

The next Letter they produc'd, which they seem'd to think material, was that which was seiz'd on his Servant going to Mr. *Morrice* : In this he says, That the Evidence of *Plunket*, and those People, could not affect him ; but as he does not mention Mr. *Kelly*, they would have it presum'd, that this is a Proof, that *Kelly* could have said something of him ; but I think, this must appear to be a very ill-natur'd Assertion. Your Lordships will consider, he was then writing to his Son in Law, and therefore no great Accuracy was necessary. In another Place he says, ' That if they impeach'd him, ' he should remain in Prison for some Time ; and this they would decypher to be an Implication of his Guilt.

———— But, in my poor Opinion, it is the Reverse ; he seems to say, That if the Commons should be induc'd to send up an Impeachment against him, he was so satisfied of his own Innocence, and your Lordships Justice, that he thought the Confinement 'till his Tryal, would be the only Misfortune that could attend him. The Example of the Earl of *Oxford* was recent in his Memory, and might justly create in him a Fear of undergoing a long Imprisonment. It is objected, that he, in this Letter, makes no Protestations of his Innocence : But if you will consider, he writes to Mr. *Morrice*, I believe, every Body will agree, that such Declarations were not necessary. Mr. *Layer's* Attainder was read ; but it does not appear, that the Bishop had any Correspondence with him ; therefore I can't conceive why we were troubled with it.

I have now gone through the whole Evidence that is brought to justify this extraordinary Proceeding, and must observe the Steps that have been taken to procure all the possible Means to work the Destruction of this Great Man. You have seen his very Servants confin'd, who, it does not appear, were guilty of the least Glimpse of Treason. *Lawson*, a Baker of *Bromley*, who appear'd at your Bar, has been employ'd to examine the Persons in the Bishop's Neighbourhood, in order to find the least Particular that could amount to the Shadow of a Proof, and went so far, as to offer *Wood* the Coachman, the Wages that were due to him, if he would have gone the Lengths that were requir'd. Mr. *Bingley* told us in the Case of *Kelly* (and as it has not been disprov'd, it is to be taken for granted) that a Warrant was shewn by the Messenger, sign'd by a Secretary of State, to carry him to *Newgate*, which he was told, was unavoidable, unless

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he would own the Letter of the 10th of *August*, to be Mr. Kelly's Hand-writing; But it appear'd the next Day, to be nothing but in order to terrify him. Mr. Kelly himself has told your Lordships, That Mr. *De-la-foye* offer'd him his own Terms, if he would have turn'd Evidence: And this was done to destroy the Bishop of *Rocheſter*; or, to speak in the Language mention'd at your Bar, *To pull down the Pride of this haughty Prelate*. Your Lordships may remember, That Mr. *Wearg* objects to the Bishop's Servants, because two of them had Employments, as appears by his Lordship's own Letter: But, when they were examin'd, they acquainted the House, that it was upon reading of the Report, that they recollected the Bishop's Circumstances before the Death of his Wife. And if every Man, who has a Place under the Bishop, is not to be esteem'd a free Agent when he is upon Oath, I hope, it will be allow'd on the other Hand, That those who have Employments under the Government, ought not to be admitted; then all the Witnesses, that have been brought to support the Bill, from the Decypherer to the Messenger, will be discredited, and the whole Prosecution must fall to the Ground.

My Lords, it has been a Hardship as has attended the Bishop, that he has been forc'd to prove a Negative; and the Difficulty has been the stronger upon him, that your Lordships have not permitted Mr. Kelly to be examin'd, as was mov'd by a learned Lord in my Eye; and if the Gentleman had sworn what he so solemnly affirmed, at your Bar, relating to this Affair, I can't conceive, we could have had the least Debate. The noble Lords, who appear the most zealous in this Prosecution, were those who oppos'd the Examination of Mr. Kelly, which, in my poor Opinion, is a strong Argument, that if he had been brought before us, he would have persisted in his Declarations of the Bishop's Innocence. The Reverend Prelate has desir'd of any Lord in the Administration, and even the honourable Person who appear'd at your Bar, to declare, whether any one single Person had charg'd him (on their own Knowledge) of being guilty of any treasonable Practice. And it has appear'd to the contrary: Therefore this whole Charge is founded upon the slight Circumstances and improbable *Innuendo's* beforemention'd. Another Objection, which was rais'd, is, That Mr. Kelly made Resistance when he was seiz'd, 'till he had burnt some of his Papers;

Papers; but I don't see any Reason to lay this to the Charge of the Bishop. Kelly is to answer for his own Actions, and is unfortunately like to suffer for 'em; a Person of his Age might have many Letters in his Custody, which he did not care should be seen, and yet of a different Nature from a traiterous Correspondence.

After this Evidence is considered, I cannot think your Lordships will establish such a Precedent, which hereafter may be employ'd to ruin the Greatest amongst you; and if ever hereafter Pains and Penalties are unjustly inflicted on any Person, Posterity will derive the Original of such Bills, from the Proceedings of this Parliament; and what Opinion will be fram'd of us, should this be pass'd into a Law, I submit to every impartial Person. It must be left to your Lordships Consideration, which will be of most fatal Consequence to the Publick, the leaving this Precedent (of condemning on such Kind of Evidence) like a Sword which your Enemies may take up when they please, or the Banishing the Bishop of Rochester in the Evening of his Days, who alone could do, in his single Person, no Prejudice to the Constitution: If he were inclin'd to overturn it, as his Enemies suggest, he is in a better Situation abroad, than at Home, to execute that Design, and direct the Counsels of the Disaffected. The Ruin of one Man will not heal the Wound, that the passing of this Bill seems to make in the Government of this Kingdom. It has been said in the Debate, That the Bishop ought to have made Protestations of his Zeal for his Majesty and his Family; but I think, he took the most ready Way of performing his Duty, when he shew'd himself innocent of the Crimes laid to his Charge. If he had made Use of any Expressions, which those Lords blame him for omitting, the same good Nature would have call'd it *Hypocrisy*; and those, who are displeas'd with his Silence, would have accus'd him of *Insincerity*.

My Lords, this Bill seems as irregular in the Punishments it inflicts, as it is in its Foundation, and carries with it an unnatural Degree of Hardship. It is Felony for his Children to correspond with him: And in this Circumstance, it is different from the only Bill that carries with it the least Resemblance of this: I mean, that for the Banishment of the Earl of Clarendon. The Earl had fled from the Prosecution, and retir'd beyond

beyond Sea. The Charges against him, were principally, 'For advising a Standing Army; and another Article exhibited, was, 'That he had advised and procured divers of his Majesty's Subjects to be imprison'd against Law, in remote Islands, Garrisons, and other Places, 'thereby to prevent them of the Benefit of the Law, 'and to produce Precedents for the imprisoning any 'other of his Majesty's Subjects in like Manner.' The 7th Article against him, was, 'That he had in a short Time gain'd to himself a greater Estate than can be 'imagin'd to be gain'd lawfully in so short a Time; 'and contrary to his Oath, he had procur'd several 'Grants under the Great Seal from his Majesty, for 'himself, and his Relations, of several of his Majesty's 'Lands, Hereditaments and Leases, to the Disprofit of 'his Majesty.' There need not have been any Witnesses of these Crimes, for they were apparent; and every Body knew that he was Prime Minister; yet Sir Francis Goodier, upon that Debate in the House of Commons, declar'd the Sentiments which I express'd at the Beginning, 'That he was not against proceeding, but unsatisfy'd to do it without Witness, it being like swearing *'in verba magistri.'* Another Great Man, upon the same Question, and an Ancestor to a noble Lord near me, said, 'That if the Parliament set aside Law in this Case, 'we should be happy to see Law declaring the Power 'of Parliaments.' The Punishment for corresponding with the Earl, was High Treason, and then two positive Witnesses were necessary to convict; but in this Case, one corrupt, terrify'd, and perjur'd Person may take away the Life of the most innocent Man. There is another great Misfortune which this Bill brings upon the Bishop, which is, That he is incapable of receiving his Majesty's Pardon. This is an Entrenchment upon the Prerogative; and what must make it the more severe in this Case, is, That his Majesty's Inclinations to Mercy (which are the distinguishing Characters of his Life) are stopp'd by this Law, which the unfortunate Prelate might have Hopes of receiving, when he had merited it, by a dutiful Behaviour to the Country that had sent him to wander abroad in Exile, and by his future Conduct have confirm'd, if possible, the Evidence he has given of his Innocence.

In the Case of the Earl of *Darby*, your Lordships have declar'd, that his Banishment should be no Precedent, nor drawn into Example for the Time to come,
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and have so enter'd it in your Journals. It has been prov'd, That this Reverend Prelate was at the Time that he was suspected to be acting in Treason, engag'd in Studies of the most high Nature, which is a Circumstance that ought to have some Weight. If this Bill pass into a Law, such Evidence is establish'd, and such a Method of proceeding introduc'd, as must effectually render all that is dear to us Precarious; and if ever, hereafter, we should see a wicked Administration, supported by a corrupt Majority in Parliament, this Step, taken in these Times of Liberty, will be a sufficient Precedent to give a Colour of Justice to the Actions of those who should be wanton in Tyranny.

