your Lordships consider what was produc'd on the other Side, I am sure, you must agree, there is no Foundation for this Assertion. Mrs. *Kilburne* denies, to the best of her Knowledge, that the Bishop ever came to her House, or that his Coach ever stopp'd there, or ever was sent for *Kelly*. That *Kelly* did not go out of Town, from the Time he came from *France*, 'till he was taken up the 19th of *May*, and never lay out of her House one Night. This was confirm'd by her Maid *Anne Ellis*. Mrs. *Barnes* says, she never heard of any Message from the Bishop to *Kelly*, nor ever had any Conversation with him about the Bishop. *William Wood*, the Coachman, who liv'd with the Bishop four Years, has declar'd, that the Bishop of *Rochester* never sent him with his Coach to *Bury-street*, to fetch any Person from thence; that there was no Stranger at *Bromley* for a Fortnight before his Lady dy'd, which was the 26th of *April*; that nobody could come in a Coach, or on Horseback, but he must know it; that he never saw such a Person as Mr. *Kelly*, 'till he was shew'd him at the Tower; and that the Bishop went ill of the Gout to *Bromley* the 12th of *April*, and did not return to *London*, 'till the 7th of *May*. *Malone*, Mrs. *Barnes's* Servant, says, that she never saw the Bishop, or any of his Servants, with Mr. *Kelly*. *Thomas Grant*, who has
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been the Bishop's Servant nine Years, has declar'd, That the Bishop went to *Bromley* the 12th of *April* very ill of the Gout; and that no Stranger could come to him, from the Time he went to *Bromley*, 'till after his Wife's Death; that one or other of the Servants always sat up with him; and that no Person could visit him, but they must know it; for they were either in the same Room, or the next Room to him; and that no Stranger, except *Dr. Aldridge*, and the Apothecary, came near him. *Grant* says, that he was forc'd to go to Town to attend at the *Westminster* Election of Scholars of the 21st of *April*, but left *Beauchamp* there, who came down for that Purpose on the 18th. *Beauchamp* and *Steen*, who were the two Servants that attended with *Grant*, swear the same Thing. *Susanna Harvey*, *Sarah Jones*, *Thomas Farnden*, *Elizabeth Higginson*, and all the Servants, agree, that they never heard of any Person by the Name of *Kelly* or *Johnson*, being with the Bishop. And *Mrs. Inglish*, who took the Names of the Bishop's Visitors for many Years, does not remember, that she ever heard of such a Person as *Kelly* or *Johnson*. And I doubt not, but that every Lord must allow, that it is not possible to have a more clear, or a more strong, or legal Proof to a Negative, than this is. I must observe, that most of these Servants have been in strict Custody, and severely used, particularly *Farnden*; and yet, your Lordships see how unanimous they are in their Evidence; and their Testimony is so positive, that I cannot conceive any Person can suggest there was the least Intimacy between this Reverend Prelate and Mr. *Kelly*; and much less, that he could be with him to write the Letters that are dated the 19th of *April*. Mr. *Reeves* did indeed so far agree, as to be of Opinion, that they might have been wrote the 11th of *April*, which was the Day *Kelly* came from *France*: But, my Lords, *Mrs. Barnes* has depos'd, he went to Bed the Minute he came Home, and lay there for a considerable Time: Besides, it is improbable, that Letters wrote the 11th, should not be sent 'till the 19th. But if any further Argument was necessary to confute this absurd Supposition, the Earl of *Sunderland's* Death is mention'd in the Letter to *Chivers*, and that Noble Lord dy'd the 19th, at which Time it has been prov'd, Mr. *Kelly* was not with the Bishop.