The Reverend Prelate, who spoke before me, mentions some Cases relating to Bills of Attainder, which, in my poor Opinion, differ very much from our present Question. The Attainder of Sir *John Fenwick* was only to supply the Want of a Witness, who had depos'd against him upon Oath, before the Grand Jury, and who was spirited away by the Prisoner's Friends: But at present your Lordships are to supply the Defect of Evidence, by condemning on improbable Conjecture. There was a noble Lord in this House the other Day, I don't see him now, who made the greatest Figure in Opposition to that Bill: I wish we could have his Assistance on this Occasion. My Lords, since that Reverend Prelate has quoted some Cases, he will permit me to remind him what has been formerly said upon Acts of Attainder; that such Bills, like *Sisyphus's* Stone, have frequently roll'd back upon those that were the chief Promoters of them. This prudential Argument should restrain us from being too forward with them at this Time of Day. The Act for the Attainder of the Earl of *March*, pass'd, because he had been instrumental in procuring the Attainder of another Lord, under Pretence of a Letter, which, the Record says, was no Evidence. The Lord *Cromwell* is another known Instance of this Observation: He was the first who advis'd this violent Proceeding in *Henry the Eighth's* Time; and it is remarkable, that the Advice he gave to the Ruin of others, prov'd not long after, fatal to himself.

I have now given your Lordships the Reasons why I am against the Bill. I fear I have tir'd your Patience, and shall therefore conclude with the Words of the Great Man

Man I before mention'd; In mean, Sir *Heneage Finch*, in the Case of the Earl of *Clarendon*. — "We have an "Accufation upon Hearsay, and if it is not made good, "The blackest Scandal. Hell can invent, lies at our "Doors.

To this Speech made by the Duke of *Wharton*, we will add another, that was publish'd some Months after the Trial by the Title of

A Speech made by a Noble Peer, (Earl C——r) in the House of Lords, upon the Third Reading of the Bill, for inflicting Pains and Penalties on Francis, Lord Bishop of Rochester.

My Lords,

THIS Debate has been already carried to that Length, and is by all agreed to be of such Importance, that I am sure your Lordships will permit me to enter into it without any Apology.

I am, my Lords, against this Bill, not only because I think nothing has been offer'd sufficient for the Support of it; but because I think the Honour and Dignity of the Crown, the Dignity and Authority of this House, and the Credit and Reputation of the House of Commons, concern'd in the Event of it. My Lords, The Proceedings of that House have been, in this Case, very remarkable and uncommon: They voted the Bishop guilty of High-Treason the very first Thing they did; and it was reasonable to expect, that the Consequence of that Vote would have been an Order for an Impeachment in Parliament, or a Prosecution in the ordinary Course of Law. But, my Lords, we see they have taken another Method, and that without weighing what the Consequences might be. They have taken a Method, whereby they have made themselves both Judges and Accusers. They could not, as Judges, decently proceed against the Bishop, without hearing him, and therefore they gave him a Day for that Purpose, and thereby they discover'd the Dilemma into which they had run themselves. They found themselves oblig'd to hear him, and yet they could not acquit him, because they had already prejudg'd him. It is not therefore to be wonder'd that they have pass'd this Bill; though, I believe, they would be very well pleas'd your Lordships should reject it, that the Know-

ledge of their having taken so wrong a Step, might the sooner be forgotten.

My Lords, a great deal has been said, and surely too much cannot be said, to shew that this Bill is an Infringement upon the Authority of this House. It becomes your Lordships to support your Dignity, and to shew a suitable Resentment, when the least of your Privileges is invaded. Your Lordships, upon this Occasion, would do well to follow the Example even of this very House of Commons: How contemptuously did they throw out a Bill lately sent them, because they thought it look'd like a Money-Bill? And will your Lordships suffer them to share your Authority, to become Judges equal with your selves, when there is no Necessity for it? In this Case, it is manifest, there can be no Necessity, because the Bishop is amenable to Justice: He has been confined several Months; he is now strictly guarded; and, no doubt, the Zeal of the Governor will prevent his Running away. But, my Lords, if it could be supposed that this Bill did not affect your Lordships Authority; yet if it affects the Honour of the Crown, I am sure it will raise a becoming Indignation in us all against it. This Bill, if your Lordships pass it, will put his Majesty under the unavoidable Necessity of refusing the Royal Assent to it, or of condemning one of his Subjects, a Lord of Parliament, and a Bishop of that Church of which his Majesty is Guardian and Protector, in a Case at least doubtful; and that without hearing one Word, either of the Charge, or of the Defence. My Lords, It hath been often said, (I wish it were said without Grounds) that we have a disaffected Party amongst us. I am persuaded, it is far from the Intention of any Lord here, to advise his Majesty to do any Thing that might possibly increase that Disaffection: But whether the passing of such a Bill against a Bishop of the Church of *England*, unheard, may not give a handle to the Clamorous, to raise an Odium against his Majesty's Administration, is submitted to your Lordships. His Majesty's great Clemency and Mercy are known to all the World; and he has been in nothing more Conspicuous, than in the Exercise of those Royal Virtues: Supposing, then, your Lordships should pass this Bill, how can you ever hope for the Royal Assent to it? These Objections, that concern the King, appear to me unanswerable, not only with Regard to this Bill, but to all Bills of Attainder

in general. I think they ought never to be allow'd, but when the Offender flies from Justice, or is in open Rebellion; and then perhaps, the Notoriety of the Fact may be some Excuse for the Extraordinariness of the Proceeding.

My Lords, I expected to have heard from that Reverend Bench, many Arguments of another Kind against this Bill, which are properly within their Sphere, and which I am sure they are perfect Masters of. The old Champions of our Church used to argue very learnedly, 'That to make or to degrade Bishops, was not the Business of the State; that there is a spiritual Relation between a Bishop and his Flock, deriv'd from the Church, with which the State has nothing to do.' But this Bill deprives the Bishop of that spiritual Relation, without the Concurrence of the Church. The Parliament alone does it; and it must be own'd, that if the Parliament can do it, they can as well make a new one in his Room; and a Clause for that Purpose, added to this Bill, would as effectually do the one as the other. What the Thoughts of our Reverend Prelates are upon this Points, does not yet fully appear; something of their Conduct intimates, as if our old Divines were mistaken: But be that as it will, as the Judgement of our Prelates will carry great Weight, and as the Reasons for such their Judgement, must needs be convincing, I do not doubt but they will give your Lordships full Satisfaction, before this Debate comes to a Period. In the mean Time I speak my Concern, that if Acts of Parliament are made to interfere with Church Affairs; if Bishops are to be put in or turn'd out at Pleasure; and all this to be done without the Concurrence of the Church, the World abroad may, tho' unjustly, look upon our Church as a Creature only of the State, and treat our Bishops, as if they were no more than State Officers. I hope, however, from the Courage, Zeal, and Conduct of our present Reverend Prelates, whatsoever becomes of this Bill, that they will be able to wipe off any such Scandal: They certainly have the Honour, the Dignity, and Authority of our Church always at Heart, and every Thing tending to her Interest, they will most zealously promote. But whether the passing of this Bill will promote her Interest, or be of any Service to her, they best know: For my Part, I cannot even guess at any Advantage she possibly can receive by it, unless it be this, That it will

make the Bishoprick of *Rocheſter*, and the Deanary of *Weſminſter* to become vacant.

My Lords, This Bill carries in the Frame of it, an invincible Objection to it; for the Preamble and the enacting Part, the Crime and the Punishment, bear no Proportion to each other. The Preamble contains a Charge of High Treason againſt the Biſhop; and pray my Lords, Why ſhould he not be puniſh'd accordingly? Is it becauſe he is a Biſhop of the Church of *England*, or a Lord of Parliament, or in high Favour with the King or his Miniſters? I have not heard that the Biſhop hath been at Court of late; but be it either of theſe, it will be ſo far from being a Reaſon for mitigating his Punishment, that it ought, if poſſible, to increaſe it. My Lords, our Laws have wiſely taught us to have a juſt Abhorrence of High Treason, and have ordain'd for it the ſevereſt Punishment that *Engliſh* Clemency will admit of; and ſhall he, who has been voted the principal Contriver and Director of this moſt horrid and deteſtable Treason, eſcape with a Punishment leſs than his Crimes deſerve, and that too, in full Parliament? Methinks, if it were neceſſary, that the Legiſlature ſhould interpoſe in this Caſe, the Heinousneſs of the Offence ſhould fire their Reſentment; and inſtead of abating the Punishment, ſhould put them upon heightening it with all the Circumſtances of Severity, that their Wiſdom could contrive. As in the Caſe of the late *South-Sea* Directors, No one will ſay, but that they might have been puniſh'd as Cheats, without the Help of an Act of Parliament; but as the Punishment ordain'd by our Laws for ſuch Offences, came not up to the aggravating Circumſtances of their Guilt, a Law was made to puniſh them on Purpoſe; and they were very juſtly ſtripp'd of their Eſtates, who had before ſo notoriously cheated, bubbld, and beggar'd the whole Nation. What Reaſon then can be given, why the Biſhop ſhould not be puniſh'd, at leaſt, equal with others, in Caſes of High Treason? Why truly, the Want of legal Evidence, is the only Reaſon pretended: A Reaſon, in my Apprehenſion, ſo very mean and trifling, that it ought not to have been heard in the ſupreme Judicature of a Nation, without the ſevereſt Cenſure, and ſuch as would well become your Lordſhips to treat with the utmoſt Indignation and Contempt.

For, my Lords, Is it come to this at last, that after so much Grimace, so much Noise and Stir, after committing the Bishop for High Treason, after voting him a Traytor, and treating him as such, must it at length come out, that there is no legal Evidence against him! To palliate the Matter a little, a Distinction is endeavour'd to be made between legal Evidence and real Evidence, or between such Evidence as our Law requires, and such as in natural Justice and Equity ought to be admitted. But, my Lords, this is a Distinction entirely without a Difference; for what is Evidence of a Fact before any Judicature whatsoever, but such Testimony as the Nature of the Case requires, to induce a moral Certainty of the Truth of the Thing testify'd: The greater or less Consequence the Case is of, the more or less Proof is requir'd to induce such Certainty. Thus in ordinary Matters, barely to prove a Hand-writing is held sufficient Evidence; because in such Cases, it is not to be suppos'd, the Hand-writing should be counterfeited: In other Cases, seeing the Party write, is necessary to be prov'd; and still as the Weight of the Case increases, stronger Proof is requir'd. Ever since the Reversal of the Attainder of Colonel *Algernon Sidney*, the proving of Treason, by the proving of Hand-writing, hath been with great Justice condemn'd; And why, I pray? But because there can be no Hand-writing but what will admit of a Counterfeit; and nothing that is capable of being counterfeited, carries with it such a Degree of Certainty, as is necessary where a Man's Life and Fortune is concern'd. My Lords, legal Evidence is nothing else but such real and certain Proof, as ought in natural Justice and Equity, to be receiv'd; and therefore the Oath of one credible Witness, being certain and sufficient to induce a Belief of the Thing he swears, is legal Evidence; and yet so tender is our Law, so great a Degree of Certainty doth it require, that as it now stands, two positive Witnesses are requir'd to convict a Man of High Treason. This however, hath been preposterously enough urg'd, to shew a Difference between legal and real Evidence; and Sir *John Fenwick's* Case hath been cited for the same Purpose. But this, with Submission, shew no Difference at all; for will any one say, that one credible Witness is not legal Evidence? Can any Court in the Kingdom, upon a Tryal of High Treason, refuse to hear such Evidence? And is

not such Evidence sufficient too in all Cases, where some positive Law, for the greater Certainty, doth not require more?

One of the learned Gentlemen at the Bar, (I suppose, out of pure Zeal for the Bill, and not with a Design to misguide his Audience) did roundly affirm before your Lordships, that no Evidence, strictly speaking, was legal, but what was *Mathematical*. I am confident, that Gentleman would not have given this as his Opinion, under his Hand at his Chamber, because he knows it is directly contrary to Truth: He knows very well, that no Offender, that puts himself upon his Tryal, can be convicted, but upon the Oath of one or more Witnesses; he dares not deny, but that such Conviction is founded upon legal Evidence, strictly so speaking; and no one will pretend to say, that any Evidence of Witnesses can be call'd *Mathematical*. But the Gentleman goes on, and says, that the Evidence for this Bill is legal, in the general Sense of the Word: On the contrary, I beg Leave to affirm, that it is not legal in any Sense whatsoever. No Act of Parliament hath made it legal, nor can it in natural Justice and Equity, be call'd so, for want of sufficient Certainty; and indeed, it hath been admitted throughout this Debate, and even by the Counsel who spoke first for this Bill, that it is not supported by legal Evidence. But this Gentleman was pleas'd to go still further; for he affirm'd before your Lordships, that Depositions taken in writing, were not Evidence in any Court of Law. My Lords, it is Pity that in so fine a Speech, there should be so much false Doctrine: It is very true, that the Law doth require the best Evidence that the Nature of the Case will admit of; and therefore will not suffer the Depositions of a Witness in Writing to be read, where such Witness can be examin'd *visu facie*: But that Gentleman could not but know, that where such living Witness is not to be had, his Depositions in Writing are never refus'd, nor any other Evidence, that in natural Justice and Equity, can tend to discover the Truth of the Fact in Question with Certainty.

My Lords, the Wisdom and Goodness of our Law appear in nothing more remarkably, than in the Perspicuity, Certainty, and Clearness of the Evidence it requires, to fix a Crime upon any Man, whereby his Life, his Liberty, or his Property may be concern'd:

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Herein we glory and pride ourselves, and are justly the Envy of all our neighbour Nations. Our Law in such Cases, requires Evidence so clear and convincing, that every By-stander, the Instant he hears it, must be fully satisfy'd of the Truth of it: It admits of no Surmises, Ignuendoes, forc'd Consequences, or harsh Constructions, nor any thing else to be offer'd as Evidence, but what is real and substantial according to the Rules of natural Justice and Equity.

These are the Rules the Judges go by, nor have they any other in determining what is, or what is not to be admitted as Evidence before them; and therefore to say, that the Law refuses such Evidence as is real, and ought in natural Justice and Equity to be admitted, is to cast an Imputation upon the Law; which is not only unjust, but entirely groundless. My Lords, I think sufficient hath been said, to shew the Mistake of those noble Lords who have endeavour'd to distinguish between legal and real Evidence. The Distinctions that have been made, and the Instances that have been produc'd, shew only, what legal Evidence is sufficient for Conviction, and what not; and if that were the Question now before your Lordships, it would deserve another Consideration.

The present Question is, whether any Evidence at all has been offer'd to your Lordships to fix Treason upon the Bishop of *Rochester*? And for my part, my Lords, I am clearly of Opinion, that you have had no such Evidence: It is on all Hands agreed, that no legal Evidence of Treason has been offer'd against him; and I hope I have sufficiently satisfy'd your Lordships, that if it be not legal Evidence, it is not real Evidence, or such as in natural Justice and Equity ought to be admitted, and consequently, no Evidence at all. My Lords, the Counsel for the Bill have not attempted to prove positively against the Bishop any one single criminal Act: The Circumstances that they have offer'd, are, in my Opinion, so far from affecting him, that they carry in them no Appearance of Guilt in him whatsoever. If indeed, there had been any one positive Witness against him, your Lordships, perhaps (as was done in *Sir John Fenwick's Case*) might, with some Appearance of Reason, have admitted Circumstances in Support of such Witness, rather than a Man of the Bishop's Rank and Character, should go unpunish'd; and indeed, I think, no Man's Cunning ought to be a Protection for his

Villany; and I hope, and do not doubt, but all Traytors will, one Time or other, meet with their just Rewards. But, my Lords, in the Case before you, the whole Charge is built upon Circumstances, and these are said to be supported by other Circumstances; but all of them are so remote, so general, and I may say, so inoffensive, that they might suit any Lord here, as well as the Bishop; for there is not one single Circumstance of them all, such as in its Nature would be admitted as Evidence of any Crime against any Man in any Court in the Kingdom.

To come, my Lords, to Particulars. The Treason charg'd upon the Bishop is, That he dictated *Kelly* to write the three Letters dated the 20th of *April*, 1722, sign'd *Jones*, *Illington*, and 1378. And in Maintenance of this Charge, 'tis said, that those three Letters were of the same Hand-writing with another Letter produc'd before your Lordships, and dated the 20th of *August* following. That from the 20th of *April* to the 20th of *August*, Letters were continually sent abroad in the same Hand-writing; that these Letters contain'd a treasonable Correspondence; that they are the Hand-writing of *Kelly*; that *Kelly* had been with the Bishop two or three Times within these two or three Years past; that there are Circumstances in the Case of *Jones* in this Correspondence, that suit with the Case of *Illington*; and Circumstances in the Case of both, that suit with the Bishop. These are the Facts that are the main Foundation upon which the Bishop's heavy Charge is built; and surely it well behoves your Lordships to consider seriously how they are prov'd, and in what Manner, and with what Degree of Certainty they affect him.

The three Letters taken simply, carry no Treason in them; they have not yet been decypher'd into Treason, and were it not for a Name in the Direction of one of them, which is said to be a cant Name of the Pretender's, they probably might have pass'd as harmless undesigning Letters: Will your Lordships therefore suppose, that the Writer directed his Letter to the Pretender by the cant Name of *Jackson*, when yet it does not appear that he ever knew the Pretender had such a cant Name? Ought we not rather to suppose in Favour of Innocence, that the Letter was not intended for the Pretender, but for one whose real Name it bears? These cant Names, and the Art of the Decyphers, have been

been the Means made Use of to make this Correspondence treasonable; but will it not be thought hard that a Man must be conjur'd into Treason by a Magick Art, that none of us understand, and by a Parcel of Names, that the wisest of us are not yet able to discover whether they were design'd for cant Names, or for real ones? To make the Matter clearer, the Clerks of the Post-Office are call'd, and they prove, that the several Letters, produc'd before your Lordships, are true Copies of original Letters sent abroad as directed; which Originals, according to the best of their Judgment and Belief, are the same Hand-writing with the Letter of the 20th of *August* above-mention'd. This Judgment and Belief of theirs is founded without comparing any two of these Originals together, or without pretending to say whose Hand-writing they are, or to whom they belong. My Lords, I have already observ'd, that the proving of a Hand-writing is at best but Evidence too precarious and uncertain to make good a Charge of so weighty a Nature as this in Judgment before you; but I cannot help taking Notice, that the Proof of these Letters, so as to make them treasonable, is still more precarious, more uncertain and slippery, than any thing of the Kind I ever met with. The usual Way to prove a Hand-writing, so as to fix a Charge upon the Writer, is, for the Witness to swear, that he hath frequently seen the Party write, or that he hath corresponded with him, and receiv'd several Letters from him, and therefore is very well acquainted with his usual Character and Way of Writing; and then the Writing itself is produc'd, the Witness swears to it, and the Import of it is discover'd by every By-stander. But here, these Post-Office Clerks are forc'd to call in Aid, a Messenger and a Servant, to fix the Hand-writing of the Letters they produce; the Letters themselves are unintelligible, and therefore the Assistance of the Decyphers, and some cant Names must be added, before they can wire-draw Treason out of them! My Lords, these Decyphers refuse to give your Lordships any Reason for the Construction they have made; they shelter themselves, by saying, that to give you a Reason, would be to discover their Art; happy Art indeed, that shall enable the Artist to swear a Man into High Treason, and yet it shall not be in the Power of the accus'd Person to disprove him! I do not find that these Gentlemen pretend to act by unerring Rules; they

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themselves

themselves own they may be mistaken; and therefore until your Lordships are let further into their Secret, you will judicially look upon the Art of decyphering to be no more than the Art of guessing, and esteem him that guesses best, to be the best Decypherer.