The Bishop of *St. Asaph* did at first peremptorily contradict one Part of Mr. *Grant's* Evidence, by saying,

he had receiv'd a Letter from the Bishop of *Rochester* at the Time which *Grant* has sworn he was so ill of the Gout that he could not write. His Lordship positively affirm'd, that he receiv'd this Letter on Saturday the 21st of *April* in the Morning, and saw *Grant* in *London* between Twelve and Two; But when it was prov'd, that *Grant* did not leave *Bromley* till the Evening of that Day, and that another Person officiated for him as Buttlér in the Deanary, by Reason of his Absence, then the Bishop seem'd to think himself under a Mistake, and allow'd it might have been some Time before. His Lordship own'd, he never receiv'd a Letter from the Bishop of *Rochester* before nor since, and therefore was a Stranger to his Hand. I could have wish'd this Reverend Prelate had recollected himself more fully before he had given his Testimony in a Matter of this great Importance to one of his Brethren.

There was another Witness examin'd, which was, *Crofton* the Shoemaker, to prove, that *Talbot* (who was said to have receiv'd the three Letters directed to *Gordon le Fils*) was at that Time in *London* when he was suppos'd to have been in *Bologn*. *Crofton* swears, he saw him in Town the 29th of *April*, and prov'd it by his Book. There was another Person call'd, whose Name was *Donner*, that depos'd, *Gordon* own'd to him the receiving of this Packet; but an Affidavit was produc'd from *Gordon*, in which he denies it. *Donner's* Evidence is only Hearsay, the other is positive. The Counsel for the Bill produc'd some Papers, which were taken in the Bishop's Custody when he was apprehended, and endeavour to draw very ill-natur'd and forc'd Constructions from them. The First was a Letter from the Dutchess of *Ormond*, in which she acquaints him, That she had something to send him, which she could not trust to a better Hand; or Words to that Effect. And this they would pretend to insinuate, were some treasonable Papers. I appeal to all Mankind, Whether it is not very extraordinary to suppose, that the Bishop should be presum'd to convey a traiterous Correspondence thro' that Channel. Every Body knows the Friendship which was between the Reverend Prelate and that Family, and it is not surprizing, that this unfortunate Lady should think him a proper Person to consult, and intrust with her own Affairs. Therefore I can't think that these general Expressions can at all affect him. The
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next they read, is a Paper found, or pretended to be found at the Deanary, subscribed to *Dubois*, but without Date: In this the Person who writes it, says, he receiv'd a Letter by Mr. *Johnson*, to which her return'd an Answer in his Hand. The secret Committee at first, apprehended, that this was receiv'd by the Bishop, and thus it pass'd, till upon seizing a Letter wrote in the Tower by his Lordship, they found a Similitude in the Seals, which immediately enlightned them, and then it was presently said to have been wrote by the Bishop. They then wanted to fix this to be the Bishop's own Hand-writing, and they could find no other Way of doing it, but pretending there was a Similitude between the E's in this Letter, and those which the Bishop generally us'd. I believe it is the first Time that ever such an Argument was brought to prove that the whole Letter has been wrote by a Person; much less was it ever pretended to be offer'd to a Court of Justice against any Prisoner whatsoever; but I believe, there is no Man acquainted with the Bishop's Hand, but sees it is not wrote by him. They would also affirm, that when in this Letter the Bishop is suppos'd to say, that he return'd an Answer in Mr. *Johnson's* Hand, it must be understood to be his Hand-writing; which, I must confess, does not at all appear to be a necessary Conclusion; for he might deliver his Answer into Mr. *Johnson's* Hand; which is more natural to suppose than the other. Your Lordships must judge, how improbable it is, that the Bishop should keep such a Letter by him, which he wrote himself; or that, when such Care is taken, as the Prosecutors of the Plot themselves say, for preventing any Person's discovering the Intimacy between Mr. *Kelly* and him, such a Secret should be trusted in Writing, and even without a Cypher. ——— The two Seals which gave this Turn, are *Cicero's* Heads, which are very common, and are to be found every where. They are one broke, the other whole, which must make it very difficult to judge of them; and it is allow'd, that at best, it is but precarious Evidence. If Mr. *Noyne* speaks Truth when he said, *The Bishop had Notice of the Storm that threatned him*, I am certain, that this Paper, if it could have been apprehended of Consequence, would have been destroy'd; but I believe, it was impossible for him, or any Body else, to think it should meet with such an Explanation.