The Messenger and Servant that have been called, to finish the doubtful Evidence of this Hand-writing, and to fix it upon *Kelly*, are far from giving your Lordships such an Account of it, as can induce you to believe they are sufficiently acquainted with it; they do not pretend to say, that they have been frequently accustomed to see or observe him write, or that they ever receiv'd any Letters from him, or ever were privy to any of his Correspondences; these Things, one would have thought, might easily have been proved against a Man of *Kelly's* great Dealing and Acquaintance, in as full and clear a Manner, as the Nature of the Thing would admit of. Your Lordships then are pleased to observe, that the Evidence offered to prove this Hand-writing, so as to make it criminal, consists of three distinct Branches, supported by three different Sets of Witnesses; and that each of these three several Sets have given a very lame, doubtful and obscure Evidence; but if their Evidence had been ever so full and positive, yet I must beg Leave to insist, that it is such as is in its Nature dubious and uncertain, and therefore in a Case of this Consequence, ought not to be rely'd on. This will appear still the plainer from the different Opinions observable among the different Witnesses, insomuch that I may well venture to say, your Lordships are as yet at a Loss by whom these Letters were wrote; but if you will have any Regard to Numbers, and to the Nature and Circumstances of the Testimony given by those Numbers, the Evidence is much stronger, and more clear and convincing, that they were not wrote by *Kelly*, than that they were; and if they were not wrote by him, it will become your Lordships to consider carefully what you are a doing; for then the Foundation of this Bill will be sapp'd, and of Course the whole Fabrick must fall to the Ground.

But, my Lords, supposing these Letters were really the Hand-writing of *Kelly*, that they were of that treasonable Signification that the Decyphers contend for, and that the Names mention'd in them, did not belong

to real Persons, but were cant Names to denote the Pretender and his Agents; I say, my Lords, supposing all this true of *Kelly*, how will it affect the Bishop? Might not *Kelly* write these Letters, and carry on this Correspondence without the Bishop's Direction? Must the Bishop answer for *Kelly's* Crimes, because *Kelly* happens to be a Nonjuror? Or because he was employ'd to buy Gloves and Stockings for the Bishop, must your Lordships therefore infer, that he was employ'd to write Treason for him? Suppose *Kelly* had actually liv'd in the Bishop's Family as his Secretary; Have we not seen, not many Years since, even a Jesuit a Bishop's Domestick without Offence? Give me Leave, my Lords, to carry this Point a little further: Has any thing been offer'd to induce your Lordships to believe, that *Kelly* saw the Bishop, or heard from him for several Months before this Correspondence began? Has any one Word been said or Hint given, either from cant Names, or de-cypher'd Letters, or any otherwise howsoever, tending to that Purpose? Nay, my Lords, Have not you had as much Evidence as the Nature of the Thing is capable of, that the Bishop could not dictate, nor *Kelly* write, those Letters, at any Time near the Time of their Date? And if they were dictated by the Bishop, it must be about that Time, because the Circumstances mention'd in the Letter, would not suit him at any other Time. And here, my Lords, it is proper to observe, that the Managers for the Bill, when they were to apply the Circumstances of *Jones* and *Illington*, in the Letter, to the Bishop's Case, they built the Whole of their Arguments upon the Date of those Letters; but when they saw that the Bishop had fully prov'd that it was impossible he could dictate them at that Time, why then truly, they vary their Charge, and say, that it was not his dictating the Letters at that Time, but his dictating the Letters of that Date, that they contended for; and they tax the Bishop with a partial and a fallacious Defence, for applying it to the Time, and not to the Fact. But I think, with great Submission, that the Bishop has made a very just Defence: I think, he could not have made a better; and under the Disadvantage of proving a Negative, I think, it was almost impossible he should have made one so good. For your Lordships well remember, he was charg'd as the Author of the Letters sign'd *Jones* and *Illington*, because he was under the Circumstances of *Jones* and *Illington*, at the

Time of the Date of those Letters: But the Bishop hath fully prov'd, that he could not be the Author of them at that Time; and if he were not at that Time, he could not be so at any other Time; for take away the Date of those Letters, and the Relation between *Jones* and *Illington*, and the Bishop, you must of Course take away likewise. But then, as your Lordships are as yet at a Loss when or by whom these Letters were either dictated or wrote, shall the tallying of a few Circumstances in them with the Bishop's Case, supposing them to be wrote about the Time of their Date, make him guilty of High Treason; especially when his Counsel have shew'd us, from the Letters themselves, as many Instances wherein they differ'd? Must *Mrs. Jones* and the Bishop's Lady signify the same Person, because they dy'd about the same Time? Or must *Mrs. Jones* and *Mrs. Illington* signify the same Person, because by a Letter wrote, no one knows by whom, or when, Mention is made of the Death of one *Mrs. Jones*, and another Letter condoles the Death of one *Mrs. Illington*? Or is the Bishop guilty of High Treason, because he is suppos'd to be meant by *Jones* or *Illington*? when yet, through the whole Correspondence, there is no Treason committed either by *Jones* and *Illington*? But admitting, that all the Circumstances that have been produc'd against the Bishop, hit him so exactly, that it was morally impossible they could mean any Body else; yet still, my Lords, what has the Bishop to do with it? Might he not be thus describ'd, and thus spoke of, and yet know nothing at all of the Matter? And if he is thus to suffer for what another Man may have said of him, I am sure he is the first, and I hope he will be the last, that ever will be distinguish'd in so extraordinary a Manner. The Sum then of all the Circumstances that have been offer'd as Evidence against the Bishop, amounts to this: Here have been a Parcel of cant Names produc'd and made Use of against him, which, for ought appears, he never heard of. Here have been Letters produc'd and read against him, wrote in Cyphers, and of a Hand-writing not pretended to be the Bishop's, and of which your Lordships have as yet had no Manner of Certainty. A Construction hath been put upon these Letters, which, in several Circumstances, hit the Bishop, and in several other, miss him: But amongst all these Circumstances, there is not the least Hint of any Word said, or Act

done by him, relating to this Conspiracy, from first to last; nor doth it appear, that he was ever privy to it, or so much as heard of it, 'till it was known to all the World. And yet, my Lords, these, and such as these, are the Circumstances whereby the Bishop is to be *guessed into High Treason*; but I hope your Lordships will be very cautious how you make Precedents of such wretched *Guess-work*. The celebrated Letter of *Dubois*, now before you, is a notable Proof of the Necessity of such Caution; for we see the grand Promoters of this Bill, cannot agree in their Construction, or they have at least chang'd their Opinions about that famous Letter.

The Uncertainty of this Way of *Guessing*, puts me in Mind of some remarkable Circumstances relating to the renown'd Mr. *Neynse*, which I had like to have forgotten, and which, though they seem to be under the Misfortune of being slighted here, do yet in the Report of the Committee of the House of Commons make a very considerable Figure. Those Circumstances of *Neynse* in that Report, appear to be not only the Foundation of the Charge against *Kelly* and the Bishop, but even the Foundation of the Plot itself; and the Art and Management with which they are there dress'd up, do well deserve your Lordships Attention. It seems, my Lords, this worthy Man had been examin'd four several Times; his Examinations were taken in Writing, and contain'd an historical Account of the carrying on of this Conspiracy. The learned Committee, at the same Time they would represent him as a vile and infamous Fellow, and would be thought to look upon his Examinations as insufficient, do yet open their Scene with this very Account, and build entirely upon it. But, would any one believe, that *Neynse* has never sworn to, or so much as sign'd, any one of these Examinations? Can any Body think that he was not requir'd to do one or both? Does not every Body know, that they would otherwise be of no Use? May we not therefore reasonably suppose, that he refus'd to do either the one or the other? And can any Reason be given for such Refusal, but that they were not true?

My Lords, the Committee were well aware, that great Objections would be made to this Kind of Evidence, and therefore they have added to it some circumstantial *Hearsays*, which they call the corroborating and current

current Proofs of *Neynoe's* Testimony. But pray, my Lords, what are these corroborating and concurrent Proofs? Why they are of this Kind, one Man heard another Man say, that a third Man was concern'd in this Conspiracy. Behold then, the Sum of the Argument: *Neynoe's* Examination is admitted of itself to signify nothing; the same likewise cannot be deny'd of *Pancier's* Hearsay: But however, both these Nothings make up something to prove the Plot, because they are the corroborating and concurrent Proofs of each other. And thus the learned Committee have so contriv'd it, that they have made these Examinations of *Neynoe* to be of more Use, and to serve their Purpose better, than if *Neynoe* himself had been now living, and produc'd before your Lordships; and therefore it looks as if it were prophetically known, that the Man intended to hurl himself out of the World with a Winding-Sheet. But however that be, it is Matter of Surprise, that these Examinations, which the Committee treated so respectfully, should now by the Counsel be so slighted, that they have scarce mention'd them, but as if they were asham'd of them; and yet they are as good Evidence as any that have been offer'd in Favour of the Bill now before your Lordships.

But, my Lords, in the Course of this Debate, it hath been warmly urged, that though there be not legal Evidence against the Bishop, yet that all the Circumstances that have been offer'd against him, are sufficient to convince any Man in his private Judgment, that the Bishop is guilty. Nay, it hath been said, that these Circumstances put together, are stronger and more convincing, than any positive Evidence whatsoever; and therefore that no one can doubt of the Bishop's Guilt, though some, out of Compassion or good Nature, might be induc'd to vote in his Favour. How strong and convincing, or rather how impertinent and trifling these Circumstances are, I have already observ'd to your Lordships; and I must say, it was not without a good deal of Concern, that I heard *That* urg'd as the Result of Judgment, which could have no other Foundation than in Opinion only. But, my Lords, this is not the first Instance wherein I have observed Judgment and Opinion to be confounded and mistaken the one for the other, and that too, in a very gross and dangerous Manner. My Lords, Mens Opinions, generally speaking,

are nothing else but their Fancies or Imaginations, and are usually grounded upon personal Pique, or party-Prejudice. These are weak and slender Foundations, and have nothing to do, and I hope, in *England*, never will have any thing to do, where a Man's Life, his Liberty, or his Property is concern'd. But, my Lords, a Man forms his Judgment according to the Evidence that is offer'd him, that alone is his Rule; and as the Perspicuity or Uncertainty of that appears, Justice requires a Determination accordingly: The Compliment therefore upon the noble Lords that have appear'd against this Bill (if it was intended as a Compliment) carries a very severe Sting in the Tail of it, as it supposes those noble Lords to be possibly capable of giving an unjust Judgment. My Lords, the Earl of *Straford* lost his Head for accumulative Treason. A great many Facts were laid to his Charge, and tho' it was agreed on all Hands, that none of them singly amounted to Treason, yet it was insisted on, that all of them put together, shew'd an Intention in him to subvert the Government, and therefore that he was a Traytor. The Torrent of those Times taught Men to argue, that tho' the Charge against the Earl did not contain legal Treason, yet it was morally impossible that he could commit the Crimes contain'd in that Charge, and not intend the Destruction of the State; that the Facts by him done, shew'd him more a Traytor than any positive Act of Treason could do; and that if Men were satisfy'd in their private Opinions, that the Earl was, in the main, guilty of Treason, he ought to suffer accordingly. My Lords, this was the Reasoning of those Days; a Reasoning, which, I hope, your Lordships will neither imitate nor encourage, because it was the Foundation of those Proceedings against that Great Earl, which were soon after in full Parliament so justly brand-ed; and if future Parliaments should not be able to discover any Difference between the Inconveniences arising from accumulative Evidence, and accumulative Treason, May they not with great Justice censure us, by condemning the one equally with the other? That which was then call'd accumulative Treason, was afterwards adjudg'd to be no Treason, and I hope, your Lordships will yet adjudge this accumulative Evidence to be no Evidence: I am sure you will not punish a Man in the severest Manner, until you have had some Reason given you, why you should

should punish him at all. You will not first believe a Man a Criminal without Proof, and then admit a criminal Construction to be forc'd upon every innocent Action, only to support such Belief. You will not adjudge a Man guilty of the highest Crime against the Law, when his Prosecutors themselves own, they cannot make good any one Branch of their Charge according to Law.

The Bishop's Case must be own'd to be very hard, and the Evidence against him very weak, when his own Letter to his Son, and the Letter to *Dubois* are put to the Torture to help out the Charge against him. As for the Letter to *Dubois*, it is amazing to consider that such Pains should be taken from a Similitude of a broken Impression on Wax with a whole one, and a Similitude of two little e's, to fix it upon the Bishop; which, when fix'd, can serve no Purpose at all against him; for that Letter hath neither Date, Subscription, Cypher, nor cant Name in it; and for ought appears, may have been wrote before the Man was born whom they would mean by *Johnson* therein nam'd. Nothing treasonable is pretended to be guess'd out of it, nor, for ought appears, was it ever seen by any one besides the Writer; and yet because it is there said, that the Writer wrote something, (no one knows what, or when, or to whom) in the Hand of one Mr. *Johnson*, your Lordships are persuaded to infer, in Opposition to the positive Evidence of all the Bishop's Family, that *Kelly* was an Intimate of the Bishop's, and employ'd to write his Treasons. The Use that is made of the Bishop's Letter taken from his Servant, is still more extraordinary. I have indeed, too often observ'd doubtful Actions, by the Help of bold Innuendoes constru'd criminally; but to give that in Evidence which was neither said nor done, to innuendo Silence itself into High Treason, is entirely new, and the Marned Counsel deserve the Glory of the Discovery. But the Bishop's Case will still appear the harder, when it is consider'd, that such Strefs hath been laid upon such remote and distant Circumstances in Favour of this Bill, and at the same Time your Lordships wer not pleas'd to receive on the the Bishop's Behalf legal Evidence, real Evidence, and such as in natural Justice and Equity, ought to have been admitted.

The Bill that hath lately passed both Houses against *Kelly*, doth not hinder him from being still a Witness;

for it hath not yet had the Royal Assent, and perhaps never may; but if it had, there is, as I apprehend, nothing in that Bill, that will take away his Testimony in any Court in the Kingdom. But be that as it will, I must beg Leave to insist, that he is at present a good Witness, and as every Body is satisfied that it was in his Power to clear up this whole Affair. Who knows what the Awe of an Oath might have extorted from him? He appears to be a Man under the Influence of Conscience; for his refusing the Oaths to the Government, and thereby suffering his Subsistence to be taken from him, is a manifest Proof of it. If therefore your Lordships had permitted *Kelly* to be produced when the Bishop call'd for him, something probably might have been discover'd to have ascertained either the Bishop's Guilt or his Innocence. But as his Case now stands, the Evidence of his Guilt appears very dark, and, for ought I can observe, is like to continue so. My Lords, I have now done; and if upon this Occasion, I have tired your Patience, or discovered a Warmth unbecoming me, your Lordships will impute it to the Concern I am under, lest, if this Bill should pass, it should become a dangerous Precedent for After-Ages. My Zeal, as an *Englishman*, for the Good of my Country, obliges me to set my Face against Oppression in every Shape; and where-ever I think I meet with it (it matters not whether one Man or five hundred be the Oppressors) I shall be sure to oppose it with all my Might: For vain will be the Boast of the Excellency of our Constitution; in vain shall we talk of our Liberty and Property secur'd to us by Laws, if a Precedent shall be establish'd to strip us of both, where both Law and Evidence are confessedly wanting. My Lords, upon the whole Matter, I take this Bill to be derogatory to the Dignity of the Parliament in general, and to the Dignity of this House in particular; I take the Pains and Penalties in it, to be much greater, or much less, than the Bishop deserves; I take every individual Branch of the Charge against him to be unsupported by any Evidence whatsoever. I think there are no Grounds for any Opinion of the Bishop's Guilt, but what arise from private Prejudice only; I think, private Prejudice has nothing to do with judicial Proceedings, I am therefore for throwing out this Bill.

Proceedings of the Third Session of the Sixth Parliament of Great Britain, in the Eleventh Year of King George's Reign.

THIS Parliament being met according to their last Prorogation, on Thursday the 12th Day of November, and the King being come to the House of Peers, with the usual State and Solemnity; and the Commons sent for up and attending, the Lord Chancellor, by his Majesty's Command, read his Majesty's Speech to both Houses as follows:

My Lords and Gentlemen,

I Am perswaded, you share with me in the Satisfaction I feel at the prosperous Situation of Affairs: Peace with all Powers abroad; at Home, perfect Tranquility, Plenty, and an uninterrupted Enjoyment of all Civil and Religious Rights, are most distinguishing Marks of the Favour and Protection of the Divine Providence. And these, with all their happy Consequences, will, I doubt not, by the Blessing of God upon our joint Endeavours, be long continu'd to my People.

The same Provision by Sea and Land, for the Defence and Safety of the Nation, will continue to make us respected abroad, and consequently secure at Home. The same Attention to the Improvement of the publick Revenues, and to the Ease and Encouragement of Trade and Navigation, will establish Credit upon the strongest Basis, and raise such a Spirit of Industry, as will not only enable us gradually to discharge the National Debt; but will likewise greatly increase the Wealth, Power, and Influence of this Kingdom.

Gentlemen of the House of Commons,

I have order'd the proper Officers to prepare and lay before you Estimates of the Expences for the Service of the ensuing Year; and, as they do not exceed what has been found by Experience to be absolutely necessary for the Security of the Kingdom, I make no Question but I shall have your ready Concurrence in raising the Supplies, in such Manner as shall be most easy to my People.

There is one Thing that I cannot but mention to you, as deserving your particular Consideration. It is too manifest, that the Funds establish'd for the finishing the Works at Greenwich Hospital, and providing for a competent Number of Seamen there, cannot, in Time of Peace, be sufficient to answer the Expences of this great and necessary Work. It is therefore very much

to be wish'd, that some Method could be found out to make a further Provision for a comfortable Support to our Seamen, worn out in the Service of their Country, and labouring under old Age and Infirmities.

My Lords and Gentlemen,

You must all be sensible how much our present Happiness is owing to your Union and steady Conduct. It is therefore wholly unnecessary to recommend to you Unanimity and Dispatch in all your Deliberations. The Zeal and Abilities you have on all Occasions shewn in supporting the Interest of your Country, even under the greatest Difficulties, leave no Room to doubt of my having your entire and effectual Concurrence in every thing, that can tend to the Service of the Publick, and to the Good of my People.

As soon as the King was withdrawn from the House of Peers, their Lordships immediately agreed upon an Address to his Majesty, which they presented in a Body, the next Day, as follows:

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty our most humble and hearty Thanks for your Majesty's most gracious Speech from the Throne. Peace with all Powers abroad, perfect Tranquillity and Plenty at Home, and an uninterrupted Enjoyment of all our Rights and Liberties, are such inestimable Blessings to us, as leave us no Room to wish for any thing more to compleat our Happiness, but for your Majesty's long Life and happy Reign over a most faithful and obedient People. We think ourselves in Duty bound to acknowledge this prosperous Situation of Affairs to be wholly owing to the Blessing of God on the wise Measures your Majesty has pursu'd for the true Interest of this Kingdom.

Your Majesty's tender and compassionate Concern and Care for the Seamen, who have by their Bravery, eminently distinguish'd themselves in the Service of their Country, in all Parts of the World, cannot but encourage all your Subjects to the strictest Performance of their Duty; and we must humbly beseech your Majesty to believe, that we shall at all Times exert ourselves with the same Zeal which has hitherto animated us in your Majesty's Service, for the Defence and Safety of the Nation; and that our cheerful Concurrence shall never be wanting, whenever it lies in our Power, to advance

the true Interest of the Publick, and promote your Majesty's Glory.

His Majesty's most gracious Answer was as follows :

My Lords,

I Thank you for this very loyal and dutiful Address. You may depend on my steady Pursuit of such Measures only, as, by the Blessing of God upon my Endeavours, will most effectually secure the true Interest of all my People ; and that I shall at all Times esteem the Increase of their Happiness, as the greatest Glory of my Reign.

The Commons being (the Day before) return'd to their House, and Mr. Speaker having reported his Majesty's Speech, Mr. Thompson mov'd for an Address of Thanks and Congratulation, which being unanimously resolv'd, a Committee was appointed to draw it up. The next Day (Nov. 13.) Mr. Thompson reported the said Address, which was agreed to *Nemine contradicente*, and on Saturday the 14th, presented to his Majesty by the whole House, and is as follows :

Most Gracious Sovereign,

YOUR Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, return your Majesty the Thanks of this House for your Majesty's most gracious Speech from the Throne ; and as your Majesty's Fatherly Tenderness for your People, and the unspeakable Comforts of an easy Government, demand the sincerest Tribute of Duty ; your Majesty's faithful Commons do now offer to your Majesty their most unfeigned Assurances of Gratitude and Loyalty, with that becoming Zeal and Affection that is particularly requisite at this Time.

We beg Leave to congratulate with your Majesty on the prosperous Situation of Affairs at Home and abroad ; a Subject not only of Content but of Joy : And we should be wanting to ourselves, and insensible of our own Prosperity, if we did not feel the same Satisfaction in reaping the Fruits of your Majesty's great Wisdom, that your Majesty hath in employing it to direct and guide us to our own Happiness.

Peace with all Powers abroad, Plenty and Tranquillity at Home, with a full and quiet Enjoyment of every thing that is dear and valuable to us, are peculiar Marks of your Majesty's Government ; which that they may be for ever remembered, this House will use their utmost

Endeavours, by the Divine Assistance, to transmit the happy Consequences of these Blessings to the latest Posterity, as Monuments to Futurity of the Glories of your Majesty's Reign.

To support the Interest and Credit of our Country, is to pay the most acceptable Obedience to your Majesty, and therefore this House will proceed with all Cheerfulness and Dispatch in raising such Supplies as shall be necessary for the Honour and Safety of the Nation: We will labour to discharge gradually the National Debt, by the Improvement of the Publick Revenues; to increase our Wealth, by the Advancement of our Trade; and to establish our Strength, by the Encouragement of our Navigation; and are ready heartily to assist your Majesty in every thing that shall tend to the Security and Grandeur of your Majesty and your Kingdoms.

To this Address his Majesty return'd the most gracious Answer following, *viz.*

Gentlemen,

I Return you my hearty Thanks for your loyal Address; I never made any Doubt, but that whenever the Honour and Interest of the Kingdom call'd upon you, I should meet with the same Return of Duty and Fidelity, and the same Affection and Zeal for my Service, as I have hitherto experienc'd on all Occasions.

On the first Day of their Sitting, the Commons having voted the Address above mention'd, settled their five grand Committees, and made the usual Orders, order'd their Speaker to issue out his Warrants for five several Writs for electing as many new Members, *viz.* 1. A Knight of the Shire for the County of Cambridge, in the Room of the Right Honourable Edward Harley, Esq; (commonly call'd Lord Harley) now Earl of Oxford and Earl Mortimer, call'd up to the House of Peers. 2. A Burgess for the Borough of Blechingly in the County of Surrey, in the Room of George Evelyn, Esq; deceas'd. 3. A Burgess for Stafford in Staffordshire, in the Room of John Dolphin, Esq; deceas'd. 4. A Burgess for Newcastle under Line in Staffordshire, in the Room of Sir Bryan Broughton, Bart. deceas'd. 5. And a Burgess for Liverpoole in Lancashire, in the Room of the Honourable Langham Booth, Esq; deceased.

The next Day, Nov. 13. Thirteen Petitions about controverted Elections were presented to the House, read, and referr'd to the Committee; after which, Mr.

Speaker

Speaker was order'd to issue out his Warrant for another new Writ for electing a Burgess for *Steyning* in *Sussex*, in the Room of *John Gumley, Esq;* who since his Election for the said Borough had accepted the Office of Commissary General of the Musters.

On the 14th, another Petition complaining of an undue Election for the Borough of *Clithero* in *Lancashire*, was read and referr'd to the Committee of Privileges and Elections: And then a Motion being made, That a Supply be granted to his Majesty, the Consideration thereof was put off to the Monday following.

Upon that Day, Nov. 16. Two new Writs were order'd; one for Electing a Citizen for the City of *London*, in the Room of *Peter Godfrey, Esq;* deceas'd; the other for a Burgess for the Borough of *Malton* in *Yorkshire*, in the Room of *Sir William Strickland, Bart.* deceas'd. After this a Bill was order'd to be brought in to prevent the Inconveniences that may arise by Mayors, or other chief Magistrates of Corporations absenting themselves on the Day of Election of any new Mayor or other Chief Magistrates of such Corporations; and then, in a Committee of the whole House, the Commons consider'd of the Motion for Granting a Supply to his Majesty, which was unanimously resolved upon.

Nov. 17. Mr. *Farrer*, reported the said Resolution, which was agreed to, *Nem. Contradicente*, and it was then resolv'd to address his Majesty, for the several Estimates, List, and Accounts, relating to the Ordinary of the Navy; Half-Pay Officers of the Navy and Marines; Guards, Garrisons, and Land Forces; Ordnance for Land-Service; Regimental and Warrant Officers in Half-Pay, and Out-Pensioners of *Chelsea-Hospital*, for the Year 1725.

On Wednesday the 18th, some of these Papers were laid before the Commons, and after the Reading of some Petitions, it was resolv'd to address his Majesty, for an Account of the Services incurred, and not provided for by Parliament.

Nov. 19. The Commissioners of the Customs laid before the House the usual annual Accounts of Prohibited *East-India* Goods, and Naval Stores imported from *Russia*; and several other Papers, that had been call'd for, having been presented to the Commons, it was resolv'd to address his Majesty, for an Estimate of the Rebuilding and Repairs of Ships of War in his Majesty's Yards, over and above what is proposed to be done

done on the Head of Wear and Tear, and is not included in the Ordinary Estimate of the Navy, for the Year 1715.

On the 20th, after several Papers had been laid before the House, it was resolv'd to address his Majesty, for a State of the Debt of his Majesty's Navy as it stood at *Michaelmas* last; and then, in a Grand Committee on the Supply, it was resolv'd, 1st. That Ten Thousand Men be allow'd for the Sea Service, for the Year 1725, beginning from the 1st Day of *January* 1724. 2^d. That a Sum not exceeding four Pounds *per Man per Month*, be allow'd for maintaining the said 10000 Men for thirteen Months, including the Ordnance for Sea Service; which Resolutions being the next Day reported, were agreed to by the House.

On *Monday* the 23^d of *November*, several Petitions about controverted Elections were read, and referr'd to the Committee; after which, in a Committee of the whole House, the Commons consider'd further of the Supply. The several Estimates of the Charge of Guards, Garrisons, and Land-Forces, of the Forces in the Plantations, *Minorca*, and *Gibraltar*, of the Out-Pensioners of *Chelsea* Hospital, for the Year 1725, and of extraordinary Expences not provided for by Parliament, having been referr'd to the Committee, the Honourable Mr. *Pelham*, Secretary at War, open'd the Matter, spoke on those several Heads, shew'd the Necessity of keeping up the same Number of Guards, Garrisons, and Land-Forces, and in conclusion, moved for making the same Provision for them, for the Year 1725, as was made for this Year. This Motion was immediately seconded by several Members, but was opposed by Mr. *Plummer* and others, which occasion'd a warm Debate, that lasted 'till about Four of the Clock in the Afternoon; and in which those that spoke for and against the Motion, were as follows:

For the Motion.

The Hon. Mr. *Pelham*,
Mr. *Treby*,
Sir *Edmund Bacon*,
Major General *Wade*,
Mr. *Yonge*.

Against the Motion.

Mr. *Plummer*,
Mr. *Freeman*,
Sir *William Barker*,
The Rt. Hon. Lord *Margath*,
Sir *Joseph Jekyll*,
Mr. *Cornwall*,
Mr. *Hungerford*,
Mr. *Shippen*.

We will not Pretend to give our Readers all the Particulars of this Debate, but only a few material Passa-

ges. In the first Place, it must be observ'd, that the Gentlemen who oppos'd Mr. *Pelham's* Motion, were not all of the same Opinion, as to the Number of Troops, some being for reducing the Army to seven or eight thousand Men, as was done after the Conclusion of the Treaties of *Ryswick* and *Utrecht*, and others insisting only on the Disbanding of the 4000 Men rais'd upon Occasion of the late Conspiracy. A Gentleman (Mr. S—) to shew the Danger of a Standing Army in a free Country, brought in two Instances: One of an Insult given by Dragoons encamp'd in the West, to some Country-Men that were merry-making; the other, of an Officer quarter'd at *Gloucester*, who, upon a Rejoycing Day, would not permit the City Drums to beat, pretending, that none but the King's Drums had a Right to beat in the Garrison. To the first of these Complaints it was answer'd, That by several Affidavits taken before the Magistrates in the Neighbourhood, it appear'd that a rude Mob of discontented People had given the first Insult and Provocation to the King's Troops, by calling them *Round-heads*, and other abusive Names, and singing or playing the Tune of, *The King shall enjoy his own again, &c.* To the other, it was said, That the Officer who was guilty of that Piece of Indiscretion, was so far from being countenanc'd, that on the contrary, upon the first Notice given of it to the Secretary at War, he was order'd to be dismiss'd from his Majesty's Service; which Punishment he would have undergone, had not the Magistrates of *Gloucester* been satisfy'd with his Submission, and interceded for him. An eminent Lawyer having endeavour'd to shew the Danger of regular Troops to a free Nation, and what little Occasion there was for them at this happy Juncture, concluded, 'He could not imagine, what Use an Army could be put to, unless it were to extinguish the Flame that had been kindled in *Ireland* by the new Brass Half-pence, and to force that People to swallow them, &c.' But the most material Objections were urg'd by Mr. *Shippen*, who having shewn, 'That the neighbouring Nations who had lost their Liberties, were all enslav'd by regular Troops, added, he could not see what Occasion there might be for an Army in the present Situation of Affairs, when they were assur'd by his Majesty from the Throne, they were in Peace with all Powers abroad, and in perfect Tranquillity at Home: That no Circumstance of Time could possibly be expected or imagin'd more proper than

' than the present, to disband Part of the Army; and
 ' therefore, instead of leaving to Posterity a dangerous
 ' Precedent, by keeping up so great a Number of
 ' Troops, which in the Hands of a Prince and Ministers
 ' less wise and more ambitious than they who govern at
 ' present, might be fatal to our excellent Constitution;
 ' they ought rather in Prudence to imitate the Conduct
 ' of former Parliaments, who after the Conclusion of
 ' the Treaties of Peace at *Ryswick* and *Utrecht*, reduc'd
 ' the Army to seven or eight thousand Men: Adding,
 ' that notwithstanding this last Reduction, and the great
 ' Party which was suppos'd to be in the Nation for the
 ' Pretender, his Majesty King *George*, came peaceably
 ' to the Throne.' Mr. *Yonge* retorted these Arguments,
 and said among other Things, ' He was oblig'd to the
 ' Gentlemen that spoke on the other Side, for furnishing
 ' him with Reasons for keeping up the present Number
 ' of Troops: That the *prosperous Situation of Affairs*, the
 ' *Peace with all Powers abroad*, and the *perfect Tranquility*
 ' *at Home*, being in a great Measure, owing to the good
 ' Posture we were in both by Sea and Land, which made
 ' us respected abroad, and secure at Home, it were impru-
 ' dence not to continue those Forces on the same Foot.
 ' That the Parliament had indeed oblig'd King *William* of
 ' glorious Memory, to reduce his Army to seven thou-
 ' sand Men. But what was the Consequence of it? Why
 ' truly, the *French King* was thereby encourag'd to ac-
 ' knowledge and proclaim the Pretender, as King of
 ' *England*, and to seize on the Monarchy of *Spain*, which
 ' was the Occasion of a long, bloody, and expensive War.
 ' That as to the Reduction of the Army after the Peace
 ' of *Utrecht*, it was well known, that it was principally
 ' owing to those who were for having an Army of ano-
 ' ther Stamp. That this Reduction would have prov'd
 ' fatal to the Protestant Succession, had some People had
 ' Time to ripen their Designs. That at least it encour-
 ' rag'd a great Rebellion soon after his Majesty's happy,
 ' and almost miraculous Accession to the Crown: And
 ' as the Spirit and Discontents which rais'd that Rebel-
 ' lion, were not yet wholly extinguisht and subdu'd,
 ' they would soon see Insurrections at Home, and the
 ' Peace of *Europe* disturb'd abroad, if they parted with
 ' the Army.' This Speech was generally applauded
 by the Majority of the Assembly, and the Question be-
 ing put upon Mr. *Pelham's* Motion, it was carry'd in
 the Affirmative, by 106 Voices against 69; and resolv'd,

1st, That the Number of effective Men to be provided for Guards and Garrisons in *Great Britain*, and for *Jersey* and *Guernsey*, for the Year 1725, be (including 1815 Invalids) 18264 Men; Commission and Noncommission Officers included. 2dly, That the Sum of 654488 £. 17 s. 8 d. be granted for the Charge of the said 18264 effective Men, for the Year 1725. 3dly, That the Sum of 152637 £. 16 s. 5 d. be granted for maintaining his Majesty's Forces and Garrisons in the Plantations, *Minorca* and *Gibraltar*, and for Provisions for the Garrisons of *Annapolis Royal*, *Placentia*, and *Gibraltar*, for the Year 1725. 4thly, The Sum of 12000 £. upon Account for Out-Pensioners of *Chelsea Hospital*, be granted for the Year 1725. And 5thly, the Sum of 16841 £. 8 s. 6 d. be granted for the defraying several extraordinary Expenses and Services, incurr'd, and not provided for by Parliament. These Resolutions being, the next Day reported, were agreed to by the House.

On Wednesday the 25th, the Commons in a grand Committee, consider'd of Ways and Means for raising the Supply; and resolv'd, That the Sum of 2 s. in the Pound, and no more, be rais'd in the Year 1725, upon Lands, Tenements, Hereditaments, Pensions, Offices, and Personal Estates, in that Part of *Great Britain*, call'd *England*, *Wales*, and the Town of *Berwick upon Tweed*; and that a proportionable Cels be laid upon that Part of *Great Britain* call'd *Scotland*. This Resolution being the next Day (*Nov.* 26.) reported, was agreed to by the House, and a Bill being order'd to be brought in thereupon, the same was accordingly presented to the House, and read the first Time, on Friday the 27th, and the next Day read the second Time, and committed to a Committee of the whole House.

The Day before (*Nov.* 27.) a new Writ was order'd for the electing a Knight of the Shire for the County of *Perth*, in the Room of *James Murray*, Esq; (commonly call'd Lord *James Murray*) now Duke of *Athol*, a Peer of *Great Britain*.

The House of Lords did nothing very material this Month, except the passing a Bill, entituled, *An Act to dissolve the Marriage of William Yonge, Esq; with Mary Heathcote, and to enable him to marry again, and for other Purposes therein mention'd.*

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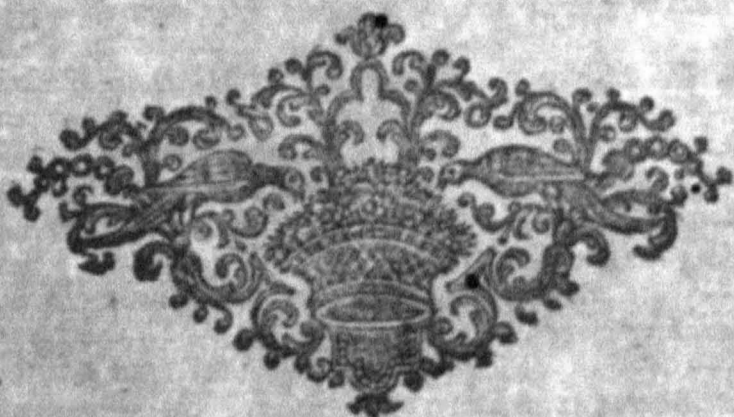
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THE
Chronological Diary

For the Year 1724.

CONTAINING

The most remarkable Transactions
and Events, as well Civil as Military,
and Domestick as Foreign, *viz.* Re-
movals, Promotions, Births, Deaths,
Marriages, &c. that happen'd during
the Course of that Year.



L O N D O N,

Printed by C. MEERE in the Old Bailey, 1724.

The Chronological Diary, &c.

• Omitted towards the End of last Year.

Dec. 17. **D**Y'd John Trenchard of Abbots-Leigh in the County of Somerset, Esq; Member of Parliament for Taunton in that County.

Dy'd Thomas Yarburgh, Esq; Register to the Office of Excise.

Edward Finch, Esq; fifth Son to Daniel Finch, Earl of Nottingham, appointed his Majesty's Minister Plenipotentiary at Ratisbon.

Dec. 19. Dy'd Joseph Herne, of the Inner-Temple, Esq; Sir Humphry Howarth of Mafelroch in the County of Radnor, Knt. married to Mrs. Williams of Guernevel in the same County.

Mr. Dudley made Prebendary of the Cathedral of Lincoln, in the Room of Dr. Williams, deceased.

Dec. 21. Dy'd Sir John Bennet, Knt. Serjeant at Law, and Judge of the Marshalsea-Court.

The University of Oxford, in full Convocation, voted, That a Statue should be erected to the Memory of Dr. John Rateliff, their munificent Benefactor.

Dec. 22. A Fire broke out at a Tallow-Chandler's in Smock-Alley in Bishopsgate-street, and consum'd four or five Houses.

Dy'd Bernard Graville of Bucklands in the County of Gloucester, Esq; only Brother of the Lord Lansdown.

Dec. 23. John Stanley, John Harrington, and Thomas Saunders, executed at Tyburn. [See Dec. 7.]

Sir James Ingoldsb'y, a Baronet of Ireland, marry'd to Mrs. Delaune.

Dy'd Benjamin Ayliffe, Esq; Clerk and Keeper of the Records of the Dutchy Court of Lancaster, aged ninety.

ty-five Years; above thirty of which, he had been in the said Employment.

Dec. 26. Dy'd Sir Griffith Talbot, Brother of the late Duke of Tyrconnel, in the 82d Year of his Age.

Sir George Mason marry'd to Mrs. de Langle.

Dec. 27. Dy'd Frances Countess-Dowager of Huntingdon, Mother of Theophilus Hastings, Earl of Huntingdon. She was Daughter and sole Heir of Francis Fowles of Harbage-Grange in the County of Salop, Esq; and Widow of Thomas Nedham, Viscount Kilmurray in the Kingdom of Ireland.

Dy'd in a very advanc'd Age, Matthew Johnson, of Wichern in the County of Leicester, Esq; who had been many Years Clerk of the Parliament in the House of Lords.

Dec. 28. Dy'd Sir Charles Lloyd of Meer-y-Velen in Cardiganshire, Bart. and was succeeded in Honour and Estate, by his Son Charles-Cornwallis Lloyd, Esq;

Dy'd the Princess Christina-Amelia of Denmark, who was born Oct. 12th 1723.

The King, who set out from Hanover on the 12th of this Month, arriv'd on the 14th at Helvoetsluys, where he was detain'd by contrary Winds, 'till the 27th, when he embark'd on the *Carolina-Yacht*, and landed on the 28th, between 5 and 6 in the Evening, at Margate, where he lay that Night; and the Night of the 29th, at Chatham; and the next Day, in the Evening, arriv'd at St. James's.

Richard Woolcombe, and John Man, Esqrs. appointed Controllers of the Customs at Cardiffe, and some of the neighbouring Ports.

Mr. Robert Thistlethwaite chosen Warden of Wadham College in Oxford, in the Room of Dr. William Baker, made Bishop of Bangor.

JANUARY, 1724.

Jan. 1. Dy'd Mr. John Joddrell, Son of Paul Joddrell, Esq; Clerk of the Parliament.

The new Church of St. Mary le Strand consecrated by Dr. Edmund Gibson, Lord Bishop of London.

M. de Chavigni, Envoy Extraordinary from France, being just arriv'd from Hanover, had his private Audiences of the Prince and Princess of Wales; and on the

the 3d Instant, the said Envoy had a private Audience of the young Princesses.

His Majesty conferr'd the Honour of Knighthood on *Felix Faast, Esq;* Sheriff of *London*.

Giles Elre, Esq; elected Recorder of *Bath*, in the Room of *John Trenchard, Esq;* deceas'd.

Dy'd *John More, Esq;* Justice of Peace for the County of *Middlesex*, and Collector of the Duties of Exciseable imported Liquors in the Port of *London*.

Jan. 3. Dy'd Dr. *Shippen*, of a Fit of an Apoplexy. Mr. Serjeant *Darnell* appointed Judge of the *Marshalsea-Court*, in the Room of Sir *John Bennet*, deceas'd.

Jan. 3. M. *Hop*, Envoy Extraordinary from the States-General, had his first private Audience of the King.

Dy'd at *Paris*, the Lady *Jane Hyde*, Countess of *Essex*, Wife of *William Capel*, Earl of *Essex*. She was Daughter of *Henry Hyde*, Earl of *Clarendon* and *Rochester*.

Dy'd *Charles Trumball, D. D.* Brother of Sir *William Trumball*, who was Secretary of State in the Reign of King *William III.* He was Rector of *Stysted* in *Essex*, and of *Hadley* in *Suffolk*, and Chaplain to Dr. *William Sancroft*, Archbishop of *Canterbury*, but quitted all his Dignities upon the Score of the Revolution, in 1688, and would never comply with taking the Government-Oaths, after that Time.

Jan. 4. M. *Hop*, Envoy Extraordinary from the States-General, had private Audiences of the Prince and Princess of *Wales*.

Philip V. King of *Spain*, sign'd his Renunciation of the Crown of *Spain* in Favour of his eldest Son, *Don Lewis*, Prince of *Asturias*.

Jan. 5. M. *Hop* had a private Audience of the young Princesses.

Jan. 7. *Philip Howard, Esq;* Brother of *Thomas Howard*, Duke of *Norfolk*, marry'd to Mrs. *Stoner*, Daughter of *Thomas Stoner* of *Wattleton-Park* in the County of *Oxford*, *Esq;*

Hag-Abdelcader Perez, Ambassador from the Emperor of *Morocco*, had his first Audience of the King.

Michael Warwick, Esq; appointed Collector of the Duties of exciseable imported Liquors in the Port of *London*, in the Room of *John More, Esq;* deceas'd. And

Mr. *Christopher Read* succeeded Mr. *Warwick*, as Tide-Surveyor, and Inspector for the Excise on the River.

Jan. 8.

Jan. 8. Dy'd *Mary Marchioness of Powys*, Wife of *William Herbert, Marquess and Earl of Powys, Viscount Montgomery, &c.* She was one of the Daughters and Coheirs of *Sir Thomas Preston of Furness* in the County of *Lancaster, Bart.*

Horatio Walpole, Esq; appointed his Majesty's Envoy Extraordinary, and Plenipotentiary at the Court of France.

Jan. 9. The Parliament met at *Westminster*; and the King went to the House of Lords; and the Commons attending, his Majesty made a most gracious Speech to both Houses.

The *Morocco* Embassador had Audience of the Prince of Wales.

Jan. 10. Dy'd *John Jennings of Hays* in the County of *Middlesex, Esq;*

Dy'd *Thomas Charnock, Esq;* one of his Majesty's Serjeants at Arms.

George-Moreton Pitt, Esq; Merchant of *London*, and Member of Parliament for *Old Sarum* in *Wiltshire*, appointed Register of his Majesty's Revenue of the Excise, in the Room of *Thomas Yarbrough, Esq;* deceas'd.

Jan. 12. Dy'd Mr. *Charles Gildon*, known by his Poetical Labours.

Dy'd *More of Hammer-smith, Esq;*

Dy'd Mrs. *Susanna Levet*, Widow of Mr. *Francis Levet*, Mercer of *London*, and Sister of *Sir John Holt*, Lord Chief Justice of the King's Bench.

Jan. 13. The *Morocco* Embassador had an Audience of the young Princesses.

Dy'd *Lanoy of Hammer-smith, Esq;* an eminent Turkey Merchant.

Mr. *Gordon* chosen Professor of Musick at *Gresham-College*, in the Room of Dr. *Shippen*, deceas'd.

Jan. 15. The Congress of *Cambray* was open'd in Form.

Arnold, Esq; one the Clerks Extraordinary of the Kitchen, made Serjeant at Arms to his Majesty, in the Room of *Thomas Charnock, Esq;* deceas'd.

Jan. 16. The Duke of *Leeds* discharg'd out of the Custody of a Messenger. [See Nov. 14, 1723.]

The King re-elected Governor, *Sir Bibye Lake, Bart.* Sub-Governor, and *Henry Neale, Esq;* Deputy-Governor of the Royal *African* Company.

Dy'd

Dy'd Sir George Wheeler, Bart. D. D. Prebendary of Durham, and Rector of Houghton in that County.

Jan. 17. John Lade of the Borough of Southwark, Esq; elected Member of Parliament for the said Borough, in the Room of George Meggot, Esq; decess'd.

Jan. 18. At the Sessions in the Old Bally, five Male-factors receiv'd Sentence of Death, viz. John Allen for a Street-Robbery, Thomas Johnson, a Black-a-moor, Stephen Gardiner, John Bonner, and Joseph Hyde, for Robberies and Burglaries. At this Sessions, 37 Felons Convict were order'd for Transportation.

Sir Thomas Colby, Bart. one of the Commissioners of the Navy, chosen Member of Parliament for the City of Rochester, in the Room of Sir Thomas Palmer, decess'd.

Jan. 19. Dy'd at Stockholm in Sweden, in the 70th Year of his Age, Hugo Hamilton, Esq; General of the Artillery to the King of Sweden. He was a Native of Scotland, and only a Lieutenant, when he first enter'd into the Swedish Service.

Dy'd William Fellows, Esq; one of the Masters in Chancery.

Dr. Nicholas Claget appointed Dean of Rochester, in the Room of Dr. Samuel Pratt, decess'd.

Jan. 20. The Countess of Hertford, appointed one of the Ladies of the Bedchamber to the Princess of Wales, in the Room of the Countess of Essex, decess'd.

Dy'd William Lowndes of Chesham in the County of Bucks, Esq; Secretary to the Treasury, and Member of Parliament for Easttown in Cornwall.

Philip Lord Stannope, eldest Son of the Earl of Chesterfield, appointed Captain of the Yeomen of the Guard.

Jan. 21. John Finch, Esq; elected Member of Parliament for Higham-Ferrers in Northamptonshire, in the Room of Thomas Wentworth, Esq; decess'd.

Dy'd Edmund Keene, Esq; one of the South-Sea Directors.

Abraham Elton, Esq; chosen Member of Parliament for Taunton in Somersetshire, in the Room of John Trenchard, Esq; decess'd.

Jan. 22. Mr. Maurice Benson, Archdeacon of Berks, appointed Prebendary of Durham, in the Room of Sir George Wheeler, decess'd.

Dr. Frankland, made Dean of Gloucester, in the Room of Dr. John Waugh, promoted to the See of Carlisle.